

**MINUTES OF AN ORDINARY MEETING OF THE HEARINGS COMMITTEE HELD IN
THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 15 JULY 2004 AND RECONVENED ON THURSDAY,
12 AUGUST 2004, COMMENCING AT 9.35 AM.**

PRESENT: Councillors GE Nash, QSM, JP (Chairperson)
DA Yates, JP (Deputy Chairperson)
DQ Battersby, JP
BA Brady, JP

IN ATTENDANCE: Group Manager: Planning & Community Services
Resource Planner: S McKenzie
Committee Secretary: O Schuster

1 APOLOGIES

1519/2004

MOVED by Cr Yates, seconded Cr Brady:

That apologies from Crs Hulse and Neeson and RE Taylor for absence be received and sustained.

CARRIED

2 URGENT BUSINESS

There was no Urgent Business.

**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY P LIPSHAM TO SUBDIVIDE LOT 16 DP
312031 AT 146-148 PARKER ROAD TO CREATE THREE RESIDENTIAL LOTS
WITHIN THE ORATIA STRUCTURE PLAN AREA, AND TO CARRY OUT A
BOUNDARY ADJUSTMENT AFFECTING 144 PARKER ROAD, BEING LOT 1 DP
126045**

1520/2004

MOVED by Cr Battersby, seconded Cr Yates:

A. That Subdivision Consent Application Plan No SPW 22119 (RMA 20032494) being a Non-Complying activity and being a subdivision of Lot 16 DP 312031 comprised in CT NA73C/368 situated at 146-148 Parker Road, Oratia, by P Lipsham be granted subdivision consent pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991 and be approved pursuant to Section 348 of the Local Government Act, for the following reasons:

- (i) The proposed building platforms on each of the two new lots would be situated such that future buildings would not be readily seen from Parker Road or any other public place. In these circumstances, the proposed subdivision would not give rise to any significant effect on the landscape values of the immediate area or wider Oratia catchment.
- (ii) The effects of the proposed subdivision upon the environment would be no more than minor.

- (iii) The particular circumstances that apply to the site and proposal are unusual, and are unlikely to be replicated in other situations within the Oratia Structure Plan area. As a result, the granting of consent in this instance would not create any precedent that supported the granting of other applications that may be lodged for subdivision of lots beyond those shown on the Oratia Structure Plan.
- (iv) The proposal is consistent with the relevant Regional and District Plan objectives and policies and meets all necessary assessment criteria.
- (v) The establishment of two additional lots in this wider vicinity (over and above those provided for under the Oratia Structure Plan) would not give rise to an adverse cumulative effect at this stage.

1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 3 years provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) Provide for right-of-way and service easements over part of Lot 1 lettered A in the Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval of the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon".
- (b) As required by Condition (EM1) below, define and letter Land Covenant areas showing the wetland planting area which is required to be preserved and which will be subject to a Consent Notice pursuant to Section 221 of the Act. The surveyor shall confirm the areas within the covenant areas are in accordance with the area specified in (EM1)
- (c) 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.

2: 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 advertised 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.

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

Please contact the Secretary, 836 8000 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.

(EW 1) The stormwater mitigation measures proposed in the 'Stormwater Management Report' by City Design Ltd for the Lipsham Subdivision dated November 2003, and amendments dated 13 May 2004, and email from Peter Lipsham dated 14 June 2004, complies with EcoWater's Countryside and Foothills Stormwater Management Code of Practice, subject to the following conditions:

- i) Existing impermeable areas are to be reduced by removing 150m² impermeable cover from Lot 1, and replacing with permeable shade cover.
- ii) Upon development of Lots 2 & 3, rainwater is to be stored and reused within the new dwellings for toilets, laundry and outdoor taps (as a minimum).
- iii) Upon development of Lots 2 & 3, detention tanks are to be provided to limit flows to pre-development levels for the 2 and 10 year storm events. Note: the size of the detention tanks can be increased to compensate for an unmitigated discharge from the paved areas.
- iv) Existing impermeable areas are to be reduced by tilling 508m² of the existing farm track and planting in grass, from the north-east corner of Lot 3 and adjacent to the existing covenanted bush areas on Lots 2 & 3.
- v) The maximum allowable impermeable area, without further on-site mitigation, will be reduced to 458m² for Lot 2 and 400m² for Lot 3.
- vi) The shared driveway is not to collect and concentrate stormwater runoff but to shed stormwater continually along its length. Where the longitudinal grade on the driveway is over 5% then provide a design detail for controlling stormwater runoff to prevent tracking alongside the driveway (e.g. vegetated strips, check dams etc).

(EW2) To prevent increasing downstream flooding and/or increased channel erosion on the Oratia Stream, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. A consent notice is to be issued and registered on the new titles for Lots 1, 2 & 3 stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:

- i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2, 10 & 100 year storm events.
- ii) Mimic natural runoff patterns, and not to discharge directly to a watercourse, open drain or piped system.
- iii) Rainwater is to be reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation.
- iv) A stormwater detention tank to be provided to limit the rate of runoff for the 2 and 10 year storm events.
- v) Design and location to be approved by EcoWater prior to carrying out planting or other mitigation measures.
- vi) The construction of impermeable areas are to be limited to no more than 458m² on Lot 2; and 400m² on Lot 3; unless further on-site stormwater mitigation is provided to EcoWater's satisfaction. The consent notice on Lot 1 will refer to the existing impermeable area remaining once the farm track and shadehouses are removed (total area to be advised per condition EW3 below).
- vii) The property owner is required to maintain any devices to meet the above requirements, and all bush planting areas to the satisfaction of Council. The planted areas are to be covered by consent notice. (Note this will carry over from the consent notice on the title from the previous subdivision).
- viii) Note: Council's Hazards and Special Features Register will be advised of the above requirements.

- (EW3)** Provide two copies of a plan prepared and certified by a registered surveyor identifying all existing impermeable areas on proposed Lot 1 to EcoWater's satisfaction. The plan is to be to scale and include any driveways, parking areas, shadehouses etc. The purpose of the plan is to demonstrate that 150m² of existing impermeable shadehouse area has been removed. The remaining extent of existing impermeable area on Lot 1 will become the pre-development situation for advice to the consent notice in EW2 above, and for Council's property records.
- (EW4)** Existing culverts and/or private drainage lines:
- i) Provide an "As-Built" stormwater drainage plan of any private stormwater drains and culverts through this site. Remedy any defects in the drainage to EcoWater's satisfaction.
 - ii) Any drainage is to remain private. A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new title for Lot(s) affected advising the drainage is private and remains the responsibility and liability of the owner(s) to manage and maintain.
 - iii) Demonstrate any culverts/drainage under the shared driveway has capacity for the 1 in 5 year storm event without overtopping. If this capacity is not available in the private drainage system a culvert for overland flow may be required under the shared driveway. Provide plans for approval prior to construction, and an as-built plan after construction.
- (EW5)** Advice Note: It is the applicant's responsibility to, if applicable, obtain from the Auckland Regional Council a 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.
- (EW6)** Design, provide and install individual 25mm PE80 private water supply lines to serve Lots 2 & 3 in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). The service lines are required to be laid within the services berm along the ROW from the proposed meter location (with a 50mm minimum overlap) at the road reserve boundary to not less than 300mm into the body of each Lot, terminating with an acuflow valve. The individual private lines shall be coiled up out of the ground in the ROW at the road reserve boundary and each line shall identify which Lot it will serve. The individual private lines are required to be installed under the subdivision consent. Take note that water meters will be installed in the services berm in the ROW adjacent to the road reserve boundary under the future building consents for Lots affected. Specific requirements: Provide an As-Built plan of the water supply service lines to EcoWater.

DRIVEWAY & ON-SITE PARKING 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).

- (RD1)** Form the driveway over parts of Lots 3 & 18 (Access) DP312031 lettered A and construct thereon a carriageway and storm water control in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council:
- (i) Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
 - (ii) The extent of the above construction is limited to the driveway.

- (iii) Ensure that the long section of the driveway complies with Council's "Code of Practice for City Infrastructure and Land Development".
 - (iv) Minimum width of the carriageway on the access driveway is specified in Council's District Plan and the construction details are given in Council's "Code of Practice for City Infrastructure & Land Development." Provide a carriageway width 2.5m wide with 0.7m services strip to the satisfaction of Council.
- (RD2)** Upgrade/form the shared driveway over parts of Lot 1 (ROW) DP312031 lettered B. and construct thereon a carriageway and storm water control in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council:
- (i) The construction shall include the vehicle crossing for which a vehicle crossing detail form needs to be completed and returned to Council.
 - (ii) Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
 - (iii) The extent of the above construction is limited to the access driveway and vehicle crossing.
 - (iv) 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 3.12 Residential Vehicle Crossing (Unkerbed Roads).
 - (v) If the existing power and telephone connections to the existing dwelling house are less than 5.5m in height above the carriageway, or less than 3.5m in height from the last pole to the dwelling, provide new underground connections to the dwelling house.
 - (vi) All bends shall have a minimum inside turning radius of not less than 6.5m.
 - (vii) The minimum width of the carriageway on shared driveways is specified in Council's District Plan and the construction details are given in Council's "Code of Practice for City Infrastructure & Land Development." Provide a carriageway width for 1-2 lots, 2.5m wide with 0.7m services strip to the satisfaction of Council.

Notwithstanding the above requirements, the Council may accept a lesser standard of shared driveway within the ROW upon being satisfied that a legally binding maintenance agreement will be registered against the titles of the two lots that have a right to use the driveway. The maintenance agreement would specify the responsibilities of both property owners to maintain the driveway and would detail the manner in which ongoing maintenance costs would be apportioned. The agreement would be prepared to the satisfaction of the Council's solicitor, and the consent holder would meet all costs incurred in preparing and registering the agreement. The requirements noted in (i)-(vii) above would still apply insofar as they relate to the vehicle crossing.

ENVIRONMENTAL MONITORING CONDITIONS

These conditions will be signed off by Environmental Monitoring, Consent Services. If any conditions require inspection prior to making an application for a certificate pursuant to 224(c), or as part of ongoing monitoring require inspections after the 224(c) certificate has been issued, please contact the duty planner on 839 0400 to arrange an inspection.

- (EM1) The wetland planting area illustrated on the submitted Planting Plan prepared by D.J Scott Associates Limited and dated October 2003 shall be planted as per the attached planting schedule.
- (EM2) The planting shall take place during the recognised planting season (May to 7th September).
- (EM3) A consent notice is required pursuant to Section 221 of the Act, requiring fencing of the wetland planting area on Lot 3, should any stock, including horses and goats, be introduced to the site.
- The fencing shall consist of a stock proof fence as specified under one of clauses 6, 7 or 8 of the second schedule of the Fencing Act 1978 and shall be constructed and maintained around the perimeter of the fencing area.
- (EM4) Prior to the release of the Section 224(c) Certificate, all environmentally damaging weeds shall be completely removed from the site to the satisfaction of the Manager Resource Consents. Prior to the release of any bonds, which relate to control of environmentally damaging weeds an inspection by Councils Monitoring Officer shall be carried out to ensure compliance with this condition.
- (EM5) The site shall be kept clear of all noxious weeds from this date, and shall be monitored by Council for a period of 3 years from the date of issue of the 224(c) Certificate.

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD 1) The Consent Notice required by Condition (EW2), (EW4) and (EM3) above will be prepared by the City Solicitor at the applicant's 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.
- (LD 2) 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 5 days clearance will apply. If you require the 224C certificate immediately, you must provide a bank cheque.

- (FC 1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Council's advertised schedule of fees.

- (FC 2) Pay to Council a street damage bond of \$1000 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 completed.
- (FC 3) A bond of \$1630.20 (refer to Appendix A) shall be paid to Council for the planting required by the conditions above, based on the number of plants required under (EM1), the costs required to replace any dead plants and general maintenance of the planted areas (to maximise the plant survival rate).
- This bond shall be paid back in three stages.
- Stage 1: 25% of the bond shall be released after an inspection has been carried out 1 year after the establishment of the planting and any replacement planting has taken place to the satisfaction of the Manager – Consents.
- Stage 2: 25% of the bond shall be released after an inspection has been carried out 2 years after the establishment of the planting and any replacement planting has taken place to the satisfaction of the Manager – Consents.
- Stage 3: Release of the remaining 50% of the bond shall be subject to the satisfactory maintenance and aftercare (including replacement planting as necessary) for a period of three years to the satisfaction of the Manager – Consents.
- The 3-year period shall commence from the initial date that Council has inspected the planting.
- (FC 4) Pay to the Council a financial contribution equal to 6% (plus GST at 12.5%) of Quotable Value market values to be obtained for the notional 600m² residential component within Lots 2 and 3 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act. Council will obtain the valuation from Quotable Value New Zealand Ltd (QV) at the time an application is made for survey plan approval under section 223 of the Resource Management Act. Pay also QV costs for obtaining the valuation, which will be invoiced by Council.
- (FC 5) Pay to the Council a financial contribution of \$2,032.00 (inclusive of GST at 12.5%) for road upgrading purposes.

GENERAL

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

- (GL 1) Take notice that there are trees in the Managed Natural Area on Lots 1 and 3 which may not be removed except with the prior consent of Council.
- (GL 2) Before commencement of any works, adequate sediment and erosion measures shall be constructed and maintained in accordance with Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan.

B. That the boundary adjustment of Lot 1 DP 126045 comprised in CT NA73C/368 situated at 144 Parker Road, Oratia and Lot 16 DP 312031 comprised in CT NA73C/368 at 146-148 Parker Road, Oratia be granted subdivision consent pursuant to Sections 94, 104, 105, 108 and 220 of the Resource Management Act 1991, for the following reasons:

- (i) The adverse effects of the proposed boundary adjustment would be no more than minor
- (ii) The proposed boundary adjustment would not result in any further development within the Oratia Structure Plan area and the realignment of the existing property boundaries would not adversely impact upon any adjoining properties.

Subject to the following conditions:

1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 3 years provided that the survey plan signing fee has been paid.

2: SECTION 224C REQUIREMENTS

There are no 224(c) requirements necessary for this proposed subdivision. Provided that the Surveyor advises the allocated Land Transfer Plan Number, the Section 223 certificate on the survey plan can include the words “and no conditions have been imposed”.

APPENDIX A

PERFORMANCE BOND FOR REPLANTING AT: 146-148 Parker Road, Oratia

Number of Plants

Zone A (Wetland) 300

Total Number of Plants 300

Year 1

Figure takes into account an estimated loss rate of 10% during the first year

10% of 300 (total number of plants) = 30 plants

Plants	30 plants @	\$2.00 per plant:	\$ 60.00
Maintenance (all plants)	300 plants @	\$1.80 per plant:	\$540.00

SUB TOTAL \$600.00

Year 2

Figure takes into account an estimated loss rate of 7% during the second year

7% of 300 (total number of plants) = 21 plants

Plants	21 plants @	\$2.00 per plant:	\$ 42.00
Maintenance (all plants)	300 plants @	\$1.80 per plant:	\$540.00

SUB TOTAL \$582.00

Year 3

Figure takes into account an estimated loss rate of 5% during the second year

5% of 300 (total number of plants) =	<u>15 plants</u>		
Plants	15 plants @	\$2.00 per plant:	\$ 30.00
Maintenance (all plants)	300 plants @	\$0.90 per plant:	\$270.00
		<u>SUB TOTAL</u>	<u>\$300.00</u>
Total			\$1482.00
10% Contingency Cost			\$ 148.20
		<u>TOTAL PERFORMANCE BOND</u>	<u>\$1630.20</u>

Notes

Calculation for the number of plants required is assuming 1 plant per 1m².

\$2 per plant based on mix of Root Trainers/Eco Tubes @ \$1.20 & Pb 2 / 3 @ \$3 each.

\$1.80 per plant maintenance based on average costs.

\$0.90 per plant maintenance for third year based on expected reduced maintenance as plants become established and plant cover would reduce weed growth.

9.40 am

The Chairperson thanked members for their attendance and attention to business and declared the meeting closed.

CONFIRMED AT AN ORDINARY MEETING OF
THE HEARINGS COMMITTEE HELD ON

DATE:.....

CHAIRPERSON:.....