



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# HEARINGS COMMITTEE

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

**DATE:**        **Thursday, 11 August 2005**                      **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.

3 August 2005

Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### **MEMBERSHIP:**

Councillors    DQ    Battersby, JP (Chairperson)  
                  WW    Flaunty, QSM, JP (Deputy Chairperson)  
                  PA    Hulse  
                  JP    Lawley  
                  VS    Neeson, JP  
                  CA    Stone

Alternate Council Representative  
                  LA    Cooper

Ward Representative  
                  Mrs    EAG    Grimmer, MNZM        (Henderson Community Board)

Alternate Ward Representative  
                  Mr     WS     Bainbridge              (Henderson Community Board)

(Quorum 4 members)

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(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 A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 11 AUGUST 2005, COMMENCING AT 9.30 AM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information 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 Committee by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Thursday, 14 July 2005

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Thursday, 14 July 2005, as circulated, be taken as read and now be confirmed.



4 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY DENVER HOLDINGS LTD TO CONSTRUCT A MEDIUM DENSITY HOUSING DEVELOPMENT AT 23 DENVER AVENUE, SUNNYVALE**

**WARD HENDERSON**

**RMA 20040122 & RMA20042426/SPW22304**

**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:	Chloe Trenouth - Hill Young Cooper Ltd
Site Address:	23 Denver Ave, Sunnyvale
Applicant:	Denver Holdings Ltd
Date Received:	23 January 2004
Legal Description:	Lot 2 DP 331500
Address for Service:	c/- Claudine Osborne Davis Ogilvie & Partners Ltd PO Box 21 738 Henderson
Site Area:	1.0874 hectares
Works Area:	1.49 hectares
Proposed Lot Area(s):	Lot 1 = 8515m <sup>2</sup> ; Lot 2 = 278m <sup>2</sup> (accessway); and Lot 3 = 2081m <sup>2</sup> (road)
Unit site areas:	49 units less than 350m <sup>2</sup> per unit
District Plan: Human Environment:	Living
Natural Area:	General
Landscape Elements:	Gully along eastern boundary
Hazards:	Steep sloping potentially unstable
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	03/02/2004; 26/06/2004; 09/11/2004; 22/11/2004; 11/04/2005
Date Received:	17/06/2004; 01/11/2004; 17/11/2004; 01/02/2005; 16/06/2005
Any Affected Persons:	Yes
Site Visit:	29/01/2004; 08/11/2004
Approval Given:	No (see Section 94 Report)

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks a combined subdivision and land use consent to create three lots and construct a Medium Density Housing development consisting of 49 residential units on a site of 1.0874 hectares located within 500m of the Sunnyvale Railway Station. Development would involve earthworks over an area of 1.49 hectares, over the subject site and a number of adjacent sites, resulting in a total volume of approximately 38,000m<sup>3</sup> (cut and fill). Existing vegetation on the subject site would be completely cleared to enable site works. Subdivision of the site into three lots is sought to provide for a public road - extending the Denver Avenue cul-de-sac, and providing pedestrian access from Rangeview Road.

Overall the proposal is considered a discretionary activity under the Operative District Plan as the volume of earthworks proposed exceeds 300m<sup>3</sup> in the General Natural Area. The applicant applied for consent as a limited discretionary activity considering the volume of earthworks to be associated with a subdivision classified as a Limited Discretionary Activity in the Subdivision Rules. However, the scale of earthworks proposed is considered related to enabling and providing for the scale and intensity of the medium density development, not just the subdivision.

### 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 District Plan.

It was identified through the Section 94 Report attached to the attachment supplement that the significant resource management issues of the proposal are as follows:

- Landscape modification (earthworks and stability)
- Vegetation clearance (ecological impacts)
- Natural character and amenity
- Physical dominance of retaining wall structures
- Traffic generation

Additional issues raised by submitters include the stability of the site, loss of privacy, and impact on safety through increase in crime and anti-social behaviour associated with type of housing development.

Section 4 of this report identifies the reasons for the application, listing the infringements to the District 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 Medium Density Housing of 49 residential units at 23 Denver Ave, Sunnyvale. 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 the District Plan will be satisfied.

## 2.0 LOCATION PLAN



## 3.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located at 23 Denver Ave, recently subdivided from the parent site (RMA20040245) at 15-19 Rangeview Road. The subject site previously formed the rear yard of the existing dwelling at 15 Rangeview Road. Parts of this site had been previously used for general garden purposes, with evidence of strawberry plots existing on the site.

Legal access is from Rangeview Road provided by a steep 4 metre wide accessway along the northern boundary, located approximately 130m south of the intersection with Seymour Road. The site is located within 500m of the Sunnyvale Railway Station. Currently there is no development on the site and no formed vehicle access.

Vehicle access to the site is proposed to be obtained via Denver Ave on the south eastern corner of the site. Sites at 21 and 23 Denver Ave are designated for road purposes, and extending the existing cul-de-sac into the subject site forming a public road through the centre of the development.

In general the existing landform is undulating with gentle to steep grades. A ridgeline traverses the central region of the site with a gully feature located adjacent to the eastern boundary of the site. The ridge rises from the north to the south, with the landform falling away to the west and east from this central ridgeline.

An overland flow path is located within the bottom of the gully feature that traverses the eastern boundary. The Waikumete Stream is located directly to the west of Rangeview Road, approximately 150 metres from the western boundary of the subject site.

The site is heavily vegetated in a mix of native and exotic plant species. Exotic weed species including gorse, privet, honeysuckle and bamboo dominate the low level regenerating vegetation, which covers the site. A number of mature trees are located on the site including radiata pine, macrocarpa, eucalyptus and black wattle. A grove of tree ferns (ponga) is located within the gully feature, along with some isolated native plants scattered throughout the site. This native vegetation is dominated by 1.5 - 2 metres high manuka, with red matipo, karamu, mapou, hangehange, tree ferns, mingimingi, lacebark and bracken throughout the site.

Adjoining properties are located within the Living Environment and are subject to a General Natural Area classification (with the exception of two properties) - these neighbouring sites currently accommodate standard residential development. Of the two properties not presently accommodating standard residential development, one is a vacant lot to the west of the subject site (21A Rangeview Road), and the other adjoins the eastern boundary accommodating a rest home (19 Denver Ave).

The neighbourhood is characterised by conventional house and garden development where the site areas are in excess of 600m<sup>2</sup>. Denver Avenue is a typical suburban street, with relatively modern, well maintained single level dwellings. Rangeview Road has a more mixed character, with development generally less intensive on larger lot sizes. Land to the west of Rangeview Road between the road and Waikumete Stream is undeveloped and currently covered with vegetation. Areas of undeveloped land and several larger residential properties result in Rangeview Road having less suburban, more urban fringe character.

Land use activities within the wider neighbourhood (i.e. 400 metres of the site) are primarily residential in nature and include developed and undeveloped residential land. Public Open space for active and passive recreation is located 200 metres to the southwest of the site opposite the entrance to Denver Ave, on McKinley Road (McKinley Park). Parrs Park is located within a kilometre of the site via the existing roading network, with the Henderson and Glen Eden town centres located within 2 kilometres of the site via the existing movement network (i.e. road and rail). The nearest amenities are located on the intersection of Seymour and Millbrook Road, containing a superette, takeaway, and community hall.

#### **4.0 PROPOSAL**

The applicant seeks consent for a combined land use and subdivision consent, to develop the site for medium density housing consisting of 49 residential units. The proposed works comprise earthworks of the site, clearance of vegetation, construction of infrastructure (water, wastewater and stormwater), forming roads and accessways, retaining walls, and landscaping. The component parts of the proposal and its location are illustrated in the accompanying plans and technical reports:

- Site plan, scheme 17 dated June 2005
- Floor plans/elevations, scheme 17 dated May and June 2005
- Garden Shed details, sheet No. B7, dated 16 Nov 2004
- Pedestrian Accessway, scheme 16 Rev B, dated 18 Nov 2004
- Scheme Plan, drawing 1 issue A, dated September 2004
- Road and Accessway Layout Plan, drawing 3 issue E, dated September 2003
- Public and Private Road Typical Cross-sections, dwg 5 issue B, dated 03/09/05
- Street Light Layout, dwg 10 issue A, dated September 2003
- Water Reticulation Plan, dwg 8 issue C, dated September 2003
- Wastewater Drainage Plan, dwg 7 issue C, dated September 2003
- Stormwater Drainage Plan, dwg 6 issue D, dated September 2003

- Earthworks Plan, dwg 1 issue F, dated September 2003
- Retaining Wall Layout Plan, dwg 9 issue B, dated September 2003
- Sediment Control Plan, dwg 2 issue D, dated September 2003
- Arborist Report by Katsura and dated 1 October 2004
- Landscape Plan and Planting Specifications, by Simon Ferrick dated 29<sup>th</sup> September 2004
- Landscape Report, by LA4 and dated Sept 2004
- Stormwater Calculations by Southern Skies Environmental Ltd
- Earthworks Management Plan by David Ogilvie & Partners Ltd and dated August 2004
- Traffic Report by Traffic Planning Consultants Ltd and dated revised September 2004
- Preliminary Site Investigation by Groundwater and Environmental Services and dated 22 April 2004
- Geotechnical Investigation by Soil & Rock Consultants and dated October 2004
- Ecological Assessment by Bioresearches and dated 22 December 2004
- Additional Traffic Report by Traffic Engineering & Management and dated 18 May 2005
- Additional Ecological Assessment by Bioresearches and dated 29 April 2005
- Additional Geotechnical Investigation by Soil & Rock Consultants and dated 27 May 2005

These plans and reports are attached to the attachment supplement and are described below.

#### **4.1 Subdivision**

Subdivision of the site is proposed to create a single, fee simple residential allotment with a net site area of 8,515m<sup>2</sup> (proposed lot 1) in conjunction with local purpose reserves to vest in Council as road (proposed lot 3) and pedestrian accessway (proposed lot 2). Proposed lot 1 would accommodate the residential units, in addition to communal and private open space, common accessways and visitor parking associated with the units. This allotment would be subject to further subdivision to unit title upon the completion of the units. Details of the proposed subdivision are provided in the Scheme Plan.

#### **4.2 Earthworks**

Earthworks associated with the proposed residential development of the subject site, are proposed over a total area of 1.49 hectare comprised of:

- The entire 1.0874 hectare subject site
- Lot 5 DP 134216 and Pt Lot 39 DP 91501, being the unformed section of Denver Avenue
- 2,514m<sup>2</sup> of land situated to the east of the site at 19 Denver Ave (Lot 2 DP 134216)
- 385m<sup>2</sup> of land situated to the west of the site at 21A Rangeview Road (Lot 10 DP 86519)

The proposed earthworks are required to form the roading network, pedestrian accessway, common accessways, building platforms, and stormwater detention and treatment devices. Earthworks are detailed on the Earthworks Plan and Retaining Wall Layout, earthworks management is detailed on the Sediment Control Plan and the Earthworks Management Plan.

Site works would result in a total volume of 38,000m<sup>3</sup> of earthworks to be undertaken in two stages. Stage one would comprise of “bulk earthworks” of 36,500m<sup>3</sup> (cut and fill) forming a 1 in 5 gradient over the building platform areas, and constructing external retaining walls to stabilise the site. Stage two would comprise of “building platform construction” of 1,500m<sup>3</sup>, with terracing of individual platforms and construction of internal retaining walls.

It is proposed to commence and complete bulk earthworks during one construction season (October to April). Building platform construction will be staged in accordance with the building consent programme (yet to be finalised). Adverse effects from earthworks consist of visual modification of the site, vehicle movements, noise, dust and sediment/erosion. Further effects would result from the construction of retaining walls up to 2 metres in height along the external boundaries, which may result in physical dominance of adjacent dwellings.

#### **4.3 Vegetation Clearance**

Vegetation Clearance is proposed within the works area, resulting in a total cleared area of approximately 1.4 hectares. Clearance of exotic vegetation (largely environmentally damaging and removable species), includes a number of mature exotic trees located on the site including pine, macrocarpa, eucalyptus and black wattle. Native vegetation on site comprises of mahoe, manuka, kanuka, whiteywood bracken, hangehange, mingimingi, karamu, shining karamu, matipo, kumarahou, lacebark and ponga. The most significant vegetation on the site is a grove of ponga within the gully area which would result in the removal of over 500m<sup>2</sup> of mostly protected vegetation. Removal of vegetation would result in adverse effects on amenity, ecology and natural character of the site.

#### **4.4 Medium Density Housing**

49 residential units are proposed comprising of 11 blocks of terraced housing orientated along the Denver Avenue extension, and common accessways. Five unit types are proposed, with blocks containing between 2-6 units of a particular unit type. Unit types are two to three storeys generally, with the majority of units providing split levels in response to the changing gradients of the site. Each unit would be three bedrooms, with outdoor living areas, single garage and individual access to the street.

The proposed residential units would comply with all relevant development controls within the District Plan, including height in relation to boundary, maximum height, private open space and impermeable surface coverage. A body corporate would be created to facilitate the management and maintenance of the overall development.

#### **5.0 REASONS FOR THE APPLICATION**

Consent is required under the following provisions of the District Plan for the following reasons:

- Limited Discretionary Activity consent for subdivision of the site to provide a pedestrian accessway and roading to be vested in Council, where proposed Lot 1 = 8515m<sup>2</sup> (medium density housing area); proposed Lot 2 = 278m<sup>2</sup> (accessway); and proposed Lot 3 = 2081m<sup>2</sup> (road) (Subdivision, Rule 4.1 – Greenfields Subdivision).
- Limited Discretionary Activity consent for medium density housing on a site of 1.0874 hectares within a 500m radius of the Sunnyvale Train Station (Living Environment, Rule 2.2(a)(i) Residential Activities/Density).
- Controlled Activity consent for clearance of exotic and native vegetation, removable vegetation and environmental damaging vegetation, over an area exceeding 500m<sup>2</sup>, where the entire site (1.0874ha) would be cleared of vegetation. Potentially

earthworks on the subject site may occur within the dripline of vegetation exceeding 6m in height (Japanese Cedar) (General Natural Area, Rule 2.2 Vegetation Alteration).

- Limited Discretionary Activity consent for clearance of native and exotic vegetation in excess of 6m in height and/or 600mm in girth, where eucalyptus (3), mahoe (2) and ponga (20) would be included in the total clearance of the site (General Natural Area, Rule 2.3 Vegetation Alteration).
- Limited Discretionary Activity consent for building on or subdivision of land which are likely to be subject to slope instability due to the gradient of the slope and the extent of vegetation clearance and earthworks proposed. (City Wide Rules – Natural Hazards, Rule 1.1 General).
- Discretionary Activity consent for earthworks to fill in the gully feature, create roading, a pedestrian accessway, and building platforms involving a total of approximately 38,000m<sup>3</sup> of cut and fill, where a Management Plan is provided demonstrating how earthworks will be managed (General Natural Area, Rule 3.4 Earthworks).

### 5.1 Proposed Plan Change 18

Proposed Plan Change 18 was notified by the Council on 31 March 2005 introducing city wide urban design provisions. Rule 2.1(a) requires that all applications for medium density housing must be accompanied by the following:

- “(i) A detailed site and neighbourhood analysis of the area within a 400m radius of the site which documents the existing built form and identified future desirable character of the site and surrounding neighbourhood.*
- “(ii) A design response which explains how the design of the proposed development has responded to the existing and proposed neighbourhood character and satisfies the site analysis and policies and objectives of the District Plan.”*

This proposed plan change was notified on 31 March 2005, and was therefore not in effect prior to the current application for consent being notified on 16 February 2005. A site analysis described in Rule 2.1(a) was not required prior to the proposed plan change, and therefore was not submitted as part of this application. It is appropriate to consider the proposed plan change as part of this application as it is now in effect. However, the submissions period closed on 31 May 2005 and decisions on submissions have not yet been released. Therefore the requirement for site analysis information has little weighting in the consideration of this consent.

**5.2** Overall, the application is considered to be a discretionary activity. The proposal complies with all other development controls under the District Plan.

**5.3** Consent was granted by the Auckland Regional Council on 01/02/2005 for earthworks and stormwater discharge (No. 29336 & 29335) copies of these consents are attached to the attachment supplement. No other consents have been applied for in respect of this application.

**5.4** The applicant consulted with residents on adjacent sites prior to lodging the application, at which time some written approvals were obtained, and the details of that consultation are provided within the Section 94 Report are attached to the attachment supplement. The applicant attended a pre-application meeting with Council staff in November 2003 and has participated in ongoing negotiations prior to public notification, which resulted in a number of alterations to the proposal including; a reduction in the number of units, provision of additional open space throughout the development, reduction in the overall dominance of retaining walls, increases to private outdoor space, and better response to urban design and landscape issues to mitigate potential adverse effects on amenity and character. The applicant also attended a public meeting with local residents on 07 March 2005.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 16 February 2005. Notice of this application was served on all identified affected persons on 11 February 2005. The period for submissions closed on 16 March 2005. 59 submissions were received. 1 submission supported the application, 56 submissions opposed the application, and 2 submissions neither opposed nor supported the application. Please refer to pages attached to the attachment supplement for copies of the submissions that were received. A map showing the location of the submitters is attached to the attachment supplement.

### 6.1 Submissions

Submitter No. 33 supports the application because creating housing developments near railway stations will improve the train services and reduce road traffic.

Those issues raised by submitters opposed to the application can be grouped into the following issues:

1. Traffic was raised by 35 submitters as an issue, associated effects of traffic increases included safety, capacity of the road, both the short term traffic increases from construction and the overall increase doubling vehicle movements in Denver Avenue.
2. Approximately half of all submissions raised concerns that the development would be out of character with the surrounding neighbourhood. Submitter (2) considered the existing character to be semi-rural with intensification impacting on this. Submitter (15) considers the architectural design style of the units to be inappropriate/incompatible with the existing eclectic character of post war, suburban, urban fringe.
3. Vegetation was an issue raised by approximately half of the submitters concerned about the scale of clearance, and complete removal of the ponga grove. Submitter (47) indicated that removal of vegetation would remove a significant green corridor, with a number of other submitters indicating the vegetation removal would affect birdlife and wildlife in the area. Submitter (4) indicated that birdlife had already been reduced because of development in McKinley Rd.
4. 24 submissions raised concerns associated with safety and social impacts of the style of housing, a number of submitters considered the development would become a slum and would attract a transient population because they are likely to be rental properties. Submitter (1) considered the development would breakdown the existing community environment, submitter (2) raised concerns about the maintenance and upkeep by the body corporate. A number of submitters raised concerns about safety, associated with people walking through the site, parking on the street and additional traffic being dangerous for children.
5. Land stability was raised as an issue by 18 submitters concerned that existing geotechnical issues had been identified on adjacent sites and that the scale of earthworks and retaining walls could have significant effects. Submitter (54) raised concerns about the volume of earthworks on the sensitive ridge and engineering of the site.
6. Visual and landscape effects were raised by approximately 15 submitters concerned with the prominence of the site on the hillside, and the effect that vegetation removal will have on the natural setting. Submitter (2) indicated that the site is not suitable for development because of physical geography.
7. Access was raised by approximately 7 submitters with concerns over the pedestrian access and lack of vehicle access to the site increasing pressure on Denver Ave. Submitter (2) commented that pedestrian access would be limited for elderly and infirm, with similar comments from submitter (4) recommending a second common access from Rangeview Road, lighting for pedestrian access, provisions for cyclists and pushchairs.

8. Approximately 10 submitters raised concerns relating to Infrastructure and services, with comments about water pressure and power supply, and that development will increase pressure on McKinley Park.
9. Loss of privacy from the development was raised by approximately 5 submitters. Submitter (9) considered the seven units bordering the site would be affected by residential units, while submitter (45) considered there to be a loss of privacy due to short and long term traffic increase.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Discretionary Activities**

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages attached to the attachment supplement attached to this report. This should be referred to as the legal framework within which the application should be addressed.

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 District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The 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**

In order to make a decision in terms of Section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits and activity with that effect (section 104(2)).

### **8.1 Assessment of Environmental Effects (104(1)(a)): Actual and Potential Effects on the Environment.**

### 8.1.1 Water Quality and Quantity

The applicants Assessment of Environmental Effects identified the quality of the receiving environment (Waikumete Stream) is moderate and improving, containing a number of fish species and riparian vegetation. The coastal receiving environment (Henderson Creek and Waitemata Harbour) is identified as being of significant environmental value in the Regional Coastal Plan.

Overland flows would be altered through the filling of the gully and re-contouring of the site, where they would be redirected to the road and pedestrian accessway into the stormwater network. As the existing public stormwater network does not have sufficient capacity for the proposed development, the proposal would include construction of a public stormwater network to be connected to a storm or sand filter constructed in the north western corner of the site. This would treat the stormwater from a design storm event prior to discharging from the site. An underground stormwater detention tank would also be provided in this area of the site to delay discharge to the stream. Stormwater detention and treatment devices, subsoil drainage, utility services, public drainage and water supply would all be installed as part of the bulk earthworks (stage 1).

The proposal would not result in any flooding issues as subsoil drainage would be located behind all retaining walls structures, and small falls will be introduced across sites to ensure that water does not pond. All runoff from the site would be reticulated and would not flood adjoining sites. Conditions of consent would ensure that subsoil drainage is installed.

The proposal has been reviewed by the Council's Subdivision Engineer, a report is attached to the attachment supplement detailing their response and recommended conditions. Council's Engineer considered the plans and calculations submitted by David Ogilvie and Partners Ltd to have demonstrated that stormwater quality can be provided to the site, and that overland flow during the 1% AEP storm event can be directed down public and private roads, and finally down the pedestrian accessway to cross Rangeview Road and enter the Waikumete Stream.

*"Davis Ogilvie & Partners Ltd have shown that all aspects of wastewater drainage, stormwater drainage, stormwater quality treatment, overland flow and water supply can be addressed through engineering design to the satisfaction of EcoWater, therefore EcoWater supports the proposal."*

Based on the assessment by the Council's Engineer and the recommended conditions any potential adverse effects would be adequately mitigated. Conditions include installing flow reduction measures to reduce wastewater from the development, design of infrastructure in accordance with Council requirements, provision of a catchment analysis to define the 1 in 100 year overland flow within roads and provision of a drainage easement to protect these flows.

An earthworks management plan, including sediment and erosion controls have been assessed by the Council's Monitoring Officer and is determined to adequately mitigate potential adverse effects on water quality from sediment runoff. Suitable conditions on sediment and erosion controls will be imposed to ensure any adverse effects are no more than minor.

### 8.1.2 Native Vegetation, Vegetation and Fauna Habitat

Vegetation clearance would occur across the entire site as part of the proposal, to undertake earthworks in preparation of developing the site. The site is identified as General Natural Area and is heavily vegetated with a mixture of native and exotic species, of particular significance is the ponga grove within the gully. Native bush is regenerating on the site beneath the canopy of larger exotic trees, comprising largely of manuka less than 3m in height. Most vegetation to be removed is not protected as it is either less than 6m in height, or is listed as removable or environmentally damaging.

Reports provided by the applicant (Katsura and Bioresearches) identified the most significant vegetation to be the ponga grove, with the overall significance of vegetation being low. The applicant's experts identified that approximately 10% of the ponga grove contains species over 6 metres in height, not providing for the protection of species over 600mm girth. The extent of protected ponga on the site has not been agreed between the different experts, although it is agreed that they are of merit.

The Council's Arborist visited the site and reviewed all relevant information submitted as part of the application, his report is attached to the attachment supplement. This report considered none of the ponga to be protected, although confirming that there are different opinions on whether ponga have the girth dimension that would afford protection, and stated the following:

*"... areas of vegetation such as the ponga tree ferns within the gully area ... has some merit from an ecology perspective; the group is fairly consistent with a continuous canopy due to a lesser percentage of weed species present. This consistency would provide scope to accelerate the areas of evolution to a sustainable native vegetated area, but there is no denying this would take a great deal of labour input, patience and perseverance on behalf of those undertaking such work..."*

*Most of the ponga appear to be silver ponga (Cyathea dealbata), but an occasional black ponga (Cyathea mudullaris) and wheki ponga (Dicksonia squarrosa) were seen within the gully. The wheki are valuable landscape material...The silver and black ponga shouldn't be dismissed however, as these as well as wheki also have a value in new landscapes, particularly to line timber retaining walls..."*

Council's Arborist Report acknowledges that all vegetation within the works area would be removed, and indicates that the method that is used will determine whether there can be any added value gained from the resource in the way of by-products and recovery.

Significant earthworks would occur along the boundaries of the subject site, which may potentially affect vegetation on adjacent sites through loss of soil hydrology, severing or compaction of roots. The Katsura Report identifies vegetation beyond the site that would need particular consideration during site works, to mitigate potential adverse effects. Council's Arborist recommends another survey of vegetation within 10 meters of the boundary to accurately identify what vegetation exists on adjoining sites, this should be undertaken after the subject site and been cleared, and prior to earthworks commencing. This should identify not only vegetation protected under the Plan, but also consider vegetation of merit to the landowner. Where protected or otherwise vegetation is considered under threat by the proposed works the applicant's arborist shall submit a methodology statement that results in that vegetation being left with no more than minor affect or alternatively (with consent of the property owner) indicate adequate mitigation in the way of replanting. A condition to this effect will ensure sufficient assessment is undertaken at this stage and suitable protection insurances are imposed. Therefore any adverse effects would be no more than minor.

Council's Arborist has indicated the opportunities for more sustainable vegetation clearance removal by suggesting options for reuse within the site. These options include mulching of felled vegetation on-site resulting in a wood-chip that could be used as a sediment control measure and/or for landscaping purposes as mulch in garden areas. Furthermore, ponga logs could be used to face retaining walls. These options would reduce the amount of materials taken off the site, as well as softening the visual effects of retaining walls. An advice note recommending the reuse of ponga will be imposed on the consent.

It is important to note also that the site is located within the Painted Apple Moth Vegetation Control Zone, and therefore any cleared vegetation must not be taken out of this area. At the time of disposal, the current situation should be confirmed with Ministry of Agriculture and Fisheries.

### 8.1.3 Land / Soil

The proposal seeks to modify the landform by undertaking cut and fill across the entire site (1.09 hectares) and 3 adjoining sites (4000m<sup>2</sup>), resulting in a total earthwork area of 1.49ha. The total volume of earthworks would be approximately 38,000m<sup>3</sup>, comprising of bulk earthworks being 27,000m<sup>3</sup> cut and 9500m<sup>3</sup> fill, and further earthworks at the building construction stage of 1500m<sup>3</sup>. The earthworks plan indicates cuts of up to 6 metres to be made in the crown of the ridge, with cuts reducing down the slope. Earthworks would be done in two stages, bulk earthworks would provide for formation of road network, pedestrian accessway, common accessways, and stormwater detention and treatment devices. Building construction earthworks are to be staged in accordance with the building construction programme, yet to be finalised. A condition requiring sediment and erosion plans at each stage, upon building consent application would adequately address potential effects from these earthworks.

A cut to fill earthwork balance has not been achieved, and all excess cut and unsuitable material would be removed from site. Retaining walls would be used to stabilise earthworks around the entire perimeter of the subject site, including the pedestrian accessway, which would be no greater than 2 meters in height. Further landscaping of the site would require small retaining walls of up to 1.5 metres in height within internal yards.

The applicants Assessment of Environment Effects report uses a permitted baseline argument that:

*“the bulk earthworks required to facilitate the construction of the proposed medium density housing development would also be required to facilitate the development of the site to accommodate a conventional subdivision development meeting the 450m<sup>2</sup> net site area density provided for as a Permitted Activity within the Living Environment”.*

The Council's Monitoring Officer reviewed the application in regards to earthworks and proposed controls, the report is attached to the attachment supplement. This report identified the scale of earthworks to be significant because of the filling of the gully. It is the opinion of the monitoring officer that a complying subdivision would be expected to retain the gully, and therefore would involve less earthworks and less retaining to stabilise it.

The natural characteristics of the site, steep slopes and a gully feature, does not provide suitable conditions for intensive housing development. Therefore, significant earthworks are proposed to fill in the gully and reduce the gradient of slopes to provide such conditions. It was determined in the assessment of effects contained within the Section 94 report that adverse effects from earthworks would be more than minor as the landform would be significantly altered and requiring extensive retaining walls to stabilise the site. Council's Monitoring Officer considers the long term effect of filling the gully to be more than minor and unable to be mitigated as it cannot be replaced, accepting that the District Plan and the Regional Plan: Air, Land and Water does not provide for the protection of this gully. Under the Regional Plan the gully is an ephemeral stream and works within such a stream are permitted.

Council's Monitoring Officer raises concern that the applicant seeks to overfill the gully on the adjacent site at 19 Denver Ave, therefore requiring retaining into the subject site. The applicant was requested to respond to this concern, and indicated that they wished to proceed without reducing earthworks along the eastern boundary. However, the applicant indicated that "should the Council deem it necessary to impose a condition of consent limiting the extent of earthworks along this boundary, the applicant will accept this provided that the condition allows for retaining wall heights up to 1.2 metres."

It was determined by Council's Monitoring Officer that to avoid overfilling the gully into the adjacent site would not result in any significant benefits as the majority of the gully is within the subject site, and therefore would result in significant retaining within the gully. Filling the gully and providing a more level yard on the adjacent site provides benefits for the adjoining site, and reduces the amount of fill to be taken off site. Provided the fill along the eastern boundary is limited to retaining walls 1.2m in height, any potential effects on the amenity of future occupants of the subject site would be reduced. Therefore any adverse effects would be no more than minor. A condition restricting retaining walls along the eastern boundary to a maximum height of 1.2m is therefore required.

More than minor adverse effects were identified in the Section 94 Report resulting from the scale of retaining walls required to stabilise the site for development. Retaining walls are required on all external boundaries, these were limited to a maximum of 2m in height in consultation with the Council experts and have been stepped and landscaped to reduce potential dominance effects on adjacent sites. The greatest impact of proposed retaining is identified to be along the western boundary, where stepped walls would result in a maximum height of 6 metres adjoining 21B, 25A and 25B Rangeview Road. It is noted that dwellings on 21B and 25B Rangeview would be located very close to proposed retaining resulting in dominance effects, and that the residents have submitted against the proposal raising particular concern about stability and visual impacts. The issue of physical dominance is discussed in further detail in section 8.1.7.

Other issues associated with retaining walls in public areas is the potential for graffiti and degradation of the street environment from blank walls. The applicant has proposed retaining wall plantings as part of the Landscape Plan, and this will be discussed in further detail under section 8.1.9 of this report. Planting along walls, and falling down in front of walls would soften the impacts of the built form on amenity. The applicant also proposes to use permeable fencing on top of external retaining walls to avoid additional dominance effects that could be created by placing a further solid wall extending the overall blank wall. It is considered appropriate to require landscaping of retaining walls to be undertaken upon completion of construction to ensure the implementation of mitigation immediately, and in case building construction works are delayed.

The applicant was requested to reconsider the materials used in retaining walls to soften the structures and reduce dominance effects. In response to further information sought from the applicant after notification the applicant indicated that the imposition of a condition of consent relating to the nature of material utilised to construct retaining walls would be accepted, subject to relevant engineering considerations and constraints:

*"At this point in time the applicant is intending to utilise timber walers with galvanised steel universal beam posts. These walls are tidy and easy to screen as the outside face of the wall is essentially flush, unlike standard timber post and waler retaining walls, where the posts protrude out from the face of the wall."*

The above design of retaining walls would be appropriate for those external walls that face adjacent sites and the subject site, with landscaping providing further mitigation. However, alternative materials should be considered for all retaining walls, but specifically for those within public areas (such as the entrance) and internal retaining to provide softer finishes and reduce the impact of built structures. Suitable alternative materials identified by Councils experts are keystone or the use of ponga logs to face wooden retaining walls, a condition requiring alternative materials to be used for retaining walls in public areas and along internal boundaries would ensure any adverse effects would be no more than minor. Therefore a condition to this effect is recommended. Submitters indicated that planting to screen walls on their sections would be satisfactory provided they have input into what is planted. An advice note indicating that screen planting in front of retaining walls on adjacent sites should be to the approval of the property owners is identified.

### **Stability of land**

The site is considered to be potentially subject to instability due to the steepness of the slope and the scale of earthworks proposed. The applicant submitted a geotechnical report by Soil and Rock Consultants in October 2004 that indicated two areas of global instability, a relic slip feature to the south and a relic slip feature to the west. This report stated that there was no obvious evidence of any major, deep-seated or more significant shallow instability over the remainder of the property. The engineer determined that there are no major constraints in geotechnical terms to the proposed development.

The Soil and Rock report and plans were reviewed by the Councils Geotechnical Engineer, determining that further information was required related specifically to the stability of the western margin of the site and proposed stabilisation was provided, and confirmation that the cut on the southern margin would remove the stability concern. These issues are similar to those raised by submitters.

In response to further information requested by the Council's Geotechnical Engineer and issues raised by submitters, the applicant provided an updated geotechnical report by Soil and Rock Consultations in May 2005. This report concluded the following:

*"The western slope below the subdivision has been investigated by Jackson Claperton & Partners Ltd with stabilisation measures recommended and subsequently installed. The stabilisation measures included installation of subsoil drains that have been in place for nearly 20 years. Groundwater table measurements and observations indicate the drains are achieving the slope stabilisation required. To maintain stability of the upper slope area within the subdivision both up-grading the boundary retaining wall to a barrier pile wall and installing a number of runoff control and subsoil drainage measures are recommended.*

*For the southern slope outside the subdivision we do not consider the conditions to be as onerous. We have recommended the subdivision land be protected by installation of an appropriately designed retaining wall along the southern boundary accompanied by similar drainage measures as outlined above"*

Council's Geotechnical Engineer reviewed this further report and concurred with the findings subject to conditions, a report is attached to the attachment supplement. The site will be rehabilitated through the construction of retaining walls, grassing, and other plantings to mitigate any potential adverse effects on the stability of the site after earthworks are completed. Conditions as recommended by the Engineer would be imposed on the consent to ensure potential adverse effects are mitigated.

#### 8.1.4 Air

It was determined in the Section 94 Report that preparation of the site for development may result in the potential emission of dust to air. The issue of discharges to air from the proposal is considered as part of the Earthworks Management Plan identifying that the following activities may generate dust while undertaking earthworks on the site:

- stripping, stockpiling or respreading topsoil;
- wind blown material from stockpiles;
- removal of topsoil by cultivating and loading onto trucks, or screening and loading onto trucks; and
- the operation of earthmoving machines.

The Management Plan indicates that excavation and deposition of clay does not normally create dust nuisance due to the consistency of the material. To reduce the potential for stockpiles to generate dust, these would be located as far away as practically possible from neighbouring dwellings and would be dampened down. To mitigate any potential adverse effects conditions will be imposed requiring a water cart on site to wet down the site in dry weather.

#### 8.1.5 Ecosystem Stability

An ecological assessment was submitted as part of the application prior to public notification (Bioresearches) identifying that the ecology of the subject site was of low significance. The report identified that no attractive food-bearing trees or suitable habitat in general for New Zealand pigeon and none were observed within or adjacent to the property during the survey. A total of fourteen species of bird were recorded, including endemic species (grey warbler, tui), and native species (fantail, shining cuckoo, silvereye, welcome swallow), along with other introduced species. No threatened species were observed. No other wildlife was observed within the site but a full range of pest species was anticipated.

The Council's Ecologist reviewed this information and considered that further investigation was required to determine the extent of native reptile species as the existing vegetation was likely to have such a habitat. It was determined at this stage that sufficient information was available to precede with notification of the application although Council's Ecologist did not concur with the results. A number of submissions were received raising similar concerns about the ecological value of the subject site and complete removal of this. It was therefore determined that further investigation was warranted to clarify the extent of ecology, and this additional investigation was undertaken by Bioresearches in April 2005.

The updated report provided by Bioresearches in April 2005 did not find any threatened skink or green gecko and concluded that:

*"Overall the probability of this property being a significant habitat for reptiles was always remote. This and the previous survey of 20 December 2004 suggest that either reptiles are entirely absent or their numbers are not significant within the context of the Ecological District, especially numbers of green gecko."*

Regarding the ecological value of the site the Bioresearches report indicated that its value for buffering, connectivity and viability ratings are very low. "The exotic vegetation consists mainly of pest plant species and if it were removed the remaining native vegetation on the site would consist of the tree-fern gully and the southern area of low, recent manuka, both of which are small, isolated habitats and neither of which would form part of an ecological linkage."

The Council's Ecologist reviewed the further information and concurs that the area is of low ecological value, this report is attached to the attachment supplement. However, it is noted that the area of vegetation does have some value as islands or resting stations for bird species travelling through the area. Council's Ecologist is satisfied after reviewing the further information about presence of native reptile species, that suitable investigation was undertaken and nothing was found.

*"The site though proximate to identified linkages would have only limited value due to the low habitat quality on the site and increasing urbanisation of the surrounding, predominantly residentially zoned area,"*

Although the ecosystem of the site would be significantly affected through vegetation clearance and earthworks activities, the ecological value of the site is determined to be low, and natural ecosystems will not be threatened. The ecological corridor along the Waikumete Stream is considered adequate to provide for birds travelling through the area, and the District Plan has not provided for the specific protection of vegetation on this site. Any adverse effects on ecology are considered no more than minor and no conditions are required to mitigate these.

#### **8.1.6 Outstanding Natural Features; Landforms, Geological Sites**

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The site is within the urban area of the city and the environment is already extensively modified and therefore the proposed activity would not adversely affect any identified outstanding natural features.

#### **8.1.7 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 proposal is designed to work with the modified landform through the use of split level accommodation and terraced building platforms, with each block containing between 2 – 6 units reducing potentially large building facades. Extensive earthworks have been required to provide suitable conditions to provide such terracing and to achieve access through the site.

All residential blocks have been adequately set back from boundaries and designed to comply with height in relation to boundary, therefore any adverse effects from overshadowing or the loss of daylight and sunlight are considered de minimis.

Scale, form, and bulk of the proposed residential blocks have been broken up by stepping each unit down the slope and having varying roofing styles. Height of proposed blocks would not exceed 11 metres to mitigate potential effects on the surrounding lower density residential neighbourhood. Articulation of street facades breaks up the visual bulk created by constructing large blocks of units. It is considered appropriate to impose detailed conditions pertaining to the detailing of facades to ensure any potential effects from scale, form, height and bulk are adequately mitigated.

Retaining walls on the external boundaries, particularly the western boundary, potentially result in physical dominance of neighbouring houses both within the site and adjacent to the site. To reduce potential dominance effects retaining walls have been stepped back to provide heights no greater than 2m, with garden areas on top to provide mitigating landscaping. The provision of common open space adjacent to the most significant retaining walls avoids the additional dominance of buildings along this portion of the

boundary. Additional measures proposed to mitigate potential adverse effects include permeable fencing a top of retaining walls, and planting in front of walls. It is considered appropriate to condition the maximum height of retaining walls and landscaping requirements to mitigate potential adverse effects of physical dominance.

All external fencing would be permeable (pool type fencing) supplemented with planting to provide privacy of adjoining neighbours while reducing any dominance effects. Internal fencing is proposed to be close boarded timber fencing on top of any retaining walls, with trellis edge along the top. This option has been promoted by the applicant to establish private rear yards for occupants. Given the small size of rear yards, the proposed fencing and retaining walls has a potential to create a boxed in feeling. Provided close boarded fences coupled with the retaining wall structures do not create a solid wall exceeding 1.5m in height dominance effects of solid walls would be mitigated. Additional screening required would be provided by the use of trellis and planting. Imposing conditions on the design of fencing would be adequate to mitigate potential effects on privacy, while avoiding physical dominance and amenity effects within rear yards.

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

Adequate private open space is provided for each of the units with at least 50m<sup>2</sup> comprising a combination of ground level courtyard and balcony area. This private space is accessible and generally orientated to maximise sunlight admission. Additional access to open space is provided through the provision of a common outdoor space of 320m<sup>2</sup>, and the site is located within 200m of McKinley park and Parris Park.

The applicant's Landscape Architect identifies the existing environment as modified, suburban along Denver Ave and a changing character along Rangeview Road. There are a number of medium density housing developments in the nearby neighbourhood due to the proximity of Sunnyvale Rail Station. The District Plan provides for further intensification of this area and the proposal is considered to be in keeping with this changing character. It is accepted that there would be adverse transitional effects given the sites hillside location and visibility from within the larger Henderson Valley catchment. Proposed landscaping to soften development, with the provision of larger trees and larger areas of space within the development, is considered appropriate to mitigate any visual effects on the wider neighbourhood.

On site amenity within the development would be obtained through the provision of wider streets and street planting creating an open character. Public amenity is provided through the use of the Denver Ave extension, with footpaths, parking and planting. The use of multi levelled, stepped buildings following the modified contours provide variety to the visual form. Units are all designed to have individual front entrances and front yards creating a sense of address. Garages are set back so as not to dominate or intrude on the character of the streetscape. Articulation of facades, windows, porches and doors attempt to create visual interest from the street. Materials proposed for the development are in keeping with modern designs and are not considered to detract from neighbourhood character.

Landscaping proposed along the pedestrian accessway consists of *mass carex* and cabbage trees planted along 4m intervals. The Councils Parks Planner considers this planting to potentially prevent clear visibility and surveillance and has therefore recommended a condition requiring the stairway to span the entire width of the accessway, with no landscaping. With no landscaping along the accessway there would be no opportunities for screening of adjoining properties. It is therefore considered appropriate for the applicant to undertake landscaping on the adjoining properties to provide adequate screening of private properties, while not limiting natural surveillance opportunities of the accessway. Planting along the accessway, on private sites should to

the approval of landowners and the Council's Environmental Monitoring Officer. Conditions are therefore recommended requiring appropriate landscaping be undertaken on adjoining properties for privacy.

The proposal has considered the amenity, streetscape and neighbourhood character within the site through the provision of articulation, quality design, appropriate landscaping and provision of on-site amenity. It is considered important that landscape planting and visual interest is provided and maintained that detailed conditions are imposed relating to planting plan, and architectural detailing.

The design of the units is considered to have addressed the basic urban design principles, contributing to the streetscape and providing a sense of place with a distinctive residential character, with each unit having a separate identity within the terrace assisted by the slope of the site stepping units. All units provide habitable rooms at street level, providing surveillance of street.

Communal open space provided within the development is considered too small to provide any significant active useable space, with only 6.6m<sup>2</sup> per unit. However, the space does contribute to the open character of the development reducing the built environment along the western boundary and providing for larger vegetation to be established.

- **landscape modification, encroachment above ridgelines, landscape values, views**

Although the site is located on the side of a hill, it is not identified as a sensitive ridge in the district plan. The hillside provides a good outlook over the Henderson Valley and out towards the Waitakere Ranges. Landscape modification proposed would reduce the severity of the slope, and development on the hillside provides good views from within the development.

Existing vegetation on the site provides significant amenity and a natural landscape character that provides a feeling of openness and greenness, contributing to the enjoyment of the surrounding area by those within the neighbourhood (particularly those that adjoin the subject site). Although the application determines that the vegetation is generally of poor quality (excluding the ponga grove) and primarily scrub, there is a number of native species (manuka, red matipo, karamu, mapou, mingimingi and lacebark) regenerating on the site.

The applicant submitted a Landscape Plan as part of the application providing mitigation for the loss of vegetation and the higher density of development. This Plan was reviewed by the Council's Landscape Architect, and a report is attached at pages A... to A... Council's Landscape Architect concurs with the applicant's expert that the proposed retaining walls would be evident at first, with future development in the immediate area and establishment of planting on the walls enabling them to be integrated into views of the hillside. The planting proposed is not considered to be sufficient to provide visual softening of all of the walls, with limited details of all planting provided.

*"As the walls would be visually evident when first built it is critical that there is adequate planting to establish on the site as quickly as possible so that it can soften and screen these walls, from both the wider landscape perspective and also from the viewpoints of the immediate neighbours who would be most affected.*

Additional planting to that proposed in the Landscape Plan would mitigate the retaining walls, such as trailing species planted in gardens on top of walls, spilling over the walls. Trees and shrubs would provide further mitigation along the western and northern

boundaries where retaining walls step down in the neighbouring properties. Of most significance is the area alongside the common open space where retaining walls would effectively reach up to 6 metres in height, the majority of the northern boundary would be 1m in height within an area in the eastern corner reaching 2m. It is considered appropriate to impose conditions requiring planting of the western and northern boundary retaining walls to be undertaken in consultation with adjoining neighbours as these will be facing into their private yards. This could result in large trees planted along the base of retaining walls, along with garden planting. It is important that gardens on retaining walls are planting densely to avoid weed intrusion, and that they are maintained by the body corporate to avoid visual and ecological effects from untidy and weedy gardens.

Larger specimens are proposed within areas of greater space, to extend above the buildings to soften the effects of development as viewed from outside the site and mitigate the loss of mature vegetation on the site. To ensure that sufficient and adequate planting and maintenance of planting occurs it is considered appropriate to require a bond and maintenance period to require trees to reach maturity.

Council's Landscape Architect does not support the proposal, indicating that the scale of earthworks, the loss of tree ferns and the topography of the gully, and the construction of the retaining walls on all boundaries of the site would result in a change of character for the site and the neighbourhood, and an overall loss of amenity for the neighbourhood.

*"Overall, in time, with ongoing care and maintenance, the constructed urban landscape would have positive effects on the amenity values of the area, due to the existing degraded character of the neighbourhood overall. However, the short and long term effects on amenity values for the residents of the rest home who currently gain significant amenity from their views of the tree ferns would be adverse,"*

The subject site is considered to be in a suitable location for intensification, and there are a number of similar developments within the nearby area. Although significant site works were required to enable medium density housing to be developed, it is likely that conventional development of the site would result in similar effects, although perhaps not the extent of retaining walls. Units have been designed to step down with the changing contours and split level dwellings are provided to limit further earthworks that would be required to provide otherwise. The built form is not considered to be significantly out of character using similar materials to those dwellings within the neighbourhood and blocks would be of similar scale to those of the rest home. The proposed Landscape Plan along with additional conditions recommended by the Councils Landscape Architect is considered sufficient to mitigate potential adverse effects on the landscape values of the area.

- **connectivity, accessibility, surveillance, safety, public access,**

The gradient of the site restricts access from Rangeview Road to the site, therefore vehicle access is only provided via Denver Ave, with pedestrian access provided from Rangeview Road. Given the site's location within 500m of the Sunnyvale Rail Station the potential for using public transport is increased. The design of the pedestrian access is a critical factor to the success of the proposal.

The accessway connects the site to Rangeview Road, providing access to public transport and recreation facilities such as the Sunnyvale Rail Station and Parrs Park. The accessway is 4 metres wide, and approximately 50 metres in length. Given the steep gradient of the site, a staircase would be constructed within the accessway with a height of approximately 15 metres and containing in the realm of 80 steps. Although this is considered a somewhat arduous route, it does provide public access for people who wish to get to the site or Denver Ave from Rangeview Road. It is unlikely that the accessway

would be used by elderly, infirmed or people with small children; however, there is no reason to assume that it would not be used by others. The applicant has attempted to provide for the safe use of the pedestrian access through using short flights of stairs, full length handrail, adequate lighting, open landscaping and resting seats at the top of the accessway.

Public access is gained through the site from Denver Avenue by vesting the through road and the pedestrian walkway in the Council, and providing a pedestrian easement linkage. Landscaping of the pedestrian areas has been designed to provide high quality amenity, while not detracting from natural surveillance. Dwellings overlook the street, with kitchens and living areas at ground level to enhance natural surveillance. Permeable fencing and lighting would be provided along the accessway to improve safety for pedestrians.

Footpaths are provided throughout the site to facilitate movement within the site. The proposal is therefore considered to provide good connectivity and accessibility through the provision of vehicular access from Denver Ave, and a public pedestrian through route between Denver Ave and Rangeview Road.

Habitable rooms at ground floor level and balconies at first floor level provide good natural surveillance of the street improving safety throughout the development. End units have been provided with windows to ensure this consistency of surveillance and avoidance of blank walls. It is considered appropriate to impose a condition requiring windows to be provided as detailed on end units, as these contribute significantly to the feeling of safety in the street and pedestrian access.

- ***noise, odour, dust, vibration, radio frequency, electromagnetic radiation, lighting, glare- cumulative lighting effects, hazardous materials, natural hazards, air base operations***

Potential effects from earthworks activities required to modify the site may result in noise, odour, dust and vibration effects. The Earthworks Management Plan provides a number of mitigation measures to reduce any potential effects on neighbouring sites:

- earthworks carried out over three month period, six days a week (Monday – Saturday)
- hours of operation (Monday to Friday 7.00am to 6.00pm; Saturday 8.00am to 4.00pm; Sunday and public holidays – no work)
- Appropriate dust and debris control measures implemented during earthworks to minimise short-term nuisance associated with land modification
- Sweeping, wheel wash, stabilised entrance
- Made aware of contractors details for noise or dust complaints

The mitigation measures proposed are considered adequate to ensure the health and safety of neighbours. Conditions relating to the earthworks management plan are recommended to ensure any adverse effects would be adequately mitigated.

Although it was identified in the Katsura Report that the flatter part of the site was once laid with strawberries, a preliminary site investigation was undertaken by Groundwater and Environmental Services (GES) determining that contaminants (copper, DDT, arsenic and lead) were all below the Auckland Regional soils background levels and would have no significant effect on human health or the environment for the proposed residential land use. To ensure excavated fill is disposed of appropriately, a condition is recommended to determine the appropriate disposal location at the time of the pre-start meeting.

- ***infrastructural capacity & availability***

All residential units within the development would be provided with connections to the public water supply, wastewater and stormwater systems, and utility services as detailed on the appended Wastewater Drainage Plan, Stormwater Drainage Plan and Water Reticulation Plan.

The site is currently connected to the public stormwater system in the north western corner of the site. The existing public network is of insufficient size and capacity and would be upgraded to accommodate the proposed development and possible future development of the associated upstream catchment. A new public closed pipe stormwater system designed in accordance with the Code of Practice for City Infrastructure and Land Development is proposed to be constructed to serve the development.

Council's Subdivision Engineer, has reviewed the application and associated documents and concurs that the proposed works to service the infrastructural requirements of the development would be appropriately provided. Conditions of consent are recommended to provide for low flow and water savings devices to mitigate any potential adverse effects on infrastructure capacity.

- **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**

It was determined in the Section 94 Report that potential adverse effects from traffic generation would be more than minor as a result of doubling the existing traffic volumes, and the heavy vehicles generated from site works. A number of submitters raised concerns about traffic, indicating that safety would be compromised, and the quiet of the neighbourhood would be degraded through increased traffic. Other concerns raised related to the capacity of the roading network, and consideration of current development in the area of the Rest Home and residential development in McKinley Ave.

In response to submitters concerns, the applicant submitted an updated traffic report by Traffic Engineering and Management, dated 18 May 2005, undertaking traffic counts for all days of the week, and taking into consideration the cumulative effects of additional traffic from the Rest Home and McKinley Road developments.

Council's Principal Transport Engineer, Mr Moller has been involved in the processing of this application since pre-application stage, and has reviewed all relevant information. Mr Moller's report is attached at pages A... to A.... It is indicated in this report that overall traffic would increase on Denver Ave by 100% from existing counts and result in total vehicle movements of approximately 600 per day. Mr Moller concurs with the applicants Traffic Expert that the existing roading network is capable of containing the increased traffic volumes, and considers a low density development on the same site would have a likely increase of approximately 450 vehicle movements per day:

*"While the proposed development will lead to a noticeable increase in traffic on the local roads immediately adjacent to the development it will not create any adverse impacts in terms of capacity of the local roads."*

In response to concerns raised by submitter No. 2 about the impacts on the wider road network of Waitaki Street and Waari Street, and overflow of parking from Sunnyvale Rail Station, Mr Moller has indicated that:

*"The speeds, volumes and crash histories of these roads are typical of those found in local roads throughout the network and while the proposed development could generate a small amount of additional traffic in these roads it is not envisaged that this would have any noticeable impact..."*

*.. As part of the rail line upgrades Council is developing a park and ride at Seymour Road in the immediate vicinity of the Sunnyvale Rail Station. This facility is located on the arterial road network. It is likely that the major impact of this facility will be redirecting existing vehicle trips rather than generating additional trips. The catchment of this facility is also likely to be less extensive than the submitter suggests as it is only one of the number of park and ride facilities being proposed"*

Based on the information submitted with the application, and Mr Moller's assessment, traffic increases are considered to have no more than minor effects on the safe movement of traffic. The use of passive traffic calming techniques such as narrow carriageways and planting is provided to help slow traffic movement through the development, and varying of surface materials and colours will help communicate to drivers the residential character of the area. In addition, parking bays along the eastern side of the Denver Ave extension would help slow traffic.

Sufficient parking would be provided within the development in accordance with the Councils requirements outlined in the "Parking and Driveway Guideline", which requires 1.5 space/unit + 1 visitor space/3 units, resulting in a total of 90 spaces (74 unit spaces and 16 spaces for visitors). A total of 97 car parking spaces would be provided on the site, including a single garage for each unit (49), 11 on-street car parks, 19 car parks within common accessways, and 18 stacked parking spaces on driveways.

Heavy traffic generation caused from disposal of excavated spoil off site would have temporary adverse effects on the residents of Denver Avenue. The TEAM report indicates that bulk earthworks is expected to result in 1200 truck and trailer loads of material taken away from the site – resulting in 2400 truck movements to and from the site. Bulk earthworks are proposed to occur over a 3 month period to mitigate potential nuisance effects from heavy traffic, therefore approximately 3 trucks per hour over a 6 hour day resulting in an additional 36 heavy truck trips a day. A comprehensive traffic management plan is proposed by the applicant's traffic engineer – to be approved by the Council before work commences. This is considered appropriate on the basis that the capacity of the road to accommodate the additional heavy truck trips would be adequate, and hours of operation are restricted through the imposition of conditions. The number of truck movements per hour (3) does not result in significant safety concerns.

In response to concerns from submitters about potential damage on the roading network from heavy traffic, this would be addressed by way of a standard condition and requirement of a street damage bond to repair any damage to roads. Submitter No. 2 requested that the largest truck that can be used is 8-10 tonne in an attempt to avoid damage to road. However, this is considered inappropriate as the smaller the truck the more truck movements required to remove the spoil.

#### **8.1.8 Heritage**

There will be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item. The applicant's planner indicates that a search of the Auckland Regional Council Cultural Heritage Inventory was undertaken and no archaeological or other cultural heritage sites are recorded on the subject property, or within the immediate vicinity. Where any archaeological evidence is discovered during the earthworks operation, all work in the immediate vicinity of the find would cease, and the appropriate authorities would be contacted. A condition to this effect is required to ensure any potential adverse effects are mitigated.

#### **8.1.9 Summary**

The proposal is located within 500m of the Sunnyvale Rail Station and meets the criteria for medium density housing in the District Plan, being a site greater than 2000m<sup>2</sup> and provision of good quality design to provide for residential amenity and character. Adequate access to the Sunnyvale Rail Station is provided for via a pedestrian accessway connecting Denver Ave through the site to Rangeview Road, improving access to public transport.

Although the landform would be significantly altered to provide for access and building platforms on the side of the hill, the impact of retaining walls and the built environment would be adequately mitigated through landscaping (fencing and plantings) and restricting the maximum height of retaining walls to 2m in height.

The existing roading network has sufficient capacity for the proposed increases in traffic, and the number of vehicle movements would not impact on the safety of pedestrians. As traffic is associated with a residential activity it is considered a permitted activity under the District Plan. Heavy truck movements during the construction period will be restricted to specific hours to mitigate potential nuisance effects on the neighbourhood, and would occur over a duration of 3 months.

Significant clearance of vegetation will be undertaken to enable site works, including the removal of a ponga grove. Although this is expected to result in the destruction of any existing ecology, the site is located within the General Natural Area and is identified as being of low ecological value. Existing vegetation contributes to the natural character of the site and contributes to the amenity of adjacent sites; proposed landscaping would mitigate these effects so they would be no more than minor within the changing urban environment. In addition, conditions would be imposed to use existing vegetation for mulch and in landscaping to reduce the amount of material taken off site.

It is considered that the actual and potential adverse effects of the proposed activity are *no more than minor*, and can be adequately mitigated through appropriate conditions of consent.

## **8.2 Any Relevant Provisions of the District Plan 104(1)(b)(iv):**

### **8.2.1 District Plan Policies, Objectives and Assessment Criteria**

The District Plan provides a range of objectives, policies, rules and assessment criteria to be considered in relation to development in the Living Environment and the General Natural Area, and these have been used as a guide in considering the proposal and are discussed below under the headings of Vegetation, Ecology, Earthworks/Stability, Medium Density Housing and Subdivision. The full list of assessment criteria, objectives and policies are attached at pages A... to A.... If a specific objective or policy is considered particularly relevant it has been included, in its entirety, prior to the discussion.

#### **8.2.1.1 Vegetation**

**Objective 2** *To protect the City's native vegetation and fauna habitat, including protecting:*

- *the quality and resilience of the resource;*
- *the variety and range of species and their contribution to the biodiversity of the City;*
- *their ecological integrity;*
- *their healthiness as a potential source of harvest for cultural purposes.*

*Explanation: Overall resilience relates to the ability of ecosystems and natural resources to withstand adverse effects, including the healthiness and intactness of an*

ecosystem, habitat or community of plants. In relation to the Green Network, it relates to the overall healthiness of the Network's constituent parts and their ability to survive. Biodiversity relates to the overall diversity of genes species of vegetation and fauna and biological communities that exist within the City, the Green Network or an ecosystem. This diversity, which is best served by maintaining the range of native species and genetic stock in the City, contributes to the stability and resilience of the City's environment. Ecological integrity relates to the completeness, comprehensiveness and representative nature of natural resources in the City, or within the Green Network, and their function as a complete series of ecosystems and constituent parts of wider ecological processes.

**Policy 11.2** *Activities should be managed in a way that avoids the clearance of or damage to trees and vegetation, to extent that the following characteristics are adversely affected:*

- *the visual dominance of trees on private property within the neighbourhoods of the Living Environment;*
- *the remnant native vegetation within the urban Human Environment;*
- *the amenity value associated with native vegetation and its relative significance in all parts of the City;*
- *the historic and cultural value of trees associated with the above characteristics; provided that nothing in this policy should prevent the removal of species identified in the Environmentally Damaging Plants list.*

#### Discussion

The proposal would result in clearance of all vegetation on the site. The site is identified as General Natural Area and is not identified as a potential ecological linkage, and therefore does not form part of the Green Network. Although remnant vegetation on this site contributes to the ecological linkages through the City and native species add to its biodiversity, vegetation and ecology has been identified by supporting information as not significant or outstanding.

Vegetation does however contribute significantly to the amenity and character of the surrounding area. A number of submitters raised concerns regarding this matter. Development of the site as a medium density housing development and associated earthworks do not enable vegetation to be retained. Landscaping proposed will attempt to mitigate the loss of vegetation, providing a number of large trees within the road area and the communal public space to protrude above and frame development.

#### **8.2.1.2 Ecology**

**Objective 5** *To protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced*

#### Discussion

The objectives and policies around ecosystem stability are specifically focused on those areas that form the Green Network throughout the City and therefore do not specifically apply to the subject site. Although the site consists of regenerating native species – the overall value of vegetation and ecology on the site was determined to be low. Removal of vegetation would not impact on any threatened species, and is not considered to provide any linkage to other significant ecological areas.

#### **8.2.1.3 Earthworks / Stability**

**Policy 3.4** *Activities should be carried out in a way that does not exacerbate slipping, subsidence, and/or erosion of soils and any natural hazard event within an identified natural hazard area.*

**Policy 10.13** *Activities should be carried out in a way that avoids or mitigates adverse effects of natural hazards on natural and physical resources and on the health and safety of people and communities.*

#### Discussion

Retaining walls are required throughout the development to stabilise and provide for suitable road access and building platform. External boundaries are all retained, and have been stepped back to provide maximum retaining heights of 2 metres with planting beds and landscaping proposed to reduce the dominance of these structures.

The proposal has been reviewed on behalf of the applicant by Soil and Rock Consultants, and peer reviewed on behalf of the Council by Garry Law Associates. Subject to conditions the earthworks are considered sufficient to avoid any potential adverse effect on the health and safety of people and communities. After completion of earthworks activities the site will be stabilised, grassed and retained to prevent erosion or instability.

#### **8.2.1.4 Medium Density Housing**

**Policy 4.2** *Medium density housing should be encouraged in areas where it will help to reduce emissions from motor vehicles by reducing vehicle trip length and numbers and support public transport, in particular around main town centres, train stations and major roads.*

**Policy 11.28** *Medium density housing should be comprehensively designed so that a high quality of internal amenity is provided to the overall development. Particular regard should be given to:*

- *Designing for visual and aural privacy, safety, sunlight access, on-site parking and outdoor space in a way that is appropriate to and consistent with the medium density settlement pattern;*
- *Protecting the privacy and amenity of surrounding residential areas;*
- *Integrating the development with any adjacent public open space and road system such that safe use of these areas is ensured;*
- *Integrating the development with the surrounding neighbourhood, and community focal points, so that they are accessible, where possible, on foot.*

#### Discussion

The subject site is within 500m of the railway station and will be connected by a pedestrian walkway through the Rangeview Road encouraging people from the development and Denver Road to walk to the train station.

Units have been designed with reference to the district plans medium density housing assessment criteria. Most units have been designed with a northern aspect for open space provision, all have a single car garage provided and most have space for a stacked parking space. Outdoor space has been provided through a combination of decks, and ground floor gardens, all fenced for privacy. Conditions of consent will ensure aural privacy is provided at the time of building consent.

External fencing will be permeable to reduce potential dominance and visual effects on neighbours, vegetation will provide added privacy by screening. All units are adequately setback from boundaries therefore avoiding opportunities for overlooking.

Development has been integrated into the existing street network, extending Denver Ave into the site and providing a pedestrian connection from the end of Denver Ave through to Rangeview Road and the Sunnyvale Rail Station.

### **Assessment Criteria for Medium Density Housing**

The following assessment considers the proposed development in relation to each of the medium density housing design elements. Details of the criteria that apply to each of the design elements are included in the Medium Density Housing Criteria are attached to the attachment supplement

- **Design and Location of Structures (Design Element A)**

Blocks contain between 2 and 6 units, reducing potential effects of large building facades. All units have front doors identifiable from the street, providing a strong sense of address with driveways used as the entrance path leading to the front doors. Garages have been set back behind the front wall of all units to reduce any dominating effects. Articulation on the street façade provides good detail and adequate visual interest with a good provision of natural surveillance by providing windows from the kitchen or main living at ground level. Windows have been provided on the ends of some block to provide additional surveillance and interest on these walls.

Materials proposed for the development add to the articulation and finish of the facades, enhancing visual appearance and character. The applicant indicates the use of high quality and low maintenance materials such as:

- plaster cladding, with brick and cedar weatherboards;
- plaster, or combination plaster and aluminium balcony balustrades;
- clay or concrete tile roofing;
- coloursteel sectional garage doors; and
- colour coated aluminium joinery.

Colouring of these materials was assessed by LA4 on the basis of earthy tones, and was considered to “blend reasonably well with the surroundings.” To ensure the quality of development the above materials and earthy tone colours shall be required as a condition of consent, where any variation from these is proposed a variation to consent will be required to enable further assessment and approval.

Fencing as previously discussed will be permeable (swimming pool fencing) along external boundaries, and close boarded timber fencing with trellis along the top along internal boundaries. Conditions on fencing will be required to ensure sufficient privacy while mitigating potential boxing in of rear yards. Landscaping (vegetation and fencing) has been designed to provide for good surveillance, with the use of swimming pool style fencing and lower bushes to avoid unsafe areas within the development. No fencing is proposed to be constructed forward of the front building façade, directly adjacent to the public roading networks or common accessways, ensuring surveillance from dwellings onto the street is retained. A condition to this effect would be appropriate.

Individual letter boxes would be provided within the road berm directly outside each unit, further adding to street identity and would be coordinated in design and colour with the development.

- **Site Layout (Design Element B)**

A public road would be provided from the end of the cul-de-sac on Denver Ave and extend into the bottom of the site. Leading on from the public road would be a number of common accessways to gain access to units. The pedestrian accessway and road would be vested in the Council and an easement provided between these to provide full public access through the site.

On the side of a hill, the development has capitalised on views out to the Waitakere Ranges. The stepping of the development provides for views out over the roof lines of proposed units and through the roads whilst retaining units well within the site to limit any potential adverse effects on the privacy of adjoining sites. A wide central street is provided through the middle of the development enabling a greater feeling of openness and space between residential blocks, reducing dominance effects from the terraced units.

Landscaping is provided along internal boundaries to provide privacy and screening of rear yards. Blocks 3, 4 and 5 are located adjacent to the western boundary and would be most susceptible to a prevailing south-westerly winter wind. Corokia hedging is proposed along the western boundary adjacent to Block 4, and should reduce potential effects from wind. The rear yards of block 4 would sit above the adjacent sites accessed from Rangeview Road, proposed fencing along with the building setback from the boundary is considered sufficient to mitigate any potential overlooking effects and no balconies are provided in this block reducing overlooking.

The site layout provides for rear yards to back onto rear yards, all balconies either overlook the rear yard or the street. Where the balcony overlooks the rear yard there is a separation distance of at least 4.5m between the edge of the first floor balcony and the rear boundary. This separation distance is considered sufficient to retain an adequate level of privacy on the adjoining rear yard, and would occur in blocks 8 and 10.

- **Building Location (Design Element C)**

A mixture of design styles is proposed throughout the development of one, two and three levels along the street frontage; front yards are created in front of units in keeping with conventional subdivision design, in addition to road berms and footpaths.

Adequate admission of daylight into habitable rooms is provided for through the orientation of units to the north predominantly. Large windows are provided in all bedrooms, and generally living rooms are provided with French doors opening out into either a balcony or courtyard. The main living rooms have been positioned to gain best access to daylight, generally on the northern or western side of the dwelling.

Blocks 1 and 2 (Type E) have main living areas to the north, with south facing rear yards adjoining stepped retaining walls up to 4.5m high. This wall would be stepped and landscaped to reduce dominance effects on the rear yards. The depth of these rear yards is 4.5m, and the top of the retaining wall on the boundary would be as high as the beginning of the second floor. The entire first floor (ground level at rear yard) would be a living room providing access to a large north facing deck overlooking the street. Adequate sunlight and daylight would be accessed by occupants of these units, with a sufficient mixture of outdoor space provided within rear yards and deck areas.

The development complies with all height and relation to boundary requirements on external boundaries, retaining walls and fencing has been designed to comply with height in relation to boundary controls. Therefore the proposed development is not considered to overshadow adjacent sites or reduce access to daylight and sunlight. To ensure overshadowing does not occur on adjoining sites it is considered appropriate to impose a condition requiring height in relation to boundary to be confirmed once the finished ground level has been completed.

- **Visual and Acoustic Privacy (Design Element D)**

Overlooking of private outdoor space is minimised with most units overlooking either the street or their own rear yard. Blocks 9 and 11 provide first floor balconies that may potentially result in some overlooking of the rear yards of adjoining units. However, a separation distance of at least 4.5m has been provided to reduce direct overlooking. Landscaping and fencing would be provided along the rear boundaries to reduce the impact of this. Additional private space for blocks 8 and 10 are also provided by the use of balconies on the northern side of the units reducing any impacts from overlooking.

Where possible living areas are accommodated on the ground floor of the units (Types B and C). However, as the units are generally split level stepping down with the contours, some units have garage and entry level at ground floor and living space on the first floor. Where this occurs generally the rear yards are at ground level (i.e. Types D, D2 and E). Type A is the only example of the first floor living room potentially overlooking the rear yard of the rear unit, otherwise living areas seek to maintain the privacy of adjoining sites.

Units would be separated by party walls to meet building code and fire safety regulations. The layouts of unit types are the same within each block to mirror the adjacent layout, where living areas would be adjacent to living areas or the stairs adjacent to living areas, bedrooms would be adjacent to bedrooms, and in some instances ensuites. Details of plumbing are not provided, and it is likely that this could not be retained only to the external walls. Matters of acoustics would be covered at the time of building consent and would be required to meet the appropriate standards. There would be no significant noise effects from external sources, as the site is not near a busy road or similar.

Driveways and parking areas are generally located away from bedroom windows of adjacent houses. There are 9 parking spaces provided along the central road on the eastern side, which would be adequately setback from the walls of nearby units 14, 21, 27, 34 and 35. Additional screening of street trees would be located between these elements. Parking bays provided at the ends of the common accessways are at ground level where there are no bedrooms and therefore no significant effects from their location.

- **Carparking and Vehicle Access (Design Element E)**

Adequate provision of parking would be provided for residents and visitors to this development as previously discussed in this report. Street lighting would be provided throughout the development adequately lighting on-street parking areas, and pedestrian areas. However, parking bays provided at the end of common accessways have not been lit by street lighting. It is therefore considered appropriate to require a condition to provide some low level lighting of these parking bays to ensure they are adequately lit for safety and security.

The transition between driveways and roads are considered adequate and movement through the site is satisfactory. Pedestrian footpaths are provided throughout the development establishing a safe pedestrian route through the site, accessing unit entrances, pedestrian accessway, parking areas and common open space.

Car parking areas would be sealed and drained in accordance with Council standards, and a condition imposed to ensure this occurs. Landscaping through the development and around the parking areas would be provided to offset the hard surfacing.

The public road carriageway would be 5.5m wide, the road reserve consists of footpaths and berms on each side, and the central road contains parking bays along the eastern side. The road reserve of the public road is therefore between 11 and 13 metres wide,

providing a narrow carriageway to reduce traffic speeds and an open character for amenity purposes providing areas for tree planting. Common accessways generally provide footpaths along only one side, and provide a consistent carriageway width with the public road. Passive traffic calming techniques are also proposed to maximise safety and amenity including varying carriageway surface materials and colours to define components such as public road, parking bays, common accessways and private driveways. Surface materials are considered to add clear definition of private and public space, communicating how areas should be used mitigating potential safety effects of traffic. It is therefore considered appropriate to impose a condition requiring different surface materials to be used.

- **Open Space (Design Element F)**

Private open space is generally located adjacent to the main living area of the unit. Where the rear yards are not at ground level, the main living areas access a balcony at first floor level. Where possible private outdoor space is oriented to maximise sunlight admission and views.

All but one of the blocks are orientated north, with Block 4 having a westerly orientation. Outdoor space has been provided to the rear of each unit for privacy. All units are provided with a minimum of 50m<sup>2</sup> of outdoor space, comprising a combination of balcony and rear yard. Larger areas of private open space are provided where possible, and an area of 323m<sup>2</sup> for communal open space is provided in the south western corner of the site for use by all residents.

Where the main outdoor space is provided to the south, the units generally also have a balcony to the north to gain access to the sun.

- *Block 3 (Type B) only has rear yards providing outdoor space to the south, however these units front onto the communal outdoor space and have larger areas (85m<sup>2</sup> and 126.5m<sup>2</sup>) that wrap partially around the dwelling to gain some northern aspect.*
- *Blocks 5, 8 and 10 (Type D and D2) have a combination of first floor balcony and rear yards. Where the rear yards are orientated to the south and the balconies are 17.5m<sup>2</sup> and orientated to the north overlooking the street.*
- *Blocks 1 and 2 (Type E) have a combination of first floor balcony and rear yards. Where the rear yards are orientated to the south, and the balconies are 19m<sup>2</sup> and orientated to the north overlooking the street.*

Generally adequate indoor outdoor flow is provided, with living areas opening out to either a balcony or a ground floor courtyard. Additional space exists within the street frontages of the dwellings to provide for patio access although landscaping in these areas does not encourage the screening of these to retain passive surveillance of the street.

To ensure that appropriate management and maintenance of communal public areas is undertaken throughout the development, contributing to the amenity and appearance of the streetscape, it is considered appropriate to impose a condition requiring a body corporate to be established with responsibility for common areas.

- **Dwelling Entry (Design Element G)**

Most units have individual entry accessed from the street, although in some cases this is the common accessway. Therefore they are clearly visible from the street or access ways, and provide a strong sense of address and legibility. Type B provides for the main entrance to the unit at the side of the house adjacent to the garage, and is therefore not directly visible or identifiable. French doors are provided on the street façade to provide a sense of address, and the street addresses would be clearly identifiable from the letterboxes adjacent to the footpath – the driveway would direct visitors to the side

entrance. Only two of these units are provided, located in the south western corner of the site.

All entrances are designed with a small transitional area, providing shelter from weather prior to entering the dwelling, as well as internal access to the garage. Although provision for lighting of front doors has not been detailed in the application, this could be installed within the porch transition area. A condition to this effect is considered appropriate to provide a suitable transition area., and safety

Although all entries are at ground level, generally opening into the main living area, Types D and E contain the main living areas and bedrooms on upper floors. Therefore although wheelchair access could be provided to the majority of dwellings, the use of split levels on most of the designs makes the units means there would be at least one set of stairs sometimes two.

- **Site Facilities (Design Element H)**

The public road facilitates a conventional subdivision with individual mailboxes within road berms and road side refuse collection for most units. It is appropriate for letterboxes to be placed in accordance with NZ Post requirements for mail delivery purposes; a condition to this effect will be imposed. Where units do not front the public road refuse collection areas have been provided at the end of the common accessways. These would be used for collection only, with rubbish bins stored within each unit until collection day. Although these areas are within the road reserve, it would be necessary for the body corporate to maintain these to prevent any odour and litter. No detail is provided within the application of a tap or sump for cleaning and washing of collective refuse areas, such facilities should be provided to ensure adequate maintenance.

Each unit is provided with a garden shed (1.5 x 2 metres) within the rear yard to provide for external storage in addition to any space within the internal garage. A fold out clothes line would be attached to the side of the garden shed. Meter boxes are required to be provided for each unit within the front yard for ease of access by service providers, for meter reading. It is also considered appropriate to provide outside tap facilities within the front and/or back yard areas for use by residents. No details of meter boxes or outside taps have been provided in this application. It is considered appropriate to require this detail at the building consent stage to ensure adequate provision is made for residents and service providers.

The proposed roading has been designed to accommodate rubbish trucks and emergency vehicles, and has been reviewed by the Council's Transport Engineer. Two fire hydrants would be located along the Denver Ave extension to provide suitable water services.

- **Landscape Treatment (Design Element I)**

The proposed landscaping is considered to enhance privacy and integrate the proposed development into the surrounding area/streetscape through the use of permeable fencing and planting along external boundaries. Larger street trees are proposed within the central road to provide height, offsetting the intensive built development and replace some of the larger trees that will be removed as part of the development.

A landscape plan has been provided by the applicant, detailing the extent of plantings to be provided. However, the Councils Landscape Architect considers it to be insufficient to mitigate the built form. Additional planting has been recommended and will be imposed as a condition.

The body corporate established as part of this consent would have responsibility for maintaining garden areas throughout the development, within road reserves, around retaining walls, within communal open space, and front yards. This will ensure that landscape treatment is appropriately maintained to provide amenity, and not neglected.

Paving provided through the development is limited to areas relating directly to footpaths, carriageways, driveways, and small areas around external entrances to units providing a transition area. Impermeable surfaces provided are considered reasonable and there are no large areas of parking that would put additional loads on the stormwater disposal system.

Street trees (magnolia and puka) have been provided as medium trees, to avoid conflicts with sunlight levels. Larger trees are provided in more spacious areas, such as the common open space. The landscape plan provides for front yard gardens between 1 - 1.2m width for most units, boundary fence screen planting, internal boundary retaining wall planting, and planting adjacent to footpaths. Proposed landscaping has considered a range of species according to the location, mitigating the loss of vegetation providing amenity, and screening. Trees in rear yards have been planted in groups where possible within different yards to provide screening, scale and amenity.

Street trees would be primarily provided along the eastern side of the public road, avoiding the services laid underground along the western side of the road. Where more space is available adjacent to services street trees have been provided on the western side as can be seen in the landscape plan. There would be no overhead lines to take into consideration.

#### **8.2.1.5 Subdivision**

**Policy 4.3** *Pedestrian and cycle access should be designed and constructed in a way that facilitates the use of cycling and walking as transport methods, as means of avoiding the effects of motor vehicle emissions on air. This includes constructing them so that they are safe and easy to use, and choosing a route that maximises links with local neighbourhoods, shops, schools, community facilities, local recreation areas and town centres, and access routes to and through, where appropriate, the Green Network.*

#### Discussion

Subdivision provides for a pedestrian accessway linking the site to Rangeview Road. This accessway provides an important linkage to the Sunnyvale Rail Station, as well as to Parrs Park. The gradient of the accessway would be steep and the design has provided for this through the provision of stairs and a handrail. Lighting is provided along the accessway, and planting has been amended by Council's Parks Consents Planner to ensure safety and easy maintenance. Due to the gradient of the site it is difficult to provide for all users, however, the design has sought to make it safe and as easy to use as possible. Permeable fencing along the sides, and adjacent dwellings will contribute to the safety of the accessway, and the surface would be exposed aggregate to reduce slipping. Provision of the accessway provides a linkage for the subject site and residents in Denver Ave to the railway station to improve access to public transport, therefore contributing to lowering motor vehicle use.

### **8.3 Auckland Regional Policy Statement, Plan or Proposed Regional Plan (104(1)(b)(iii) and (iv))**

#### **8.3.1 Regional Policy Statement**

The Auckland Regional Policy Statement sets out 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 functions as an umbrella policy

document for environmental planning and policy development within the region under which the District Plan has been prepared.

With respect to the proposed development it is considered the Section 2 (Regional Overview and Strategic Direction) is of relevance. In particular policy 2.6.1-2 (Urban Growth Management) which states:

*“Urban development shall be contained within the defined limits (including the metropolitan urban limits and the limits of rural and coastal settlements – referred to in Strategic Policy 2.5.2-3) shown in the RPS from time to time, and its from shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and:*

- (i) provide for urban intensification around selected nodes and along selected transport corridors;*
- (ii) provide for higher intensities of urban activities at selected locations within areas of new development;*
- (iii) bring about patterns of activities that will mitigate the effects of increased travel and improve the energy efficiency and convenience of urban areas (refer to Chapter 4 – Policy 4.4.1-2, and Chapter 5 – Policy 5.4.1-3);*
- (iv) enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure which is operated and developed a manner which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated;*
- (v) facilitate efficient provision of services (including utility services, transportation facilities or services, and community facilities and services, such as schools, libraries, public open spaces) through the utilisation or upgrading of existing facilities, or the provision of new ones;*
- (vi) maintain and enhance amenity values within the existing urban areas, and achieve high standards of amenity in areas of new development;*
- (vii) do not give rise to conflicts between incompatible land uses;*
- (viii) avoids, remedies, or mitigates adverse effects on the environment.”*

The proposal would be consistent with this policy as it would provide intensification within the metropolitan urban limits and within 500 metres of the Sunnyvale Rail Station, supporting public transport by providing more people in close proximity to the station. The proposed accessway linking the site with Rangeview Road is an important aspect in ensuring this linkage between density and public transport provides greater benefits. This linkage also provides greater linkages for those already within Denver Ave that would have access to Parrs Park and to the Rail Station. The design quality of individual dwellings within the development seeks to maintain and enhance the amenity values within a changing urban environment, and is not considered to be incompatible with surrounding residential development.

### **8.3.2 Regional Plan – Air, Land and Water**

The Regional Plan is concerned with the management of discharges to air, land and water. The proposed development would result in the discharge of stormwater, and alteration to the gully formation that currently acts as an overland flow path.

The overland flow within the gully along the eastern boundary is identified within the regional plan as a category 2 stream (ephemeral), with intermittent flow and no aquatic biota. Rule 7.5.29 of the regional plan states that “construction and use of any new reclamation or drainage of the bed of a category 2 stream ... is a permitted activity.” Therefore filling in the gully is a permitted activity provided any potential effects are mitigated. The applicant has obtained resource consent from the ARC to pipe and

discharge stormwater to the Waikumete Stream and to undertake 1.5 ha of earthworks. Subject to the conditions of these consents the proposal is considered to be in accordance with the Regional Plan.

#### **8.4 Any Other Matters the Consent Authority considers relevant and reasonably necessary to determine the Application (104(1)(c)).**

##### **8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

- **Property Values**

Fourteen submitters raised concerns about the effects such a development would have on property values within the area. However, case law has been clear that the economic value of property cannot be considered as an environmental adverse effect. Therefore no further consideration of any effects on property value will be undertaken.

##### **8.4.2 Bonds/Reserve Contributions/Financial Contributions**

- **Bonds**

To ensure adequate maintenance and establishment of reserve planting and street trees, the applicant would be required to pay a bond to the Council under section 108(2)(b) of the Resource Management Act. Council's Parks Consent Planner has provided guidelines for the financial contributions payable. This bond is based on \$7 per square metre per annum for gardens/shrubbery, and \$75 per tree per annum to maintain planting for a period of three years.

A performance and maintenance bond of \$100,000 is required to ensure planting is completed and maintained for a minimum period of three years, and will be required prior to the release of the section 224(c) compliance certification for subdivision. The bond will be released in stages over 3 years, \$50,000 upon completion of planting (evidence to be provided in the form of invoice or similar to the satisfaction of Manager of Consents, \$20,000 at the end of the first year following planting, \$20,000 in second year, and \$10,000 in the third year.

- **Reserve contributions**

Reserve contributions are required by the Council for all developments. The amount payable is equal to the value of 20m<sup>2</sup> of Quotable New Zealand's market values, to be obtained for units 3-49. This contribution is payable to the Council for contributions to the development, management and maintenance of public reserves throughout the City.

##### **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 earthworks, planting and landscaping, design of accessway and roading.

##### **8.4.4 Long Term Council Community Plan**

The Development Contributions and Financial Contributions Policy identifies how the Council will apply its policy, the impacts of that policy and remissions. A 'first phase' policy has been adopted for 2004-2006.

It is noted that the proposed residential development would incur development contributions in accordance with Waitakere City Council Long Term Council Community Plan. These would be payable prior to uplift of building consent or section 224c of a subsequent unit title subdivision. It is estimated that the development contribution would be \$357,198.24 (excluding G.S.T) based on 49 units (1 household equivalent credit would be given for the vacant site). Note the final amount payable is calculated at the date of payment.

### **8.5 Lapsing of Consent**

Under section 125 of the Resource Management Act 1991, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

### **Land Use**

A standard five year period in which to give effect to this consent is considered appropriate for this development, as the period of earthworks will be restricted to a three month period within one earthworks season by condition of consent.

### **Subdivision**

A standard five year period in which to give effect to this consent is not considered appropriate because it relates to a subdivision consent that would have the consent period extended a further three years upon the approval of the survey plan. Also the application is for a three lot subdivision to provide for development of the site, and if granted the proposed conditions do not present any difficulties in achieving this. Thus a three year period for the subdivision consent is considered appropriate.

## **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

It is considered that the proposal would be 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.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

## **10.0 CONCLUSION**

The applicant seeks a combined subdivision and land use consent to create three lots and construct a Medium Density Housing development consisting of 49 residential units on a site of 1.0874 hectares located within 500m of the Sunnyvale Railway Station. The subject site is located at 23 Denver Avenue (aka 17 Rangeview Road), Sunnyvale. The site is located within the Living Environment and the General Natural Area.

The District Plan has been developed through a process of comprehensive consultation process. While it is recognised that the proposal would significantly modify the existing appearance of the site from an undeveloped hillside covered in vegetation, to a fully urbanised site, the plan provides for change in a managed way.

The proposed development is largely in accordance with the District Plan provisions. The subject site is not specifically identified as being significant or outstanding, nor is it on a sensitive ridge.

It is therefore considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects would be **minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a medium density housing development consisting of 49 units **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 District Plan which seek to protect the amenity and character of the surrounding area, and provide for urban intensification around transport corridors.

*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 Section 104 of the Resource Management Act 1991.*

### **RECOMMENDATIONS**

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Denver Holdings Limited to construct a Medium Density Housing development consisting of 49 residential units on a site of 1.0874 hectares, involving earthworks and vegetation clearance at 23 Denver Avenue (aka 17 Rangeview Road), Sunnyvale, being Lot 2 DP331500 for the following reasons:

- (i) The location of the site is appropriate in relation to the Sunnyvale Rail Station and the proposed linkage between Denver Avenue and Rangeview Road would enable pedestrian access to public transport for residents of both the subject site and Denver Ave;
- (ii) The site is not specifically identified as being significant or outstanding in the District Plan, and is not located on a sensitive ridge;
- (iii) The design quality of residential units, private open spaces, communal open spaces and amenities meet the requirements of the Living Environment and Medium Density Housing criteria of the District Plan;
- (iv) Landscaping would be provided throughout the development to mitigate the built form and provide for screening of retaining walls and privacy of adjacent neighbours;
- (v) Development would not detract from the existing character of the neighbourhood being adequately set back and landscaped, using similar materials and elements of design;
- (vi) The effects from earthworks and construction on the amenity of neighbours would be controlled by conditions and would be temporary in duration;

- (vii) The site would be appropriately engineered to ensure potential stability effects are mitigated and the health and safety of residents is protected;
- (viii) A body corporate would be established to managed and maintain the development to ensure ongoing amenity is provided;
- (ix) The proposal is consistent with the Assessment Criteria and Objectives and Policies of the District Plan.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled:
  - (a) Site plan, scheme 17, prepared by Concept Design and dated 17 June 2005
  - (b) Floor plans/elevations, scheme 17, prepared by Concept Design and dated May and June 2005
  - (c) Garden Shed details, sheet No. B7, prepared by Concept Design and dated 16 Nov 2004
  - (d) Pedestrian Accessway, scheme 16 Rev B, prepared by Concept Design and dated 18 Nov 2004
  - (e) Scheme Plan, drawing 1 issue A, prepared by Davis Ogilvie & Partners Ltd and dated September 2004
  - (f) Landscape Plan, prepared by Simon Ferrick Ltd and dated 29<sup>th</sup> September 2004
  - (g) Road and Accessway Layout Plan, drawing 3 issue E, dated September 2003
  - (h) Public and Private Road Typical Cross-sections, dwg 5 issue B, prepared by Davis Ogilvie & Partners Ltd and dated 03/09/05
  - (i) Street Light Layout, dwg 10 issue A, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (j) Water Reticulation Plan, dwg 8 issue C, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (k) Wastewater Drainage Plan, dwg 7 issue C, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (l) Stormwater Drainage Plan, dwg 6 issue D, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (m) Earthworks Plan, dwg 1 issue F, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (n) Retaining Wall Layout Plan, dwg 9 issue B, prepared by Davis Ogilvie & Partners Ltd and dated September 2003
  - (o) Sediment Control Plan, dwg 2 issue D, prepared by Davis Ogilvie & Partners Ltd and dated September 2003

and all referenced by Council as RMA20040122 and the information, including further information, submitted with the application.

2. A copy of this Resource Consent shall be held on site at all times that the works to which the consent relates to are being carried out. All personnel working on the site shall be made aware of, and have access to this consent and accompanying documentation.
3. 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).
4. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.
5. **Prior to the commencement of any works a pre start meeting shall be held with the Environmental Monitoring Officer on site.**
6. Prior to site works commencing signage shall be placed in appropriate locations (at Denver Avenue) to warn traffic about truck movements, to the satisfaction of the Environmental Monitoring Officer. A sign shall also be installed at both entrances to the site (Denver Avenue and Rangeview Road) providing the following information to residents:
  - (a) contractor name and contact details
  - (b) stage of site works
  - (c) hours of operation
7. The consent holder shall maintain the site in a clean and tidy order for the duration of construction, all refuse associated with the development is to be accumulated on site in an appropriately sized skips/or other receptacles located on the property and removed off site and replaced with a fresh skip or other receptacle when full.
8. Prior to building commencing on residential units and once the finished ground levels have been completed, height in relation to boundary shall be recalculated and a certificate from a suitably qualified surveyor submitted to Council's Monitoring Officer for confirmation that based on the ground levels the height in relation to boundary and the height would comply for all units.
9. No fencing shall be erected within the front yard areas of the residential units beyond the front building facade, adjacent to the public roading network or common accessways in order to provide for natural surveillance.
10. A body corporate shall be formed to maintain the overall development, in particular, plantings in the road reserve, all communal areas and front yard plantings.
11. Architectural details identified on elevation plans shall not be deviated from without application for variation to consent conditions, this is particularly important for end unit articulation.
12. Letterboxes shall be appropriately located on site in accordance with the requirements of the NZ Post, a letter from NZ Post confirming this fact shall be provided to the Environmental Monitoring Officer.

### **Traffic and Parking Conditions**

13. Low level lighting to be provided in parking bays located in common accessways that are not adequately lit by street lighting.
14. All car parking areas shall be sealed and marked in accordance with the Code of Practice.
15. Different surface materials and colours shall be used in the construction of the public road, common accessways, parking bays and driveways to define private and public space.
16. Construction Traffic Management Plan shall be submitted to Council for the approval of Principal Traffic Engineer prior to the commencement of site works.

### Earthworks Conditions

17. Appropriate dust and debris control measures shall be implemented during earthworks to minimise short-term nuisance associated with land modification as detailed in the Earthworks Management Plan.
18. Earthworks and associated sediment and erosion controls shall meet at least the current **TP 90 standards**. Sediment and erosion control measures must be installed and accepted by the Environmental Monitoring Officer prior to works commencing. The Environmental Monitoring Officer can be contacted through the call centre.
19. A Construction Management Plan shall be submitted for the approval of the Environmental Monitoring Officer and Council's Transport Engineer, to manage traffic, and sediment and erosion controls. This Plan shall include an ongoing stabilisation plan and plan of a staged construction process and shall be kept updated on an ongoing basis.
20. A fully stabilised entrance/exit shall be constructed prior to construction commencing, and shall contain a wheel wash facility to be manned by a labourer. The stabilised entrance way must have Geotextile cloth under the Gap 65. The wheel wash will need its own decant.
21. In the event of archaeological features being uncovered (e.g. shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager Resource Consents, the New Zealand Historic Places Trust, Auckland Regional Council Archaeologist and the appropriate \*Iwi authorities shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by the Council to record and recover archaeological features discovered before work may recommence.  
  
\*Advice Note: for advice as to the appropriate Iwi authorities contact the Manager: Maori Issues
22. 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 6.00 pm*

*Saturday 8.00 am to 4.00 pm*

*Sunday and Public Holidays: No work*

All noise from such work shall not exceed the levels set out in Table 1 of clause 5.1.1 of NZS 6803P:1984 Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802:1991

		L <sub>10</sub>	L <sub>95</sub>	L <sub>max</sub>
<i>Mon to Fri</i>	<i>6.30 am to 7.30 am</i>	60	45	70
<i>Mon to Fri</i>	<i>7.30 am to 6.00 pm</i>	75	60	90
<i>Mon to Fri</i>	<i>6.00 pm to 8.00 pm</i>	70	55	85
<i>Saturday</i>	<i>7.30 am to 6.00 pm</i>		75	60 90

23. Truck deliveries to the site during the period of earthworks operations shall be restricted to the following hours:

*Monday to Friday: 7.00am - 6.00pm*

*Saturday: 8.00am – 4.00pm*

*Sunday and Public Holidays: No deliveries.*

A log book shall be kept on site, recording the dates, times, and numbers of deliveries made each day, and be made available for inspection at all times.

24. All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks, to an ARC approved disposal location. The approved disposal location is to be determined at the pre-start meeting. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Environmental Monitoring Officer in the form of producer statement, certification or similar.
25. All dirt tracked onto the surrounding roads (Denver Avenue and McKinley Avenue) as a result of the activities carried out under this consent shall be cleaned up on a weekly basis via sweeping at the cost of the applicant. Road sweeping shall be undertaken at the end of each day.
26. Any stockpile of earth or vegetative material shall be located a minimum of 3 metres from the dripline of any vegetation or adjoining site.
27. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.

### **Bulk Earthworks (Stage 1) Conditions**

28. Bulk earthworks shall be carried out over a three month period within one earthworks season (October – April).
29. The fill going into the gully in 19 Denver Avenue shall be at the same finished fill level as the actual development site, so the gully is filled in a continual spread that does not create additional retaining on that boundary. Where this is not possible, a maximum fill height of 1.2 metres shall be required

### **Building Construction Earthworks (Stage 2) Conditions**

30. Erosion and sediment control plans shall be submitted for Council approval with each building consent application for each building stage.

31. Roof storm-water system connections shall be made prior to the laying of the roof or otherwise as soon as roof construction is complete to ensure storm-water is not able to discharge in a manner that causes soil erosion or sediment-laden run off. If this is not practicable a temporary connection shall be made until such time as the storm-water system can be connected. (For example nova coil can be used as a temporary down-pipe and discharged in an appropriate manner which does not cause soil erosion or silt laden run – off.)

### **Retaining Walls Conditions**

32. Retaining walls shall be built entirely within lot boundaries.
33. The external retaining walls shall be timber walers with galvanised steel universal beam posts or keystone. Both this form of retaining and keystone should be considered. Alternative materials of keystone and/or ponga facing shall be used on retaining walls within public areas.
34. The height of the external boundary retaining walls shall be no greater than 2 metres, and the maximum height of internal boundary retaining walls shall be no greater than 1.5 metres.
35. Retaining walls along the eastern boundary shall be a maximum height of 1.2 metres to reduce overfilling of the gully.
36. Subsoil drainage to be provided behind all retaining wall structures.
37. Fencing on external boundaries to be a maximum height of 1.2 metres and visually permeable.
38. Fencing on top of internal boundary retaining walls to be a maximum height of 1 metre, with a total maximum height of 2.5 metres when coupled with retaining walls. Internal fencing to be constructed of closed boards and any further screening to be provided by trellis and/or planting.

### **Geotechnical Conditions**

39. The north side retaining wall shall not be dependent on the continuation of the existing wall at that boundary.
40. The method of construction of retained cuts on the boundaries shall minimise the risk of collapse of the cut face during construction by minimising the time cut faces are left unsupported and by excavating and building the walls in panels shorter than the wall length.
41. Barrier pile walls shall be built to the west and south boundaries as proposed in the geotechnical reports, designed to be stable in the event of loss of toe support.
42. Earthworks shall be carried out to the requirements of the report of Rock and Soil Consultants, ref 03379.1, October 2004.
43. The main under-drainage to the eastern gully fill shall be designed as a permanent feature requiring minimal maintenance and details submitted to the Council for approval by the Subdivisions Engineer prior to construction.
44. The earthworks shall be inspected by an experienced geotechnical engineer familiar with the report of Rock and Soil Consultants, ref 03379.1, October 2004 and Councils Environmental Monitoring Officer provided with an earthworks completion report, which shall include the as-built details of the groundwater drainage, cut areas and fill areas and depths and make recommendations on any

restrictions on foundations which should be applied in design. The filling standards apply to all fill including that proposed in adjacent lots.

45. Install perforated Novaflow or similar drains along with scoria drainage material in base of all sanitary and stormwater sewer line trenches within western and southern areas of subdivision. Stormwater from these trenches shall discharge into the stormwater system at manhole risers

#### **Vegetation Conditions**

46. All vegetation clearance shall be undertaken in accordance with good silvicultural and arboricultural practices and carried out so as to cause no damage or destruction to other vegetation located on adjoining sites.
47. Where possible all cut vegetation shall be chipped / mulched on site and the resulting by-product shall be stock piled for reuse as part of the development. (In way of the erosion control processes or as part of the landscaping of the site, such as mulch layers over planted areas). All core wood not chipped / mulched shall be removed from the site.
48. Vegetation shall not be disposed of outside the Painted Apple Moth Vegetation Control Zone without the consent of MAF, for information about the Painted Apple Moth Vegetation Control Zone please contact MAF on 0800 969696.
49. On completion of the vegetation clearance but prior the start of any earthworks that are within 10m of any boundary of the works site area the resource consent holder shall carryout a survey of vegetation within adjacent sites that is located within 10m of the subject works sites boundaries. The consent holder shall engage a competent and experienced Arborist to do this. The objective of the survey is to accurately identify and record all protected vegetation and non-protected vegetation that maybe put at risk of being destabilised by the proposed works and any vegetation considered of merit by the respective property owners of those sites.
50. Where the health and/or safety of protected or otherwise vegetation is considered to be at threat by the proposed earthworks then the applicant via his/her Arborist shall submit to Council a methodology statement that outlines how the identified vegetation shall be left with no more than a minor affect or alternatively (with consent of the property owner) indicate adequate mitigation (perhaps in the way of replanting) for the loss of that vegetation if retention is not considered viable.

#### **Landscaping Conditions**

51. Landscape planting shall be undertaken in accordance with the approved landscaping plan and specifications, subject to the following additional requirements, to the satisfaction of the Manager Resource Consents. A detailed landscaping plan shall be submitted to the Council for approval by Councils Landscape Architect prior to lodgement of building consent.
52. Further planting shall be implemented which would result in plants spilling over the retaining walls, when planted at the top of the walls at spacings of 300mm to be the native species *Coprosma acerosa*, *C. kirkii*, and *C. prostrata* and the exotic species *Rosmarinus prostrata* or other species approved of by the Manager of Resource Consents. Plant sizes for these species to be a minimum size of PB5.
53. Planting at the base of the retaining walls to be *Pittosporum tenuifolium* cultivars, *Phormium cookianum* and *P. cookianum* cultivars, *Hebe* spp, *Coprosma robusta*, *Pseudopanax* spp, all at a spacing of 500 mm. Plant sizes for these species to be a minimum size of PB5.

54. The planting of retaining walls shall be completed within the first planting season (May to September) following completion of construction of the retaining walls
55. The planting of garden areas shall be completed within the first planting season (May to September) following completion of building construction.
56. All planting shall be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.
57. All planting to have a medium Grade 3 size bark mulch to a depth of 100mm and maintained during the maintenance period.
58. Planting beds in front yards adjacent to lawn areas to have permanent hard garden edging to form a mowing edge, using either treated (H4) timber or poured concrete set at level which is flush with finished grass level.
59. Good quality screened topsoil must be reintroduced to the site for all garden and landscape areas to a minimum depth of 30cm.
60. The tree species planted in the streets, front yards, the reserve and the walkway to be maintained until such time that the trees attain a size (height or girth) that would give them protected status under the Waitakere City District Plan.

#### **ECOWATER CONDITIONS (PUBLIC DRAINAGE)**

Please contact the Secretary, 836 8000 ext 8248 EcoWater, Development Services to arrange a pre-start meeting with EcoWaters Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.

61. Before the commencement of any work, obtain the approval of Council to 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. Advice Note: To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
62. Design, provide and install a complete public wastewater reticulation system to serve all Lots/Units in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
  - (i) Locate all drainage lines in the shared driveway of medium density developments where possible to provide ease of access for future maintenance requirements.
  - (ii) Separate systems are to be provided from each Unit to the point of connection to the dry chamber. To minimise the number of connections to the principal lines provide a dry chamber at the end of a connection and serve 2 Units from one chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
  - (iii) A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
  - (iv) 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 applicant's contractor with engineering plan approval and under

EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

63. Pursuant to Section 39 of the Auckland Metropolitan Drainage Act 1960 notify WaterCare Services Ltd of any building or other works to be carried out within 10 metres of their trunk sewers or water mains. Provide Council with copies of correspondence with Watercare Services Ltd when the engineering plans are submitted to Council for approval.
64. Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirements:

**Either** mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in all proposed Units:

- (i) All taps over handbasins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
- (ii) All units/dwellings shall have showers.
- (iii) All toilets shall be of 6/3 litre dual flush type.
- (iv) No in sink waste disposal units shall be installed.

An encumbrance is required to be issued and registered on the new titles for Units/Lots affected requiring the use of low water use devices to limit wastewater flows to Council's satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.

In addition pay to the Council pursuant to Section 407 of the Act the sum of \$102,135.82 (incl. GST at 12.5%) to further mitigate wastewater flows (main system improvements) necessary to serve the subdivision. Notes: (i) Further reductions may be possible through recycling of grey water or other innovations. (ii) If in-sink waste disposal units are proposed then the sum required will rise to \$114,530.12.

**Or** pay to Council the sum of \$182,120.40 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity without carrying out any mitigation measures. No encumbrance is required. Note: The above sums are based on 49 x three bedroom units. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater

65. Design, provide and install a complete public stormwater drainage system to serve all Lots/Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Provide a new stormwater outfall to the Waikumete Stream, and upgrade the existing public stormwater system under Rangeview Rd as necessary to serve the development and any upstream catchment. Provide a connection to Lot 2 DP 134216 (19 Denver Ave).
  - (ii) Written consent of the owners of the Railway Land has been given for construction of stormwater drainage to the Waikumete Stream. Obtain written evidence of their satisfaction with the restoration once works are completed.

- (iii) Locate all drainage lines in the shared driveway of medium density developments where possible to provide ease of access for future maintenance requirements.
  - (iv) Separate systems are to be provided from each Lot/Unit to the point of connection to the dry chamber. To minimise the number of connections to the principal lines provide a dry chamber at the end of a connection and serve 2 Lots/Units from one chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
  - (v) Provide a connection to the existing dwelling at 19 Rangeview Rd.
  - (vi) A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
66. Provide a catchment analysis, define and form the 1 in 100 year overland flowpath within roads wherever possible, 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 affected Lots, including the pedestrian right-of-way, but excluding any Lot vested in Council, precluding placement of fill or the erection of solid walls or fences or other impediments within that flowpath, and providing for a minimum freeboard of one-half metre above the 1 in 100 year overland flowpath for the floor levels of residential buildings. If necessary, a consent notice pursuant to Section 221 of the Act will also be required to be issued and registered on any adjacent affected Lots requiring a minimum freeboard of one-half metre above the 1 in 100 year overland flowpath for the floor levels of residential buildings. Provide in the construction of the pedestrian accessway for materials that will not erode or damage the pathway when the overland flowpath is operating. Provide an As Built plan of the overland flowpath showing a long section and cross section for inclusion in Council's Hazards and Special Features Register.
67. Provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). An encumbrance is to be issued and registered on the title stating that the stormwater treatment system is privately owned and is the full responsibility of the all owners in this development to maintain in proper working order to meet the requirements of the consents issued to the satisfaction of Council.
- (i) Provide engineering plans and calculations to EcoWater for approval prior to commencing works.
  - (ii) Provide a planting plan, including species list, quantities, and methodology to EcoWater and Parks for approval prior to commencing planting.
  - (iii) Provide a surveyed as-built plan of the device showing all lid and invert levels, permanent water level, and contours at 200mm intervals below water level.
  - (iv) Provide a geotechnical completion report certifying construction of the pond.
  - (v) Provide a maintenance manual for the treatment device, including a copy of the relevant section of the body corporate rules requiring maintenance of the privately owned stormwater treatment device.
  - (vi) Note: Council's Hazards and Special Features Register will be advised of the above requirements.

68. Design provide and install a complete public water supply reticulation system and fire fighting services to serve all Lots/Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Provide and install a private water service pipe to the boundary of each Lot as specified in WCC COP Section 6.3.12 Case 1.
  - (ii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners/tenants.
  - (iii) Provide a detail showing the proposed connection to the existing Council watermain/s. The detail is to include all flanges, joints and applicable details. In addition any water reticulation plan is to show all necessary design details to inform construction (eg. thrust blocks etc).
  - (iv) Provide and install a fire hydrant within 135 metres of the farthest point of fire risk and within 65m of the end of a cul-de-sac. Note: The hydrant is to be on a direct traffic route to the property. The distance specified above may not be measured as a radius.
  - (v) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
  - (vi) Locate all water connections at the same position as the power and telephone connection to each Lot not in the centre of the Lot.
  - (vii) The provisions of section 6.3.3.6 for servicing medium density developments are to apply. All Lots/Units are to be individually metered at the road reserve boundary. Provide manifolds with banks of meters located within the public road reserve, then private lines thereafter to each Unit. Ducting of private service lines is recommended.
69. Where any drainage is to be laid through bush areas or near specimen trees (works within the dripline of vegetation protected by rules of the District Plan) the applicant shall seek a resource consent from Council for this work. Prior to seeking engineering approval for public drainage, or a minor plumbing and drainage consent for private drainage works, provide confirmation that a resource consent has been granted or that one is not required. For information please contact the Council Duty Planner on 839 0400 or talk to the Duty Planner at the customer services desk, Civic Offices, Waipareira Ave, Henderson. Advice Note: Drainage may be required to be thrust through bush areas.
70. Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
71. Where drainage work is required to be carried out on land outside the subdivision, obtain the written consent of the owner(s) of that land prior to the approval of the drainage plans. After construction and prior to Section 224 release, obtain the written acknowledgement of the owner(s) that the property has been satisfactorily reinstated.
72. Provide an As-Built drainage plan prepared by a registered surveyor and cctv video inspection of the new public drainage, in accordance with WCC COP. Include manufacturer, lid and invert levels in terms of LINZ datum, and two boundary offsets to each dry chamber.

## Fees

73. Pay any EcoWater engineering, works supervision, and administrative fees as incurred. These fees will be charged at Councils advertised schedule of fees.
74. Pay to the Council a financial contribution equal to the value of 20m<sup>2</sup> land of Quotable New Zealand's market values, to be obtained for Units 3-49 as of the date of issue of this consent (or as at the date of any subsequent re-approval of consent or at intervals of not greater than three years) for reserve purposes.
75. To ensure the performance of Condition 62 - 67 the consent holder shall pay a performance bond of \$100,000 to the Council. The bond shall be a registered bond against the title pursuant to s108 and 109 of the Resource Management Act 1991.
  - (a) The bond shall be paid at the time of issue of resource consent to the satisfaction of the Council Solicitor. The consent holder shall meet any costs associated with the preparation of the bond document.
  - (b) The full amount of the bond shall be held, until in the opinion of the Manager, Resource Consents, Condition 62 has been satisfied.

The bond document shall be prepared by the consent holder at their expense and submitted to the Manager, Resource Consents for approval. The consent holder shall meet any costs incurred by Council in preparing, checking, assessing and releasing the bond, prior to repayment of the bond.

76. A consent compliance monitoring fee of \$8000.00 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 for the Council Officer applicable at the time the reinspection is carried out.

The \$8000.00 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.

#### Advice Notes

1. A building consent shall be sought for such of the retaining walls integral with the earthworks reshaping the site as are within the scope of the Building Act.
2. To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
3. 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.
4. EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
5. Contact EcoWater's Subdivisions Assistant (ph 836 8000 extn 8248) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.

6. The vast numbers of ponga have a value and some thought should be given to reusing these back on the site. These can be either transplanted and this is simply done by under cutting with a spade one side of the ponga root plate and physically pushing it over, whilst trying to retain some of its basal flare. The fronds are then removed back to within 150mm of the stem and the stem with a little basal flare is either taken to its new site and laid horizontally on the ground and a suitable mulch raked over it (but not completely burying it) or it is stored in an appropriate temporary storage area that is dampened (and kept this way) and shaded until ready for reuse.
  7. The reuse of the ponga stems may involve them used to face timber retaining walls (fastened to the boards between posts) or to provide more conducive planting environs on steeper slopes (laid horizontal along the contours and pinned to the ground, with new plants planted behind), or to help stabilise mulch on such steeper slopes that have been planted. This is recommended.
  8. Planting on sites adjacent to the western boundary proposed as mitigation of retaining wall structures shall be determined in consultation with the relevant landowner.
  9. Development contributions would be payable at the uplift of building consent or s224 subsequent unit title subdivision. A preliminary calculation based on 49 units (1 household equivalent credit would be given for the vacant site) would be \$357,198.24 (excluding G.S.T) Note the final amount payable is calculated at the date of payment.
- B. That Subdivision Consent Application Plan No SPW22304 (RMA20042426) being a Limited Discretionary activity and being a 3 Lot Subdivision of Lot 2 DP 331500 comprised in CT 129480 situated at 17 Rangeview Road, Henderson by Denver Holdings Limited be granted subdivision consent pursuant to Sections 93, 94, 94D, 104, 104B, 108 and 220 of the Resource Management Act 1991 and be approved pursuant to Section 348 of the Local Government Act 1974, and that:-*

#### **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) Lot 3 shall vest in the Waitakere City Council as public road pursuant to Section 238. The road to vest is to be known as Denver Avenue, include such name on the survey plan.
- (b) Lot 2 shall vest in the Waitakere City Council as Local Purpose (Access way) Reserve pursuant to Section 239 of the Act and the owner shall supply Council with a Certificate of Title for the reserve. A solicitors undertaking to order and forward the certificate of title to Council will be required.
- (c) Provide right of way (pedestrian) easements (to protect public pedestrian access over Lot 1) 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."
- (d) As required by Condition (EW 5) below, define the 1 in 100 year overland flow path and provide a drainage easement(s) 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 easement(s) set out in the Memorandum hereon." **Notes:**

- (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (ii) Prior to submitting the survey plan for Section 223 certification, obtain Ecowater's approval to the drainage easement.
- (e) Advice note: the street intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process, and this may result in minor amendments to Lot boundaries at these locations to accommodate necessary design details.
- (f) Advice note: 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.*

- (EW1) Before the commencement of any work, obtain the approval of Council to 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. Advice Note: To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent.
- (EW2) Design, provide and install a complete public wastewater reticulation system to serve Lot 1 in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0).

Advice Note: any future unit title subdivision will have the following specific requirements:

- (i) Locate all drainage lines in the shared driveway of medium density developments where possible to provide ease of access for future maintenance requirements.
- (ii) Separate systems are to be provided from each Unit to the point of connection to the dry chamber. To minimise the number of connections to the principal lines provide a dry chamber at the end of a connection and serve 2 Units from one chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
- (iii) A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.

- (iv) 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 applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
- (EW3) Pursuant to Section 39 of the Auckland Metropolitan Drainage Act 1960 notify WaterCare Services Ltd of any building or other works to be carried out within 10 metres of their trunk sewers or water mains. Provide Council with copies of correspondence with Watercare Services Ltd when the engineering plans are submitted to Council for approval.
- (EW4) Design, provide and install a complete public stormwater drainage system to serve all Lots/Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Provide a new stormwater outfall to the Waikumete Stream, and upgrade the existing public stormwater system under Rangeview Rd as necessary to serve the development and any upstream catchment. Provide a connection to Lot 2 DP 134216 (19 Denver Ave).
  - (ii) Written consent of the owners of the Railway Land has been given for construction of stormwater drainage to the Waikumete Stream. Obtain written evidence of their satisfaction with the restoration once works are completed.
  - (iii) Provide a connection to the existing dwelling at 19 Rangeview Rd.
  - (iv) Advice Note: EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
- (EW5) Provide a catchment analysis, define and form the 1 in 100 year overland flowpath within roads wherever possible, where they are not within the road 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 affected Lots, including the pedestrian right-of-way, precluding placement of fill or the erection of solid walls or fences or other impediments within that flowpath, and providing for a minimum freeboard of one-half metre above the 1 in 100 year overland flowpath for the floor levels of residential buildings. If necessary, a consent notice pursuant to Section 221 of the Act will also be required to be issued and registered on any adjacent affected Lot requiring a minimum freeboard of one-half metre above the 1 in 100 year overland flowpath for the floor levels of residential buildings. Provide in the construction of the pedestrian accessway for materials that will not erode or damage the pathway when the overland flowpath is operating. Provide an As Built plan of the overland flowpath showing a long section and cross section for inclusion in Council's Hazards and Special Features Register.
- (EW6) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve Lot 1 in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Provide and install a private water service pipe to the boundary of each Lot as specified in WCC COP Section 6.3.12 Case 1.

- (ii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners/tenants.
- (iii) Provide a detail showing the proposed connection to the existing Council watermain/s. The detail is to include all flanges, joints and applicable details. In addition any water reticulation plan is to show all necessary design details to inform construction (eg. thrust blocks etc).

Advice Note: Provide and install a fire hydrant within 135 metres of the farthest point of fire risk and within 65m of the end of a cul-de-sac. Note: The hydrant is to be on a direct traffic route to the property. The distance specified above may not be measured as a radius.

Advice Note: Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.

- (EW7) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
- (EW8) Where drainage work is required to be carried out on land outside the subdivision, obtain the written consent of the owner(s) of that land prior to the approval of the drainage plans. After construction and prior to Section 224 release, obtain the written acknowledgement of the owner(s) that the property has been satisfactorily reinstated.
- (EW9) Contact EcoWater's Subdivisions Assistant (ph 836 8000 extn 8248) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
- (EW10) Provide an As-Built drainage plan prepared by a registered surveyor and cctv video inspection of the new public drainage, in accordance with WCC COP. Include manufacturer, lid and invert levels in terms of LINZ datum, and two boundary offsets to each dry chamber.
- (EW11) Advice Note: Public drainage – prior to applying for a drainage test, as-builts and cctv video must be lodged with EcoWater. Prior to applying for the 224c certificate, ensure that the drainage test / field check has been applied for.

## TRANSPORT ASSETS CONDITIONS

Please contact the Transportation Engineer on 836-8000 (extension 8740) to book an inspection.

- (TA 1) Before the commencement of any work, pay the Works Supervision Fee for Transport Assets component of \$1250 (inclusive of GST @ 12½%). Additional work supervision fee may be required over and above the deposit fee paid by the applicant.
- (TA 2) The road vested to Council shall be designated as a local road.
- (TA 3) Provide to Council prior to the release of the 224 Certificate, all RAMM data and as built plans of the new roads formed (electronic and compatible with WCC GIS system). This will be inclusive of kerb lines, cesspits, street lighting, footpaths, parking bays, Intersection control devices, traffic calming devices, signs, street furniture, landscaping, vehicle crossings, pedestrian access ways and property boundaries.

- (TA 4)** Design, form and completely construct the proposed new roads (Lot 3) and the pedestrian access way (Lot 2) in accordance to the Code of Practice for City Infrastructure and Land Development to the satisfaction of the Council. Notes:
- (i) The intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process.
  - (ii) Provide indented on street parking as shown in the site plan submitted with the consent application.
  - (iii) Footpaths shall be provided full length on both sides of the road.

## **PARKS CONDITIONS**

Please contact the Parks Assets Planning Co-ordinator on 836-8000 (extension 8768) to book an inspection.

- (PK 1)** All street trees shall be planted in accordance with the WCC parks guidelines. Street trees shall be planted following the completion of building works.
- (PK 2)** The applicant shall be responsible for the maintenance of all street and reserve landscaping and street trees 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 Consent Planner. A bond, based on \$7 per sq metre per annum for gardens/shrubbery, and \$75 per tree per annum, will be required to ensure the satisfaction of this condition. The applicant shall advise the Parks Consent Planner of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.
- (PK 3)** In accordance with section 108(2)(b) a bond shall be required prior to the release by Parks of the Section 224(c) compliance certificate for any uncompleted works or maintenance required to ensure the performance of parks conditions. The liability of the holder of the resource consent shall not be limited to the amount of the bond. The amount of the bond may be varied or cancelled or renewed at any time by agreement between the holder and the consent authority.
- (PK 4)** The Local Purpose (Access way) Reserve shall be constructed to Council's standards with all works complying with SD 3.17 of the WCC Code of Practice. The pedestrian accessway shall be a 4 metre wide exposed aggregate concrete footpath/stairway with all steps constructed above ground with a crossfall for stairs to drain to the overland flow path. The accessway shall be bounded by a 1.8m high security fencing. The stairway shall also have a galvanised steel handrail installed the length of the accessway. The pedestrian accessway shall also have lighting installed as per the Street Light Layout Plan.
- (PK 5)** Provide public access easement over Lot 1 to provide a link between Lot 2 to Lot 3 for the purposes of public pedestrian access.
- (PK 6)** Ensure that the reserves are left in a condition suitable for maintenance and mowing in accordance with Section 7.2 of the WCC Code of Practice and to the satisfaction of the Parks Consent Planner.
- (PK 7)** Provide Council with As Built drawings of the project showing all services, levels, inverts, features and facilities as per the following requirements:

- a. A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
- b. 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 an Asset Sheet (Client to provide format of Asset Sheet).
- c. A new scaled As Built survey plan of all irrigation systems and sand slit drainage systems showing all connections, chambers, fixtures, items and assets scheduled on an Asset Sheet.
- d. Any planted areas to be shown to scale on the copy of the construction plan with areas sq. metres of planting, numbers of plants and type and assets schedule on Asset Sheet.
- e. All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on an Asset Sheet.
- f. All paint colours used or graffiti coatings with name of products for graffiti removal are to be scheduled on an Asset Sheet.
- g. Two copies of any special operating manuals for any new systems are to be provided.
- h. Completion and supply of asset data sheets for all new or modified asset components (to be provided by the client).
- i. Any special maintenance requirements to be scheduled and supplied.

#### **GEOTECHNICAL CONDITIONS**

- (GT1) Provide to Council an earthworks completion report prepared by a Registered Engineer experienced in Geomechanics, which will include details of the final depth of topsoil on all allotments and that works have be undertaken in accordance with the geotechnical report. Any restrictions arising from the report may be included in a consent notice pursuant to Section 221 of the Act.
- (GT2) Retaining walls shall be built entirely within lot boundaries.
- (GT3) The north side retaining wall shall not be dependent on the continuation of the existing wall at that boundary.
- (GT4) The method of construction of retained cuts on the boundaries shall minimise the risk of collapse of the cut face during construction by minimising the time cut faces are left unsupported and by excavating and building the walls in panels shorter than the wall length.
- (GT5) Install perforated Novaflow or similar drains along with scoria drainage material in base of all sanitary and stormwater sewer line trenches within western and southern areas of
- (GT6) Barrier pile walls shall be built to the west and south boundaries as proposed in the geotechnical reports, designed to be stable in the event of loss of toe support.
- (GT7) Earthworks shall be carried out to the requirements of the report of Rock and Soil Consultants, ref 03379.1, October 2004.

- (GT8) The main under-drainage to the eastern gully fill shall be designed as a permanent feature requiring minimal maintenance and details submitted to the Council for approval by the Subdivisions Engineer prior to construction.
- (GT9) The earthworks shall be inspected by an experienced geotechnical engineer familiar with the report of Rock and Soil Consultants, ref 03379.1, October 2004 and Councils Environmental Monitoring Officer provided with an earthworks completion report, which shall include the as-built details of the groundwater drainage, cut areas and fill areas and depths and make recommendations on any restrictions on foundations which should be applied in design. The filling standards apply to all fill including that proposed in adjacent lots.
- (GT10) Install perforated Novaflow or similar drains along with scoria drainage material in base of all sanitary and stormwater sewer line trenches within western and southern areas of subdivision. Stormwater from these trenches shall discharge into the stormwater system at manhole risers.

### LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services. If you are required to obtain a geotechnical report as a condition of consent, please provide your account manager with a copy so that we can initiate Legal documentation and hasten the Section 224C procedure.

- (LD1) The Consent Notices required by Conditions (EW 5) and (GT 1) above and the drainage easement in gross if required by Condition (EW 5) 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.
- (LD2) 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.
- (LD3) Road reserve to be dedicated as legal road.

### 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.

- (FC1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.

- (FC2) Pay to Council a street damage bond of \$5000 prior to the commencement of work. This bond shall be refunded in full after inspection by Councils 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.
- (FC4) In accordance with section 108(2)(b) a bond shall be required prior to the release by Parks of the Section 224(c) compliance certificate for any uncompleted works or maintenance required to ensure the performance of conditions (PK 2). The liability of the holder of the resource consent shall not be limited to the amount of the bond. The amount of the bond may be varied or cancelled or renewed at any time by agreement between the holder and the consent authority.

#### 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 developer(s) representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.

A resumé stating the qualifications and experience of the nominated representative may be required at the Council's discretion.

Note: WCC COP 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 COP. On larger projects (those with public roading) a Registered Engineer or Registered Surveyor will be deemed to meet these criteria. The developer's representative shall have insurance liability and indemnity cover as appropriate, and 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 e.g. geotechnical, hydrology, structural reporting.
- (iv) Certification of the works upon completion.

Report prepared by Chloe Trenouth, Consultant – Hill Young Cooper Ltd

