

I hereby give notice that an ordinary meeting of the Kaipātiki Local Board will be held on:

Date: Wednesday, 13 May 2015
Time: 9.00am
Meeting Room: Kaipātiki Local Board Office
Venue: 90 Bentley Avenue
Glenfield

Kaipātiki Local Board OPEN ADDENDUM AGENDA

MEMBERSHIP

Chairperson	Kay McIntyre, QSM
Deputy Chairperson	Ann Hartley, JP
Members	Dr Grant Gillon John Gillon Danielle Grant Richard Hills Lorene Pigg Lindsay Waugh

(Quorum 4 members)

Blair Doherty
Kaipatiki Local Board Democracy Advisor

8 May 2015

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ITEM	TABLE OF CONTENTS	PAGE
15	Landowner Approval for 17 Chartwell Avenue, Glenfield and Affected Party Approval for 9A Mirage Place, Beach Haven	5

Landowner Approval for 17 Chartwell Avenue, Glenfield and Affected Party Approval for 9A Mirage Place, Beach Haven

File No.: CP2015/07607

Purpose

1. To seek approval to grant an easement for a proposed boardwalk providing an emergency exit route from a proposed new early childhood education centre to be located at 17 Chartwell Avenue, Glenfield, into Marlborough Park.
2. To seek affected party approval for a proposed infringement of the North Shore District Plan's height in relation to boundary and side yard rules as a result of a proposal to build a two level house at 9A Mirage Place, Beach Haven.

Executive Summary

Proposed easement over Marlborough Park

3. Resource consent has been lodged to build and operate a privately owned early childhood education (ECE) centre at 17 Chartwell Avenue, Glenfield. Council's stormwater unit reviewed the application, as it is located within the 100 year flood zone, and have required the applicant to provide an emergency exit route from the site to a location outside the floodzone (refer **Attachment A**). It has been indicated that the resource consent cannot be granted unless the emergency exit can be secured.
4. Marlborough Park has been identified as the only viable option as part of Chartwell Avenue and neighbouring properties lie within the flood zone. It is proposed to construct a boardwalk into the park from the ECE (refer **Attachment B** and **C**).
5. Marlborough Park is held as a recreation reserve and it is considered that the boardwalk will have minimal impact on the reserve and its users. The applicant has offered to carry out mitigation planting to soften and screen the boardwalk and will maintain the boardwalk and planting for the lifetime of the easement.
6. Public consultation for the grant of an easement under the Reserves Act is not required as it is considered that the reserve and the rights of the public are not likely to be materially altered or permanently damaged. It is recommended that an easement be granted for the boardwalk. Conditions of any approval around mitigation planting and maintenance for the term of the easement are proposed.

Proposed affected party approval 9A Mirage Place

7. The infringements are considered to have no more than a minor effect and it is recommended that affected party approval be granted and that the applicant carries out mitigation works within the reserve including weed removal and replanting.

Recommendation/s

That the Kaipātiki Local Board:

- a) approve the grant of an easement under section 48(1) Reserves Act 1977 to the applicant in respect of a boardwalk to extend from the proposed early childhood centre at 17 Chartwell Avenue, Glenfield approximately 10 metres in length within Marlborough Park, as shown on the Site Plan prepared by Life Style Architectural Services Rev 8 Ref 13812 and the plan showing Elevations C and D, Rev 8 on the basis that under section 48(3) the reserve and the rights of the public are not likely to be materially altered or permanently damaged.
- b) grant the easement subject to the following conditions:
 - i) that resource consent be obtained;
 - ii) that the easement only relates to the early childhood education centre at 17 Chartwell Avenue, Glenfield and will be withdrawn if the early childhood education centre is no longer operating;
 - iii) that the applicant will repair and maintain the boardwalk and landscape planting to the standards required by the council and under the building consent;
 - iv) that the Parks arborist will review any proposed works in the dripline of trees within Marlborough Park and either provides approval or an alternative work area provided the boardwalk is no more than 10m in length from the boundary of the property; and
 - v) that the boardwalk meets all building code specifications.
- c) delegate the Manager Local and Sports Parks North to develop conditions around the construction of the boardwalk and reserve reinstatement.
- d) approve, as an affected party, the side yard infringement and height in relation to boundary infringement shown on the Proposed Site Plan and Proposed Elevations Plan prepared by Chashchegorov House drawings numbers 102 and 302 dated 1/30/2015, and that the applicant carries out weed removal and revegetation planting within the adjacent Rangatira Reserve within an area to be approved by the Manager, Local and Sports Park North.

Comments

Proposed easement over Marlborough Park

8. Resource consent has been lodged for a new early childhood centre (ECE) at 17 Chartwell Avenue, Glenfield. The rear boundary of the property adjoins Marlborough Park. The property is located within a 100 year flood zone and the Stormwater department has requested the applicant provides an emergency exit into the park, which is outside the flood zone. It has been indicated that resource consent cannot be granted unless an exit route can be agreed that meets the Stormwater department's requirements.
9. There are no alternative locations for the exit route outside the flood zone due to the area of Chartwell Ave adjacent to the property being within the flood area as well as the property at number 15 Chartwell Ave (refer **Attachment A**).
10. The applicant proposes to construct a timber boardwalk from the eastern boundary of the property into Marlborough Park approximately 10 metres in length to clear the food zone.

- The applicant has proposed to mitigate the effects of the boardwalk by planting around the boardwalk. Any planting would need to be approved by the Parks arborist.
11. It is considered that the effects of the boardwalk on the public and the park would be minimal and any planting would effectively screen the boardwalk from view and integrate it with the surrounding environment. Activity within the park is centred on the walkways, exercise equipment and playgrounds which are generally located in the central and southern parts of the park. There are mixed activities along the western boundary where the property is located including the rear of retail shops, and a pedestrian pathway is located parallel to, but some distance away from this boundary. In this context it is considered that a boardwalk would not create any adverse effects on the park or its users.
 12. It is proposed that an easement is granted under section 48(1) of the Reserves Act 1977 on the basis that the boardwalk is for a public purpose as it will provide safe and convenient access into the reserve for the ECE as well as providing an emergency exit. Section 48(3) of the Reserves Act sets out that public notification is not necessary where the “*reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected*”.
 13. Staff have assessed the impacts and consider that the reserve and the rights of the public will not be materially altered or permanently damaged because:
 - the boardwalk will occupy a small area (approximately 15m²);
 - the boardwalk will be easily removable, and away from the central focus areas of the park; and
 - the mitigation measures proposed will screen the boardwalk sufficiently that the amenity values of the park will be maintained.
 14. It is recommended that the easement is aligned directly to the ECE so, should a change in use occur, the easement will be withdrawn. Conditions should include mitigation planting and that maintenance of the boardwalk and planting is the responsibility of the applicant.

Proposed affected party approval 9A Mirage Place

15. The applicant proposes to construct a new two level dwelling on the recently subdivided rear site at 9A Mirage Place, Beach Haven. The property’s eastern boundary adjoins part of the southern end of Rangatira Reserve. The proposed new dwelling will infringe the side yard and height in relation to boundary rules set out in the North Shore District Plan in relation to the reserve. On this basis the council is considered to be an affected party.
16. The applicant is seeking the local board’s approval for the proposed infringements under the board’s delegated authority.
17. The District Plan provisions that relate to height to boundary control are in place to prevent adverse effects on adjacent landowners predominantly in relation to shading and visual dominance. The side yards control seeks to ensure that the spacious character of the zone is retained and provides opportunities for the retention of vegetation or open space between buildings, which is also part of the particular amenity of these areas.
18. The proposed decking on the eastern side of the building will be located within the 3 metre side yard setback along the boundary of the reserve. The greatest infringement is 1.5 metres reducing to nil over a length of 14 metres.
19. The height infringements affecting the reserve are over a vertical distance of 5.5 metres and a horizontal distance of 13.5 metres and are constant over the length of the building which is 13.5 metres.

20. Rangatira Reserve is a long oblong shape located in the gully between Rangatira Road and Birkdale Road. The reserve is bounded by residential properties. There is no road frontage and only a few pedestrian access points. Public walkways are located parallel to the boundary of the site and across the stream providing access to Birkenhead College, and continue within the reserve to the north and south exiting at various points (refer **Attachment F**). Being located behind residential properties there is limited visibility into and out of the reserve. The reserve is generally vegetated with some native bush and weeds.
21. Overall it is considered that the side yard and height infringements will have no more than minor effects on Rangatira Reserve and the new building will positively impact on the reserve and the walkway by providing passive surveillance through the decking and windows overlooking the reserve. This will help increase safety within the reserve and may encourage greater use of this reserve. Mitigation weed removal and planting within the reserve will also assist with the mitigation of any effects and will be positive for the reserve. A plan of the particular area will be agreed between Parks staff and the applicant if the local board provides approval to this application.

Consideration

Local Board views and implications

22. The Parks portfolio holder has requested that both the requests for affected party approval and approval for the easement are considered formally by the local board.

Māori impact statement

23. Mana whenua have not been consulted because of the minor nature of the two proposals. The proposal to mitigate the boardwalk at Marlborough Park will increase the native vegetation within the reserve and will also assist in the filtration process of any water flows. The proposed infringements of the side yard boundary and the height in relation to boundary rules are not considered to be dominating in scale in relation to the reserve and will provide surveillance and visibility on the reserve. This increases safety within the reserve and particularly as the walkway adjacent to this property does not have any exit points within the central area of the reserve which the property overlooks.

Implementation

24. If the Kaipatiki Local Board approves the grant of an easement for the boardwalk a letter will be prepared to the Tier 5 Parks Manager seeking sign off for the easement and an easement document will be drafted containing conditions as outlined above. The consents team will be advised so that the resource consent can be progressed. Conditions around construction of the boardwalk and reserve reinstatement will be managed by Parks Sport and Recreation department staff.
25. If the Kaipatiki Local Board provides affected party approval for the house infringements, the owner and council's consents team will be advised. Conditions for weed removal and re-planting will be implemented and managed by Parks Sport and Recreation Department staff.

Attachments

No.	Title	Page
A	17 Chartwell Avenue, Site Plan	11
B	Elevations Plan	13
C	Flood Zone	15
D	9A Mirage Place - Site Plan	17
E	Elevations	19
F	Rangatira Reserve	21

Signatories

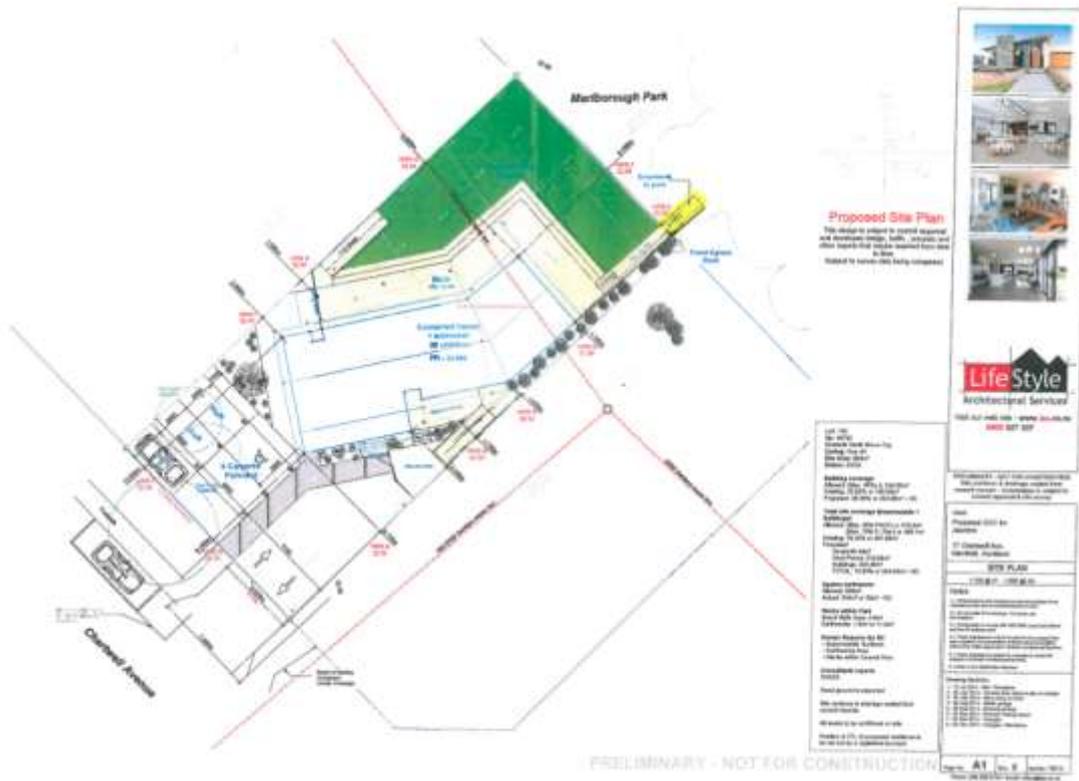
Authors	Huia Kingi - Parks and Recreation Advisor North
Authorisers	Ian Maxwell - General Manager Parks, Sports and Recreation Eric Perry - Relationship Manager

Attachment A

Flood Zone area
17 Chartwell Avenue – outlined in red

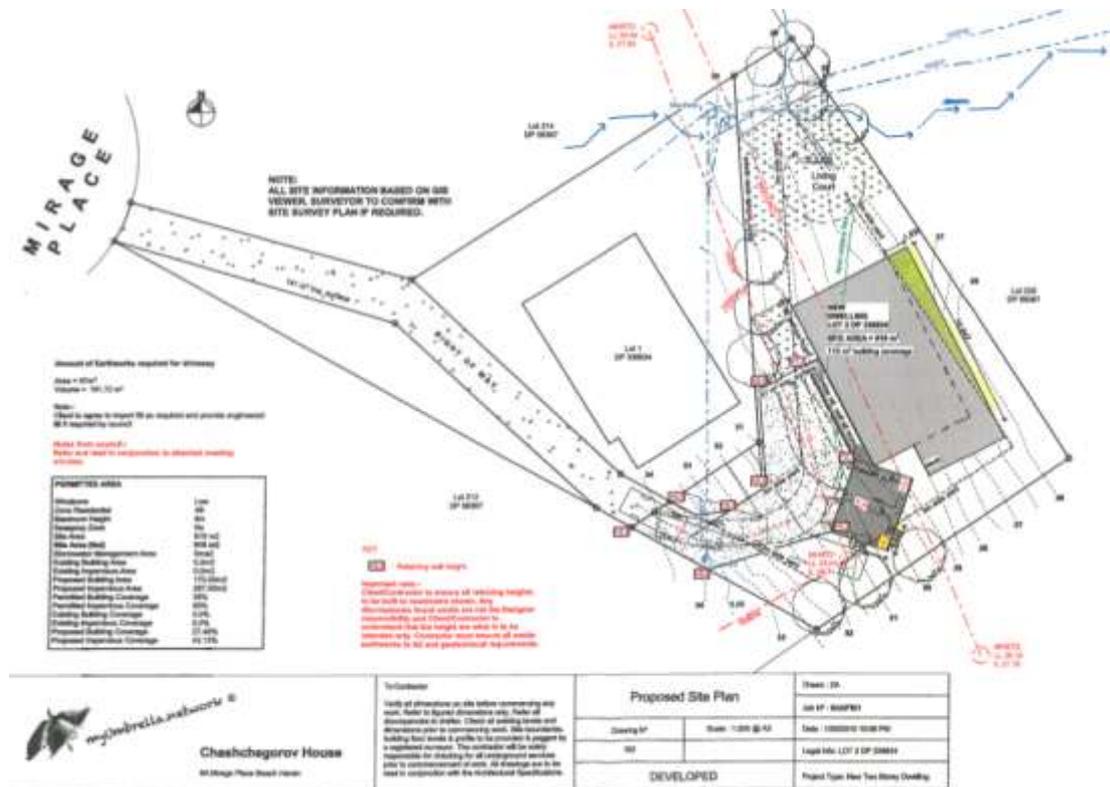


Attachment C
17 Chartwell Avenue, Glenfield – Site Plan



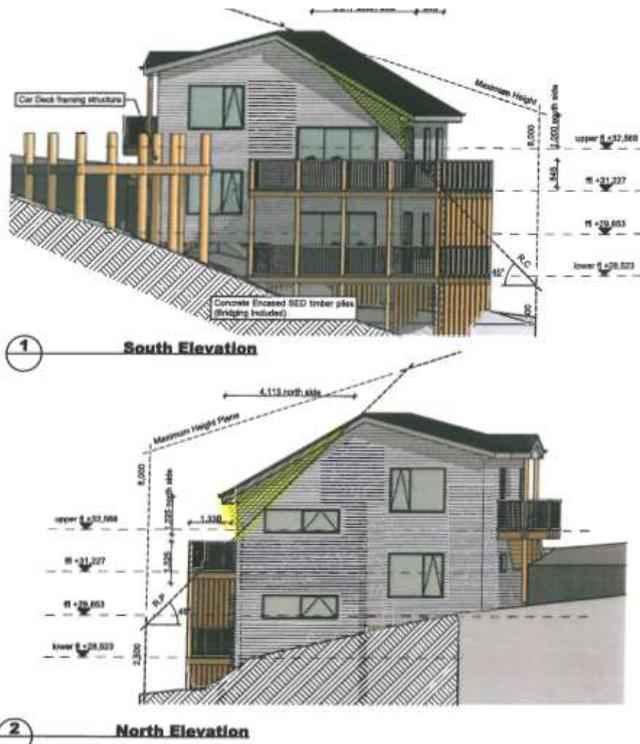
Attachment D
9A Mirage Place, Proposed Site Plan

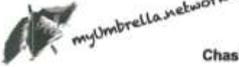
Item 15



Attachment D

Attachment E
Proposed Elevations



 Chashchegorov House 9A Mirage Place Beach Haven	To Contractor Verify all dimensions on site before commencing any work. Refer to figure dimensions only. Refer all discrepancies to drafts. Check all existing levels and dimensions prior to commencing work. Site boundaries, building floor levels & profile to be provided & pegged by a registered surveyor. The contractor will be solely responsible for checking for all underground services prior to commencement of work. All drawings are to be read in conjunction with the Architectural Specifications.	Proposed Elevations		Drawn: ZA
		Drawing N°	Scale: 1:100 @ A3	Job N°: 15A/15/11
		302		Date: 1/10/2015 10:08 PM
		DEVELOPED		Legal Info: LOT 2 DP 338634
			Project Type: New Two Storey Dwelling	

Attachment F

Plan of Rangatira Reserve and Mirage Place

