



Mixed-Use Development

198-222 Dominion Road and 113-117 Valley Road,
Mount Eden

Assessment of Environmental Effects and Statutory Analysis

30 August 2024

B&A

Urban & Environmental

Prepared for:
Precinct Properties New Zealand Limited

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1.0 Applicant and Property Details

To:	Auckland Council
Site Address:	198-202, 214-222 Dominion Road and 113-117 Valley Road, Mount Eden
Applicant Name:	Precinct Properties New Zealand Limited
Address for Service:	Barker & Associates Ltd PO Box 1986 Shortland Street Auckland 1140 Attention: Nicole Heron
Legal Description:	Part Lot 3 DP 1, Lot 1 DP 54203, Lot 2 54203 and Part Lot 1 DP 31896, Part Lot 3 Allotment 8 of Section 10, Lot 1 DP 51797 and Part Lot 4 DP 182, Part Lot 5 DP 182 (refer to Records of Title as Appendix 1)
Site Area:	5,173m ²
Site Owner:	Auckland Council
Unitary Plan:	Auckland Unitary Plan (Operative in Part) ('AUP (OP)')
AUP (OP) Zoning:	Business - Local Centre Zone Residential – Terrace House and Apartment Building Zone
AUP (OP) Overlays & Controls:	Special Character Overlay Residential and Business – Eden Valley Quality Sensitive Aquifer Management Areas Overlay – Western Springs Volcanic Aquifer Height Variation Control – Eden Valley, 13m Macroinvertebrate Community
Designations:	N/A
Plan Change 78 Zoning:	N/A – Auckland Light Rail Corridor – Intensification Plan Change Implementation Deferred
Additional Limitations:	Overland Flow Paths Flood Plain
Locality Diagram:	Refer to Figure 2

Brief Description of Proposal:

Demolition of existing buildings, including a character supporting, construction of mixed-use development, including 135 residential units, five commercial tenancies, 106 car parks and 143 cycle parks, and associated enabling works.

Summary of Reasons for Consent:

AUP(OP): special character, stormwater discharge, land disturbance, trees in road, signage, noise and vibration, width and number of vehicle crossings, vehicle access restriction, contaminated land, buildings and underground parking within a floodplain, diversion of an OLFP, construction of buildings over an OLFP, dwellings within the THAB zone, non-compliance with standard height in relation to boundary, yards, and outlook space within the THAB zone, construction of new buildings within the Local Centre zone with non-compliances to building height yards and outlook space.

PC79: Accessible parking.

NESCS: Disturbance of contaminated land.

2.0 Background

The proposal involves the redevelopment of the site at 198-202, 214-222 Dominion Road, and 113-117 Valley Road, Mount Eden.

The redevelopment will see the demolition of the existing buildings on the site and the construction of a mixed-use development, comprising 135 apartments and five commercial units.

Public notification is requested by the applicant under section 95A(3)(a) of the RMA, and therefore the following assessment is specifically against section 104 of the RMA. This application seeks the necessary consents for the development and use of the site under the RMA and NESCS.

2.1 Consenting History

Consent was granted by the Environment Court on 17 December 2020 for the construction of a new multi-level mixed use development on eight adjoining sites at 198-202, 214-222 Dominion Road and 113-117 Valley Road, Mt Eden, following the resource consent application being refused by Auckland Council and the decision being appealed.

Ultimately, the reasons for which consent was refused were resolved. In total, three decisions were made by the Environment Court, Decision no. [2020] NZEnvC 024, 186 and 211. These decisions are included as **Appendix 2**.

A summary of the consented development is provided below:

- A mixed-use development with commercial activities fronting Dominion and Valley Road, with apartments above. This included a total of 92 residential apartments and nine retail units.
- The construction of four buildings, the layout and bulk of which has been modelled by Ashton Mitchell Architects and is shown within **Figure 1** below. The buildings included height infringements of up to 7.5 metres.

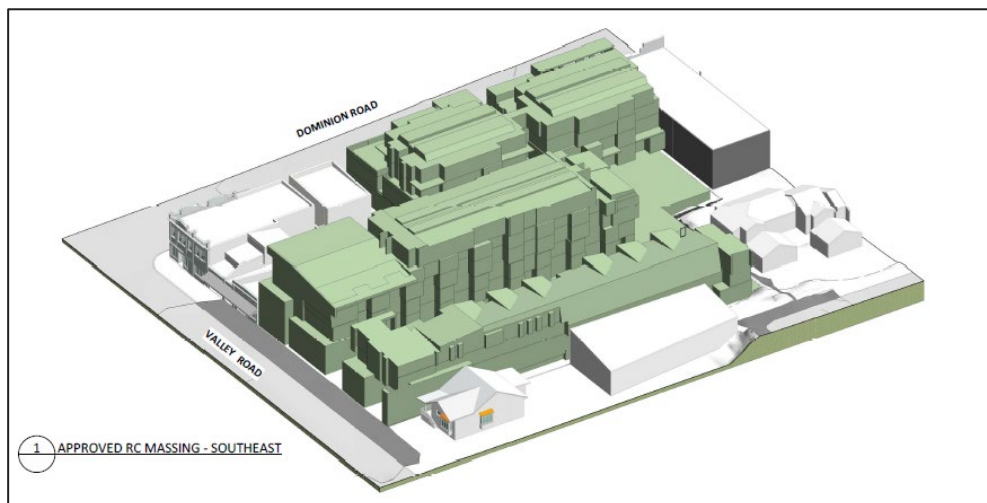


Figure 1: Consented massing, modelled by Ashton Mitchell Architects.

- The provision of 104 carports and 98 cycle parks within the basement.
- Excavation of approximately 9,000m³ to form the basement, involving cuts of up to 3-metre in depth. This included rock breaking of approximately 1,700m².

This development provides useful context for the full statutory assessment of this proposal.

2.2 Pre-application Meetings and Urban Design Panel

2.2.1 Pre-application Meetings

The applicant has actively engaged with staff across Auckland Council and the CCOs, with a number of pre-application meetings having been held. A record of these meetings is described below:

- 14 March 2024: to discuss the development and traffic engineering matters.
- 27 March 2024: to discuss urban design, special character and heritage, landscape, and planning matters. The focus of the meeting was to discuss the proposal at a high-level.
- 3 April 2024: to discuss planning matters.
- 29 May 2024: to discuss special character and heritage matters following updates to the design.
- 19 June 2024: to discuss urban design and landscape matters following updates to the design.
- 9 July 2024: to discuss special character, urban design, landscape and planning matters, following further design evolution and ahead of the second Urban Design Panel.
- 12 August 2024: to discuss changes to the design following the Urban Design Panel held on 31 July 2024.

2.2.2 Urban Design Panel

Two presentations were made to the Auckland Urban Design Panel. The first Urban Design Panel was held on the 18 March 2024 and a second held on 31 July 2024, following various design iterations. A copy of the Panel's recommendations is included as **Appendix 3**.

The key findings and recommendations from the Panel on 31 July 2024 are summarised as follows:

- The Panel considers that the proposal now demonstrates a good response to the sensitivities and complexities of the site, adjoining heritage buildings, and neighbours, with respect to bulk, mass, form and materiality. The proposal is a marked improvement over the previously consented scheme.
- The Panel supports the overall façade composition on Dominion Road, however has concerns about the universal access strategy for the site. This could be improved through separating the cores further and creating a more equitable and generous access to the north.
- The Panel is generally supportive of the landscape strategy however there are concerns about the interface of the communal courtyard with the ground floor, single aspect, apartments. The Panel encourages the applicant to consider a level change or a stronger delineation between private spaces and the paths.
- The introduction of additional cores has led to better outcomes, however there are some typologies that are poorly planned. A reduction in unit numbers or some replanning/reconfiguration could improve this.
- The Panel considers that the three-storey portion of the Valley Road building should be further refined, particularly in relation to the western elevation.

- The Panel suggests the canopy on Valley Road could be lowered to match the canopy in the pediment of the adjacent character buildings.

These matters have all been considered and, where applicable, addressed in the drawings accompanying this application. For completeness, all matters raised by Council and the Panel have been identified within the spreadsheet included as **Appendix 4**. A response to each item raised has been provided.

2.3 Mana Whenua Consultation

Mana whenua consultation is primarily being undertaken through Eke Panuku Mana Whenua Forum. A first session was held on the 19 August 2024 and engagement will continue in subsequent forums. Details of the proposed development have also been provided to the relevant iwi authorities via email.

Consultation with mana whenua will be an ongoing process.

3.0 Site Context

3.1 Site Description

The land that is subject of the application comprises nine contiguous fee simple allotments which collectively make up the 5173m² subject site. The physical address of the subject site is 198-202 and 214-222 Dominion Road and 113-117 Valley Road, Mount Eden. The subject site is highlighted in blue within **Figure 2** below.



Figure 2: Subject site and surrounds.

The subject site has three street interfaces, to Dominion Road, Valley Road, and Carrick Place. The site is irregularly shaped, wrapping around the property at 224-234 Dominion Road which is situated on the corner of Dominion and Valley Road. The topography of the land varies, being relatively flat within the south eastern part of the site, with steep rises in the north western and eastern parts of the site.

The site is occupied number of single to two-storey buildings, which front both Dominion Road and Valley Road, there are also buildings and carparking areas located in behind these buildings. The existing buildings on-site contain commercial activities or are vacant.

There are a number of existing vehicle crossings which provide access to the subject site, on both Dominion Road and Valley Road.

There is a bus stop located adjacent to the Valley Road frontage.

3.2 Surrounding Locality

The surrounding environment is varied in nature, as demonstrated in **Figure 2** above, which demonstrates the subject site and surrounds, whilst **Figure 3** below best illustrates the zoning.

The subject site is located within the northern part of the Eden Valley Shopping Centre, being the largest of the of centres located along Dominion Road. Dominion Road is a busy arterial road that extends north to south between Newton and Mount Roskill. The Local Centre zoning extends approximately 600 metres between Onslow Road in the north, and Grange Road to the south. This centre is subject to the Eden Valley Special Character Area overlay.

The predominant form of development along Dominion Road within the Local Centre zone is that of a traditional suburban retail strip, and is characterised by one and two-storey commercial buildings of varying architectural styles and ages, including numerous groupings of Edwardian Classical or Italianate style buildings which contribute to the character of Eden Valley.

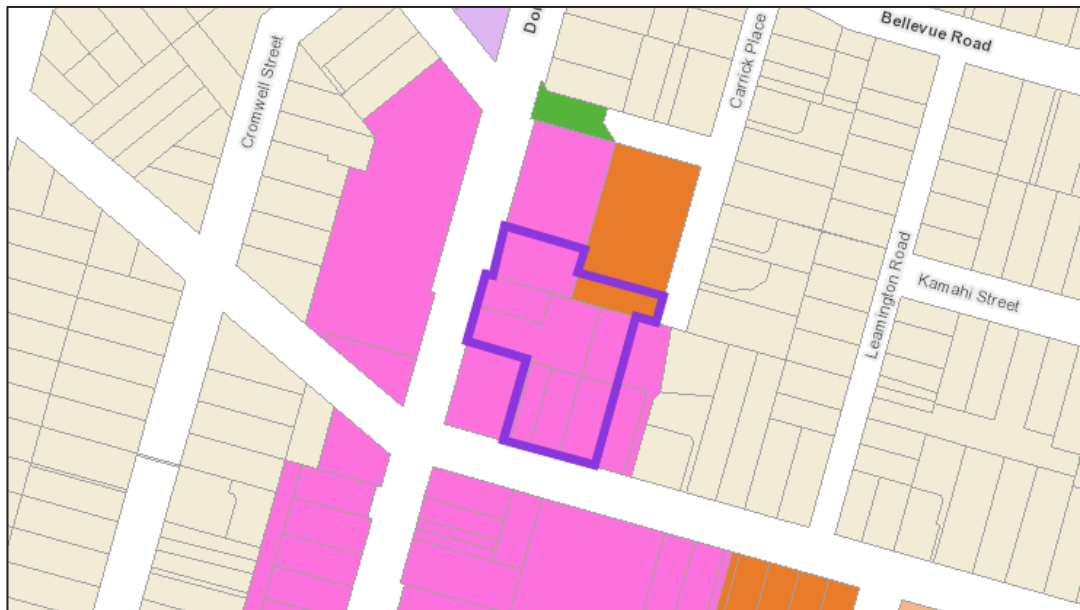


Figure 3: AUP(OP) Zoning.

It is noted that the properties immediately adjoining the subject site to the northwest, south, and east are zoned Local Centre Zone:

- The property at 184-196 Dominion Road to the northwest contains an 'L' shaped building with basement parking below. The building is occupied by four commercial tenancies.
- The property at 224-228 Dominion Road contains three character defining buildings, including the Bridgman building, which sits prominently on the corner of Dominion and Valley Road. The Bridgman building is occupied by the Bridgman pub. The two remaining buildings

are two-storey in nature with frontage to Dominion Road, containing a mixture of commercial activities.

- The property at 109 Valley is located to the east of the subject site and contains a single-storey commercial building occupied by a healthcare facility.
- The property at 111 Valley Road is located to the south east of the subject site and contains a single storey bungalow occupied by offices.
- The property at 118-120 Valley Road is located on the southern side of Valley Road and is occupied by a Woolworths supermarket and its associated carparking.
- The properties on the western side of Dominion Road at 191-217 Dominion Road are all commercial buildings, predominantly occupied by retail and food and beverage activities.

The site adjoining the northeastern boundary of the subject site, being 9 Carrick Place is zoned Terrace Housing and Apartment Building zone. This property contains ten single storey retirement units which are known as 1/9-10/9 Carrick Place. This property is elevated above the subject site. The retirement units within the southern part of the site are oriented to the west, whilst those in the north are oriented north.

The eastern side of Carrick Place is zoned Residential – Single House zone, and is characterised by traditional suburban residential development. This suburban residential character is also present heading east along Valley Road. The predominant form of development comprises villa and bungalow, consistent with the Isthmus Special Character Overlay that applies.

4.0 Proposal

The proposal involves the redevelopment of the site at 198-202, 214-222 Dominion Road, and 113-117 Valley Road, Mount Eden.

A summary of the key elements of the proposal is set out in the following sections. More detailed descriptions on particular aspects of the proposal are set out in the specialist reports and plans accompanying the application.

4.1 Site Works

4.1.1 Site Clearance

In order to facilitate the redevelopment of the site, the existing buildings, structures and hardstand will be demolished or removed. This includes the demolition of two character supporting buildings, being the building at 214-216 Dominion Road and the Universal Building at 218-220 Dominion Road.

It is noted that the demolition of the existing buildings on Valley Road is being undertaken by Eke Panuku and this is underway.

4.1.2 Earthworks

Babbage have prepared earthworks cut and fill, and erosion and sediment control plans included within the civil engineering drawings within **Appendix 10**. In summary, the earthworks proposed involve:

- 3200m³ cut and 1500m³ of fill over an area of 5,250m².
- A maximum excavation depth of up to 2.5 metres, with the majority of excavations ranging from 1-1.5 metres in depth.
- Erosion and sediment controls, including a stabilised construction entrance, clean water diversion measures, stormwater inlet protection, basement excavation dewatering, dust control and site stabilisation.

As identified within the geotechnical report prepared by Initia, included as **Appendix 13**, the ground conditions of the site include an upper layer of basalt rubble and heavily fractured basalt rock atop intact, slightly weathered, basalt rock. As such, rock breaking will be required for the construction of the basement. The volume of rock to be excavated is estimated to be 750m³ and 1250m².

With regard to erosion and sediment control, the measures proposed to manage erosion and sediment will remain in place for the duration of earthworks, these are described within the Civil Engineering Report as **Appendix 10**. The works will be carried out in accordance with Auckland Council's Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region GD2016/005 (GD05).

A detailed Construction Management Plan will be prepared once a contractor is appointed and will be submitted to Council for certification prior to the commencement of works. This plan will address the stages/timing of works.

4.1.3 Construction Noise and Vibration

The proposal involves construction works including bulk earthworks, including rock breaking for the formation of the basement. Marshall Day Acoustics ('MDA') has provided an assessment of the construction noise and vibration effects arising from the proposal, and this is included as **Appendix 11**. This identifies some exceedances to the construction noise and vibration standards during rock breaking works.

To minimise disturbance to adjacent receivers, the works will be carried out in accordance with a Construction Noise and Vibration Management Plan.

4.1.4 Contamination

Williamson Water & Land Advisory ('WWLA') have undertaken a ground contamination review. This has been included as **Appendix 14**. The ground contamination review identifies that the site has historically been used for a number of activities on the Hazardous Activities and Industries List ('HAIL').

As a Detailed Site Investigation ('DSI') has only been undertaken on part of the site, it is proposed to undertake additional testing to understand the appropriate controls required to be in place during excavation works.

The works are proposed to be carried out in accordance with a Site Management Plan ('SMP') which has been prepared and included as **Appendix 15**.

4.1.5 Tree Works

In order to facilitate the construction of the accessway, the Tiktoki tree on Valley Road is required to be removed. This is discussed within the Arboricultural Assessment as **Appendix 16**.

4.2 Buildings and Dwellings

The proposed development will contain a total of 135 apartments and five commercial units across three buildings. The site layout can be seen within **Figure 4** below.

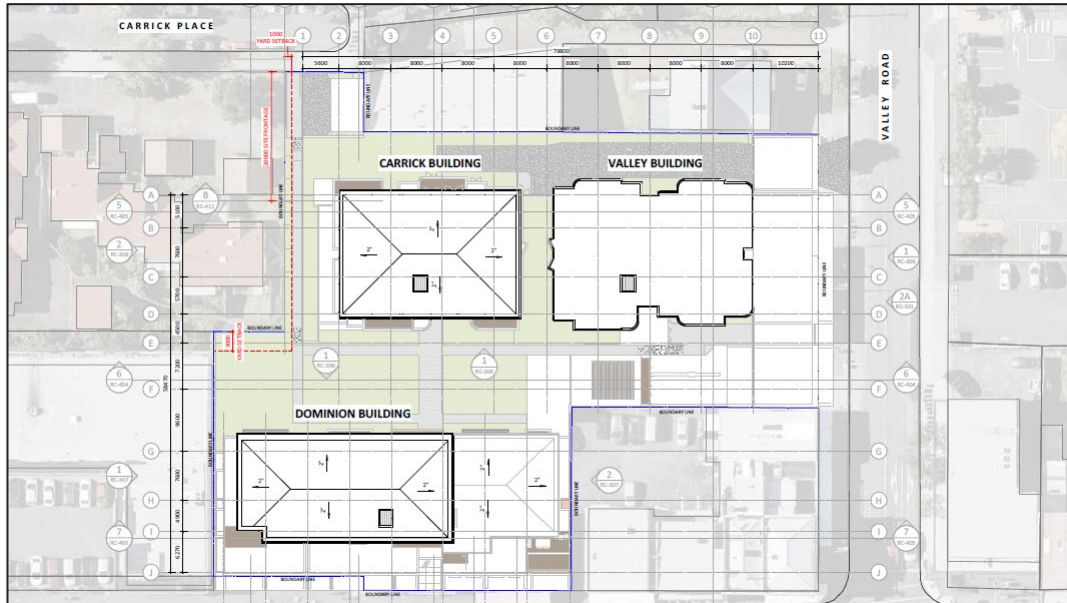


Figure 4: Roof Plan.

Full details of the proposed buildings are detailed within the architectural drawings prepared by Ashton Mitchell Architects as **Appendix 5**. A summary of the key building elements are as follows:

4.2.1 Dominion Building

The Dominion Building is a mixed-use retail and apartment building with frontage to Dominion Road. The proposed building is stepped in height along the street frontage, being two-storeys in the south where closest to character defining buildings on the corner of Dominion and Valley Road, stepping up to three and four-storeys moving north. The building then steps up at the rear, to achieve a maximum of five-storeys in the north. The building has a maximum height of 19.8 metres at its tallest point.

In addition to being stepped in height, the façade is modulated into four main components in order to respond to the character buildings in the area. The materiality of these four façade components is predominately brick, though cement plaster is also utilised.

The western elevation fronting Dominion Road is shown within **Figure 5** below.



Figure 5: View from western side of Dominion Road.

At ground level, three retail tenancies are proposed off Dominion Road, as well as a main residential lobby entry and an accessible entry to the north. Behind the retail and entry are circulation spaces, residential apartments and a resident's lounge.

The Dominion Building contains a total of 54 residential apartments, comprising:

- 20 one-bedroom apartments;
- Ten one-bedroom studios;
- 23 two-bedroom apartments; and
- One three-bedroom apartment.

The apartments are oriented to either the east or west. All balconies associated with this building are either east or west facing. The apartment typologies are shown within drawings RC-701-732.

4.2.2 Valley Building

The Valley Road building is a mixed-use retail and apartment building fronting Valley Road. The proposed building is three-stories in height at the street frontage, with a total of five-storeys at the rear. The Valley Road elevation is shown within **Figure 6** below.



Figure 6: Southern elevation viewed from Valley Road.

The street fronting façade is broken up into three modules. At ground level, the western module contains a retail tenancy, the central module is separated to the western module by an accessible pedestrian entrance, the ground floor of the central module is occupied by a larger retail tenancy, the easternmost module has a void at ground level to provide for vehicle access to the site. Two-storeys of apartments sit atop the ground level.

In total, the Valley Road building contains 48 apartments in total, comprising:

- One one-bedroom apartment;
- Five one-bedroom studio apartments;
- 35 two-bedroom apartments; and
- Four three-bedroom apartments.

The apartments are predominantly oriented east or west, except for those located in the three-storey part of the Valley Road building. The apartment typologies are shown within drawings RC-701-732.

4.2.3 Carrick Building

The Carrick Building is located within the north eastern part of the site. This is a five-storey apartment building. The building has been designed with the top two stories stepping south away from the northern boundary, this can be seen within **Figure 7**.



Figure 7: View looking west from Carrick Place.

The Carrick Building contains a total of 33 apartments, comprising:

- Four one-bedroom apartments;
- 23 two-bedroom apartments; and
- Six three-bedroom apartments.

Pedestrian access is provided between the northern elevation of the Carrick Building and the northern site boundary. To the east of the Carrick Building, near the eastern boundary, is a carport containing three car parks.

4.2.4 Basement

Underneath the three buildings and shared courtyard is a common basement, accessed via the vehicle access located along the eastern boundary. The basement contains vehicle parking, cycle parking, building services, rubbish rooms, and storage space.

4.2.5 Signage

Signage is proposed on the Dominion Road and Valley Road street frontages to provide for the identification of the building and the commercial tenancies. The signage is detailed on drawings RC-621 and RC-622 within **Appendix 5**.

4.3 Landscaping

The proposed landscaping is shown in the Boffa Miskell landscape drawings as **Appendix 6**. These drawings include details of the proposed landscape areas, details of hard surface treatment, outdoor structures and planting. The key areas of landscaping are summarised below:

- The central courtyard is located in the centre of the site and is oriented north to south. It comprises various social spaces, including:
 - A pergola covered outdoor dining area, with a pétanque court to the east;
 - An active zone, being a multi-purpose lawn with artificial turf and outdoor table tennis;
 - A garden courtyard with seating areas; and
 - A social pavilion and dining area, connected to the resident's lounge.

The central courtyard will contain amenity planting and hedging throughout. All planting in this area will be podium planting, opposed to natural ground.

- The linear garden is located between the Carrick and Valley buildings, providing a link between the central courtyard and accessway. This is proposed to be planted with nikau, tree ferns and groundcover planting.
- The sunken garden is located to the west of the Valley Building. It is proposed to contain a water feature and bench seating, and will be planted cherry trees, nikau palm and planting suitable for shady areas.
- The eastern garden is located to eastern of the Carrick Building. This is proposed to be planted with rewarewa, upright tulip trees, and fiscus tuffi hedging.
- The eastern and north-eastern boundaries are proposed to be planted with boundary planting, which incorporates hedging and specimen trees to provide for privacy and amenity.

4.4 Access, Parking and Loading

The access, parking and loading arrangements for the development are outlined within the Transportation Assessment Report prepared by Commute, included as **Appendix 12** and is summarised below:

- A 6-metre-wide vehicle crossing is proposed off Valley Road, within the eastern part of the site. This will provide for two-way traffic movements.
- A 4-metre-wide vehicle crossing is provided off Carrick Place, to provide for three carparks within the carport.
- A 12 x 4 metre loading bay is provided at the northern end of the accessway, this will provide for the servicing needs of the retail units and for private rubbish collection.
- 106 carparking spaces, including 103 parks within the basement, 16 of these being stacked parks, and three car parks within the Carrick Place carport.
- 143 cycle parks will be provided, 135 for residents and eight for visitors. These will be provided by a mixture of wall mounted and standing parks in the basement and at ground level.

4.5 Infrastructure Servicing and Hazards

The servicing arrangements for the development are set out within the Civil Engineering Report prepared by Babbage, included as **Appendix 10**.

- In terms of stormwater servicing, primary flows will be discharge to rock bore soak pits to the underlying aquifer. The soak pits will be designed in accordance with GD07. In terms of secondary flows, it is proposed to discharge half of this to soakage and half to Valley Road.
- In terms of water supply, it is proposed to connect the existing 100mm public watermain in Valley Road.
- In terms of wastewater, it is proposed to connect to the wastewater main located within the site. It is noted that main is proposed to be diverted around the edge of the building platform.

In terms of flooding effects, it is proposed to:

- Divert the overland flow path to the east so that this traverses down the eastern part of the site, away from buildings and structures.
- Compensatory storage is proposed to mitigate the effects of building within the floodplain. This uses storage through three mediums, ponding contained within the eastern part of the site; soakage; and the provision of stormwater tanks.

5.0 Reasons for Consent

Under the AUP(OP), the subject site is zoned within the Business – Local Centre and Residential – Terraced Housing and Apartment Building. A rules assessment against the provisions is attached as **Appendix 19**. The proposal requires consent for the matters outlined below.

It is noted that the standards in Plan Change 79 now have legal effect.

For the avoidance of doubt, this application seeks all necessary resource consents for the activities described in this application, as may be identified by any Council reporting officer or any consent authority.

5.1 Auckland Unitary Plan (Operative in Part)

D18 Special Character Areas Overlay – Residential and Business

- Consent will be required as a restricted discretionary activity pursuant to **D18.4.2(A18)** for the demolition of two character supporting and other buildings within the Special Character Area Overlay – Business, Eden Valley.
- Consent will be required as a restricted discretionary activity pursuant to **D18.4.2(A20)** for the construction of new buildings within the Special Character Area Overlay Business, Eden Valley.

E8 Stormwater Discharge and Diversion

- Consent is required as a controlled activity pursuant to **E8.4.1(A9)** for the diversion and discharge of stormwater runoff from impervious areas greater than 1,000m² up to 5,000m².

E12 Land Disturbance

- Consent is required a restricted discretionary activity pursuant to **E12.4.1(A6)** for land disturbance with an area of 5250m².
- Consent is required a restricted discretionary activity pursuant to **E12.4.1(A10)** for land disturbance with a volume comprising 3,200m³ of cut and 1,500m³ of fill.

E17 Trees in Roads

- Consent is required a restricted discretionary activity pursuant to **E17.4.1(A10)** for the removal of the Titoki tree within the Valley Road berm.

E23 Signs

- Consent is required as a restricted discretionary activity pursuant to **E23.4.1(A53)** for comprehensive development signage.

E25 Noise and Vibration

- Consent is required as a restricted discretionary activity pursuant to E25.4.1(A2) for activities that do not comply with the permitted activity standards. The following standards are not met by the proposal:
 - **E25.6.27** is not met in that rock breaking works will exceed the 70 dB L_{Aeq} noise limit at the façade of the closest buildings. The extent of infringement is detailed within the Assessment of Acoustic Effects as **Appendix 11**.
 - **E25.6.30** is not met in that the vibration will exceed the amenity limit at properties within 12 metres of rock breaking works.

E27 Transport

- Consent is required as a restricted discretionary activity pursuant to **E27.4.1(A2)** as the following standards are not met:
 - **E27.6.4.2(1) and (2) Width and number of vehicle crossings** is not met in that the Valley Road vehicle crossing will be separated by 1.8 metres from the vehicle crossing to the

east, where 2 metres is required. Further the Carrick Place vehicle crossing will have a width of 4 metres where only 3.5 metres is permitted.

- Consent is required as a restricted discretionary activity pursuant to **E27.4.1(A3)** as the provision of 135 dwellings exceeds the trip generation standards.
- Consent is required as a restricted discretionary activity pursuant to **E27.4.1(A5)** for the construction of a new vehicle crossing where a Vehicle Access Restriction applies due to the frontage to an arterial road.

E30 Contaminated Land

- Consent is required as a discretionary activity pursuant to **E30.4.1(A7)** for the discharge of contaminants that does not meet controlled activity standard E30.6.2.1, in that the DSI prepared does not cover the entirety of the site subject to HAIL activities.

E36 Natural Hazards and Flooding

- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A26)** for below ground parking within the 1% AEP flood plain.
- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A33)** for stormwater management devices within the 1%AEP flood plain.
- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A37)** for the construction of new buildings exceeding 10m² within the 1% AEP flood plain.
- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A38)** for the use of new buildings to accommodate more vulnerable activities within the 1% AEP flood plain.
- Consent is required a restricted discretionary activity pursuant to **E36.4.1(A41)** for the diversion of the exit point of an overland flow path.
- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A42)** for the construction of a building located over an overland flow path. The easternmost module of the Valley Road building sits over the accessway and thus overland flow path.
- Consent is required as a restricted discretionary activity pursuant to **E36.4.1(A55)** for the realignment of the wastewater main that does not meet Standard E36.6.1.13 as the relocation will be further than two metres from the existing alignment.

H6 Residential - Terrace Housing and Apartment Building Zone

- Consent is required as a restricted discretionary activity pursuant to **H6.4.1(A3)** for dwellings within the Terrace Housing and Apartment Building Zone.
- Consent is required as a restricted discretionary activity pursuant to **H6.4.1(A34)** for a new building that does not comply with H6.6.6 but complies with H6.6.7, alternative height in relation to boundary.
- Consent is required as a restricted discretionary activity pursuant to **H6.4.1(A35)** for the construction of a new building to contain dwellings.
- Consent is required as a restricted discretionary activity pursuant to **C1.9(2)** for infringements to the following standards:

- **H6.6.5 Building height** is not met in that the Carrick Building will exceed the 16-metre height standard by a maximum of 3.3 metres.
- **H6.6.6 Height in relation to boundary** is not met in that the Carrick Building will result in a 7.24 metre infringement of the standard height in relation to boundary. Noting the alternative has been utilised.
- **H6.6.9 Yards** is not met in that the proposed carport structure will be set back 1 metre from the boundary where 1.5 metres is required.
- **H6.6.13 Outlook space** is not met in that:
 - A number of units will have infringements to the required outlook space dimension. These are dimensioned on RC-602-604 within the architectural drawings within **Appendix 5**.

H11 Business – Local Centre Zone

- Consent is required as a restricted discretionary activity pursuant to **H11.4.1(A44)** for the construction of new buildings within the Local Centre Zone.
- Consent is required as a restricted discretionary activity pursuant to **C1.9(2)** for infringements to the following standards:
 - **H11.6.1(2) Building height** is not met in that:
 - The Dominion Building will exceed the building height standard by a maximum of 6.77 metres in relation to total building height and 8.36 metres in relation to the occupiable building height.
 - The Valley Building will exceed the building height standard by a maximum of 6.66 metres in relation to total building height and 7.46 metres in relation to the occupiable building height.
 - The Carrick Building will exceed the building height standard by a maximum of 7 metres in relation to total building height, 7.72 metres in relation to the occupiable building height.
 - **H11.6.4(1) Yards** is not met in that the basement structure will extend into the 3-metre yard setback with the residential zone, by 1.28 metres.
 - **H11.6.4 Outlook space** is not met in that:
 - A number of units will have infringements to the required outlook space. These infringements are dimensioned on RC-602-604 within the architectural drawings within **Appendix 5**.
 - The rooms noted as multi-purpose will not have outlook space provided. There are a total of 19 multi-purpose rooms contained within one-bedroom apartments.

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E27 Transport

- Consent is required as a restricted discretionary activity pursuant to **E27.4.1(A2)** as the following standards are not met:

- **E27.6.3.2(A) Accessible Parking** is not met in that no accessible parks are provided where seven are required.
- Consent is required as a restricted discretionary activity pursuant to **E27.4.1(A3)** as the trip generation standards are not met.

5.3 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

Resource consent is required under the provisions of the National Environmental Standard for Assessing and Managing Contamination in Soil to Protect Human Health ('NES-CS'), as described in the report by WWLA (refer to **Appendix 14**):

- Consent is required as a discretionary activity pursuant to **Regulation 11**.

5.4 Activity Status

Overall, this application is for a **discretionary** activity.

6.0 Consideration of Applications (Section 104)

6.1 Statutory Matters

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- Any actual and potential effects on the environment of allowing the activity;
- Any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- Any other matter a council considers relevant and reasonably necessary to determine the application.

As a discretionary activity, section 104B of the Act states that a council:

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

7.0 Effects on the Environment (Section 104(1)(A))

The actual and potential effects on the environment are assessed as follows:

7.1 Positive Effects

It is considered that the proposal will result in significant positive effects including:

- 135 well-designed residential apartments, of varying sizes and typologies that will contribute towards the creation of much-needed housing in Auckland.

- The provision of additional living opportunities in a location that is well serviced by public transport and within an established neighbourhood that contains a wide range of local amenities and public open space.
- Positive landscape effects, through the quality of the built environment that will be provided, including the 'greening' of the site and neighbourhood through extensive internal and boundary planting.
- The construction of development that will have positive effects on streetscape and pedestrian amenity, through the building frontages, façade design, active frontages, and verandahs for pedestrian comfort and shelter. Further, the proposal will see a net reduction in two vehicle crossings from the site,
- The provision of new commercial/retail/food and beverage tenancies that will provide benefits to the local community's economic and social wellbeing.
- Give effect to the quality, compact city outcomes sought by the Auckland Plan.

Overall, it is considered that the development will result in an improved public realm, improving the visual amenity values and adding to the vibrancy of the neighbourhood.

7.2 Earthworks and Construction Activities

7.2.1 Dust, Erosion and Sediment Control

As discussed within the Civil Engineering Report as **Appendix 10**, erosion and sediment control measures are proposed for the duration of earthworks in order to ensure effects relating to dust, erosion and sediment on persons and the environment are minimised.

The erosion and sediment control measures have been designed in accordance with GD05, and include a stabilised construction entrance, clean water diversion measures, stormwater inlet protection, basement excavation dewatering, dust control and site stabilisation. The monitoring and maintenance of erosion and sediment controls will also be carried out in accordance with GD05.

An Earthworks Construction Management Plan ('EMCP') will be prepared by the contractor and submitted to Auckland Council prior to commencement of earthworks. This will form part of the wider Construction Management Plan discussed below.

On this basis, it is considered any effects relating to dust, erosion and sediment control are able to be avoided or mitigated.

7.2.2 Geotechnical and Site Stability

Earthworks and excavations across the site are proposed to facilitate the basement construction and the installation of civil infrastructure.

The geotechnical report by Initia as **Appendix 13** provides a detailed analysis of subsurface conditions beneath the site, with ground conditions comprising a capping layer of fill and minor cohesive fill overlying natural Auckland Volcanic Field geology, being an upper layer of basalt rubble and heavily fractured basalt rock over intact, slightly weathered, basalt rock. Groundwater at the site is depressed in the permeable basalt rock aquifer at a depth of approximately 20 metres

below current ground level, and as such well below the proposed depth of excavation and construction.

The geotechnical report has identified the potential geotechnical risks and options for mitigation. In addition, recommendations have been provided with respect to excavations, permanent and temporary retaining, and foundation design.

In reliance on this advice from Initia and noting that the mitigation measures recommended are endorsed by the applicant, it is considered that any adverse geotechnical and land instability effects will be avoided or mitigated.

7.2.3 Contamination

WWLA have undertaken a ground contamination review, included as **Appendix 14**. This undertakes a review and assesses the applicability of previous ground contaminations that have been undertaken for the subject site. The key findings of this review are:

- The site walkover found that there were no significant changes that have occurred to the land-uses on site since the Preliminary Site Investigation ('PSI') was prepared in 2016 by Tokin and Taylor ('T+T').
- A Detailed Site Investigation was prepared by T+T in 2017 for the central part of the site, at 214-216 Dominion Road. No intrusive investigation information is available for the balance of the landholding as a result of the presence of buildings.
- The soil quality information for 214-216 Dominion Road shows that fill materials are present and these contain contaminants, being metals and hydrocarbons, with trace levels of asbestos. It is considered possible that similar fill may be present over the balance of the landholding and thus contaminants could be reasonably expected across the other allotments.
- As the existing soil quality information only relates to 214-216 Dominion Road, further investigations will be required to be undertaken by a Suitably Qualified and Experienced Practitioner ('SQEP').

An Interim Site Management Plan has been prepared by WWLA to support the resource consent application and has been included as **Appendix 15**. This will be updated following the demolition of buildings on site and further investigations being undertaken. The Interim Site Management Plan details management procedures that will be adhered to in order to ensure effects on workers, neighbouring property occupants and the environment are mitigated.

The implementation of the Site Management Plan during works will ensure no adverse contamination effects arise with respect to human health or the environment.

7.2.4 Construction Traffic

A Construction Traffic Management Plan (CTMP) will be prepared to manage the traffic effects associated with construction activities. As detailed in section 8 of the Traffic Assessment prepared by Commute, a CTMP should include details on construction dates and hours that are aligned with normal construction hours, truck routes, site access/egress and traffic management details for both pedestrians and vehicles to appropriately manage the interaction of these road users with heavy construction traffic.

Commute conclude that:

Based on experience of constructing similar projects, and bearing in mind capacity within the existing road network, with the appropriate Construction Traffic Management Plan in place and the above measures implemented, it is considered that construction activities can be managed to ensure any generated traffic effects are mitigated.

Overall, it is considered that traffic effects during the temporary construction period can be appropriately managed subject to a condition for a CTMP.

7.2.5 Noise and Vibration

The potential adverse effects associated with construction activities have been considered in the Acoustic Assessment of Effects prepared by MDA as **Appendix 11**. The MDA report notes the following with respect to construction noise and vibration:

Construction Noise:

Typical construction activities, being those associated with conventional commercial construction activities will generally comply with the long-term construction noise limits where suitable mitigation measures are implemented.

The construction of the building requires excavation, including rock breaking where basalt is found. The design of the building purposely avoids deep excavation over large areas to reduce the effects associated with large volumes of rock breaking. Even where best practice noise mitigation is proposed (i.e. using shroud and barrier mitigation), rock breaking noise is predicted to infringe the noise limit at the façade of the closest buildings by 10dB. Due to the reduction in excavation in extent across the site, particularly to the north and east, it is expected the duration of rock breaking and associated noise will be lesser than previously consented.

Construction Vibration

With regard to vibration, compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities excluding rock breaking.

Rock breaking is predicted to result in infringements with the amenity limit at properties within 12-metres of breaking works. To enable compliance when undertaking rock breaking within 12-metres of buildings, the following must occur:

- A smaller breaker should be used close to buildings unless attended vibration monitoring is undertaken.
- Building occupants within 50m of rock breaking should receive timely communication in accordance with the vibration amenity rules.
- Alternatively, rock may be pre-drilled using pneumatic drills. These generate very little vibration (but will need to be mitigated for noise emissions) and enable fractured rock to be dug out using an excavator. Such method may be considered for the excavation closest to 184 – 196 and 224 – 228 Dominion Road.

The Acoustic Assessment of Effects details a comprehensive list of management and mitigation measures that can be implemented during construction works in order to manage effects to a reasonable level.

This includes the preparation of a Construction Noise and Vibration Management Plan that sets out all management and mitigation measures that will manage works on site and how the contractor interacts with neighbouring parties. The CNVMP would be prepared in conjunction with the contractor and therefore contain detailed information on equipment to be used, timing and staging of the works and similar specific content.

The MDA assessment also details include a range of specific mitigation measures that are able to be included in the construction methodology such as noise barriers, use of a crushing shear or pulverising attachments in place of breakers where practicable, use of a cut and lift approach, sizing of machinery, use of pneumatic drills, and initial breaking to occur away from buildings to inform compliance. The CNVMP will detail the chosen methods, which will ensure unnecessary noise and vibration to neighbouring properties is minimised but as with other projects throughout Auckland, construction effects are unavoidable and are necessary to facilitate ongoing development.

Overall, through the proposed mitigation measures adverse effects on the environment and neighbours can be managed to a reasonable level. The construction noise and vibration effects associated with the development will not be significant and considered appropriate for the scale and nature of the development.

7.2.6 Summary

On the basis of the above, and subject to a CMP, including an ECMP, CNVMP, CTMP and SMP being prepared and finalised, it is considered that any adverse effects associated with earthworks and construction will be temporary and no receivers will be exposed to high noise or vibration levels activities for long periods of time. Furthermore, there are no significant geotechnical constraints that would preclude the type of development proposed.

While there will be adverse amenity effects on some neighbouring properties during parts of the works where it is not practicable to manage noise and vibration to be below the permitted construction noise and vibration limits, these effects can be appropriately managed through the proposed CNVMP.

7.3 Street Tree

As discussed within the proposal section, the construction of the proposed vehicle access requires the removal of the Titoki tree located in the berm on Valley Road. An Arboricultural Assessment has been prepared by Peers Brown Miller which addresses the removal of the street tree. The Arboricultural Assessment is included as **Appendix 16**. The report summarises that:

- The tree is a small specimen standing in a small area of grass berm. The size, vigour and age class, as well as the heavily urbanised growing conditions are such that its contribution to the conservation of water and soil is not significant.
- With regards to the ecology of the site and immediate surrounds, from an arboricultural perspective, the undertaking of mitigation planting would avoid adverse ecological effects. While the street tree is a component of the existing vegetated corridors that exist in the area, it is not a mature specimen long lived in its current surroundings.

- While the street tree makes a positive contribution to the amenity of its neighbourhood, it is not significant in terms of size, age and canopy structure. As such, the adverse effects that may arise from its removal can be mitigated adequately through replanting.
- Alternative locations for the site access have been considered however are not feasible.
- Two replacement trees are proposed. The planting of these trees is considered to adequately mitigate the removal of the street tree from the Valley Road berm.

Having regard to the Arboricultural Assessment, it is considered the effects relating to the removal of the street tree will be acceptable.

7.4 Built Form and Urban Design

The proposal involves the redevelopment of a brownfield site within the Local Centre and Terrace Housing and Apartment Building zone, in a location that is well-served by public transport, a range of amenities, and that is suitable for intensification. An urban design evaluation has been undertaken by Boffa Miskell within the Urban Design, Landscape and Visual Assessment included as **Appendix 7**. The key findings of the urban design evaluation are outlined below:

- Throughout the design development process, various alternative massing and architectural design responses have been tested. The result of this testing is a development that provides a high-quality design response, making a positive contribution to the local centre and positively relating to the site's context on the corner of Dominion and Valley Road. Noting:
 - The modulation of the western façade of the Dominion Building breaks the length of the frontage into four distinct modules/volumes. The manner in which these volumes step down in height from four storeys to the north to two storeys in the south creates this positive relationship to the site context.
 - The use of a high solid to void ratio, a regular ordered façade, well-considered arrangements of windows, and recessed balconies on the Dominion Road façade provide structure, depth and articulation.
 - The three-storey southern façade to Valley Road has also been broken up into three modules that establishes a grain and rhythm that is 'in-tune' with the established character.
 - The proposed massing of buildings has been sensitively handled, such that the upper fourth and fifth building stories are recessive, minimising their presence when viewed from the street and ensuring they do not detract from the two-storey character defining buildings on the corner of Dominion and Valley Road.
- The testing and iterative process also extends to the facades, with the Dominion Road building featuring a street-facing façade that responds to and fits in with the special character of Dominion Road. A number of architectural details have been included within the façade design to achieve this, including:
 - Subtly contrasting brick colours and finishes;
 - Vertical brick courses above windows;
 - Window joinery details;
 - Stays to the canopies; and

- Frieze detailing.

The Valley Road building street fronting façade features architectural framing and depth using reveals to windows and recessed balconies.

- The principal lobby is a legible and logical entrance to the apartment development, defined by a well-articulated negative vertical recess and a protruding canopy. The entry feels residential in scale and does not take away from the continuity of shopfronts as the prevailing condition at ground
- The proposal will create a very high-quality edge to both Dominion Road and Valley Road, resulting in a positive contribution to pedestrian amenity. This is achieved through the high degree of street activation, provided through the provision of commercial tenancies at ground floor and three entries to the residential apartments, the provision of canopies for shelter, and the high-quality façade designs.
- Universal access from the Dominion Road and Valley Road street frontages has been addressed by the development. Universal access is readily provided from Valley Road, where the gradients enable level entry at the residential lobby. This entry provides a direct route to the lift lobby of the Valley Road building, which provides universal access to the circulation routes at courtyard level. Dominion Road has a north to south fall, which makes achieving step-free access more challenging, particularly in the portions of the street frontage that most legibly and logically support a principal point of entry. To mitigate the lack of universal access to the principal entrance on Dominion Road, the proposal has provided an inviting secondary entrance further north, where level access is able to be achieved. Whilst this is smaller in scale than the principal entry, it is sufficiently generous in volume to be an inviting secondary entry. This entry can provide access for all users, including those with prams and bicycles for example. It is anticipated it will provide a useful point of coming and going for all residents who are heading north along Dominion Road, such that it will be well used and together with high quality interior finishes and integration with the adjacent bike store will ensure it will not feel like a second-class route.
- The Carrick and Valley buildings have been sensitively designed to minimise impacts of building height and mass on the adjacent residential properties to the north and east, noting that:

To the north:

- The Carrick Building steps in height from three storeys in the north to five-storeys further south. Whilst this part of the building is unable to meet the standard height in relation to boundary, the alternative height in relation to boundary is complied with. Furthermore, a 5.1-metre-wide yard is provided between this building and the northern boundary. This yard provides for a boundary landscape strip, which is to be planted with screen planting. This will effectively screen the lower two levels of the building. The stepping back of the top two stories also restricts the extent of perceptible building mass.
- The internal layouts within the Carrick Building have been designed with primary outlook to the east and west. This results in the northern façade having a high solid to void ratio, as a brick façade with limited window openings.

To the east:

- Along a large portion of the eastern boundary, the Valley and Carrick Buildings are inset 7-metres to provide for an accessway and landscape strip.
- It is only the upper levels that will be appreciable above the boundary screen planting and the buildings within the Local Centre zoned properties that separate these properties from the subject site.
- Notwithstanding this, the architecture is simple and cohesive, with the four levels of brick façade being capped with a subtly contrasting, and visually recessive, top floor treatment, which includes an elegant bullnose corner which further assists with reducing the apparent bulk at this upper level.
- In terms of shading, the Urban Design, Landscape and Visual assessment concludes the following:

*The shading studies indicate that throughout the year, during the afternoon, and (in summer) extending into the early evening period, there is a level of adverse shading effect on some of the residential properties on Valley Road to the east of the town centre zone. Taking into account the extent of duration at this time of day, and the difference this makes to the total number of daylight hours received by the residential properties affected, as well as the fact that there is a level of shadowing that already occurs from existing development on these neighbouring properties, this is assessed as resulting in **low adverse shading effects** in relation to these properties.*

Overall, from an urban design perspective, the proposed development represents a carefully considered scheme that has been consciously designed to provide a high-quality residential environment for future residents within a multi-building development that fits in well to the neighbourhood within which it sits, on a large and significant Site straddling the character buildings on the corner of Dominion and Valley Road. As a result of this, the proposal is considered to respond positively to the policy direction of the AUP(OP).

7.5 Landscape and Visual

An Urban Design, Landscape and Visual Assessment has been prepared by Boffa Miskell, this is included as **Appendix 7**.

With regard to visual effects, the Urban Design, Landscape and Visual Assessment notes that the visual catchment of the proposed building is relatively small and well-defined, and includes people using the road corridors within 200 metres, those accessing adjacent retail/commercial activities, and those in residential properties adjoining the northern boundary and at a greater distance, to the east. To assist in illustrating the proposal as experienced in views, four visual simulations have been prepared.

The Urban Design, Landscape and Visual Assessment concludes the following with respect to visual effects:

- *In Dominion and Valley Road streetscape views the proposal is assessed the sit comfortably within the existing and reasonably anticipated urban arterial environment with the important character defining buildings retaining their prominence and the scale of the streetscape appropriately defined. Taller fifth level components are set well back and reduced in their scale and impact such that a **low level of adverse visual effect** will result. Given the quality of the street facing buildings, their well-mannered articulation, retail activation and canopies it is considered that for people accessing the adjacent commercial/retail strip, the development will contribute a beneficial improvement*

(positive visual effects) to the character and amenity of this part of the Dominion and Valley Roads streetscape.

- *In respect of these [Carrick Place] public streetscape views the presence of a taller building located in the Business – Local Centre in the middle ground of the view is assessed to generate a **low level of adverse visual effects** due to distance and the way in which the building sits easily in the frame of established height of vegetation within the view. The buildings are well articulated in the round and exhibit a quality residential amenity to contribute to a more urban streetscape character.*
- *Residential properties on the east side of the street [Carrick Place] tend to be elevated above the street and will in some cases have views west/south-west toward the site. These views will however also incorporate considerable openness with development including buildings up to five storeys in height not being unexpected given the previously consented development. In views close to the end of the cul-de-sac, where the property directly across the street has a University of Auckland non-residential occupation, the proposed carport, street front fence/gate and planting will provide a residentially scaled interface with the taller five storey building set well back from the street and including a grove of trees to further screen and ameliorate the scale of the Proposal from the street. Visual effects in respect of this part of the visual catchment are considered to be **very low adverse effects**, noting the separation distance, extent of proposed east and northern boundary planting and the consented development.*
- *For people living in and visiting the ten villa residential development adjoining the site to the north on Carrick Place the greatest impact will be in respect of views from the west facing garden of the end, southern unit as illustrated in the 3d render below.*



Figure 16: Architects 3d render illustrating the view looking south to the development from the garden of the southern villa.

This 3d render shows measures taken to reduce the potential for visual dominance (H6.8.2 (3) (a)) in respect of this interface including the proposed boundary planting, the stepped fourth and fifth levels of the northeastern building and the way in which windows are located (related to internal bedroom and dining areas) to essentially avoid the potential for direct overlooking. The taller building is to the south avoiding potential adverse shading effects. There are two residential apartments at each level, no balconies are

*proposed to look north with little potential for people to be observed in their apartments. The residential interface will maintain the reasonable private amenity of the villa neighbours (H6.8.2 (3) (c)) and whilst visible to the south the Proposal will present a high-quality residential amenity and well vegetated interface such that a **low level of adverse visual effects** are assessed to result.*

- *In wider views from more distant elevated locations, such as Maungawhau the Proposal will have a limited presence and is considered **benign, in terms of potential visual effects**. Where seen the mixed use, mid-rise development will reinforce the presence of the Dominion Road arterial corridor and the busy Valley Road intersection in a way that is consistent with anticipated urban intensification of this corridor. The extent of large-scale tree planting along the eastern and northern boundaries will contribute landscape scaled vegetation to the view and maintain a balance between built urban and green / treed amenity.*

Based on the assessment undertaken by Boffa Miskell, it can be concluded the adverse visual effects range from low to very low, and there will also be positive visual effects on the streetscape.

The Urban Design, Landscape and Visual Assessment concludes the following with respect to landscape effects:

- *Development up to five storeys in height is an emerging component of the character of this arterial corridor along with contemporary buildings designed to respect and respond to the traditional character of the historical mixed-use, retail strip. The Proposal presents a predominant four storey maximum height elevation to Dominion Road with three storeys defining Valley Road. Five storey development is set well back from residential boundaries, designed to comply with permissible interface controls and softened through appropriately scaled planting.*
- *In respect of the way in which the Proposal will fit into the streetscape character of Dominion and Valley Roads landscape, related to its character defining neighbours, and respond to the character overlay the Proposal is assessed to generate **positive landscape effects**, supporting the character and quality of the streetscape.*
- *In respect of the way in which the Proposal will interface with the landscape qualities of the residential neighbourhood further up Valley Road and in Carrick Place the Proposal is assessed to generate **low adverse landscape effects** given the buildings' separation from residential neighbours to the east, compliance with the alternative HiRB controls and the opportunity for planting to soften and integrate the development into the landscape. The development responds to the sites Business – Local Centre zone and the presence of the Dominion Road arterial in a way and with a form of development that can be anticipated at this residential interface.*
- *In respect of the site's future amenity for residents and the quality of the built environment the Proposal is considered to contribute beneficially (**creating positive landscape effects**) to the urban intensification of a part of Auckland in which such development can be anticipated. The development incorporates a generously proportioned, north facing central common courtyard which will provide generous separation and quality outlook for internally facing apartments and an amenity for all residents to use*

Based on the assessment undertaken by Boffa Miskell, it can be concluded that the landscape effects will range from low adverse landscape effects to positive adverse effects.

Overall, the landscape and visual effects are considered to be acceptable.

7.6 On-Site Residential Amenity

Careful consideration has been given to site planning and building design to ensure that a good level of internal and external amenity is provided for the apartments. It is considered that future residents will experience a high level of amenity and liveability.

The proposal accommodates a mix of studio, one-bedroom, two-bedroom and three-bedroom apartments in varying typologies, ranging in sizes of between 36m² and 117m². This will add to the diversity of the housing stock within this part of Eden Valley, as well as provide for the different housing needs within the community.

Many of the apartments are single aspect, however, they generally have good orientation to the east and west, such that they will receive good solar access, also noting the generous separation width between the Dominion Building to the west, and the Valley and Carrick buildings to the east.

Visual privacy is provided to the future residents via units either having outlook over the street or, where facing neighbouring sites or internally, generous separation, such that all principal living rooms and habitable rooms meet the length requirements for outlook spaces. Whilst a number of the outlook spaces will have a shortfall in width, the width achieved will provide for adequate outlook and daylight to be achieved.

Private outdoor living spaces are provided for a large number of the apartment typologies, excluding type S3, S5 and S6 which are one-bedroom studios, and 2U, 2W and 2Z which are two-bedroom apartments. Where private living spaces are provided, these are in the form of balconies, predominantly facing east or west.

In addition to the private outdoor living, a generous shared courtyard space runs north-south between the Dominion Building to the west, and the Carrick and Valley Buildings to the east. As described in the proposal section, the courtyard contains various zones for socialising and passive recreation. This will provide a high level of residential amenity for the residents living within the site.

The measures proposed within the landscape design have addressed the tensions between pedestrian access and circulation, usage and activity of the common open spaces, and privacy and amenity at the interface with ground floor units that open out directly on to this space. This includes a generous depth of raised planters with hedging and other planting, as well as a 1.2 metre fin fence and patio gate.

Any potential noise effects from any commercial activities on the site or neighbouring sites will be mitigated through the design of external building facades and internal walls, as discussed within the Acoustic Assessment of Effects as **Appendix 11**.

Overall, it is considered that the orientation, outlook, daylight access and communal amenities will provide good-quality living environments for future residents, in conjunction with the development's location with respect to local amenities and public transport.

7.7 Special Character

The proposal is for the demolition of existing character supporting buildings and the construction of new buildings within the Eden Valley Special Character Overlay. A detailed assessment with respect to special character has been undertaken by Plan.Heritage, and this is included as **Appendix 9**. The key findings of special character assessment are outlined below:

Demolition of character supporting buildings

- *The demolition of all buildings within the subject site will result in an obvious and substantial change to the existing urban street block and the existing environment, which is primarily low-density commercial and light-industrial activity, with some residential use. This will be replaced with a high-density mixed use commercial and residential environment. While this change will be noticeable to current generations, it will be rapidly assimilated into the planned future environment. This is because the block retains the urban characteristics of the existing site, including retention of commercial and residential use.*
- *The character supporting building at no. 214-216 Dominion Road has been extensively altered in the past, and no longer retains the aesthetic and traditional materiality of the original 1920s building design. It lacks integrity and has little contribution to the special character values of the Special Character Areas Overlay – Business: Eden Valley, except in its general contribution to the enclosure, scale and rhythm of the ‘street wall’ which is a feature of the traditional commercial shopping strip along Dominion Road. In my professional opinion, the demolition of this building will have **a negligible adverse effect** on the Character values of the overlay.*
- *The Universal Buildings ‘support’ the qualities of the Special Character Areas Overlay – Business: Eden Valley in terms of their scale, aesthetic and materiality. However, the building is not strongly representative of the late Victorian and Edwardian commercial buildings that define the special character values of the overlay, such as the Bridgman, Worota and Auckland Meat Company buildings in the vicinity of the subject site. The building lacks the degree of integrity apparent in its neighbours of similar architectural style such as the Rough and Hooper building opposite the subject site at 115-119 Dominion Road. There are also better examples of this type of architectural style within the overlay, further south of the intersection with Valley Road and Walters Road. In my view, The Universal buildings provides no more than a moderate contribution to the overall character of the Business Character overlay, and its demolition will therefore have **a minor adverse effect** on the special character values of the overlay, notwithstanding the high impact*
- *The buildings outside of the Special Character Areas Overlay – Business: Eden Valley located at 113-117 Valley Road will also be demolished. These buildings front onto Valley Road and are located between the Special Character Areas Overlay – Business: Eden Valley, and the Special Character Areas Overlay – Residential: Isthmus A. They are not character defining and character supporting buildings. Therefore, the loss of these buildings will have **no adverse physical effect** to places within either the Special Character Areas Overlay – Business: Eden Valley, or the nearby Special Character Areas Overlay – Residential: Isthmus A.*

Proposed development and effects on setting

- *The proposed new buildings are designed to respond positively to the special character values identified in the Special Character Statement, while not seeking to imitate traditional forms. New buildings employ materials in a manner that is sympathetic to the existing materiality of the special character areas. The relationship of built form to historical subdivision patterns, setbacks to the street, open space and landscape context is maintained through appropriate modulation and arrangement of bulk within the site. Buildings within the subject site that are not character defining or character supporting are replaced with a new form of development that responds to the existing context,*

intruding architectural and material elements that will enhance the qualitative experience of this part of the site.

- *The proposed development site is located at the northern periphery of the Eden Valley Special Character Area, where Dominion Road transitions from modern/infill development to the more traditional town centre. On Valley Road, the subject site is also positioned at the interface between the historical commercial strip and the predominantly Edwardian suburban hinterland immediately behind. The historical context is in itself varied.*

The analysis of the photographic simulations illustrates that the proposed development maintains the traditional street wall along the Dominion Road Corridor, with some very minor expression of additional bulk and mass set back from the main street frontage. This is not so evident from near views, but is most visible from the middle distance. From far views the bulk and mass is also concealed by surrounding development and is assimilated into the broader Dominion Road urban environment. The experience of the bulk and mass along Dominion Road immediately opposite and adjacent to the site is not appreciated in the near views due to the angle of view and existing sense of enclosure, and the experience of the street wall is enhanced due to the improved architectural quality.

Views to and from Valley Road towards the intersection with Dominion Road demonstrate that the bulk of the development is set well back from the traditional street frontage. The control of the massing to Valley Road is well considered so that it does not result in any significant dominance of the interrelationship between commercial and residential character. The definition of the separated building blocks to Carrick Place and Valley Road, combined with the proposed green planting along the eastern and northern boundary of the site further helps to reduce and mitigate the potential adverse effects of the overall mass and bulk when considering the broader setting of the Residential Character Overlay – Isthmus A.

The key view from the intersection with Walters Road and Dominion Road demonstrates that the character defining buildings and their contributing qualities still remain the focus of this view, although the additional height of the rear blocks has some effect on the silhouette of the traditional street wall further northwards. As one moves from west to east the visual experience of this height substantially diminishes. The quality of the traditional commercial street wall is maintained and enhanced to the northern boundary of the site.

*In conclusion, the overall adverse effects of the proposal on the streetscape and character values of the Special Character Overlay – Business: Eden Valley will be **minor**. The adverse effects of the proposal on the streetscape and character values of the Special Character Areas Overlay – Residential: Isthmus A will be **negligible** (i.e. less than minor).*

Indirect effects

- *The indirect effects of the development are likely to be beneficial with regard to greater patronage of businesses within the Special Character Areas Overlay - Business: Eden Valley which occupy other character supporting and character defining buildings. There will be an increased opportunity for new and existing residents to interact with, identify with, and appreciate the special character values of the Special Character Areas Overlay – Business: Eden Valley. **The overall indirect effects of the proposal will therefore likely be of a highly beneficial and regenerative nature.***

7.8 Stormwater and Flooding

Auckland Council's Geomaps shows that there is an existing upstream overland flow path crossing the site and another adjoining the site within Valley Road. Further, there is a flood plain located across the site.

Assessments of the overland flow path and the flood plain have been undertaken by Babbage within the Civil Engineering Report as **Appendix 10** and are summarised below.

With regard to the overland flow path, it is proposed to divert this around the Carrick Building to run along the eastern access way and exit out onto Valley Road.

With regard to stormwater, it is proposed to discharge primary flows to on-site rock bore soak pits to the underlying volcanic aquifer. The stormwater will be treated via sumps prior to discharge and will be designed in accordance with Auckland Council's GD07.

Flood storage will be provided to match the existing flood storage volume on site, via soakage, on-site tanks and through a small amount of ponding in the eastern part of the site. This will see 660³ of compensatory storage provided, achieving adequate storage to accommodate the 1 in 100-year event.

In terms of floor levels, residential units at ground will have a floor level at RL 55.25, being 2.5 metres above the predicted 1 in 100-year flood level, thus complying with Auckland Council's Stormwater Code of Practice and the New Zealand Building Code. The commercial units on Valley Road have a lower floor level to provide for level entry to the retail unit and café, and to ensure good urban design and special character outcomes. The level of the retail units is 52.5 which is 200mm above the 1 in 100-year flood level, complying with the New Zealand Building Code however not the Code of Practice.

Based on the findings within the Civil Engineering Report, the design of the development will appropriately minimise flood risk to people and property on-site as far as practicable, and will not increase risk to adjacent properties or public safety.

7.9 Infrastructure Servicing

The proposed infrastructure servicing arrangements are detailed within the Civil Engineering Report prepared by Babbage as **Appendix 10** and have been summarised in section 4.5 of this report. The report confirms that the site is able to be adequately serviced.

Based on the findings within the Civil Engineering Report, it is considered that the proposed development can be adequately serviced, and that the stormwater runoff can be managed to ensure that there are no adverse effects to the surrounding environment or neighbouring properties

7.10 Traffic, Access, Parking and Loading

Traffic, access, parking and loading matters have been considered in the Transportation Assessment Report prepared by Commute as **Appendix 12**. Commute's assessment provides an appropriately detailed assessment of the proposal with respect to the road network, public transport, safety, trip generation, access arrangements, parking, servicing, and construction. The key conclusions with respect to traffic related matters are as follows:

- The site is considered to have an excellent location to take advantage to of the public transport network, with several bus stops being provided on Dominion and Valley Road in close proximity to the site, and Kingsland Station being located 700 metres from the site.
- The development is well positioned to take advantage of the existing public transport infrastructure, features 143 bicycle spaces and has direct pedestrian connections to three road frontages thereby encouraging active mode use.
- Given the volume of traffic currently catered for by Dominion Road and Valley Road and the volumes of traffic within the area, the traffic generated by the development is considered to feature have minimal impact on the operation of the surrounding road network.
- Appropriate sight distances will be achieved by both the Valley Road and Carrick Place vehicle crossings.
- There is no evidence of existing safety issues associated with vehicle movements in and out of driveways within the vicinity of the site, and the proposal is not expected to detrimentally affect the existing good safety record in the vicinity of the site.
- With regard to the vehicle access restriction, the site has frontage onto three roads, being Dominion Road, Valley Road and Carrick Place. As Dominion Road is also an arterial road, a vehicle access restriction would apply, noting this is also the significantly busier road. The Carrick Place frontage is not considered appropriate for the main access to the site, given the scale of development and the local road nature of Carrick Place. Furthermore, the proposal will result in a net reduction of two accesses on Dominion Road and one access on Valley Road and therefore is considered to have positive safety effects for pedestrians.
- Whilst the Valley Road vehicle crossing is located only 1.8-metres from the vehicle crossing to the east, the driveway being essentially flat and straight, with all vehicles entering and exiting the site in a forward direction, the shortfall of 0.2 metres is considered acceptable.
- The Carrick Place vehicle crossing serves 3 parking spaces and measures 4.0m wide at the site boundary and therefore exceeds Unitary Plan requirements by 0.5m. It is noted that this is a reduction from the existing 8.0m wide crossing, and therefore is considered to have positive safety effects.
- Pedestrian footpaths are provided along both sides of all the frontage roads. As such, the development provides direct pedestrian access to the development. Cyclists are also able to gain direct access to the development from the road frontages. Overall, residents are considered to be well catered for in terms of access.
- The loading space provided measures 12.m long by 3.5m wide and satisfies the AUP(OP) requirements. A general 8m rigid truck is able to safely and efficiently access and egress the loading bay and exit the site in a forward direction. stacked

The report concludes that the establishment of the proposed development can be undertaken in a way so that its effect on the function, capacity and safety of the surrounding road network will be minimal. Overall, it is considered that any adverse effects with respect to traffic, access, parking and servicing related matters will be appropriate.

7.11 Operational Noise

As the proposal is for a mixed-use development, noise will be generated by occupants and visitors, with people and vehicles arriving and departing at the site, and general noise from activities occurring within the site. The proposed uses do not involve noisy activities, and as such are not expected to generate a level of noise that would generate nuisance effects or unreasonable emission of noise.

The potential adverse effects arising from noise emissions from the proposed activities have been considered in the Assessment of Acoustic Effects prepared by MDA, as **Appendix 11**, with MDA stating that:

- *We predict that noise from vehicle movements on the site can readily comply with the relevant noise limits at all neighbouring sites.*
- *The plant noise will need to comply together with any other noise sources on the site, i.e. the cumulative site emissions will need to comply with the relevant noise limits. However, since other noise sources on site occur only intermittently and at levels well within the relevant criteria, we are confident that cumulative compliance can be achieved with appropriate design.*
- *The ground floor retail area is proposed to include a café. Other commercial units are likely to contain retail. In our experience, noise levels from these outlets can readily comply with the relevant noise limits and generally likely masked by road traffic noise in the area.*

Having regard to the assessment within Assessment of Acoustic effects, it is considered the operational noise from the development will be within the permitted limits, and therefore acceptable.

7.12 Effects on Adjacent Properties

The below provides an assessment of effects in relation to persons considered to be directly affected by the proposal. Notice of the application should be served on persons at these properties.

7.12.1 184-196 Dominion Road

This property is located adjoining the northwestern part of the subject site and contains an 'L' shaped building with basement parking below. The building is occupied by four commercial tenancies. This property is highlighted in blue within **Figure 8** below.

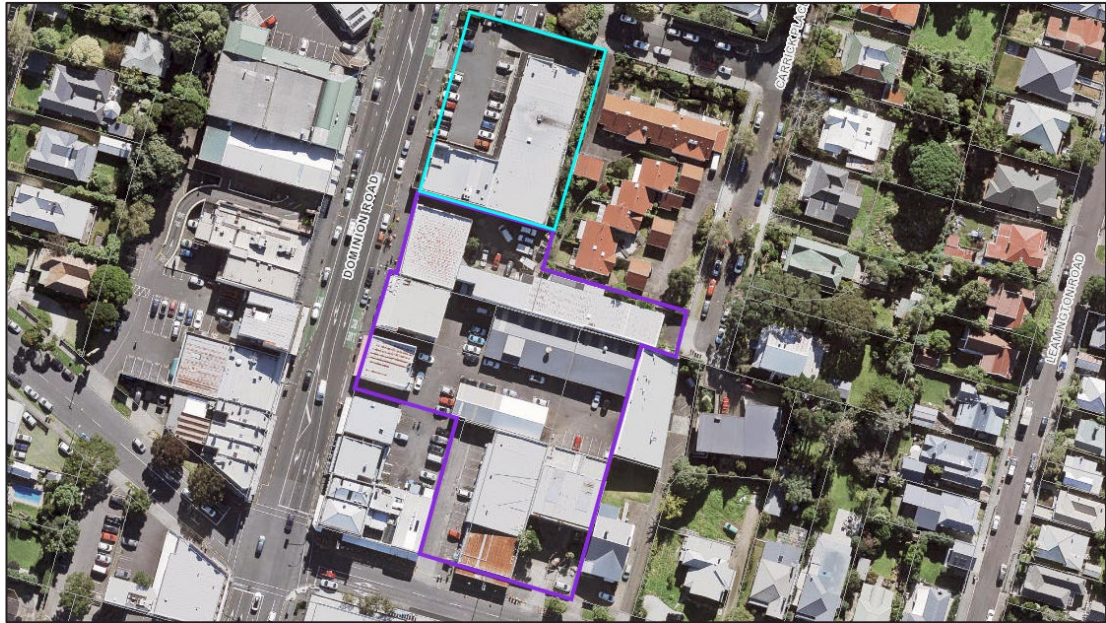


Figure 8: Property at 184-196 Dominion Road in relation to subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the commercial nature of the development occupying this property. Notwithstanding this, the proposal provides a suitable interface with this property and furthermore will contribute a beneficial improvement to the character and amenity of the Dominion Road streetscape.
- In terms of shading, privacy and overlooking, given the commercial use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - Due to the location of this property to the north of the subject site, shading effects are limited to the evenings during the summer solstice.
 - The proposed apartments are oriented to the east and west, therefore present minimal opportunity for privacy and overlooking effects.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed in the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 79dB L_{Aeq} .
 - Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. Within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.2 224-234 Dominion Road

The property at 224-234 Dominion Road contains three character defining buildings, including the Bridgman building, which sits prominently on the corner of Dominion and Valley Road. The Bridgman building is occupied by the Bridgman pub. The two remaining buildings are two-storey in nature with frontage to Dominion Road, containing a mixture of commercial activities. This property is shown in blue within **Figure 9** below.



Figure 9: Property at 224-234 Dominion Road in relationship to subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the commercial nature of the development occupying this property. Notwithstanding this, the proposal provides a suitable interface with this property and furthermore will contribute a beneficial improvement to the character and amenity of the Dominion Road and Valley Road streetscapes.
- In terms of shading, privacy and overlooking, given the commercial use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, the proposal will generate some shading on this property. This occurs early-mid morning in the equinoxes and summer solstice, and for a slightly longer in period in winter. Though it is noted that the shading falls predominantly on the sealed car park area.

- The proposed apartments are oriented to the east and west, therefore present minimal opportunity for privacy and overlooking effects.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 80dB L_{Aeq}.
 - Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. Within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.3 9 Carrick Place (1/9-10/9)

The site at 9 Carrick Place is located adjoining the north/north eastern boundary of the subject site. This site contains ten retirement units. These units are split into two rows of terraces, those in the northern part of the site are oriented north, with outdoor living to the north and limited views to the subject site to the south. This property is shown in blue within **Figure 10**.

The retirement units in the south, nearest to the subject site have a primary orientation toward their backyards, being to the west, with detached garaging occupying the front yard areas to the east. Only the southernmost unit has a direct interface with the subject site, and like the other units in this row has a primary orientation facing west.

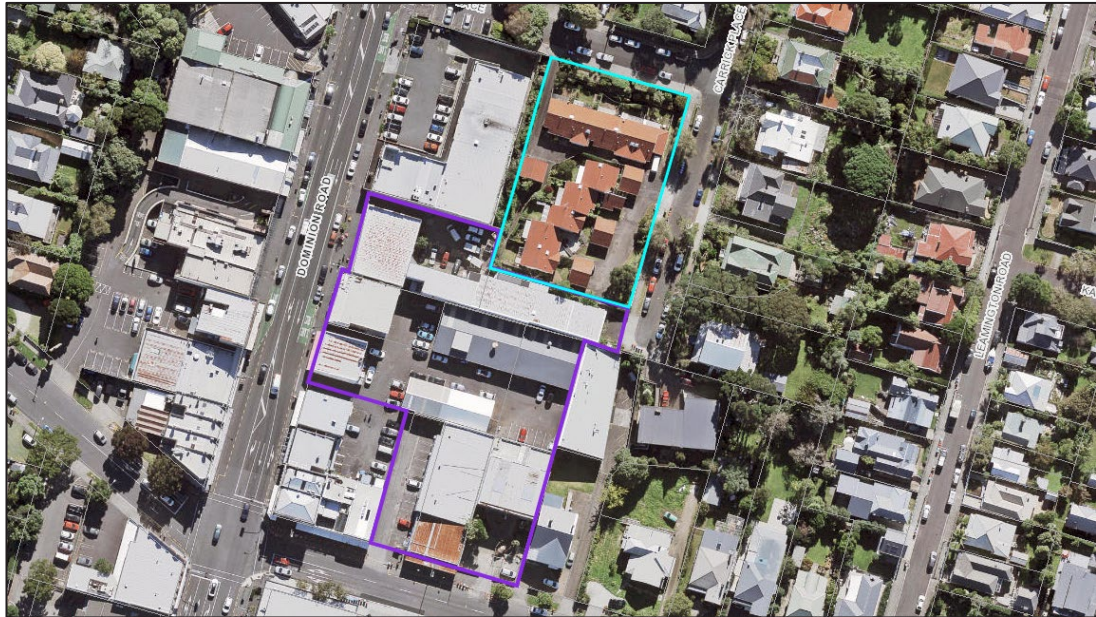


Figure 10: Property at 9 Carrick Place in relation to the subject site.

The actual and potential effects on all persons at these properties are described below:

- With regard to visual effects, the proposal will represent a change in character compared to the existing development on the site, however the design includes measures to reduce the potential for visual dominance effects when viewed from these units.

To that end, the following is noted with respect to all units, being 1/9-10/9:

- The Dominion Building is generously separated from the shared boundary to the east, with a separation distance of approximately 13-metres. Landscaping is proposed along the shared boundary and generous amounts of planting within the site that will provide screening when looking to the east.
- The Carrick Building is located adjoining the southern boundary of this site, the upper two levels have been set back to reduce potential adverse dominance effects. Alongside the physical step, the roof top treatment and materiality of the upper floor has been designed to be recessive, reducing the perception of mass at the top of the building when viewed from persons at this property.
- The Carrick Building has been offset 5.1 metres from the northern boundary for the majority of its extent, except where the proposed decks for Level 1-3 are located 650mm further north. It is proposed to undertake screen planting along this boundary at the ground level of the retirement units, such to provide dense screening of the development. This will limit views toward the building from persons at this property.

In particular, when viewing the development from the outdoor living space, proposed planting will obscure the first two levels of the building, and part of the third as a result of the level difference. This is demonstrated within **Figure 10** below.



Figure 11: View of the Carrick Building northern elevation from 9 Carrick Place.

- Whilst the basement of the proposed development will be located within closer proximity to both the northern and north eastern boundary than the buildings located atop, no adverse dominance effects will arise due to the portion being located above ground being between 1.8-2-metres above proposed ground, the height of a standard boundary fence. Furthermore, screen planting is proposed at the interface with property at 9 Carrick Place.

On this basis, it is considered that visual dominance effects on persons at 1/9 - 10/9 Carrick Place have been mitigated such that they are acceptable.

- With regards to shading, shading diagrams have been prepared as part of the architectural drawings as **Appendix 5**. The following is noted with respect to shading:
 - During winter, this property remains unaffected by shading from the proposed development.
 - During the equinox, the subject site remains generally unaffected from shading from the proposed development until late afternoon, where shading reaches Unit 1/9 and 2/9. This begins at 4pm, reaching the rear and side yard, and by 5pm is cast entirely in shade. It is noted that by this time, the sun is already very low in the sky the remainder of the site is cast in shade by the existing environment.
 - During the summer solstice, the site remains entirely unaffected by shading from the proposed development until the evening. The shading on this site begins at approximately 6pm, when the shadow will reach the rear yard of Unit 1/9 – 2/9. By 7pm, shading is falling in the front yard of Unit 1/9 and 2/9, the roofs of Unit 1/9 – 3/9, and within the rear yard of units 4/9 and 5/9.

Overall, this property maintains good access to sunlight year-round, with the proposed development resulting in shading only during late afternoon in equinox, and in the evening during the summer months.

- With regard to overlooking and privacy, the following is noted:
 - The proposed apartments are oriented to face east and west limiting the extent of doors, windows and balconies facing north toward this property.
 - Balconies located on the northern eastern corner of the Carrick Building have been treated with slatted screened, such to avoid views to the north.
 - Windows relating to the two lower levels will be obscured by the screen planting, while the upper two levels have only the upper most part of windows visible, such that only the Level 3 windows will be readily seen from the neighbouring properties and potentially creating a perception of overlooking. It is noted that the windows at Level 3 are typically to dining room areas that are not high occupation zones in terms of people spending time at the window like living or kitchen spaces.

Furthermore, any views from window at Level 3 and above will be out toward the City Centre, over and above the roof of these single level units, given the height differences.

- Units 1/9 and 2/9 are located in proximity to the pedestrian path from the Carrick Place carport and the northernmost part of the central courtyard. The proposed 1.8-metre-high boundary fencing and associated planted screening will ensure adequate privacy is maintained with these units.

Given the above, an appropriate sense of privacy will be maintained, with overlooking effects having been effectively managed by the proposed design. Privacy and overlooking effects are therefore considered acceptable.

- With regard to operational noise, this will comply with the AUP(OP) standards, as discussed within the MDA report as **Appendix 11**.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in positive safety effects for pedestrians.

It is also noted that the Carrick Place vehicle access is proposed to accommodate only three carparks, to be used by residents.

- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow path to be diverted will be contained within the boundaries of the site until it reaches Valley Road and compensatory storage is to be provided for the displaced floodplain such that there will be no increase in overland flows or flooding on any other property generated by the development.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 78dB LAeq.

- Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. As Unit 1/9 is located within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.4 16 Carrick Place

16 Carrick Place is located to the north east of the subject site, approximately 18 metres away from the subject site. This property contains a single storey dwelling in the northern part of the site. This property is shown in blue in **Figure 12** below.



Figure 12: Property at 16 Carrick Place in relation to the subject site.

The actual and potential effects on persons at these properties are described below:

- With regard to visual effects, the proposal will represent a change in character compared to the existing development on the site, however measures have been taken to reduce perceived visual dominance from the surrounding environment, including:
 - The upper two levels of the Carrick Building have been set back to reduce potential dominance effects. Alongside the provision of physical step, the roof top treatment and

materiality of the upper floor has been designed to be recessive, reducing the perception of mass at the top of the building.

- It is proposed to undertake screen planting along the northern boundary, providing a green buffer.

It is noted that this property will experience limited views of the subject site and proposed development, due to limited openings along the southern elevation, the location of the primary outdoor living space to the rear, and the screening the dwelling on the site will provide when looking toward the subject site from the outdoor living space.

In considering the above factors, the visual dominance effects on persons at this property are considered to be acceptable.

- With regard to shading effects, this property will remain unaffected by shading from the proposed development year-round. This is demonstrated by the shading diagrams within as **Appendix 5**. This is an improvement from the previously consented development that generated some shading on this property during the evening in summer.
- With regard to privacy and overlooking, the proposed development is oriented to face east and west. Privacy and overlooking effects on persons at this property will be minimal due to the orientation of apartments within the site, the separation distance, and the location of this property to the north east of the subject site.
- With regard to operational noise, this is predicted to comply with the AUP(OP) standards, as discussed within the MDA report as **Appendix 11**.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in positive safety effects for pedestrians.
- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow will be contained within the boundaries of the site until it reaches Valley Road, and compensatory storage is to be provided for the displaced floodplain, such that there will be no increase in overland flows or flooding on any other property.
- With regard to construction noise and vibration effects, the proposed works are predicted to comply with the construction noise and vibration limits of the AUP(OP) in relation to this property, including with respect to historic and sensitive buildings (drystone walls and chimneys). Notwithstanding this, a CNVMP is proposed that will detail measures of managing and mitigating construction noise and vibration.
- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.5 18 Carrick Place

The property at 18 Carrick Place is located to the east of the subject site on the opposite side of Carrick Place. This site contains a non-residential use associated with the University of Auckland.



Figure 13: Property at 18 Carrick Place in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the non-residential nature of the development occupying this property. Notwithstanding this, the proposal is for a high-quality development, with an attractive interface to Carrick Place.
- In terms of shading, privacy and overlooking, given the non-residential use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, this property remains largely unaffected. Additional shading on this property during the evening in the equinoxes and summer solstice. During the equinox, this occurs at 5pm, during summer this occurs at 7pm, when the sun is already very low in the sky.
 - The building on this site is located slightly to the northeast of the proposed apartment buildings and inset into the site, off the eastern boundary, such opportunities for overlooking and privacy effects are minimised.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the proposed works are predicted to comply with the construction noise and vibration limits of the AUP(OP) in relation to this property. Notwithstanding this, a CNVMP is proposed that will detail measures of managing and mitigating construction noise and vibration.

7.12.6 21 Carrick Place

The property at 21 Carrick Place is located to the east of the site, it contains four residential flats (21A-21D) and is accessed via the southern end of Carrick Place. This property is shown in blue within **Figure 14** below.



Figure 14: Property at 21 Carrick Place in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- With regard to visual dominance, the following is noted:
 - This property is separated from the subject site by the property at 109 Valley Road, which contains a long warehouse style building at a similar elevation to this site. This building will provide some screening of the proposed development when looking west due to its length and height.
 - Along a large portion of the eastern boundary, the Valley and Carrick Buildings are inset 7-metres to provide for the accessway and landscape space, affording a minimum separation distance of 23-metres between this property and proposed buildings on the subject site.
 - Boundary screening planting is proposed to the east of the accessway and within the northern eastern garden ('garden court') to soften the built form when viewed from the east.
 - Given the above, it is expected that views will largely be of the upper levels of the proposed building. These have been sensitively designed to reduce perceptions of bulk.
 - Whilst not overly visible from this property, the proposal will result in an improved interface with the eastern boundary, compared to the consented development. This saw a three-storey building with a relatively blank façade, pushed to the eastern boundary. As noted above, the proposed Valley and Carrick buildings are set west into the site, and a separation has been provided between the two buildings.

On this basis, it is considered that visual dominance effects on persons at 21A-D Carrick Place have been mitigated such that they are acceptable.

- With regard to privacy and overlooking effects, it noted that the Valley and Carrick Building contain apartments oriented to the east, many of which contain balconies. Notwithstanding this, these properties are separated from the subject site by the property at 109 Valley Road, which afford a separation distance of 23 metres between the proposed balconies and this property, with windows being set back further again.

The separation distance, in addition to the boundary planting, will reduce views to these properties from the lower levels of the apartment buildings. From the upper levels, views are above the roof of this dwelling to Maungawhau in the distance.

Given the above, an appropriate sense of privacy will be maintained, with overlooking effects having been effectively managed by the proposed design. Privacy and overlooking effects are therefore considered acceptable.

- With regard to shading, shading diagrams have been prepared as part of the architectural drawings as **Appendix 5**. The following comment is made in relation to shading on this property: During summer solstice, this property remains unaffected by shading from the proposed development until 6pm. At 6pm there is very small amount of additional shading falling on the western boundary, this increases at 7pm, reaching the centre of the site.
- During the winter solstice, this property remains unaffected by shading from the proposed development until late afternoon, between 3-4pm.
- During the spring equinox, this property remains unaffected by shading from the proposed development until 4pm where there is a small amount of shading falling in the western part of the site, by 5pm this covers a large portion of the site.
- Overall, this property remains unaffected by shading generated by the proposed development for the most part of the day, year-round, with shading only occurring after afternoon in the equinox and winter, and in the evening during the summer months.
- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow will be contained within the boundaries of the site until it reaches Valley Road, and compensatory storage is to be provided for the displaced floodplain, such that there will be no increase in overland flows or flooding on this or any other property.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in safety improvements for pedestrians.
- With regard to construction noise and vibration effects, the following is noted:

- In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 72dB LAeq. It is noted this is only 2dB above the long-term construction noise limit.
- Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. As Unit 1/9 is located within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.7 109 Valley Road

The property at 109 Valley Road is located to the east of the subject site. It is a rear allotment with access via Valley Road. It contains an industrial style building located hard against the western boundary, occupied by offices. This property is shown in blue within **Figure 15** below.



Figure 15: Property at 109 Valley Road in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the non-residential nature of the development occupying this property and as a result of the blank western façade. Notwithstanding this, the proposal is considered to result in an improved interface compared to the consented development which saw a three-storey building with a relatively blank façade, pushed up to the eastern boundary. As discussed

previously within the report, the proposed Valley and Carrick buildings are set west into the site and a separation provided between the two buildings.

- In terms of shading, privacy and overlooking, given the non-residential use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, the proposal will see additional shading on this property during mid-afternoon during the equinox and winter solstice, and the evening during summer. Morning to mid-afternoon during the equinox and winter solstice this property remains unaffected by shading from the proposed development. Similarly, in summer, the property remains unaffected by shading from the proposed development until early evening.
 - With regard to privacy and overlooking, this property is occupied by an industrial style building with no openings on the western elevation. The proposed apartments will have views over and above this property toward Maungawhau.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 80dB LAeq.
 - Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. As Unit 1/9 is located within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.8 111 Valley Road

The property at 111 Valley Road is located to the east of the subject site. It contains a residential style bungalow occupied by offices. This property is shown in blue within **Figure 16** below.



Figure 16: Property at 111 Valley Road in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the non-residential nature of the development occupying this property. Notwithstanding this, the proposal is considered to result in an improved interface compared to the consented development which saw a three-storey building with a relatively blank façade, pushed up to the eastern boundary. As discussed previously within the report, the proposed Valley and Carrick buildings are set west into the site and a separation provided between the two buildings.
- In terms of shading, privacy and overlooking, given the non-residential use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, the proposal will see shading on this property, this occurs during mid-afternoon in the winter solstice and the equinoxes, and the evening during summer. Morning to mid-afternoon this property remains unaffected by shading from the proposed development.
 - With regard to privacy and overlooking the proposal will see fencing and screen planting provided along the eastern boundary, restricting views from lower-level apartments. The upper levels of the proposed apartments will have views over and above this property toward Maungawhau.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 74dB LAeq.

- Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. As Unit 1/9 is located within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.9 107 Valley Road

The property at 107 Valley Road is located to the east of the subject site, separated by the intervening Local Centre-zoned immediate neighbours. It contains a single-storey dwelling occupying a large portion of the site, a driveway is located at the front of the site, with outdoor living to the rear, in the northwestern corner. This



Figure 17: Property at 107 Valley Road in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- With regard to visual dominance, the following is noted:
 - The proposed development is separated from this property by the properties to the west at 111 Valley Road and 109 Valley Road, which contain buildings that will provide some screening of the development when viewed from this property.
 - Along a large portion of the eastern boundary, the Valley and Carrick Buildings are inset 7-metres to provide for the accessway and landscaping, affording a 24-metre separation distance between the majority of the buildings on the site. Though note that this

excludes a small portion of building located atop the entrance to the access way which will be separated 17-metres from this site.

- Boundary screening planting is proposed to the east of the accessway to soften the built form when viewed from the east.
- The architecture of the Valley Building is simple and cohesive, with the four levels of brick façade being capped with a subtly contrasting and visually recessive top floor treatment of vertical profile metal cladding to façade and roof form. This includes an elegant bullnose corner which further assists with reducing the apparent bulk at this upper level.
- The roof top treatment and materiality of the upper floor of the Carrick Building has been designed to be recessive in nature, reducing the perception of mass at the top of the building.
- The proposal will result in an improved interface with the eastern boundary, compared to the consented development. This saw a three-storey building with a relatively blank façade, pushed to the eastern boundary. As noted above, the proposed Valley and Carrick buildings are set west into the site, and a separation has been provided between the two buildings.

In considering the above factors, the visual dominance effects on persons at this property are considered to be appropriately mitigated and therefore acceptable.

- With regard to privacy and overlooking effects, it noted that the Valley and Carrick Building contain apartments oriented to the east, many of which contain balconies. Whilst so, these properties are separated from the subject site by the properties at 111 and 109 Valley Road, which afford a separation distance of 24 metres between the proposed balconies and this property, with windows being set back further again.

The separation distance, alongside the boundary planting will reduce views to these properties from the lower levels of the apartment buildings. From the upper levels, views are above the roof of this dwelling to Maungawhau in the distance.

Given the above, an appropriate sense of privacy will be maintained, with overlooking effects having been effectively managed by the proposed design. Privacy and overlooking effects on persons at this property are therefore considered acceptable.

- With regard to shading, shading diagrams have been prepared as part of the architectural drawings as **Appendix 5**. The following comment is made in relation to shading on this property:
 - During the winter solstice, this property remains unaffected by shading by the proposed development until around 3pm, where there is shading generated on the western part of the property. By 4pm, when it is nearing dark, the property is cast entirely in shade.
 - During the spring equinox, this property remains unaffected by shading from the proposed development until 4pm. By 5pm when the sun is very low in the sky, the entire property is nearly in shade
 - During the summer solstice, this property remains unaffected by shading from the proposed development until 6pm, where a small amount of shading falls in the northwestern corner of the site and by 7pm the shading extends slightly further east.

Overall, this property remains unaffected by shading generated by the proposed development for the most part of the day, year-round, with shading only occurring in the afternoon during equinox and winter, and in the evening during the summer months.

- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow will be contained within the boundaries of the site until it reaches Valley Road, and compensatory storage is to be provided for the displaced floodplain, such that there will be no increase in overland flows or flooding on this or any other property.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in safety improvements for pedestrians.
- With regard to construction noise and vibration effects, the proposed works are predicted to comply with the construction noise and vibration limits of the AUP(OP) in relation to this property. Notwithstanding this, a CNVMP is proposed that will detail measures of managing and mitigating construction noise and vibration.
- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.10 107A Valley Road

The property at 107A Valley Road is located to the east of the subject site, separated by the intervening Local Centre-zoned immediate neighbours. This property is a rear allotment containing a two-storey dwelling occupying a large portion of the site. This property is shown in blue within **Figure 18** below.

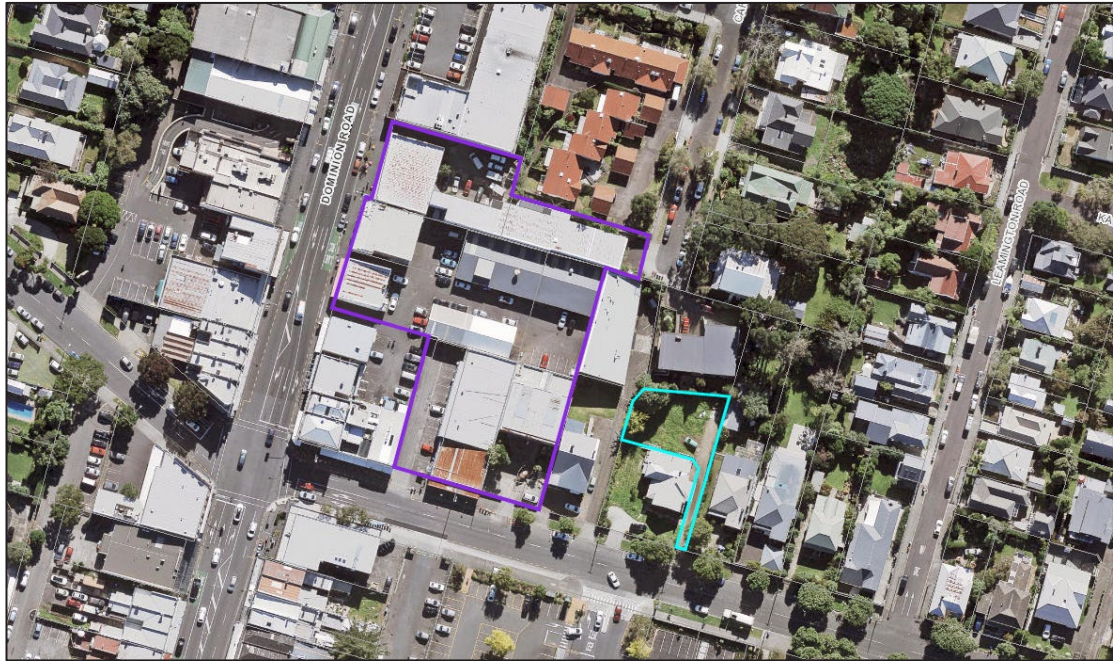


Figure 18: Property at 107A Valley Road in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- With regard to visual dominance, the following is noted:
 - The proposed development is separated from this property by the properties to the west at 111 Valley Road and 109 Valley Road, which contain buildings that will provide some screening of the development when viewed from this property
 - Along a large portion of the eastern boundary, the Valley and Carrick Buildings are inset 7-metres to provide for the accessway and landscape strip which affords a 24-metre separation distance between this property and the majority of the buildings on the site. Noting that there is a small portion of building located atop the entrance to the accessway which will be separated 17-metres from this site.
 - Boundary screening planting is proposed to the east of the accessway to soften the built form when viewed from the east.
 - The architecture of the Valley Road building is simple and cohesive, with the four levels of brick façade being capped with a subtly contrasting and visually recessive top floor treatment of vertical profile metal cladding to façade and roof form. This includes an elegant bullnose corner which further assists with reducing the apparent bulk at this upper level.
 - The roof top treatment and materiality of the upper floor of the Carrick Building has been designed to be recessive in nature, reducing the perception of mass at the top of the building.
 - The proposal will result in an improved interface with the eastern boundary, compared to the consented development. This saw a three-storey building with a relatively blank façade, pushed to the eastern boundary. As noted above, the proposed Valley and Carrick buildings are set west into the site, and a separation has been provided between the two buildings.

On this basis, it is considered that visual dominance effects on persons at this property have been mitigated such that they are acceptable.

- With regard to privacy and overlooking effects, it noted that the Valley and Carrick Building contain apartments oriented to the east, many of which contain balconies. Whilst so, these properties are separated from the subject site by the properties at 111 and 109 Valley Road, which afford a separation distance of 24 metres between the proposed balconies and this property, with windows being set back further again.

The separation distance, alongside the boundary planting will reduce views to these properties from the lower levels of the apartment buildings. From the upper levels, views are above the roof of this dwelling to Maungawhau in the distance.

Given the above, an appropriate sense of privacy will be maintained, with overlooking effects having been effectively managed by the proposed design. Privacy and overlooking effects on persons at this property are therefore considered acceptable.

- With regard to shading, shading diagrams have been prepared as part of the architectural drawings as **Appendix 5**. The following comment is made in relation to shading on this property:

- During the summer solstice, this property remains unaffected by shading from the proposed development until 6pm, where at 6pm to 7pm there is very small amount of additional shading compared to a compliant mass. It is noted that this is substantially lesser than the shading generated by the previously consented proposal.
- During the winter solstice, this property remains unaffected by shading from the proposed development until around 3pm, where it begins to fall on the western part of the property. By 4pm, when it is nearing dusk, the entire site will be cast in shade

During the spring equinox, this property remains unaffected by shading from the proposed development until 4pm where a small amount of shading falls in the western part of the site, by 5pm the entire site is cast in shade.

Overall, this property remains unaffected by shading generated by the proposed development for the most part of the day, year-round, with shading only occurring during afternoon in the equinox and winter, and in the evening during the summer months.

- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow will be contained within the boundaries of the site until it reaches Valley Road, and compensatory storage is to be provided for the displaced floodplain, such that there will be no increase in overland flows or flooding on this or any other property.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in safety improvements for pedestrians
- With regard to construction noise and vibration effects, the following is noted:

- In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to 72dB LAeq. It is noted this is only 2dB above the long-term construction noise limit.
- Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. As Unit 1/9 is located within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will see the construction noise and vibration effects managed to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.11 105 Valley Road

The property at 105 Valley Road is located to the east of the subject site, and is separated from the subject site by the properties at 107, 107A Valley Road and 21 Carrick Place, and by 109 and 111 Valley Road. This property contains a single dwelling fronting Valley Road, with a large rear yard behind. This property is shown in blue within **Figure 19** below.



Figure 19: Property at 105 Valley Road in relation to the subject site.

The actual and potential effects on persons at this property are discussed below:

- With regard to visual dominance, the following is noted:

- The proposed development is separated from this property by the properties to the west which contain buildings that will provide a degree of screening of the development when viewed from this property
- The property at 105 Valley Road is separated from the subject site by a distance of approximately 43 metres.
- Given the above, it is expected that views will largely be of the upper levels of the proposed building. These have been sensitively designed to reduce perceptions of bulk.

In considering the above factors, the visual dominance effects on persons at this property are considered to be acceptable.

- With regard to privacy and overlooking effects, it noted that the Valley and Carrick Building contain apartments oriented to the east, many of which contain balconies. Whilst so, these balconies will be separated approximately 50-metres from this property, and windows being set back further again.

The separation distance and intervening buildings will ensure no adverse privacy effects arise on persons at this property.

- With regard to shading, shading diagrams have been prepared as part of the architectural drawings as **Appendix 5**. The following comment is made in relation to shading on this property:
 - During the summer solstice, this property remains unaffected by shading from the proposed development.
 - During the winter solstice, this property remains unaffected by shading by the proposed development until around 4pm, where there is shading falling across most of the site.
 - During the spring equinox, this property remains unaffected by shading from the proposed development until around 5pm, when the shading begins to fall on the dwelling and across portions of the rear yard.

Overall, this property remains unaffected by shading generated by the proposed development for the most part of the day, year-round, with shading only occurring in the late afternoon during the equinox and winter,

- Any effects associated with infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the Civil Infrastructure Assessment as **Appendix 10**. Of particular note, is that the overland flow will be contained within the boundaries of the site until it reaches Valley Road, and compensatory storage is to be provided for the displaced floodplain, such that there will be no increase in overland flows or flooding on this or any other property.
- Any effects in relation to traffic, parking and access have been assessed within the Transport Assessment **Appendix 12**. The Transport Assessment considers the development is not expected to detrimentally effect the existing good safety record in the vicinity of the site, the traffic expected to be generated by the development can be accommodated within the existing road network, and that the net reduction in vehicle crossings will result in safety improvements for pedestrians.

- With regard to construction noise and vibration effects, the proposed works are predicted to comply with the construction noise and vibration limits of the AUP(OP) in relation to this property, including in relation to sensitive structures such as chimneys. Notwithstanding this, a CNVMP is proposed that will detail measures of managing and mitigating construction noise and vibration.
- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.12 191 – 217 Dominion Road

These properties are located to the western side of Dominion Road. These are commercial buildings occupied by a range of activities. These properties are shown in blue within **Figure 20** below.



Figure 20: Properties at 191-217 Dominion Road in relation to subject site.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the commercial nature of the development occupying this property. Notwithstanding this, the proposal provides a suitable interface to the street and overall will contribute a beneficial improvement to the character and amenity of the Dominion Road streetscape.
- In terms of shading, privacy and overlooking, given the commercial use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, these properties experience some morning shading, however this moves off these properties by 9am in the equinoxes and summer, and by 10am in winter.
 - With regard to overlooking and privacy, the proposal sees apartments oriented to the west, however development is separated from these properties by the width of Dominion Road.

- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to between 71-73dB L_{Aeq} , being only 1-3 dB above the long-term construction limits.
 - Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. Within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures will manage the construction noise and vibration effects to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

7.12.13 236 Dominion Road and 120 Valley Road

These properties are located on the southern side of Valley Road. These are commercial buildings occupied by a range of activities. These properties are shown in blue within **Figure 21** below.

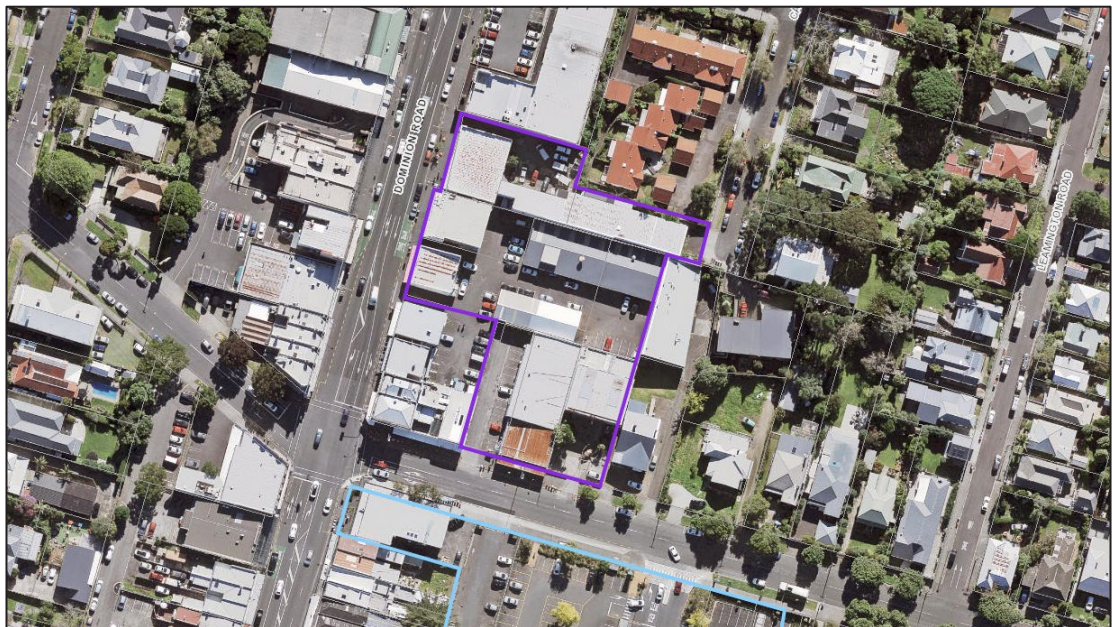


Figure 21: Properties at 236 Dominion Road and 120 Valley Road.

The actual and potential effects on persons at this property are discussed below:

- In terms of visual effects, this property is not considered to be particularly sensitive to change given the commercial nature of the development occupying this property. Notwithstanding this, the proposal provides a suitable interface to the street and overall will contribute a beneficial improvement to the character and amenity of the Dominion Road streetscape.

- In terms of shading, privacy and overlooking, given the commercial use of this site, it is not particularly sensitive to change in this regard. Notwithstanding this, the following is noted:
 - With regard to shading, these properties experience no shading from the proposed development during summer or the equinoxes. The largest amount of shading occurs early morning in winter, however by 11am, this reaches only a small area along the northern boundaries which gradually moves east throughout the day.
 - With regard to overlooking and privacy, the proposal sees apartments oriented to the west, however development is separated from these properties by the width of Dominion Road.
- Any effects in relation to traffic, parking, access, infrastructure servicing and flooding are considered to be acceptable for the reasons discussed within the assessment above.
- With regard to construction noise and vibration effects, the following is noted:
 - In relation to typical construction activities across the site, noise levels are predicted to comply. This excludes rock breaking which is predicted to result in noise levels of up to between 74dB L_{Aeq} at 236 Dominion Road.
 - Compliance with the building protection criteria is predicted for all construction activities. Further, compliance with the vibration amenity limit is predicted for all construction activities, excluding rock breaking within 12 metres of buildings. Within 12-metres, the vibration amenity limit is only able to comply where specific measures are undertaken as noted within the Assessment of Acoustic effects as **Appendix 11**.

The preparation of a CNVMP outlining management and mitigation measures manage construction noise and vibration effects to a reasonable level, such they are considered appropriate for the scale and nature of the development.

- In relation to broader construction effects, the preparation of a CMP, CTMP, ECMP and SMP will ensure that any adverse effects relating to construction are appropriately mitigated, as discussed within section 7.2 above.

8.0 Statutory Documents (Section 104(1)(B))

8.1 Auckland Unitary Plan (Operative in Part)

8.1.1 Objectives and Policies of the Auckland Unitary Plan (Operative in Part)

8.1.1.1 H6 Residential – Terrace Housing and Apartment Building Zone

The objectives and policies for the THAB zone are contained in sections H6.2 and H6.3 of the AUP (OP). The objectives direct that land adjacent to centres and near the public transport is used to provide high-density urban living that increases housing capacity and choice, providing for development of five-seven storeys. The policies direct that a variety of housing types is enabled, encourage development that achieves attractive and safe streets, and requires accommodation to meet the day to say needs of residents.

A full assessment of each relevant objective and policy is attached as **Appendix 18** and a high-level summary is provided below:

- The proposal provides for high density urban living in a location in close proximity to the Eden Valley Centre and public transport routes.
- The proposal sees the construction of 135 residential apartments, thus increasing housing capacity. The apartments will add notable diversity to the housing typologies within this part of Eden Valley and provide for the different housing needs within the community.
- A high level on-site residential amenity is provided for through careful consideration of site planning and building design. The apartments have good solar access, privacy outlook, and private and communal outdoor space.
- The proposed development achieves a five-storey form.
- Height and bulk have been managed to maintain daylight access and a reasonable standard of privacy, and to minimise visual dominance effects to adjoining sites and developments, as discussed throughout the above assessment.

Having regard to the above, it is considered the proposed development is in accordance with the objectives and policies of the Terrace Housing and Apartment Building zone.

8.1.1.2 H11 Business - Local Centre Zone

The objectives and policies for the Local Centre zone are contained in sections H11.2 and H11.3 of the AUP(OP). The general objectives for all centres, Business – Mixed Use Zone, Business – General Business Zone and Business – Business Park Zone direct a strong network of centres that are attractive environments and attract ongoing investment, promote commercial activity, and provide employment, housing and goods and services, all at a variety of scales as focal points for the community.

The policies reinforce the objectives, and direct that development provides for the community's social and economic needs through local community access to goods, services, community facilities and opportunities for social interaction whilst providing for residential amenity. A full assessment of each relevant objective and policy is attached as **Appendix 18** and a high-level summary is provided below:

- The comprehensive redevelopment of the site will act to reinforce the local centre as a focal point in the community, with the high-quality design response making a positive contribution to the centre and the increased density that the development provides will contribute to the vibrancy, vitality and amenity of the local centre.
- The height, scale, massing and materiality of the proposed development has been extensively tested and developed to result in a built form that is of high-quality and responds appropriately to the context of the site, being within the Eden Valley centre and Special Character Area. The proposed development will have an overall positive effect on the public realm and streetscape character.
- The proposal includes four retail tenancies and a food and beverage tenancy, located along the Dominion Road and Valley Road street frontages. These tenancies are of a scale commensurate with that expected for the Local Centre zone, which seeks to provide for the local convenience needs of surrounding residential areas.

- Effects, including visual dominance, privacy and overlooking, and shading effects on adjoining residentially zoned properties have been carefully managed through the proposed design, such that the overall amenity values of the area are maintained.

8.1.1.3 D18 Special Character Overlays – Residential and Business

The objectives and policies for Special Character Areas are contained in Sections D18.2 and D18.3 of the AUP(OP). The objectives seek to ensure that the special character values identified within are maintained and enhanced, that the physical attributes that define, contribute to or support the area are retained, and the adverse effects of subdivision use and development are avoided, remedied or mitigated.

The policies require all development and redevelopment to have regard and respond positively to the identified special character values and context of the area, for any application for demolition or removal to demonstrate the loss of the building would not erode the identified values of the area or disrupt the cohesiveness of the special character area. Further, the policies require new buildings within the overlay to maintain the integrity of the context of the area through the use of quality design, materials, colour and decoration that respects and enhances the built form and streetscape of the area.

The proposal is considered consistent with these objectives and policies for the following reasons:

- The Special Character Assessment within **Appendix 9** concludes the following:
 - Demolition of two *character supporting* buildings generates low adverse (minor) effects on the special character values of the Special Character Areas Overlay - Business: Eden Valley, primarily through the demolition of the 'Universal' Buildings. The demolition of 214-216 Dominion Road will have negligible adverse effects;
 - The Universal Building's contribution to the special character area is moderate, as it has been substantially altered over time, has limited reference to the early 20th century special character architectural values (the existing building largely dating from 1949), and it is located at the periphery of the character area;
 - Several options to explore the retention and re-use of the Universal Buildings demonstrate this is not feasible in relation to the development proposal;
 - Replacement buildings appropriately recognise and respond positively to the special character values of the Special Character Areas Overlay - Business: Eden Valley, and the Special Character Areas Overlay - Residential: Isthmus A;
 - The proposed development will not result in any overall adverse effect on the special character values of the Special Character Areas Overlay - Business: Eden Valley or Special Character Areas Overlay - Residential: Isthmus A that is more than minor; and,
 - Potential adverse effects arising from demolition and construction can be appropriately mitigated through control of development and monitoring of construction works.
- The Urban Design, and Landscape and Visual Assessment within **Appendix 7** has also provided commentary as to how the proposal responds positively to the special character area from an urban design perspective.

8.1.1.4 E8 Stormwater Discharge and Diversion

The objectives and policies relating to stormwater discharge and diversion are located within E1.2 and E1.3. The objectives and policies seek to ensure that freshwater quality is maintained or improved, the mauri of freshwater is maintained or improved, that stormwater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.

The proposal is considered to be consistent with the objectives and policies of E1, noting that as discussed within the Civil Engineering Report as **Appendix 10**, treatment is provided for in accordance with GD01. This will ensure that stormwater is treated in a manner which reduces the level of contaminants and gross stormwater pollutants.

8.1.1.5 E12 Land Disturbance – District

The objectives and policies for land disturbance seek to ensure that land disturbance is undertaken in a manner where the safety of people is protected and adverse effects on the environment are avoided, remedied or mitigated. In our view, the proposal will give effect to these objectives and policies for the reasons below

- The implementation of a suite of erosion and sediment control measures in line with GD05 will ensure that sediment runoff or discharge will be suitably mitigated and minimised. Similarly, dust suppression measures will be in place to ensure adverse dust effects are mitigated.
- The geotechnical report provides recommendations that are accepted by applicant to ensure the stability and safety of surrounding land, buildings and structures.

8.1.1.6 E17 Trees in Road

The objectives and policies for trees in roads are contained in sections E17.2 and E17.3, and aim to protect trees in roads that contribute to cultural, landscape, and ecological values, increase the quality and extent of tree cover in roads, and enable the safe and efficient development of the transport system and utilities.

The proposal involves the removal of a single street tree within Valley Road. Two trees are proposed to be planted within the street as mitigation. This is discussed further within the Arboricultural Assessment as **Appendix 16**. For these reasons it is considered that the proposal accords with these objectives and policies.

8.1.1.7 E23 Signs

The objectives for signs seek to ensure that comprehensive development signage contributes to the social and economic well-being of communities through place identification, and advertising goods and services. They should also be managed to maintain traffic and pedestrian safety, historic heritage values and the visual amenity of the surrounding environment.

The proposed signage is considered to be consistent with these desired outcomes. The elevation drawings demonstrate that the signs on the exterior of the buildings do not visually dominate the façade on which they are located. Content for this signage is yet to be developed and is expected to be designed in collaboration with future tenants. However, given that the development includes retail and food and beverage activities, it is a reasonable expectation that this will feature the name and/or logo of the retailer occupying part of the building

Overall, the relevant signage provisions are considered to be met to the extent that visual amenity, traffic and pedestrian safety will be maintained.

8.1.1.8 E25 Noise and Vibration

The objectives and policies for noise and vibration are contained in sections E25.2 and E25.3 of the AUP (OP). The Plan seeks to ensure that amenity values of residential zones, and people in general, are protected from unreasonable levels of noise and vibration. Construction activities that cannot meet noise and vibration standards are enabled where the duration, frequency and timing is controlled to manage adverse effects. Activities are encouraged to establish in locations where the noise generated is compatible with adjacent activities and zones, and where reverse sensitivity effects are remedied or mitigated.

It is anticipated that operational noise will comply with the limits set out in the AUP(OP) standards. In order to ensure adequate amenity is provided for the apartments and reverse sensitivity is avoided, specific façade and internal acoustic design is proposed.

With regard to construction noise and vibration, this is an inherent part of development in any environment and this is not considered to be an unreasonable outcome. The Acoustic Assessment of Effects prepared by MDA predicts that noise and vibration from construction will generally comply with limits set out in the Chapter E25, however during rock breaking, there will be some instances where the construction noise and vibration levels are predicted to be exceeded to some adjacent properties.

The assessment concludes that effects of the development will be reasonable in this environment subject to mitigation measures such as use of quieter equipment, installation of noise barriers and preparation of a Construction Noise and Vibration Management Plan. This accords with policy E25.3(10) which allows for mitigation of the adverse effects of noise and vibration from construction, maintenance and demolition activities.

Provided that these measures are secured via conditions of consent, it is considered that the proposal will meet the objectives and policies of protecting people from unreasonable noise and managing adverse effects.

8.1.1.9 E27 Transport

The transport objectives and policies seek to encourage that land use and transport (including public transport, walking and cycling) is integrated in a manner that enables adverse effects of traffic generation on the transport network are managed in a manner that supports urban amenity, efficient use of land and the functional requirements of activities. In addition, the objectives and policies ensure that parking and access is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the site.

The proposal is considered to accord with these objectives and policies, for the following reasons:

- The area is well serviced by public transport, cycling infrastructure, and pedestrian infrastructure (as described in the transportation report), such that it is a suitable location for intensified residential development; and
- The transportation report confirms that the parking and access arrangements will be able to function safely and efficiently.

8.1.1.10 E30 Contamination

The objectives and policies for contaminated land seek to manage discharges of contaminants to protect the environment and human health, and enable land to be used for suitable activities now and in the future.

The proposal is consistent with the objectives and policies as the discharge of contaminants from contaminated land into air, water or into land and will be managed to protect the environment and human health via the measures outlined in the CSMP.

8.1.1.11 E36 Natural Hazards and Flooding

The proposal involves the construction of new buildings within the mapped extent of the flood and coastal hazards. However, the design and layout of the buildings will be designed to respond to and appropriately accommodate both the overland flow paths and flood plains, to ensure the risk to people and property is avoided or otherwise managed. The buildings include a suitable freeboard above the predicted flood extent, thereby ensuring the safety of future occupants.

Given the above, it is expected that effects on public safety from the development will be appropriately managed, and the layout has been designed to the flood hazards at their existing location and extent.

Overall, the relevant natural hazards and flooding objectives and policies will be met.

8.2 Weighting of Plan Changes: Plan Change 79

The Act requires that that before a plan change becomes operative, any resource consent application is considered against the provisions of both the operative plan and any relevant proposed plan change. In this case, the decisions on Plan Change 79 were notified on 9 August 2024.

With regard to the assessment of an application for resource consent and the decision-making process, where an application is being assessed under the AUP (OP) and PC79, it is standard practice to establish a weighting of the Plans. Caselaw indicates that more weight should generally be placed on the controls of an operative plan until such time as a proposed plan change has advanced sufficiently through the statutory process, although this is not the only criterion.

Weighting only becomes relevant in the event that different outcomes arise from assessments of objectives and policies under the operative and proposed provisions.

As the outcome envisaged by PC79 differs from those envisaged by the operative plan, both sets of provisions must be assessed. The notified version of PC79 has been exposed to testing and independent decision making through submissions and a hearing and a decision on submissions was notified on 9 August 2024. However, these provisions are subject to potential challenge within a 30-working day appeal period. The nature of appeals is unknown at this stage.

Given the uncertainty around the final content of the proposed provisions (which may still be subject to appeal), at this stage greater weight should be placed on the operative provisions. Notwithstanding that, with respect to accessible parking, the proposal has been assessed against the PC79 provisions. The proposal has carefully considered opportunities for accessible parking, however, there are limitations within the site on the development's ability to provide accessible parking. Noting that:

- The depth of the basement would be required to be increased to provide the required vertical clearances, resulting in significant additional cost, resulting from further levels of excavation/rock-breaking, increasing the potential for adverse effects.
- Implementing these requirements is impractical, given that carparking is allocated to specific units, such that there is no way of ensuring a resident that may require an accessible park is able to get one.

8.3 Relevant Rules and Assessment Criteria

The AUP (OP) specifies standards, matters of discretion and assessment criteria to be considered in assessing applications for specific consent matters. These provisions largely cover the same matters that have been discussed and assessed in the above report, pertaining to environmental effects and the objectives and policies of the Plan. While this resource consent application is discretionary overall, the matters of discretion and assessment criteria provides relevant matters to be considered. Additional assessment is provided below

8.3.1 H6 Residential – Terrace Housing and Apartment Building zone

With respect to the Residential – Terrace Housing and Apartment Building zone, the proposal requires consent for the following:

- Construction of a building to contain dwellings
- A new building that does not comply with the standard height in relation to boundary but complies with the alternative height in relation to boundary
- Infringement to standards:
 - Building height
 - Height in relation to boundary
 - Yards
 - Rainwater tanks

8.3.1.12 Construction of a building to contain dwellings

Matters of discretion and criteria for assessing the construction of dwellings are set out under H6.8.1(2) and H6.8.2(2). Having regard to the relevant matters of discretion and assessment criteria, the following comments are made in relation to the proposed development:

- As discussed within the Urban Design, Landscape and Visual Effects Assessment, the proposed development, the development responds appropriately to the context of the site, being within the Eden Valley centre and special character area. The proposed development will have an overall positive effect on the public realm and streetscape character.
- The establishment of the proposed development can be undertaken in a way so that its effect on the function, capacity and safety of the surrounding road network will be minimal. Noting the subject site has good access to public transport services.
- The proposed development is able to be adequately serviced in terms of wastewater, stormwater and water supply.

- The proposal provides for an appropriate area of rubbish storage for the retail tenancies and commercial apartments within the development. Green Gorilla has undertaken a Waste Management Report included as **Appendix 17**
- A high level of on-site residential amenity is provided for through careful consideration of site planning and building design. The apartments have good solar access, privacy outlook, and private and communal outdoor space.

8.3.1.13 A new building that does not comply with the standard height in relation to boundary but complies with the alternative height in relation to boundary

Matters of discretion and criteria for assessing buildings that do not comply with the standard height in relation to boundary but do comply with the alternative height in relation to boundary are set out under H6.8.1(3) and H6.8.2(3). Having regard to the relevant matters of discretion and assessment criteria, the following comments are made in relation to the proposed development:

- The proposed development has been designed to reduce visual dominance effects when viewed from surrounding residential sites, noting:
 - The Carrick Building is located in the northern eastern part of the site. The Carrick Building steps in height from three-storeys in the part closest to the retirement units, to five-storeys further south, to reduce mass at the top of the building. The roof top treatment and materiality of the upper floor has also been designed to be recessive in nature, reducing the perception of mass at the top of the building. Overall, the stepped back building arrangement and the architectural treatment of the apartment building minimises visual dominance to the retirement units.
 - The Carrick Building is also separated 5.1 metres from the northern boundary for the majority of its extent, except where the proposed decks for Level 1-3 are located 650mm further north. It is proposed to undertake planting along this boundary at the ground level of the retirement units, such to provide dense screening of the development, limiting views toward the building from persons at this property. The planting will obscure the first two levels of the building, and part of the third.
 - The Valley Building has been designed to be set back from the eastern boundary. In addition, the architecture of the Valley Road building is simple and cohesive. It comprises four levels of brick façade being capped with a subtly contrasting and visually recessive top floor treatment of vertical profile metal cladding. This design includes an elegant bullnose corner which further assists with reducing the apparent bulk at this upper level/
 - Screen planting is provided along the eastern boundary to soften the buildings as viewed from the east.
 - The Carrick and Valley Buildings have been massed as two buildings, where the previous consent saw one elongated building pushed right to the eastern boundary. The separation between the Carrick and Valley Buildings also works to reduce dominance effects.
 - The Dominion Building is separated 13-metres from any residential properties and screen planting is proposed.

- As described within the above report and the Urban Design, Landscape and Visual Assessment, the proposal achieves an attractive interface with the street for a number of reasons, with the effects in relation to pedestrian safety and amenity being positive.
- As discussed in the report above and described within the Urban Design, Landscape and Visual Assessment, the proposal minimises direct overlooking through planting, orientation of units and balconies, the placement of windows and separation distances.

8.3.1.14 Infringement of standards

As identified above, resource consent is sought for infringements to building height, height in relation to boundary, yards and rainwater tanks. The matters of discretion and assessment criteria are contained within H6.8.1(4), H6.8.1(5), H6.8.2(4), H6.8.2(5), H6.8.2(6) H6.8.2(9), and H6.8.2(13). Having regard to the relevant matters of discretion and assessment criteria, the following comments are made in relation to the proposed development:

- **Building height:** The purpose of this standard is to manage the height of buildings to provide for terrace housing and apartments and achieve an urban built character of predominately five storeys or six or seven storeys in identified locations. The purpose of the standard is met in that the proposal is for a five-storey apartment building.
- **Height in relation to boundary:** To minimise the adverse effects of building height on neighbours (i.e. dominance and shading) and reduce the overall visual dominance of buildings at upper levels.

The purpose of this standard is met, in that the proposal minimises the adverse effects of building height through careful design, noting the building achieves compliance with the alternative height in relation to boundary standard. With regard to visual dominance, this has been discussed extensively throughout the report above and within the Urban Design, Landscape Visual Assessment. Visual dominance effects are considered to be minimised such that they are acceptable. Similarly, the shading effects are considered to be minimised, noting that additional shading on any residential property is only occurring toward the end of the day when the sun is lowest in the sky, such that adequate sunlight and daylight is maintained to these properties.

- **Yards:** The purpose of this standard is to create an urban streetscape character and provide sufficient pace for landscaping within the front yard and to maintain a reasonable standard of residential amenity for adjoining sites. The purpose of this standard is achieved, as whilst there will be a 500mm infringement to the front yard setback, a 1-metre landscape strip is provided and this will be planted to achieve a pleasant interface with the street.
- **Outlook Space:** The purpose of this standard is to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites, and to manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
 - With regard to visual privacy between habitable rooms of different buildings on the same or adjacent sites, where outlook spaces overlap, windows have been oriented in a manner which avoids privacy effects arising.
 - With regard to visual dominance, whilst there are some building elements that result in infringements to outlook space widths, these comprise short portions of wall, façade

columns, and small areas of slatted screening to decks. As such, all living rooms and bedrooms will have

- It is noted there are some rooms that are considered habitable, being multi-purpose rooms that are not provided access to a window and therefore outlook space. This is considered appropriate given the intermittent use of such rooms.

8.3.2 H11 Business – Local Centre zone

With respect to the Business – Local Centre zone, the proposal requires consent for the following:

- Construction of new buildings
- Infringement to standards
 - Building height
 - Yards
 - Outlook space

8.3.2.15 Construction of new buildings

Matters of discretion and criteria for assessing new buildings are set out under H11.8.1(4) and H11.8.2(4). These include design and appearance and the effects on public amenity/space; landscaping; stormwater management; functional requirements of buildings. The purpose of controlling the construction of new buildings is to ensure development is designed to a high standard which enhances the quality of the centres streets and public open spaces.

Having regard to the relevant effects assessment above, and the Urban Design, Landscape and Visual Assessment, the following comments are made:

- In the Dominion and Valley Road streetscape views, the proposal is assessed the sit comfortably within the existing and reasonably anticipated urban arterial environment with the important character defining buildings retaining their prominence and the scale of the streetscape appropriately defined.
- The proposal makes a positive contribution to pedestrian amenity, movements, safety and convenience through the highly active ground floor frontages, provision of canopies, attractive façade design and the net reduction in vehicle crossings.
- Access between the street and building is provided for people of all abilities, noting universal access is provided from both Dominion and Valley Road.
- Generous landscaping is provided throughout the site and along the north eastern and eastern boundaries of the site, contributing to the ‘greening’ of the site and neighbourhood.
- Stormwater is appropriately managed as described within the **Appendix 10**.

Infringement of standards

As identified above, resource consent is sought for infringements to building height, yards and outlook spaces. The relevant assessment criteria are contained within H11.8.1(8), H11.8.2(8)(a), (c), and (f) having regard to the relevant matters of discretion and assessment criteria, the following comments are made in relation to the proposed development

- **Building height:** The purpose of this standard is to manage the effects of building height, including shadowing effects on public open space and visual dominance effects, to allow an occupiable height component to allow for roof form and variation, to enable greater height in areas identified for intensification, and provide for variations to height to recognise the character and amenity of particular areas. The subject site is subject to a height variation control due to its location within Eden Valley.

Whilst the proposed development infringes the height standard, the additional building height is effectively managed such that any effects are considered acceptable. With regard to visual dominance, shading and amenity this is discussed within Urban Design, Landscape and Visual assessment and within the above report. With regard to the effects on the Eden Valley Character Area, this has been discussed at length within the Special Character Assessment.

- **Yards:** The purpose of this standard is to provide a landscaped buffer between building and activities and adjoining residential zones, to mitigate adverse visual and nuisance effects. Whilst the proposal does not meet the yard standard as a result of the proximity of the basement to the north eastern boundary, the purpose of the standard is met in that there is sufficient room for a row of trees to be planted between the residentially zoned site and the basement, such to ensure adverse visual effects are managed.
- **Outlook space:** The purpose of this standard is to ensure a reasonable standard of visual privacy between habitable rooms of different buildings, on the same or adjacent sites, and to manage visual dominance effects within a site by ensuring that habitable rooms have an outlook and sense of space.
 - With regard to visual privacy between habitable rooms of different buildings on the same or adjacent sites, where outlook spaces overlap, windows have been oriented in a manner which avoids privacy effects arising.
 - With regard to visual dominance, whilst there are some building elements that result in infringements to outlook space widths, these comprise short portions of wall, façade columns, and small areas of slatted screening to decks. As such, all living rooms and bedrooms will have
 - It is noted there are some rooms that are considered habitable, being studies and multi-purpose rooms, that are not provided access to a window and therefore outlook space. This is considered appropriate given the intermittent use of such rooms.

The purpose of this standard is considered to be met.

8.4 Objectives and Policies of the National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (NPS-UD) aims to ensure New Zealand's towns and cities are well-functioning urban environments that meet the changing needs of our diverse communities. It enables the development of land and infrastructure for urban land uses while recognising the national significance of well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing. For the reasons below in particular, the proposal aligns with the NPS-UD as the proposal:

- Will provide for greater intensity of development and increased height in a location that is highly accessible, well served by public transport, within a local centre, within walking

distance to education, healthcare, community facilities and public open space, as well as being market desirable;

- Has high accessibility to commercial activities and community services in the local area.
- Will provide for variety of apartment sizes and prices which will attract different household types.
- Will create a well-functioning urban environment due to the mixed-use nature of the development and is within a walkable catchment to social infrastructure.
- Provides a high level of accessibility and integration with the existing traffic network, particularly, in terms of walking and cycling.
- Will provide more housing supply, therefore assisting to improve housing affordability.
- Has also taken into account the current and future effects of climate change in the design of the proposed stormwater management approach.

8.5 Objectives and Policies of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The intent of the NESCS is to provide a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or contaminants are contained to ensure the land is safe for human use.

The proposed ground disturbance is essential to enabling and facilitating the development of the site. In order to address any potential contamination effect, an Initial Site Management Plan has been prepared which outlines procedures to manage potential ground contamination effects on human health and the environment during ground disturbance activities associated with the proposed site development works and includes requirements for sampling and testing prior to earthworks commencing. In doing so, the overarching purpose and objective of the NESCS to protect human health will be achieved.

9.0 Other Matters (Section 104(1)(C))

9.1 Non-Statutory Documents

9.1.1 Auckland Future Development Strategy 2023-2053

The Auckland Future Development Strategy 2023-2053 ("**FDS**") incorporates a strategic framework which identifies spatial outcomes and principles for growth within the Auckland region. The FDS identifies four main spatial environments, being existing urban areas, future urban areas, rural areas, and business areas, and also identifies spatial priorities where the greatest benefits of investment can be achieved.

The FDS is underpinned by five key principles in order to achieve a well-functioning urban environment with a quality compact urban form:

- Principle 1: Reduce greenhouse gas emission.

- Principle 2: Adapt to the impacts of climate change.
- Principle 3: Make efficient and equitable infrastructure investments.
- Principle 4: Protect and restore the natural environment.
- Principle 5: Enable sufficient capacity for residential and business growth in the right place at the right time.

Overall, the proposal is consistent with these principles. In particular, the site is located within an urban zoned area with public transport connections and in walking distance of a range of goods and services, employment opportunities and community facilities, thus assisting in the reduction of greenhouse gas emissions.

9.1.2 Auckland Plan 2050

The Auckland Plan is the key strategic document which sets the Council's social, economic, environmental and cultural objectives. A key component of the Auckland Plan is the Development Strategy which sets out how future growth will be accommodated up to 2050. In terms of the form of development, the Auckland Plan takes a quality compact approach to growth and development. Under the Auckland Plan achieving the quality compact approach for future development is twofold. There needs to be sufficient capacity for growth across Auckland and good design needs to be embedded in all development.

This proposal supports a quality compact urban form, through providing a well-designed mixed-use development. The development sees the provision of housing located in an area of activity and good transport options.

9.2 Record of Title Interests

The Record of Title for the site are subject to a number of interests (refer **Appendix 1**). None of these are anticipated to affect the resource consent application as discussed in **Table 1** below:

Table 1: Record of Title interests

Interest	Comment
Fencing Agreement in Transfer 374647, Fencing Agreement in Transfer 716668, Fencing Agreement in Transfer A66758	These fencing agreements are civil agreements that will have no bearing on the proposal.
Subject to Section 351D (3) Municipal Corporations Act 1954	This restricts the disposal of the allotments individually. this restriction will be redundant as a result of the proposed development.
Subject to a right of way over part created by Transfer 479766	This interest pertains to a Right of Way between Part Lot 1 DP 31896 and Part Lot 3 DP 1, which both form part of the subject site. This will become redundant through the proposed redevelopment of the site.

9.3 Tree Owner Approvals

Tree owner approval will be required for the removal of the street tree in the location of the proposed vehicle entry.

10.0 Part 2 Matters

While it is not necessary to take recourse to Part 2 given that it has already been incorporated into the AUP (OP), we recognise this is matter for the decision-maker and so we address Part 2 below out of an abundance of caution and completeness

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

Section 6 of the Act sets out a number of matters of national importance including (but not limited to) the protection of outstanding natural features and landscapes and historic heritage from inappropriate subdivision, use and development.

Section 7 identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

Overall, as the effects of the proposal are considered to be acceptable, and the proposal accords with the relevant AUP(OP) objectives and policies, it is considered that the proposal will not offend against the general resource management principles set out in Part 2 of the Act.

11.0 Section 105 Discharge and Coastal Permits

Under section 105(1) of the Act, in addition to the matters in section 104(1) of the Act, a consent authority must have regard to:

- the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
- the applicant’s reasons for the proposed choice; and
- any possible alternative methods of discharge, including discharge into any other receiving environment.

The primary stormwater flows from the development is proposed to be discharged via on site soakage to the underlying volcanic aquifer, consistent with the existing stormwater management for the site. A portion of the secondary flows are also proposed to discharge via on-site soakage, with the remainder discharging to Valley Road. Also noting that is no reticulated network within the area.

12.0 Section 107 Discharge Permit Restrictions

Under section 107 of the Act, unless there are exceptional circumstances, or the discharge is temporary, or it is associated with maintenance work, a consent authority cannot grant a discharge permit that would have following effects:

- if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:
 - the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
 - any conspicuous change in the colour or visual clarity:
 - any emission of objectionable odour:
 - the rendering of fresh water unsuitable for consumption by farm animals:
 - any significant adverse effects on aquatic life.

The proposal will not give rise to any of the above for the reasons described within the Civil Engineering Report included as **Appendix 10**.

13.0 Conclusion

The proposal involves the demolition of existing buildings, including a character supporting, construction of mixed-use development, including 135 residential units and five commercial tenancies, and associated enabling works at 198-202, 214-222 Dominion Road and 113-117 Valley Road, Mount Eden.

Public notification is requested by the applicant under s95 of the RMA.

Based on the above report it is considered that:

- The proposal will result in significant positive effects, as it will improve the quality of the built environment within this area and provide for 135 high-quality residential apartments of varying typologies.
- Having considered the actual and potential effects of the proposal, the proposal will appropriately manage any adverse effects on the environment and subject to appropriate conditions of resource consent, potential adverse effects will be avoided, remedied or mitigated;
- The proposal accords with the relevant objectives, policies and assessment criteria;
- The proposal accords with the NPS-UD; and
- The proposal is considered to be consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess.