



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, 14 September 2006**        **TIME:**        **9.30 am**

**VENUE:**        **Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere**

to consider the business as set out herein and to take any necessary action connected therewith.

5 September 2006

Steve McDaid  
**COMMITTEE SECRETARY  
(INTERN)**

Telephone (09) 836 8000 extn 8170

### **MEMBERSHIP:**

Councillors    DQ    Battersby, JP (Chairman)  
                  WW    Flaunty, QSM, JP (Deputy Chairman)  
                  PA    Hulse  
                  JP    Lawley  
                  VS    Neeson, JP  
                  CA    Stone  
Alternate Council Representative  
                  LA    Cooper

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

(Quorum 4 members)

★ ★ ★ ★ ★ ★ ★ ★ ★ ★

(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 AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 14 SEPTEMBER 2006,  
COMMENCING AT 9.30 AM.**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	CONFIRMATION OF MINUTES	1
4	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WEST AUCKLAND RESIDENTIAL DEVELOPMENT LTD TO ERECT 132 RESIDENTIAL UNITS ON A SITE ZONED FOR WORKING PURPOSES AT 164-176 MCLEOD ROAD, TE ATATU	2

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT  
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,  
WAITAKERE, ON THURSDAY, 14 SEPTEMBER 2006,  
COMMENCING AT 9.30 AM.**

---

**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information and Meetings Act 1987 provides that where an item of business is not on the agenda, it may only be dealt with at the meeting if:

- (i) the Committee by resolution so decides; and
- (ii) the Chairman 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, 24 August 2006

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Thursday, 24 August 2006, 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 WEST AUCKLAND RESIDENTIAL DEVELOPMENT LTD TO ERECT 132 RESIDENTIAL UNITS ON A SITE ZONED FOR WORKING PURPOSES AT 164-176 MCLEOD ROAD, TE ATATU**

**HENDERSON WARD**

**RMA 20060221**

**N.B. This report sets out the advice of Consent Services to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.**

**APPLICATION DETAILS**

Planner:	Sonya McCall
Site Address:	164-178 McLeod Road, Te Atatu
Applicant:	West Auckland Residential Development Limited
Date Received:	2 February 2006
Legal Description:	Lot 2 DP 353413 and 3 DP 331800
Address for Service:	John Childs, PO Box 52077, Kingsland
Site Area:	Lot 2 contains 1.2478 hectares, Lot 3 contains 2.3704 hectares Note: Development is only over part of each site and the total area within stage III is 3.0049 hectares
District Plan:	
Human Environment:	Working
Natural Area(s):	General
Landscape Elements:	N/A
Hazards:	No
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	27 March 2006, 6 April 2006
Date Received:	13 April 2006, received late May 2006
Site Visit:	21 February 2005
Any Affected Persons:	Yes
Approval Given:	No

**1.0 INTRODUCTION AND RECOMMENDATION**

**1.1 Nature of the Application**

The applicant seeks consent to erect 132 units at 164-176 McLeod Road, Te Atatu as stage III of the St Clair Park development.

The land is zoned for working purposes.

## 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 application raises a number of resource management issues:

- The use of a scarce resource for purposes other than that intended under the District Plan;
- The overall amenity values and protection/enhancement of the landscape character of the Coastal Edge;
- Traffic Impacts;
- Reverse Sensitivity;
- Residential Amenity.

## 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 a development consisting of 132 units on land zoned as Working Environment. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant Objectives and Policies of the District Plan will be satisfied.

## 2.0 LOCATION PLAN



### 3.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

St Clair Park is located on the property identified by Council as being 164 -176 McLeod Road, Te Atatu South. The St Clair Park development sits on Lots 1 and 2 DP 353413 and Lots 1 and 3 DP 331800. Approximately half the site has been developed for residential purposes (see background discussion in Section 4.0 below).

Lot 1 DP 331800 is wholly covered by residential units being stage I of the St Clair Park development. Lot 1 DP 353413 is wholly covered in residential units being stage II of the development. In total 67 units have been constructed.

Lot 2 DP 353413 is vacant.

Lot 3 DP 331800 contains the main access road into the development, the building to house the communal/recreational facilities approved in RMA 20000280 and the existing storm water pond. This area also contains two large stock piles of earth.

Stages I and II have been fully landscaped.

An open fence has been erected along the front of the site. Some planting has also been established along the front boundary. A close board fence has been erected along the southern boundary of the site.

The site has generally a gentle landform, sloping towards the harbour to the north-east, and with an incised water course associated with a non-riparian stream, along the north margin, and is clear of any protected native vegetation. An esplanade Reserve along the north and north eastern boundaries separates the site from the inner harbour.

The site is traversed by the Henderson A 110 kV high voltage transmission lines on towers. The section of line traversing the site has a span distance of approximately 330 metres.

The entire western boundary of the proposed stage III development abuts residential properties located on Glynnbrooke Road. These properties are all located within the Living Environment.

The entire eastern boundary of the proposed stage III development abuts land zoned for Working Purposes. No units used for working purposes are located directly adjacent to the proposed residential units.

The Croatian Society buildings are located directly across McLeod Road from the main entrance to the site.

### 4.0 Background

On 10 May 2000 a resource consent (RMA20000280) was granted to establish a residential retirement complex and private hospital facility including associated earthworks in the Working Environment.

Overall the activity was non complying under the then Transitional District Plan as the plan did not provide for the establishment of a residential activity in the Industrial 2 Zone. Under the Proposed District Plan the activity was discretionary as the proposal did not comply with the rules relating to:

- 1 Sites within the Working Environment where the site is more than 2000m<sup>2</sup> and where more than 10% of the site is being landscaped (note the previous application was undertaken on the parent title prior to Lots 1 and 2 DP 331800 being created).
- 2 The establishment of a residential activity on a Working Environment site where the residential activity is not subsidiary to any non residential activity being carried out on that site.
- 3 Earthworks.

The proposed activity involved the construction of:

- 183 single and double storey units;
- Communal facilities including a reception lounge, indoor recreation centre, shops, doctors room, hairdresser , gym and sauna;
- Five three level apartment buildings;
- Serviced apartments complex;
- Associated car parking; and
- Earthworks.

Building consents and unit titles have been issued for 67 of the units. These units have been constructed and are now occupied.

In 2005 Council identified that the units were not occupied by retirees nor was the site being operated as a retirement village. In response to this, the consent holder lodged a resource to reflect the change in use of the site. A non notified resource consent has been granted to use the units for general residential purposes on 2 March 2006 (RMA 20050176).

The resource consent RMA 20000280 has now lapsed without giving further effect to it. RMA 20042098 was lodged on 10 September 2004 for a Discretionary Activity for stage III of the development being medium density housing consisting of 74 units and stage IV of the development being 136 apartments. This application was suspended in November 2004 for further information. The applicant has advised that this consent is now superseded by the current application and as such the current application replaces all aspects of the previous consents relating to stage III. The applicant has advised that stage IV will be revised and a new application will be lodged at a later date.

#### **4.1 Consent Notices and Special Features**

*A127-A128*

As part of the previous subdivisions of the site various Consent Notices have been placed on the Certificate of Titles underlying the development. The Consent Notices have been recorded within the Council GEMS system as Special Features (these are attached at pages A127 to A128). Please note that the special feature on Lot 3 DP 331800 relating to not placing any solid structure or undertaking earthworks in the easements lettered B, D and G is not a consent notice registered on the Certificate of Title for this lot.

The matters subject to the Consent Notices and Special Features are summarised as follows:

- Installation of low flow devices in all units (registered as a Consent Notice on both underlying Certificate of Titles);
- Specific design of foundations for each unit in accordance with the Soil and Rock Report dated 8 March 2000, reference 99588 (registered as a Consent Notice on both underlying Certificate of Titles);
- Lot 2 DP 353413 previously contained motor garages and was also used for painting purposes. The site may potentially contain contaminated soils (Special Feature on Lot 2 DP 353413 only);
- No buildings shall be erected on Lot 2 DP 353413 unless it can be demonstrated that the design of the buildings allows for gravitational flow of the sanitary sewage to the existing main sewer or a domestic pumping station of a design and specification is approved and installed to the satisfaction of Council (Consent Notice on the Certificate of Title for Lot 2 DP 353413 only);
- In relation to Lot 3 DP 331800 the owner shall not place, erect, construct or permit to remain on any part of the easement land lettered B, D and G any solid structure, fill or other impediment which may inhibit the natural flow path of water nor carry out any reshaping, excavation, filling or cutting of the easement land in such a way that will result in a change in the direction or position of the natural flow path of surface water (Special Feature on Lot 3 DP 331800 only);
- The owner of Lot 3 DP 331800 shall not place, erect, construct or permit to remain on any part of the remainder of the land any residential buildings unless the floor levels of such residential buildings are not less than 500mm in height above the one in one hundred year flood level of the overland flow path measured at a point squared off the boundary of the easement land at the highest/uphill side of such proposed floor. The floor level specified may have subsequently been altered by later catchment studies. Any building consent applications are to be referred to the Drainage Assets Engineer to check that the application is in accordance with the current information (This has been incorrectly recorded within the Council System as a Special feature against Lot 3 DP331800. A Consent Notice is registered against the Certificate of Title for Lot 2 DP 353413 in relation to this matter).

If resource consent is granted to the current proposal, the proposal will be able to achieve compliance at the building consent stage for the Consent Notices relating to the installation of low flow devices, specify foundation requirements and minimum floor levels. It has also been established in the previous resource consents that the site is not contaminated and it is noted that the entire area has been earth worked as part of the site works for RMA 20000280. A check of all the previous consents has been carried out in order to ascertain the location of the areas lettered B, D and G on Lot 3 DP331800. These areas are not contained within Lot 3 DP 331800. It appears that this Special Feature has been incorrectly recorded in the Council System and measures will be undertaken to remove this record.

## **5.0 PROPOSAL**

The applicant has lodged a notified application seeking consent to establish 132 units as stage III of the Saint Clair Park development.

There are eight unit designs proposed.

Unit H will be 3 stories in height and contain 3 bedrooms. The floor area of the units will be 127.59m<sup>2</sup> and the overall height of the units is 9.42 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 14.29m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider located at ground level. Ten units will be built in this design. Units H and I have been grouped together in 'pods' of five or six units across the development (Groups 5, 6, 12, 18, 28, 29).

Unit I will be three stories in height and contain three bedrooms. The floor area of the units will be 112.7m<sup>2</sup> and the overall height of the units is 9.42 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 14.39m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider or door located at ground level. 32 units will be built in this design. Groups 19 and 21 are solely units I. The three most northern units in Group 20 are also in this design.

Unit J will be three stories in height and contain three bedrooms. The floor area of the units will be 127.59m<sup>2</sup> and the overall height of the units is 14.29 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 10m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider or door located at ground level. Eleven units will be built in this design. Groups 4, 10, 11, 16 and 17 are a mixture of unit designs K and J.

Unit K will be three stories in height and contain three bedrooms. The floor area of the units will be 112.7 m<sup>2</sup> and the overall height of the units is 14.29 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 14.29m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider or door located at ground. 40 units will be built in this design and such is the predominate design within the proposal. Units in this design form Groups 21, 22, 23, 26 and 27 on the eastern side of the development to the south of the existing storm water pond.

Unit L will be two stories in height and contain two bedrooms. The floor area of the units will be 89.23m<sup>2</sup> and the overall height of the units is 7.097 metres. The units have not been designed with a deck. 17 units will be built in this design predominantly along the western side of the development on the boundary abutting the residential properties located in Glynnbrooke Road (Groups 1, 2, 3, 13,14 and 15). Unit L also forms Groups 7, 8 and 9 located directly opposite the car parking associated with the commercial/recreational centre. The main internal living areas are located at ground level within the Unit L design.

Unit M will be two stories in height and contain two bedrooms. The floor area of the units will be 89.23m<sup>2</sup> and the overall height of the units is 7.097 metres. The units have not been designed with a deck, however the main internal living areas are at ground level within these units and there are doors leading directly out to the outdoor living area. Two units will be built in this design on the north western side of the site (group 20).

Unit O will be three stories in height and contain two bedrooms. The floor area of the units will be 129.15m<sup>2</sup> and the overall height of the units is 9.71 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 8.75m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider or door located at ground level. Eight units will be built in this design. Four joined units in this design will be built to the right of the existing commercial/recreational centre (group 24) and another six units in this design are proposed to the north of the existing storm water pond (Group 20).

Unit P will be three stories in height and contain two bedrooms. The floor area of the units will be 129.15m<sup>2</sup> and the overall height of the units is 9.71 metres. The main living area associated with the units will be located on the first floor and will lead directly out onto an attached deck with an area of 13.07m<sup>2</sup>. All the units have a lawn area located to the rear. Access to the area will be from a ranch slider or door located at ground level. Twelve joined units will be built in this design on the southern most portion of the stage III development to the left of the existing road into the site (Group 30).

All the proposed units will be finished in brick veneer Marley Palisade weatherboards, steel tile roofing and Aluminium joinery.

All units would have two car parking spaces. The majority of the units have an attached two car garage. Some of the units will have a single garage with one stacked car parking space directly behind the garage. 43 visitor car parks are proposed.

The proposal would involve a single access from McLeod Road (serving the existing development also), with an internal private ring road and with internal link roads associated with the ring road.

It is proposed to keep earthworks to a minimum by only carrying out the works to create a building pads and road sub grades. It is proposed to strip the topsoil (volume of 2000m<sup>3</sup>) and carrying out cut to fill works with a total volume of 4000m<sup>3</sup>. The earthworks will be carried out over an area of 1.6 hectares with relatively shallow cut to fills (generally 0.2 metres to 0.70 metres).

The stockpiles of earth will be used to achieve a cut/fill balance on the site.

Various retaining is proposed across the site. Most of the retaining is insignificant (between 0.20 metres and 0.70metres in height). All retaining is to be keystone interlocking blocks.

It is proposed to retain almost the entire boundary between the subject site and the Esplanade Reserve. The retaining wall will vary in height (up to 2 metres). This retaining wall will have two sets of steps built into it to provide pedestrian access to the Esplanade Reserve. Planting is also proposed along this retaining.

It is also proposed to erect retaining walls on the western boundary of the site. These wall will range in height for 0.5 metres up to 1.0 metres.

Internal retaining generally lies between the groups of houses. A retaining wall with a height of between 0.7 and 1.5 metres sits between Group 11 and 12. A 1.5 metre retaining wall is located at the north end of groups 11 and 12 which drops down to Group 13. Both these retaining walls are to be planted with Fuchsia procumbens, Romaine officinalis and Trachlopermum jasminoides.

Retaining of up to 1.5 metres separates Groups 15 and 19 with Group 15 sitting below group 19. Group 19 also has a 1.2 metre retaining wall located at its eastern end. Group 18 sits below this retaining wall. A small retaining wall with a height of 0.5 metres sits at the eastern end of 16. Group 17 sits below this retaining wall. Another small retaining wall sits with a height of 0.5 metres sits between Groups 17 and 18. These retaining walls are to be planted with Fuchsia procumbens, Rosmarinus officinalis and Trachlopermum jasminoides (ground cover planting).

It is proposed to fully landscape the development. This will include landscaping the Esplanade Reserve and the area around the detention pond which would form an ornamental component of the development.

A tennis court is proposed on the eastern boundary of the site adjacent to Group 30.

The site is fully cleared of notable vegetation and as such it is not proposed to remove any protected vegetation. Weed control is required as there are patches of gorse and other environmentally damaging plants growing within the development area and the Esplanade Reserve.

It is proposed to utilise the existing storm water pond as part of the sediment and erosion control works during construction and then as a storm water detention pond.

It is proposed to service the site for water and waste water by installing an under ground system built to Council standards. If required, a private pump station (operated by the Body Corporate) will be installed for an area of the development that might not be able to be serviced by gravity feed sanitary sewer system.

## 6.0 REASONS FOR THE APPLICATION

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

**Rule 2** - Resource consent is required for a Discretionary Activity. Buildings within the Working Environment where the site abuts the Living Environment, Open Space or the College Special area shall not project beyond a recession plane of 45° on all site boundaries (except the southern most boundary of the site where the recession plane shall be 35°). Units 71 to 74 and unit 81 all infringe the 45° recession plane on the north eastern boundary of the site abutting the Esplanade Reserve which is zoned Open Space.

**Rule 3.2** - Resource consent is required for a Discretionary Activity. Buildings within the Working Environment are to be located no less than six metres from the Living Environment or the Open Space Environment and vehicle access doors are to be located at least 20 metres from the Living Environment. It is proposed to locate Unit 48 390mm for the common boundary with 32 Glynnbrooke Road which is zoned Living Environment. It is proposed to locate Unit 49 313mm from the Adjacent Open Space Environment and Unit 33 1.7 metres from 22 Glynnbrooke Street which is located in the Living Environment. It is also proposed to locate Unit 81 640mm from the common boundary with the Esplanade Reserve on the North East side of the site. It is also noted that units 72, 73 and 74 will also infringe this rule. Units 72 and 73 will be located 3 metres from the common boundary with the Esplanade Reserve on the North East side of the site. Unit 74 will be located 4 metres from this boundary.

The garage doors for units 48 and 49 are located 5.3 metres and 13 metres respectively from the Living Environment. The garage door for unit 33 is located 2.0 metres from the Living Environment.

**Rule 4.3** - Resource consent is required for a Controlled Activity. For sites containing more than 2000m<sup>2</sup> landscape planting where the development incorporates planting of at least 10% of the net site area.

**Rule 7** - Resource consent is required for a Discretionary Activity for a residential activity not meeting the standards in of rules 7.1 or 7.2. The dwellings proposed are not subsidiary to a non residential use or located within the Lincoln Working Environment.

**Rule 3** - Resource consent is required for a Discretionary Activity for earthworks in the General Natural Area. It is proposed to strip 2000m<sup>3</sup> of topsoil. The volume of cut to fill is 4000m<sup>3</sup>. The earthworks will occur over an area of 1.4 hectares. The maximum height of the cut/fill is 1.5 metres in height.

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

Consent is also required from the Auckland Regional Council for earthworks and may also be required if it transpires that the existing storm water pond requires upgrading.

## 7.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A129-A167

The application was publicly notified on 15 June 2006. Notice of this application was served on all identified affected persons as identified at pages A129 to A139. The period for submissions closed on 17 August 2006. Seven submissions were received. One submission supported the application, six submissions opposed the application and one submission opposes the application in part. Attached at pages A140 to A165 are copies of the submissions that were received. A map showing the location of the submitters is attached at pages A166 to A167.

### 7.1 Submissions

The submissions received and the main issues covered are summarised as follows:

#### Establishing residential uses on land that could be used for Working Purposes

Auckland Regional Council opposes the application in its entirety and seeks that it be declined. The main concern is that the application is contrary to the Auckland Regional Policy Statement Proposed Plan Change 6 (Policy 2.6.5.13) where residential activities shall not reduce the capacity for business activity. The site contains 3.09 hectares of land and therefore represents a significant resource in terms of business activity capacity.

It is proposed to use working land for residential purposes, which will preclude any future use of the site for business use and also potential reverse sensitivity issues. The application is also contrary to the Auckland Region Business Land Strategy particularly the reuse of brown field business land. Auckland Regional Council states that it will create precedent effects, cumulative impacts and will undermine the direction of the District Plan which seeks to provide (for additional) business land.

#### Comment

It is considered that the points raised in the submission from the Auckland Regional Council, are valid considerations in determining the appropriateness of the use of the land for residential purposes. However, the subject site has not been developed in accordance with the sites underlying zoning being Working Environment. Approximately half the area has been developed in accordance with RMA 20000280 which was for a retirement village and associated uses. Stages I and II of Saint Clair Park have been established on the Lot 1 DP 331800, Lot 1 DP 353413 and the recreation centre and storm water pond are located on Lot 3 DP 331800. It is acknowledged that this consent lapsed on 10 May 2005.

Residential dwellings (located within the Living Environment) are located along the entire western boundary of the area to be developed as stage III. Residential dwellings are also located to the North of the site across from the inlet abutting the Esplanade Reserve.

Given the following:

- the current residential use of Lot 1 DP 331800 and Lot 1 DP 353413;
- that stages I and II have been designed in anticipation of stages III and IV being implemented;
- stage III is going to abut an established area of houses located in the Living Environment; and
- Council has excluded this site from a recent employment capacity study estimating future employment capacity in the City.

it is considered that the residential use as proposed is the most appropriate use in this instance.

In conjunction with this, the majority of other areas set aside for "Working" activities are located on or near major transport links (Strategic/Regional Arterial roads/motorways, and rail lines). As detailed in the Objectives and Policies below, it will be shown that this would not be a "prime" site for working uses.

Consideration has been given to whether or not the proposal, if granted, would create a precedent effect. As discussed below it is considered that the site and the proposed activity are reasonably unique as there is no other Working Environment sites within Waitakere City Council where half the site has been lawfully developed for residential purposes and where the resource consent relating to the residential development over the remainder of the site has lapsed.

### Traffic Generation

D&S Pilkington, 9 Bodi Place, Te Atatu South and Mark, Julie, Kelly and Dylan Broadbent, 11 Bodi Place, Te Atatu South both oppose the application in its entirety and seek that the application be declined. Both submitters were concerned with the increase in the volume of traffic going up and down McLeod Road, the subsequent adverse effect this would have on making turns out of Fowey Avenue and Bodi Place both of which are no exit Roads, and the adverse effect that increased traffic would have on pedestrians, particularly school children walking to and from school.

### Comment

These submissions have been reviewed by Sam Shumane, Traffic Engineer, Transport Assets. Mr Shumane has advised that access to and from side roads might have to wait for an extra 10-20 sec when they exit in peak hours. This is considered to be an acceptable amount of time to wait and should not cause any problems in terms of traffic safety.

It is proposed to provide footpaths in the development and these will connect to the footpath that is located in McLeod Road. All pedestrians should use the footpath. The lights at the intersection of Te Atatu Road and McLeod Road provide for the movement of pedestrian through the intersection in a controlled manner. The safety of pedestrians (including school children) should not be compromised as a result of this development.

### General Amenity of the Area

D&S Pilkington, 9 Bodi Place, Te Atatu South and Mark, Julie, Kelly and Dylan Broadbent, 11 Bodi Place, Te Atatu South also had concerns about the general amenity of the area. D&S Pilkington stated that three story structures will alter the character of the area which is currently one and two storey housing. The Broadbent's were concerned with the construction effects (noise, thumping and traffic movements) which would be created if the development was granted consent. They were also concerned about how much domestic waste from the multi unit development is left at the road side in front of the existing units on Lot 1 DP 331800 and Lot 1 and Lot 1 DP 353413.

The Broadbents would like the site to be left as it is and as it was before stages I and II were developed being farmland and wetlands.

### Comment

As assessed below, it is considered that a mixture of two and three storey dwellings are in keeping with the units that have been established in stage I and II of the development and the general Living Area abutting the site.

If granted, construction effects can be controlled through appropriate consent conditions.

The issue of general domestic waste being left at the road side should be drawn to the attention of the body corporate for the overall development. An official compliant can also be lodged with Council if domestic waste is placed on the side of the road.

### Transpower Assets

Burton Consultants on behalf of Transpower opposed the application in part. Transpower raised concerns about the potential effects on Transpower assets without appropriate conditions being imposed.

### Comment

If consent is granted to this application the conditions as specified in the submission will be placed on the resource consent.

### Iwi

Te Kawerau A Maki oppose the application as the applicant has not consulted with Te Kawerau A Maki.

### Comment

Upon receipt of this submission, Council advised the applicant that they should consult with Te Kawerau A Maki. The applicant has not advised Council as to whether or not they have meet with representatives of Te Kawerau A Maki nor has an update been provided.

If granted, consent conditions will be placed on the consent relating to the process that should occur if middens, hangi, storage pits or kōiwi are unearthed as part of the construction process. This will include halting work immediately and contacting the Manager of Resource Consents, a nominated representative of Te Kawerau A Maki and a nominated person at the Historic Places Trust. Works in the areas where the find is located shall not recommence until the Manager Resource Consents (in consultation with Te Kawerau A Maki and the Historic Places Trust) advise the consent holder that works can recommence.

Also see comments under Section 8.1.11 of this report relating to heritage.

### 32 Glynnbrooke Street

Gordon Smith, 32 Glynnbrooke Street, Te Atatu South opposes the application in its entirety.

Mr Smith owns the residential site directly adjacent to proposed Units 48 and 49 (Group 15). Mr Smith would like the units adjacent to their boundary to comply with height in relation to boundary and yard requirements for the Working Environment. Unit 48 is located at its closest point two feet (please note actual measurement is 390mm) from the common boundary with 32 Glynnbrooke which will remove morning sun and outlook. Mr Smith also stated that the sewerage system should be upgraded before any more units connect into it.

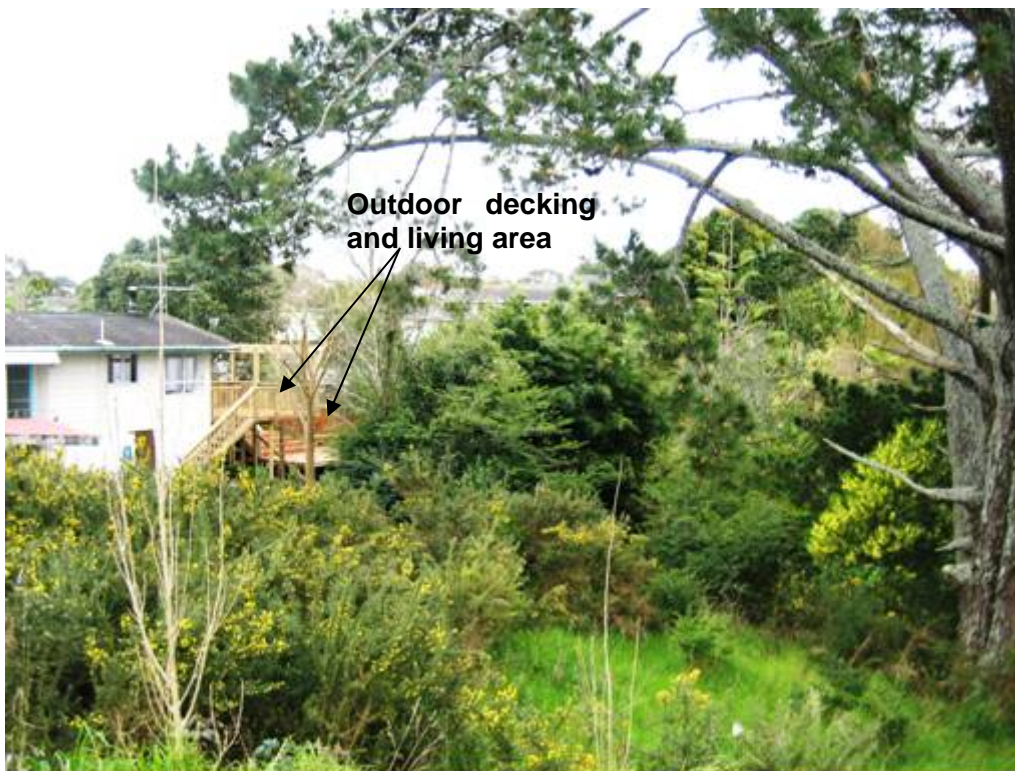
Mr Smith requested that the applicant consult with them directly in relation to the proposed development.

### Comment

An assessment of the drawings for Group 15 (Sheet Number GA 154) being Units 48 and 49 has been made. The drawings as submitted appear to be incorrect as the drawings show the units as being located on a level site whilst the earthworks and final contour plans prepared by Cato Bolam show the area that the units are to be located sloping away from the proposed access way to the reserve (approximately a 3 metres drop over a distance of 35 metres). These plans do not show any retaining along the common boundary with 31 Glynnbrooke Street. Several requests were made to the applicant to supply correct plans. A set of plans has been received. The plans received show a different arrangement to the plans submitted with the application. The new plans show the units further away from the boundary and the garage has been moved close to the private access way. However, this is not an acceptable change as it reduces the parking to one car for each of these units and will place the garage for Unit 49 hard up against the access way which will potentially create problems with internal circulation as vehicles will be backing out directly into a portion of an access way where there will be potential sightline problems. There is also no ability for stacked car parking.

In light of this information only a preliminary assessment has been made of the potential effects that Units 48 and 49 may have on 32 Glynnbrooke Street as follows:

- The portion of the proposed unit located 390mm from 31 Glynnbrooke is the corner of a single level attached garage. The garage is 2.5 metres in height and would comply with height in relation to boundary based on the drawings submitted with the application (The garage could potentially be up to one metre higher than this based on the contour drawings). The units then angle away at approximately 42° from 32 Glynnbrooke Street with the height point of the units (being the apex of the building at 7 metres) located approximately 10 metres from the common boundary;
- The outdoor living area associated with Unit 48 is located to the rear of the unit and abuts the common boundary with 32 Glynnbrooke Street for a distance of 15 metres;
- It is proposed to erect a 1.8 metre high fence between the subject site and all the abutting sites located in the Living Zone;
- There is no outdoor storage associated with Units 48 and 49;
- 32 Glynnbrooke Street is a triangular shaped site located behind 34 Glynnbrooke Street and is accessed by a long access leg (approximately length 30 metres). The site slopes to the north following the same contours as the subject site. The dwelling is located on the western most portion of the site and has been built down the site on piles to reflect the sloping nature of the site. At its closest point the dwelling is located 10 metres from the subject site. At the point where the infringement occurs the dwelling is located 15 metres from the subject site. A carport is located between the dwelling and the subject site. The living area which consists of two decks is located to the north of the dwelling (refer photograph one). This area does not abut the subject site;
- One set of bedroom windows will directly overlook the subject site. The kitchen and lounge windows look out toward the reserve.



**Photograph One - Dwelling located on 32 Glynnbrooke**

Given the above (even with the incorrect drawings) it is considered that Units 48 and 49 will not create any more than a minor effect on the owners and occupiers of 32 Glynnbrooke Street.

EcoWater have advised that the development will be provided with a water supply, wastewater under ground system built to Council standards. If required, a private pump station (operated by the Body Corporate) will be installed for an area of the development that might not be able to be serviced by gravity feed sanitary sewer system.

Submission in Support of the Application

Christopher Oberlin-Brown and Susan Wright, 17 Whangaparaoa Road, Red Beach (owners of unit 154 in Stage I) support the application in its entirety. They stated that the landscape design provides for the maintenance of individual privacy via landscape and fencing.

**8.0 STATUTORY REQUIREMENTS**

**Discretionary Activities**

A168-A175

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A168 to A175. 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.

## **9.0 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)). No written approvals were submitted with the application, and therefore the potential adverse effects on all neighbouring properties have been considered within this report.

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

#### **9.1.1 Water Quality and Quantity**

There would be very minor adverse effects in relation to water quality/ quantity arising from the proposed activity as all the storm water will be collected and treated in the existing on site storm water pond.

An earthworks management plan has been submitted with the application. If the application is granted consent, it is considered that this management plan be implemented prior to the commencement of works in order to mitigate any adverse effect on the Whau Creek or Councils Esplanade Reserve. The applicant has indicated that a resource consent from the Auckland Regional Council for earthworks is also required.

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

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area and it is not proposed to remove any generally protected vegetation as part of the activity. The only vegetation to be removed is noxiously weeds and environmentally damaging species as listed in the District Plan. If consent is granted to the application, a condition will be placed on the consent requiring the consent holder to provide a weed removal management plan to be approved by Council prior to its implementation.

### **9.1.3 Land / Soil**

It is proposed to carry out earthworks on the subject site. An earthworks management plan has been submitted with the application. Council's earthworks specialist has reviewed the plan and has advised that the plan is acceptable and all works should be carried out in accordance with the plan as well as meeting the standards set out in ARC Technical Publication 90.

It is considered that the implementation of applicant's management plan including erosion and sediment control measures would ensure that there would be no more than minor effects on soil/existing landform.

### **9.1.4 Air**

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

### **9.1.5 Ecosystem Stability**

As the site is within the urban area and the existing environment is already modified there would be no adverse effects on the stability of ecosystems as a result of the proposal.

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

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

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

There would be no adverse effects in relation to the natural character of the coast and margins of lakes rivers and wetlands arising from the proposed activity as the development is already established on the site and an Esplanade Reserve with a width of 20 metres has been vested in Council as part of a previous subdivision consent. It is proposed to remove the environmentally damaging plants and weeds from the Esplanade Reserve and replant it with native species. If consent is granted to the application the planting will mitigate existing weed infestation along this stretch of the Esplanade Reserve.

### **9.1.8 Outstanding Landscapes**

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

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

#### **Reverse Sensitivity**

The subject sites abut the Working Environment. There is the potential for the occupiers of the residential units to be adversely affected by non residential uses occurring on abutting sites or within the subject site. Effects could include (but are not limited to) noise (which will be to the Working Environment standard of 65dBA 24 hours per day), odour, glare, and heavy vehicle movements. It was considered that the owners and occupiers of the abutting Working Environment sites were affected parties in this instance (uses of the units include Bungalow Upholstery and Roxburgh Furniture and Hospital Equipment). No submissions were received from owners and occupiers of these sites.

It is also noted that there is no further development potential for the Working land abutting the subject site unless the existing units are removed. The land directly adjacent to the Stage III is primarily Esplanade Reserve with a small strip of land that has a width of 13 metres. No buildings would be able to be erected in this space as a Permitted Activity given that a 6 metre set back is required from both the Living Environment and the Open Space Environment.

If consent is granted to the application a consent condition will be required to address any adverse effects created by working uses located on abutting sites (or any future use that may be established on the remainder of the site). The condition will require that all the residential units be constructed to meet the provisions of Rule 8(d) of the Working Environment. Rule 8(d) requires that where any new or existing buildings are to be utilised for residential activity the building shall be constructed to ensure that the noise level within any habitable room shall not exceed 35dBA between the hours of 10.00pm and 7.00am the following day. It is also noted that Plan Change 18 City Wide Urban Design Rule has amended Rule 8(d) to the following:

- (d) where any existing or new building or part there of is to be utilised for a Residential Activity an acoustic design report from a suitably qualified and experienced acoustic engineer confirming that the building if constructed as designed will achieve a noise level inside an habitable room meeting the following performance standards at the time of application for either a building consent (Permitted Activity) or resource consent (Limited Discretionary and Discretionary Activity applications):
  - (i) 45dBA L10 between the hours of 0700-2200, and 35dBA L10 between the hours of 200-0700.  
The design is based on the assumption that:
  - (ii) Noise from the Working Environment at the boundary of the site is at the level shown in the table below:

	Octave Band Centre Frequency (Hz)						
	63	125	250	500	1k	2k	4k
Daytime incident L10 Sound Pressure Level (dB)	74	67	66	61	59	59	54
Night time incident L10 Sound Pressure Level (dB)	69	62	61	56	53	53	49

- (iii) Where measurements are required inside any habitable room all doors and windows in the receiving room shall be shut and any ventilation system switched on.
- (iv) At the same time and under the same physical conditions as the internal noise levels in the table (i) above will be achieved, all bedrooms will be adequately ventilated in accordance with the Building Code.
- (v) Compliance with this rule shall be demonstrated by the provision of an acoustic design report from a suitably qualified acoustic engineer confirming that the building to be constructed is designed to achieve the above noise levels inside any habitable room.
- (vi) These controls would only achieve the design criteria within the habitable rooms of the residential component of the building to be utilised for residential activities and the noise levels outside on balconies would not be controlled below the levels as set out in (ii) above.

The plan change is currently in the hearing process and no decisions have yet been made. However, the proposal will comply with the proposed standards.

The applicant has also provided at least 6 metres of separation between the proposed units and the abutting site to the east which is being used for Working purposes. The separation has been achieved by locating a two way access road along this boundary. A planting strip has been located between the road and the boundary and hedge type planting is proposed within the planting strip to provide screening. A tennis court is also proposed at the southern end of the development providing separation between the existing industrial units and proposed unit Group 30.

### **Amenity**

The proposal would involve erecting five units (potentially six depending on the final design of Unit 48) that encroach the height in relation to boundary recession plans as specified within the District Plan.

It is also proposed to erect seven units that encroach upon the 6 metre yard setback required for all new buildings located in the Working Environment where they abut a Living Environment or the Open Space Environment.

It is considered that the dwellings would not overshadow any of the other proposed units within the development as the infringement relates solely to the boundary facing the Esplanade Reserve. The infringements do not occur next to any outdoor living area nor cause any more than a minor loss of sunlight or daylight to any adjacent Esplanade Reserve. It is considered that the adverse overshadowing effect on any adjoining lot would be no more than minor. The location of the units will provide passive surveillance of the Esplanade Reserve.

In relation to the yard encroachment it is proposed to locate Unit 48 390mm from the common boundary with 32 Glynnbrooke Road which is zoned Living Environment, Unit 49 313mm from the Esplanade Reserve (zoned Open Space) and Unit 33 1.7 metres from 22 Glynnbrooke Street which is located in the Living Environment. It is also proposed to locate Unit 81 640mm from the common boundary with the Esplanade Reserve on the North East side of the site. Units 72 and 73 will be located 3 metres from the common boundary with the Esplanade Reserve on the North East side of the site. Unit 74 will be located 4 metres from this boundary.

As discussed in Section 7.1 above it is considered that the potential effects on 32 Glynnbrooke Street as a result of the yard infringement are minor.

22 Glynnbrooke Street contains a single dwelling with associated accessory buildings. It is proposed to erect a 1.8 metre high timber close board fence between the subject site and the abutting residential sites. In conjunction with this proposed unit 33 is located approximately 0.5 metres below 22 Glynnbrooke as the subject site slopes down from the common boundary with 22 Glynnbrooke Street. The portion of unit 33 located within the 6 metre set back is a single level attached garage. Given the design and position of unit 33 it is considered that the adverse effects will be no more than minor.

The garage doors for units 48 and 49 are located 5.3 metres and 13 metres respectively from the Living Environment. The garage door for unit 33 is located 2 metres from the Living Environment. The garages are attached with associated internal access to the units. Each garage has an automatic door. Vehicle access doors are required to be located at least 20 metres from the Living Environment. In this instance it is considered that these doors will not create an adverse effect on the owner/occupiers of any residential dwelling located on the abutting residential sites as the doors are associated with a residential use and in the case of units 48 and 49 the doors are located on the far side of the units.

Overall it is considered that the design and layout of the buildings in conjunction with the proposed landscaping will fit into and not detract from the existing residential environment.

### Traffic

A176-A184

A traffic impact assessment (TIA) from Traffic Planning Consultants Limited, prepared by Bryce Hall dated March 2006, referenced 06017 - Issue C has been submitted to Council in support of the application. Sam Shurmane, Transport Engineer has reviewed the report and generally agrees with the contents of the report (Mr Shurmane's report is attached at pages A176 to A184). Mr Shurmane advised that the proposal is likely to result in small increases in travelling time for traffic using the junction of McLeod Road and Te Atatu Road, and people turning out of Bodi Place and Fowey Avenue towards the McLeod Road/Te Atatu Road intersection in the AM peak.

Mr Shurmane also assessed how the level of increase in traffic volumes (22% on average) will impact on the McLeod Road/Te Atatu Road intersection and he advised the following:

The TIA includes the results of aaSIDRA modelling of the Te Atatu Road intersection (2006 volumes only). Council's traffic engineers confirm that these results have a reasonable level of confidence by carrying out further aaSIDRA modelling in-house (using 2006 volumes and incremental increases of up to 15%).

Three main conclusions drawn from these results (TIA's and in-house modelling):

- The average delay of the intersection will increase by 3.0-5.0 seconds;
- The intersection's degree of saturation on Te Atatu Road will increase from 77% to 81% in the AM peak and will reduce from 86% to 80% in the PM peak ; and
- The theoretical spare capacity of the intersection will reach zero with the proposal a few years before it would without the proposal.

The TIA in Section 5.0 states "*the analysis indicates that the intersection operates within its overall capacity although delays do increase as would be expected for an intersection on a major arterial road where an increase in traffic flows is to occur*".

The TIA also states "*overall, the analysis indicates that the estimated levels of traffic generated by the proposal can be accommodated without compromising the function, capacity or safety of the road network. On this basis, the effects of the proposal are considered to be no more than minor*".

Whilst Council's traffic engineers accept the notion implied in the first statement, they differ with the second in terms of the actual severity of effects on the road network.

As noted above the proposal's trip generation (without considering any potential cumulative effects) is likely to speed up the process of the intersection exceeding its theoretical capacity, by two to three years, may be more. The intersection will eventually require certain upgrade measures, such as adding right turn lanes on Te Atatu Road and additional lanes on McLeod Road. With the proposal Council will be forced to invest in upgrading this intersection much sooner than perhaps necessary without the proposal.

Council's traffic engineer refutes the statement made in the TIA that the effects of the proposal on the road network are no more than minor. The effects, resulting in Council's bringing forward part of its capital works programme sooner than originally thought or planned, are more than minor.

In order to mitigate some of the impact the development will have on the McLeod Road/Te Atatu Road signalised intersection Mr Shurmane has suggested the applicant carry out the following works if consent is granted to the application:

- The applicant shall carry out improvement works to the McLeod Road approach to Te Atatu Road (northern side) affecting the installation of a second approach lane; the improvement works shall be designed in accordance with Council/TMU standards and Austroads guidelines; all costs of physical and design works are to be borne by the applicant;
- The applicant shall commission the design of Council's proposed improvements to the McLeod Road/Te Atatu Road intersection, part of which shall be used to install the second approach lane on McLeod Road; the design of intersection upgrade shall be in accordance with Council/TMU standards and Austroads guidelines; all design costs are to be borne by the applicant;
- The applicant shall provide Council with the design files electronically for future use at Council's discretion.

These works will be required by conditions of consent.

Mr Shurmane is generally happy with the internal layout in relation to parking and manoeuvring, but recommends that minor changes be made to some of the units in relation to access length and the width of garage doors. If granted these recommendations will form part of the consent conditions. It is acknowledge that the road network within the development is private. However, Council strongly recommends the following:

- All parking is banned within the 6 metre width accessways;
- The unprotected streetlights in the centre of the main access way should be removed/relocated from the centre of the access way. The relocated lights (or new street lighting if the applicant chooses to replace the lighting) should be placed in a position where they do not compromise traffic safety. Thought should also be given to illuminating areas where there are footpaths;
- It is noted that the main access way to the site has suffered extreme failure. The consent holder should carry out a full and comprehensive geotechnical and pavement investigation of the ground under the existing main access way and all areas where common roads are proposed and where required install new pavement to an approved standard.

If the consent is granted, these recommendations will be placed as advice notes on the consent.

### **Landscaping**

*A185-A189*

It is proposed to provide each unit with a landscaped garden and to landscape the esplanade reserve. Gordon Griffin, Councils landscape architect, has reviewed the proposed landscape plan and advises that the conceptual Landscape Plan prepared by Bridget Gilbert dated April 2006 and submitted with the consent application is supported by Council (Specialist report attached at pages A185 to A189). Mr Griffin advised that the planting will create a reasonable level of amenity within the development, however, further detailing is needed to make clear what is intended, and to enable Council to approve and monitor its implementation. This applies in particular to proposed visually permeable fencing, to retaining and to showing the location of outside street lighting standards on the Landscape Plan. If granted conditions will be placed on the consent requiring that a detailed landscape plan addressing these issues be submitted to Council prior to the landscape works commencing on the site.

### 9.1.10 Heritage

The archaeological report submitted with RMA 20000280 prepared by Rod Clough and Don Prince was resubmitted in support of the current application. It is considered that this report is still relevant. The report notes that no archaeological sites have been recorded on the subject site. Five archaeological sites have been recorded within 1.5 kilometres of the site and these are four middens and the Laurie Brothers brickworks.

A physical assessment was also made of the subject site and no archaeological features were identified. It was also noted their archaeological assessment would not necessarily identify waahi tapu or any other features of traditional significance to Maori. It was recommended that consultation be undertaken with Maori in relation to the site.

Conditions of consent were recommended in relation to the process to be followed if any archaeological remains are uncovered as part of the proposed works. If consent is granted to the proposal these recommended conditions will be imposed.

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

### 10.1 District Plan Policies and Objectives

It is considered that the proposed development would be generally consistent with the Objectives and Policies of the District Plan.

*A140-A165*

The relevant Policies and Objectives are contained at pages A140 to A165. The most relevant of these are Policies 1.1, 1.20, 2.13, 5.4, 10.4, 10.7, 10.17, 10.18, 10.23, 10.27, 11.1, 11.2, 11.5 and 12.4, and Objectives 10 and 11 that seek to minimise, mitigate or remedy impacts on water, soil, landscape and amenity values whilst providing appropriate patterns of settlement and providing working opportunities within the urbanised parts of the City.

In particular the following objectives and policies should be noted:

#### Policy 1.1

Settlement should be of a type and density that avoids, remedies or mitigates adverse impacts on water quality. In particular, settlement should be:

- Located away from coastal edges, riparian margins and areas prone to flooding, and these flood hazard areas within the Oratia, Opanuku and Swanson stream catchments;
- Urban development should not occur in locations where such development will lead to significant adverse impacts on water quality and quantity. Urban development shall be avoided in the following general locations:
  - The Waitakere Ranges and West Coast;
  - The Foothills of the Waitakere Ranges;
  - The Countryside Area through Redhills, Hobsonville and Whenuapai.

provided that the consolidation of population within the urban area is within the capacity of any storm water and waste management infrastructure. Limited settlement may occur outside the urban area where such settlement does not cause adverse impacts on the City's waterways and their margins.

### **Policy 5.4**

Activities (including subdivisions) should be designed, be of a nature and scale, and be located and managed in a way that avoids or minimises adverse effects on the overall resilience, biodiversity and ecological integrity of the Green Network and its constituent parts, and enhances linkages between natural resources in all parts of the City. Particular regard should be had for the design of subdivision and the placement of structures in maintaining the linkages between native vegetation, fauna habitats, natural features, landforms and waterways.

### **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 10.7.

### **Policy 10.7**

New public and semi-public spaces should be designed in a way that ensures the safety of all users and, in particular, should provide for:

- Overlooking (surveillance) of public and semi-public spaces from surrounding buildings during the day and where possible at night;
- Direct and efficient movement routes through such spaces;
- Adequate signage indicating connections with other routes, and the location of the space within the surrounding area for public reserves, walkways, and within Community Environments;
- Adequate lighting;
- Integration of pedestrian systems with vehicle routes;
- The minimisation of any physical barrier to the reasonable movement of people within any public space.

### **Policy 10.17**

Sediment in all parts of the City should be at a density that is within the capacity of water supply, storm water, wastewater and solid waste infrastructure to safely absorb the effects of that sediment, and to provide for the health of all residents, visitors and workers.

### **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: (first and third bullet points listed as relevant)

- The quality and character of different patterns of settlement within the City's intensively settled residential areas;
- The utilitarian nature and character of the industrial areas.

### **Policy 11.1**

Settlement should be of a type and a density that protects amenity values, including neighbourhood character of different parts of the City, by:

- Maintaining the low density of sites with high levels of private planting, large areas of open space around dwellings and detached housing characteristic in the Glen Eden, Green Bay and New Lynn local character areas and the Coastal and Rural Villages;
- Allowing for development within the Kelston, Te Atatu South and Te Atatu Peninsula local character areas, provided that it maintains the existing low-density character high levels of planting, and openness of the area;
- Providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas;
- Ensuring that settlement densities are consistent with the dispersed pattern of settlement within the Countryside Environment;
- Providing for a pattern of settlement in the Foothills Environment that is in keeping with complex, varied and overall natural character of the area;
- Maintaining the characteristic patterns of settlement within the Rural Villages Environment and Coastal Villages Environment.

## 10.2 Discussion

In determining whether the residential use in a Working Environment is appropriate, Objectives 10 and 11 would be the prime measure for such an assessment.

Objective 10 seeks to achieve a minimum level of physical health and wellbeing for residents, workers and visitors within the city. It is considered that the proposed development will achieve this objective as it is proposed to provide the following:

- Full landscaping of both the subject site and the Esplanade Reserve;
- Pedestrian linkages are being provided to the reserve so that residents and the general public can access and enjoy this space;
- All the units have been designed so that all the main living areas receive adequate amounts of sunlight;
- All units have an outdoor living area associated with them which are directly accessible from the units;
- All units will be required to be constructed to meet the internal noise standard of 35dBA between the hours of 10.00 pm to 7.00 am the following day.

In relation to Objective 11 exclusive residential development in the Working Environment would be inconsistent with the outcome sought by this Objective, however, for the reasons discussed elsewhere in the report it has been shown there are sufficiently unique characteristics of the site (existing mixture of use in area, site not a prime "industrial" site in relation to access to main transport routes) that would allow Council to consider such a residential development within this site. Also, a residential development in an existing urban location would to some extent lessen development pressure on the urban fringe and foothills. Residential development for the site is also suitable in context of the ancillary facilities within reasonable distances (Sports Field, Tirimoana and Arohanui Schools, Roberts Road shops and the Glendene Shopping Centre).

An Esplanade Reserve was taken as part of the previous subdivision and it provides a connection between existing esplanade/reserves/road reserve extending from the north western motorway (with the proposed "Peoples Park" on the northern side of the motorway) to Glenmarine Esplanade to the south east. There may be further potential for esplanades to continue this connection through to Archibald Park or Ken Maunder Park - giving continuous reserve/esplanade along the City's north eastern coastal edge.

The design of the proposed residential units, while not bound by the controls of the Living Environment Rules, do (by and large), comply with these Rules (including outdoor space), thus each of the residential sites is considered to provide the degree of amenity anticipated for residential living. Additional design consideration for units that would adjoin the existing and proposed industrial activities (such as building the units to comply with the noise limit of 35dBA internally with the windows closed between the hours of 10pm to 7am the following day) will ensure that the residential amenity is not reduced, and to minimise "reverse sensitivity" issues between the residential properties and the non-residential activities. The circular road located around the outside of the development adjacent to the industrial units will provide at least a six metre buffer between the proposed residential units and any industrial activity.

The proposed layout also ensures that (with the exception of units 184 and 186) there no dwelling or outdoor space located directly below the high tension power lines crossing the site.

Council's earthworks specialist has assessed the proposed earthworks and is satisfied, subject to conditions that the earthworks can be carried out in a manner that would not adversely affect the coastal edge or impact on the coastal/tidal environment of the Whau River.

The coastal edge is to be replanted with native vegetation, replacing mainly weed species infesting this edge. It should be noted that the removal of the weeds needs to be undertaken with care to prevent damage to the river bank from erosion or slippage.

A190-A194

EcoWater has reviewed the application and advised that subject to conditions the site will be adequately serviced in terms of water supply, waste water disposal and storm water treatment (attached at pages A190 to A194).

The site has unique features in terms of its previous consent history which has resulted in approximately half the site being used exclusively for residential purposes, of its location within the City and along the Coastal Edge which would make consideration of such residential development appropriate. Having determined this, and considered the enhanced level of amenity and protection and enhancement of the coastal environment provided by the residential development it is considered that the proposed residential development will be generally consistent with the policy direction of the Operative Waitakere City Council District Plan.

### 10.3 Auckland Regional Policy Statement

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 City District Plan has been prepared.

As discussed in Section 7.1 of the report Auckland Regional Council has submitted that the application is contrary to the Auckland Regional Policy Statement proposed plan Change 6 (Policy 2.6.5.13) where residential activities shall not reduce the capacity for business activity. The site contains 3.09 hectares of land and therefore represents a significant resource in terms of business activity capacity.

A195-A199

Kyle Balderston Council's Strategic Advisor: Sustainable Management; Strategic Unit has considered the issues raised in the Auckland Regional Council submission (Specialist report attached at pages A195 to A199).

Mr Balderston states in relation to Auckland Regional Policy Statement proposed plan Change 6 the following:

Proposed Policy 2.6.5.13 requires "larger scale business activities that generate reverse sensitivity effects, [and] seek proximity to key roads should be located in appropriately zoned business areas".

The characteristics of the McLeod Road industrial area may combine to preclude the location of business' that generate significant reverse sensitivity impacts:

- McLeod Road is not a key road, and requires a convoluted drive through residential areas and the Te Atatu South town centre to the nearest motorway on/off ramp, some 2.6km away at Te Atatu, making heavy vehicle access inefficient;
- The total zoned area is relatively small, further reduced by existing residential developments (stage 1 and 2 of St Clair Park and the Riverglade Parkway), and bounded by low density residential development and riparian/coastal margin areas and the CMA, requiring high standards for storm water management and spill control etc;
- Is not located in an Industrial Air Quality Management Area.

Policy 2.6.5.14 notes that “in those areas identified as appropriate for accommodating activities listed in Policy 2.6.5.13 above [such as the McLeod Rd Working Environment, subject to the potential limitations above], residential activities shall only be provided for where they do not reduce capacity for business activities as a result of reverse sensitivity issues”. (Emphasis Added).

Somewhat unfortunately, the policy does not address a key issue of residential activities reducing capacity for business activities via direct loss of business land, but rather, restricts consideration of capacity loss to where reverse sensitivity is an issue.

No submissions have been raised by adjoining businesses with respect to reverse sensitivity and as noted above, the proposal will be required to buffer itself from future permitted industrial activities, which given the locational characteristics of the area, are unlikely to be particularly objectionable.

Proposed plan change 6 is subject to submissions and is currently being heard by the Joint Hearing Panel under the Local Government (Auckland) Amendment Act (LG(A)AA) process, from which a recommendation will be made to the respective Councils. As such, while the Waitakere City Council generally supports the direction of the Change (subject to its own submissions seeking amendment and indeed strengthening of some provisions), the provisions contained within PRPS Change 6 can be given little weight at this stage.

#### **10.4 Auckland Region Business Land Strategy (Draft)**

Mr Balderston has also assessed the application against the Auckland Region Business Land Strategy and advises the Waitakere City Council supports and endorses the Draft Business Location Strategy, though, along with its sector partners North Shore City Council and Rodney District Council it has made a joint submission on some key recommendations. These do not, however, relate to Outcome 5.1.6, and the matters noted to be necessary for its achievement, which are supported.

The development as proposed, largely follows that proposed originally in 2000 which has now lapsed. The current proposal therefore represents partial completion of the original development, approved when business land availability was not considered as an adverse effect, or regional issue, and higher density residential development irrespective of location was actively encouraged by the Waitakere City Council.

#### **10.5 Waitakere City Council Proposed Plan Changes**

Councils Policy team is currently in the process of drafting a plan change to the current Working Environment Rules. The plan change has been initiated in recognition that Council only has limited areas of land zoned for working purposes and reconsiders the role of residential use on Working Environment sites.

The Council has also initiated various plan changes in response to The Local Government Amendment Act 2004 which has give rise the LG(A)AA. This Act seeks to integrate land use and transportation, especially in relation to intensification and key transportation issues, within the Auckland region.

The proposed plan changes that have direct relevance to this application are Plan Changes 13, 14 and 15 which all seek an expansion of the Metropolitan Urban Limit to allow for the development of additional employment land to meet the needs of the growing community not able to meet their needs in the existing urban area. The proposed plan changes in part address a land quality issue as well as a land quantity one, where the current stock of industrial land in Waitakere is of generally low attractiveness for most businesses due to poor motorway access/visibility, poor services/utility connections, poor buffering to the residential interface but has a relatively high purchase cost due to regional supply constraints.

Council fully supports the regional directive of locating high density and mixed use residential development into more appropriate locations within identified Nodes and Road Transport Corridors.

The proposed Objectives and Polices in Plan Changes 13, 14 and 15 reflect the above.

As discussed previously Plan Change 18 - City Wide Urban Design Rule is also relevant in regards to the amended noise rule for residential uses located within a Working Environment. The application will comply with the amendment to the rule.

## **10.6 Rules and Assessment Criteria**

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

### **Rule 3.2 Building Development and Location**

- "3(a) *The extent to which buildings and development in the Working Environment:*
- i) incorporate sufficient building set back from any Living Environment or the College Special Area to provide a buffer area*
  - ii) are screened from any Living Environment*
  - iii) are designed and located to minimise adverse noise, odour, and visual effects on Residential Activities within the Living Environment and the College Special Area.*
- 3(b) *The extent to which any outdoor storage areas are screened so that they are not visible from Residential Activities within a Living Environment or an Open Space Environment.*
- 3(c) *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and /or through payment or provision of a financial contribution."*

### **Comment**

As discussed in Section 9.1.10 above it is considered that the buildings will all be set back an appropriate distance from the abutting Living Environment and Open Space Environment. A 1.8 metre high closed board fence will be erected along the boundary which abuts the residential properties located on McLeod Road and this will provide an adequate level of screening. There are no outdoor storage areas associated with any of the units. The site will be fully landscaped and the building will be of a style that reflects and complements the surrounding residential area.

### **Rule 4.3 Landscape Treatment**

- "4(a) *The extent to which sites is landscaped in accordance with a landscape treatment plan to:*
- i) soften the visual appearance of parking and manoeuvring areas*
  - ii) break up and soften the visual appearance of large and/or continuous building frontages visible from roads.*
- 4(b) *The extent to which planting comprises mainly trees rather than shrubs or other low profile vegetation.*
- 4(c) *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

### Comment

As discussed previously, it is proposed to provide each unit with a landscaped garden. Gordon Griffin, Councils landscape architect, has reviewed the proposed landscape plan and advises that the conceptual Landscape Plan prepared by Bridget Gilbert dated April 2006 and submitted with the consent application is supported by Council. Mr Griffin advised that the planting will create a reasonable level of amenity within the development, however, further detailing is needed to make clear what is intended, and to enable Council to approve and monitor its implementation. This applies in particular to proposed visually permeable fencing, to retaining and to showing the location of outside street lighting standards on the Landscape Plan. If granted conditions will be placed on the consent requiring that a detailed landscape plan addressing these issue be submitted to Council prior to the landscape works commencing on the site.

It is considered that the application meets assessment criteria 4(a) to 4(c).

### **Rule 6 Residential Activities**

- "7(a) *The extent to which habitable rooms are located to receive adequate daylight.*
- 7(b) *The extent to which private outdoor space and living rooms are protected from overlooking.*
- 7(c) *The extent to which development promotes a safe environment for residents, including adequate lighting and location and design of entrances.*
- 7(d) *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution."*

### Comment

The medium density housing criteria have been used as the basis for the design of the units. The units generally comply with the criteria.

It is also considered that the habitable rooms in the units will receive adequate day light.

There is one main road into the site and small access strips run off this road to give vehicular access to the units. The living areas for each of the units are located on the other side to the garaging. This provides some level of safety as there is physical separation between the two uses thus avoiding the potential for pedestrian versus vehicles accidents.

The main road into the site has street lighting and it proposed to provide street lighting beside all the 6 metre access ways.

It is considered that the development is well designed and is suitable for residential use.

### **Rule 3 - Earthworks in the General Natural Area**

The proposal would involve earthworks that do not meet the standards listed under Rules 3.1, 3.2 or 3.3 (General Natural Area).

With respect to the assessment criteria 3(a) - 3(q) contained in Rule 3 of the General Natural Area, the following is noted:

- There are two large stock piles of earth located on the subject site that have been placed there as part of the development of stage I and II and the construction of the storm water pond. It is proposed to use these stockpile as fill. The truck movements relating to earthworks should all be contained within the site;
- Earthworks are required to ensure that the correct grades are provided for the private road network;
- Earthworks are required to create level building (or split) platforms and to minimise the amount of retaining required across the development;
- No earthworks are proposed in the Esplanade Reserve. The retaining wall abutting the Esplanade Reserve will be wholly contained within the subject site;
- Sediment and erosion controls will be set in place and approved by Council prior to works commencing.

Overall it is considered that the proposed earthworks will be consistent with the relevant assessment criteria.

### **11.0 Bonds/Reserve Contributions/Development Levy**

In accordance with Sections 108(2)(b) and 108A a cash or bank guaranteed bond shall be required when the detailed planting plan is approved by Council. The bond shall be for any maintenance required to ensure the performance of condition (29). The amount of the bond will be twice the estimated cost GST inclusive of completing or maintaining the works for the maintenance period of two years. The bond will be prepared by the Council's solicitor at the applicant's cost and will provide, inter alia, that the liability of the holder of the resource consent will not be limited to the amount of the bond.

Under the Long Term Council Community Plan a development contribution will be required for the proposed units. The estimated development contribution is \$1,356,803.50 based on 130 new units (a credit has been given for the two underlying Certificate of Titles).

There are no other matters relevant to this application.

### **12.0 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.

### **13.0 Lapsing of Consent**

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

A standard five year period in which to give effect to this consent is considered appropriate because of the large scale of the development.

#### 14.0 Part II of the Resource management act 1991

It is considered that the proposal would be consistent with Sections 5, 6 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.

The proposal is considered to be consistent with this as the Esplanade Reserve and residential development are complimentary to each other (the reserve provides amenity to the dwellings and the dwellings provide surveillance onto the reserve) and the quality of the environment would be enhanced, particularly with the weeds along the coastal edge being replaced with native vegetation.

With the implementation of appropriate conditions the application will be consistent with S7 and S8 of the Resource Management Act. As discussed in Section 7 of this report the applicant did not consult with Iwi. Council has advised the applicant that they should consult with Te Kawerau A Maki. The applicant has not advised Council as to whether or not they have met with representatives of Te Kawerau A Maki. However, if granted, consent conditions will be placed on the consent relating to the process that should occur if middens, hangi, storage pits or kōiwi are unearthed as part of the construction process. This will include halting work immediately and contacting the Manager of Resource Consents, a nominated representative of Te Kawerau A Maki and a nominated person at the Historic Places Trust. Works in the areas where the find is located shall not commence until the Manager Resource Consents (in consultation with Te Kawerau A Maki and the Historic Places Trust) advise the consent holder that works can recommence.

#### 15.0 CONCLUSION

While Council is concerned about the loss of Working Environment land for "Working" activities, the site is not located in a strategic position for industrial activity and residential development alongside the Esplanade Reserve is seen as a complimentary use of the site. It is also considered that the historic consents and previous residential staging and design on the site means that residential use is considered to be the most appropriate use in this instance. The effects of the development can be contained on the site and design measures have been proposed to prevent any "reverse sensitivity" issues arising from the neighbouring industrial activities. It is not considered that in granting this consent it will create a precedent effect.

#### **RECOMMENDATIONS**

That pursuant to Sections 104, 104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by West Auckland Residential Development Ltd to erect 132 residential units as stage III of the St Clair Park Development at 164-178 McLeod Road, Te Atatu being Lot 2 DP 353413 and 3 DP 331800 for the following reasons:

- (i) The medium density housing criteria has been used as the basis for assessing the design of the proposal. This has ensured that the units all have a suitable outdoor space for their exclusive use, parking, landscaping and an appropriate level of access to sunlight in all habitable rooms.

- (ii) The increase in the level of traffic generated by the residents has been assessed by the Principal Transport Engineer: Design who has recommended specific conditions to mitigate the adverse effects of increase traffic movements to and from the site.
- (iii) The proposal can be adequately serviced in terms of storm water reticulation, waste water reticulation and the provision of a water supply.
- (iv) Public access will be provided through the development to the Esplanade Reserve through conditions of consent.
- (v) Previous resource consents (RMA 20000280 and RMA 20050176) have allowed the site to be developed for residential purposes, with the consequent expectation of further residential development
- (vi) While residential use in the Working Environment (apart from the Lincoln Working Environment) is generally not seen as a suitable use of the limited amount of Working Environment land, the site is not located in a strategic location for "Working" uses, there is already a mixture of industrial, recreational, community and residential has in the immediate vicinity and the proposed residential development is at a scale and design that is complimentary to the existing Esplanade Reserve. Therefore, the proposed residential use is considered an appropriate use for this site.
- (vii) The proposed activity is not contrary to pat II of the Resource Management Act 1991.
- (viii) The proposed activity is consistent with the relevant Objectives, Policies and Assessment Criteria of the District Plan.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled
  - *Proposed Development St Clair Park 144-168 McLeod Road Te Atatu Terraced House Plans Site* sheet L100 issue P dated April 06.
  - *Proposed Development St Clair Park 144-168 McLeod Road Te Atatu Terraced House Plans Types* sheet L200 issue R revision C dated April 06.
  - *Proposed Development St Clair Park 144-168 McLeod Road Te Atatu Terraced House Plans Elevations* sheet L300 dated April 26.
  - *Proposed Development St Clair Park 144-168 McLeod Road Te Atatu Terraced House Plans Elevations Groups 1 to 30 inclusive* dated 27 May 2006 issue R revision C.

All prepared by Ottow Burke & Associates.

- *St Clair Park: Stage III Landscape Plan* prepared for Ottow Burke and Associates by Bridget Gilbert Landscape Architect dated April 2006 ref project number 05119.
- *St Clair Park Residential Development Stage 3 172 McLeod Road Te Atatu Traffic Impact Assessment* prepared by Bryce Hall dated March 2006 ref 06017 issue C.
- *Engineering Design Silt and Sediment Controls* prepared by Cato Bolam Consultants sheet E102 dated 17/02/06.
- *Engineering Design Cut to Fill Plan* prepared by Cato Bolam Consultants sheet E101 dated 17/02/06.
- *Engineering Design Silt and Sediment Controls* prepared by Cato Bolam Consultants sheet E102 dated 17/02/06.

- *Engineering Design Earthworks Plan* prepared by Cato Bolam Consultants sheet E100 dated 17/02/06.
- *St Clair Park Development Stage III Drainage Plan* prepared by Cato Bolam Consultants sheet E400 dated 24/08/05.
- *St Clair Park Development Stage III Water Reticulation* prepared by Cato Bolam Consultants sheet E500 dated 24/08/05.
- *St Clair Park Development Stage III Contour Plan* prepared by Cato Bolam Consultants sheet E101 dated 26/07/05.
- *Infrastructure Report St Clair Development* prepared by Cato Bolam Consultants dated 17 February 2006 ref V115831.
- *Infrastructure Report St Clair Development* prepared by Cato Bolam Consultants dated 24 August 2006 ref P18459.

all referenced by Council as RMA20060221 and the information, including further information, submitted with the application.

2. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
3. A consent compliance monitoring fee of \$2000.00 (inclusive of GST.) has been 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.

**Landscape (all to the satisfaction of Council's Landscape Specialist and Council's Environmental Monitoring Officer, Resource Consents)**

4. The conceptual Landscape Plan prepared by Bridget Gilbert dated April 2006 and submitted with the consent application is supported by Council. Within 12 months of granting of this resource consent, a detailed Landscape Plan shall be submitted to Council for approval, suitable for implementation that shall clearly show the following:
  - The location and height of all visually permeable fencing and timber paling fencing;
  - The location of any gates;
  - The location of all street lighting standards;
  - The main framework tree planting, clearly differentiated, and other planting information including the planting schedule already provided on the concept plan (desirably the plan(s) and any other associated information will be legible when copied in black and white);
  - Differentiation of garden areas versus lawn areas versus paved areas;
  - Identification of paving surface treatments (as per the concept plan).
5. Landscape development shall be as per the Council approved Landscape Plan required by the above condition, and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. If the development is staged, then landscape development shall be staged accordingly.
6. Earthworks shall be carried out prior to planting, with any ground forming associated with the earthworks completed manually, (raked), to meld with adjacent undisturbed land or to meld with adjacent paving or retaining or other levels, as appropriate, and with grass sown where required as part of completion of earthworks, and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

7. Fences shall be set in place following the construction of the units as per the approved Landscape Plan.
8. Planting shall be set in place within the first planting season (May till 7th September), following construction of the units and associated paving, and any associated earthworks, as per the Council approved Landscape Plan to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.
9. Garden areas shall be kept weed and debris free, shall have good quality topsoil or garden mix, and shall have a wood chip mulch to 60mm depth. Any tree planted in a grassed area shall be planted within a 600mm diameter garden area.
10. The planting shall be maintained with plants watered as necessary to facilitate establishment of the planting and with gardens kept weed free, for the first two years following the initial planting, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Any plants that fail to establish shall be replaced the planting season following the initial planting and maintained for a further two years to the satisfaction of the Environmental Monitoring Officer, Resource Consents.

**Traffic (all to the satisfaction of the Manager Transport Assets)**

11. Adequate sight lines from all units whilst reverse manoeuvring shall be maintained at all time.
12. All units are to be provided with a minimum 3.5 metre separation between the edge of the garaged parking spaces and carriageway.
13. All access ways are to be the 6.0 metre wide standard.
14. The main access strip to McLeod Road shall be redesigned to a typical T-junction standard using the guidelines noted in Austroads and MOTSAM I and II. The detailed design is to be submitted to Council for approval prior to the works commencing or within six months of issue of consent, whichever is the sooner.
15. All visitor parking spaces are to be clearly marked 'for visitor use only' prior to the sign off by the Field Services Inspector acting on behalf of the Manager Transport Assets.
16. Each residential unit shall be provided with two parking spaces and a further visitors' space for each five dwellings located in such a way that all units are serviced equally.
17. The width of garages of types H and J buildings shall be a minimum of 5.8 metres.
18. The width of garages of types I, K, L, M, O and P buildings shall be a minimum of be 3.5 metres.
19. Fully detailed drawings showing exact dimensions of the open parking spaces shall be provided to Council for approval.
20. The applicant shall carry out improvement works to the McLeod Road approach to Te Atatu Road (northern side) affecting the installation of a second approach lane; the improvement works shall be designed in accordance with Council/TMU standards and Austroads guidelines; all costs of physical and design works are to be borne by the consent holder.

21. The shall applicant commission the design of Council's proposed improvements to the McLeod Road/Te Atatu Road intersection, part of which shall be used to install the second approach lane on McLeod Road; the design of intersection upgrade shall be in accordance with Council / TMU standards and Austroads guidelines; all design costs are to be borne by the consent holder.
22. The consent holder shall provide Council with the design files electronically for future use at Council's discretion;

**Parks (all to the satisfaction of the Manager Parks and Green Assets)**

23. Carry out the removal of environmentally damaging plants from the subject site and Esplanade Reserve, as listed in the Waitakere City Council District Plan. Submit a Weed Control Programme to the satisfaction of the Manager, Resource Consents within two months of the issue of this consent. This Weed Control Programme shall be implemented on the site within six months of the date of issue of this resource consent to the satisfaction of the Manager, Resource Consents. The programme needs to include:
  - an inventory of the weed species to be removed;
  - removal techniques to be utilised; weed disposal methods;
  - time frames for work and whether the weed removal needs to be staged (particularly relevant for sensitive areas such as coastal edges or riparian margins);
  - any re-vegetation programme required to prevent re infestation of weeds;
  - an assessment of any ecological issues around the removal of vegetation;
  - methods for addressing stability and erosion and sediment control methods.
24. Enter into a registerable fencing agreement with Council in regard the common boundary between the subject site and the Esplanade Reserve to the effect that the Council will not be liable to contribute toward the cost of creating or maintaining any dividing fence between any reserve or other land vested in or administered by the Council.
25. Any fencing erected along the common boundary with the adjacent reserve shall be of a permeable material such as pool fencing.
26. Enter into a "Works over Parkland" agreement prior to carrying out any drainage works within the Esplanade Reserve by contacting the Field Services Officer: Parks.
27. Landscape works within the Esplanade Reserve are to the satisfaction of the Parks Consent Planner. The landscape works and street tree plan prepared by BridgetGilbert Landscape Architect dated April 2006 shall form the basis of the planting. All landscape work and street planting shall be carried out in accordance with the detailed landscape plant required by condition 4 of the resource consent.
28. The work being undertaken within the Esplanade Reserve shall be developed to neighbourhood reserve standard with all works complying with the Waitakere City Council Code of Practice for City Infrastructure and Land Development.
29. The consent holder is to be responsible for the maintenance of Esplanade Reserve landscape works for a period of two years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner. A maintenance bond, based on current rates at the time of signoff for planting maintenance will be required. The consent applicant is to advise the Parks Consent Planner of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.

30. Costs of these works shall be agreed upon prior to any works being carried out. The developer must advise the Parks Consent Planner of when work will commence.
31. Provide Council with As Built drawings of project showing all services, levels, inverts, features and facilities as per the following requirements:
  - (i) A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
  - (ii) All underground services are to be shown on the plan with sizes, types, depth to invert and invert levels based on site datum on plan and new assets scheduled on an Asset Sheet (Client to provide format of Asset Sheet).
  - (iii) A new scaled As Built survey plan of all irrigation systems and sand slit drainage systems showing all connections, chambers, fixtures, items and assets scheduled on an Asset Sheet.
  - (iv) Any planted areas to be shown to scale on the copy of the construction plan with areas sq. metres of planting, numbers of plants and type and assets schedule on Asset Sheet.
  - (v) All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on an Asset Sheet.
  - (vi) All paint colours used or graffiti coatings with name of products for graffiti removal are to be schedule on an Asset Sheet.
  - (vii) Two copies of any special operating manuals for any new systems are to be provided.
  - (viii) Completion and supply of asset data sheets for all new or modified asset components (to be provided by the client).
  - (ix) Any special maintenance requirements to be scheduled and supplied.
32. Provision shall be made within the development for the pedestrian right of way approved as part of RMA 20050623. Please note that these are notes as easements 'B', 'D', 'E' and 'F' on the plan titled Proposed Subdivision Lot 2 DP 331800 and Lot 3 DP331800, ref R1, S2, V15831, prepared by Cato Bolam and dated 10/02/05. A path shall be formed within the easement and the steps down to the reserve shall be provided to ensure access to the Esplanade Reserve from the end of the pedestrian right of way.

**EcoWater (all to the satisfaction of the EcoWater Drainage Engineer)**

33. Design, provide and install a complete public/private wastewater reticulation system to serve the development in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:
  - (i) Under specific engineering approval extend the public and private wastewater systems from the existing points within the site to serve each unit within a separate connection to the public system.
  - (ii) The pumping station/s (if required) and rising mains shall be subject to specific design and approval. At the stage engineering approval the applicant is required to submit the calculation based on a peak flow of 1000 l/d/person.

- (iii) Where the pumping station serves more than 50 households, an architecturally designed control building shall be provided to house electrical equipment, to allow servicing in all weather conditions.
  - (iv) The pumping station/s (if required) shall be provided with suitable (swing-arm type davit or similar) equipment for lifting pumps and heavy equipment, or adequate access for mobile lifting plant and a stack to disperse exhaust ventilation air. This may be combined with the lifting davit.
  - (v) The pumping station/s shall be provided with building doors, switchboards, control cabinets and chamber cover-plates able to be securely locked and vandal proof.
  - (vi) A pump station with pump motor sizes less than three kW shall be designed for direct on line starting. In all other cases switchboards shall include soft starters for all pumps.
  - (vii) Separate systems are to be provided from each unit to the point of connection to the public system/dry chamber.
  - (viii) Locate all drainage lines in the shared driveway of medium density developments where possible to provide ease of access for future maintenance requirements.
34. Design, provide and install a complete public / private storm water drainage system to serve the development 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 provide a storm water system to serve the proposed development discharging to the Whau River. Specific requirements:
    - a. Provide a confirmation from Auckland Regional Council that storm water from the proposed development will be treated by the existing pond.
    - b. Provide new treatment devices for the new impermeable areas as necessary.
    - c. Provide the Auckland Regional Council discharge consent and all amendments.
    - d. Provide detailed design of all treatment devices and pipe networks serving these devices.
  - (ii) Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
  - (iii) Separate systems are to be provided from each unit to the point of connection to the public/private drainage.
35. Provide an As Built plan of the overland flow path showing a long section and cross section for inclusion in Council's Hazards and Special Features Register.

36. To prevent increasing discharge of storm water runoff to the Harbour, storm water disposal is required to comply with EcoWater's Countryside and Foothills Storm Water Management Code of Practice and Guidelines for Storm Water Runoff modelling in the Auckland Region TP 108:
- i) Maintain storm water runoff flows, volumes, and timing to pre-development levels for the 2 year storm event.
  - ii) Maintain storm-water runoff flows to pre-development levels for the ARC Design storm event (34.5mm).
  - iii) The body corporate is required to maintain any devices to meet the above requirements to the satisfaction of Council.
- Note: Council's Hazards and Special Features Register will be advised of the above requirements.
37. Provide storm water quality treatment to the site in accordance with the Auckland Regional Council's TP10 'Storm water Management Devices Design Guideline Manual', and Waitakere City Council Code of Practice for City Infrastructure and Land Development (refer Section 4).
- (i) Provide engineering plans and calculations to EcoWater for approval prior to commencing works.
  - (ii) Provide a maintenance manual for the treatment device if it is necessary.
38. Design, provide and install a complete private/public water supply reticulation system and fire fighting services to serve the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 6). Specific requirements:
- (i) The provisions of Section 6.3.3.6 for servicing medium density developments are to apply.
  - (ii) At the stage engineering approval submit full design detail of the proposed extension of the public water supply line.
  - (iii) All units are to be individually metered at the road reserve boundary.
  - (iv) Ducting of private service lines is recommended.
39. Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties.
40. Contact EcoWater's Quality Assurance Inspector (ph 021 745583) to arrange a pre-start meeting. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
41. Provide an As-Built drainage plan prepared by a registered surveyor and Close Circuit TV video inspection of the new public drainage, in accordance with Waitakere City Council COP.
42. Provide an As-Built drainage plan prepared by a registered surveyor of the new private under the public standards drainage, in accordance with Waitakere City Council COP.

**Archaeological (all to the satisfaction of the Manager Resource Consents)**

43. In the event of archaeological features being uncovered (e.g. shell middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager Resource Consents, the New Zealand Historic Places Trust Auckland Regional Council Archaeologist and the Te Kawerau A Maki shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as determined by the Council to record and recover archaeological features discovered before work may recommence.

**Transpower (all to the satisfaction of Transpower to be monitoring by Councils Environmental Monitoring Officer)**

44. Buildings and structures, or any part of a building or structure located on the site must not be locate within 10 metres vertically and 21 metres horizontally of the conductors on the Henderson-Hepburn A transmission line. Please note that the distances specified already include an allowance for climatic conditions (conductor swing and sag).
45. Where any part of a building or structure needs to be constructed within this restricted area the consent holder must submit to the Waitakere City Council (and a copy to Transpower) a certification from a suitably qualified electrical engineer to confirm that the buildings or structures comply with the minimum safety distances specified in Table 3 of the NZECP 34:2001.
46. With reference NZECP to 34:2001 Figure 2, in the case of any tower (pylon) supporting any conductor, no person may excavate or otherwise interfere with any land:
- i. at a depth greater than 300mm within 6 metres of the outer edge of the visible foundations of the tower,
  - ii. or at a depth greater than 3 metres, between 6 metres and 12 metres of the outer edge of the visible foundation of the tower; or
  - iii. in such a way as to create an unstable batter.

When, in exception circumstances, the consent holder wishes to undertake works within the specified distances, Transpower shall be consulted with in order to provide the requisite approvals for encroachment, in accordance with the NZECP 34.

47. Section 4 of the NZECP 34:2001 states that no material is to be deposited (either permanent or temporarily) under or near the Henderson-Hepburn A transmission line without the prior approval of Transpower. This is to ensure the safe NZECP 34:2001 (Table 4) separation distances from the lines are always maintained.
48. With reference to NZECP 34:2001 Figures 1 and 2, fences of conductive materials must not be constructed within 5 metres of any pole or tower of a high voltage overhead electric line of 66kV or greater.
49. All building, structures and vegetation located on the site must not be located to preclude existing vehicle access to the existing support structure on the site.

**Monitoring Conditions (all to the satisfaction of Councils Environmental Monitoring Officer)**

50. **Before commencement of any works and until completion of exposed earth site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance Auckland Regional Councils Technical Paper 90 as a minimum standard.

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work. The applicant should book an inspection at least 48 hours prior to the required inspection.

51. All perimeter controls shall be operational before substantive earthworks begin.
52. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place.
53. A fully stabilised entrance with geotech cloth and gap 65 must be constructed prior to works commencing.
54. Any stockpiles of earth shall be located as far as practicable from Whau Creek and existing residences, to the satisfaction of the Manager Resource Consents.
55. All dirt tracked onto McLeod Road as a result of the activities carried out under this consent shall be cleaned daily via sweeping at the cost of the applicant when required.
56. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.
57. A wheel wash facility must be constructed and be operational prior to works commencing.
58. Any weed management on the coastal edge must consider issues and effects of erosion and sediment deposition and ensure that any methodology provide proves that erosion and sediment deposition is kept to a minimum. This will require expert input as part of any future plan for weed removal.
59. Prior to any site works starting a pre start meeting must be held with the contractors, developer's representative and the Environmental Monitoring Officer.
60. Bins must be on site at all times and all rubbish is to be contained in the bins which will be covered in netting at all times.

**General (all to the satisfaction of Councils Monitoring Officer)**

61. All the residential units erected on site shall be designed constructed to achieve a noise level inside any habitable room not exceeding 35dBA L10 between the hours of 10.00pm and 7.00am the following day. A suitably qualified acoustic engineer shall provide a written report/certification that this has been achieved within each of the units.
62. The development works associated with the subdivision are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.
63. The noise from earthworks shall not exceed the following levels (as measured at the boundary of any site zoned "Living Environment")
- |                   |                    |             |
|-------------------|--------------------|-------------|
| Monday to Fri day | 7:00 am to 5:00 pm | 50dBA, L10  |
| Saturday          | 8:00 am to 5:00 pm | 50dBA, L10  |
| Sunday            | 8:00 am to 5:00 pm | 45 dBA, L10 |
- Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802:1991.
64. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:-
- |                             |                    |
|-----------------------------|--------------------|
| Monday to Friday:           | 7.30 am to 7.00 pm |
| Saturday                    | 8.00 am to 5.30 pm |
| Sunday and Public Holidays: | No work            |
65. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents.
66. A full copy of the Resource Consent Conditions, Approved Plans, including site management and Erosion and Sediment Control Plans shall be kept on the site at all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management and Erosion and Sediment Control Plans.

**Legal (all to the satisfaction of Councils Solicitor)**

67. Enter into a registerable fencing agreement with Council in regard to Lots 1 and 103 to the effect that the Council will not be liable to contribute towards the cost of creating or maintaining any dividing fence between any reserve or other land vested in or administered by the Council. Also that any fences facing the reserve shall be of visually permeable construction in order to ensure good surveillance of the reserve.
68. In accordance with Sections 108(2)(b) and 108A a cash or bank guaranteed bond shall be required when the detailed planting plan is approved by Council. The bond shall be for any maintenance required to ensure the performance of condition 29. The amount of the bond will be twice the GST inclusive estimated cost of completing or maintaining the works for the maintenance period being two years. The bond will be prepared by the Council's solicitor at the applicant's cost and will provide, inter alia, that the liability of the holder of the resource consent will not be limited to the amount of the bond

**Advice Notes:**

- i. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
- ii. It is acknowledge that the road network within the development is private. However, Council strongly recommends the following:
  - All parking is banned within the 6 metre width access ways.
  - The unprotected streetlights in the centre of the main access way should be removed/relocated from the centre of the access way. The relocated lights (or new street lighting if the applicant chooses to replace the lighting) should be placed in a position where they do not compromise traffic safety. Thought should also be given to illuminating areas where there are footpaths.
  - It is noted that the main access way to the site has suffered extreme failure. The consent holder should carry out a full and comprehensive geotechnical and pavement investigation of the ground under the existing main access way and all areas where common roads are proposed and where required install new pavement to an approved standard.
- iii. To avoid delays in processing of building consents, provide engineering plans to EcoWater for approval at least 10 working days prior to submitting plans for building consent. The engineering plans submitted will be processed separately and any amendments required will be advised in the engineering approval.
- iv. All land use activities, including earthworks located on the site must comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).
- v. All trees and vegetation planted on the site must comply with the Electricity (Hazards from Trees) Regulations 2003.
- vi. If a modification of an archaeological site is required, an authority to modify must be applied for under Section 11 of the Historic Places Act 1993.
- vii. The development contribution for this application has been estimated to be \$1356,803.50 (exclusive of GST). This development contribution shall be paid when building consents are granted for the units.
- viii. Prior to the commencement of works the resource consent holder should have obtained all consents, permits and authorisations for the work as may be required by the Auckland Regional Council.

Report prepared by: Sonya McCall, Team Leader Resource Consents.  
Peer reviewed by: Jeannette Ibrahim, Team Leader: Consents.

