



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:**        **Monday,        21 February 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.

10 February 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

Ward Representative			
	Mrs	EAG	Grimmer, MNZM        (Henderson Community Board)
Alternate Representative			
	Mr	WS	Bainbridge        (Henderson Community Board)

(Quorum 4 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

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

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 21 FEBRUARY 2005, COMMENCING AT 9.30 AM.**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LEENOH FAMILY TRUST TO EXTEND AN EXISTING REST HOME AS A DISCRETIONARY ACTIVITY IN THE LIVING ENVIRONMENT AT 19 DENVER AVENUE, GLEN EDEN	2

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON MONDAY, 21 FEBRUARY 2005, COMMENCING AT 9.30 AM.**

---

**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 **NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY LEENOH FAMILY TRUST TO EXTEND AN EXISTING REST HOME AS A DISCRETIONARY ACTIVITY IN THE LIVING ENVIRONMENT AT 19 DENVER AVENUE, GLEN EDEN**

**WARD HENDERSON**

**RMA 20041986**

**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:	Sonya McCall
Site Address:	19 Denver Avenue, Glen Eden
Applicant:	Leenoh Family Trust
Date Received:	25 August 2004
Legal Description:	Lot 2 DP 134216 as comprised in certificate of title NA79B/70
Address for Service:	C/- Harrison Grierson Consultants Limited PO Box 5760, Wellesley Street, Auckland
Site Area:	5800m <sup>2</sup>
District Plan:	
Human Environment:	Living
Natural Area(s):	General
Landscape Elements:	N/A
Hazards:	N/A
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	1 September 2004
Date Received:	9 November 2004
Site Visit:	8 September 2004
Any Affected Persons:	Yes
Approval Given:	No

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to extend an existing residential activity in the Living Environment as a discretionary activity. It is proposed to add a new two storey wing to the existing rest home. The ground floor of the new wing will contain 18 care units, a nursing station, medical rooms, storage areas and a combined living/dining room. The upper level of the proposed building will contain 12 care units, a nursing station, a lounge and an outdoor deck area. The proposal will also include earthworks, a new car park, a new stormwater pond and landscaping.

The applicant applied for a non-residential activity in a Living Environment. However, the activity is a residential activity. The District Plan defines a residential activity as:

*“the use of land or buildings by people for living accommodation (whether or not any person is subject to care or supervision), where those people voluntarily live at the site for a period of one month or more and will generally refer to the site as their home and permanent address...”*

The residents of the rest home all voluntarily live at the site and consider the site as their home and permanent address and therefore the activity complies with the definition of a residential activity. The application has been considered on this basis as a discretionary activity.

### 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.

### 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 extend the rest home located at 19 Denver Avenue, Henderson. 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



The applicant consulted the owners and occupiers of the sites abutting the subject site prior to lodging the application. Refer to the application on page 18 clause 9.2. The applicant was advised by the owners and/or occupiers of 47 Sunnyvale Road and 49 Sunnyvale Road that they did not give their written approval to the proposed activity.

#### 4.0 REASONS FOR THE APPLICATION

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

- Discretionary activity consent for the establishment of a residential activity not meeting the standards in Rules 2.1 or 2.2 (Living Zone).
- Limited Discretionary Activity for car parking and driveways not meeting the standards in Rules 12.1 and 12.2 (Living Environment).
- Limited Discretionary activity for buildings on land which are known to Council to be or are likely to be subject to erosion, slope instability, subsidence or inundation (General).
- Limited Discretionary activity for approximately 1300m<sup>2</sup> of earthworks with a volume of 179m<sup>3</sup> in the General Natural Area (Rule 3, General Natural Area).

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

No other consents are required in respect of this application.

#### 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The existing rest home has been lawfully established on the subject site as follows:

- 1987 a resource consent and building consent were issued to establish a 15 bed rest home on the site;
- 1989 a resource consent and building consent were issued to convert the existing dwelling on the site to a rest home;
- 1991 resource consent and building consent were issued allowing the addition of another 11 bedroom wing to the rest home.

The subject site is located at the end of Denver Avenue and contains 5800m<sup>2</sup>. The site is almost rectangular in shape, has a northerly aspect and slopes steadily to the northwest from the road frontage at Denver Avenue. As can be seen in photographs one and two, there are a number of large buildings all located at the top of the slope. The buildings are a mixture of single and double storey structures.



Photograph one - existing rest home located at 19 Denver Avenue, Glen Eden.



Photograph two - existing rest home viewed from Denver Avenue.

The buildings have a weatherboard exterior with a tile roof and are divided into two distinct wings. The western wing contains 9 units with a shared lounge. The eastern wing contains 17 units, a shared lounge, a dining room and a conservatory.

24 hour care is provided on site for 26 residents. Five staff work at the site at any one time. There are three shift changes per day.

Seven car parking spaces are provided next to the Denver Avenue Road frontage. An additional four spaces are located just below the northern wing of the facility.

As can be seen in photograph three (below), the remainder of the site contains a variety of trees including an area of punga and trees ferns along the west boundary of the site. The site also has a large expanse of lawn which runs for a distance of approximately 50 metres from the rest home right down to the northern boundary of the subject site.



**Photograph three - denoting the nature of the site in the area between the rest home and the northern boundary of the site.**

There is a natural ponding area located at the bottom of the slope next to the northern boundary of the site.

The site is surrounded by a 1.8 metre closed board fence.

Almost all the abutting sites are used for residential purposes with the exception of the Waitakere City Council recreation reserve area located to the left of the entrance to the subject site and 23 Denver (which is vacant). An application has been lodged with Council to subdivide this site into 49 lots as part of a medium density housing development. It is proposed to fill the gully located on the western side of 19 Denver Avenue as part of this proposal. The filling of the gully has not been assessed as part of this report.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

*A145-A155* Notice of this application was served on all identified affected persons on 13 October 2004. The period for submissions closed on 16 November 2004. Two submissions were received. Both submissions opposed the application. Please refer to attached pages A145 to A153 for copies of the submissions that were received. A map showing the location of the submitters is attached at pages A154 to A155.

### 6.1 Submissions

The main issues raised in the submission were as follows:

#### In Opposition

Sub No.	Name	Relevant Site Address	Main Points of Submission	Decision Sought from Council	Appear at Hearing
1	Peter and Janet Chaplin	49 Sunnyside Road Sunnyvale	Bulk of building right next to their boundary.  Will block their views of the Waitakere Ranges, and the rural view of the Henderson Valley.  De value property.  Loss of access to sun and dampness.  Loss of privacy, particularly on their outdoor living area.	Decline.	Yes.
2	Fiona Tugaga	47 Sunnyside Road, Sunnyvale	Bulk of building - length, height and location right on their boundary.  De value property.  Loss of access to sun and dampness.  Increased noise and activity from rest home.  Loss of views.	Decline.	Yes.

## 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 sections 8.2.1 and 8.2.2 of the report respectively. 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.

## **7.2 Limited Notification - Section 94(1)**

*A156-A166*

Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under section 94(1). The section 93, 94 and 94A - 94D Determination Assessment report is attached at pages A156 to A166 of this report and identified that 13 persons would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

## **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**

#### **8.1.2 Water Quality and Quantity**

There would be no adverse effects in relation to water quality/ quantity arising from the proposed activity.

There is a watercourse located on 19 Rangeview Road. Stormwater from the rest home is currently discharged to the watercourse via the natural ponding areas located on the northern boundary of the subject site. It is proposed to install a stormwater pond designed to Auckland Regional Council Technical Publication 10 standards. It is also proposed to install three (3) 10,000 litre tanks to store peak flow from the proposed extension and reuse it for grey water areas.

These measures will not only ensure that the stormwater flows are kept at pre development levels but will also improve the quality of the stormwater discharging to the watercourse.

### **8.1.3 Native Vegetation, Vegetation and Fauna Habitat**

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation or work within the drip line of any vegetation.

### **8.1.4 Land / Soil**

There would be a de minimis adverse effects on soil/ existing landform as a result of the proposed activity.

The Councils earthwork specialist has advised that the area of earthworks is largely contained in the formation of the car park with an estimated maximum volume of 179 cubic metres and a retaining wall along two sides to accommodate fill to level the parking area. The earthworks are not excessive or out of scale with the development proposed. A small cut under the building platform is required that is a permitted activity (advice attached as Appendix 6).

The soil removed from under the building platform is to be spread in a relatively thin layer over a small portion of the site. This is not excessive and will rapidly regrass.

The site has been identified as having uncontrolled filling occurring on the site and also has a high water table. A geotechnical report has been submitted with the application which concludes that the ground conditions for the proposed extension are acceptable subject to the building being placed on piles where heavy loads are proposed. Specific design will be required at building consent stage.

### **8.1.5 Air**

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

### **8.1.6 Ecosystem Stability**

As the site is within the urban area and the existing environment is already modified there would be de minimis adverse effects on the stability of ecosystems as a result of the proposal.

### **8.1.7 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 proposed activity would not therefore adversely affect any identified outstanding natural features.

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

There would be no adverse effects in relation to the natural character of the coast and margins of lakes, rivers and wetlands arising from the proposed activity as it would be located within the urban area of the City and would not be near the coast, a lake, a river or a wetland.

### **8.1.9 Outstanding Landscapes**

The subject site is not identified in the District Plan as being within an area of "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

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

As a permitted activity 12 residential units with a density of 450m<sup>2</sup> per unit could be constructed on the site. The applicant has indicated that the proposal would create no more effects than would be created if these units were to be erected on the site. An assessment of the activity against what would be allowed on the site as a permitted activity has been carried out.

It is also important to note that the site falls within a 500m radius of a train station. As a limited discretionary activity a medium density housing development could be developed on site. The numbers of units on the site is dependant the ability to comply with the "Medium Density Housing Criteria". This would substantially increase the number of units that could be erected on the site. If the medium density housing development were to comply with the criteria the written approval of the owners/occupiers of abutting sites would not be required.

#### Residential Amenity

The site is surrounded by residential sites. The proposed building will also be used for residential purposes albeit on a commercial basis. The building is significantly larger than what would normally be expected on a residential site. However, the proposal complies with all the relevant height (using the average height method), height in relation to boundary and setbacks rules for the Living Environment.

The applicant has provided a landscape plan, details for the proposal (*'Proposed Extension to Catherine Court Rest Home, 19 Denver Avenue, Henderson, Landscape Planting Plan'*, Helen Ballinger, 10 August 2004). The plan illustrates the way planting will be provided as mitigation to improve the appearance of the site and soften the appearance of the buildings for all the residents living in the dwellings surrounding the site.

#### Privacy

Each of the units within the proposed wing has a 2.8 metre by 1.8 metre window. 13 windows of these windows face out towards the eastern boundary of the site. Seven of the windows are on the lower level of the wing, six are in the upper level. The windows in the lower level will look out onto the 1.8 metre close board fence that separates the subject site from the abutting properties. The fence will prevent the occupants of these rooms looking into the neighbouring sites. The windows in the top level of the proposed wing will allow the residents of the units to look directly into the outdoor area associated with 49 Sunnyside Road. However, the windows will be associated with bedrooms containing a single bed and an en suite and these rooms will be used primarily for sleeping. It is expected that the residents will spend most of their day in either of the lounges being provided on both levels of the new building. The residents will spend a limited amount of time in their bedrooms and this will reduce the amount of overlooking that could potentially occur.

There is some mature existing vegetation on the boundary between 19 Denver Avenue and 49 Sunnyside Road. The vegetation is located to the side/rear of the dwelling. The vegetation does not extend along to the area where the proposed extension is to be located. However, the applicant is proposed to plant large trees which will attain the height of 7 metres within five years. This landscaping (once mature) will provide a high level of screening.

Also as a permitted activity up to three residential units (with a net site area of 450m<sup>2</sup>), two stories in height could be built in a complying position on the eastern boundary in the same or similar location and with the same or similar amount of windows in the upper storey of the building (estimated as being two per dwelling). This would also allow the residents of these buildings to look directly out onto 49 Sunnyside Road.

The outdoor living area associated with the rear dwelling located at 47 Sunnyvale Road is on the northern and eastern side of the dwelling and as such the dwelling will screen the living area from the view of the residents of the rest home. In conjunction with this, the rest home extension reduces to a single level in the area adjacent to the dwelling located on 47 Sunnyvale Road.

The 1.8 metre fence located between the sites and the proposed planting will also provide a high level of screening between the proposed extension and 47 Sunnyvale Road.

### Views

The building will also block the views of the Waitakere Ranges from both 47 and 49 Sunnyvale Road. However, as with the discussion above, three residential units with a maximum height of 8 metres could be built in a complying position on the eastern boundary as a permitted in the same or similar location and these could partially or totally block the views from these properties. The same or similar effects could also be created if a medium density housing development were to be constructed on the site.

Map 3.6(e) of the District Plan 'Views in Waitakere' and 'Appendix K: Views' both define sites within Waitakere City where the views from those site shall be protected. The subject and the abutting sites are not denoted on this map nor listed in the schedule.

In conjunction with this the proposed extension also complies with all the relevant rules within the District Plan relating to the bulk and location of buildings in a residential area (height, height in relation to boundary, yards, building coverage, building location and outdoor space).

### Over shadowing

An assessment of the overshadowing has been undertaken and there will be only a minor over shadowing effect created on 47 Sunnyvale Road at 5pm mid winter, and no over shadowing of 49 Sunnyvale Road mid winter. Loss of day light to both these properties will also be de minimis in nature.

### Bulk

The main effect being created that would be different from residential units that could be erected on site as a permitted activity is the bulk of the proposed extension. The building presents a continuous two storey façade for a distance of approximately 45 metres. This is substantially different from a residential development which would provide breaks between the buildings as each unit would be located on 450m<sup>2</sup> with associated outdoor living areas.

In order to mitigate the effects created by the bulk of the building it has been designed to express urban characteristics with a deck, overhanging pitched roof and a finish that is commonly found on modern residential buildings (brick with some areas being plastered).

Some visual variance is provided in the façade as it has 13 windows and there is delineation between the two levels of the proposed extension.

An extensive line of planting between the proposed extension and 47 and 49 Sunnyvale Road will provide mitigation by softening the appearance of the buildings for all the residents living in these dwellings.

### Traffic and Parking

A total of 19 parking spaces are to be provided under the Parking and Driveway Guideline. It is proposed to provide 20 car parking spaces.

A new entranceway is not required as the existing entranceway has been designed to a high standard therefore minimising the potential for traffic congestion to occur associated with the vehicles entering / exiting the site.

A187-A188

Council's Traffic specialist has advised that the environmental effects created by traffic generation will be minor subject to appropriate conditions, advice attached at pages A187 to A188.

### Noise, Lighting, Vibration and Odour

Rest homes are not considered to be a high noise generating activity. The activities considered to make the most noise on the site are the kitchen and the laundry area. These areas are going to remain in the same location within the existing building. If granted, conditions will be placed on the consent requiring that all activities carried out on the site must comply with the relevant noise standards for the Living Environment and deliveries to the site can only occur between certain hours.

No outdoor lighting is being proposed.

Noise and vibration will also be created during the construction of the wing. If granted, conditions will be placed on the consent restricting the hours that construction can occur on the site and the requiring that all activities comply with the relevant construction noise standards.

There are no activities on the site that will create an odour.

#### **8.1.11 Heritage**

There would 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.

#### **8.1.12 Summary**

The adverse environmental effects relating to traffic movements, parking, stormwater disposal and earthworks are all less than minor in nature. The size and length of the proposed extension will create not more than minor adverse effects on 47 and 49 Sunnyview Road. The building will block the resident's view of the Waitakere Ranges and the Henderson Valley. It will also allow the rest home residents living in the top storey of the new wing to look directly into the outdoor living area of the 49 Sunnyview Road. However, as a permitted activity three two storey buildings of the same or similar size could be erected on the eastern boundary of the site and create the same or similar effects. Also the applicant is proposing to plant large trees which will attain the height of 7 metres within five years. This landscaping (once mature) will provide a high level of screening.

It is considered that this activity could operate from this site in a way that any actual and potential on site adverse effects of the proposed activity are 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 and Objectives

The proposed development will be consistent with the objectives and policies of the District Plan.

The relevant objectives and policies in relation to this proposal are:

Policy 1.2 *“Activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles...”*

Objectives 10 and Policies 10.1, 10.2, 10.3, 10.10 and 11.13 all of which relating to maintaining and enhancing those natural and physical characteristics that contribute to the wellbeing of residents and workers which includes emissions of odours, noise, light spill and vibration.

Policy 10.6 *“Design of buildings, storage and parking areas in a way that maintains the privacy and on site amenity of adjacent residential properties including private outdoor open space”.*

Policy 10.8 *“Land use developments and subdivision must recognise the need for a transportation strategy which provides for the safe movement of people through private and public transport in a way that avoids remedies or mitigates potential adverse effects on the environment...”*

Policy 10.11 *“Activities should provide for the on site parking and loading of motor vehicles and the location and design of access to car parking spaces, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the position of that road in the roading Hierarchy, is not adversely effected”.*

Policy 10.14 *“Activities should be of a scale and located and managed in such a way that any traffic generated by the activity, including heavy traffic does not detract from the capacity of the road to cater safely for motor vehicles, pedestrians and cyclists, and the well being of residents occupying surrounding sites; and the safe and efficient functioning of the roading network is not adversely affected.”*

Policy 10.16 *“Driveways should be set out on site to provide for the safe circulation of vehicles and pedestrians”.*

It is considered that the proposed development would consistent with the objective 10 and policies 10.1, 10.2, 10.3, 10.10 and 11.13 all of which relate to maintaining the amenity of the surrounding area. As discussed in section 8.1.10 above the activity will be able to comply with the district plan provisions relating to odour, noise, light spill and vibration as long as the proposal is operated in accordance with the information submitted with the application.

The proposed activity will create adverse effects on the outdoor area 49 Sunnyview Road. All the elderly residents living on the top storey of proposed extension will be able to look into the outdoor living area of 49 Sunnyview Road. This will be mitigated when the proposed landscaping on the boundary reaches its estimated height of 7 metres. The vegetation will reach this height in 5 years. Once the vegetation reaches this height, it is considered that the application will be in accordance with Policy 10.6.

The activity also complies with policies 10.11 and 10.16 relating to on site parking as per the comment in 8.1.10 above. The applicant is also proposing to provide landscaping around the new car parking to soften the effects of the retaining wall supporting the parking area.

The application is consistent with the policies 10.8 and 10.14 of the District Plan relating to off site traffic effects. A Traffic Impact Assessment (TIA) (*Proposed Extension Catherine Court Rest Home 19 Denver Avenue Sunnyvale Traffic Impact Assessment*, TPC Traffic Planning Consultants, reference 04215, June 2004) was submitted with the application. The report concluded that the traffic planning effects of the proposed extension can be accommodated on the road network without compromising its function, capacity or safety. Council's traffic specialist has reviewed the report and agrees with conclusion of the TIA.

The application is consistent with Policy 1.2. The subject site is located inside the Metropolitan Urban Limits. The residents of the rest home do not have vehicles. The only additional trips being created are from the five new staff to be employed at the site. The site is within 400 metres of the train station located off Seymour Road and some of the staff may use the train system to get to and from work.

## **8.2.2 Rules and Assessment Criteria**

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposed activity is assessed in relation to each of the relevant criteria as follows:

### **Rule 1 General - Limited Discretionary Activity**

The site has been subject to uncontrolled filling. A geotechnical report (*Geotechnical Report for proposed extensions to Catherine Court Rest Home*, Waitakere Consulting Engineers, 7 September 2004) was submitted with the application. This report has been reviewed by the Council's geotechnical consultant. He concurs with the findings and recommends that the site is suitable for the development but specific geotechnical design will be required at building consent stage.

The relevant assessment criteria in this instance are 1(b) and 1(c). The application complies with these criteria as the proposed extension, car park and stormwater pond can all be located on the site in a safe manner which will not create damage to property or harm to people with appropriate engineer designs.

The other assessment criteria are not relevant as the application does not include an application to subdivide the property nor is it subject to inundation.

### **Rule 2 Residential Activities/Density (Living Environment)**

The amenities of the residential area those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

The character of the existing rest home is residential in nature and already forms part of the neighbourhood character. The design of the proposed extension expresses urban characteristics with a deck, overhanging roof and a finish that is commonly found on modern residential buildings.

The rest home provides a residence to the more elderly members of the community. The site is large and well landscaped and contributes to the resident's enjoyment of their home. The gardens and landscaping associated with the rest home cover at least 4000m<sup>2</sup> of the site contributes to the pleasantness of the residential area. The proposed wing will not change this contextual setting.

The scale of the proposed extension will change the level of amenity enjoyed by the residents of 47 and 49 Sunnyview Road. The proposed extension will block the view of the Waitakere Ranges and Henderson Valley currently enjoyed by the residents. However, as previously discussed, the building complies with all the relevant height (using the average height method), height in relation to boundary and setbacks rules for the Living Environment. Map 3.6(e) of the District Plan 'Views in Waitakere' and 'Appendix K : Views' both define sites within Waitakere City where the views from those sites shall be protected. The subject and the abutting sites are not denoted on this map nor listed in the schedule. Also as a permitted activity, residential units, 8 metres in height could also be constructed in the same or similar position on the site and create same or similar effects.

The proposed extension, car park and stormwater pond will not be visible from the roading network.

#### **Living Environment Rules relating to Height of Building (Rule 4), Height in Relation to Boundary (Rule 5) Yards (Rule 6) and Building Coverage (Rule 7)**

The proposed extension complies with all the provision relating to height, height in relation to boundary, set backs and building coverage.

The height of the building has been calculated using the average height method.

#### **Rule 8 Building Location Privacy/Amenity (Living Environment) - Discretionary Activity**

*8(a) The extent to which privacy is maintained between the main indoor and outdoor living area of adjoining sites.*

As discussed in 8.1.10 above, the windows in the top level of the proposed wing will allow the residents of the units to look directly into the outdoor area associated with 49 Sunnyside Road. However, as a permitted activity three residential units (450m<sup>2</sup>), two stories in height could be built in a complying position on the eastern boundary on the same or similar location and the windows in the upper storey of the building would also allow the residents of these buildings to look directly out onto 49 Sunnyvale Road.

The applicant is also proposing to landscape the boundary between the subject site and 47 and 49 Sunnyside Road. The trees will reach their mature height of 7 metres approximately 5 years from the time that they are planted. The trees will be planted fairly close together so that the canopies of the trees will be almost touching once they are mature. This will provide a semi solid screen.

This will ensure that privacy of the residents of 49 Sunnyside Road is maintained in the medium to long term.

### **Rule 9 Outdoor Space (Living Environment)**

An outdoor deck area of 126m<sup>2</sup> has been provided at the northern end of the proposed wing. A new 258m<sup>2</sup> outdoor living court is also being proposed between the proposed wing and the new car park. When these areas are combined with the large landscaped garden area located to the north and west of the existing buildings on the site, more than ample outdoor areas are provided for the elderly residents.

### **Rule 12 Traffic Generation, Access and Parking (Living Environment) – Limited Discretionary Activity**

A Traffic Impact Assessment (TIA) has been submitted by the applicant and reviewed by the Council's traffic specialist. The report concluded that:

- the traffic generation of the proposed extension is estimated at an additional 60 traffic movements per day with additional peak hour traffic flows of 86 traffic movements per hour;
- a total of 20 parking spaces are to be provided on the site which exceeds the requirements of the Parking and Driveway Guideline by 1 parking space;
- the existing vehicle access to the site is designed to a high standard and minimises the potential for traffic congestion to occur associated with the vehicles entering / exiting the site.

The traffic engineer concurred with the findings of the report.

As discussed previously the site is located 400 metres from a railway station. The closeness of the subject site to this system may encourage some of the staff to use this mode of transport to commute to and from work.

The application meets criteria 12(a) to 12(d) relating to the safety of road users, intersections, pedestrian and cyclists.

### **Rule 15 Signs (Living Environment)**

No signage is being erected as part of the proposed activity.

### **Rule 3 (General Natural Area) - Earthworks Discretionary Activity**

It is proposed to undertake 179m<sup>3</sup> of earthworks. The area of earthworks is largely contained in the formation of the car park. The earthworks for the car parking area will cover approximately 655m<sup>2</sup>. A retaining wall (with a maximum height of 3 metres) will be constructed along two sides to accommodate fill to level the parking area. An area of 45m<sup>2</sup> will be excavated to form the stormwater pond. A small cut under the building platform is required that is a permitted activity.

The excavated topsoil is to be spread in a relatively thin layer over a small portion of the site. This is not excessive and it is proposed to regrass this area. The building will be constructed on a pile foundation, which will require minimal earthworks. The proposed earthworks are well clear of residential boundaries. Earthworks would not reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features, or contribute to the erosion and instability of land.

An Earthworks Management Plan has been submitted as part of the application. This Plan has been reviewed by the Council's Earthworks specialist and she has advised that due to the minor scale of the earthworks that standard conditions relating to erosion and sediment control be placed on the consent.

For these reasons, it is considered this aspect of the proposal is consistent with the aforementioned objectives and policies and meets assessment criteria (3a - 3q).

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

There are no provisions contained within the Regional Statutory documents that are relevant to the current proposal.

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

#### **8.4.1 Property Values**

Concern has been expressed through submissions in relation to an anticipated reduction in property values for sites surrounding the development. The Resource Management Act does not recognise this as an effect. If, as is discussed in the report, the proposed development would not give rise to any significant adverse on site effects or compromise the existing amenity values and character of the surrounding neighbourhood, then a causal reduction in property values would not be expected.

#### **8.4.2 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 sediment and erosion control and landscaping.

### **8.5 Lapsing of Consent**

Under section 125 of the Resource Management Act 1991, unless it is given effect to, 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.

The applicant has requested that a five year period be applied in this case.

## **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 elderly people and their families 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.

The proposed activity does not compromise the principles of the Treaty of Waitangi.

## CONCLUSION

The subject site is located at the end of Denver Avenue, Glen Eden. The applicant seeks consent to add a new two storey wing to the existing rest home, construct a new car park and stormwater pond. The ground floor of the new wing will contain 18 care units, a nursing station, medical rooms, storage areas and a combined living/dining room. The upper level of the proposed extension will contain 12 care units, a nursing station, a lounge and an outdoor deck area. The site is a discretionary activity not meeting the standards in rules 2.1 and 2.2 (Living Environment).

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor based on what could be established on the site as a permitted activity and can also adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that extending the rest home, constructing a new car park and stormwater pond and operating these as part of the existing rest home operation 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 relate to maintaining and enhancing those natural and physical characteristics that contribute to the wellbeing of residents and workers and maintaining the amenity of the surrounding residential area.

It is considered that the majority of issues raised by the submitters (with the exception of the loss of their views and the de valuing of their properties) 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, 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 Leenoh Family Trust to add a new two storey wing to the existing rest home, construct a new car park and stormwater pond at 19 Denver Avenue, Glen Eden being Lot 2 DP 134216 as comprised in certificate of title NA79B/70 for the following reasons:

- (i) The proposal has been considered in terms of the relevant assessment criteria, meets the relevant policies and objectives of the District Plan, and would create no more than minor adverse effects on the environment.
- (ii) The proposed landscaping and 1.8 metre close board fence will screen the development in the medium to long term.
- (iii) The activity will not create any adverse effects on the roading network or the internal circulation of on site traffic.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled 'Proposed Extension to Catherine Court Rest Home 19 Denver Avenue, Henderson revision number 2, drawings A.01, A.02, A.02a, A.03 prepared by mc<sup>2</sup> Architects dated May 2004, the landscape plan titled Proposed Extension to Catherine Court Rest Home 19 Denver Avenue, Henderson, drawing number 190 prepared by Helen Ballinger Landscape Architect dated 18 August 2004 and the storm water, drainage and earthworks and sediment control plans prepared by Thurlow Consulting, referenced as 04028 dated July 2004 (subject to the amendments specified on the letter dated 8 November 2004 prepared by Waitakere Consulting Engineers) and all referenced by Council as RMA 20041986 and the information, including further information, submitted with the application.
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years (5) after the commencement of the consent.
3. A consent compliance monitoring fee of \$966.00 (inclusive of GST) shall be paid to the Council. This fee includes a pre construction inspection of the sediment and erosion control measures and two follow up visits. The fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, after three inspections all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out. The \$966.00 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.
4. Not more than 10 lux spill (horizontal or vertical) of light shall be created by the outdoor security lighting as measured at the site boundary of any adjoining site.
5. All outdoor lighting shall be shielded.
6. Confirmation shall be provided in writing by a suitably qualified lighting specialist that the outdoor security lighting complies with that the lighting standard AS/NZS 1158 (1996). The information shall be submitted to the Council monitoring officers for their review within one month of the lighting being installed.
7. At all times the activity shall comply with the following noise standards as measured at any part of a site (other than the subject site):

7.00 am to 7.00 pm		7.00 pm to 10.00 pm Monday to Saturday		10.00 pm - 7.00 am	
		7.00 am - 10.00 pm Sundays & Public Holidays			
L <sub>10</sub> 50dBA	L <sub>max</sub> N/A	L <sub>10</sub> 45dBA	L <sub>max</sub> N/A	L <sub>10</sub> 40dbA	L <sub>max</sub> 70dBA

8. All deliveries to the site shall occur between the following times:
  - Monday to Sunday 7.00 am to 10.00 pm.
9. 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 Council's Code of Practice for City Infrastructure and Land Development.

### Landscaping

10. The site shall be landscaped in accordance with the approved Helen Ballinger plan titled "Proposed Extension to Catherine Court Rest Home 19 Denver Street, Henderson Landscape Plan" reference 190 and dated 18 August 2004.
11. The planting of the landscaping shall be undertaken in the first planting season (from May until 7 September) after the activity is established on the site.
12. Replacement planting shall be carried out as necessary in the subsequent planting seasons until the planting is established on the site. The planting shall be regularly maintained and kept weed free.

### Transport

13. All parking spaces shall be indicated by clear and durable markings in accordance with the requirements of '*The Manual of Traffic Signs and Markings*' published by Transit New Zealand. Car park spaces designated for staff use shall also be clearly marked/sign posted.
14. Prior to commencement of any works adequate sediment and erosion control measures shall be constructed and maintained in accordance with the Erosion and Sediment Control Measures Appendix of the District Plan. Before commencement of any works contact the Environmental Monitoring Officer to arrange a preworks meeting and await their approval of the sediment and erosion control measures before starting work. The controls must be maintained until the site has been stabilised against erosion and sediment laden runoff. (Environmental Monitoring Officer's can be contacted on 8390400 and required 48 hours notice).
15. Earthworks are to be undertaken during dry weather only.
16. All sediment and erosion control measures are to be checked and cleaned each day.
17. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.
18. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by method of sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council shall have the right to ask the applicant that a road-sweeping contractor is nominated to carry out the road cleaning. Council's Environmental Monitoring Officer shall be given the authority to engage the road-sweeping contractor to carry out road cleaning if it is the Environmental Monitoring Officer's opinion that the dirt on the road and footpath is creating an adverse effect on the environment. The road-sweeping contractor shall be engaged at the cost of the applicant.
19. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council. A bond of \$1000.00 has been paid to Council prior to uplift of the consent to cover the cost of any outstanding reinstatement works.

20. Roof stormwater system connections shall be made prior to laying the roof or otherwise as soon as roof construction is complete to ensure stormwater is not able to discharge in a manner that causes soil erosion.
21. The noise from earthworks/clean fill shall not exceed the following levels (as measured at the boundary of any site zoned "Living Environment"):

7.00 am to 5.00 pm Monday to Friday	8.00 am to 5.00 pm Saturday	Sundays and Public Holidays
L <sub>10</sub> 50dBA	L <sub>10</sub> 50dBA	No work

Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802: 1991.

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:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
23. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
24. A full copy of the resource consent conditions, approved plans, including site management and erosion and sediment control plans shall be kept on the site at all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management and Erosion and Sediment Control Plans.
25. All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar.
26. 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.

### Geotechnical

27. Earthworks shall be undertaken in accordance with NZS4404:1981 and NZS4431:1989.
28. The stormwater pond bund shall be founded on natural ground below the fill and topsoil. The foundation trench shall be extended at the wings until natural ground below any topsoil is exposed to the level of the spillway. The bund shall be compacted to the requirements set out in the report of Waitakere Consulting Engineers, 7 September, 2004. The spillway lining shall be sufficiently flexible to accommodate settlement of the bund fill.

29. The site shall be stabilised with horizontal drilled drains to the requirements set out in the report of Waitakere Consulting Engineers, 7 September, 2004. The outlets of the drilled drains shall be capable of inspection.
30. The east boundary shall be retained by a wall designed by an experienced engineer familiar with the report Waitakere Consulting Engineers, 7 September, 2004.
31. The retaining wall to the car park shall be subject to specific design by an experienced geotechnical engineer familiar with the report of Waitakere Consulting Engineers, 7 September, 2004. Pile locations must avoid the drilled drains.
32. The foundations of the building shall be subject to specific design by an experienced geotechnical engineer familiar with the report of Waitakere Consulting Engineers, 7 September, 2004. Allowance shall be made for negative skin friction where piles are through fill. Slab on ground construction shall only be used after removal of the un-engineered fill. Piled foundations must avoid the drilled drains.
33. An experienced geotechnical engineer familiar with the report of Waitakere Consulting Engineers, 7 September, 2004 and with the specific design shall be engaged to inspect earthworks including the pond bund, soil drains, retaining walls and foundations and shall provide the Council with a Producer Statement – Construction Review for this part of the work.

#### **EcoWater**

34. 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.
35. If the low flow water saving devices listed below are installed under a future building consent, a 10% remission off the wastewater and water supply components of the development contribution will be available. To be eligible for the remission, advise Council that the following devices will be installed under a future building consent:
  - All taps over hand basins/sinks and showerheads are to be of types that limit the flow rate to 9 litres per minute or less.
  - All units/dwellings shall have showers.
  - All toilets shall be of 6/3 litre dual flush type.
  - No in sink waste disposal units shall be installed.

An encumbrance is required to be issued and registered on the title requiring the use of low water use devices to limit wastewater flows to Councils satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.
36. Design, provide and install a complete private (to public standards) wastewater reticulation system to serve the site in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
  - (i) Locate and relay the existing private drainage serving the existing building to a position clear of the proposed building platform.
  - (ii) Either grout fill, or remove, the abandoned private drainage under Council's supervision.

37. Design, provide and install a complete private (to public standards) stormwater drainage system to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Mitigate stormwater runoff from the site to pre-development levels for the 1 in 2 year storm event, through rain water re-use and detention pond, as specified in EcoWater's Countryside and Foothills Stormwater Management Code of Practice.
  - (ii) Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
  - (iii) Locate and relay the existing private drainage serving the existing building to a position clear of the proposed building platform.
38. To prevent increasing downstream flooding and/or increased channel erosion on the Oratia Stream, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. Stormwater disposal system from the development shall be designed to incorporate the following requirements to the satisfaction of EcoWater:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2 year storm event.
  - (ii) Rainwater to be reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation.
  - (iii) A stormwater detention pond to be provided to limit the rate of runoff.
  - (iv) Design and location to be approved by EcoWater prior to carrying out mitigation measures.
  - (v) The property owner is required to maintain any devices to meet the above requirements to the satisfaction of Council.
  - (vi) The property owner is to provide to Council (EcoWater) at 5 yearly intervals a report from a registered engineer, or suitably qualified person, demonstrating that the stormwater mitigation measures and devices are functioning in accordance with their intended purpose.
39. Provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual', and Waitakere City Council Code of Practice for City Infrastructure and Land Development (refer Section 4).
- (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.

40. Design, provide and install a complete private water supply reticulation system and fire fighting services to serve the site in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) If a rain water reuse tank is to be installed under a future building consent, a 20% remission off the water supply and wastewater components of the development contribution will be available. To be eligible for the remission, advise Council that a rain water reuse tank will be installed under a future building consent to supply a minimum of toilet, laundry and outdoor taps. An encumbrance is required to be issued and registered on the title requiring the use of a rain water reuse tank to limit water usage and wastewater flows to Council's satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.
  - (ii) Ducting of private service lines is recommended.
41. Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the new and existing buildings to the point of connection to the public drains.
42. Provide an As-Built drainage plan prepared by a registered surveyor and CCTV video inspection of the new drainage to public standards, in accordance with Waitakere City Council COP.

#### **Fees, Bonds and Contributions**

43. Pay any EcoWater engineering, works supervision, and administrative fees as incurred. These fees will be charged at Council's advertised schedule of fees.
44. To ensure the performance of Condition 19 the consent holder shall pay a performance bond of \$1000.00 to the Council. The bond shall be a registered bond against the title pursuant to s 108 & 109 of the Resource Management Act 1991.
- (i) 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.
  - (ii) The full amount of the bond shall be held, until in the opinion of the Manager, Resource Consents, Condition 19 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.

#### **Advice Notes**

- i) 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.
- ii) 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.

- iii) 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 EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
- iv) Please contact EcoWater's Quality Assurance Inspector (ph 021 745583) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting. Prior to applying for a drainage test, as-builts and cctv video must be lodged with EcoWater.
- v) Under a building consent, pay to the Council pursuant to Section 409 of the Act the sum of \$14,723.78 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Oratia Stream Catchment, Twin Streams Project, main system improvements) necessary to serve the development. (\$9.90 +GST per additional square meter of impermeable surfaces, based on increase of 1322m<sup>2</sup>).
- vi) The development contribution for this proposal is \$15,879.17 (incl GST). This will be required to be paid before any building consent/s are issued. The amount payable may change as the amounts that the calculations are based on have been set in the Long Term Council Community Plan. The next review of the Long Term Council Community Plan will be June 2006.

Report prepared by: Sonya McCall, Senior Resource Planner.

