

NOTICE OF MEETING

HEARINGS COMMITTEE

I hereby give notice that an Ordinary Meeting of the Hearings Committee will be held on:-

DATE: **Thursday, 5 December 2002** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.

29 November 2002



Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	GE	Nash, JP (Chairperson)
	DA	Yates, JP (Deputy Chairperson)
	DQ	Battersby, JP
	BA	Brady, JP
	PA	Hulse
	VS	Neeson, JP

Ward Representative
Mrs EG Francke (New Lynn Community Board)

Alternate Representative
Mr R Kernaghan (New Lynn Community Board)

(Quorum 4 members)

(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 5 DECEMBER 2002, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

Section 46A(7) and (7A) of the Local Government Official Information Act and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY RICHMOND EDEN LIMITED
(R MAXWELL) TO SUBDIVIDE A 6.9716HA LOT INTO 12 LOTS FOR RESIDENTIAL
DEVELOPMENT AT 39 LANDING ROAD, TITIRANGI**

NEW LYNN WARD

RMA 20020091

N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner:	Pamela Wells
Site Address:	39 Landing Road, Titirangi
Applicant:	Richmond Eden Limited, (R Maxwell)
Date Received:	11 January 2002
Resource Consent No:	RMA 20020091 (land use) 20020036 (subdivision) SPW21464
Building Consent No:	NA
Legal Description:	Lot 8 DP 207383
Address for Service:	Barry Kaye Associates Limited 42 First Avenue, Kingsland, Auckland
Site Area:	6.9716ha
Unit Site Area(s):	NA
Transitional Plan:	
Zoning:	Non-urban Residential 1
Section:	Waitemata
Hazards:	Stability sensitive
Proposed Plan:	
Human Environment:	Bush Living and Waitakere Ranges
Natural Area:	General and Managed
Landscape Elements:	Nil
Hazards:	Yes
Roading Hierarchy:	Local
Further Information Required:	
Date Requested:	21/1/02, 25/3/02, 26/6/02, 22/7/02, 9/8/02, 17/9/02,
Date Received:	5/2/02, 18/6/02, 17/7/02, 29/7/02, 29/8/02, 15/10/02, 31/10/02 (final peer review)

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to subdivide a 6.9716ha site into 12 lots ranging in size from 1.5044ha to 2475m², with earthworks for the formation of access ways.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the Transitional and the Proposed District Plan.

The main issues relating to this application are the density or number of lots to be created by the proposed subdivision and geotechnical constraints relating to the stability of the land for future residential development. The assessment of the proposal requires consideration of the rules relating to subdivision under both the Proposed Plan and the Transitional Plan. Under the Proposed Plan the majority of the land (5.8207ha) is within the Bush Living Environment with a smaller area in the Waitakere Ranges Environment (1.1509ha).

The Bush Living and Waitakere Ranges Environments both include bush-covered areas of the Waitakere Ranges but the former are within more intensively settled areas within the Ranges where natural features dominate, but settlement has substantially fragmented the bush. The residential areas of the Bush Living Environment have a "non-urban" character. The Waitakere Ranges Environment includes those areas where natural elements and wilderness character dominate.

The site contains an area of pasture on the lower more gently sloping land and bush on the steeper slopes. The pasture within the site is identified as General Natural Area and the bush is Managed Natural Area on the Proposed Plan Natural Area Maps. Under the Proposed District Plan rules the natural area classification determines the net site area of the lots created in both human environments. The Proposed Plan rules for subdivision in the Bush Living Environment is for sites to average 4000m² over the net site area, with a minimum net site area of 2000m² where the building platform can be located within the General Natural Area. Seven proposed lots, which would have building platforms in the General Natural Area, would satisfy this requirement. Three lots with building platforms would be mainly in the General Natural Area (98%, 87% and 50%), and two lots would have building platforms entirely within the Managed Natural Area. The required minimum area for lots with building platforms located in a Managed Natural Area is 8000m² and only one new site can be created in a Managed Natural Area. One of these lots (10) would be 2883m², which does not satisfy the minimum area and there would be more than one additional lot created in the Managed Natural Area. The part of the Managed Natural Area occupied by these five proposed building platforms has significant weed infestation and the applicant has argued that the area should be more correctly identified as General Natural Area in the Plan.

The Proposed Plan describes Managed Natural Areas as areas of significant and outstanding native fauna habitat, and areas of significant native vegetation that contain greater than 50% native vegetation cover and are more than 300m² in area. The proposal includes a bush covenant over of the majority of the Managed Natural Area equating to 65% of the total site area.

The minimum area of land required for a lot in the Waitakere Ranges Environment is 2ha where the building platform is in a General Natural Area. The proposal would not satisfy the site size requirements, although there would be no building platforms within this environment.

Under the Transitional Plan the land is zoned Non-urban Residential 1 and is stability sensitive. The subdivision rules require a site size of 4000m² with averaging provisions allowing a minimum area of 3000m² where the average area of sites between 5000m² and 8000m² are counted as 5000m² sites for the purpose of the calculation. Using the formula set out in the rules the subdivision would not be complying because three sites would be less than 3000m² and ten sites have an average area less than 4000m². However, it may be possible to redesign the subdivision to meet the area requirements of the Transitional Plan and possibly 16 lots would be permitted as of right instead of the twelve lots proposed. The objectives and policies of the Transitional Plan are about protecting the natural environment, and are similar in their intent to those of Proposed Plan.

The rules of the Proposed Plan are more complex and provide for subdivision to an average of 4000m² on a site, existing as at 14 October 1995, and where the building platforms can be located in a General Natural Area as a Discretionary Activity. The proposal would not fall into this category as the site is the residue or balance area of a subdivision approved in 2000. One additional 8000m² lot is also allowed in the Managed Natural Area. However, setting that part of the rule aside and basing the area of the site located within the Managed Natural Area on the land to be included in the Bush Covenant, the potential number of lots permitted would be 6 lots in the General Natural Area and 1 - 2 lots in the Managed Natural Area. The Proposed Plan also provides for subdivision with a minimum lot size of 4ha as a Discretionary Activity where a connection to a public wastewater system is not available. However, as the site is only 6.9716ha the proposal would not satisfy the 4ha criteria and therefore must be assessed as a Non-complying Activity.

The subdivision rules of the Proposed District Plan in both the Bush Living and Waitakere Ranges Environments for land within the Metropolitan Urban Limits of the Titirangi/Laingholm area are, however, both the subject of references to the Environment Court. The Final Report on the Little Muddy Creek Pilot Study commissioned by the Council in November 2000 provides information on the constraints for subdivision in the area relating to stability, ecology, landscape and stormwater. While the study indicated that most of the Little Muddy Creek area is generally not suitable for further subdivision or development, it considered possibilities could exist if, site size, clustering of development and environmental protection and enhancement are utilised. The study recommended the desired methodology for making an application for subdivision, which has been followed by the applicant. There has been ongoing mediation between parties in an attempt to reduce the areas of contention in the references. While a draft set of subdivision rules have been formulated (30/10/02), they have not been settled by a consent order at this time, but it should be noted that the proposal would easily satisfy the proposed density of the draft rules for those areas on the south side of Scenic Drive, based on the number of building platforms on the land contained within the existing General Natural Area.

The subject site is included in the study area, and has been identified almost entirely within an area of "severe constraints", which is the category of land that is the least suitable for subdivision. Only a tiny part of the site is identified as being of "high constraints", which indicates more suitability for subdivision and none of the site is identified as being of "low/medium constraints" (the most suitable for subdivision). However, while the Little Muddy Creek Pilot Study provides some guidance for determining the suitability of land for subdivision, it is noted that mediation is currently ongoing between parties to the appeals and consequently the status of the subdivision rules is still unresolved.

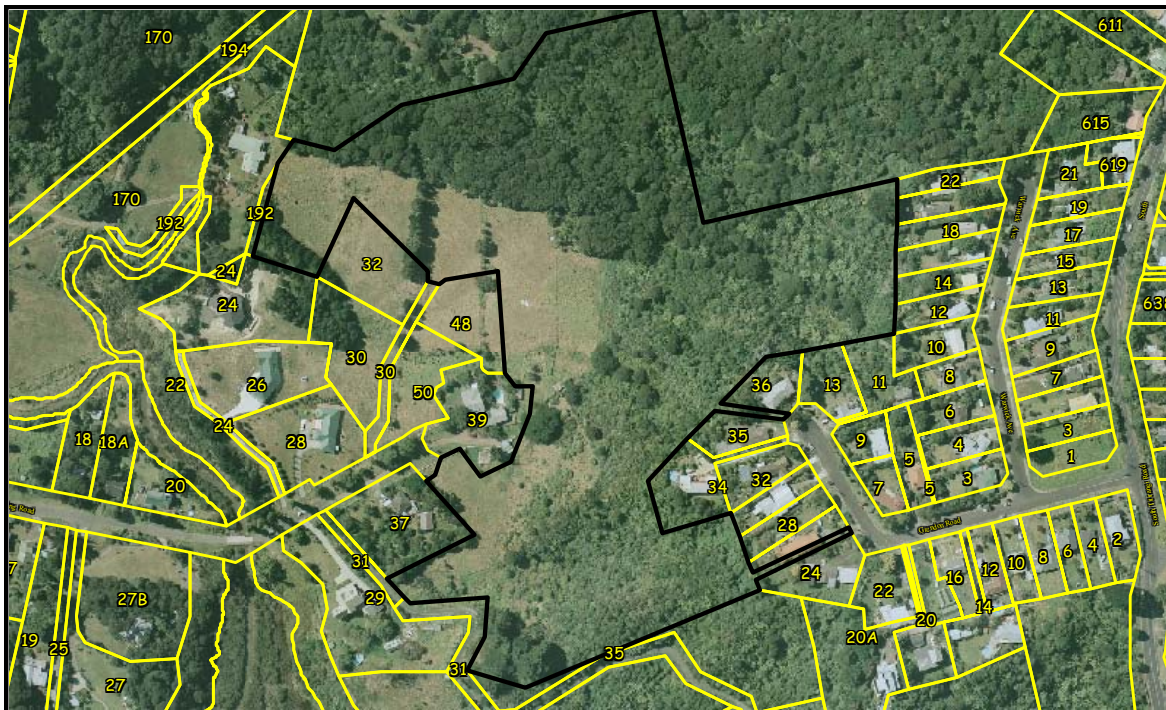
The application includes an assessment of the actual and potential effects of the subdivision with particular emphasis on land stability, the visual effects on the landscape and the impact of development on the ecology, which were prepared by individual consultants. These assessments have been peer reviewed by the relevant consultants, Beca Carter Hollings & Ferner, Boffa Miskell and Biosearches who were engaged by the Council to undertake the Little Muddy Creek Pilot Study. Council's Parks, Transport Assets Sections and EcoWater have also assessed the proposal.

As well as an assessment of the actual and potential effects of the subdivision, and compliance with the subdivision criteria of the Proposed Plan, the proposal has been considered in terms of the policies and objectives in the Proposed Plan.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the subdivision of Lot 8 DP 207383 into 12 lots for residential development. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

2.0 LOCATION PLAN



- The subject site being Lot 8 DP 207383
Natural Areas - Managed and General
Human Environments - Bush Living and Waitakere Ranges
Notation A131 - being the reference/appeal number affecting part of the site

3.0 PROPOSAL

As mentioned in Section 5.1 later in this report the proposal is the third and final stage of the subdivision of the property, which has been farmed until recently. The proposal is for the subdivision of a 6.9716ha site into 12 lots ranging in size from 1.5044ha to 2475m² with earthworks for the formation of access ways. Eight lots would gain access over an existing 90m long access lot, which was formed as part of the second stage of the subdivision to the point of the "T" junction. From the latter junction the shared access leads in a westerly and easterly direction to the proposed lots. The access to the west would be reduced in width as it would serve only two lots. The access to the east would serve six lots. The second shared access would be off the end of Landing Road and would serve 4 lots in the south east part of the property.

Proposed Lot 12 to the south would be entirely within the Managed Natural Area, and the other eleven lots contain varying portions of the General and Managed Natural Areas. The proposed "T" access is entirely within the General Natural Area and the head of the southern most access is within the Managed Natural Area. The building platforms on ten lots are located almost entirely within the General Natural Areas of their respective sites. The building platforms for Lots 10 and 12 would be located in the Managed Natural Area.

The total length of the two access lots would be 240m and their formation would entail approximately 2000m³ of earthworks, of which approximately 350m³ would be for the formation of a culvert in the Managed Natural Area. As the Geotechnical report prepared by Jackson Clapperton & Partners notes, the earthworks would involve the removal and re-compaction of a stockpile of soil left from construction in Stage 1, "which will be used to fill the tomo hole within Lot 1 as a controlled fill, following the provision of ground water relief drainage to stabilise that erosion pattern and minor re-grading for the access way formation." A pedestrian linkage is proposed through the site from the 5m wide entrance strip off Grendon Road along the eastern boundaries of lots 9 and 10, along the northern boundary of Lot 12 to connect to the proposed access lot serving lots 9, 10, 11, and 12. (This pedestrian walkway was provided at the request of the Parks and Green Assets section of the Council following a pre - application meeting). It would be formed with a path and steps as it would be quite steep.

The proposed subdivision would be connected to the existing reticulated public water and waste water systems. There is no public stormwater reticulation serving the area. However, the applicant obtained a discharge consent from the ARC for the diversion and discharge of stormwater from a 10ha, 18 lot rural-residential subdivision to Little Muddy Creek. The Discharge Consent was issued 19 January 2001 and is valid until January 2036. As a result of the peer review by the engineering firm of Beca Carter Hollings & Ferner Limited, the applicant has made changes to the disposal of stormwater from the proposed subdivision, (letter 14/10/02). The disposal of stormwater from sealed driveways and roofs will be through detention/retention tanks with controlled dispersal directly to a connection system discharging to a natural watercourse. Ground water relief drainage at a depth of 2m and 12m spacings would be installed as part of the site works for the subdivision, and would discharge to the stormwater disposal system to the existing watercourses. These drains would consist of perforated pipe lines laid to line and grade with access manholes at each end of each line, to allow for a periodic inspection and maintenance.

Most of the land within the Managed Natural Area, being 62.8% of the total site would be preserved by the creation of Bush Covenants. Lots 8 and 11, which are currently in pasture, would be the only two lots without Bush Covenants. The proposed subdivision includes the establishment of landscaping on each lot (figure 8 on Page 14 of the application) to provide screening of the future house sites. Also native wetland vegetation would be planted in the lower reaches of the two gully systems within the site, which are currently unvegetated. The control and management of weeds in the Managed Natural Areas of the site would be included in the landscaping package.

There is existing residential development on all the properties adjoining the subject site with the exception of the two large blocks of land to the north, which extend up the valley forming the Little Muddy Creek catchment. There are no visible remnants of pasture on these two undeveloped blocks of land as they are completely covered in vegetation, which is mostly native species.

Prior to the lodgement of the application DJ Scott Associates Limited (Landscape Architects) corresponded with Council on the validity of the natural area boundaries. Ruth Andrews, Council's Consultant ecologist advised the applicant's landscape architect that a large portion of the site defined as Managed Natural Area did not contain vegetation characteristic of such a classification. A meeting held 7 November 2001 with Council staff and the applicant's Planning, Engineering, Landscape and Ecology Consultants discussed the proposal and the main change that arose from the meeting was the Parks and Green Assets rejection of the proposed 7871m² reserve, requesting instead, the provision of a pedestrian walkway.

4.0 REASONS FOR THE APPLICATION

Consent is required under those provisions of the Transitional and Proposed District Plans for the following reasons:

4.1 Proposed District Plan

The site is located in both the Bush Living Environment (5.83ha) and Waitakere Ranges Environment (1.15ha) and includes both General and Managed Natural Areas. The following consents are required:

Bush Living Environment - Subdivision Rules

Rule 10.1 Non-complying Activity consent because:

- The site was not existing as at October 14 1995, being a lot created in 2000 as the residue of a subdivision.
- Not all the building platforms are in the General Natural Area (Lots 10 and 12 are within the Managed Natural Area).
- Lot 10, which is almost entirely within the Managed Natural Area would only be 2883m² (increased 23/7/02), and would not meet the 8000m² minimum site size requirement.
- No more than one new lot is permitted in a Managed Natural Area, and two are proposed.
- There is no structure plan for the area.
- When proposed subdivisions do not meet the above criteria the minimum net site area becomes 4ha and the proposed lots are all less than 4ha.

Waitakere Ranges Environment - Subdivision Rules

Rule 11.1 Non-complying Activity consent because the proposed lots in the subdivision do not satisfy the average minimum net site area of 4ha with a minimum net site area of 2ha, although the building platform would be in a General Natural Area.

General Natural Area

Rule 3.4 Discretionary Activity consent for earthworks exceeding 300m³ but which are not located on a sensitive ridge, special soils or for a solid waste landfill and include a Management Plan. The proposed subdivision would entail 1750m³ of cut and fill (including using an existing stockpile of fill from Stage 2 to fill the tomo on Lot 1).

Managed Natural Area

Rule 3.4 Non-complying Activity consent for earthworks exceeding 100m³ for an access way. There would be 250m³-300m³ of filling over a culvert at the top of Access Lot 14.

City Wide Rules - Natural Hazards

Rule 1.1 Limited Discretionary Activity for the subdivision of land known to Council to be subject to erosion, slope instability, subsidence or inundation (other than inundation by the sea) and the site is in the stability sensitive area of the City.

4.2 Transitional District Plan

The land is identified as Non-urban Residential 1 (Waitemata Section) and the following consents are required:

Rule 11.4:7 (2) Subdivision of Land within all sites at Laingholm, Waima and part south Titirangi as defined on the map 11.4(b).

Non-complying Activity consent for

- three sites under the minimum size of 3000m² (no discretion for lot sizes), being 2783m², 2783m² and 2475m², and for;
- twelve sites with an average of less than 4000m² (no discretion for lot sizes) being 3156m².

Rule 11.4:8 (2) Conservation Of Landscape

Discretionary Activity consent for earthworks exceeding 50m³ of excavation or 50m³ of fill outside the eavelines of a house, and the volume of earthworks would be approximately 2000m² (discretion in terms of Ordinance 4.2).

4.3

Overall, the application is considered to be a Non-complying Activity. The proposal complies with all other development controls under the Transitional and Proposed District Plans.

4.4

A resource consent for the discharge of stormwater has already been obtained for the diversion and discharge of stormwater from a 10ha 18 lot rural-residential subdivision to the Little Muddy Creek. The discharge consent was issued 19 January 2001 and is valid until January 2036.

No other consents are required in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located at the eastern end of Landing Road which is a short no-exit road off the intersection of Huia Road and Laingholm Drive. Under the Roding Hierarchy in the Proposed Plan Huia Road is a major road because it is classified as an arterial road, while Laingholm Drive and Landing Road are minor roads being classified as a collector and local road respectively.

There is a narrow bridge in Landing Road, which crosses the confluence of the Waituna and Waiohua Creeks at the head of the estuarine inlet called Little Muddy Creek. The site occupies an irregular shaped block of land being the residue land from the second stage of an earlier subdivision, which created five lots and a short extension to Landing Road. The site has a narrow frontage (16m) to the recent extension of the road, and it fans out around the five lots of the earlier subdivision. The site includes a steep 5m wide entrance strip between two properties on Grendon Road. It is not formed or defined by fencing and is more or less incorporated into the gardens of the two adjoining properties.

The land close to the four recently created lots, which are still undeveloped, is moderately undulating (8-18 degree slopes) but increases in steepness, particularly towards the eastern site boundary with the housing in Grendon Road and Warwick Avenue, which are located off South Titirangi Road on the main ridge which defines the Little Muddy Creek catchment. The upper part of these slopes are up to 40 degrees. The topography of the site is also steeper towards the northern and southern boundaries of the site. There are three minor gully and ridge systems sloping down from the main ridge. There are no defined watercourses on the site but the topographical plan of the site shows four ephemeral watercourses crossing the site from the east to the west. Site inspections have revealed some water flows during wet weather.

The undulating land is in pasture with two well defined shelterbelts or lines of trees following existing fence lines and with bush generally covering the steeper land. There is some post and wire fencing on site boundaries.

The immediate neighbourhood consists of pockets of residential development, areas of pasture and native vegetation. Some of the properties are small and suburban in character. Landing Road is characterised by a mixture of older established houses with lawns and native trees and newer houses on fairly bare sites. The residential development on Grendon Road along the northeast boundary of the site is not particularly visible from the site.

There is a large reserve on the north west side of the intersection of Huia and Landing Roads and esplanade reserves along both sides of Little Muddy Creek south of the bridge in Landing Road and fingers of reserve along the northern side of this stream.

5.1 Site History

The applicant has owned and farmed the subject site since 1962. However the land has been farmed for years prior to Mr Maxwell purchasing it. The subdivision of the property was first proposed in the early 1990s when approval was granted 7 February 1994 for 7 lots. This consent subsequently lapsed. In February 2000 a boundary adjustment to enhance the shape of the northern end of the property was approved. It was the first stage of a three stage subdivision of the land, which had a total area of 8.4034ha. Stage two subsequently followed in 2000 and included a 60m extension of the eastern end of Landing Road, the creation of four new vacant lots, a home lot containing the two existing dwelling houses plus the barn and a large balance area to be subdivided in stage 3. An access lot serving three rear lots and the balance land was also created. The area of the four vacant lots ranged in size from 2000m² to 2608m² with the home lot being 2960m². All 5 lots were located entirely within the General Natural Area of the Proposed Plan. The Council report noted that stage 3 of the subdivision of the land would provide 11 additional building sites on the balance land area, although it is also noted that the residue land is largely within the Managed Natural Area and an area of 8000m² is required per lot and only one additional site is permitted where a connection to a public wastewater reticulation system is available.

However, a discharge consent was obtained for both stages from the ARC "to authorise the diversion and discharge of stormwater from a 10ha, 18 lot rural-residential subdivision to Little Muddy Creek in accordance with Section 14(1) and 15(1) of the Resource Management Act 1991. It was granted 19 January 2001 and its date of expiry is 31 January 2036.

- A241-A242 • Auckland Regional Council, Private Bag 92 012, Auckland
- A243-A244 • Paul and Jeanette Davidson, 7 Landing Road, Titirangi
- A245-A246 • Peter Wilkinson, 102 Huia Road, Titirangi
- A247-A248 • Audrey S Crane, 36 Grendon Road, Titirangi
- A251-A253 • Waitakere Branch Royal Forest and Bird Protection Society, PO Box 45144, Te Atatu Peninsula
- A254-A258 • NA and JM Taylor, 26 Landing Road, Titirangi
- A259-A263 • "Landing Road Riparian Care Group", C/- 26 Landing Road, Titirangi
- A264-A269 • Douglas Stuart Robertson, 28 Landing Road, Titirangi
- A270-A273 • AJ and JC Leakey, 8 Landing Road, Titirangi
- A274-A275 • Jessica Justice, 37 Landing Road, Titirangi
- A276-A277 • Larry Justice, 37 Landing Road, Titirangi
- A278-A279 • John Lawry, 68 Laingholm Drive, Laingholm
- A280-A281 • Julie Lawry, 68 Laingholm Drive, Laingholm
- A282-A283 • A Commissaris, 27 Landing Road, Titirangi
- A285-A290 • Laingholm and District Assn Inc (1998), C/- 46 Western Road, Laingholm
- A291-A294 • Paul David Wilton, 60 Huia Road, Titirangi
- A295-A297 • Wendy Nicola Wilton, 60 Huia Road, Titirangi
- A298-A299 • Deborah Cairns, 31A Landing Road, Titirangi
- A300-A302 • Chris Morrison, 31A Landing Road, Titirangi
- A303-A304 • AN Holden, 33A Landing Road, Titirangi
- A305-A308 • Greenbelt Inc, PO Box 44046, Pt Chevalier, Auckland
- A309 • Dr Darius Singh, 34 Grendon Road, Titirangi
- A310-A312 • Mary Alison Hancock, 29 Landing Road, Titirangi
- A314-A326 • Native Freshwater Fish Society of New Zealand, PO Box 88 113, Clendon Town Manurewa West

List of Submitters in Support

- A209-A210 • WH and CP Horring, 333 Laingholm Drive, Titirangi
- A249-A250 • Graeme Berryman, PO Box 15 125, New Lynn

Summary of the Concerns Raised by the Submitters Opposing the Application

- The application will not promote the sustainable management of the natural and physical resources and is otherwise inconsistent with the purpose and principles of the Resource Management Act.
- The application relates to a site in respect of which the zoning under the Proposed Plan remains subject to references to the Environment Court. Granting consent would be premature and would compromise the integrity and consistent administration of the District Plan.
- The subdivision would allow the generation of adverse effects on the environment including in particular cumulative effects throughout the catchment which should be considered in the context of the outstanding Environment Court reference.
- Support subdivision but not to lots smaller than 1 acre (4000m²) as this would set a precedent to at least 2 other local landholders.

- The subdivision will have a major visual impact on the environment and the panoramic views from Mt Atkinson and South Titirangi Road will be lost forever.
- The road reserve is 20m but the carriageway is only about 8m wide and it therefore requires upgrading with a footpath and street lighting.
- The roundabout at Huia and Titirangi Roads is already congested and there is a lack of parking in Titirangi Village, which would be exacerbated by allowing this subdivision.
- Proposed planting in proposed lot 12 should not be specimens that grow tall and block views, and fencing along the boundaries of site in Grendon Road adjoining the pedestrian access is required for privacy and security.
- The applicant has not applied for all consents, such as undertaking works in a stream or to identify all actual and potential effects of the stream works. There needs to be provision for fish passage and fish habitat, which are matters of national importance.
- The proposal does not adequately consider the natural character of and habitat quality of the Little Muddy Creek freshwater ecosystem, which has high ecological values and contains high biodiversity and will be affected by stormwater flows, removal of riparian vegetation inclusive.
- There is no provision for public access along river margins, also a matter of national importance.
- Houses in the first stage of the subdivision are not screened and do not fit into the landscape.
- Given that some land is Waitakere Ranges Environment and some land is in the Managed Natural Area the scale of the development and number of lots requires reducing.

6.2 Pre Hearing Meeting

A440-A445

A pre-hearing Meeting was held on Wednesday, 17 July 2002 at 5pm in the Council Offices Civic Centre. It was attended by the applicant, Mr Barry Kaye (the applicant's planning consultant), Mr Tony Smith (Jackson Clapperton & Partners), Ms K Bouw (DJ Scott Associates), Council staff and the following submitters: Mr John Edgar on behalf of the Waitakere Ranges Protection Society, Mr D Robertson, T Horring, Dr D and Mrs Singh and Mr P Wilton, as attached at pages A440 to A445 in the Attachments supplement.

Mr Barry Kaye described the application and he and the consultants answered questions about the density and whole issue of subdividing in the Titirangi area. Renee Lambert, Council's Landscape Development Manager noted that the Council was committed to providing a walkway to link with the future walkway around the coastline of the Manukau Harbour. Dr Singh discussed his concerns relating to security and privacy arising from the position of the proposed walkway, which is adjacent to his property. No formal agreements relating to the proposal were made although Ms Lambert agreed to discuss at an appropriate time the screening of the walkway from the neighbouring site.

A440-A445

A copy of the agenda, attendance list and minutes from the meeting is attached in the appendices to this report, as attached at pages A440 to A445 in the Attachments supplement.

7.0 STATUTORY REQUIREMENTS

7.1 The Weighting of District Plans

The Council is obliged to administer both the Transitional District Plan and the Proposed District Plan. Once a proposed plan is notified, an application must be considered in terms of that plan as well as the existing plan. The weight to be given to a proposed plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In this case the Proposed Plan is at the stage where relevant Council decisions have been made but there are still outstanding references to the Environment Court. There are outstanding references, which relate to the subdivision controls or rules for both the Bush Living and Waitakere Ranges Environments, and therefore affect this specific site. Initially the applicant was not a party to the references but has subsequently become one.

In February 2000 the Planning and Regulatory Committee of the Council gave approval for the Little Muddy Creek Pilot Study to proceed. The purpose of the study was to review the subdivision standards and review the findings against the assumptions underlying the objectives, policies and rules of the Proposed Plan. Option six of the final report was chosen by the Council and a legal opinion was sought to determine if the suggested changes could be accommodated within the terms of the current references on the Proposed District Plan. The Waitakere Ranges Protection Society challenged the reviewed subdivision provisions arising from the Little Muddy Creek Pilot Study and whether they were outside the terms of the references, and should in fact, be promulgated as a variation to the Proposed Plan. However, the Environment Court in its decision (A147/01) has accepted that the revised provisions arising from the Little Muddy Creek Pilot Study, for subdivision based on a site-specific analysis of subdivision possibilities and rigorous analysis of effects, including cumulative effects came within the scope of the references and any consequential relief that might be granted.

Six options for subdivision were considered in the Little Muddy Creek Pilot Study, with the recommended option being for the subdivision rules to be based on a new human environment, with site by site analysis and no minimum lot size. It was envisaged that the rules may allow an increased density on existing cleared land, which would be compensated by environmental enhancement and protection such as covenanting existing bush on a property. However, while the Little Muddy Creek Pilot Study is the most recent investigation of the issues around subdivision it only has the status of a background report and as such has been used as a reference for the assessment of effects for this application. There is ongoing mediation relating to these references but to date no agreements or decisions have been reached. Therefore the Proposed Plan is considered to have greater weight in this particular case than the rules of the Transitional Plan.

7.2 Non-Complying Activities

The relevant policies and criteria which apply under the Transitional and Proposed District Plan and the Resource Management Act 1991. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant objectives, policies and rules of the Transitional and Proposed District Plan. All considerations are subject to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The Proposed District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and potential effects on the environment.

8.1.2 Water Quality and Quantity

The Little Muddy Creek Pilot Study included a report by Fraser Thomas on the stormwater management issues in this area because the existing stormwater reticulation system is fragmented due to topographical constraints. The issues identified include the need to protect, steep slopes from erosion and instability, land from flooding and to minimise the impact of siltation from erosion on streams and harbours. The report listed suitable options for dealing with development given the constraints and these have been used as a guide to assess this proposal. As the report states on page 7 “Selection of stormwater management options should be aimed at minimising the increase in runoff, and at the same time providing for improvement in water quality” – in other words achieving hydrological neutrality. An Auckland Regional Council Discharge Consent for stormwater from the subject land into the Little Muddy Creek was obtained for the first stage of the subdivision, but included consent for the second stage. EcoWater have assessed the proposed subdivision including reviewing the existing discharge consent for stormwater.

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The management of stormwater from the proposed subdivision became an integral part of the review of the geotechnical investigation because the applicant’s proposal for stormwater disposal for the subdivision was based upon “inground” stormwater detention trenches with orifice plate outlets, discharging to contour dispersal systems to achieve hydrological neutrality. Beca Carter Hollings and Ferner Limited, the Council’s geotechnical advisors raised concerns with this method given the saturated ground in the lower part of the site. Additional information was requested to address the stability issues vis a vis the provision of stormwater disposal for the subdivision. The additional information provided by the applicant’s engineer was received as follows: 12/6/02, 17/7/02, 23/7/02, 26/8/02 and 14/10/02, and was reviewed by Beca Carter Hollings and Ferner Limited, 26/6/02, 6/8/02, 11/9/02 (meeting and correspondence), 16/10/02 and 31/10/02, as attached at pages A328 to A430 in the Attachments supplement.

There would be some mitigation of stormwater runoff from the proposed subdivision in terms of the design of the subdivision given that building platforms on the lots are generally clustered on the lower land with access off two shared driveways to minimise driveway lengths and impermeable surfaces. Secondly, retaining existing vegetated areas on the steeper eastern slope, which is included in the proposed bush covenant would help minimise stormwater runoff. The Bush Covenant would occupy 4.3795ha or 65% of the total area. In addition there would be landscape planting around the boundaries of the proposed lots.

EcoWater have reviewed the Auckland Regional Council Discharge Consent, the application and considered the Geotechnical advice from Beca Carter Hollings and Ferner Limited. Mr Richard Thomas an engineer at EcoWater has advised that "the geotechnical constraints on the site mean the preferred method of stormwater disposal where runoff is dispersed in soakage/dispersion trenches from each dwelling and where swales are used for shared driveways is not suitable due to stability concerns. Therefore a piped system is required both to drain the proposed subsoil drainage and to drain the roofs and paved areas on each lot following detention, where these are unable to discharge directly to the watercourse. The system will be integral to the subsoil drainage. The detailed design of this system and the public wastewater and water reticulation should be subject to peer review by Councils Geotechnical consultant to ensure that the detailed design satisfies geotechnical requirements and takes into account the stability of the site."

The stormwater mitigation methodology proposed and other changes required due to geotechnical constraints do not comply with the issued Auckland Regional Council consent and an amended Auckland Regional Council consent will now be required.

The shared stormwater/subsoil drainage is to be owned by the property owners either through a body corporate or company and will be the responsibility and liability of that entity. The shared drainage should be regularly inspected and maintained along with the other subsoil drainage proposed for geotechnical reasons. A body, administrative mechanism and programme to manage and maintain the shared private stormwater system is required.

Thus conditions of consent would require the applicant to obtain an amendment to the Auckland Regional Council Discharge Consent prior to any work commencing on the site and for the establishment of a company, or other legal entity, to be responsible for the management and maintenance of the subsoil drainage system prior to the issue of the S224c Certificate. As already noted the design of infrastructure would require peer reviewing by Councils Geotechnical consultant to ensure that the details satisfy geotechnical requirements.

The incorporation of stormwater controls for the shared driveways will also need to be included in the final stormwater design, but EcoWater have advised that there are several suitable solutions and it would not be difficult to resolve. The provision of sand filters to improve water quality would need to be provided as part of the management of stormwater from the driveway. Thus, approval of the design of the stormwater controls and treatment of the runoff from the driveway would be a condition of consent. The proposed requirements for the disposal of stormwater would mitigate the effects of the subdivision and development of this land by achieving hydrological neutrality. The subsoil drains would be either within the pasture areas or within the weed infested fringes of the pasture minimising potential adverse effects on the existing native vegetation within the proposed Bush Covenant.

Conditions of consent would require the approval of the engineering plans of the subsoil drains, including their location, by EcoWater, their installation (including supervision) prior to the completion of the subdivision, and the registration of covenants on the titles to ensure ongoing maintenance by the owners of the properties.

The conditions would ensure that potential adverse effects from erosion and sediment runoff are no more than minor.

There have been several submissions raising concerns about sedimentation from the earthworks for the subdivision and the adverse effects this would have on the habitat of fish. Given the proximity of the site to the sensitive Little Muddy Creek there is potential for stormwater discharge from the site to adversely affect the water quality of the creek. Earthworks on the site would be undertaken in two stages. The first stage would be for the engineering work for the formation of the infrastructure on the site, filling and compaction of the tomo from the existing stockpile of spoil remaining from the previous five lot subdivision, and two shared driveways. A small culvert (advice by telephone 16/8/2002 of approximately 300mm - 600mm diameter and 2m long) would be required to bridge the gully with the ephemeral watercourse in the southern part of the site. A condition requiring the culvert to be constructed to allow for fish passage would be a condition should consent be granted.

Appendix 7 of the engineering report in the application includes sediment and erosion controls and a condition of consent would require a site management plan, including the location of these controls, to be submitted for the approval of the Subdivisions and Consents Engineer prior to the commencement of any earthworks (subsoil drains, infrastructure, shared driveways and pedestrian access) on the site. As a further control on the earthworks a registered engineers certificate would be required confirming that the erosion and sediment controls had been properly installed. Council monitoring could also be required and also a condition that the earthworks for the culvert were only undertaken during the summer months when there is less likelihood of any significant water being present. Such conditions would minimise the likelihood of poor management during the earthworks, and would reduce the likelihood of erosion and sedimentation occurring with its downstream effects on the estuary. Provided these controls are satisfactorily implemented and maintained there should be little adverse effect from silt and sediment on the water quality of the stream during the earthworks construction phase. While submitters have raised concerns about erosion and sedimentation affecting Little Muddy Creek during the earlier stage of the subdivision, it is considered that the above conditions would prevent this occurring.

Earthworks for the development of individual lots for driveways and the building platforms, some of which would be on steeper sites, would follow the completion of the subdivision. Resource consents would be required for earthworks and would include conditions for erosion and sediment control.

The design of the proposed subdivision with the retention of existing vegetation, in the bush covenant on the site, much of which is located on the steeper land, the landscape planting on the proposed lots and use of shared driveways, together with the above mentioned specific engineering conditions for the detention and reuse of stormwater within the site, would achieve hydrological neutrality with adequate provision for water quality treatment. Thus it is considered that the short and long term potential adverse effects of the subdivision and development of this land on the water quantity and quality of the surrounding environment, which includes the ecologically sensitive Little Muddy Creek estuary would be no more than minor.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The application includes an ecological assessment of the proposed subdivision by Dr Vaughan Keesing, an ecologist from Tauranga (Boffa Miskell). The report assessed the age of the vegetation from aerial photographs dating from 1940, which provided clear evidence that the site was part of an area which was farmed until relatively recently. Historically it is likely that the area was cleared for timber then used for grazing. The report notes evidence of some rubbish dumping in the southern most gully on the site. Vegetation was cut in the process of installing power and water services on the eastern slope, with the route of the overhead power lines still clearly visible on aerial photographs dated 1976, through the covering of vegetation on the land below the houses in Grendon Road. As the report notes, the ecological implications of the history of the use of the site shows that "most of the existing communities present are no more than 60 years old, probably much younger and are not well developed or mature natural communities". The age of the vegetation is only one element in the classification of the land by natural areas, and the Proposed Plan recognises that settlement has substantially fragmented the bush, particularly in the Bush Living Environments of Titirangi/Laingholm. There has been considerable regeneration of bush over the last fifty years with the realisation that farming in this area was not economic. This property is an example of the interplay of all the above factors.

The report identified a small variety of indigenous vegetation types that can be classified into three broad community types related to the two main landforms (gully sides and ridges and gully bottoms). There is modified composite puriri forest in the very north east part of the site, regenerating manuka shrubland on the northern slopes above lots 1 - 5 of the subdivision and broadleaf weed shrubland on the high slopes below the houses in Grendon Road and Warwick Avenue.

Composite puriri forest to the north of the site extends into the property. This composite puriri forest is the most mature bush on the property and would be included in the proposed Bush Covenant. The 1.3ha area of 8m to 12m high manuka - kanuka, dominated by the former is already fenced off. This area of vegetation is reasonably intact and certainly native species dominate (in richness and biomass), although serious weeds are present, particularly climbing asparagus fern and acmena scattered throughout. Other weeds include pampas, gorse and African club moss. The largest community is the 2.5ha area of broadleaf - weed shrubland on the eastern hillside below Grendon Road. As the ecological assessment states this area has low diversity, poor representativeness, low naturalness, high weed infestations scattered throughout and limited regeneration. Mahoe, five finger and small clusters of ponga are the only native canopy and are regenerating "in a sea of" woolly nightshade gorse and pampas with wild cherry and privet. However, the ecological assessment has identified four stands of better vegetation in this area, which include remnant puriri and kanuka (Figure 3 Ecological Assessment). A proposed 3m wide pedestrian walkway would traverse this eastern slope.

The ecological assessment was peer reviewed by Bioresearches and their report concludes "We agree with the conclusions presented on P23; (of the Ecological Assessment) it is clear even from aerial photographs available from Waitakere City that the house lots would not destroy notable vegetation and the AEE clearly shows the areas to be covenanted." The peer review also makes a recommendation relating to the removal of weeds, stating "The report identifies that two thirds of Area 1 consists of exotic species dominated by pest plants. A condition of development requiring the removal of these infestations would be of benefit to the ecology of the local area."

One of the main issues with respect to the proposed subdivision relates to the extensive area of Managed Natural Area located within the site, as the number and size of the lots, which are permitted in the Bush Living Environment, is based on the provision of a building platform in a cleared or General Natural Area. Two of the lots (10 and 12) in the proposed subdivision would be in a Managed Natural Area as defined on the Proposed Plan Maps. The building platforms on these two lots and the end of a shared driveway serving them would be completely within the Managed Natural Area. The building platforms for Lots 7, 9 and 11 extend a small way into the Managed Natural Area.

However the validity of the Managed Natural Area within the site is disputed by the applicant because of the significant number of weeds on the northeast slope, which extends up to the boundary of properties on Grendon Road. The applicant's detailed ecological assessment is considered a very accurate description of the land and has verified the conclusions of the Phase 1 Ecological Study, for the Little Muddy Creek Pilot Study, undertaken by Bioreserches, which described the land as being degraded teatree and open land. The Little Muddy Creek Pilot Study vegetation analysis identified almost the entire site as being of low to medium constraints. This is the lowest value of the four critical factors used to assess the suitability of land for subdivision/development. Only a very small area of severe constraints, reflecting the better vegetation, was identified in the northeast corner on the site.

The Proposed Plan classification of Managed Natural Areas relates to the significant and outstanding native fauna habitat and those areas of significant native vegetation that contain greater than 50% native vegetation cover and are greater than 300m² in area. The management approach recognises the need to provide a level of protection that is compatible with the capacity of the area to absorb impacts. However it also recognises that some settlement may occur. According to maps in Part 3 of the District Plan Policy the subject site contains pockets of significant vegetation but no outstanding vegetation and is located within the main fauna habitat of the City. The Little Muddy Creek estuary, which is adjacent to the site, is identified as a coastal protection area.

The proposed subdivision provides for a Bush Covenant over the majority of the land within the Managed Natural Area. The Bush Covenant would occupy 4.3795ha of the site, and generally reflects the boundary between the existing vegetation in the Managed Natural Area and the existing pasture on Lots 1 - 6. However there is a divergence between the boundary of the Bush Covenant and the Managed Natural Area along the eastern slope, increasing in disparity in a southerly direction affecting Lots 7, 9, 10 and 12, which equates to an area of approximately 6840m². The largest part of the Managed Natural Area, which would be excluded from the Bush Covenant, would be on Lots 10 and 12. While the building platforms on both lots would not be located on existing pasture, they would be within areas containing huge clumps of pampas, 2 - 3m high gorse bushes and other weeds, and they would both be adjacent to the current boundary between the two natural areas. It is therefore considered that the building platforms would not have an adverse effect on native vegetation, by fragmenting it or causing edge effects.

This extensive weed infestation has not only been used to justify the building platforms for these two lots being within the Managed Natural Area, but it has been used as a reason for determining the extent of the proposed Bush Covenant. While the land in the Bush Covenant would include the best native vegetation on the site there is significant weed infestation, including ginger, wandering jew climbing asparagus jasmine and Japanese honey suckle throughout the native vegetation on the site. However, the weed infestation is more dominant than native vegetation on the entire eastern scarp/slope, up to the northeast site boundary adjoining the houses on Grendon Road. It is considered that the proposed Bush Covenant could be increased in size at the south east end of the site to accommodate an area of existing trees and because the land is already in vegetation, albeit weed infested.

The additional land to be included in the Bush Covenant would curve around behind the building platform (a distance of 5m - 10m) on lot 12 to borehole AH23 and then to borehole AH26. Therefore a condition of consent would require the bush covenant to be increased at the southern end.

The existing bush on Lots 1-6 is already fenced off from the pasture, whereas there is either no fencing or it is broken between the pasture and bush on the eastern part of the site. The vegetation in this latter area appears in transition from pasture to regenerating native vegetation, which explains the predominance of weeds. There are isolated kanuka trees or clumps of native vegetation over 3m in height surrounded by weeds. Under the rules of the Managed Natural Area a resource consent would be required by future owners of Lots 10 and 12 if any native vegetation is actually present and does need to be cleared for the building platforms. The Bush Covenant would not be held in common ownership but would be defined on the title of all lots except Lots 8 and 11. A condition of consent would require the land within the Bush Covenant to be fenced, to protect it from development.

It has been argued that the subdivision provides an opportunity to enhance the existing vegetation by removing weeds and replanting the eastern slopes and does not compromise current ecological values of the site. The mitigation measures offered include covenanting bush, providing a pedestrian access through the site, development and implementation of animal pest and weed control programmes and revegetation, which would include the margins of the ephemeral watercourses in the site. The ecological assessment considers that given the level of weed infestation their removal would be difficult to achieve and that it would be better to concentrate restoration efforts in a few small areas where the natural regeneration has been best and weed flora is least invasive. These areas are identified and an outline of a programme of weed control and management is included in the report. A condition would require the covenanted areas to be fenced.

Ms Renee Lambert Service Manager, Landscape Development for the Parks Section of the Council indicated prior to the application being lodged that they did not want a reserve, stating "our policy on acquisition of bush reserve is usually restricted to areas of Protected Natural Area and coastal bush rather than Managed Natural Area. In this case, the bush in question is not of high value and is therefore not an area we would take as reserve land. I suggest that part of the reserve contributions required could go into the construction of the walkway track connection instead and the creation of an appealing walkway link through the subdivided area." The costs of formation would however be the responsibility of the applicant, and the details of its formation would be required as part of the engineering site works.

Thus, should consent be granted, conditions would be required to ensure the pest and weed control programmes and revegetation were implemented and monitored prior to the issue of the Section 224(c) certificate. Consent notices would be imposed to include the proposed bush covenant on all lots except Lots 8 and 11. The vegetation within the Bush Covenant would provide linkages with existing areas of native vegetation on properties surrounding the site. The integrity of the Green Network to the north, east and west would be retained. Vegetation along the foreshore of Little Muddy Creek and within 31 and 33 Landing Road is separated from the site by an existing wide private way.

Thus it is considered that on balance and subject to the conditions outlined above the adverse effects of the proposal on the native vegetation and fauna habitat would be no more than minor.

8.1.4 Land / Soil

The site is in the stability sensitive area of the City and this has been recognised as a significant constraint for the subdivision and development of land in Titirangi/Laingholm area. The Little Muddy Creek Pilot Study included a report on geotechnical characteristics of the catchment, which was undertaken by Dr Do Van Toan of Beca Carter Hollings and Ferner Limited. This report identified the subject land as having high to severe constraints for development, and included photographs of the eastern slope of the site as an example of a rotational slide. The area of high constraints included the less steep undulating land in pasture at the bottom of the site, which is saturated ground.

A geotechnical report by Jackson Clapperton & Partners Limited was submitted with the application to address the stability issues associated with subdividing and developing the land. The report included the identification of building platforms on each lot proposed in the subdivision. It recommended that earthworks be minimised to provide for the two shared driveways and the repair of the tomo erosion on Lot 1. It also recommended consent notices for the specific design of the foundations of future buildings on lots 6-12, to resist surface soil creep movement given their location at the toe of the steeper eastern slope on the site. It was considered that Lots 1-5 would be suitable for the construction of buildings to the NZS:3604 requirements. The retention and restoration of the native bush cover on the steeply sloping southeast portions of the land was also recommended.

The Council's consultants, Beca Carter Hollings & Ferner, for The Little Muddy Creek Pilot Study were used to peer review the engineering report submitted with the application. The initial peer review of the engineering report recommended additional deeper boreholes of 15m - 20m because it was considered that the shallow hand augured investigations did not adequately address the nature of land stability on the site and the potential risks from block slides. The applicant undertook this additional work, as recommended, and the information was submitted to Beca Carter Hollings and Ferner Limited. In his additional report the applicant's engineer concluded that *"the potential for reactivation of the block slide movement does not exist, and the specific design works recommended by Beca will be carried out at the time of engineering plan preparation for the development, should the scheme plan be approved."*

The applicant's engineer was subsequently required to submit calculations. The Council's consultants ongoing concerns about the potential instability of the land when being developed have finally been resolved as a result of agreement to install subsoil drainage 2m deep at 12m or less spacings throughout the lower part of the site. By constructing these drains prior to the development of each lot each slope of the subdivision would be protected as a whole so that the stability of the whole slope is not compromised. Dr Do Van Toan of Beca Carter Hollings and Ferner Limited, concluded that these measures would adequately address his concerns about the stability of the land.

Thus there would be several conditions of consent, including the monitoring of the subsoil drainage for one winter prior to the issue of the S224 (c) certificate, and as they would be private drains they would need to be registered by way of covenants on the titles of the lots to ensure ongoing maintenance by the individual landowners. While the requirements for the construction of subsoil drains would address the saturated soil on the site, as discussed in 8.1.2 there are implications for stormwater disposal/management on the site, and a variation of the Auckland Regional Council discharge consent would be required.

The original estimate for earthworks on the site for the subdivision was approximately 2000m³ but this volume would increase now that subsoil drains are required. The earthworks to be undertaken include using the spoil from an existing stockpile on the site remaining from the previous subdivision to fill and compact the tomo on the site, the laying of the subsoil drains and the construction of the two shared driveways. According to the applicant's engineer (phone call 4/11/02) the additional volume of earthworks is likely to be in the order of 300m³ to install the network of subsoil drains, which would be 110mm - 150mm diameter slotted pipes with approximately 20 manholes/inspection chambers. The filling of the tomo, the installation of the subsoil drains and most of the earthworks for the shared driveways would be in the area of existing pasture, which would minimise the potential adverse effects of stormwater runoff. Moving the stockpile of spoil to the tomo may necessitate vehicle movements for a short distance of 95m along Landing Road, but a condition would require any damage to the road, berms etc. to be rectified at the applicant's expense. Otherwise the earthworks would be contained within the subject site. The application notes that the earthworks would be undertaken in accordance with the guidelines of Auckland Regional Council TP 90 and the requirements of a permitted Activity of the Auckland Regional Council Proposed Regional Plan: Sediment Control. The applicant's report also notes that re-topsoiling and grassing will be undertaken at the completion of the earthworks. However, conditions of consent would require the earthworks to be undertaken during the construction season to minimise adverse effects of erosion from winter storms, to limit the hours to the usual working day but including Saturday mornings. A management plan for erosion and sediment control would be required to be submitted and approved by the Manager: Resource Consents prior to work being undertaken. The installation of the sediment controls would also need to be certified by the applicant's engineer and approved by the Manager: Resource Consents before any work commences on site.

In conclusion it is considered that subject to a range of conditions including engineering approval of the design of the shared driveways and subsoil drains prior to the work being undertaken, supervision of the work by the applicant's engineer and for consent notices to be registered on the titles of each lot specifying the limitations and requirements for specific design, the potential effects of instability would be no more than minor.

8.1.5 Air

The proposal would not have any long term adverse effects on air quality as the final use of the land would be for residential activities. However, in the short term some dust could be generated from the earthworks for the shared driveways. One shared driveway would be adjacent to two vacant lots from the stage 2 subdivision and the other shared driveway would be close to the property at 37 Landing Road. However, there is vegetation along the boundary of this latter property, which would provide some degree of screening and protection from any potential dust. The relatively small scale of the works would not require any conditions for dust control. The usual conditions of consent would limit noise and hours of operation for the duration of the earthworks to minimise potential disturbance to adjacent residents.

8.1.6 Ecosystem Stability

The formation of shared access ways and future residential development would be almost entirely located on existing pasture or on the periphery of areas of weed infested native vegetation. The creation of a bush covenant over most of the existing native vegetation would ensure continued stability for the ecosystem. Weed control and the replanting of riparian areas and around lot boundaries would improve opportunities for natural bush regeneration and increase linkages for fauna and flora.

A submission from the Native Freshwater Fish Society of New Zealand has requested that provision for fish passage in the culvert at the top of the shared driveway (Lot 14) where a small culvert would be required over the ephemeral watercourse. This requirement would also be a condition of consent. There have been no submissions from the local iwi.

There would be some changes to the ecosystem particularly in the short term with the removal of weeds but overall the effects would be minor and in the long term there would be improvements, with an increase in vigour and health of native species, a reduction in edge effects and an increase in ecological linkages. Therefore it is considered that the proposal would have no more than minor adverse effects on the existing ecology.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

There are no outstanding landforms or geological features on the subject land. The main ridge follows South Titirangi Road some eighty metres from the nearest boundary of the subject land. There is a smaller ridge to the south east of the site, which incorporates 31, 33 and 35 Landing Road which are the properties at the top of the existing long shared access off Landing Road. Thus the proposed subdivision would not have any effects on the natural geological features or landforms.

8.1.8 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

Although the site is close to the head of the inlet of the Little Muddy Creek, it does not abut it. Even stage 2 of the subdivision of the property did not adjoin Little Muddy Creek, which is an estuarine inlet containing mangroves, with channels through them. There is a 20m wide esplanade reserve along both sides of Little Muddy Creek, which contains vegetation that will increase in height over time. Esplanade reserves serve several useful purposes, which include filtering runoff and potential pollutants, providing vegetation to prevent erosion and the provision of wildlife habitat. None of these values would be adversely affected by the subdivision, which is required to maintain stormwater runoff, through a variety of measures, to the pre development levels on the site. The management of stormwater would require a consent notice on each lot and this would be a condition of consent.

In terms of potential adverse visual effects on the foreshore from the future buildings it is considered that given that the land along the foreshore is about 10m lower than the closest building platform on Lot 11, visual intrusion would be no more than minor.

8.1.9 Outstanding Landscapes

The site is not identified as an outstanding landscape in the Policy Section of the Proposed Plan (Map 3.6B). There are areas of West Coast "coastal type" outstanding landscapes in the vicinity of the site. The neighbourhood does not have a wilderness character but rather is a cluster of houses along Landing Rd in a semi rural open landscape.

8.1.10 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

- Overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy.

The application is for the subdivision of a site into 12 lots. Notional 200m² building platforms are required to be shown on each proposed lot in a position in which the future house could be located to comply with the development controls. The development controls of the Bush Living Environment in which all building platforms would be located require 3m yards along with the usual daylight indicators to provide a minimum degree of separation between the houses and minimise overshadowing. All future buildings would be well separated from each other and existing houses beyond the site. The development controls limit the maximum height to 8m with an elevation height of 10m and building coverage is 10% of the net site area. The future buildings on the steeper lots 7, 9, 10 and 12 could have a maximum elevation height of 10m as indicated on the four cross sections provided 18/6/02, but the proposed planting would provide screening. The permitted building coverage is 10% of the net site area, although the rules limit the maximum building coverage of any one building to a maximum of 300m². Even the potential building coverage on the smallest lot (2475m²) could be 247m², which would exceed the 200m² represented by the notional building platform. The potential building coverage on each lot would range from 247m² on the smallest lot to 1504m² on the largest lot. While the latter figure for building coverage is fanciful, building coverage for future development on all 12 lots in the subdivision could obviously be greater than the 200m² indicated by the building platform on each lot. Building coverage may well be limited in an indirect way by the consent notice which would be required, should consent be granted, for stormwater disposal and mitigation requirements.

All lots except Lot 8 would have a Bush Covenant, in which there could be no development. The Bush Covenant would not limit building coverage. While larger lot sizes can generally accommodate larger buildings, the usable or cleared area of each lot (calculated by deducting the area within the Bush Covenant) ranges from 2604m² (lot 1) to 850m² (lot 6). Therefore, given the potential for both, significantly greater building coverage on each lot than is indicated by the building platform, and for development to be concentrated onto the land outside the Bush Covenant, the areas of which are quite small on some lots, the development could be quite concentrated. Clustering development in the natural environment is considered desirable and has been a stated objective of the landscape architects DJ Scott & Associates who designed the proposed subdivision. As their report states: "the layout and design of the individual lots is complementary to the natural character and residential context inherent in this property and utilises the natural features of the site as the basis for the individual house site locations." The proposed planting would provide mitigation screening. Mr John Goodwin, of Boffa Miskell Landscape Consultants in Auckland undertook a landscape assessment for the Little Muddy Creek Pilot Study. Their assessment identified the lower land of the site as being of low/medium constraints in terms of its suitability for development but the steep eastern scarp slope below Grendon Road in the high constraints category. Given their involvement in this study Mr Goodwin was requested to peer review the landscape assessment. Following a request for further information, cross sections of Lots 7, 9, 10 and 12 were provided and this information makes it clear the distance between the top of future houses on the above lots would be 25m - 45 m lower than the viewing height of individuals from their homes in Grendon Road. Mr Goodwin confirmed that "with the full implementation of appropriate mitigation measures associated with both land and building development, including but not limited to planting as outlined in the Assessment of Environmental Effects and the S92 Request response, the adverse visual and landscape effects resulting from the proposed 12 lot subdivision should be no more than minor."

It should be noted that the landscape assessment in the application (p52) stated that the proposed 10m x 20m building platforms, on each lot are positioned as indicative and would not need to be confined to these areas because "the visual assessment has considered the positioning of the building platform across the entire building area provided for each lot, not just for identified 200m² nominal building platforms identified in the Landscape Plan." However, it is considered undesirable for future development on the steeper lots (7, 9, 10 and 12) to be located any higher on the slope in terms of earthworks and vegetation removal, albeit mostly weeds. Development on the other lots could be a little more flexible but it is considered that the proposed location of building platforms are close to shared driveways to minimise private driveway lengths and away from watercourses so that it would be desirable in terms of consistency and for the confidence of submitters for location of the buildings to be limited to the. Thus a condition of the consent would require the building platforms as shown to be defined by consent notice. The cross section of the proposed houses has shown them at 8m, which is the height of a two storey building. Restricting the building platforms to 200m² would allow a reasonable sized home to be constructed on two levels and would eliminate the potential adverse effects of exceeding the permitted building coverage.

It has been noted by the Court that there is a limit to how much a landscape can be closed in with exotic trees before it loses too much natural character. "Too many houses, even if screened can clutter and reduce naturalness by engendering accesses, vehicles gardens etc. Considerations of landscape go well beyond whether on not buildings can be seen." (*Van Brandenburg FPM v Queenstown Lakes D.C. & Threepwood Farms, C212/01, 7 NZED 72.*) However it is considered that conditions limiting the location and size of the building platforms and the proposed landscape planting, which would utilise mainly native species would ensure a natural uncluttered appearance, although over time it would be less pastoral than the current character.

The provision of shared access ways to serve the lots instead of the further extension of Landing Road would reduce the visual impact of 12 separate driveways on the landscape. The proposed sites are set well back from the road and the undulating land would facilitate the absorption of the buildings. While the proposed planting would provide screening there are other cumulative effects such as bigger households, more traffic and noise, which would be generated. There is also provision in the Bush Living Environment for minor household units on sites larger than 1500m² as a permitted activity if they are connected to the main dwelling. Every site in the proposed subdivision would have this opportunity, and again this would have the potential to increase the developed character of the area. There is no need to restrict the opportunity for minor household units to be constructed to prevent an overdeveloped suburban appearance to the neighbourhood give that if consent were to be granted there would be a condition to restrict the area of the building platform to 200m².

The rules relating to the maximum area of impermeable surfaces is another form of control, which limits development where there is no public reticulated stormwater system. This would be 15% of the General Natural Areas in which most development would be located. On some sites such as Lot 6 with a small area of General Natural Area there may be small infringements requiring a resource consent at the time of development. There would also be a consent notice, registered on the title of each lot, advising of stormwater disposal and mitigation requirements. Therefore any increase in building coverage beyond the building platform of 200m² would require a resource consent.

As all subdivision in the Bush Living Environment is discretionary it should be noted the proposal cannot be assessed against a permitted baseline for density. The density guideline of an average of one dwelling per 4000m² has been mentioned as an interim measure in the Little Muddy Creek Pilot Study, which is not dissimilar to the provisions for subdivision in the Transitional Plan for this area. The average area of the 12 lots in the proposed subdivision would be 5809m², or a net area of 5612m² with the exclusion of the shared driveways and pedestrian access. These areas would be consistent with the above provisions.

- Visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space.

The proposed lots would all be over 2000m², with the smallest one being 2475m². There are 4 properties in Landing Road, which are less than 2000m², 13 properties between 2000m² - 4000m², and 4 over 4000m² - 8000m² and 5 over 8000m². In the vicinity of the site there are 4 properties over 2000m² which illustrates the spread of property sizes. The largest sites are nearly all off the shared drive at the end of Landing Road on the higher land or area bush clad (15 Landing Road). Thus the closer development, which has occurred along the flat part of Landing Road is part of the neighbourhood character. This character has been continued in the stage 2 of the subdivision of 39 Landing Road where the area of the 5 lots is under 3000m².

Several submitters have described the sense of character of the area and it is defined as the small community of people who know one another but are "far enough away to retain privacy". However that character would still be retained although there would be more traffic in Landing Road and an overall increase in noise from traffic and people. Other concerns relate to the visual amenity, which many properties enjoy by looking into an undeveloped property and how that was changed with the second stage of the subdivision, which has resulted in properties that are very intrusive in the landscape. Again a submitter states "No covenants are proposed for the dwellings to limit their visual impact. The 3 dwellings built since 1994 on land previously subdivided by R Maxwell make no attempt to fit with the natural landscape, are not made of natural products such as timber and are painted bright cream". However, the development mentioned was not subject to the same requirements and was not part of the land owned by the applicant. None of the four lots in the earlier subdivision of the applicants land have been developed yet.

Should consent be granted for the proposal, conditions would be imposed requiring the landscaping shown on the Proposed Landscape Plan (Figure 8 of the application) to be implemented prior to the completion of the subdivision and for the species, their spacing and location to be approved as part of an landscaping plan. With such controls the adverse effects on the visual amenity beyond the site from the development on the lots would be no more than minor. It is unlikely that the houses would be completely screened from view but there would be partial screening and this would moderate the effects. The existing bush would also be protected by covenant and would continue to grow and provide a backdrop to the houses.

- Landscape modification, encroachment above ridgelines, landscape values, views.

The houses on the notional building platforms for proposed lots 1 - 6 and 8 would be in existing pasture, 7, 9 and 11 would be mostly within the pasture and lots 10 and 12 would be within a weed infested part of the bush in transition from the adjacent pasture. Thus there is unlikely to be any significant clearance of native vegetation. There would be a minimum of 25m to 45m vertical separation from the roofs of the houses on proposed lots 7, 9, 10 and 12 to the boundary by the houses in Grendon Road. Thus the outlook from properties in Landing Rd of the vegetated slopes up to the existing portions of houses visible on the ridgeline above the site would be retained. The proposed pedestrian access is unlikely to be visible as it would be screened by the existing vegetation on its downhill side. The site will be visible from sites other than those in Landing Road.

Probably Mt Atkinson off Kohu Road provides the best view of the site from a public place. However it is a distant view and although there would be houses in it they will be surrounded by vegetation. Views change over time and given the land is no longer being farmed it is in a state of change anyway even if it was just left to regenerate. As mentioned above, Mr John Goodwin of Boffa Miskell Landscape Consultants in Auckland who peer reviewed the proposed landscape assessment of the subdivision was satisfied the adverse visual and landscape effects resulting from the proposed 12 lot subdivision would be no more than minor.

- Connectivity, accessibility, surveillance, safety, public access.

A public pedestrian access way would be provided from Grendon Road to the shared access way in the site and thence to Landing Road. Concerns have been raised about the pedestrian access in terms of safety and the need for lighting. However there is already a network of walkways throughout the City including Titirangi and they are popular for leisure activities for a large number of residents who are walkers. The provision of this walkway, which would provide public access to the coast is supported by the Auckland Regional Council as it is consistent with the Auckland Regional Policy Statement and Proposed Auckland Regional Plan; Coastal. Should consent be granted to the subdivision a condition of consent would require the formation of the walkway.

- Noise, odour, dust, vibration.

There would be noise from machinery undertaking the formation of the shared driveways and later the buildings on the sites. However the development of each lot would not occur simultaneously on all sites and any construction noise would be of finite duration and subject to the usual noise controls in the District Plan. Mention has been made by submitters of the additional light from future housing but given the buildings are likely to be partially screened by vegetation around lot boundaries this would not be significant.

- Infrastructural capacity & availability.

The issues of stormwater disposal has been dealt with earlier in the report. There are no constraints for 12 additional houses to connect to the public sewer. The connections would be subject to the usual EcoWater requirements.

- Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient.

No new roads would be required, Landing Road having already been extended for Stage 2 of the subdivision. Two shared driveways would provide access to the lots, which are all rear lots. The use of shared driveways has always been encouraged in bush and rural areas to minimise the loss of vegetation. Only the top portion of the access to Lots 9, 10, 11 and 12 would require the removal of vegetation as there would be a 150m² extension beyond the pasture into the transition zone of weed infested bush. The gradients of the access ways would be well above the minimum of 1:5 the steeper one being approximately 1:14. The Roding and Traffic Assets Section of the Council have reviewed the proposal and, apart from requiring an amendment to increase the width of the carriageway on the shared access (Lot 13) beyond where it would join with the existing formed section of shared access, to allow for a passing bay in an easterly direction, are satisfied the access would be adequate to serve the future development, which is generally what has been anticipated by the zoning. The amendments to the design of the shared access (lot 13) to accommodate the above passing bay would be required as a condition of consent.

8.1.11 Heritage

There are no historic or registered trees or other items on the site shown on the Planning Maps of the Proposed Plan. The application includes an archaeological assessment of the site by Clough and Associates, Heritage Consultants. The literature, which includes two 1978 studies of the Little Muddy Creek by Hayward and Diamond, was reviewed and a visual inspection of the pasture areas of the site, was undertaken as development will essentially be limited to the unvegetated land. While there are some archaeological sites in the vicinity of the site including Little Muddy Creek Road bridge and a midden (incorrectly plotted) none of these items would be affected by the proposed subdivision. The report stated that no archaeological evidence of pre-European or nineteenth century occupation was observed. The report recommended that work should cease should any subsurface archaeological evidence be unearthed during the construction of the subdivision and the Historic Places Trust should be notified. These recommendations would be conditions of consent.

There have been no submissions from any of the iwi groups who were provided with a copy of the notified application.

8.1.12 Positive Effects

There would be benefits from the subdivision by the covenanting of the bush, the proposed planting to screen future buildings, from the removal of weeds, which would enhance and ensure the survival of the best areas of native vegetation, currently under the severest threat and provision of a pedestrian link to provide access to the coast of Little Muddy Creek. It is the report writer's opinion, that the potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of section 104(1)(a).

8.1.13 Cumulative Effects

In accordance with Section 125(2) a subdivision consent lapses if the survey plan is not deposited in accordance with Section 224 of the Act. This allows three years in which to give effect to the conditions. The development of the lots takes place once the titles issue. The land will therefore be developed gradually over the next few years. The changes to the environment will occur at different rates over time. In terms of the cumulative effects of the subdivision and development it is considered that these would be no more than minor. As noted already the pastoral nature of the landscape will change with the addition of landscape planting and housing but these changes would be gradual given the rate of future development and within the context of other changes to properties in the vicinity arising from the growth of existing vegetation and possible changes to existing dwellings undertaken in the course of their occupancy. Demographic changes in the neighbourhood with some additional people, noise and traffic will also occur but within the context of the usual changes expected in a neighbourhood. Conditions of consent will require the creation of instruments to ensure the ongoing maintenance of the subsoil drainage to ensure minimal changes to the water quality of the receiving environment of Little Muddy Creek. It is therefore concluded that over time the cumulative changes to neighbourhood character and natural environment would be no more than minor.

8.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other provisions of a Plan or Proposed Plan.

8.2.1 Proposed District Plan

8.2.1.1 Rules and Assessment Criteria

While the proposed subdivision would include land in both the Bush Living Environment and the Waitakere Ranges Environment 83.5% or 5.8207ha of the site is within the former environment. Furthermore, the notional building platforms for the future residential development on each lot would be located entirely within the Bush Living Environment.

The criteria for assessing the subdivision of land in both environments are similar, although those for the Bush Living Environment are more comprehensive given that there is more provision for subdivision/residential development in this environment compared to the Waitakere Ranges Environment where the average lot size is 4ha and the minimum net site area is 2ha. Therefore, the assessment criteria for subdivision in the Bush Living Environment are included in this report because they are more appropriate for this proposal. Furthermore, all but 392m² of the land within the Waitakere Ranges Environment would be within the proposed bush covenant.

Assessment Criteria - Bush Living Environment

The assessment of environmental effects in Section 8 of this report has covered most of the criteria listed for the subdivision of land in the Bush Living environment. However, those criteria, which may not have been discussed already are included below as follows:

10(a)

The extent to which the subdivision design avoids the need for clearance of native vegetation, retains or links significant vegetation and fauna habitat areas contains proposals to plant native vegetation on areas of the site not necessary for Residential Activities permitted by the Plan, avoids development on natural landscape elements and heritage features, minimises soil erosion, encourages on-site water retention, avoids development on flood plains and uses drainage methods that protect and enhance streams.

The building platforms for lots 1 - 6 and lot 8 would be within existing pasture in the General Natural Area of the site. A small portion of the building platforms on proposed lots 7, 9 and 11 are shown impinging slightly into the defined Managed Natural Area of the site. Lots 10 and 12 are shown entirely within the Managed Natural Area, although they would be located close to the boundary of the General Natural Area. As noted previously the boundary of the Managed Natural Area along the eastern side of the site is an area in transition from pasture to regenerating bush, and is heavily infested with weeds, which include 2m – 3m high pampas, gorse and tobacco plant. Thus there would be some vegetation clearance to accommodate buildings within the identified building platforms on the latter 5 lots. However the vegetation requiring removal would be almost entirely weeds, and their removal would be beneficial.

The ecologist's report has identified the best areas of native vegetation within this eastern weed infested part of the property on Figure 3 of his report, and the building platforms would be positioned to avoid these stands of puriri - nikau, kanuka - mahoe and the regenerating gully in the north east corner of the site. The gully at the southeast end of the site contains some riparian vegetation, which needs enhancing with replanting, and given that the pedestrian walkway would follow the gully, its formation would provide an opportunity to remove weeds and replant hoheria, wineberry and five finger.

It is therefore considered that although the building platforms for lots 10 and 12 are shown entirely within the Managed Natural Area they would be located close to the boundary of the General Natural Area and there would be no disturbance to the best stands of native vegetation.

The proposed subdivision includes the provision of a bush covenant over the majority of the land identified as Managed Natural Area. With the exception of lot 8, which is entirely within pasture and lot 11, which is almost entirely within pasture there would be ten proposed lots with a portion of their land area included in the bush covenant. The land within the bush covenant, which would be registered on the title of each lot by consent notice would be required to be retained in bush and no development would be permitted within it. A further condition of consent would require the boundary of the proposed bush covenant to be fenced where it is not already.

The long term regeneration of native vegetation within the bush covenant would be enhanced by the removal of weeds. The ecology assessment has identified four areas for "mitigation activity" on Figure 3 of the report, and suggested that a specific targeted approach to weed control is required as it would be impossible to remove all weeds without causing major bush disturbance. Therefore in order to enhance the existing natural regeneration of native species those areas where the "natural regeneration has been best and the weed flora is least invasive" would be targeted initially. The report does not include any detail and a condition of consent would be a requirement for a detailed plan /programme of weed control to be submitted for approval. Once approved the plan would need to be implemented in stages with the initial work completed prior to the issue of the S224(c) certificate at the completion of the subdivision. There would also need to be an ongoing responsibility for the future owners of each lot to continue the programme of weed control. Thus the proposed subdivision provides the opportunity to improve the existing natural regeneration of native vegetation and limit the spread of weeds into adjoining sites. The establishment of the walkway would also result in the removal of weeds and may stimulate the adjoining property owners in Grendon Road where there is also severe weed infestation to begin clearing their own properties of weed species.

10(b)

The extent to which formal/legal protection will be achieved for the elements of the Green Network, including Riparian Margins, areas of outstanding natural features or outstanding native vegetation.

As mentioned the Managed Natural Areas on lots 1 - 6 would be fully protected by a Bush Covenant to be registered on the title. Lots 7, 9, 10 and 12 would also have a Bush Covenant but it would not reflect the existing extent of the Managed Natural Area. It is considered that the arguments presented by the ecologist, and peer reviewed by the firm Bioresarches, would generally justify the location of the Bush Covenant for the reasons outlined above. However it is considered that the Bush Covenant should be increased on Lot 12 to accommodate larger trees and this would be a condition of consent. Lots 8 and 11 would not have Bush Covenants being in existing pasture. 96.6% of the land in the Waitakere Ranges Environment would be within the Bush Covenant.

10(c)

The extent to which sites are large enough to ensure that future buildings meet the relevant standards of the Plan.

The proposed sites would be large enough to ensure the future houses can comply with the bulk and location controls for Bush Living Environment.

10(d)

The extent to which sites are provided with practical vehicle access to a road, with passing bays where necessary.

The Transport Assets engineer who assessed the proposal is satisfied with vehicular access to the proposed sites.

10(e)

The extent to which sites are of a useable shape.

The proposed lots would all be a useable shape.

10(f)

The extent to which the subdivision design integrates with the surrounding neighbourhood character and rural landscape.

A survey has been made of the property sizes in the neighbourhood and they vary from 1000m² to some over a hectare in area. However the great majority of older subdivisions are between 2000m² - 4000m², with newer subdivisions reflecting the 4000m² requirement of the Transitional Plan. The neighbourhood character can therefore be defined as lots of varying size and shape, varying topography some bush clad, some with areas of pasture and bush and others with a suburban appearance. The area to the west of this neighbourhood which extends along Huia Road and is visible from the higher parts of the subject site has a more open and rural character given the areas of pasture on lower slopes and bush on the higher land. The proposed subdivision contains lots of varying size, shape and topography with bush and pasture and would therefore be similar to the surrounding development.

10(g)

The extent to which the subdivision design enables efficient provision of infrastructure.

There is a public sanitary sewer traversing the northwest side of the site and a water main in Landing Road allowing connections to the proposed subdivision. There is no stormwater system serving the area and it is the disposal of stormwater from the development, which is the most problematic, there being a need to maintain the stormwater flows from the site to predevelopment levels and to ensure that there is no stormwater discharge onto steep slopes where there is a potential risk to long term stability of the land. Additional information (report dated 23 July 2002 from Jackson Clapperton & Partners Limited) has addressed the nature of stormwater disposal. It has been agreed that stormwater disposal to provide ground water relief would be provided with perforated pipelines laid true to line and grade with manholes at each end to allow periodic maintenance inspection. Stormwater disposal for residential development should be through sealed household detention tanks to a piped system discharging to the natural watercourses. The shared access driveways were designed to use grass swales but an alternative solution would now be required and a condition of consent would require this to be detailed in the engineering plans.

EcoWater has reviewed the information and would require a consent notice requiring specific design of stormwater disposal, geotechnical stability analysis with the specific design of the foundations of the houses in accordance with the requirements of that geotechnical analysis for all lots within the subdivision. The proposed amenity planting around the boundaries of the lots would equate to 9450m² and this would contribute to a natural form of stormwater detention, although it is not included in the calculations. The Discharge Consent from the Auckland Regional Council is for the development of 18 lots and this proposal would be for one less. However, it would require amending to accommodate these changes to the proposed stormwater system.

A submitter from 35 Landing Road on the hill above the proposal raised an issue about low water pressure resulting from development of the earlier subdivision. However, to date no residential development of this earlier stage of subdivision has occurred and EcoWater are not aware of any ongoing problems in the area and noted that meeting normal domestic demand is not a problem. "If anything, the pressure in this area is considerably higher than our target service level. The network is designed to provide for fire-fighting, and provides much higher flows than another 10 or 20 houses would require." EcoWater did advise the writer that the submitter has a very long service connection, "which creates pressure loss when water is drawn off a high flow."

10(h)

The extent to which the site orientation and site dimensions facilitate the siting and design of dwellings which minimise fossil fuel use and maximise use of passive solar energy.

The building platforms within lots 1 - 5 are located on land, which is sloping up to the northeast with a backdrop of existing 6m-8m high semi mature vegetation on gently rising land to the northwest. The future houses on these lots would be oriented to the south and the combination of the topography, existing vegetation and proposed screen planting could create some shading in winter months unless houses are individually designed to maximise solar gain with glazing or building two storey houses. There would be some justification for using some deciduous trees to maintain sun into sites during the winter. The only native deciduous tree is the lowland ribbonwood *plagianthus regius*. Alternatively, trees which are medium sized at maturity, should be used for screen planting on lots 2 - 5 to minimise the potential adverse effects of winter shading. The building platforms on lots 6, 7 and 8 are all more elevated further from the semi mature vegetation adjoining lots 1 - 5 and have a good northerly orientation. The location of the building platform for lot 10 has been slightly altered to accommodate the onsite stormwater drainage (further information received 29/7/02) and would be more elevated, which would require more planting of canopy type species capable of attaining a height of 8m - 10m. The shape of the site would provide the opportunity for this planting without affecting good sunlight penetration within the building platform.

The building platforms on lots 11 and 12 would be 20 and 30m respectively above sea level with good west to northwest orientation.

10(i)

The extent to which the design and location of driveways and building platforms minimise alterations to landform, avoid visible scars on the landscape and take advantage of natural drainage systems.

Much of the land is gently sloping and judging by the formation of the existing shared driveway and residential development on the first two lots of Stage 2 of the subdivision, the land has retained its natural form. There would be over 2000m³ of earthworks associated with the extension of the existing shared driveway and the formation at the head of the other shorter shared access. The gully formations and general topography would generally remain intact. There would be planting along lot boundaries, which includes those adjoining driveways and margins of the four ephemeral watercourses on the site. The proposed planting, existing shelterbelts and scattered trees would provide screening of the access ways and individual driveways and building platforms. Any earthworks associated with the future residential development of the lots would be subject to the earthworks rules of the District Plan and the geotechnical requirements in the consent notices.

10(j)

The extent to which shared access ways are to be used, where appropriate.

The access to all proposed lots in the subdivision would be via shared driveways, with no extension to the roading network. This is both advantageous to the applicant in terms of cost, but is beneficial to the environment by minimising hard impermeable surfaces and consequent stormwater runoff and maintaining the semi-urban character of the neighbourhood. Passing bays at 50m intervals or less if required to ensure good visibility would be a condition of consent for the formation of the shared driveway on lot 13.

10(k)

The extent to which driveway carriageways are constructed of materials and to a design strength sufficient to carry the likely wheel loads of vehicles and which enables the carriage of motor vehicles, at a minimum future maintenance cost.

The engineering plans and specifications would be approved by Council and would be required to comply with the Councils Code of Practice For City Infrastructure and Land Development.

10 (l)

The extent to which edges of driveway carriageways are appropriately designed and will be constructed to:

- *avoid edge fretting;*
- *allow safe and ready access to adjoining sites at appropriate locations.*

Stormwater drainage from the shared driveways in the subdivision has yet to be confirmed, due to the saturated nature of the ground. There are grass swales along one side of the existing shared driveway, with no kerbstones. The shared driveways would be single way with passing bays. While onsite turning would not be required from each lot (given manoeuvring onto shared driveways is permitted) onsite turning has been shown indicatively on the plans submitted with further information in 29/7/02. This would increase the safety and ease of accessibility for the occupants using the shared driveways.

10(m)

The extent to which, where relevant, design, construction and location and provision of public water supply mains infrastructure owned by network utility operators (if provided):

- *ensure sufficient capacity to provide water services to potential development within the subdivision and to any further development which may occur outside the subdivision;*
- *ensure sufficient capacity for firefighting, including provision of fire hydrants;*
- *are of a sufficient standard and compatibility with existing systems to minimise maintenance costs;*
- *ensure sufficient water quality and water pressure is available for likely needs;*
- *provide for water metering;*
- *ensure public water supply mains are watertight;*
- *ensure that there are no more than minor adverse effects on natural features and other infrastructure;*
- *ensure that continued access is made available to utility network operators to ensure maintenance can be undertaken.*

The approval of the design of all infrastructure prior to its installation would be a condition of consent should it be granted. A submitter from 35 Landing Rd raised a concern about low water pressure during the earlier construction phase but EcoWater have advised that this would be unlikely to be an issue. There are only two lots where the connection to the public sewer may require trenching through the bush and at the time the property owner applies for building consent the proposal would be evaluated to ensure that if necessary a resource consent for work in the drip line of vegetation was obtained.

10(n)

The extent to which, having regard to the requirements of any comprehensive catchment resource consent issued by the Auckland Regional Council, the stormwater treatment and disposal system is designed, constructed and located to:

- serve the whole of the natural upstream catchment area having regard to likely future development;
- ensure maintenance of water quality in receiving natural waters, including treatment where necessary to provide for removal of contaminants;
- *ensure sufficient capacity to provide for the safe and efficient disposal of stormwater from the subdivision and future development;*
- *ensure adequate measures are taken to screen out litter, silt and other contamination;*
- be of a sufficient standard and compatibility with any existing stormwater treatment and disposal system to minimise maintenance costs;
- ensure no more than minor adverse effects on other infrastructure or likely building development;
- *provide for stormwater treatment and disposal from all of the land within each site;*
- *avoid flooding on or downstream of the site.*

As already noted a discharge consent for the diversion and disposal of stormwater was obtained in 2001. A catchment analysis defining the 1:100 year overland flood paths and drainage easements would be required to be registered on the titles where necessary to prevent impediments to the flow path and to establish appropriate freeboard for residential buildings in accordance with Council's Code of Practice. Additional information was obtained from the applicant's consulting engineers for amendments as outlined above in 10(g) for the disposal of stormwater for the subdivision. The detention tanks in the amended system would provide some water quality treatment. Conditions, should consent be granted would require the establishment of an administrative body/entity, prior to the completion of the subdivision, to manage and maintain the subsoil/stormwater drainage system for the subdivision and to be responsible for the maintenance costs of the system. Other details would be required at the time the engineering plans are approved should consent be granted. EcoWater in conjunction with Beca Carter Holling and Ferner who peer reviewed the geotechnical report are now satisfied that the provision of subsoil drains at 12m spacings on the lots would address the stability of the land.

10(o)

The extent to which consideration is given to the use of riparian margins, ponds and open natural waterway systems for stormwater disposal (in such cases the open natural water system should be capable of efficiently accommodating the stormwater generated by the subdivision, in a manner which allows for adequate long-term maintenance and with no more than minor adverse effects on the natural systems or downstream systems).

There are no permanent streams on the site. However there are gully systems with ephemeral streams on the site. These would be used where appropriate but given the stability issues a network of subsoil drains with detention tanks (manholes) would also be constructed. It should be noted that the Auckland Regional Council Discharge Consent discussed the fact that the overland flow path in which the culvert beneath the access way (now formed for the previous 5 lot subdivision) was to be installed was not considered to constitute a water course and as such a Land Use Consent: Works Within A Watercourse was also not required.

10(p)

The extent to which the design of stormwater systems incorporates measures to reduce run-off rates where there may be damage caused to natural waterway systems.

A consent notice would be required to be registered on the title of each lot to ensure that the stormwater disposal system is designed to satisfy Council requirements for the discharge to be at predevelopment levels and to ensure planting around outfalls and other measures to prevent damage to the natural gullies.

10(r)

The extent to which sufficient secondary flow paths are provided, to avoid adverse effects from damage in flood conditions, and, if over private land, are protected by appropriate easements and consent notices.

The provision of a catchment analysis would define any overland flow paths and the need for secondary flow paths would be identified during that process, and if required easements or consent notices would be registered against the titles prior to the issue of the section 224(c) certificate at the completion of the subdivision.

10 (s)

The extent to which the design, construction and location of the wastewater treatment and disposal system have regard to the upstream catchment and effect on the downstream catchment, including likely future development.

The design and capacity of the public wastewater system has not been identified as a constraint in the Little Muddy Creek Study.

10(u)

The extent to which, where necessary, easements and consent notices are applied to protect the integrity of wastewater treatment and disposal systems.

It is unlikely that consent notices would be required for the above.

10(v)

The extent to which subdivision adversely affects the mauri (life-force) of water, native vegetation and fauna habitat and land.

The iwi were included in the notification of the proposal but the Council has not received any submissions from them. It is therefore assumed that they have no concerns with the proposal.

10(w)

The extent to which subdivision adversely affects the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi.

The land to be subdivided has been substantially modified by the past agricultural activities. However, an archaeological assessment of the land was undertaken and although no sites were noted, the usual conditions would be imposed for all work to cease should any discoveries be made. The iwi were individually notified of the application and have not made any submissions.

10(x)

The extent to which subdivision adversely affects the visual, historical, cultural and spiritual significance for iwi of sensitive ridges.

The nearest sensitive ridge is along South Titirangi Road, well clear of the site, and apart from the formation of the pedestrian access way off the frontage with Grendon Road there would be no development on the high parts of the site.

10(y)

The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.

There would be a reserve contribution levied on the proposed lots, with credit being given for the underlying title. It is based upon 6% of the value of each lot created and would be paid prior to the issue of the S224(c) certificate.

10(z)

The extent to which the subdivision, where relevant, provides for public access to and alongside the coast, streams, lakes and wetlands.

The proposed walkway would connect to the shorter shared access way, which comes off Landing Road and then it is a short walk to the esplanade reserve, where the Parks Asset Section of Council intend constructing a walkway in the future. The Auckland Regional Council have noted in their letter/submission that the provision of the proposed walkway is consistent with Objective 7.3.6, and Policy 7.4.13.1 and 2(v) of the Auckland Regional Policy Statement and Objective 7.3.1 of the Proposed Auckland Regional Plan; Coastal and is supported.

10(aa)

The extent to which measures have been incorporated into the subdivision proposal which avoid, remedy or mitigate any threat to the Green Network that could arise from the introduction of animals as a result of the subdivision.

There are several bird species in the area and seen on the site and likely to be other native fauna such as lizards and snails. There is an issue with the potential development of the lots that owners would have pets including dogs, cats and pet sheep or goats. However the best protection of the vegetation and habitat would be by fencing of the Bush Covenant where fencing does not exist. Therefore, should consent be granted, a condition requiring fencing of the Bush Covenant in lots 6 - 12 would be imposed.

10(ab)

For any subdivision within a structure plan area, the extent to which:

- *enhancement Areas are, or will be, planted with species appropriate to the landscape and ecology of the area;*
- *enhancement Areas that are identified as Ecological Linkage Opportunities or Restoration Natural Areas are, or will be, planted with native species;*
- *bush Improvement Areas are, or will be, planted using native species.*

Although the site is not part of a structure plan, a comprehensive landscaping plan for all the screen planting would be required to be submitted for approval should consent be granted and it is considered desirable for the planting on boundaries between lots to be implemented prior to the completion of the subdivision. This would ensure that by the time that houses were being constructed some planting would at least be established. There would be scope for the new owners to undertake the planting along the boundary with the shared access once their private driveways had been formed and the houses constructed. Such a plan would also address the weed management around the four areas identified on Figure 3 of the ecology part of the report by the applicant. As previously mentioned care would need to be taken that native canopy species that could block out sun were not planted on the boundaries of Lots 1 - 5, and possibly some exotics that are deciduous would be included but overall most plants used would be native. Should consent be granted these requirements would be included by conditions.

10 (ac)

For any subdivision within a structure plan area, the extent to which:

- *protection and enhancement areas are encompassed within proposed sites in a manner which best provides for their future maintenance and protection;*
- *protection and enhancement areas are permanently fenced, if necessary to exclude stock;*
- *subdivision boundaries are positioned so that there is no more than one dwelling per site.*

Although the site is not part of a structure plan, as already mentioned, fencing of the Bush Covenanted areas would be required. It would not be appropriate to fence the planted areas between lots, rather make them and their maintenance a condition of consent.

8.2.1.2 Policies and Objectives

There are a number of relevant policies and objectives in the Proposed District Plan, which the rules are based upon.

Policy 1.4 states "Settlement within the Foothills Environment, the Countryside Environment and the Titirangi and Laingholm areas of the City, should be designed and located, and be of a density that recognises their key positions in relation to protecting valued natural resources, including freshwater quality and quantity and the quality of coastal waters. Particular regard should be had for the cumulative impacts of settlement in these areas, the comprehensive design and management of settlement, and the relationship of individual sites with the surrounding catchments and natural and physical resources. Where development takes place, riparian management and other appropriate methods should be used which result in the protection and enhancement of the quality and quantity of water in water bodies on the site." (underlining writers emphasis)

To a large extent the policies and objectives of the Plan relating to subdivision and development require the protection of all natural resources, including native vegetation, waterways, riparian margins and the foreshore to ensure that both land and water habitat are protected or managed. The assessment of effects has determined that subject to conditions adverse effects on the above elements would be no more than minor. However cumulative effects are also an important consideration because they lead to an overall decline in the natural system. It is considered that should consent be granted, the conditions outlined throughout the assessment, which include erosion and sediment controls, provision for fish passage through a culvert over an ephemeral watercourse and maintaining hydrological neutrality with devices for stormwater quality would ensure that adverse effects on the environment were no more than minor and the potential for cumulative effects to arise would be minimised given some conditions such as the removal of weeds and landscape planting would actually improve the natural environment.

Policy 1.6 states *“Activities (including structures and impermeable surfaces), should be designed, located and carried out in a way that they do not impede or adversely affect the potential for the regeneration of native vegetation, or reduce the extent, range and linkages between areas of native vegetation within riparian margins and coastal edges.*

The subject property has been farmed for years but there is significant regeneration of bush some of which is badly weed infested. However the proposed bush covenant and removal of weeds will encourage further regeneration.

It is considered that the policies under Objective 11 relating to amenity values are relevant.

Policy 11.1 states *“settlement should be of a type and density that protects amenity values”*. Rules relating to density are the tool for managing this. Overall although this subdivision does not meet the density rules it is considered that the amenity values of the area would be protected. Care has been taken to ensure the long term protection of the existing bush by a Bush Covenant. The character of settlement would be similar to the surrounding neighbourhood given the landscape planting to be undertaken on each lot prior to the completion of the subdivision.

Policy 1.17 states *“Subdivision and development within Structure Plan Areas should be designed and managed in a way that emphasis is given to the protection and enhancement of streams, lakes, watercourses, wetlands and the coast and their margins in the development restoring low quality areas of vegetation or re-vegetating bare areas along waterway margins.* Although this policy relates to structure plans the proposed subdivision includes planting the gully in which there is an ephemeral stream and where the proposed walkway would be located. This would enhance existing riparian type vegetation, which is scattered and weed infested.

Policy 10.20 states *“Subdivisions should be designed and adequate public access set aside so that:*

- *potential demand for public access between areas of public land; and*
- *potential demand for public access to and along the City’s waterways and coast; and,*
- *potential for recreational use of the adjacent sea, harbour, river or lake;*
- *can be provided for, where that use or access is compatible with protection of conservation values.”* A pedestrian walkway has been required as part of the subdivision. The proposed walkway would provide public access from Grendon Road to Landing Rd and then to the esplanade reserves along the coast of the Manukau Harbour to achieve both objectives of the community and the Resource Management Act1991.

Policy 11.9 states “Structures and access ways should be placed in such a way that they do not encroach visually on natural landscape elements that have been identified as contributing to the amenity of an area”.

This relates in particular to sensitive ridges. There are no sensitive ridges on the subject site but there is a relatively steep slope, which forms the eastern edge of the catchment of the Little Muddy Creek and it is possible that some submitters think that houses will be visible on it. Parts of lots 6 and 7 do afford good views to the west and 4 houses on the southern side of Landing Road can be seen from it. However the corollary is that houses are elevated on land in the area and the existing outlook they enjoy will be changed but the overall landform would remain and changes would not overall be significant. Furthermore the building platform for Lot 6 is quite low on the slope and there will in time be additional planting.

8.2.2 Transitional District Plan

As discussed in Part 7 of the report the Proposed Plan is considered to be the dominant document and discussion of the proposal in relation to the objectives, policies and rules of the District Plan has therefore been limited to those of the Proposed Plan. However it should be noted that the objectives and policies of the Transitional Plan both for subdivision and development are similar in their intent to the Proposed Plan as they seek to protect and preserve the Waitakere Ranges by ensuring that the size, shape and nature of sites created by subdivision for residential uses in non-urban areas are such that development will not detract from the character and amenities of the area and by limiting vegetation clearance, earthworks and limiting development from steeply sloping and unstable land.

On balance the proposal would not be contrary to the objectives and policies of the Transitional Plan as they relate to the minimization of vegetation clearance and earthworks. In fact there would be benefits from the subdivision by the covenanting of the bush, the proposed planting to screen future buildings, from the removal of weeds, which would enhance and ensure the survival of the best areas of native vegetation, currently under the severest threat and provision of a pedestrian link to provide access to the coast of Little Muddy Creek. The proposal does not however satisfy the strict requirements for the size of the lots, but it is considered that the range of different sized lots would not be out of character with the existing subdivision pattern in the neighbourhood. It is considered therefore that overall the application is not contrary to the objectives and policies.

8.3 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement provides the umbrella policy document for strategic direction and management of the environment within the region under which the Waitakere City Proposed District Plan has been prepared.

Part 2 of the Auckland Regional Policy Statement sets out the strategic overview for growth in the region. Part 7 deals with the coastal environment, and 7.4.10 Policies: Subdivision, use and development, is the most relevant. It states:

- “1. The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided in appropriate areas of the coastal environment.
2. In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:....
 - (iii) amenity values are maintained or enhanced as far as practicable;
 - (vii) activities are of a scale, design and location that maintains or enhance landscape values in the area, including seascapes and landforms;”

As already noted subject to conditions to protect a large area of existing vegetation on the site in a Bush Covenant and to undertake weed control and to establish landscape planting around the lots, the proposed subdivision with its mixture of different sized lots would not compromise amenity values and would enhance the natural landscape values in the vicinity. While there are West Coast “coastal-type” outstanding landscapes (as defined in the Proposed District Plan) in the vicinity the site is not adjoining these landscapes being in a neighbourhood, which is semi rural in character and approximately 100m from the Little Muddy creek estuary. The chapter on the Coastal Environment in the Regional Policy Statement is relevant to this application and has been considered later in the report.

As mentioned previously the Auckland Regional Council support the provision of the proposed walkway through the subdivision because it is consistent with Objective 7.3.6, and Policy 7.4.13.1 and 2(v) of the Auckland Regional Policy Statement and Objective 7.3.1 of the Proposed Auckland Regional Plan; Coastal.

8.4 Any Other Matters the Consent Authority Considers Relevant (104(1)(i))

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

The current application is the third stage of the subdivision of the subject land. The first stage was a boundary adjustment followed by a second stage, which created four vacant lots and a fifth lot with the existing house, and was approved in July 2000. An issue has been raised about obtaining consents in stages and whether this is legitimate. Undertaking the subdivision of land in stages is both common and is lawful. People are entitled to make applications but each application is assessed on its merits.

Some submitters have raised issues about the subdivision devaluing their property. However that is not an issue that can be considered under the Resource Management Act 1991. However, assessment throughout this report has demonstrated that the proposed subdivision would have little adverse effect on the amenities of the area and would be in keeping with the neighbourhood character.

The Waitakere Ranges Protection Society is concerned that the application relates to a site in respect of which the zoning under the Proposed Plan remains subject to references to the Environment Court. The Society considers it would therefore be premature to grant consent to the application as it would compromise the integrity and consistent administration of the District Plan. The references relate to the rules for subdivision in both the Bush Living and Waitakere Ranges Environments for land within the Metropolitan Urban Limits of the Titirangi/Laingholm area. However, apart from these few outstanding references the Proposed Plan is almost operative, and is therefore generally considered to have more weight than the Transitional Plan. The rules for lot sizes for the subdivision of land in the Bush Living Environment and General Natural Area are more permissive than the rules under the Transitional Plan on this site. Eight of the proposed lots would satisfy the minimum area requirements.

The remaining two sites do not meet the density rules because their respective building platforms would be located in the Managed Natural Area. To a large extent the issue for this subdivision relates to the correct identification of the boundary between the General and Managed Natural Areas, because this is what determines the yield in terms of permitted lot sizes. There are other minor infringements of the density rules such as the parent lot not existing as at 14 October 1995. All outstanding references to the natural area rules have been resolved. The arguments put forward about the boundary between the General and Managed Natural Areas would be the same issue regardless of what the specific rules for lot sizes in the two human environments are. Furthermore, the proposal clearly meets the spirit of the objectives and policies for both the Transitional and Proposed Plans in terms of protection of the environment and landscape. The stakeholders have all been involved in the ongoing mediation relating to the subdivision rules and had the opportunity to comment on this application. It is therefore considered that the subdivision would not be contrary to the public interest.

Section 406(1)(a) states:

- “(1) Notwithstanding anything to the contrary in Parts VI or X, a territorial authority -*
- (a) shall not grant a subdivision consent if it considers that either -*
 - (i) The land in respect of which the subdivision is proposed is not suitable; or*
 - (ii) The proposed subdivision would not be in the public interest.”*

Section 406(1)(a) of the Resource Management Act 1991 ceases to be relevant once the Proposed Plan becomes operative and for the reasons outlined above the granting of this subdivision would not be contrary to the public interest.

8.4.2 Reserve Contributions/Bonds

As noted the Operative Auckland Regional Policy statement and Policy 10.20 in the Waitakere City Proposed Plan specifically seek to ensure that subdivisions are designed to provide public access between areas of public land and the coast. The applicant has been required to provide a pedestrian walkway through the site to facilitate access to the future coastal walkway around the Manukau Harbour. As the rules of the Proposed Plan relating to financial contributions are still not operative Section 407 of the Resource Management Act 1991 authorises that Section 321A of the Local Govt Act 1974 applies to the provision and formation of the pedestrian walkway. The formation and fencing of the walkway would be included as conditions of consent. Likewise Section 285(3) of that Act, again through Section 407 of the Resource Management Act 1991, provides for the reserve contribution, and instead of requiring the value to be calculated at 7.5% of the value of each new lot the Council would accept 6%.

A bond of \$10,000 would be required to be paid to the Council prior to the issue of the Section 224C certificate to ensure that the second stage of the weed management programme is implemented and completed over a five year period.

The applicant has argued for a waiver of financial contributions for services, roads and reserves.

- The Transport Assets Section have no requirements for any road upgrading as a result of the subdivision but will require the usual engineering fee for processing the detailed engineering plans for the two shared driveways, a fee for works supervision inspections and a street damage bond. These fees will be required before the commencement of any work on the site.

- Page 85 of the application states that “The applicant has already paid a financial contribution to Council in respect of the previous Stage 1 subdivision creating five new lots. That contribution was for reserve purposes.” Other arguments put forward for Council not to require a reserve contribution are that the subdivision would include a bush covenant totalling 4.3ha in area and would provide planting for landscaping the proposed lots. However these arguments cannot be considered for the following reasons. The reserve contribution paid for a previous subdivision of a part of the original land is irrelevant to this proposal, which is creating an additional 11 lots. Likewise, the bush covenant would provide protection of existing native vegetation and although a condition of consent would include weed control, which has a financial cost the money spent can be recouped through the sale of the lots. The ongoing responsibility for managing and nurturing the native vegetation will become the responsibility of the owners of the individual lots once they are sold. The proposed planting for landscape screening would be undertaken to mitigate the visual impact of future development on the lots. Therefore, for the above reasons a waiver of the reserve contribution is not recommended. A condition of consent will require a reserve contribution of 6% of the value of the building platforms on Lots 1 - 12, reducible by a credit for the underlying title, to be paid, prior to the issue of the S224 (c) certificate. It should be noted that the 6% reserve contribution is less than the maximum amount of 7.5% that could be taken under the Local Govt Act 1974.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council’s standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to weed management, the proposed screen planting on the lots and the formation of the pedestrian walkway, fencing, driveways and infrastructure.

8.5 National Policy Statement (104(1)(c))

Chapter 3 - Activities Involving The Subdivision, Use Or Development of Areas Of The Coastal Environment of the New Zealand Coastal Policy Statement 1994 could be considered applicable to this application. Section 3.1 deals with Maintenance and Enhancement of Amenity Values.

The nearest boundary of the subject site is approximately 70m from the shoreline of the Little Muddy Creek inlet. However it is separated from the shoreline by the private access way serving several properties at 31 - 35 Landing Road and by the existing esplanade reserve. Planting is proposed along the boundary of proposed lots 11 and 12 where they adjoin the private access way. This planting combined with existing trees some of which are exotic (macrocarpas) would provide screening so that the future development on these two lots do not dominate or intrude into the natural environment. There is an ephemeral watercourse in the gully adjacent to part of the proposed pedestrian walkway between lots 10 and 12. Providing and forming the pedestrian access would provide an opportunity to clear weeds and plant trees and shrubs suitable for riparian margins in the gully adjacent to the pedestrian access. As this gully discharges into the Little Muddy Creek there should be improvements in the environment of the gully for fauna inhabiting it, which may include some aquatic species. Overall the removal of weed species from the site should improve the quality of the natural landscape in the future. In addition the provision of a pedestrian walkway through the site to Landing Road would increase the accessibility of the coast to the general public.

8.6 Regional Plan or Proposed Regional Plan (104(1)(f))

8.6.1 The Proposed Auckland Regional Plan: Coastal sets out the objectives and policies relating to the integrated and sustainable management of Auckland's coastal environment. However the subject site is not within a coastal marine area or on land immediately adjoining the coast.

8.6.2 Auckland Regional Council has recently notified the Auckland Regional Council Regional Plan for Air, Land and Water. This document is specifically designed to manage the effects of development on the natural environment on a region wide basis. The policies of relevance to this application relate to the discharge of stormwater from the subdivision. As previously noted a discharge consent from the Auckland Regional Council was issued for a total of 17 lots of which 5 have already been subdivided. The consent remains valid until 2036, although it will require amending given the changes to address site stability.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

It is considered that the proposal would be generally consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in Section 104 of the legislation. In summary, sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced. As demonstrated throughout this report, subject to conditions for the installation of subsoil drains to improve the stability of the land and manage stormwater, with consent notices to ensure the ongoing maintenance of drainage by individual property owners, specified building platforms, requirements for geotechnical reports for the future housing, erosion and sediment controls and provision for fish passage through the culvert over the ephemeral stream the adverse effects would be minor.

Furthermore, the proposed Bush Covenant would ensure that a substantial area of existing bush on the site is protected. Should consent be granted conditions would be imposed to ensure that the Bush Covenant was properly fenced and a programme for the removal of weeds provided and implemented within specific time frames and with a bond to ensure compliance. Wetland planting along the margins of the watercourses on the site would be provided. Other enhancement planting would be undertaken on each lot to provide screening of the future buildings and thereby maintain amenity values of the neighbourhood. Pedestrian access would be provided through the site to improve accessibility to the coast for people living in the vicinity of the site.

10.0 EVALUATION IN ACCORDANCE WITH SECTION 105 OF THE RESOURCE MANAGEMENT ACT 1991

The threshold test in Section 105(2A) of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (105(2A)(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (105(2A)(b)). As discussed in Section 7.0 of this report very little weight shall be given to the objectives, policies and rules of the Transitional Plan as the Proposed Plan is considered to be the dominant document.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies Section 105(2A) in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan. Jurisdiction to grant consent has therefore been established.

CONCLUSION

The applicant seeks consent to subdivide a 6.9716ha site into 12 lots ranging in size from 1.5044ha to 2475m² with approximately 2000m³ of earthworks for the formation of access ways. The subject site is located at 39 Landing Road, Titirangi. The site is zoned Non-urban Residential 1 under the Transitional District Plan. The site is in the Bush Living and Waitakere Ranges Environments and contains both General and Managed Natural Areas under the Proposed District Plan.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects would be no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a Non-complying Activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the Proposed Plan/Transitional Plan, which seek to ensure that adverse impacts on land stability, native vegetation and fauna habitat and visual amenity are minimised by limiting the location of new lots and the density of development. Twelve lots are proposed for future residential development and they would be located generally within cleared land or land currently infested with weeds and would be located on the lower parts of the site and screen planting would be established to minimise visual intrusion in the landscape. The proposed subdivision would provide for the long term protection of native vegetation within a bush covenant and provides for public pedestrian access through the site.

The potential adverse environmental effects would be mitigated by the imposition of conditions including bonds to ensure the subdivision is established and development is managed from both the beginning of the project to the end and with ongoing maintenance requirements. It is therefore considered that the proposal meets the Section 105 threshold.

It is considered that the issues raised by the submitters can be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application merits consent in accordance with Sections 104 and 105 of the Resource Management Act 1991.

RECOMMENDATIONS

- (A) That pursuant to Sections 104, 105, 108 and 113 of the Resource Management Act 1991 and Section 348 of the Local Government Act 1974, and subject to additional or contrary information being presented at the hearing, consent be granted to the application (RMA 20020091 and SPW 21464) by Richmond Eden Limited (R Maxwell) to subdivide a 6.9716ha site into 12 lots ranging in size from 1.5044ha to 2475m² with 2000m³ of earthworks for the formation of the carriageways on the shared access ways at 39 Landing Road, Titirangi, being Lot 8 DP207383 for the following reasons:
- (i) A peer review of the geotechnical investigations and engineering design is satisfied that the installation of subsoil drainage on Lots 1 - 12 inclusive, prior to the development of these lots will mitigate the potential adverse effects of instability. In addition to a requirement for the monitoring of the drains for one winter prior to the completion of the subdivision Consent Notices would be required to be registered against the titles to ensure that the owners of these lots are responsible for the ongoing maintenance of the subsoil drains. Other conditions of consent would require Consent Notices for specific stability analysis prior to the issue of the building consent for Lots 6 - 10 inclusive and Lot 12 and, if necessary, for additional ground water relief drainage on these lots, and other measures to achieve hydrological neutrality including the use of stormwater detention tanks for all runoff.
 - (ii) The assessment of the effects of the subdivision and subsequent development on the landscape and ecology of the site have been endorsed by independent peer reviews. Subject to conditions which would include the establishment of screen planting around the lot boundaries prior to their development, the establishment of a Bush Covenant on all lots containing native vegetation and approval and implementation of a management plan for weed control to encourage the regeneration of the existing vegetated areas on the site, potential adverse effects on the landscape and ecology from the development would be mitigated.
 - (iii) Prior to any earthworks being undertaken on the site a management plan for the control of erosion and sediment during earthworks on the site, would be required to be submitted to the Council for approval, followed by written certification from a registered engineer that the controls had been installed in accordance with the approved plan to ensure that potential pollution of water bodies in the vicinity of the site is mitigated.
 - (iv) The design and layout of the subdivision, which utilises two shared driveways and clusters the building platforms on the lower land behind the existing development in Landing Road would minimise the potential visual intrusion of the development in the neighbourhood and provision of a pedestrian walkway to link Grendon Road to the end of Landing Road and the future coastal walkway on Manukau Harbour would be beneficial to the wider community and would satisfy objectives and policies in both the Regional and Waitakere City Proposed Plan.
 - (v) The number of lots in the proposal would not be contrary to the policies and objectives of the Proposed Plan given that most building platforms would be on existing cleared land in the existing General Natural Area of the site. Those building platforms located in the Managed Natural Area would be on degraded weed infested land in transition from pasture, close to the boundary of the General Natural Area, and there would be no edge effects or fragmentation of the bush.

- (vi) The proposed subdivision once completed would satisfy the purpose and principles of the Resource Management Act 1991 by the protection and enhancement of the natural landscape and the integration of the future residential development in a manner that would maintain amenity values.

Consent shall be subject to the following conditions:

- (1) The development shall proceed in accordance with the plans titled ([Plan for Proposed Subdivision of Lot 8, D.P.207383, Landing Road, Titirangi - Sheet 1](#)) prepared by ([Jackson Clapperton & Partners Limited](#)) and dated ([Dec 2001](#)) and all referenced by Council as RMA 20020091 and the information in the Assessment of Environmental Effects Landing Road Titirangi, including further information, submitted with the application and attached to this report in Appendix Four.
- (2) All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition). (The information and plans provided will be peer reviewed by Council's Geotechnical consultant to ensure that the detailed design satisfies geotechnical requirements and takes into account the stability of the site).
- (3) All buildings shall generally be contained within the designated building platforms as depicted on the amended plan (Sheet 1), which shows Lot 9 with a reduced area (4646m²) and Lot 10 enlarged by 100m² 2883m²) and attached to this report.
- (4) The landscape planting to provide a screen around the proposed lots, and along the margins of the 4 watercourses shall be provided in accordance with the concept detailed in figure 8 Proposed Landscape Plan. A landscaping plan showing the species, their size at the time of planting, spacing and a five year maintenance programme (including replacement planting if necessary) shall be submitted for approval of the Manager: Resource Consents within three months of the date of consent. The planting shall be established once the engineering works have been completed and prior to the issue of the 224C Certificate. Native species shall be used. The landscaping shall be retained and maintained by the property owners.
- (5) A two stage weed management plan/programme shall be submitted for approval of the Manager: Resource Consents within three months of the date of consent. The first stage shall target the four areas identified in Figure 3 Appendix 5 Ecological Assessment and the second stage shall detail ongoing work within the remaining parts of the Bush Covenant. The programme shall include the species to be removed, techniques to be utilised for removal, weed disposal methods, and erosion and sediment controls if required. The first stage of the approved weed management plan shall be implemented and shall be completed prior to the issue of the Section 224C Certificate to the satisfaction of the Manager: Resource Consents.
- (6) The second stage of the weed management required by Condition 5 above would be required to be ongoing for a period of five years following the issue of the section 224C Certificate. A bond of \$10,000 to cover the implementation of the second stage of the approved weed management programme shall be paid prior to the issue of the section 224C Certificate. The bond shall be repaid after five years provided that the weed management programme has been completed to the satisfaction of the Manager: Resource Consents.

- (7) The area of bush to be protected by the Bush Covenant shall be increased on Lot 12 to a location 5m - 10m from the back of the building platform to borehole AH23 and then to AH26. The area of bush to be protected by the bush covenant shall be defined and labelled on the survey plan of the subdivision prior to its registration on the titles of Lots 1-7 and Lots 9, 10 and 12. The consent notice required by Condition (LD3) below shall also include a requirement for ongoing weed management in accordance with the second stage of the weed management plan.
- (8) Post and wire fence to the satisfaction of the Manager: Resource Consents defining the bush covenant on each lot shall be provided, where necessary, prior to the issue of the 224C Certificate.
- (9) Provision for fish passage in the small culvert in the ephemeral watercourse at the top of the shared driveway (Lot 14) shall be provided. Details shall be included on the Engineering plans submitted for approval and shall be to the satisfaction of the Manager: Resource Consents.
- (10) Prior to the commencement of any work on the site, the applicant shall submit a site management plan to the Manager: Resource Consents, and shall have received written approval for this plan. The plan shall include, but not be limited to the following:
- A plan of the property showing the area to be cut and filled, including the existing and proposed final contours and extent of the cut and/or fill. This may be included as part of the engineering plans for the shared driveways.
 - An erosion and sediment control plan prepared in accordance with Auckland Regional Council Erosion and Sediment Control Guidelines For Land Disturbing Activities *Technical Publication No 90*. The erosion and sediment controls shall be provided for all earthworks on the site including the culvert for the shared driveway, shared driveways, repair of the tomo, subsoil drains, the public wastewater and water reticulation and pedestrian walkway.
 - The supervision and operation of the site.
 - The proposed sequence of operations.
 - An appraisal of the stability of the existing site both during and after the completion of works by a registered engineer experienced in geotechnical matters. The appraisal shall include recommendations for the operation of the site to ensure short and long term stability.
- (11) No earthworks shall be undertaken on the site until the consent holder has submitted a certificate signed by an appropriately qualified and experienced engineer, to certify that the erosion and sediment controls have been constructed in accordance with the approved erosion and sediment control plan (see Condition 10 above), and has been approved by the Manager: Resource Consents. The certificate shall be submitted within 7 days following the construction of the controls.
- (12) All development works including the earthworks, shared driveway formation and installation of infrastructure for the subdivision are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.

- (13) All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:
- | | |
|-----------------------------|--------------------|
| Monday to Friday: | 7.00 am to 5.00 pm |
| Saturday: | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No Work |
- (14) All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
- (15) All necessary action shall be taken to prevent a dust nuisance to neighbouring properties. The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind erosion immediately on the completion of the earthworks whether or not other works are completed.
- (16) No fill associated with engineering works for the subdivision shall be deposited within the bush area. All excess fill shall be removed from the site immediately to the satisfaction of the Manager: Resource Consents.
- (17) Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager: Resource Consents. Any damage, which is attributed to the earthworks or installation of infrastructure shall be rectified at the cost of the consent holder.
- (18) All earthworks on the site shall be undertaken during the summer earthworks season and shall be completed within that time to the satisfaction of the Manager: Resource Consents.

(B) SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within three years provided that the advertised survey plan fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) Pursuant to Section 220(1)(b)(iv) of the Act, provide for the following condition of amalgamation to be shown in the Section 223 approval on the survey plan:

"Subject to the amalgamation condition set out hereon"

and provide for the following to be endorsed on the plan -

"That Lot 5 DP 111883 (legal access) be held as to one undivided one-half share by the owners of Lot 11 hereon as tenants-in-common in the said shares and that the individual certificates of title."

"That Lot 6 DP 207383 (legal access) be held as to eight undivided seven eighty-eighth shares by the owners of Lots 1, 2, 3, 4, 5, 6, 7 & 8 hereon as tenants-in-common in the said shares and that individual certificates of title be issued in accordance therewith."

See C S N. A636267

- (b) Pursuant to Section 220(1)(b)(iv) of the Act, provide for the following condition of amalgamation to be shown in the Section 223 approval on the survey plan:

"Subject to the amalgamation condition set out hereon"

and provide for the following to be endorsed on the plan -

"That Lot 13 hereon (legal access) be held as to eight undivided one eighth shares by the owners of Lots in the same ownership as Lots 1, 2, 3, 4, 5, 6, 7 & 8 hereon as tenants-in-common in the said shares and that individual certificates of title be issued in accordance therewith."

"That Lot 14 hereon (legal access) be held as to four undivided one quarter shares by the owners of Lots in the same ownership as Lots 9, 10, 11 & 12 hereon as tenants-in-common in the said shares and that individual certificates of title be issued in accordance therewith."

See C S N. A634859

- (c) Provide a pedestrian right-of-way easement in gross in favour of Council over Lot 14 in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Note: The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (d) As required by Condition (EW8) below, define the 1 in 100 year overland flood path and provide drainage easements in gross in favour of Council in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easements set out in the Memorandum hereon." Specific Requirements:
- (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
 - (ii) The easement should also cover the stormwater discharge off Grendon Road.
- (e) Provide for water supply easement(s) in gross in favour of Council over Lots 13 & 14 in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Note: The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (f) Provide drainage easements (for the shared stormwater drainage through Lot 1 and any other affected lots, to Lots 2, 3, 4, 5 & 6 to protect the proposed drainage) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon."
- (g) As required by Condition (LD3) below, define and letter Land Covenant areas showing the native bush which is required to be preserved and which is to be the subject of a consent notice.
- (h) On survey, widen the Access Way Lot 15 sufficiently to enable the walkway and buffer planting (adjacent to Lots 1 and 2 DP 43809) to be provided (refer Condition PK2 below).

- (i) Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

SECTION 224C REQUIREMENTS

Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council: Note: The application requesting the 224 release shall be in writing, shall include the S224 (c) processing fee, shall address how each of the following conditions have been satisfied, and shall be accompanied with Compliance Certificates from each of Council section(s) named below.

Before the commencement of any work, obtain the approval of Council to all engineering plans and specifications prepared in accordance with Council's Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

Please contact Eric Williams on 025745583 to book an inspection.

(EW1) Design, provide and install a complete public wastewater reticulation system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 5.0). Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main sewer. Specific Requirements:

- (i) The cost of connections to Councils public mains will be advised under engineering approval.
- (ii) Allow in the design of the public waste water reticulation for the geotechnical constraints of the site. If necessary use PE pipe to allow for settlement, increased grades or other methods as appropriate. The proposed detailed engineering design will be subject to peer review by Councils Geotechnical consultant at the applicants expense as necessary to consider geotechnical issues relating to the infrastructure. EcoWater may require an extended maintenance period and/or bond depending upon the review.
- (iii) Advice Note: EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions maintenance contractor. Wastewater manhole connections may be constructed by the applicants contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

(EW2) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 6.0). Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes EcoWorks providing written advice to all affected property owners/tenants. Specific Requirements:

- (i) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.

- (ii) Locate all water connections at the same position as the power and telephone connection to each lot not in the centre of the lot.
 - (iii) Allow in the design of the public water reticulation for the geotechnical constraints of the site. The proposed detailed engineering design will be subject to peer review by Councils Geotechnical consultant at the applicants expense as necessary to consider geotechnical issues relating to the infrastructure. EcoWater may require an extended maintenance period and/or bond depending upon the review.
- (EW3) Provide and install a fire hydrant within 135 metres of the farthest point of fire risk. Note: The hydrant is to be on a direct traffic route to the property. The 135m may not be measured as a radius.
- (EW4) Design, provide and install a complete private stormwater drainage system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific Requirements:
- (i) Provide a detailed engineering proposal in general accordance with the methodology proposed (ie. roof water re-use for toilet, laundry and outside use, above ground detention/re-use tanks with controlled discharge, sealed underground detention tanks with controlled discharge for paved areas piped to the watercourses) and show how stormwater will be mitigated on each Lot.
 - (ii) Limit stormwater flows to predevelopment levels for the 2 and 10 year storm event. Limit stormwater flows from Lots draining to the southern watercourse to predevelopment flows for the 2, 10 and 100 year storm events due to prevent increasing stormwater flows on downstream neighbours.
 - (iii) Mitigate the stormwater runoff from the shared driveways to the above levels.
 - (iv) Allow in the design of the shared private stormwater reticulation for the geotechnical constraints of the site. If necessary use PE pipe to allow for settlement, increased grades or other methods as appropriate. The proposed detailed engineering design may be subject to peer review by Councils Geotechnical consultant at the applicants expense as necessary to consider geotechnical issues relating to the infrastructure.
- (EW5) Prior to the issue of the 224c certificate, propose and establish to EcoWater's satisfaction an administrative body and programme to manage and maintain the private shared stormwater/subsoil disposal system. Such a body may be a company with affected Lot owners as shareholders, body corporate or other such entity. Provide all documentation. Refer also to (EW8) below.
- (EW6) Contact the Secretary, ext 8248 EcoWater, Development Services to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.

- (EW7) Provide a catchment analysis, define and form where appropriate the 1 in 100 year overland flood path, and take note that a drainage easement in gross in favour of Council will be required to be issued and registered on the new titles to be issued for Lots affected precluding placement of fill or the erection of solid walls or fences or other impediments within that flow path, and providing for a minimum freeboard in accordance with Councils Code of Practice above the 1 in 100 year overland flood path for the floor levels of residential buildings. Note: Provide an As Built plan of the overland flow path showing a long section and cross section for inclusion in Councils Hazards Register. Specify minimum floor levels for the approved building platform on each Lot.
- (EW8) In addition to (EW5) above, a consent notice pursuant to Section 221 of the Act will also be required to be issued and registered on any affected Lots advising of the stormwater disposal and mitigation requirements and the responsibility and liability to maintain the stormwater/subsoil drainage system as applicable, and to ensure that the stability of the land is not compromised.
- (EW9) Provide stormwater quality treatment to the shared driveway in accordance with the Auckland Regional Council publication TP10 and to EcoWater's satisfaction. The methodology is to take account of the geotechnical constraints of the site. The proposed detailed engineering design may be subject to peer review by Councils Geotechnical consultant at the applicants expense as necessary to consider geotechnical issues relating to the infrastructure.

SHARED DRIVEWAY CONDITIONS

Please contact the Field Advisor on 836 8000 (extension 8725) to book an inspection (At least 48 hours prior to the inspection being required).

- (SD1) Form the shared driveway over parts of Lots 13 & 14 and construct thereon a carriageway and stormwater control in compliance with Council's Code of Practice for City Infrastructure and Land Development (refer Section 3.0). Notes:
- (a) Inspection of the boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required.
 - (b) The existing driveway is to be further inspected after the subdivision works have been completed and any further damage to the carriageway is to be repaired or replaced to Councils satisfaction.
 - (c) Ensure that the long section of the driveway and the vehicle crossing complies with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15.
 - (d) All bends shall have a minimum inside turning radius of not less than 6.5m.
- (SD2) Ensure hard stand area for solid waste bins complies with Council's "Code of Practice for City Infrastructure & Land Development" standard detail SD 3.7
- (SD3) The minimum width of the carriageway on shared driveways is 2.5m for 1-2 lots, 2.7m for 3-5 lots, and 3.5m for 6-10 lots, and the construction details are given in Councils "Code of Practice for City Infrastructure & Land Development." (150mm where 4 or less dwellings are served and 175mm thick with reinforcing where 5 or more dwellings are served).
- (SD4) On Lot 13 provide a 5m wide passing bays to the east of the intersection adjacent to Lot 3 to the satisfaction of the Council.

AFTERCARE CONDITIONS

- (AC1) Install subsoil drainage (outside the Bush Covenant) on Lots 1-12 inclusive having a depth not less than 2m and spaced at an average of 12m centres. Monitor the drainage system over one winter prior to issue of the S224 Certificate to prove that the ground water table has been lowered sufficiently over the whole slope. The subsoil drainage is to be designed and built in such a way that is readily maintainable in the future and designed to avoid the effects of tree roots. Provide as built plans to Councils satisfaction.

The foundations of any dwelling houses being constructed over these drains shall be designed in such a way that the drains are not impeded or damaged. As required by condition (EW5) and (EW8) above, an administrative body is required to be set up to manage and maintain these subsoil drains and a consent notice is required to be registered on the certificate of title regarding their management and maintenance.

- (AC2) Pursuant to Section 221 of the Act, provide for the following restriction to be included in the consent notice for Lots 1-12 inclusive. The owner shall not place, erect, construct or permit to remain on any land, any buildings unless the foundations of such buildings have been subject to specific design by a Registered Engineer experienced in Geomechanics and familiar with the geotechnical report by Jackson Clapperton & Partners Limited, dated 11 October 2001, and subsequent amendments, and familiar with the Peer Review by Beca Carter Hollings and Ferner Limited, and constructed in accordance with that design to the satisfaction of Waitakere City Council.

PARKS CONDITIONS

Please contact Warren Ogilvie on 836 8000 (ext 8561) to book an inspection.

- (PK1) Take note that Lot 15 shall vest in the Waitakere City Council as Access Way pursuant to Section 238 of the Resource Management Act 1974.

- (PK2) Lot 15 shall be developed to Access Way standard with all works complying with the Waitakere City Council Code of Practice for City Infrastructure and Land Development. A landscape plan prepared by a qualified Landscape Architect is to be submitted to the Parks Asset Planning Coordinator for approval prior to any works commencing. The plan shall detail the following specific features and provide design and engineering details where required:

- Gravel and timber edged walkway with steps where required, 1.5m in width, including drainage provision.
- The walkway should be located a minimum of 3m from the boundary of the adjacent existing property owners, with the exception of the existing entrance strip between 34 and 35 Grendon Road.
- The area between the walkway and the existing property boundaries shall be planted with appropriate species to provide a buffer between the walkway and the adjoining properties.
- Where a boundary fence does not currently exist, and subject to the agreement of the property owner, a permeable fence 1.8m high shall be installed along those existing adjoining property boundaries adjacent to the walkway. If desired by the developer, fence the boundaries between the walkway and the new lots of the proposed subdivision.
- A walkway bollard marker at each entrance to the walkway as per the parks standard detail, including the destination and time to access.

Costs for these works shall be agreed upon prior to any works being carried out.

- (PK4) Ensure that the Access Way is left in a condition suitable for maintenance in accordance with Section 7.3.2 of the COP and to the satisfaction of the Parks Asset Planning Coordinator. Weed removal and revegetation is to be established within the Access Way to the satisfaction of the Parks Asset Planning Coordinator. A weed management and revegetation plan prepared by a qualified Landscape Architect in accordance with COP is to be submitted to the Parks Asset Planning Coordinator within 3 months of the issue of this consent for council approval. It is recommended that reference is made to the publication "A guide for planting and restoring the nature of Waitakere City", published by the Council.
- (PK5) The developer is to be responsible for the maintenance of reserve landscaping, features and weed control for a period of two years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Asset Planning Coordinator. A bond will be required to ensure the satisfaction of this condition, alternatively a maintenance cash contribution may be paid and the maintenance will be undertaken by the Council. The contribution will be calculated at a rate of \$25 per annum per tree and \$7 per square metre of garden per annum.
- (PK6) Provide Council with As Built drawings of project showing all services, levels, inverts, features and facilities as per following requirements:
- A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
 - All underground services are to be shown on the plan with sizes, types, depth to invert and invert levels based on site datum on plan and new assets scheduled on a Asset Sheet (Client to provide format of Asset Sheet).
 - Any planted areas are to be shown to scale on the copy of the construction plan with areas sq. metres of planting, number of plants and type and assets scheduled on a Asset Sheet.
 - All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on a Asset Sheet.
 - Two copies of any special operating manuals for any new systems are to be provided.
 - Any special maintenance requirements to be scheduled and supplied.

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD1) Take note that Council, being satisfied that adequate access to Lots 1-12 inclusive thereon is provided pursuant to a condition imposed under Section 220(1)(b)(iv) Resource Management Act 1991, therefore resolves that the provisions of Section 321(1) Local Government Act 1974 shall not apply to those Allotments by virtue of Section 321(3)(c).
- (LD2) The consent notice required by Conditions (EW8), (AC2) and (LD3) and the right-of-way, water supply, and drainage easements required by conditions (B) (c), (d) and (e) above will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- (i) All necessary technical information.
 - (ii) The Land Transfer plan number allocated by Land Information New Zealand, and.
 - (iii) The name and address of the solicitor acting for the owner.

- (LD3) A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new title for Lots 1-7 and lots 9, 10 and 12 to the effect that no building can occur within the area defined by the Land Covenants shown on the plan as required by condition 1(f) above, and requiring the maintenance and preservation of the native bush in these covenant areas. (See condition 7)
- (LD4) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner of a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.

FEES, BONDS & CONTRIBUTIONS

Invoices will be prepared by Consent Services. If paying by personal/company cheque the standard five days clearance will apply. If you require the 224C certificate immediately you must provide a bank cheque.

- (FC1) Pay to Council the engineering works supervision fee as incurred, which will be charged at Council's advertised schedule of fees.
- (FC2) Pay to Council a street damage bond of \$2,500.00 prior to the commencement of work. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is complete.
- (FC3) Pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period. Note: The maintenance period or percentage deposit may be increased at EcoWater's discretion, subject to the peer review of the detailed engineering design by Council's geotechnical consultant.
- (FC4) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for the notional building sites on Lots 1-12 inclusive as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act for the allotments shown on the plan, such amount being reducible by a credit for the underlying title(s).
- (FC5) Prior to the issue of the Section 224 C certificate pay to the Council the sum of \$10,000 (inclusive of GST) to cover the implementation of the second stage of the approved weed management programme which shall be undertaken on the site for a period of five years following the issue of the above certificate (Conditions 5 and 6). Repayment of the bond shall be made in writing, to the Manager: Resource Consents upon the satisfactory completion of the weed management programme.

GENERAL

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

- (GL1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.
- (GL2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development. A resume stating the qualifications and experience of the nominated representative may be required at the Councils discretion.

Note: Councils "Code of Practice for City Infrastructure and Land Development" requires the developer to appoint a suitably qualified and experienced person for any projects that involve development works for which standards are specified in the Code. The developers representative shall be responsible for the following:

- (i) Investigating, designing and obtaining approvals for the works.
- (ii) Providing contract administration and engineering supervision of the works.
- (iii) Co-ordination of specialist responses eg. geotechnical, hydrology, structural reporting.
- (iv) Certification of the works upon completion.

The developers representative shall have insurance liability and indemnity cover as appropriate.

- (GL3) Obtain the reticulation of electric power to Lots 1-12 inclusive by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Electrical Network Operator (including the requirements of the Operator of the network to which the subdivision network is to be connected).
- (GL4) Obtain the reticulation of telephone services to Lots 1-12 inclusive by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Network Operator.
- (GL5) In the event of archaeological evidence being uncovered (eg. shell, middens, hangi or ovens, pit depressions, defensive ditches, artifactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Ph 839-0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence.
- (GL6) The resource consent holder shall take all steps necessary to avoid damaging the street, footpath or berm area and shall reinstate any damage to those areas to the satisfaction of the Council.

ADVICE NOTES

- Prior to submitting plans for engineering approval obtain from the Auckland Regional Council an amended stormwater discharge permit, and all other consents, on terms acceptable to the Council, pay all costs attributable to such application and comply with any conditions imposed by the Council. Provide copies of subdivision consent conditions and hydraulic or geotechnical reports to the Regional Council.
- Pursuant to Section 39 of the Auckland Metropolitan Drainage Act 1960 notify Watercare Services Limited of any building or other works to be carried out within 10 metres of their sewers. Provide Council with copies of correspondence with Watercare Services Limited when the engineering plans are submitted to Council for approval.
- Deciduous native trees such as ribbonwood and some exotic deciduous species may be used for the landscape screening where there is a need to maintain winter sun on building platforms.

Report prepared by: Pamela Wells, Resource Planner.

