



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, 29 September 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.

19 September 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	EG	Francke	(New Lynn Community Board)
Alternate Ward Representative				
	Ms	SL	Taylor	(New Lynn 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, 29 SEPTEMBER 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, 11 August 2005
Reconvened Minutes - Friday, 2 September 2005

RECOMMENDATION

That the minutes of the Meeting of the Hearings Committee held on Thursday, 11 August 2005 and reconvened on Friday, 2 September 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 HOUSING NEW ZEALAND CORPORATION TO CONSTRUCT A 6 UNIT HOUSING DEVELOPMENT THAT WILL RESULT IN INFRINGEMENTS OF DENSITY, OUTDOOR SPACE, CAR PARKING, VEGETATION ALTERATION, EARTHWORKS AND REQUIRE THE CONSTRUCTION OF A SHARED DRIVEWAY AT 9-11 WILLERTON AVENUE, NEW LYNN**

NEW LYNN WARD

RMA 20050424

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:	Caisey Marter
Site Address:	9-11 Willerton Avenue
Applicant:	Housing New Zealand
Date Received:	16 March 2005
Building Consent No:	n/a
Legal Description:	Lot 4 DP 9010
Address for Service:	Housing New Zealand Corporation Attn: Brad Nobilo PO Box 5271 Wellesley Street Auckland 1036
Site Area:	2024m ²
District Plan:	
Human Environment:	Living 2 Environment
Natural Area:	General Natural Area
Landscape Elements:	-
Hazards:	No known hazards
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	5 April 2005
Date Received:	10 June 2005

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks land use consent to construct six new two bedroom units on a site located at 9-11 Willerton Avenue. The development requires resource consent for being a medium density development outside of the medium density radius. Consent is also required for carrying out earthworks exceeding 100m², 50m³, and within 1m of the boundary and for vegetation removal involving the removal of 5 protected trees.

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.

The environmental effects of this proposal are primarily related to amenity values, and the cumulative effects of allowing high density developments outside of those areas provided for in the District Plan. Such consideration must therefore be given to associated traffic generation, visual and acoustic amenity, privacy, on site amenity including site layout and outdoor space, site facilities and landscape treatment.

Consideration must also be given to the scale, character and intensity of the proposed development in regard to the surrounding environment and the Objectives and policies of the District Plan.

Additional issues raised by submitters include the impact on the social character and safety through an increase in crime, rubbish dumping, and the devaluing of properties that are considered to be associated with this type of housing development.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the development of a six unit medium density development on a site outside of the medium density housing radius resulting in infringements of density, earthworks and vegetation removal. 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



Legal Description:	Lot 4 Deposited Plan 9010
Human Environment:	Living 2
Natural Area:	General
Roading Hierarchy:	Local
Hazards:	No known hazards

3.0 PROPOSAL

The applicant seeks consent to remove the existing two unit duplex building from the site and construct in its place a six unit medium density development. The proposed units would be single storey and have a brick veneer exterior, concrete tile roofing and aluminium joinery. The proposed units would be on sites that would have the following nominal areas:

- Unit 1: 312m²
- Unit 2: 276m²
- Unit 3: 315m²
- Unit 5: 294m²
- Unit 6: 298m²

All units would have the following features:

- Single garaging connected to each unit plus parking space sufficient for one additional vehicle beside the single garage.
- Open plan kitchen, dining room and living room.
- Outdoor living area accessed via sliding doors from the living rooms.
- Two bedrooms, each with wardrobe.
- Bathroom with shower.
- Separate linen/ hot water cupboard.
- Paved area with access to a clothesline.
- Laundry facilities.

Units 1 and 4 will be orientated to face Willerton Avenue with front doors and footpaths providing access directly from the street frontage. All other units will have formalised entranceways facing on to the shared driveway.

Each proposed dwelling has outdoor space, which is directly accessible from living areas. A patio area is provided for each dwelling to allow all-weather access to outdoor areas. Screening would be provided as follows:

- 0.9m pool-style fencing to living courts adjoining access way and street.
- 1.8m high paling fences to perimeter of the site.
- 1.6m paling fences between lots.

The proposal would involve earthworks over an area of approximately 776m² and a volume of approximately 129m³ for the construction of the shared driveway and the six building platforms and associated outdoor space areas.

In addition the development will require the removal of 5 protected trees. Most notable would be the removal of the Oak Tree standing at approximately 12m high at the rear of the site and 4 kanuka trees varying in heights from 6.5m to 10m.

The applicants consulted with Council prior to the lodgement of this application. While it was recommended that many of these trees including the most notable English Oak be retained the applicant has applied to remove this tree and mitigate any adverse effects through landscaping.

Housing New Zealand as a developer face a number of limitations in their considerations including a mandate from Central Government to provide affordable housing for a range of people, varying in age, financial means, mobility, and employment status. This means that design restrictions relating to cost and access requirements, particularly for the mobility restricted clients, limit the scope of design parameters available to work within. It also leads Housing New Zealand to seek the maximum density yield out of the available sites it has to develop.

The applicant consulted with all neighbouring properties prior to lodging the application, and have obtained the written approval of all occupiers and owners at 7 Willerton Avenue and the details of that consultation are attached. The owner and occupier of 13 Willerton Avenue has declined to support the application.

4.0 REASONS FOR THE APPLICATION

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

Living 2 Environment

Rule 2: DENSITY

Discretionary Activity consent for undertaking a medium density development with site densities less than 350m² on a site which is not located within the medium density housing radius or with frontage to a strategic or regional or arterial road.

General Natural Area

Rule 2: VEGETATION ALTERATION

Limited Discretionary Activity consent for the removal of 5 protected trees greater than 6m in height. It is proposed to remove 4 Kanuka (6-10m) and 1 English oak tree (12m).

Rule 3: EARTHWORKS

Limited Discretionary Activity consent for undertaking earthworks exceeding 100m², 50m³ and within 1m of the boundary. It is proposed to undertake earthworks over an approximate area of 776m² involving a volume of 129m³ and within 1m of all boundaries at certain points.

4.2 Proposed Plan Change 18

Proposed Plan change 18 was notified by 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.”*

The proposed plan change was notified on 31 March 2005, and was therefore not in effect prior to the current application for consent being lodged. While it is appropriate to consider the proposed plan change as part of this application and the Plan change does have some weight, the Operative District Plan is deemed to be the dominant document. However It is considered that much of the above has been considered by the applicant in the making of this application.

4.3 Overall, the application is considered to be a Discretionary Activity. The proposal complies with all other development controls under the District Plan.

4.4 There are no other resource consents that are required by the applicant.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located on the south western side of Willerton Avenue, New Lynn approximately 110m south of the intersection of Willerton Avenue and Titirangi Road. The site is rectangular in shape and measures 2023m² in area. At present the site is occupied by a single storey brick and tile duplex unit located roughly in the front half of the site with a large grassed back yard area. The topography of the site is relatively even where the land slopes up gently from the footpath then levels out toward the middle and rear of the site. The existing duplex units have separate access ways and vehicle crossings and a centrally located row of vegetation divides the site into two and provides demarcation and privacy of the outdoor space for each unit. All existing protected vegetation is located on the southern half of the site. An existing exotic English Oak tree and two native Kanuka are located near the south western corner of the site. The remaining vegetation predominantly consist of fruit trees and weed species.

Adjoining properties are located within the Living 2 Environment and are subject to a General Natural Area classification. The neighbouring site to the north is occupied by a block of single story flats and the property to the south is a standard residential dwelling on a site of a similar size to that of the subject site. The surrounding environment comprises a residential environment with a densities ranging from 450m² and greater to multi unit developments.



Figure indicating the subject site and existing duplex as viewed from the road. Also indicates adjoining site at 13 Willerton Avenue.



Figure indicating the subject site and existing duplex building.



Figure indicating the large Kanuka and Kowhai at the rear and south western side of the subject site.



Figure indicating the Oak tree at in the south western corner of the subject site.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A141-A193

The application was publicly notified on Notice of this application was served on all identified affected persons on 22 June 2005. The period for submissions closed 26 July 2005 and 8 submissions were received. One submission supported the application, and seven submissions opposed the application. Please refer to attached A142 to A193 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A141.

6.1 Submissions

A142-A193

The following is a list of submitters in support and opposition including a summation of their reasons. Attached at pages A142 to A193 for the original copies of the submissions.

Submitter 1 John and Suzanne Barley (1/5 Willerton Avenue) oppose the application. Concerned about the size of the proposed houses and lack of associated outdoor space and the materials used in construction. Also concerned about on street car parking.

Submitter 2 Shirley M. Kroon (2/5 Willerton Avenue) opposes the proposal. Concerned about the lack of car parking available on the site, the increase in traffic generation, lack of outdoor space and play areas, and the resultant pressures on stormwater, and water reticulation services in the area.

Submitter 3 Theo W. Kroon (2/5 Willerton Avenue) opposes the proposal. Concerned about the lack of car parking on the site and traffic generation, density, pressures on stormwater and wastewater, and lack of outdoor space.

Submitter 4 Johanna Linklater (3/5 Willerton Avenue) opposes the proposal. Concern raised regarding increased traffic generation and lack of car parking on the existing street infrastructure.

Submitter 5 Robyn Crowther (4/7 Willerton Avenue) supports the application. Submitter considers the proposal would improve the on site amenity on the subject site.

Submitter 6 Shirley Swatton (13 Willerton Avenue) opposes the application. Concerned about the high density, on site amenity, effects on stormwater, the proposed vegetation removal, and noise effects resulting from 6 units being located on one site.

Submitter 7 P Swatton (13 Willerton Avenue) Opposes the application. Concerned with the high density, the removal of protected vegetation, noise, car parking and traffic generation, and the resultant effects on the stormwater system.

Submitter 8 Chix Khan (17 Willerton Avenue) opposes the proposal. Concerned about the high density of the proposal

6.2 Pre Hearing Meeting

An informal meeting was held on 1 November 2004 between the applicant and Council regarding the application. This meeting addressed site specific matters and the notification status if such an application was to be made to Council. This was not a formal pre hearing meeting. The option for a formal meeting was mooted but the application considered it was unlikely resolution or partial resolution would be forthcoming.

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 as set out in the Agenda 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

8.1.2 Water Quality and Quantity

The proposed development increases the density of the development on site to below 450m² with nominal site areas ranging from 276m² to 315m². This therefore increases pressures on the receiving environment.

A194-A198

Given the density infringement Council's Water and Drainage Engineer Mr Iszard has reviewed the application and supplied a specialist report as attached at pages A194 to A198 on the developments impact with regard to water, wastewater and stormwater matters. His report identifies the following details:

An infrastructure study for the proposed development has been undertaken by Dainty Alderton Consultants, ref J019 dated 10 December 2004. This report reviewed the existing infrastructure currently serving the site as well as detailing the infrastructure required to be installed to service the proposed development. During pre-development meetings held with the applicants and their consultants the most likely means of servicing the site were discussed. These involved extending a stormwater line from the existing stormwater line within Willerton Avenue and also bringing a wastewater line in from the Housing New Zealand owned property to the rear of the site to serve part of the development. Use of the existing wastewater connection from 13 Willerton Avenue was permitted to serve 2 dwellings as the size of the connection prohibited any more than 2 residential dwellings connecting to this 100mm diameter connection.

The original proposal by Dainty Alderton submitted as part of the Land Use Consent Application showed units 1 & 4 being served from the existing connection, with the remaining units being serviced through a new Public wastewater line from the south western boundary. This was reviewed by EcoWater on 30 March 2005 and a requirement for further information letter under s92 of the Resource Management Act sent to the applicant advising that the proposed servicing of the site for wastewater did not meet the minimum standards imposed under Councils Code of Practice for City Infrastructure and Land Development, section 5.0 which states that no private connections greater than 6m are permitted. A revised design for the wastewater infrastructure was submitted by Thornley & Associates dated April 2005 showing a complying wastewater design.

Submitters 2,3,6 and 7 all expressed concern regarding the capacity of the existing stormwater system to absorb the additional stormwater runoff that would be created by the proposed development Council's Drainage Engineer has assessed this in his assessment and has stated that based on this amended design for the wastewater network the proposed development meets all requirements of Councils Code of Practice for City Infrastructure and Land Development with respect to stormwater, wastewater and water supply.

Submitters 6 expressed concern at the potential for their own development to be developed would be limited if the proposed development connected to the stormwater system. Council's Drainage Engineer has confirmed that this would not be the case and there would be no harm to the adjoining sites development potential.

The development proposal submitted by the applicant indicates that the impermeable site coverage will be 1174m² which equates to 58% of the site.

Overall it is considered that with the appropriate conditions in place the proposal would have de minimis adverse effects on water quality/ quantity. The proposal would not place additional pressure on the receiving environment.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The applicant has proposed to removed 5 protected trees from the development including an English Oak tree of 12m in height and two Kanuka along located on the south west portion of the site. The proposal was assessed by both Council's Landscape Architect Mr Griffin who commented on the visual amenity of the proposal, and Council's Arborist Mr Richards who commented on the proposed vegetation removal from an arborcultural perspective.

In his assessment Mr Griffin particularly commented on the Oak at the rear of the subject site and the large Kanukas also at the rear of the site located behind proposed Unit 5. Mr Griffin has stated that "... *It would be undesirable to remove good trees, especially in this area where there is a paucity of trees ... the oak tree is the most significant tree on the site and should be kept.*" This is an established neighbourhood and retention of the trees would provide instant maturing of the landscape treatment and provide shelter and shade. Submitters 6 and 7 also raised concern regarding on the proposed removal of the protected vegetation in particular the Oak tree at the rear of the site and commented on the visual benefits of the tree.

Mr Richards as Council's Arborist however, made no specific comment regarding the removal of the Oak tree. However Mr Richard's stated that "*it is my considered opinion that if the Kowhai is being retained then the larger of the two Kanuka alongside and to the south of it should also be retained as this tree shelters the Kowhai and plays a part in forming the synergy that is generated and enjoyed by the two trees and which benefits the two trees*". Mr Richards has therefore concurred with Mr Griffin that this Kanuka should be retained and has required it as a condition of consent.

It is considered that the removal of the Oak tree and the 3 other protected trees on the site will not threaten the natural ecosystems of the area. The site is within the built urban environment and the Oak in particular is an exotic, and not a native. The removal of this single tree is not likely to have significant impact on the ecosystem balance within the urban environment.

While Mr Griffin would like the Oak tree to remain for amenity reasons he concedes the proposal of developing 6 units on the site would not be able to be accommodated on the site without the removal of the Oak tree. As stated by Mr Griffin the intrusive nature of the proposal would require that the Oak be removed or that the development be redesigned with the removal of unit 4 to accommodate the tree, thereby reducing the density yield of the site.

It is considered that the location of the oak on site coupled with no mention of the tree by Council's Arborist as having any merit or of its retention means that it could be removed provided there is adequate compensatory planting of native species and the retention of one of the Kanuka trees which would not be adversely affected by the proposal. While the submitters would like it to remain it is considered compensatory planting would in time, mitigate the loss. The location of at the rest of the site means that the oak is barely visible from the road.

Further it is considered that the benefits of providing this form of Housing with the community has the potential to out weigh the negative effects due to the loss of the Oak tree and which in turn which could easily be mitigated with the retention of the New Zealand native Kanuka tree and additional landscape planting. For these reasons it is considered the development would have no more than minor adverse effects on Native vegetation, vegetation, fauna and habitat.

8.1.4 Land / Soil

There would be only minor adverse effects on soil or the existing landform as a result of the proposed activity as the site is within an urban area, is not known to Council to be affected by hazards and is already modified. The earthworks are proposed to be undertaken in order to re contour the site, and will be confined to the construction of the building platforms, landscaping and the construction of the shared driveway. The proposed earthworks would involve a total volume of 129m³ and over an area of 776m². Where possible it is proposed to use any cut material elsewhere on site as fill. No fill will be required to be imported to the site. The earthworks will be relatively minor in nature will be confined to the site. It is considered that with the implementation of erosion and sediment control measures in accordance with Auckland Regional Council TP90 standards, that there would be de minimis adverse effects on soil or existing landform as a result of the proposal. An earthworks management plan, including sediment and erosion controls has been submitted with the application and is determined to adequately mitigate the potential adverse effects on water quality from sediment run off.

Conditions of consent will ensure that the earthworks are undertaken with erosion and sediment controls in place and that vehicles moving earth from the site will have conditions of consent that would ensure earth is not tracked on to the surrounding roading network. The residential nature of this area is recognised and hours that the development can take place within would be restricted to not unduly disrupt the area.

8.1.5 Air

The proposal does not involve any air emissions of any kind, and is therefore not considered to result in any adverse effects to air quality.

8.1.6 Ecosystem Stability

The proposed development would be constructed over two sites within the existing built and urban area of the city. The existing dwellings are to be removed to make place for the proposed development. It is considered that although the site would be altered through vegetation clearance and earthworks activities, the ecological value of the site is determined to be relatively low due to its urban location within the city. It is considered that the proposed development would have a temporary effect of a de minimis scale on the ecosystems within the site and with appropriate landscape treatment being provided as per the proposed plans would be restored over time.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The site is not in an area identified as having outstanding natural features, landform, or geological sites (refer maps 3.5(C) - 3.5(E) & 3.6(B)). Accordingly, it is not considered that the proposal would have an adverse effect. However, as earthworks are proposed it is considered appropriate to impose a condition to ensure that if any archaeological evidence is found that all works stop, and Council is contacted.

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

The proposed development is within the built urban area of the city and is not near any water bodies or wetlands. Sediment and erosion controls will prevent the transportation through stormwater systems of any sediment from the development to receiving waters. It is therefore considered that the development will not impact on the natural character of the coast or margins of any lakes, rivers or wetlands.

8.1.9 Outstanding Landscapes

The site is not identified in or near an area of outstanding landscapes (refer Map 3.6(B)). Therefore, the proposal is not considered to have an effect on any outstanding landscapes.

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

The subject site is located just outside the 500m radius from the Fruitvale Road train station in the New Lynn Living 2 Environment. The medium density housing radius is a tool used to assist with the activity status of the rules related to density and the locations of higher density housing forms such as the development proposed for this site. The circles are loosely developed around acceptable walking distances from the nodal town centres and transport hubs.

On Site Amenity

The proposal would result in 6 units having net unit areas ranging from 276m² to 315m². All units would be stand alone and single level in height. All units would have two bedrooms with a bathroom. The units would have a gross floor area of approximately 85m² which is a reasonable size for this sized development. The units would each have separate outdoor spaces of complying area and orientation.

The proposed outdoor space for the development is in excess of 25m² per bedroom and would be of suitable orientation as required by the District Plan (between 135° and 225° to the north). This allows for adequate sunlight and the potential for passive solar access to the site. The provision of outdoor space in excess of 50m² is consistent with the suggested area of outdoor space within the assessment criteria of the Medium Density design elements. In addition the provision of access through the centre of the site will increase space between units and create a visual appearance of more outdoor space on the site.

The medium density development design elements do not require that developments meet a shape factor for outdoor living however the proposal complies with the 6m diameter circle requirements of the standard living environment rules. All private open space will have easy access from the main living areas of the dwellings. All open space areas will be landscaped, will contain services such as washing lines and will be fenced for privacy.

Many of the submitters outlined their concerns regarding the lack of available car parking on the site and the additional traffic generation that would be created by the development. The proposed development would provide for 2 car parking spaces per dwelling and therefore exceed the medium density housing assessment criteria requirements. One car park is provided for within the attached garage and another space outside. No specific visitor car parking is provided but visitors to the front sites would have the opportunity to park on the roadside and rear sites have space available for visitor car parks. The proposal would comply with the tracking/ manoeuvring curves of the District Plan and as required in Council's Code of Practice.

The application has been reviewed by Council's Traffic Engineer, John Carroll who has stated that the proposed development would result in a minor increase in traffic generation, about 20 vehicles per day and that this would have negligible adverse effects on the immediate roading network. This is supported by traffic details for residential establishments in the Council's code of practice, which quantifies vehicles movements generated by low density housing as double that generated by 1 to 2 bedroom medium density housing. Medium Density Housing generally has a lower traffic generation component to low density housing due to the use of alternative modes of transport such as public transport, biking and walking. Medium Density Housing is commonly located close to public facilities including shopping facilities and public transport, as it proposed with this particular development, which reduces the need for vehicle trips, as other transport modes are an additional and convenient option. The site is approximately 600m from the Fruitvale Railway station and 110m from Titirangi Road which is a main transport and bus route. Council's Transport Engineer has supported the proposal subject to the inclusion of conditions of consent related to the demolition of the existing crossings and the construction of the new driveway to the required Code of Practice engineering standards.

Visual Amenity and Neighbourhood Character

Overall the development complies with the permitted building coverage for separate dwelling developments on site and also complies with the maximum impermeable surfaces for residential developments on reticulated sites. The level of development permitted under the plan would consist of four full sized dwellings on sites measuring 450m². It is considered the proposed development would have less bulk and location effects on adjacent properties and similar occupancy capacity to the potential permitted development in that it is comparable to 4 four bedroom dwellings.

While living 2 rules require 450m² as a discretionary threshold compared to 400m² and 350m² in living 1 and living respectively the surrounding residential environment contains patterns of residential development similar to that which is proposed with a higher density than that which is provided for in the Living 2 Environment. While the proposal would introduce a development of a higher density to that which are existing on the site to the south it is considered it is consistent on most part with the residential character of the area.

The development meets building coverage and height in relation to boundary rules and would not physically dominate, result in loss of daylight/sunlight or compromise the privacy of adjoining sites as the proposed units are of a size, siting, scale and design that provides a suitable separation to adjoining residential sites.

With regard to intensification of use brought about by increased residential density, the additional dwellings would not form an incongruous feature in the streetscape given the nature of surrounding sites, the set back of the proposed dwellings to the roadside and screening from development on both the subject site as proposed and adjoining sites to the north and west already existing. The frontage to the site measures 29m and only two dwellings on that width is not considered uncommon, and is what is existing now. Those dwellings would aid in lessening the perceived density by partially screening rear units.

While the site is technically just outside the urban consolidation circle as shown on the District Plan maps, the location of this development would have strategic value in terms of the residential intensification objectives of the District Plan and are an acceptable urban design solution to increasing population growth and the resultant need for housing. This view is supported by Peter Joyce of Councils Strategic Policy Team.

The proposed development is considered to be consistent with the Auckland Regional Growth Strategy: 2050 and the concept of intensification of urban development around town centres and along transport routes. The proposed development is less than 2m from the outline of the Medium Density Radius and is just 100m from Titirangi Road a major transport route in the city therefore it is recognised that the development is in general accordance with the concept of the regional growth strategy in that the proposal is contributing to the increased concentration of density around town centre nodes and transport routes.

8.1.11 Heritage

The site is not identified in the District Plan as being a site with any historical significance. Accordingly, the site is not known to be of any historical significance. Therefore, the proposed development is not considered to impact on matters of heritage.

8.1.7 Summary

In addition to the infringement of density and the location of medium density housing outside of the medium density housing radius the main concern of the proposal is the visual amenity of the development with the proposed removal of most of the mature vegetation, most notably the protected Oak tree. The applicant has proposed a landscape treatment plan, providing fencing and planting to mitigate the effects of the proposal. While it is acknowledged that Council's Landscape Architect, Mr Griffin, has stated that the Oak should be retained as it may have a more than minor effect in terms of the visual effect resulting from the removal. Council's Arborist has given his support for the proposal on the condition that one of the mature Kanuka trees is retained. It is considered that sufficient mitigation is proposed and the visual effects will diminish with time. Further it is considered that the benefits of providing this form of Housing with the community has the potential to out weigh the negative effects of the loss of the Oak tree and which in turn which could easily be mitigated with the retention of the New Zealand native Kanuka tree and additional landscape planting

It is considered that the proposed density will have similar effects (in terms of bulk and location, potential occupancy, privacy and traffic generation) as a complying development could potentially have. The earthworks proposed for the development will be mitigated through appropriate sediment and erosion controls as required by conditions of consent.

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor etc, 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 relevant objectives and policies in relation to this proposal are listed below along with a discussion regarding the proposal in relation to them.

Objective 1

"To manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:

- ***the life-supporting capacity of water;***
- ***the ability to use aquatic ecosystems as a food source;***
- ***the availability of water as a healthy place of recreation."***

Policy 1.2

“Activities should be located within s the reduction of vehicle trip length and numbers, and the promotion of public transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for location of Medium Density Housing within and adjacent to central locations.”

Objective 4

“To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to maintenance of the atmosphere at a local, national and global level.”

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.”

Discussion

Objectives 1 and 4 and policies 1.2 and 4.2 seek to manage effects of land use on water quality and quantity and air discharge by reducing road usage and thus minimising contaminant discharges off roadways and air emissions by minimising the length and number of vehicle trips. The location of the proposed development is close to the public transport bus routes along Titirangi Road and is just outside of the 500m radius from the Fruitvale Train Station. The proposed development is also within suitable walking distance of the New Lynn Community Environment, and within 200m of a block of convenience stores on Titirangi Road. It is therefore considered that the proposal would satisfy District Plan requirements as it would be close to public transport and within walking distance of shopping facilities.

Objective 3

“To maintain the life-supporting capacity of the City’s land resource.”

Policy 3.1

“Medium Density Housing should be encouraged around main town centres, railway stations and major roads to help provide for the efficient use of land within the urban area.”

Discussion

Objective 3 and policy 3.1 seek to maintain the life-supporting capacity of the City’s land resource by encouraging Medium Density Housing around transport hubs; avoiding, remedying or mitigating adverse effects from soil disturbance; and ensuring that effects from natural hazards are not exacerbated. The proposal is close to public transport and earthworks activity would be confined to the sites, be of short duration and controlled by means of consent conditions.

Objective 10

“To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

- ***an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;***
- ***adequate levels of daylight and sunlight in dwellings;***
- ***adequate levels of darkness for sleep;***
- ***a safe environment;***
- ***an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;***
- ***adequate levels of on-site privacy;***
- ***healthy air quality.***

This Objective is intended to achieve, at the very least, a minimum level of physical health and wellbeing for residents, workers and visitors. The Resource Management Act requires the District Plan to manage the effects of activities on the environment and humans. It also requires the Plan to have particular regard for the maintenance and enhancement of those natural and physical characteristics that contribute to people’s appreciation of, amongst other things, its pleasantness. Any enjoyment or sense of pleasantness derived from the environment is fundamentally dependent on whether residents, workers and visitors find it a healthy place to be.”

Policy 10.4

“Wherever possible, buildings should be located on residential sites in a way that provides for an adequate area of outdoor space for recreation and leisure, including providing:

- ***sufficient outdoor space for the anticipated number of occupants of the dwelling;***
- ***outdoor space which is of a usable shape for recreation;***
- ***sunlight access to the outdoor space area.***

Where such outdoor space cannot be provided on-site, the offsetting of consequent adverse effects on public open space that arise from increased usage may be required. Such an offsetting of effects would be in addition to any other requirement to contribute to the provision of public open space made under Policy 10.10.”

Discussion

The outdoor space for each unit would be located to a north orientation, and would benefit good sunlight access. The size of the outdoor space for all the units is greater than 50m² required by the Medium Density Housing Radius assessment criteria and greater than the minimum requirement of 25m² per bedroom as required in the Living Environment. Such an outdoor living area is therefore considered to be more than sufficient for the anticipated number of occupants of the dwelling. Furthermore, the area is of a usable size and is considered sufficient for children’s play and the relaxation and leisure of others. Patio areas will provide all year usability for the outdoor space allowing outdoor entertaining and providing a good indoor outdoor flow living from the living area of the units. It is therefore considered that the development will be consistent with Policy 10.4.

Policy 10.5

“Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.”

Discussion

The proposed development would not physically dominate, result in loss of daylight/sunlight or compromise the privacy of adjoining sites as the proposed units are of a size, siting, scale and design that provides a suitable separation to adjoining residential sites. Therefore the development is considered consistent with Policy 10.5.

Policy 10.8

Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- **safe movement of pedestrians, cyclists and vehicles around the City;**
- **recognising and providing for the interdependence between transportation and other activities;**
- **supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;**
- **protection of the transport corridor for public transport purposes, conveyance of goods and communications;**
- **ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;**
- **maintaining amenity values that contribute to the well-being of residents and workers;**
- **integrating roads with safe and efficient pedestrian cycle routes;**
- **minimising impacts of noise and traffic movement on the amenity of surrounding sites;**
- **contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.**

Discussion

This policy seeks to integrate the land use and development activities within the city with the transportation system and adequately manage and provide for the needs and health of communities and the sustainable management of the City's environment. The proposed location is approximately 100m from Titirangi Road. While this could potentially pose a safety concern in terms of crossing the busy road safely, especially for young children, and cyclist safety amongst the fast moving traffic on narrow and congested lanes there is a pedestrian crossing nearby providing access to the Bus stop on the opposite side of the road therefore allowing a relatively safe crossing of the road. As stated above the proposed development is within walking distance of the New Lynn Community Environment, shopping facilities on Titirangi Road and the public transport. Intensification around these nodal points is advocated in the District Plan, Regional Growth Strategy and Urban Area Intensification Regional Practice and Resource Guide.

Council's Traffic Engineer, John Carroll, as stated above in section 8.1.10 of this report has reviewed the application with respect to the safety of the shared driveway and traffic generation from the site. Mr Carroll has concluded that the design and capacity of the access lots and parking would be adequate to serve the development and has stated that Transport Assets support the application.

The District Plan explanation to this policy acknowledges that the safe and efficient movement of vehicles is considered important, but that the health of residents and the need to provide for adequate public transport, pedestrian and cycle access are also important. It is considered that this development does demonstrate consideration of these factors and is therefore concluded to be consistent with policy 10.8 and overall with Objective 10.

Objective 11

“To achieve a quality of settlement and associated activities within each of the City’s Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- ***the quality and character of different patterns of settlement within the City’s intensively settled residential area s...”***

Discussion

The District Plan Strategic Direction promotes medium density housing as an important tool in the District Plan’s overall consolidation and City form strategies. The plan concentrates medium density housing around railways and main transport routes as part of a strategy centralising key activities around central nodes and points, as a way of improving viability of passenger transport. It also promotes a high quality urban environment to counter pressures for outward spread of the urban area. Medium density housing also addresses the lack of housing choice. This approach is consistent with the Regional Growth Strategy, as discussed further below. It is considered that the proposed location for the development meets this strategic direction.

Policy 11.2

“Activities should be managed in a way that avoid 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 ...”***

To be completed when I have comments.

Policy 11.27

“Where possible, the amenity of the urban area should be enhanced through the provision of a range of opportunities for different housing types, provided that such provision occurs in a way that is consistent with the protection of other amenity values within an area.”

Discussion

The area currently provides for a mix of housing styles, and the proposed development provides another variable of the mix of housing in the area.

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 and daylight 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

It has already been established that all the units are considered to have more than adequate areas of outdoor space. The design of the proposal has included a landscape plan to address the visual amenity concerns. The landscape plan has incorporated important design requirements, such as provision for passive solar energy through allowing for sunlight access and maintaining surveillance. As previously stated the parking provided for each unit would exceed that which the design elements suggest is required, with the attached garage and stacked outdoor park provided for each unit. The development is fully fenced with a 1.6m high fencing which is considered to maintain the level of privacy to neighbouring sites. All of the units are single storey and are orientated away from neighbouring sites predominantly orientated towards the central shared driveway. Although such density is not always appropriate outside the Medium Density Housing Radius, it has also been concluded that the increased use of Willerton Avenue would be manageable and would not adversely impact on current road operation. In addition the subject site is suitably located nearby the New Lynn Community Area approx 1.5- 2km away and within walking distance of both Bus and Train public transport. For these reasons it is considered consistent with Policy 11.28.

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:

LIVING HUMAN ENVIRONMENT - DENSITY

ASSESSMENT CRITERIA

- 2(a) *The extent to which the development complements amenity values and neighbourhood character.*
- 2(b) *The extent to which the development is compatible with the size of the site.*
- 2(c) *The extent to which the development complements existing development on the site, having regard to:*
 - *separation distances between dwellings;*
 - *the visual impact of access to rear dwellings;*
 - *the visual appearance of the development from the road;*
 - *privacy between buildings and of outdoor space.*
- 2(d) *The extent to which the development has regard to and where possible incorporates natural features on or around the site.*

The proposed development is located outside the 500m radius around the Fruitvale Train station and is outside the New Lynn Town Centre 1km Radius. The proposal increases the density to an extent that the development is considered medium density housing. If developers wish to build medium density housing the District Plan encourages them to concentrate the developments within one of the town centres (ie. 1km radius) or along the transport corridors (ie- have street frontage to an arterial road). This development is outside of those parameters however it is considered that the development is still meeting the intent of the district plan. Mr Joyce has commented in his specialist report that *“the currently notified proposed changes to the operative District Plan (Proposed Plan Change 16 - Managing City Growth) delineate new urban consolidation circles around other smaller local and neighbourhood centres and it is proposed that consideration be given to also allowing for more intensive developments along a wider strip each side of Regional Arterial Roads rather than restricting development to being only on such roads”* These District Plan changes have been proposed to meet the intentions of Council's Growth Management Strategy and the intentions of the Auckland Regional Growth Strategy. This development is approximately 100m from Titirangi Road which is a District Arterial Road and a significant public transport route. It is therefore reasonable to consider that the location of the development in this case acceptable. The medium Density Housing Criteria are discussed later and will address the density of the development.

GENERAL NATURAL AREA - VEGETATION CLEARANCE ASSESSMENT CRITERIA

- 2(a) *The extent to which vegetation alteration adversely affects amenity values and neighbourhood character.*
- 2(b) *The extent to which vegetation alteration will threaten natural ecosystems.*
- 2(c) *The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.*
- 2(d) *The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.*
- 2(e) *The extent to which the proposed vegetation alteration is necessary:*
 - *to accommodate development otherwise permitted by the Plan;*
 - *to ensure the safety or integrity of existing development on the site.*
- 2(g) *The extent to which the vegetation alteration adversely the historical, cultural or spiritual significance of any site or waahi tapu of significance to iwi or archaeological site.*
- 2(j) *The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application.*

Gordon Griffin, landscape Architect has commented on the visual amenity of the site with respect to the proposed development and the proposed removal of the mature vegetation on the site. He has particularly commented on the Oak at the rear of the subject site and the large Kanukas also at the rear of the site located behind proposed Unit 5. Mr Griffin has stated that *“... It would be undesirable to remove good trees, especially in this area where there is a paucity of trees... the oak tree is the most significant tree on the site and should be kept.”* This is an established neighbourhood and retention of the trees would provide instant maturing of the landscape treatment and provide shelter and shade. Mr Griffin has concluded that.

However, it is accepted that the proposed dwellings could not be located outside of the drip line of the Oak and that the density yield would need to be reduced if the Oak was to be retained.

The proposal of developing 6 units on the site would not be able to be accommodated on the site without the removal of the Oak tree. As stated by Mr Griffin the intrusive nature of the proposal require that the Oak be removed or that the development be redesigned with the removal of unit 4 to accommodate the tree, thereby reducing the density yield of the site.

The development requires consent for density due to the medium density nature of the development. A permitted dwelling development could potentially incorporate the tree into the development design. However, this would reduce the capacity of the site and result in simple infill housing. This would result in a development contrary to the Regional Growth Strategy concept as discussed below in paragraph 8.5.4.

The Oak tree is noted to be only approximately 25 years old and cannot be considered part of the historic and cultural fabric of New Lynn. It is not considered that the removal of this single specimen would significantly effect this fabric because of its rear site location.

Council's Arborist Andrew Richards has assessed the removal of the vegetation from an arboricultural position. In his report he however, has made no specific comment regarding the removal of the Oak tree. However Mr Richard's stated that *"it is my considered opinion that if the Kowhai is being retained then the larger of the two Kanuka alongside and to the south of it should also be retained as this tree shelters the Kowhai and plays a part in forming the synergy that is generated and enjoyed by the two trees and which benefits the two trees"*.

Mr Richards finally concludes *"The application is generally supported by Council's Arborist for Consent Services on this basis and conditions of consent are suggested"*.

It is considered that the removal of the Oak tree and 4 of the other protected trees on the site will not threaten the natural ecosystems of the area. The site is within the built urban environment and the Oak in particular is an exotic, not a native, most probably planted some time ago. The removal of this single tree is not likely to have significant impact on the ecosystem balance within the urban environment.

The site is not known to have any instability issues, and while it is noted that trees form an important function of stabilising soil, the site is relatively flat and it is proposed to carry out earthworks to create level building platforms. It is therefore considered that the tree removal will not impact on site stability.

While the removal of the Oak tree does not meet all the relevant assessment criteria 2a-k it is considered that overall the vegetation alteration activity can be supported as the level of mitigation is sufficient to compensate for the loss of the tree, and the level of lost visual amenity is limited to the immediate area and would be lessened with the retention of one of the Kanukas and as the proposed landscaping matures.

The construction of the driveway to service the site would result in the loss of a street tree measuring approximately 2m in height. This is not a notable tree in the street and its removal would have de minimis adverse effects on the streetscape.

GENERAL NATURAL AREA - EARTHWORKS

ASSESSMENT CRITERIA

- 3(a) *The extent to which the scale of earthworks is consistent with the scale of development being undertaken.*
- 3(b) *The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.*
- 3(c) *The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features.*
- 3(d) *The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features.*
- 3(e) *The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land or the potential for flooding, erosion or instability of land.*
- 3(f) *The extent to which earthworks adversely affect or contribute to degradation of natural watercourses in a way that destroys or reduces their ability to support instream vegetation and fauna, their ability to be used as a healthy food source, their clarity, quality and flow and their suitability for swimmers.*
- 3(h) *The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.*
- 3(i) *The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.*
- 3(n) *The extent to which a driveway requiring earthworks is designed to minimise earthworks, particularly by limiting the distance of the driveway on the site.*

The site is not known to be subject to flooding in the past and it is not considered that the level of earthworks proposed will exasperate or create any flooding issues. Conditions of consent will require appropriate drainage of the retaining walls.

The site is not near any water bodies or waterways and it is not considered that the development will cause degradation of any natural watercourses. The conditions of the consent will ensure that the earthworks undertaken on site are carried out with the appropriate erosion and sediment controls in place to protect the life supporting capacity, quality and Mauri of receiving waters and natural waterways.

The earthworks are confined to the site and the visual effects of the earthworks will be mitigated through landscape treatment planting as submitted by the applicant.

Within this highly modified environment it is anticipated that effects from the earthworks would be short term and confined to the site.

The development has been designed with one single driveway up the middle of the development servicing all 6 units. This is in contrast to the current situation where the two existing dwellings on the sites are accessed via separate driveways.

The proposed development is therefore considered to meet the relevant earthworks assessment criteria 3a-q as outlined above.

MEDIUM DENSITY HOUSING CRITERIA - DESIGN ELEMENTS

As a medium density housing development the proposed development requires assessment against the relevant medium density housing criteria design elements, which are included in the Agenda report.

DESIGN ELEMENT A - DESIGN AND LOCATION OF STRUCTURE

The proposed development has been designed to include an active street frontage and provide surveillance from doors and windows of the road. The design would introduce six single level units that would be compatible with the surrounding neighbourhood housing mix while providing visual variety on the site. The fences within the development are proposed to be timber fencing to provide texture. Landscape planting will also provide variety and break up fencing. Garaging is located off the driveway which prevents garages facing the roadway. Provision has been made for letterboxes and rubbish bin placement at the roadside. As previously stated all mature trees on the site with the exception of a Kowhai and large kanuka have been removed to meet the applicant's development requirements however landscape treatment mitigation has been proposed and Council's Arborist has recommended a plant size to ensure the landscaping is effective when viewed from the street and adjoining sites. Council's Landscape Architect assessed the application and generally supports design and layout subject to conditions relating to fencing and planting. It is considered in general that the proposal meets the assessment criteria for design and location of structure.

DESIGN ELEMENT B - SITE LAYOUT- including matters of overall design, orientation, site access, location and function of outdoor spaces.

The proposal is to be established within the existing street network which provides existing linkages and connections. The development itself provides a separate footpath adjacent the driveway. The units have been designed to have frontages to the driveway with the roadside unit (units 1 and 6) also orientated to have an active road frontage. Only a single driveway has been provided to serve the development, running down the centre of the site servicing the units on both sides and thereby minimising the amount of impermeable surfaces. Screened outdoor spaces are provided where possible to minimise overlooking and increase privacy. The outdoor spaces are north orientated providing maximum potential for passive solar exposure within the development and increased sunshine exposure in winter. The eaves and overhangs have also been minimised within the development to maximise passive solar exposure to the outdoor spaces. It is considered in general that the proposal meets the assessment criteria for site layout.

DESIGN ELEMENT C - BUILDING LOCATION - including matters of the relationship between buildings, site boundaries, building height, and amenity.

The proposal has been designed to comply with the 3m front yard setback for dwelling developments as permitted by the District Plan. The development in fact would generally comply with all bulk and location requirements for a dwelling. The style of the development proposes housing types consistent with that on adjoining sites, maintaining visual amenity and neighbourhood character as well as providing efficient use of the site. Impermeable surfaces comply with the 60% impermeable surface for reticulated sites and the development as previously state has a good orientation to the north. The outdoor living has been designed to have access from the living rooms of the units providing a good indoor outdoor flow and maximise passive solar efficiency. It is considered in general that the proposal meets the assessment criteria for building location.

DESIGN ELEMENT D - VISUAL AND ACOUSTIC PRIVACY - including matters of layout, privacy from unwanted noise.

The outdoor space for the individual units is proposed to be screened by 1.6m high screen fencing within the development and a 1.8m high fence around the perimeter boundaries of the site. Garages have been located in between the dwellings, in order to allow privacy and separation between internal living spaces, and in order to provide a good acoustic buffer.

It is considered in general that the proposal meets the assessment criteria for visual and acoustic amenity.

DESIGN ELEMENT E - CAR PARKING AND VEHICLE ACCESS - including matters of design and layout of driveways for residents, and visitor car parking.

The proposal exceeds the minimum requirement under parking providing two parking spaces per unit, which is in line with a permitted dwelling development. The parking is provided for each unit by an attached garage and an external stacked parking space in front of the garage. The driveway and parking provisions has been reviewed by the Council's Transport Engineer, John Carroll, who has supported the application and provided conditions to ensure that the parking and driveway is built to the Council's Code of Practice standards. No specific visitor parking has been provided within the development however it is considered that as the design elements only require a single parking space per unit the stacked parking space in front of the garage is sufficient to provide for visitor parking. Parking is also available on the road outside the development. It is considered in general that the proposal meets the assessment criteria for car parking and vehicle access.

DESIGN ELEMENT F - OPEN SPACE - including matters of relationship of outdoor space to houses, appropriate levels of privacy, outlook, orientation, and access to sunlight.

The outdoor space includes a patio area for all year round use of the space and provides for a good outdoor indoor flow from the living rooms of the units. North facing the Outdoor space maximises passive solar energy and sunlight received further the separation of four units means that all units will get good access to sunlight throughout the day. The two bedroom units are each provided with 50m² or more private outdoor space. It is considered in general that the proposal meets the assessment criteria for open space.

DESIGN ELEMENT G - DWELLING ENTRY - matters of design and layout to achieve identity, visibility, shelter and access.

The entrance to the development will be clearly visible as the front of the site landscaped and fenced as required by a condition of consent with the opening of the footpath and driveway in the middle of the site. Each dwelling has a separate entrance way where the front doors are defined by set backs on the building face creating a porch, and are accessed via a separate pathway. Mr Joyce, Council's Urban Design Specialist has reviewed the application and it is considered in general that the proposal meets the assessment criteria for dwelling entry.

DESIGN ELEMENT H - SITE FACILITIES - appropriate matters of the design of shared facilities, rubbish collection, service connections, storage and the like.

Hardstand areas have been included for the placement of rubbish bags and recycling bins for collection and mailboxes are included in the design. Each proposed unit will have a storage cupboard within the garage and it is considered that as the units are of a reasonable size with internal storage incorporated within it is considered this would be sufficient amount of storage for the development. It is considered in general that the proposal can meet the assessment criteria for site facilities.

DESIGN ELEMENT I - LANDSCAPE TREATMENT - including matters of design to integrate the development into the neighbourhood and create a quality living environment.

As previously stated the applicant has proposed a landscape planting plan to mitigate adverse visual effects of the development. It has been reviewed by Mr Griffin, Council's Landscape Architect, who has commented on the removal of the Oak tree as previously stated. It is however considered that with the retention of the Kanuka Tree as recommended by Andrew Richards, and the implementation of the landscape plan that over time the adverse effect of the removal will diminish and that the development can be supported with the removal of the Oak and other mature vegetation. Mr Griffin has indicated that the development will have a "reasonable fit with the neighbourhood. A separate footpath has been provided next to the single driveway entrance, servicing the 6 units. The development has a north orientation of its outdoor spaces to enable good passive solar efficiency. The services are provided under the shared driveway and it is therefore considered that the landscape treatment will not affect the services. Fencing along the road frontage of approximately 1m high has been required as a condition of consent for safety and amenity reasons as the outdoor space for both units 1 and 6 are to be located adjoining the roadside.

Mr Griffin has supported the planting plan with the exception of the removal of the Oak tree and the removal of one of the Kanuka trees. Council's Arborist does not propose the retention of the Oak tree but will require as a condition of consent that one of the Kanuka trees to the rear of proposed unit 5 remains. Ongoing maintenance would be required as a condition of consent and the rental leases would require property upkeep and sites would be regularly checked by Housing New Zealand. It is considered in general that the proposal can meet the assessment criteria for landscape treatment.

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

The Auckland Regional Policy Statement sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the region under which the Waitakere District Plan has been prepared.

Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of areas [contributing to run-off into coastal waters] and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways.

It is considered that Section 8 (Water Quality) is of relevance. In particular Policy 8.4.7.3 which states:

"All land disturbance activities which may result in elevated levels of sediment discharge shall be carried out so that the adverse effects of such discharges are avoided, remedied, or mitigated."

To be consistent with the Auckland Regional Policy Statement it would be necessary to ensure that elevated levels of sediment do not enter the watercourse as a result of any works. It is noted that measures to control sediment entering the stormwater reticulation and receiving waters during construction are contained in the Erosion and Sediment Control Measures Appendix in the Waitakere City District Plan. With conditions in place requiring the implementation of the recommendations of this Sediment and Erosion Control Measures Appendix, it is considered that the proposal would mitigate adverse effects from development on the natural character and would avoid adverse effects from the sediment discharge to waterways.

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. In this case the application is clearly an intensification of land use for residential purposes close to a transport hub that would be consistent with objectives of promoting use of public transport by encouraging residential development within the Metropolitan Urban Limits. close to public transport.

Therefore the proposal is considered to be consistent with the policies of the Auckland Regional Policy Statement.

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

8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Property Values

Through the submission process the potential issue of detriment to property values as a result of the proposal were raised. The Resource Management Act and the associated resource consent process deals with the environmental effects of the development and therefore does not consider property values as such. However, it is considered that property values are often reflected to a certain degree by the visual amenity of a development and or subject site and the surrounding environment. The visual amenity of the proposed development has been addressed throughout this report and it is considered that the development would have a reasonable fit with the existing neighbourhood character and visual amenity. It is also considered then proposal would increase the visual amenity of the site over that which is existing. The conclusion could therefore be drawn that property values would not necessarily be adversely affected by the development. Further case law on the effects that such a development would have on property values, has been clear that economic value of property cannot be considered as an environmental adverse effect.

Social Effects

Many of the submissions referred to detrimental social effects that are likely to arise as a result of the proposal. Issues raised included an increase in graffiti, rubbish dumping, unkempt gardens, abandoned cars, property maintenance, and many submitters considered that the development would become a slum. Such social issues are dealt with by Council under other legislative requirements.

8.5.2 Development Contribution

The Local Government Act 2002 includes a provision for councils to use development contributions as a funding tool if they wish. This proposal is considered to be a development in terms of the Local Government Act 2002 and will therefore be subject to a development levy. These levies are identified by the Waitakere City Council's Long Term Council Community Plan 2003 as capital expenditure and a calculation of the charge, based on the increase in units and impermeable surfaces, has been calculated as part of this application.

A Development Contribution of \$29, 766.52 (not incl GST) has been calculated, based on 4 units (credit is given for existing units) and 1174m² impermeable surfaces. As agreed with Council, this sum shall be payable upon uplift of the building consent.

8.5.3 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.

8.5.5 Any Other Relevant Non-Statutory Documents

Regional Growth Strategy

The Regional Growth Strategy takes an integrated management approach, encompassing a wide legislative context and involving all Auckland local authorities in partnership with central government, infrastructure operators, the private sector, Tangata Whenua and the regional community. The purpose of the Strategy is *"to ensure that growth is accommodated in a way that enables people and communities to provide for their social, economic and cultural well-being, whilst protecting the region's environment."* The Strategy seeks to avoid development of the most highly valued and sensitive catchments and coastal environment, and highly valued rural areas, landscapes, bush, habitats and public open space. The major concept of the Regional Growth Strategy is to focus most growth within the existing metropolitan area with development outside current urban limits only where environmental, accessibility and community principles can be met.

The Strategy promotes most urban growth to be focused around town centres and major transport routes to create higher-density communities with a variety of housing, jobs, services, recreational and other activities and places much less emphasis on lower density infill housing. It is considered that the proposed development, with its medium density concept, being located close to the New Lynn Town Centre and Titirangi Road shopping facilities and public transport in the form of bus routes and both the Fruitvale Road and New Lynn train stations, meets this concept and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.

Other Documents

There are no relevant designations or heritage orders that apply to the site or the immediate surrounds.

8.6 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, 3 years after the date of commencement of the consent.

A standard five year period in which to give effect to this consent is not considered appropriate because it is anticipated that all earthworks will be completed and the site stabilised within one earth working season, and there would be an expectation within the community that if consent is granted, the development period would not be prolonged in order to avoid adverse effects from construction within this intensively settled residential environment. Therefore it is considered a 3 year time period is considered appropriate as the development can reasonably be expected to be completed within this time period.

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 consent to erect eight duplex style Medium Density Housing units over a cross lease site located at 9-11 Willerton Avenue, New Lynn. Each site is within the Living 2 Environment and the General Natural Area and lies just outside the Medium Density Housing Radius associated with the Fruitvale Road Train Station. Infringements generated by the proposal include density, vegetation alteration, and earthworks.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects, while in some aspects are more than minor, can be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of Medium Density Housing activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to promote increased intensity of residential development around transport hubs, public transport routes and town centres whilst protecting, maintaining and enhancing existing local area and neighbourhood character, amenity values and the health and wellbeing of residents.

It is considered that the issues raised by the submitters are adequately addressed in the proposal or can be mitigated 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 Housing New Zealand to construct a six unit medium density housing development at 9-11 Willerton Avenue being Lot 4 DP 9010 for the following reasons:

- (i) The proposal generally meets the design criteria for medium density housing as included in the district plan, providing appropriate design principles to maintain and enhance the urban design of the city.

- (ii) The visual amenity of the development is considered to be adequately mitigated through proposed landscape treatment. It is recognised that any immediate effect from removing the Oak will be minimised with the retention of the kanuka tree and over time as planting matures.
- (iii) The proposal has a comparable bulk and location to a permitted four dwelling development over the site.
- (ii) It is considered that the proposed development being located close to the New Lynn Town Centre and Titirangi Road shopping facilities and public transport in the form of bus routes on Titirangi Road and the Fruitvale train station, meets the intention of the medium density housing and will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.
- (v) The proposal is considered to be consistent with the relevant assessment criteria, objectives and policies of the Waitakere City Council District Plan.
- (vi) The proposal is not contrary to Part II of the resource Management Act 1991.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled:
 - “Proposed Multi Unit Development at 9-11 Willerton Avenue, New Lynn for Lundo Holdings Limited”
 - “Proposed Houses at 9-11 Willerton Avenue, New Lynn, Waitakere City for Lundo Holdings Sheets 01,02,03,04,04,05,06,07,08”
 - Proposed Houses at 9-11 Willerton Avenue, New Lynn, Waitakere City for Lundo Holdings Limited - Earthworks Sheet 08”
 - “Landscape Plan Proposed Dwellings at 9-11 Willerton Avenue, New Lynn, Waitakere City”

Prepared by Concept Design and Development Consultants and dated February 2005 and all referenced by Council as RMA 20050424 and the information, including further information, submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council’s Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).

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

Earthworks

3. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder in accordance with Auckland Regional Council TP90. The consent holder shall notify Council’s Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off.

4. The consent holder shall implement suitable measures, such as wheel wash facilities or the construction of a stabilised entrance way, to prevent the deposition of earth on the surrounding streets from trucks entering or leaving the site, to the satisfaction of the Manager Resource Consents. These measures shall remain in place until the completion of the development. Should any material be deposited on the street, it shall be removed immediately at the expense of the consent holder.
5. 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.
6. The development works associated with the development are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work' with the exception of the hours of work, which are to be limited as follows:

Monday to Friday:	7.30 am to 7.00 pm
Saturday:	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
7. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
8. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
9. All excess excavated material shall be removed from the site immediately following the completion of earthworks and disposed of to the satisfaction of the Manager Resource Consents.

Shared Driveway

10. Form and construct the shared driveway over parts of the Joint Owned Access Lot and provide stormwater control to the satisfaction of the Council. Specific Requirements:
 - (1) Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
 - (2) The minimum width of the carriageway on shared driveways is specified in Councils District Plan (2.7m for 3-5 lots, 3.5m for 6-10 lots) and the construction details are given in Councils "Code of Practice for City Infrastructure & Land Development." (175mm thick with reinforcing for 5-10 lots). The 0.8m wide pedestrian strip must be constructed as above (175mm thick with reinforcing for 5-10 lots). This will cater for the lessened width of the driveway.
11. Provide a passing bay at the road entrance and along the course of the shared driveway at an interval not exceeding 50 metres, in accordance with Councils District Plan. The length and width of the passing bay is to be determined by using the tracking curves of a 90 percentile car. Achieve a minimum 0.5m clearance between vehicles and fences. The minimum construction width is to be no less than 5m and 5.3m boundary to boundary. Show the location of the letterboxes and hard-standing area for rubbish bags. As shown on plan provided.

Urban Design

12. That the final contract and construction documents are consistent with the preliminary design documents presented and assessed for this Resource Consent application. If any significant amendments are proposed they shall be submitted to the Council's specialist advisors team for approval.
13. Assurance that a maintenance plan will be put in place to ensure the property is kept tidy and buildings are well maintained. (Housing New Zealand Corporation).

Transport

14. Pay to Council a street damage bond of \$2500 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 completed.
15. Demolish any redundant driveway vehicle crossings at Lot 4 DP 9010 and fully reinstate kerb and channel, footpath and grassed berms to the satisfaction of Council.
16. Forms the shared driveway over part of Lot 4 DP 9010 and constructs a carriageway, and storm water controls, in accordance to Council's Code of Practice for City Infrastructure and Land Development; all to the satisfaction of the Council.
Notes:
 1. The construction shall include the standard detail SD 3.13 Light Commercial Vehicle Crossing and for which a vehicle crossing detail form is to be completed and returned to Council.
 2. Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required. Contact phone 836-8000 extension 8725, at least 48 hours prior to the inspection being required.
 3. Ensure that the long section of the driveway and the vehicle crossing complies with standard detail SD 3.15 Maximum Vehicle Crossing Profile.
 4. The minimum width of the carriageway on shared driveways is specified in Council's District Plan and the construction details are given in the Code of Practice for City Infrastructure & Land Development. Provide a carriageway width for 6 lots, 3.5m with a 1.5m services strip, and a defined footpath
17. Ensure a hardstand area for solid waste bins complies with standard detail SD 3.07 Urban Private Way Details.

EcoWater

18. 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 the required extension to the Public wastewater and stormwater networks as generally shown on the proposed engineering plans by Dainty Alderton Consultants, ref J019 and the revised wastewater design by Thornley Consultants, ref 5722.

19. Design, provide and install a complete wastewater reticulation system to serve all residential Units 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 dwelling to a position clear of the building platform for Unit 5.
 - 1. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
 - (ii) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the proposed development if not covered by a building consent.
 - 1. The written consent of the owners and occupiers of Lot 2 DP 119411 has been obtained; refer Housing New Zealand R.O.E.
 - a. Prior to seeking EcoWater signoff for the infrastructure obtain written evidence of their satisfaction with the restoration.
 - (iii) Under specific Engineering Approval extend a Public wastewater system to within the site to serve the proposed development as generally shown on the Engineering plans by Thornley & Associates, ref 5722 dated April 2005.
 - 1. The proposed wastewater manhole over the existing council line shall be constructed by Councils contractor as per EW 2, vi, 1 below.
 - 2. Provide a dry chamber at the end of the existing connection and serve Units 4 and 5 from this chamber.
 - 3. Separate systems are to be provided from each Unit to the point of connection to the public system/dry chamber.
 - (iv) Locate all drainage lines in the shared driveway of medium density developments where possible to provide ease of access for future maintenance requirements.
 - (v) 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.
 - 1. At the stage of Engineering Approval being granted if required a quote for these works will be forwarded to the applicants representative/consultant for review and acceptance. A quote will be obtained from Councils contractor for the proposed wastewater manhole required on the existing wastewater network.
This will be forwarded to Applicant or Consultant, for acceptance prior to works on this section of line commencing.
20. If the low flow water saving devices listed below are to be 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 a type that limit the flow rate to 9 litres/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 titles affected 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.

21. Design, provide and install a complete stormwater drainage system to serve all residential Units and paved areas in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- (i) Under specific Engineering Approval extend a Public stormwater system to within the site to serve the proposed development as generally shown on the plans by Dainty Alderton Consultants, ref J019.
 - a. Separate systems are to be provided from each Unit to the point of connection to the public drain/dry chamber.
 - b. Locate and either grout fill, or remove, the abandoned private drainage under Council's supervision.
 - (ii) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the proposed development if not covered by a building consent.
 - (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) 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.
22. Design, provide and install a complete water supply reticulation system to serve all units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Design, provide and install a water supply manifold as per Waitakere City Council CoP S.D. 6.06.5 and install individual private water supply lines to serve each unit in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6).
 - a. The service lines are required to be laid within the services berm along the ROW from the proposed meter location (with a 50mm minimum overlap) at the road reserve boundary to not less than 300mm into the body of each Lot, terminating with an acuflow valve. The individual private lines shall be coiled up out of the ground in the ROW at the road reserve boundary and each line shall identify which Lot it will serve. The individual private lines are required to be installed under the engineering approval Take note that water meters will be installed in the services berm in the ROW adjacent to the road reserve boundary under the future building consents for Lots affected. Specific requirements:
 - i. Provide an As-Built plan of the water supply manifold and service lines to EcoWater.
 - b. 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.
 - c. 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).

- (ii) Liaise with the Water Assets Engineer regarding the location of the existing water meter and arrange for its relocation or substitution and pay all fees applicable. Note: Council require that an existing water meter serving an existing house remain the meter serving that house.
 - (iii) All Lots/Units are to be individually metered at the road reserve boundary.
 - (iv) Ducting of private service lines is recommended.
23. 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.
24. Contact EcoWater's Quality Assurance Inspector to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting
25. Provide an As-Built drainage plan prepared by a registered surveyor and CCTV video inspection of the new public drainage, in accordance with Waitakere City Council COP. Include lid and invert levels in terms of Land Information New Zealand datum, and two boundary offsets to each dry chamber.
26. Pay any EcoWater engineering, works supervision, and administrative fees as incurred. These fees will be charged at Councils advertised schedule of fees.
27. 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.
28. At the stage of Engineering Approval 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.

Protected Vegetation

29. The Kowhai Tree (*Sophora microphylla*) located on the southern half of the site and mid way between the existing duplex dwelling and the rear boundary, and the Kanuka (*Kunzea Ericoides*) alongside and south west of the Kowhai shall both be retained, protected and worked around.
30. A temporary protective fence shall be erected around the Kowhai tree (*Sophora Microphylla*) and Kanuka (*Kunzea ericoides*) located on the southern half of the site and mid way between the existing duplex dwelling and the rear. The fence shall be placed at the edge of the drip line of the protected vegetation, or as far from the trunk face of these trees as is practical. The final position of the protective fences shall be approved by Council's Monitoring Officer (ph 839 0400) prior to the commencement of any site works. **The protective fences shall not be orange plastic mesh but a solid barrier which cannot be picked up and moved. The protective fence shall be at least 1.8m high.**
31. No works, storage of materials, cement/ concrete washings and leaching of chemicals, trenching or alteration of soil grade shall occur within those areas demarcated by a temporary protective fence. The temporary protective fences shall remain in place throughout the duration of the construction works. The position of the protective fence shall not be altered without the prior consent of Council's Monitoring Officer (Ph 839 0400).

32. If any excavation work is required beneath the drip line of the Kowhai tree located on the southern half of the site and mid way between the existing duplex dwelling and the rear boundary and kanuka tree alongside the southwest of the kowhai the works shall be undertaken in the best interest of the physiological and structural welfare of the protected vegetation and be carried out under the supervision of an independent and experienced Arborist. **All tree roots measuring 35mm or greater in diameter are to be retained.** Carefully worked around and protected. In any instance where this is not feasible, approval for the removal of such roots shall be obtained from an independent and experienced Arborist prior to works commencing or continuing. The removal of such roots shall be carried out by the independent and experienced Arborist who shall only approve the removal of selected tree roots where he/she is satisfied that the health and safety of the vegetation will not be compromised. All retained roots shall be protected from drying out by a covering of Hessian or similar material that is to be kept damp until the excavated area can be backfilled.
33. Within the planting season (typically April - September) immediately following the completion of the proposed two front units (proposed units 1 and 4) the applicant shall plant within the front yards (and between the road reserve and the proposed new dwellings) of these two appropriately selected replacement trees of PB Grade* 60 or equivalent. The replacement trees shall be of a species that would attain a height of over 6 metres. Species listed in the Removable vegetation or Environmentally Damaging Plants Appendix of the Waitakere City District Plan

Landscape Treatment

34. Prior to the commencement of any site works protective fences shall be erected around the kowhai tree and kanuka tree on the site of proposed Unit 5 which are to be kept. The position and type of the protective fences shall be established at a pre-commencement meeting and approved by Council's Environmental Monitoring Officer, Resource Consents (839 0400) prior to the commencement of any site works. The protective fences shall be a solid barrier which cannot be picked up and moved / plastic construction mesh / or other approved fence. The protective fence shall be at least 1.8 metres high and shall be retained on site until the completion of all construction works on the site. Prior to the commencement of works contact the Environmental Monitoring Officer for a pre-start meeting to verify the position and method of vegetation protection.
35. No works, storage of materials, machinery, vehicles, cement/concrete washings and leaching of chemicals, trenching or alteration of soil grade shall occur within those areas demarcated by a temporary protective fence. The temporary protective fences shall remain in place throughout the duration of the construction works. The position of the protective fence shall not be altered without the prior consent of Council's Customer Field Advisor - Resource Management (phone 839 0400).
36. If underground services are to be laid within the drip line of vegetation the excavations shall be dug by hand to minimise damage to the root system. All roots over 50mm in diameter shall be retained and other roots shall be cut cleanly back to the edge of the excavations using a sharp instrument and shall be undertaken by an appropriately qualified and experienced arborist in accordance with modern arboricultural practice. A letter or copy of a receipt from the arborist shall be forwarded to Council immediately following completion of the works, to illustrate compliance with this condition. Where possible, lay underground services outside of the drip line of the two protected trees to be kept (the kowhai and kanuka on the site of proposed unit 5)

37. At the completion of development works and prior to occupation of the dwelling, unit 5, an arborist shall be engaged to carry out remedial pruning for the health and appearance of the two protected trees on this site, the kowhai and kanuka. Any weed growth (including ivy on the kanuka) shall be removed at this time and a 600 mm diameter garden area shall be formed around the base of each tree.
38. Any ground disturbed during the construction period shall be made good, with the ground graded to an even grade as necessary and to meld with the levels of adjacent hard surfaced areas, and with grass laid down as necessary on those areas shown as grassed areas on the landscape plan.
39. Earthworks for the driveway area and manoeuvre spaces shall be carried out prior to construction of the dwellings and with base course laid down for access for construction vehicles. Construction of the driveways and manoeuvre areas may proceed fully at this time, or may be delayed until construction of the dwellings is completed.
40. The driveway, manoeuvre spaces and paved areas shall be formed immediately following construction of the dwellings. If construction of the dwellings is staged, hard surfacing shall be carried out for the driveways and manoeuvre areas prior to use of any of the dwellings and for the on-site paved areas, prior to use / occupation of the associated dwelling.
41. Fences and gates shall be set in place prior to occupation of the associated unit and as per the information shown on the Landscape Plan and Site Plan. Where ground levels are irregular, these shall be graded to an even grade, prior to construction of the associated fence, with ground levels formed to their final state prior to the fencing being constructed. Note: As an alternative to the 1.8m fence height shown for the boundary fences, these can be constructed to 1.6m height, thereby reducing the dominance of fencing while still meeting the Plan's definition for screening. (1.6m height would give better amenity).
42. Provide a low wall or timber fence to 1m height (wall recommended) at the road frontage boundary for units 1 and 4. (This is to give stronger definition and privacy to the frontage living courts for each of these units while maintaining surveillance and good street appearance.)
43. Provide a more detailed paving treatment eg. exposed aggregate paving, at the main entrances to give each entrance greater emphasis.(desirably with suitably coloured main doors to give further accentuation of the main entrances) to the satisfaction of the Manager of Resource Consents.
44. For units 3 and 6 provide timber wheel stops or a low concrete nib wall to 100mm height x 100mm wide at the back edge of the parking area to stop vehicles from driving further on into the garden or lawn areas. Provide 100mm high x 100mm wide concrete nib wall to define the limits to the visitor parking areas between units 1 and 2 and units 4 and 5.
45. Gardens and planting shall be as per the Landscape Plan by Simon Ferrick Limited submitted with the application, but with the kanuka on the site of unit 5 kept along with the kowhai, and with Magnolia soulangeana or M x Lobneri 'Merril' substituted for the M stellata shown, and with Hebe topiara (dwarf form) included with the Carex testacea).
46. Gardens shall be friable garden mix (topsoil/compost 50:50) to 250mm depth, free of debris or weeds and shall have a wood chip mulch to 60mm depth. (Weed mat is optional.)

47. As noted on the landscape plan, all garden edges that meet a lawn shall have a 75mm concrete mowing strip, at the edge of the lawn. As per the fencing requirements, mowing strips shall be set in place once final ground levels have been established.
48. Planting shall be set in place into the prepared gardens and or lawn areas prior to occupation of the associated unit and as per the Landscape Plan by Simon Ferrick Limited. Grades of plants shall be as shown on the landscape plan. Where possible, planting shall occur in the planting season (May till 7 September), and where occupation of the unit occurs outside the planting season, planting shall occur immediately prior to occupation, with the resident instructed to carry out watering as needed to facilitate establishment of the planting. No unit shall be occupied before the planting has occurred.
49. The gardens shall be kept weed free and maintained throughout the establishment period, (the first two years), including watering as needed, and on an ongoing basis following this time.
50. Any plants that fail to establish shall be replaced in the following planting season as necessary and to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.
51. Any tree planted within a lawn area shall be planted within a 600mm diameter weed and debris free garden with a wood chip mulch (particle size to 40mm maximum), to 60mm depth.

Monitoring

52. A consent compliance monitoring fee of \$1072 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.
53. The fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A development contribution of **\$29, 766.52 (not incl GST)** has been calculated based on 4 units (credit is given for existing units) and 1174m² impermeable surfaces. As agreed with Council, this sum shall be payable upon uplift of the building consent.

Report prepared by: Caisey Marter, Resource Planner.

