

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON THURSDAY, 23 NOVEMBER 2006
COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

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

- (i) the Committee by resolution so decides; and
- (ii) the 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 - 12 October 2006
- 26 October 2006.

RECOMMENDATION

That the minutes of the Meeting of the Hearings Committee held on Thursday, 12 October 2006 and Thursday, 26 October 2006, as circulated, be taken as read and now be confirmed.



4 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY SHIRLEY JULIAN TO CONSTRUCT A NEW DWELLING AT 63 CORNWALLIS ROAD, CORNWALLIS

**WAITAKERE WARD
RMA20052263**

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:	Sonja Bury
Site Address:	63 Cornwallis Road, Cornwallis
Applicant:	Shirley Julian
Date Received:	23.12.05
Resource Consent No:	RMA20052263
Ward:	Waitakere
Legal Description:	Lot 10 DP 18519
Address for Service:	117 Tanekaha Road, Titirangi
Site Area:	1017m ²
District Plan: Human Environment:	Coastal Villages Environment
Natural Area(s):	Coastal
Landscape Elements:	N/A
Hazards:	Stability Sensitive
Roading Hierarchy:	Local
Further Information Required:	Affected Parties consent, landscaping plan, construction methodology, amendments to landscape plan and further geotechnical assessment
Date Requested:	23.02.06, 10.03.06, 26.04.06, 17.05.06 & 12.06.06
Date Received:	28.02.06, 21.03.06, 02.06.06 & 19.06.06
Site Visit:	22.02.06
Any Affected Persons:	Yes
Approval Given:	No

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a new dwelling at 63 Cornwallis Road, Cornwallis which is a Discretionary Activity as the proposed dwelling creates height in relation to boundary, yard and building height infringements as well as vegetation removal, earthworks (with a volume of 55m³) and development on a site which is known to Council as being stability sensitive.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for 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.

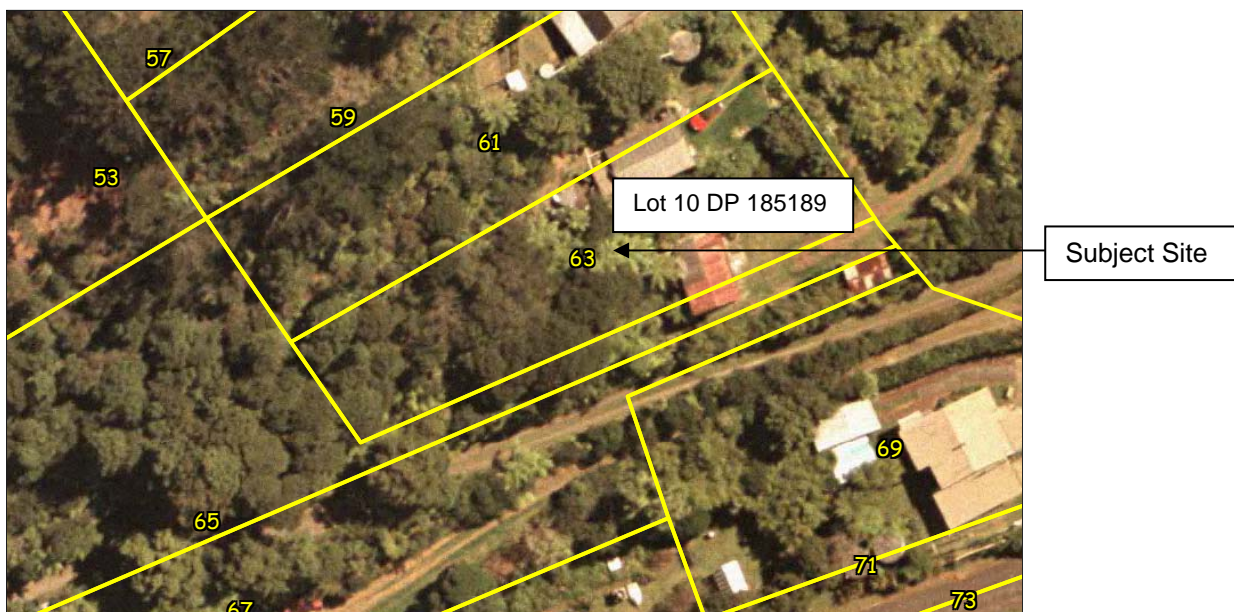
The application raises a number of resource management issues:

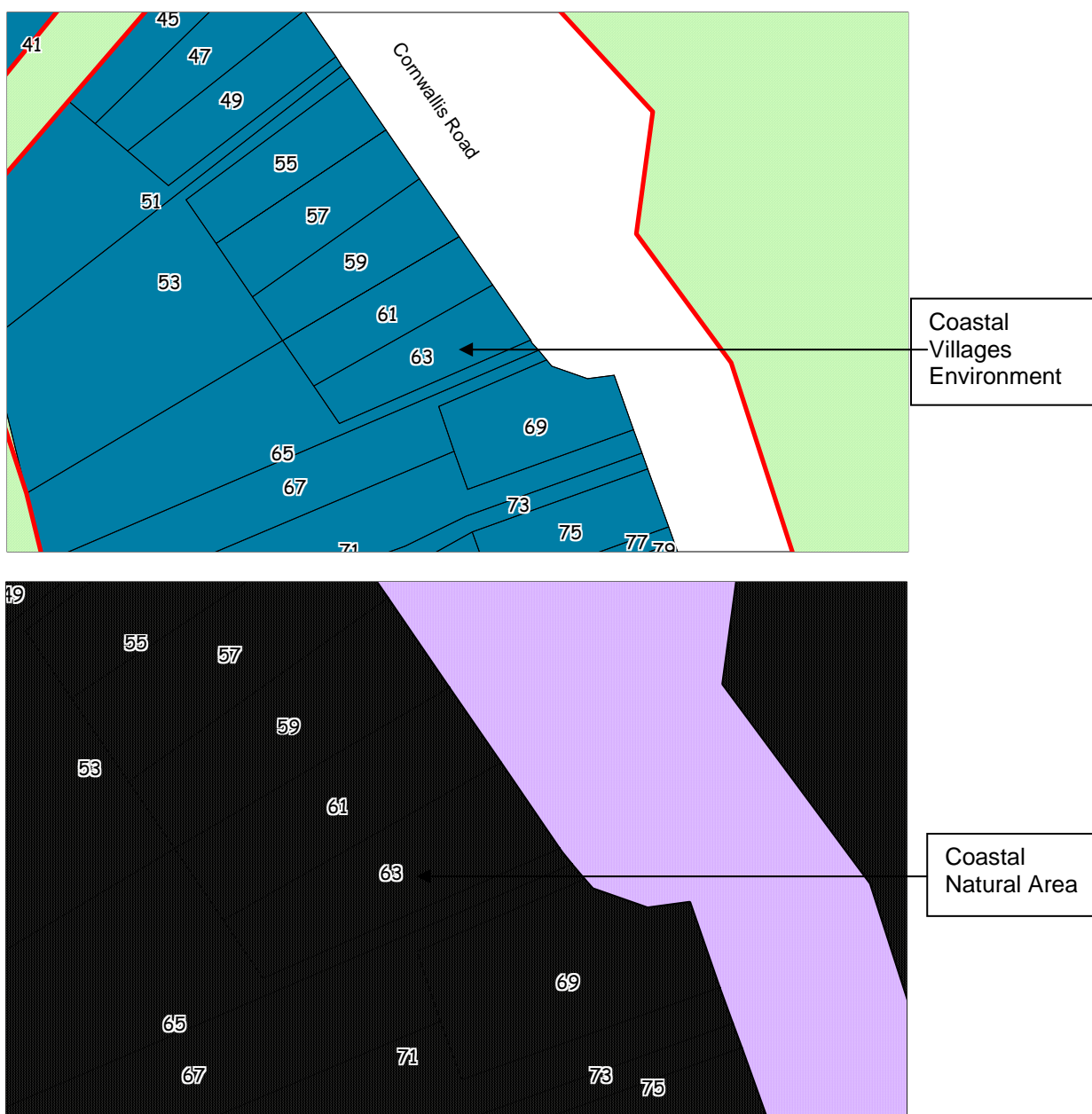
- The overall amenity values of the Coastal Village Environment;
- Privacy;
- Dominance;
- Shadowing;
- Vegetation clearance;
- Stability Issues.

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 proposed dwelling at 63 Cornwallis Road. 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 PROPOSAL

The applicant seeks consent to construct a new dwelling on the site which creates height to boundary, yard and building height infringements, vegetation clearance and earthworks with a volume of 55m³, on a site identified as being stability sensitive.

The proposed works comprise the following:

Demolish and removal of the existing bach.

The construction of a new two storey split level, weatherboard clad, three bedroom dwelling adjacent to the south-western boundary of the property. A double garage will be located on the ground level of the dwelling and the first floor will contain two bedrooms, laundry, bathroom lounge area and deck adjacent to the southern boundary. The second floor will contain a kitchen, dining, master bedroom and ensuite with a large deck located around the northern, eastern and southern sides of the front portion of the dwelling.

Access to the site will be provided via the existing vehicle crossing and a new paved driveway with associated on-site turning area established within the eastern portion of the site.

The removal of 282m² of vegetation which includes protected trees such as Totara, Kanuka, Ponga and Red Matipo, and works beneath the dripline of protected vegetation to undertake earthworks and construction works associated with the building and associated infrastructure of the proposed dwelling. The proposed landscaping on completion of works around the proposed dwelling which involves the planting of native vegetation and the relocation of several Ponga trees which are currently located within the proposed building platform.

The dwelling is proposed to have a building height being 5.5m above the permitted building height of 6m and the dwelling also creates a southern boundary height to boundary infringement. The proposed southern recession plane infringement creates an infringement by an extent of 7.7 - 12m in height over a length of 18.3m. The proposed garage is also located 1.2m from the southern boundary being within the 3m yard setback.

The proposed development seeks to remove five totara, four kanuka, a ponga and a red matipo tree as well as a number of other unprotected native species which collectively equates to a clearance area of 282m² required to establish the proposed dwelling.

Earthworks are also required for the building platform and driveway construction. Earthworks are proposed over a total plan area of 124.5m² over a total volume of 55m³ on a site which is stability sensitive.

4.0 REASONS FOR THE APPLICATION

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

Discretionary Activity Consent is required for the proposed building height being 11.5m which is over the permitted building height of 6m by 5.5m (Coastal Village Environment – Rule 4.2).

Discretionary Activity Consent is required for the proposed dwelling infringing the southern boundary recession plane by an extent of 12m over a length of 18.3m (Coastal Village Environment - Rule 5.2).

Discretionary Activity Consent is required for the proposed garage being located 1.2m away from a site boundary which is within the required 3m yard setback (Coastal Village Environment - Rule 6.2).

Limited Discretionary Activity Consent is required for the removal of 11 protected trees over an area of 282m² to establish the building platform and associated infrastructure which is over the permitted baseline of removing native vegetation less than 3m in height (Coastal Natural Area - Rule 2.3).

Discretionary Activity Consent is required for earthworks over a total plan area of 124.5m² with a total volume of 55m³ to establish the proposed dwelling and associated driveway which exceeds the permitted level of earthworks volume of 30m³ (Coastal Natural Area - Rule 3.3).

Limited Discretionary Activity Consent is required for development on a site which is known to Council to be stability sensitive (Natural Hazards - Rule 1.1).

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

4.4 No other consents are required or have been applied for or have been granted in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located on the western side of Cornwallis Road, Cornwallis. The site is of a trapezoid shape with steep topography which rises towards the west rear boundary. An existing single storey, weatherboard clad, two bedroom bach is located within the western portion of the site. An existing shed is located adjacent to the southern and eastern boundaries.

Access to the site is provided by an existing metalled and grassed driveway formed over the road frontage to Cornwallis Road. The vehicle crossing is shared by 63 & 61 Cornwallis Road.

The surrounding neighbourhood is characterised by residential bush blocks with a mixture of dwelling styles and holiday baches.

Photograph One - Subject Site



6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

6.1 Limited Notification - Section 94 (1)

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard.

A133-A143

This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 08.09.06. This report is attached at pages A133 to A143 of this report and identified that Mr Nicholas Walker and Mrs Kelli Anderson of 65 Cornwallis Road are the only persons who would be adversely affected by the proposal. However, the persons identified as being affected did not give their written approval. As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

Table One - Affected Parties

PERSON (owner/occupier)	ADDRESS	REASONS	APPROVAL OBTAINED
Nicholas Walker	65 Cornwallis Road, Henderson	Height in relation to boundary and yard infringements along the southern boundary.	No
Kelli Allison	65 Cornwallis Road, Henderson	Height in relation to boundary and yard infringements along the southern boundary.	No

A105-A110

Notice of this application was served on all identified affected persons as per Section 94 report on the 9 August 2006. The period for submissions closed on 1 September 2006 and one submission was received from K Allison and N Walker of 65 Cornwallis Road. The one submission opposed the application. Please refer to Appendix 3 for a copy of the submission that was received as attached at pages A107 to A110. A map showing the location of the submitter is attached at pages A105 to A106.

6.2 Submissions

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

Amenity of the Area/Privacy

K Allison and N Walker of 65 Cornwallis Road had concerns that the imposing nature of the proposed dwelling including height in relation to boundary infringements as well as the change to permanent use from a bach to a permanent residence would decrease their privacy.

Stability of the Site

K. Allison and N. Walker raised concerns with the dirt bank along the southern boundary which has a height from 500mm to 2m suggesting that the proposed building work will disturb the banks stability as the bank is at an approximate 90 degree angle. Mr Walker raised concerns about the stormwater runoff from 63 Cornwallis Road being likely to cause soil crumble into the drain running alongside the driveway of 65 Cornwallis Road. Mr Walker requested that the bank either be batter off or a retaining wall constructed along the boundary.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant Policies and Assessment Criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages 12 to 17 of this report. This should be referred to as the legal framework within which the application should be addressed.

Section 104 of the Resource Management Act 1991 sets out those matters to be considered when assessing an application for resource consent. Amongst other things, these matters require consideration of any actual and potential effects on the environment arising from the proposal, together with an assessment as to whether the application is consistent with relevant Objectives, Policies and Rules of the District Plan. All considerations are subject of the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE RESOURCE MANAGEMENT ACT 1991

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

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

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

9.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS (SECTION 104(1)(a)): ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

9.1.2.1 Water Quality and Quantity

There would be no more than minor adverse effects in relation to water quality and quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream.

The stormwater runoff from the dwelling shall be collected and directed to a stormwater detention tank and the run-off associated from the driveway and turning area shall be collected and directed to a rain garden located along the south-western boundary with a kerb outlet at Cornwallis Road. The proposal has been assessed by Council's Subdivision Engineer, Daniel Thomas (refer to memorandum dated 10 March 2006). Mr Thomas has advised that a complete stormwater drainage system serving the dwelling would be required to mitigate the stormwater run-off from the site in accordance with Ecowater's Countryside and Foothills Stormwater Management Code of Practice such as through rain water re use and detention tanks, and rain gardens. It is concluded that subject to the implementation of these mitigation measures, that the adverse effects of the stormwater run-off from the residential development in relation to water quality and quantity would be no more than de minimis.

9.1.2.2 Earthworks

Consent is sought to undertake earthworks over a total plan area of 124.5m² with a total volume of 55m³ outside the building platform to construct the driveway, turning bay and barrier wall. All excavated material will be removed off site to an approved clean fill facility

Due to the site topography which slopes towards the southern boundary, the potential for erosion and sedimentation during the earthworks is increased. It is therefore considered appropriate that a silt fence or similar silt control measure approved by Councils Monitoring Officer along the southern external boundary be installed. A stabilised entranceway is also considered appropriate to prevent spoil being deposited on the surrounding road network. To ensure that the effects of the earthworks would be no more than minor, the above earthworks measures must be implemented correctly. In order to ensure this is carried out, appropriate conditions of consent have been imposed, including a pre start meeting with Council's Environmental Monitoring Officer and the site will also be monitored during the earthworks period.

Approximately 6 truckloads of excavated material are proposed to be transported off site to an approved clean fill facility. Given the low volume of truck movements generated by the proposed development, it is considered that the removal of the fill from the site would result in no more than minor effects on the local roading network. A stabilised entranceway is proposed to be provided within the accessway that would ensure minimal spoil is tracked onto the surrounding road network, and conditions of consent will ensure any spoil on the roads is cleaned up appropriately.

The proposed earthworks would result in de minimis adverse effects on the amenity of the surrounding residential dwellings, as the earthwork activity would be temporary in nature only and the effects would be limited to the subject site. Overall, it is considered that the proposed earthworks would result in negligible effects on the environment, subject to the implementation of the proposed conditions of consent.

9.1.3 Native Vegetation, Vegetation and Fauna Habitat

Consent is sought to remove 282m² of vegetation to allow for the establishment of the proposed building platform. Within the proposed vegetation clearance area the following protected trees are located:

- 5 Totara trees; and
- 4 Kanuka trees; and
- One Ponga tree; and
- One Red Matipo.

The proposed vegetation alteration has been assessed by an independent arborist, Shane Potter from Arborsolutions Limited on behalf of the applicant. The assessment submitted with the application includes a comprehensive assessment of environmental effects of the proposed development on the native vegetation. The assessment has taken into account the effects of the proposed construction work on the protected vegetation and proposes methodology to minimise these effects. The Council's arborist Mr Phillip Russell has assessed the information (refer to Memorandum dated the 28 June 2006) and is in general agreement with the independent arborist's report.

The Totara, Kanuka, Ponga and Red Matipo trees are located within the Coastal Natural Area of the site and are not considered to be notable examples of their species though Mr Russell considers that collectively the vegetation contributes to the character of the area and is visible from surrounding vantage points. The removal of these native species is considered by Mr Russell to not compromise the integrity and resilience of the Green Network, as it is proposed to replant a large portion of the site surrounding the new building platform and therefore the proposed removal of the native vegetation will be offset by restoration and enhancement planting within the area. Replacement planting shall be undertaken in accordance with the Landscape Planting Plan undertaken by Helen Ballinger.

Mr Russell has recommended that a suitably qualified works arborist be appointed and be in attendance at the pre-commencement meeting with the contractor and Councils Environmental Monitoring Officer to establish working practice within the dripline of the protected vegetation, to establish the monitoring of the location and erection of protective fencing, and to ensure that protective fencing shall be erected around all protected vegetation prior to commencement of works.

It is proposed to retain vegetation within the western portion of the site. Earthworks and the construction of the proposed barrier wall are proposed to be undertaken beneath the dripline of a protected Tanekaha tree to stabilise the north-western portion of the site. Mr Russell requires that a protective fence be erected around the vegetation prior to commencement of work, no equipment or materials should be located within the dripline of the protected trees, and further that no fill associated with building and laying of foundations shall be located within the driplines. Where there are any instances that the recommendations cannot be met, approval to remove the tree roots shall be obtained from a Council approved arborist. Subject to the implementation of these measures, it is considered that the construction work would result in no more than minor effects on the plants health.

It has been indicated that the proposed construction work would require formative pruning to be carried out. It is recommended that all pruning works be undertaken in accordance with the principles of natural target pruning by a qualified arborist.

The recommendations made by Mr Russell will be imposed as conditions of consent to ensure that the impact of the proposed development on the protected vegetation will be reduced to minor. Overall, it is considered that there would be no more than minor adverse effects in relation to the overall resilience, biodiversity and integrity of the Green Network.

9.1.4 Land / Soil

The site is identified as being subject to potential instability due to soft natural soils and therefore requires specific foundation design in accordance with the recommendations of the Soil Engineering Limited Geo-technical Report dated 18 November 2005. Any earthworks on the site involving earthwork cut and fill have to be subject to specific investigation and design by a registered engineer experienced in geomechanics.

The Soil Engineering Limited Geo-technical Report dated 18 November 2005 has been reviewed by an outside consultant for Council from Principal Law Associates Limited, Engineer, Garry Law, (refer to Memorandum dated the 3 March 2006) who concluded that the site is suitable for the proposed residential development. Mr Law concurs with the recommendations of the geo-technical report, and recommends that all earthworks be undertaken in accordance with NZS4404:2004 and NZS4431:1989. All filling on site shall be retained by walls and the excavations for the retaining walls should be designed by an experienced geotechnical engineer and all stormwater from roofs and paved areas should be collected and piped to a disposal off site . An experienced geotechnical engineer is to be retained to inspect all retaining wall, foundations and slabgrades exposed and certification of this work being undertaken in accordance with the Soil Engineering Limited Geo-technical Report dated 22 November 2005 should be supplied to Council. These recommendations would be imposed as conditions of consent, if consent is granted.

The submission from Mr Walker and Ms Allison raised concerns about the proposed building close to the southern boundary and possible stability issues. The applicant's geotechnical specialist Soil Engineering Limited have therefore provided a further geotechnical investigation report dated the 30th of October 2006. Soil Engineering Limited has reviewed the submitters concerns and advises that the driveway was excavated in approximately 1979. The excavation appears to have created a vertical cut along the southern boundary of 63 Cornwallis Road being less than 1.5m in height, generally 1.0m or less. No significant failures were identified at the time of Soil Engineering Limited investigation however ongoing fretting of the exposed cut surface was apparent and is expected to have occurred since 1979. Soil Engineering Limited also states that similar fretting can be expected to continue in the future and the possibility exists that shallow, retrogressive failures of the driveway cut slope may occur after heavy or prolonged rainfall. However Soil Engineering Limited does not consider the construction of the dwelling to increase the risk of failure of the driveway cut face as the proposed garage shall be approximately 1.5 - 1.7m away from the cut batter and its construction is subject to a geotechnical design including a ground barrier pile wall, deepened and strengthen perimeter piles. It is also not proposed to divert any stormwater run off from the property into the open drain. An appropriate sized stormwater detention tank will intercept the roof and driveway stormwater with a controlled outlet into a flow dispersion trench over the eastern portion of the site and a rain garden shall also be installed along the southern boundary adjacent to the proposed new driveway which shall intercept stormwater run off and direct the run off towards Cornwallis Road.

Therefore subject to compliance with the recommendations of the Soil Engineering Limited geotechnical reports dated 18th of November 2005, 30 October 2006 & 11 July 2006 and the conditions recommended by Mr Law, the proposed development would not create or exacerbate any existing stability issues, and would not result in damage to people or property.

9.1.5 Air

As the proposed activity does not include air emissions of any kind, there would be no more than minor adverse effects on air quality.

9.1.6 Ecosystem Stability

As the existing environment is already modified there would be no more than minor adverse effects on the stability of ecosystems as a result of the proposal.

9.1.7 Outstanding Natural Features; Landforms, Geological Sites

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

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

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

9.1.9 Outstanding Landscapes

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

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

Overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance and privacy.

The proposed residential development involves the construction of a proposed dwelling within the western portion of the subject site.

The proposed dwelling infringes the southern boundary recession plane. The extent of the infringement is 7.7 - 12 metres over a length of 18.3 metres.

The proposed dwelling also creates a yard infringement with the southern boundary as the proposed garage is located within 1.2m of the boundary being within the 3m permitted yard setback.

The height in relation to boundary infringement in relation to the southern boundary is accepted as being largely unavoidable on the subject site due to the topography of the site which rises steeply from the southern boundary to the northern boundary.

The habitable rooms associated with the proposed dwelling are located on the northern side of the dwelling and have large windows facing north and east, which would allow for reasonable daylight access. Therefore the height to boundary infringement does not limit sunlight and daylight access to the proposed dwelling.

The height to boundary infringement is adjacent to the driveway of 65 Cornwallis Road, and the nearest dwelling located on 61 Cornwallis Road is over 6m from the proposed dwelling on the subject site. As such the height to boundary infringement does not limit any sunlight or daylight access to dwellings on adjoining properties.

The proposed dwelling will be screened from the surrounding neighbourhood by the existing vegetation located along the northern boundary and the boundary between 65 & 67 Cornwallis Road. There is dense vegetation located between the two adjoining accessways of 65 & 67 Cornwallis Road which screens the proposed dwelling from the surrounding residential dwellings, and therefore the height to boundary infringement will create only de minimus adverse effects on the surrounding residential environment, beyond 65 Cornwallis Road.

The proposed planting along the boundary with 65 Cornwallis Road is considered to provide some screening of the height to boundary infringement; however given the small depth the proposed planting will never fully screen the proposed dwelling from 65 Cornwallis Road. If the yard infringement (being 1.2m from the southern boundary rather than creating a permitted 3m yard) did not occur there would be more opportunities to screen the height in relation to boundary infringement in regards to 65 Cornwallis Road.

Visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space

The residential dwelling proposes to have a maximum building height of 11.5 metres, being over the permitted 6m height by 5.5m. The proposed dwelling will be a karaka coloured colour steel for the frontage with dark toned weatherboard for the remainder of the cladding, and iron low pitched roofing. The foundations are proposed to be timber piles. The proposed dwelling is two storey split level in height due to the small buildable area which is restricted due to the geotechnical and width limitations of the property.

The proposed location of the building platform is within the north-western portion of the property and is screened from the surrounding neighbours by existing native vegetation along all external boundaries. Due to the topography of the site, which rises along the north-western portion of the site, the existing vegetation which is proposed to be retained will be at the same height as the proposed building height. It is therefore considered that the proposed dwelling will create only de minimis adverse effects on the views and privacy of the adjoining residential sites.

The building platform is located 5 metres from the northern boundary, and therefore it is considered that the proposed dwelling will not physically dominate adjoining residential sites. The subject site is located within a residential coastal bush environment. The adjoining residential properties are screened from the subject site by existing bush vegetation located along the boundaries. It is therefore concluded that there would be no more than de minimis adverse effects on visual amenity and neighbourhood character as the proposed development is similar in character to the surrounding environment, and adequate open space would be provided.

Infrastructural capacity & availability

The proposal has been assessed by Council's Subdivision Engineer, Daniel Thomas with regard to infrastructural issues, such as stormwater, water supply and wastewater (refer to memorandum dated 10 March 2006). Mr Thomas has advised that a complete stormwater drainage system serving the dwelling would be required to mitigate the stormwater run-off from the site in accordance with Ecowater's Countryside and Foothills Stormwater Management Code of Practice such as through rain water re use and detention tanks, and rain gardens. It is concluded that subject to the implementation of a stormwater drainage system, that the adverse effects of the residential development on the existing stormwater system would be no more than de minimis.

Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient.

Access to the site will be provided via the existing private access from Cornwallis Road. Two on-site parking spaces shall be provided within the double garage and on-site manoeuvring is provided within the driveway area located to the west of the dwelling to ensure safe and efficient access is provided onto Cornwallis Road.

9.1.11 Heritage

There would be no more than minor adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

9.1.12 Summary

The proposed residential development seeks to establish a permanent residence within the subject site. The proposed residential development due to the topography of the site would create adverse effects on amenity however these adverse effects can be reduced by appropriate amenity planting.

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

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 consistent with the Objectives and Policies of the District Plan.

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

Building Height

Policy 9.4 of the Operative District Plan states that structures and driveways, should, where practicable, either be constructed of materials, or be of a colour, or screened by vegetation, in a way that does not dominate or detract from the natural character and visual amenity of the City's outstanding landscapes, and ensures that they merge with the surrounding bush or coastal vegetation. The proposed dwelling is proposed to have karaka colour steel cladding along the frontage with a dark toned weatherboard cladding for the remainder of the dwelling. The roof is also proposed to be a low pitched iron roof. Therefore the proposed cladding shall merge with the existing native bush vegetation located along the external boundaries of the subject site. The height of the building will be that of the existing vegetation on the site and as such will be largely screened from view from adjoining sites. The proposed residential development is therefore considered not to dominate or detract from the natural character and visual amenity of the surrounding coastal landscape. Overall it is considered that the proposal is consistent with the intent of this policy.

Height in Relation to Boundary

Policy 10.5 of the Operative District Plan states that structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year. The proposed dwelling infringes the southern boundary by 7.7 to 12 metres over a length of 18.3 metres. The habitable rooms associated with the proposed dwelling are predominantly located within the northern side of the dwelling and have large windows facing north and east which would allow for adequate levels of daylight access. The height in relation to boundary infringement is adjacent to the driveway of 65 Cornwallis Road and the proposed dwelling shall be located 6m from the nearest dwelling, located on 61 Cornwallis Road. As such this infringement does not limit any sunlight access to dwellings on adjoining sites. Overall it is considered that the proposal is consistent with the intent of this policy.

Yard

Policy 10.6 of the Operative District Plan states that buildings, storage and parking areas should be designed and placed on site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. The proposed dwelling would be located 1.2m from the southern boundary therefore being within the 3m yard setback requirement. The proposed dwelling is located 1.2m away from the southern boundary to allow on-site manoeuvring from the proposed double garage located at the ground level of the dwelling. The 1.2m setback is proposed to be planted to provide some screening of the proposed garage, which adjoins the driveway of 65 Cornwallis Road. The proposed dwelling would be screened from all other surrounding properties by existing native vegetation and therefore would not adversely affect the on-site amenity of the adjacent residential properties. Overall it is considered that the proposal is consistent with the intent of this policy.

Vegetation Alteration

Policy 2.4 of the Operative District Plan states that where native vegetation is cleared, this should be carried out in a way that avoids high quality bush and locates in lower quality bush, avoids notable trees, minimises any edge effect on remaining native vegetation, minimise adverse effects on ecosystems, does not isolate or remove linkages between areas of native vegetation or fauna habitats, does not impede the movement of native fauna and avoids disturbance of root systems of remaining native vegetation. The proposal seeks to remove protected vegetation including Totara, Kanuka, Ponga and Red Matipo trees as well as undertake works beneath the dripline of protected vegetation. Council's arborist, Mr Phillip Russell has assessed the proposal and has recommended conditions to ensure that the construction work would result in no more than minor adverse effects on the roots system of the remaining vegetation. Mr Russell also considers that the proposed vegetation removal would not compromise the integrity and resilience of the Green Network as none of the trees proposed to be removed are notable examples of their species and the proposal seeks to undertake restoration and enhancement planting within the subject site. Overall it is therefore considered that the proposal is consistent with the intent of this policy.

Earthworks

Policy 2.10 of the Operative District Plan states that activities should be carried out in a way that minimises coverage of the root systems of native vegetation. Earthworks are required over a total plan area of 124.5m² and a total volume of 55m³ outside the building platform to construct the driveway, turning bay and barrier wall along the northern boundary. Council's arborist has assessed the construction methodology of the proposed earthworks and building of the barrier wall which will occur within the root system of native vegetation. Mr Russell has recommended that a protective fence beneath the dripline of the Tanekaha tree located to the north of the barrier wall be installed to minimise work within the root system of the protected tree, and that no equipment or materials shall be located and that no building or laying of foundations shall be located within the driplines of protected trees on the subject site. These recommendations which shall be placed as conditions of consent if granted will ensure that the earthworks associated with the development are carried out in a way which minimises coverage of the root systems of native vegetation. Overall it is considered that the proposal is consistent with the intent of this policy.

Stability Sensitive

Policy 3.4 of the Operative District Plan states that activities should be carried out in a way that does not exacerbate slipping, subsidence and or erosion of soils and any natural hazard event within an identified natural hazard area. The subject site is identified on Councils hazard register as being stability sensitive and therefore the proposal requires specific foundation and earthwork design by a registered engineer experienced in geomechanics. The applicant's geotechnical engineer Soil Engineering Limited and Council's geotechnical consultant from Principal Law Associates Limited, Garry Law recommend that the site is suitable for the proposed residential development if the proposed recommendations are undertaken. The recommendations include earthworks being undertaken in accordance with NZS4404:2004 and NZS44331:1989, the site being stabilised by an in ground barrier wall along the northern portion, diverting stormwater to a collected system and disposal off site, and foundation requirements. It is concluded by the geotechnical engineers that if the development is undertaken by their recommendations and inspected by an experienced geotechnical engineer, then the proposal would not create or exacerbate any existing stability issues. Overall it is considered that the proposal is consistent with the intent of this policy.

10.2 Rules and Assessment Criteria

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

Building Height:

4(a) The extent to which building height will intrude on the surrounding natural landscape and neighbourhood character.

The proposed building shall be of a karaka and dark colours to blend in with the surrounding native vegetation and coastal landscape. The proposed dwelling would be screened from the surrounding coastal environment by the existing vegetation and rolling topography and therefore is not considered to intrude on the surrounding neighbourhood character.

4(b) The extent to which building height will physically dominate adjoining sites.

The proposed dwelling shall dominate the driveway area of 65 Cornwallis Road. However, the infringement shall be mitigated by proposed planting along the southern boundary, which will enable some screening of the proposed dwelling.

4(c) The extent to which building height will intrude into the privacy of adjoining sites.

The proposed dwelling shall be largely screened by existing native vegetation along the external boundaries and does not overlook any adjoining site. Therefore would not intrude into the privacy of adjoining residential properties.

4(d) The extent to which building height will interrupt views from sites in the vicinity.

The proposed dwelling is located approximately 6m from the residential dwelling within the adjacent northern site and has been situated behind the adjacent dwelling to ensure that views from adjoining sites are not interrupted.

Height in Relation to Boundary:

5(a) The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to adjoining sites.

The proposed dwelling infringes the southern boundary, adjoining the driveway of 65 Cornwallis Road and therefore the adverse effects on daylight access is considered to be no more than minor.

5(b) The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to the proposed building.

The proposed dwelling will be located within the north-western portion of the site and is proposed to have large decks and windows facing north and east which will allow for reasonable sunlight and daylight access.

5(c) The extent to which each habitable room in a building is located to allow for reasonable daylight access.

The habitable rooms within the proposed dwelling are predominately located within the northern portion and have large windows facing to the north and east which will allow for reasonable daylight access to the communal living areas.

Yard:

6(a) The extent to which buildings are located a sufficient distance back from the site boundary to avoid more than minor adverse effects on the natural landscape.

The proposed dwelling shall be located 1.2m away from the southern boundary, and the proposed 1.2m yard setback shall be planted with native species which will create no more than minor adverse effects on the natural landscape.

6(b) The extent to which buildings are located in a position which maintains opportunities to retain vegetation around the edges of the site.

The proposed dwelling shall be located 1.2m away from the southern boundary, which will allow the planting of some native species such as Creeping Fern, Crown Fern, Tussock grass, Toi Toi, Koromiko and Harakeke which will enable the retaining of some vegetation over a length of 8 metres where the proposed garage is located within the 3m yard setback.

6(c) The extent to which buildings are located in a position which allows for safe traffic movement on and off the road and car parking and manoeuvring off the road.

The proposed garage of the dwelling is located within the 3m yard setback to provide for sufficient on-site manoeuvring to enable safe access on to Cornwallis Road from the proposed dwelling.

6(d) The extent to which buildings are located a sufficient distance back from site boundaries of adjoining sites to ensure a minimum level of privacy.

The proposed garage is located 1.2m from the southern boundary which is proposed to be planted in native vegetation to provide some screening for the driveway of 65 Cornwallis Road. No windows are proposed along the southern side of the garage. The proposed dwelling is located 6m from the northern boundary which is also proposed to be planted in native vegetation to ensure privacy is afforded to the residents of the subject site and the adjoining residential property.

Vegetation Alteration:

2(a) The extent to which vegetation alteration adversely affects amenity values and neighbourhood character

It is considered that collectively the proposed vegetation to be removed does contribute to the character of the area and is visible from surrounding vantage points, however this shall be mitigated by the extensive landscape planting proposed by the applicant and therefore it is considered that the vegetation alteration shall have no more than minor adverse effects on the amenity values and the surrounding neighbourhood character.

2(c) The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.

It is proposed to retain vegetation within the western portion and the protected Tanekaha tree adjacent the northern boundary which provides stabilisation to the subject site. The proposed removal of vegetation is not considered to contribute or exacerbate stability problems as the removal of vegetation will enable the construction of a barrier wall along the northern boundary to aid the stability of the site.

2(d) The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.

The Totara, Kanuka, Ponga and Red Matipo trees are located within the Coastal Natural Area of the site and are not considered to be notable examples of their species.

2(f) The extent to which the vegetation alteration adversely affects plant health.

It is proposed to retain vegetation within the western portion and work beneath the dripline of a protected Tanekaha tree is proposed to be undertaken to earthwork the site and construct the proposed barrier pile wall to stabilise the north-western portion of the site. Council's arborist, Mr Russell considers that a protective fence should be erected around the vegetation prior to commencement of work, no equipment or materials should be located within the dripline of the protected trees, and further that no fill associated with building and laying of foundations shall be located within the driplines. Where there are any instances that the recommendations cannot be met, approval to remove the tree roots shall be obtained from a Council approved arborist. Subject to the implementation of these measures, it is considered that the construction work would result in no more than minor effects on the plants health.

2(i) The extent to which vegetation alteration reduces the ability to create linkages between native vegetation, fauna habitats, or natural features or landforms.

The removal of these native species is considered by Mr Russell to not compromise the integrity and resilience of the Green Network, as it is proposed to replant a large portion of the site surrounding the new building platform and therefore the proposed removal of the native vegetation will be offset by restoration and enhancement planting within the area. Replacement planting shall be undertaken in accordance with the Landscape Planting Plan undertaken by Helen Ballinger.

Earthworks:

3(a) The extent to which earthworks adversely affect the overall resilience, biodiversity and integrity of the Green Network.

Consent is sought to undertake earthworks over a total plan area of 124.5m² with a total volume of 55m³ outside the building platform to construct the driveway, turning bay and barrier wall. All excavated material will be removed off site to an approved clean fill facility. The earthwork area is proposed to be stabilised in a progressive manner. It is considered that the scale of earthworks is appropriate to the development proposed and will not adversely affect the overall resilience, biodiversity and integrity of the Green Network.

3(b) The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.

The earthworks proposed to be undertaken would not adversely affect the potential for restoration or enhancement of the site as the excavation is only required to provide suitable access to the proposed residential development and on completion of construction work the applicant has proposed to undertake planting around the subject site.

3(f) The extent to which earthworks reduce the extent, range and linkages between vegetation, fauna habitat and natural features.

On completion of construction work the applicant has proposed to undertake native planting around the proposed dwelling which will mitigate any adverse effects created by the proposed earthworks in regards to linkages between vegetation.

3(h) The extent to which earthworks exacerbate or contribute to flooding, erosion or instability of land, or the potential for flooding, erosion or instability of land.

Any earthworks on the site involving earthwork cut and fill have to be subject to specific investigation and design by a registered engineer experienced in geomechanics which will ensure that the proposed earthworks create no more than minor effects on the instability of the subject site.

3(k) The extent to which earthworks may harm the health and safety of residents.

The proposed earthworks would result in de minimis adverse effects on the amenity of the surrounding residential dwellings, as the earthwork activity would be temporary in nature only and the effects would be limited to the subject site

3(l) The extent to which heavy vehicle traffic generated to the site by earthworks activities creates adverse effects on amenity values and neighbourhood character, situation hazardous or unsafe to road users, or physical damage to roads.

Approximately 6 truckloads of excavated material are proposed to be transported off site to an approved clean fill facility. Given the low volume of truck movements generated by the proposed development, it is considered that the removal of the fill from the site would result in no more than minor effects on the local roading network. A stabilised entranceway is proposed to be provided within the accessway that would ensure minimal spoil is tracked onto the surrounding road network.

3(n) The extent to which proposed earthworks are necessary to accommodate development otherwise permitted by the Plan.

The proposed earthworks are necessary to accommodate the proposed residential development within the subject site. Due to the existing topography of the site earthworks are required to provide stabilisation of the northern portion, establishment of the building platform and provide safe access to and from Cornwallis Road.

Natural Hazards:

1(b) The extent to which buildings can be located on areas of a site not subject to natural hazards.

Due to the topography of the site, the provision to provide safe vehicle access to and from Cornwallis Road and the location of the legal road boundary; the proposed dwelling cannot be located within an area of the site which is not subject to natural hazards.

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

The Auckland Regional Policy Statement sets out the broad Resource Management Issues, Objectives and Policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning within the Auckland Region and under which the Operative Waitakere City Council District Plan has been prepared.

Auckland Regional Policy Statement is also concerned the expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities. In this case the application is for an intensification of land use for residential purposes and does not threaten environmental qualities as the development seeks to protect and retain the existing native vegetation within the rear of the site and undertake enhancement through additional native planting.

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

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

There are no other matters relevant to this application.

10.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

The submitters Mr Walker and Ms Allison raised their concern of a decrease in privacy as the proposal seeks a change from a bach to a permanent residence. This change from a coastal bach to a permanent residence is not a Resource Management Act issue as currently the existing bach could be utilised as a permanent residence if so desired.

10.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

No bond, reserve contribution or development contribution shall be required by this proposal.

10.5 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to the approved plans and landscape amenity planting as approved by Council.

10.6 Lapsing of Consent

Under Section 125 of the Resource Management Act 1991, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent. A five year period in which to give effect to this consent has been imposed.

11.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

The purpose and principles of the Resource Management Act 1991 have primacy over all other considerations that are set out in section 104 of the legislation. In summary, Sections 5, 6 and 7 require that resources must be sustainably managed in such a way that any adverse effects on the environment can be avoided, remedied or mitigated. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment are to be maintained and enhanced.

It is considered that the proposal would be generally consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991 but the proposed construction of a dwelling would not be consistent with Sections 5 & 7(c) the maintenance and enhancement of amenity values.

It is considered that there would be potential adverse effects on amenity values associated with the privacy and landscape values of the development. However it is considered that through imposing appropriate conditions of consent, such as landscaping that these adverse effects could be mitigated.

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

12.0 CONCLUSION

The applicant seeks consent to undertake the construction of a residential dwelling at 63 Cornwallis Road, Cornwallis which creates yard, height to boundary, and building height infringement, vegetation removal, earthworks within one metre of the external boundary and development on a site which is stability sensitive and is located within the Coastal Villages Environment and the Coastal Natural Area.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment of a residential dwelling **will not** lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the Objectives and Policies of the Operative District Plan which seek to:

- To manage the effects of land use on the environment and, in particular avoid, remedy and mitigate effects on the City's native vegetation and fauna habitat;
- To achieve a quality of settlement and associated activities within each City's Human Environment which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and neighbourhood character of an area;
- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents.

For the aforementioned reasons it is considered that the application meets the Resource Management Act 1991 Section 104D threshold.

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions.

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Section 104 of the Resource Management Act 1991.

12.0 RECOMMENDATION

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 Shirley Julian to construct a residential dwelling which creates yard, building height, height to boundary infringement along the southern boundary, vegetation removal over an area of 282m² and earthworks on a site which is identified as being stability sensitive at 63 Cornwallis Road, Cornwallis being Lot 10 DP 18519 for the following reasons:

- (i) Any adverse environmental effects, particularly in relation to potential effects on privacy on the adjacent property from the proposed development can be mitigated by the imposition of appropriate conditions of consent.
- (ii) The landscape planting around the proposed residential dwelling would ensure that the amenity values and neighbourhood character would be retained.
- (iii) The proposal is considered to be consistent with the relevant Objectives and Policies of the Operative District Plan.
- (iv) The relevant provisions of Part II of the Resource Management Act can be satisfied and the development would be consistent with the enhancement of amenity values as per Section 7(c) & 7(f), Other Matters of the Resource Management Act 1991.

CONDITIONS:

Consent shall be subject to the following conditions:

GENERAL CONDITIONS:

1. The development shall proceed in accordance with the following plans titled:
 - “House Design Proposal, SK2” prepared by Titirangi Architectural Group dated October 2005;
 - “Plan Locality” prepared by Titirangi Architectural Group;
 - “Sexton/Julian House, 63 Cornwallis Road, Cornwallis, SK4” prepared by Titirangi Architectural Group dated October 2005;
 - “Landscape Planting Plan, 63 Cornwallis Road, Cornwallis, Revision 2” prepared by Helen Ballinger and amended by Shane Potter dated 24 May 2006.

and all referenced by Council as RMA20052263 and the information, including further information, submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council’s Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. 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.
4. A consent compliance monitoring fee of \$530.00 (inclusive of G.S.T.) 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.
5. A pre-start meeting shall be arranged by the consent holder with Council’s Environmental Monitoring Officer and contractors prior to commencement of works on site.
6. 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.
7. A copy of the Resource Consent conditions referring to protected vegetation shall be held on site throughout the period of works.
8. Prior to works commencing, it shall be the responsibility of the consent holder to explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project and within the dripline of any protected vegetation covered by this consent.

EARTHWORK CONDITIONS:

9. Before commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off. The construction and maintenance shall be in accordance with the Erosion/Sediment Control Measures Appendix to the Natural Area rules of the Waitakere City Council District Plan.
10. All perimeter controls shall be operational before substantive earthworks begin.
11. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented as necessary to prevent the deposition of earth or other debris on the surrounding road network by vehicles accessing the site. Any material deposited on the street shall be immediately removed at the expense of the consent holder.
12. 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.
13. 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
14. 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.
15. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
16. All excess excavated material shall be removed from the site before or immediately following the completion of earthworks, to a Council approved cleanfill facility.
17. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair.
18. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work". All construction, maintenance, demolition and earthworks on the site shall be undertaken between the following hours only:

Monday to Friday:	6.30 am to 8.00 pm
Saturday	7.30 am to 6.00 pm
Sunday and Public Holidays:	No work

VEGETATION ALTERATION AND PLANTING CONDITIONS:

19. The consent holder shall appoint a suitably qualified and experienced Works Arborist to supervise all arboricultural works in accordance with the conditions of consent. The consent holder must submit evidence of the appointment by way of an Arborists on-site log or report that identifies site attendance at stages 1 - 5. This evidence must be sent to the Manager, Resource Consents, Waitakere City Council.
 1. Erection of protective fencing.
 2. Site meeting with a Council Environmental Monitoring Officer (EMO) prior to the commencement of any works on site to confirm the location and specification of the protective fencing. The attendance of an EMO must be requested by telephoning (839 0400) and giving at least 48 hours notice.
 3. Site meeting with contractors responsible for the removal of vegetation to ensure adherence to good arboricultural practice.
 4. Site meeting with construction personnel to ensure their familiarity with working practices close to protected vegetation and any other conditions of consent.
 5. Any works within the dripline of protected vegetation.
20. The removal, pruning and relocation of protected vegetation shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside and ensure appropriate relocation of the Ponga trees.
21. Prior to any construction works or erection of scaffolding on site, protective fencing shall be erected around the edge of the building platform and dripline of any other protected vegetation in the east of the site, close to the site access. The specification of the fencing must be no less than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until all construction works are completed unless otherwise stated. The specification and location of protective fencing must be agreed to by a Council Environmental Monitoring Officer (EMO) prior to the commencement of any works on site.
22. No fill associated with building and laying of foundations (including that fill generated by any post hole borers for pole foundations) shall be deposited within the driplines of remaining vegetation.
23. No storage of materials, building waste, cement/concrete washings and leaching of chemicals or other contamination shall occur within the drip lines of protected vegetation on this site or on adjacent land.
24. No underground service routes must pass within the dripline of protected vegetation unless the works are fully supervised by the appointed Works Arborist and appropriate methods of installation, in accordance with good arboricultural practice are used.
25. Within the first planting season following completion of construction of the dwelling (May - September) landscaping in accordance with the approved landscape scheme, being "Landscape Planting Plan, 63 Cornwallis Road, Cornwallis, Revision 2" prepared by Helen Ballinger and amended by Shane Potter dated 24 May 2006 must be implemented. It shall be the responsibility of the resource consent holder to provide evidence of this planting to Council's Environmental Monitoring Officer in the form of an invoice or similar.

- 26 The landscaping and replacement trees shall be of good quality nursery stock and maintained to the satisfaction of Council for a period of two years from the date of planting. Any of the landscaping or replacement trees which die within this period shall be replaced and maintained as per the stated conditions.
- 27 At the time of landscaping/ establishment all new garden areas shall be weed and debris free and have woodchip mulch to 60mm depth.
- 28 Any tree or shrub planted as part of the landscape works shall be planted with a 600mm diameter weed and debris-free garden with woodchip mulch to 60mm depth.

GEOTECHNICAL CONDITIONS:

- 29 The geo-technical reports undertaken by Soil Engineering Limited on the 18 November 2005, 11 July 2006 and 30 October 2006 shall be read in conjunction with this resource consent and the recommendations of the report shall be strictly adhered to, including the following:
 - The site shall be stabilised by an in-ground barrier pile wall on the alignment shown on Soil Engineering Drawing F128/1A in the geotechnical report. This shall be designed by an engineer and built to the requirements and parameters of the geotechnical report;
 - Any filling on the site shall be retained by walls designed by an engineer and to the parameters and requirements of the geotechnical report;
 - The excavations for the retaining walls shall be undertaken to the requirements of the geotechnical report, the directions of the supervising geotechnical engineer and so as to minimise the risk of failures affecting neighbouring property;
 - All surplus spoil from excavations shall be removed from site;
 - The building shall be pile supported with the piles to the parameters and requirements of the geotechnical report, with perimeter piles noted to be built deeper in the geotechnical report socketed a minimum of 1.0m into the stronger less weathered Cornwallis Formation rocks, designed to resist lateral loading from soil creep on the upper 3m of the piles, and other piles founded a minimum of 4m beneath final ground level and designed to resist lateral loading from soil creep over the upper 2m of the piles;
 - Retaining walls integral to the building shall be designed to not less than at-rest earth pressures;
 - Stormwater from roofs and paved areas shall be collected and piped to disposal away from the site.
- 30 A completion report shall be supplied to the Manager of Resource Consents by an experienced geo-technical engineer to confirm compliance with Condition 29 on the completion of earthworks and foundations.

ECOWATER (DRAINAGE) CONDITIONS:

31. Design, provide and install a complete stormwater drainage system to serve the dwelling in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0).

HEIGHT IN RELATION TO BOUNDARY CONDITIONS:

32. A Licensed Cadastral Surveyor shall set out the foundations of the proposed structure and certify to Council in writing prior to work progressing beyond the foundation stage that the building will only infringe the southern boundary by an extent of 7.7 - 12m over a length of 18.3m if constructed in accordance with the approved consent in terms of levels and position and will comply with the Height in Relation to Boundary rules of the District Plan on all other boundaries. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents, and

A Licensed Cadastral Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the building will only infringe the southern boundary by an extent of 7.7 - 12m over a length of 18.3m if constructed in accordance with the approved consent in terms of levels and position and will comply with the Height in Relation to Boundary rules of the District Plan on all other boundaries. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

YARD SETBACK CONDITIONS:

33. A Licensed Cadastral Surveyor shall set out the foundations of the proposed structure and certify to Council in writing prior to work progressing beyond the foundation stage that the proposed garage of the dwelling will be located no closer than 1.2m from the southern boundary if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

BUILDING HEIGHT CONDITIONS:

34. A Registered Surveyor shall set out the foundations of the proposed structure and certify to Council in writing prior to work progressing beyond the foundation stage that the building is located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height, being 11.5m if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

And

A Registered Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the building is located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height, being 11.5m. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

ADVICE NOTES:

1. 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.
2. Any retaining wall retaining more than 1.5m depth of ground and/or supporting any surcharge and/or any load additional to the load of that ground (such as adjoining building or driveway) requires Building Consent and would need to be designed by a registered engineer.

3. Where any drainage is to be laid through bush areas or near specimen trees (works within the dripline of vegetation protected by rules of the District Plan) the applicant shall seek a resource consent from Council for this work. Prior to seeking a minor plumbing and drainage consent for private drainage works, provide confirmation that a resource consent has been granted or that one is not required. For information please contact the Council Duty Planner on 839 0400 or talk to the Duty Planner at the customer services desk, Civic Building, 6 Henderson Valley Road, Henderson, Waitakere. Drainage may be required to be thrust through bush areas.
4. Additional information regarding stormwater mitigation design will be required at building consent stage.

Report prepared by: Sonja Bury, Resource Planner.

