

**MINUTES OF A MEETING OF THE HEARINGS COMMITTEE HELD IN THE CIVIC CENTRE,  
6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY, ON THURSDAY,  
24 MARCH 2005 AND RECONVENED ON MONDAY,  
11 APRIL 2005, COMMENCING AT 8.35 AM.**

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**PRESENT:** Councillors DQ Battersby, JP (Chairperson)  
JP Lawley  
VS Neeson, JP  
CA Stone

**IN ATTENDANCE:** Group Manager: Planning & Community Services  
Resource Planner - Subdivisions: C Gorman  
Committee Secretary: O Schuster

**1 APOLOGIES**

There were no Apologies.

**4 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY M & K DUNCAN TO UNDERTAKE A 3  
LOT SUBDIVISION AT 46 CHRISTIAN ROAD, SWANSON**

**NOTE:** The Hearing for subdivision at 46 Christian Road concluded at the meeting of the Committee held on Thursday, 24 March 2005. The conditions of Consent requested at that meeting were presented to the Committee at this meeting for consideration and ratification.

613/2005

MOVED by Cr Neeson, seconded Cr Battersby:

As a result of ongoing discussions between EcoWater staff and the Auckland Regional Council, Conditions (EW 2) v) and (FC 4) are to be amended as the usual 600m<sup>2</sup> impermeable limit on rural development would require a discretionary consent from the Regional Council.

Condition (EW 3) ii) is to be amended to correctly cross reference to Condition (FC 4).

The applicant has also requested changes to Conditions (EW 2) vii) (regarding the need to supply 5 yearly reports on the disposal systems) and (LD 2) (bond for weed management and screen planting).

Condition (EW 2) vii) has been discussed with EcoWater staff, who are happy to delete this requirement, subject to a fuller explanation (as detailed below) of the owners obligations to maintain the systems contained in Condition (EW 2) vi).

With respect to condition (LD 2), the applicant has requested a mechanism for a gradual release of the bond, subject to the sites being in satisfactory condition (weed control and screen planting) at the time of the yearly inspections. The processing planner has no objection to this being included.

Therefore, the amendments as discussed have been included in the revised recommended decision below.

That Subdivision Consent Application Plan No SPW22328 (RMA20041698) being a Non Complying activity and being a 3 Lot Subdivision based on the Proposed Swanson Structure Plan of Pt. Allot 173 DP 12931 comprised in CT 48C/1104 situated at 46 Christian Road, Swanson by M & K Duncan be granted subdivision consent pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991, and that:

**Pursuant to Section 113 of the Resource Management Act, the reasons for granting consent are as follows;**

1. The proposed subdivision would not give rise to any significant adverse effects on the environment, subject to the imposition of appropriate conditions.
2. The site to be subdivided is relatively unique insofar as it provides for the existing and proposed development to be served from separate roads, thereby minimising any perception of intensive development when viewed from beyond the site. In addition, the proposed building platforms would be generally hidden from public vantage points by existing vegetation, and the two additional lots would be served by a single access point. These factors would also serve to mitigate the visual impact of the development.
3. A number of the existing sites in the vicinity of the proposed subdivision are of similar size to those that would be created through granting this application, and therefore approval would not detract from the existing pattern of development in this particular location.
4. The unusual elements to the application, as described above, would mean that the grant of consent would be unlikely to create any undesirable precedent.
5. The proposed subdivision is consistent with Variation 88, and is considered to accord with the relevant objectives and policies relating to development within the Foothills Environment.

**Conditions imposed on the consent are as follows:**

**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.

As required by Condition (EM 4)(a) below, define and letter Land Covenant areas showing the existing bush, and proposed screening which is required to be preserved and which will be subject to a Consent Notice pursuant to Section 221 of the Act.

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)**

(EW 1) Advice Note: At the stage of Building Consent application for Lots 2 and 3 investigate and provide an engineers report (prepared in accordance with Auckland Regional Council TP58 & Waitakere City Council Bylaw 19) on how each Lot can dispose of wastewater and stormwater on site while taking full regard of the stability of the land and the areas available for irrigation fields and building sites. Take notice that the report must demonstrate the location of a repeatable field on each allotment. The irrigation field and reserve areas are generally required to be located at least 15m away from any watercourse.

(EW 2) To prevent increasing downstream flooding and/or increased channel erosion on the Swanson 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 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) A stormwater detention tank to be provided for each Lot to limit the rate of runoff for the 2 and 10 year events to the pre-development level.
- (iv) Design and location to be approved by EcoWater prior to carrying out mitigation measures.
- v) The construction of impermeable areas on Lots 2 and 3 is to be limited to no more than 540m<sup>2</sup> per Lot unless further stormwater mitigation is provided to EcoWater's satisfaction. This is based on a maximum impermeable coverage of 6% of the proposed Lot size, to comply with the controlled activity requirements of the Auckland Regional Council.
- vi) The property owner is to maintain to the satisfaction of Council all stormwater mitigation measures and devices and ensure that they are functioning in accordance with their intended purpose. This includes any rain gardens and dispersion devices installed under future building consents.
- vii) Note: Council's Hazards and Special Features Register will be advised of the above requirements.

(EW 3) The stormwater mitigation measures proposed in Michelle Tyrrell Consultants Limited "Re-vegetation Assessment for 46 Christian Rd dated 1 July 2004 complies with (EW 2) above, subject to the following conditions:

- i) The shared driveways are not to collect and concentrate stormwater runoff but to shed stormwater continually along their 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 (eg. vegetated strips, check dams etc).

- ii) Pay Council the sum outlined in Condition (FC 4) below to provide offsite stormwater mitigation for the 1 in 100-yr storm event.

### **PLUMBING & DRAINAGE ADVICE NOTE (PRIVATE DRAINAGE)**

(PD 1) At the time of proposed buildings within Lots 2 and 3 a Registered Engineer, experienced in Public Health and Geomechanical Engineering shall design waste water and stormwater disposal systems for each Lot. Waste water design is to comply with the Auckland Regional Council Technical Publication No 58 and Permitted Activity for waste water disposal. Stormwater design is to comply with the procedures of the Countryside and Foothills Stormwater Management Code of Practice April 2002. Specific design of the on-site waste water, stormwater disposal systems must be carried out at the time of building consent application. Stormwater control on driveways is to be to the satisfaction of Council.

### **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).

- (SD 1) Form and construct a dual vehicle crossing for Lots 2 and 3 at the common road boundary for the lots and for which a vehicle crossing detail form needs to be completed and returned to Council. Notes -
- a. Section 3 (Transportation) of Councils Code of Practice requires the crossing to be as specified by SD 3.12 (unkerbed road) and the vehicle crossing profile specified by SD 3.15, or any standard specifically approved by Transport Assets.
  - b. The crossings are required as part of the subdivision in order to;
    - i. Establish the entrances at the most practical position for visibility along O'Neills Road (in both directions), and
    - ii. Create a single break in the vegetation along the road frontage.

### **GEOTECHNICAL CONDITIONS**

- (GT 1) A Consent Notice pursuant to Section 221 of the Act will be required to be issued and registered on the new title for Lots 2 and 3 advising that;
- a. Any cut or fill greater than 1 metre in height shall be subject to specific design by a suitably qualified geotechnical engineer familiar with the report and recommendations contained in the report from Soil Engineering Ltd, dated 8 July 2004, referenced E356.
  - b. All footings should be embedded at least 600mm below cleared ground level into stiff natural soils. Waffle-raft foundation slabs should be designed for "Class M" site conditions in accordance with AS2870:1996.
  - c. Should buildings/structures outside the scope of NZ3604:1999 be proposed, then such structures shall be designed by suitably qualified geotechnical engineer familiar with the report and recommendations contained in the report from Soil Engineering Ltd, dated 8 July 2004, referenced E356.
  - d. Should buildings be proposed beyond the boreholes taken in conjunction with the abovementioned report, then further geotechnical investigation may be necessary.
  - e. All earthworks and foundation excavations shall be inspected by a suitably qualified geotechnical engineer familiar with the report and recommendations contained in the report from Soil Engineering Ltd, dated 8 July 2004, referenced E356.

## ENVIRONMENTAL MONITORING / LANDSCAPING 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.

(EM 1) Carry out the removal of environmentally damaging plants from all Lots 2 and 3, as listed in the Waitakere City Council Proposed District Plan. Submit a Weed Control Programme within 3 months of the issue of this consent for the Screen Planting Strip marked on the Revegetation assessment and Screen planting report and plan (report by Michelle Tyrrell, dated July 2004). This Weed Control Programme shall be implemented on the site within 6 months of the date of issue of this resource consent and shall be ongoing for a minimum period of 3 years, to the satisfaction of the Manager, Resource Consents. The programme needs to include:

- a) an inventory of the weed species to be removed;
- b) removal techniques to be utilised; weed disposal methods;
- c) time frames for work and whether the weed removal needs to be staged (particularly relevant for sensitive areas such as coastal edges or riparian margins);
- d) any re-vegetation programme required to prevent re infestation of weeds;
- e) an assessment of any ecological issues around the removal of vegetation;
- f) methods for addressing stability and erosion and sediment control methods.

(EM 2) Site preparation for the proposed 5m wide boundary screen planting shall utilise the following methods: Weed control, pest control, preparation of the planting area (including spot spraying of weeds), application of slow release fertiliser pellets, digging of planting holes with the addition of compost, and mulching of the soil surface. Notes:

- a) Weeds shall be removed prior to planting as per (EM 1) above.
- b) Screen planting shall be undertaken along the boundary between Lots 2 and 3 using a range of screen species (planted at Pb 8 minimum grade) and such planting shall be at 1.5 metre spacing between plants (stagger planted) in accordance with the Revegetation assessment and Screen planting report and plan (report by Michelle Tyrrell, dated July 04).
- c) The screen planting shall occur in the first planting season (May till 7<sup>th</sup> September) following granting of this consent. A slow release fertiliser pellet shall be placed with each plant at the time of screen planting shall be as detailed on the approved planting Plan. If there are pukekos in the area, place 3 or 4 circa 350mm long sticks (may be cut from local vegetation) into the ground around each plant to act as protection and as decoys).
- d) Replacement planting as necessary shall be set in place in the following planting seasons for a period of three years to the satisfaction of Council's monitoring officer, resource consents.

(EM 3) Pest control for possums and rabbits shall be carried out on an ongoing basis as necessary, prior to planting and replanting.

(EM 4) A consent notice shall be put on the title stating:

- a) That apart from the ongoing weed maintenance and removal of dead vegetation, no vegetation shall be removed from the existing bush covered areas and screen planting areas within Lots 2 and 3 provided that where native vegetation has become established within the covenanted areas and the vegetation is of sufficient height that it provides appropriate screening of the ensuing development on the sites, existing exotic vegetation (including vegetation within the "Removable Vegetation Appendix" of the District Plan) may be removed in accordance with accepted arboricultural practices and the District Plan provisions prevailing at the time.
- b) If grazing animals are kept, the existing bush and screen planting area shall be fenced off with a stock proof, seven wire post and batten fence.

### LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

(LD 1) The Consent Notice required by Conditions (EW 2), (GT 1) and (EM 4) above will be prepared by the City Solicitor at the applicants cost when the following information has been received:

- a. All necessary technical information.
- b. The Land Transfer plan number allocated by Land Information New Zealand, and
- c. The name and address of the solicitor acting for the owner.

(LD 2) In accordance with section 222 of the Act, a completion certificate will be issued to the effect that the owner has entered into a bond for a period of three (3) years after the issue of the 224(c) certificate, binding the owner to the on-going weed control required under condition (EM 1) and maintenance (including replacement planting) of the screen planting required under condition (EM 2).

- a. The sum of the bond shall be \$9,000.
- b. The Council will extend the three year period should the ongoing work required under Conditions (EM 1) and (EM 2) be unsatisfactory to the Manager, Resource Consents.
- c. Once the Manager, Resource Consents is satisfied that the ongoing work is being undertaken in accordance with Conditions (EM 1) and (EM 2), the bond shall released in the following manner:

Stage 1: 25% of the bond shall be released after an inspection has been carried out 1 year after the initial weed removal and 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 weed removal/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 date that Council has inspected the planting.

- d. The liability of the holder of the resource consent shall not be limited to the amount of the bond.

(LD 3) 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) A consent compliance monitoring fee of \$600.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If on inspection, all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time of reinspection.

The fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

(FC 2) Pay to Council any engineering, works supervision, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.

(FC 3) 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 Councils Construction Supervisor confirms that the conditions of the Street Damage Deposit Application have been met. The inspection is to take place once all work is complete.

(FC 4) Pay to the Council the sum of \$6,075.00 (incl. GST at 12.5%) (\$3,037.50 per Lot) towards mitigating the effects of increased impermeable surfaces within the Swanson Stream catchment (\$5.625/m<sup>2</sup> per additional square metre).

- i. This is based on limiting the impermeable surfaces for each vacant Lot to 540m<sup>2</sup>.
- ii. Note: This Council has yet to finalise financial contributions within this catchment for off site stormwater mitigation and this above figure must not be considered a precedent to further subdivision within the Swanson Catchment.

(FC 5) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for the 600m<sup>2</sup> 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.

**GENERAL**

Monitoring to ensure compliance with these conditions will be undertaken by Council, and fees for this work will be charged on an hourly basis.

(GL 1) Advise Council the name of the Consultant and/or person/s who will be the developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.

(GL 2) Take notice that there are trees in the General Natural Area on Lots 2 and 3 which may not be removed except with the prior consent of Council.

(GL 3) Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 3 years after the commencement of the consent.

(GL 4) Advice Note: A Development Contribution of \$9390.85 (including GST, being \$4173.71 plus GST per lot) has been calculated for this subdivision. This development contribution shall be paid prior to the issue of a certificate under S.224(c) Resource Management Act 1991. Should a building consent be granted prior to S.224(c) the development contribution will be required prior to the uplift of that Building Consent. Duplicate payments would not be required.

Pursuant to Standing Order 32.2 the Chairperson exercised the casting vote in favour of the motion.

**CARRIED**

**NOTE:** Pursuant to Standing Order 32.12 Crs Stone and Lawley requested that their vote against the motion be recorded.

9.10 am

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

CONFIRMED AT A MEETING OF THE HEARINGS  
COMMITTEE HELD ON

**DATE:**.....

**CHAIRPERSON:**.....