

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON THURSDAY, 26 JULY 2007,
COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 CONFLICTS OF INTEREST

The Council has acknowledged in its Code of Conduct that Elected Members need to be vigilant to stand aside from decision making when a conflict arises between their role as a member of the Council and any private or other external interest they might have. This note is provided as a reminder to members to check that no such conflicts arise in relation to any items on this agenda.



**3 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY SILVIJA SUMICH TO CONSTRUCT A
NEW TWO STOREY DWELLING AT NO. 15 WAIPANI ROAD, TE ATATU PENINSULA
AND TO SUBDIVIDE THE PROPERTY TO CREATE ONE ADDITIONAL LOT.**

HENDERSON WARD

RMA 20061493 & RMA 20061494

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:	N M Eagleson
Site Address:	No. 15 Waipani Road
Applicant:	Silvija Sumich
Date Received:	17 August 2007
Building Consent No:	N/A
Legal Description:	Lot 4 DP 43770 CT NA2037/40
Address for Service:	Cato Bolam Consultants Limited PO Box 21-355 Auckland 1231
Site Area:	852m ²

Net Site Area(s):	Lot 1 – 374m ² Lot 2 – 400m ²
District Plan:	Living 1
Human Environment:	
Natural Area:	General
Landscape Elements:	None
Hazards:	None
Roading Hierarchy:	Local
Further Information Required:	No

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to construct a new two storey dwelling and subdivide creating one additional lot at No. 15 Waipani Road. The proposal has density, earthworks, vehicle crossings, and height in relation to boundary infringements.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan.

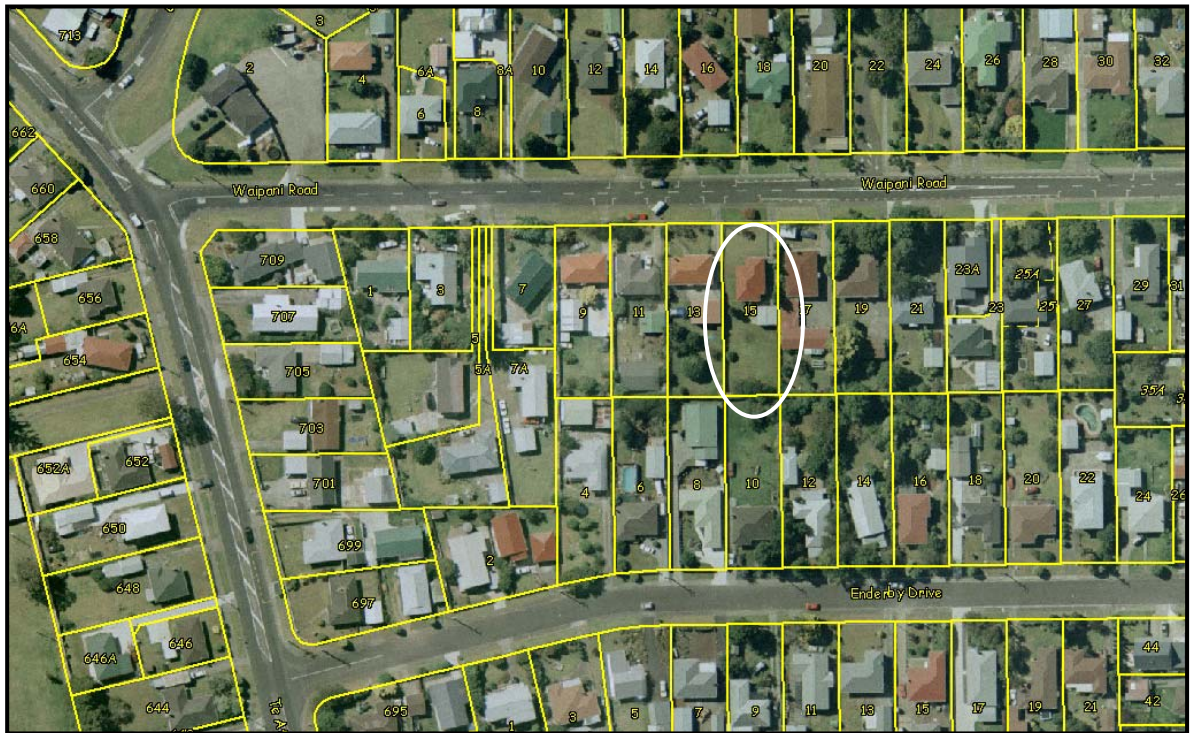
The environmental effects of this proposal are primarily related to density, bulk and location, amenity, potential increase in traffic movements. Such considerations included within-site and between-site amenity, neighbourhood character, and amenity.

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 the construction of an additional dwelling onsite and the subsequent subdivision of the property. 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

Fig. 1 – Aerial View – March 2000



The surrounding area is comprised of one and two storey dwellings located on sites of approximately 350m² – 850m².

4.0 REASONS FOR THE APPLICATION

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

Discretionary Activity consent is required for the net site areas of a proposed lot being less than 400m² within the Living 1 Environment. Proposed Lot 1 will have net site areas of 374m² (Rule 2.3 Living Environment).

Limited Discretionary Activity consent is required for proposed Lots 1 and 2 achieving access via separate vehicle crossings (Rule 7.3 Transport Environment).

Controlled Activity consent for a subdivision of a site not more than 1 ha in area creating no more than 9 new sites and the minimum net site area of the proposed lots will be in accordance with an approved resource consent (Rule 3.1 Infill Subdivision).

Discretionary Activity consent is required for the existing dwelling infringing the height in relation to boundary recession plane relating to the internal boundary between proposed Lots 1 and 2. The infringement will have a vertical maximum of 0.25m along the full length of the dwelling being 9.6m.

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

4.2 No other consents are required in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The rectangular shaped front site is located on the southern side of Waipani Road. The site occupies a total area of 852m², and slopes very slightly down from the northern boundary with a general fall of 0.07m over its length of approximately 50m.

There is an existing single storey dwelling located on the northern portion of the property. There is also an existing driveway located adjacent the eastern boundary that leads to a double car garage also located adjacent the eastern boundary.

The site has an existing wooden fence along the western and eastern boundaries and hedge along the southern. The remainder of the site is grassed lawn.

The surrounding area is residential in nature and there are other examples of infill style development in the vicinity of the property.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A71-A79

Notice of this application was served on all identified affected persons on 1 May 2007, as shown on the location map attached at page A71. The period for submissions closed on 28 May 2007. Two submissions were originally received opposing the application. One of these submissions in opposition arose from withdrawal of previously obtained approval. Please refer to attachment pages A72 to A79 for copies of the submissions that were received. A map showing the location of the submitters is attached at page A71.

6.1 Submissions

Original submissions received:

Person	Address	Support / Oppose	Reasons
J Boutell	No. 13 Waipani Road	Oppose	Loss of Privacy Adequacy of Council Infrastructure to cope with development
P & V Hansen	No. 17 Waipani Road	Oppose	Loss of Privacy Adequacy of Council Infrastructure to cope with development Restricts sunlight / daylight availability Visual effects Resale value of property

The submissions of Mr. J Boutell and Mr.& Mrs. P V Hansen are very similar. An assessment of Mr Boutell's submissions is as follows:

Assessment of Mr J Boutell's submission has been undertaken. With regard to the first issue there are windows serving a lounge and bedroom at ground floor and a bedroom window at first floor level facing the western boundary and Mr Boutell's property. However, it is considered that the proposed dwelling complies with the bulk and location requirements of the District Plan. Furthermore, there is existing fencing to a height of approximately 1.6 – 1.8m along the common boundary shared with No. 13 Waipani Road and the proposed dwelling will be set back approximately 5m from the common boundary shared with this property. It is acknowledged that a two storey minor household unit could be constructed in a similar position with windows at the same height and orientation as a permitted activity. With this in mind it is considered that the effect of the proposal on Mr. Boutell's privacy will be minimal.

With regard to the second and third issues detailed in Mr Boutell's submission, the proposed development has been assessed by Council's subdivision engineer Mr Steven Rankin. Mr Rankin has determined that the proposed development will have no more than de minimis adverse effects on the surrounding environment and Council infrastructure provided his conditions relating to designing and installing complete private wastewater and stormwater reticulation systems to service the proposed lots is adhered to.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.2.1 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.

7.2 LIMITED NOTIFICATION – SECTION 94(1)

A88-A103

Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 11 May 2007. This report attached at pages A88 to A103 and identified that 9 persons would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

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

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

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

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

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

8.1.1 Water Quality and Quantity

The proposed development increases the density of development on-site to below 450m². This, therefore, increases pressures on the receiving environment.

Figure 3 below identifies that the public stormwater system is situated at the road boundary whereas the wastewater system crosses close to the rear (south) boundary of the site.

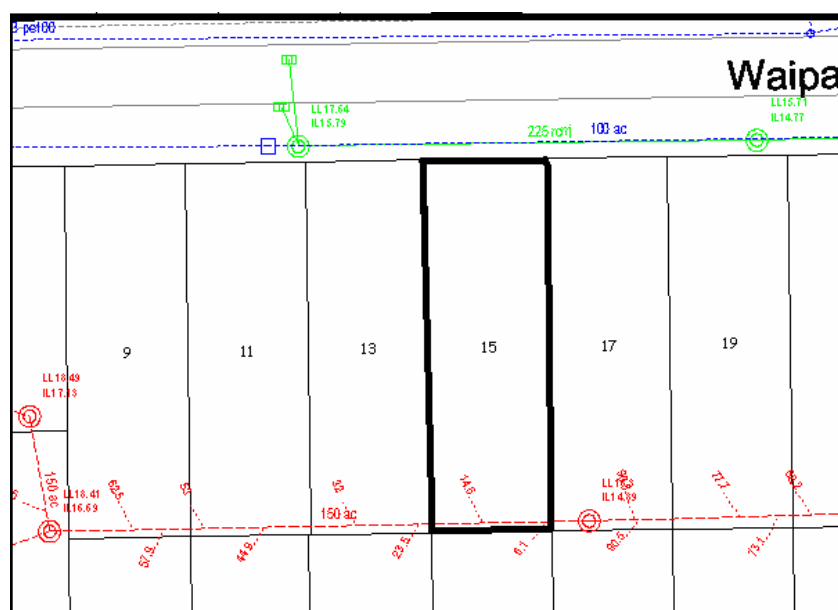


Figure 3: Taken from Waitakere City Council Under Ground Services records.

By reducing the site area around the existing dwelling the development will create impermeable surfaces of 150m² or 40% on proposed Unit 1. The proposed dwelling will generate impermeable surfaces of 193m² or 40% on proposed Unit 2.

The proposed development seeks to ensure that both Units (Lots) connect onto existing reticulated systems.

The proposed development will result in additional impervious surfaces. However, Council's Drainage Engineer, Mr. Steven Rankin has assessed the proposal and subject to appropriate measures has recommended conditions that ensure that there is sufficient capacity to serve the proposed units (lots). Recommendations are as follows:

The installation of both a private stormwater drainage and wastewater reticulation systems and public water supply systems is required to enable development to proceed without increasing the frequency or severity of overflows.

Accordingly, it is concluded that subject to conditions to reflect the above the development will be provided with adequate, appropriate and safe infrastructure, with the density of development within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers. Any adverse effects on the environment are considered to be no more than de minimis in nature.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

There would be no more than de minimis adverse effects in relation to native vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified, and it is not proposed to remove any vegetation.

8.1.3 Land / Soil

There would be no more than de minimis adverse effects on soil/existing landform as a result of the proposed activity as the site is within the urban area and is already modified.

The proposed development will require earthworks outside an approved building platform over an approximate area of 88m² and will not exceed a volume of 50m³. As the concrete driveway serving proposed Unit 2 already exists the proposed earthworks will involve the establishment of the manoeuvring area for this lot.

It is considered that the implementation of Council's standard erosion and sediment control measures will ensure that there is no more than a de minimis adverse effect in terms of soil erosion and sediment runoff.

8.1.4 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be nil adverse effects on air quality.

8.1.5 Ecosystem Stability

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

8.1.6 Outstanding Natural Features; Landforms, Geological Sites

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

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

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

8.1.8 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area identified as "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 and therefore the proposed activity would not adversely affect any identified outstanding landscapes.

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

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

The site is similar to its surroundings and lies within a heavily modified environment dominated by residential activities.

The surrounding residential area contains patterns of residential development predominantly in excess of 450m². This proposal therefore seeks to introduce development of a higher density than its immediate and established surroundings.

The District Plan has a permitted baseline density of 450m² (net site area) in the Living 1 Environment. Maintaining this level of density is required to protect the amenity value, open space around dwellings and detached housing characteristics. A further reduction to 400m² (net site area) in the Living 1 Environment is envisaged by the District Plan provided that it protects the wellbeing of residents and enhances the amenity of these areas. An initial assessment concludes that the density proposed could lead to more than de minimis adverse effects on the amenity values of the adjoining neighbours.

The proposal involves the development of two net site areas being 376m² and 400m² (net site area) resulting in one additional residential site.

The existing dwelling forms an established part of the receiving environment. The existing dwelling remains compatible with its reduced net site area, and provides the opportunity for further residential development. This is emphasised and re-inforced by achieving compliance with the relevant bulk and location requirements of the Living 1 Environment (notwithstanding an internal height in relation to boundary infringement).

The proposed development will result in an additional dwelling onsite. It is considered that the additional dwelling complies with the bulk and location requirements of the district plan. It is also considered that the proposed sites have usable outdoor living, parking and manoeuvring areas.

It is considered that due to the existing and proposed dwellings complying with the bulk and location requirements and there being usable outdoor space, parking and manoeuvring areas, the proposed development is consistent with other infill development in the surrounding area. Also, the new dwelling will be constructed behind the existing dwelling when viewing the site from the road. It is considered that the proposed development will not significantly alter the streetscape of Waipani Road.

The proposed development while introducing a higher level of density on the subject site is of a size, scale and design will not detract from the visual amenities of the site and wider locality.

The proposed development while introducing a higher level of density on the subject site is of a size, scale and design that would only adversely impact upon the visual and residential amenities of the locality of those properties listed in Section 5.3.

With regard to those points addressed above, it is considered that the proposed development will have no more than de minimis adverse effect in terms of streetscape and neighbourhood character. However, the proposed development will have no more than minor adverse effects in terms of visual amenity and amenity values.

- *overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy.*

As referred to above, the proposed development has sought to minimise and reduce the adverse effects of the development which introduces a density of development above both permitted levels, and that of its immediate surroundings with an existing and a proposed dwelling having reduced net site areas.

The proposal would not result in loss of daylight/sunlight to neighbouring properties, or physically dominate neighbouring sites due to there being adequate separation between the existing and proposed dwellings and external boundaries. The proposed development will result in the existing dwelling infringing the height in relation to boundary recession plane applying to the internal boundary between proposed Units 1 and 2. The area within proposed Unit 2 that is affected by the infringement will be utilised for driveway purposes. Therefore, it is considered that this infringement will have no more than de minimis adverse effect on the future residents of the proposed lots or the residents of neighbouring lots.

The proposed and existing dwellings comply with the remaining bulk and location provisions of the Operative District Plan.

The proposal will lead to an intensification of residential activities and would result in reduced separation between sites and will impact upon the residential amenities currently enjoyed by immediately adjoining residential properties by reason of the introduction of a residential dwelling and associated activities and effects within an area of the subject site currently contributing to a neighbourhood sense of space. Such adverse effects are considered to be more than de minimis.

Beyond immediately adjoining residential sites, residential amenities currently enjoyed by properties located within both Waipani Road and Enderby Drive will not be adversely affected by the nature of the development sought. There are increased separation distances in terms of loss of light, overshadowing and visual intrusion and the overall intensification of the site for residential purposes would not impact significantly on the wider environment.

- *infrastructural capacity & availability*

The proposal has been assessed by Council's Subdivision Engineer, Mr. Steven Rankin with regard to infrastructural issues, such as stormwater disposal, water supply, and wastewater disposal.

Mr. Rankin has provided conditions that ensure that the stormwater and wastewater infrastructure has sufficient capacity. It is considered that these conditions will ensure that the additional stormwater and wastewater generated onsite will have de minimis adverse effects on neighbouring occupiers and the surrounding environment

Overall, it is considered that the adverse effect of the proposed development on existing Council infrastructure will 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*

The location and appropriateness of the proposed vehicle crossings has been assessed by Council's Roding and Traffic Engineer Mr John Carroll. Mr Carroll considers that the location of the proposed vehicle crossings is safe and will not have a detrimental effect on the safety and efficiency of vehicles and pedestrians moving along Waipani Road.

The proposal has alluded to earlier that the intensification of development will lead to traffic generation over and above that permitted by the Plan, and as such residential amenities of immediately neighbouring properties will be adversely affected. Any adverse effects, however, will not extend beyond those properties listed in Table One and Two. It is also noted that such an increase in traffic would be anticipated with the introduction of a minor household unit as a permitted activity.

The introduction of an additional vehicle crossing would not detract from either the visual or residential amenities associated with this modified residential environment.

The proposal will not have a detrimental effect on road safety, and will enable the safe and efficient movement of vehicles and pedestrians to and from the site.

8.1.11 Heritage

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

8.1.7 Summary

The proposal will provide for the adequate disposal of stormwater and wastewater. The site is also located in an area of the city that is already modified and clear of vegetation. Therefore, the proposed development will have a de minimis adverse effect on ecosystems.

The proposed development will have an affect on the residential amenity of immediately adjoining sites. However, due to sufficient separation of the proposed dwelling from the site boundaries and compliance with the bulk and location controls of the District Plan these effects will be no more than minor.

It is considered that the actual and potential adverse effects of the proposed activity are *no more than minor*.

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

8.2.1 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 particular objective and policies of reference to this proposal are:

Objective 11, Policy 11.1 requires settlement to be of a type and density that protects amenity values and neighbourhood character, whilst providing for more intensive settlement within the Living Environment in a way which protects residential wellbeing and amenity.

It is considered that the surrounding environment is characterised by sites of varying sizes ranging between approximately 350m² and 850m². Whilst neighbouring sites are predominantly in excess of 450m² area there are several properties in the surrounding area that are a similar density to that proposed.

The proposed dwelling will be located behind the existing dwelling when viewed from the road. Therefore, the streetscape of Waipani Road will be largely unchanged by the proposal.

The proposed dwelling within proposed Lot 2 complies with the bulk and location provisions of the District Plan. Furthermore, there is a sufficient distance between the proposed dwelling and external boundaries. Although the proposal is considered to have an adverse effect on the residential amenity of neighbouring occupiers, those factors detailed above will ensure that these effects are no more than minor.

Further, the proposed lots will provide sufficient outdoor space, both lots having outdoor living areas of suitable shape, size and orientation located west and north of the existing and proposed dwellings. The proposed lots will have sufficient vehicle parking and manoeuvring. Proposed Lot 1 having two vehicle parks located near the road boundary with reverse manoeuvring onto Waipani Road. Proposed Lot 2 having access via a 25m access leg leading to two internal car garages, with sufficient onsite manoeuvring.

The compliance with the bulk and location, outdoor living, and parking and manoeuvring requirements of the District Plan highlight that the applicant has demonstrated that the proposed is suitable for a reduced site area and is a density of development that is appropriate within the Living 1 Environment.

Also important to note is that the proposed subdivision is not out of keeping with the established and evolving character in the surrounding area. There are other sites within the surrounding area that have been developed to a similar intensity level. These sites along with their densities are listed as follows:

- No. 6 Waipani Road – 354m²
- No. 8 Waipani Road – 397m²
- No. 20 Waipani Road – Containing two dwellings and having an area of 888m²
- No. 8 Enderby Drive – Containing two dwellings and having an area of 868m²
- No. 34A Enderby Drive – 373m²
- No. 34B Enderby Drive – 363m²

The proposal is therefore consistent with the relevant parts of the district plan.

8.2.2 Rules and Assessment Criteria

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

Density – Discretionary Activity

The proposal would involve the creation of an additional residential lot. The proposed lots will have net unit areas of 374m² and 400m² respectively. With respect to the assessment criteria 2(a)-(e) contained in Rule 2 of the Living Environment, the following is noted:

It is considered that whilst the neighbouring area is comprised of sites predominantly in excess of 450m² or greater there are other examples of similar infill development within the surrounding area. Also, with the exception of the internal height in relation to boundary infringement the existing and proposed dwellings comply with the relevant bulk and location performance standards for the Living 1 Environment. Therefore, it is considered that the scale of the proposed development is compatible with the size of the proposed lots. It is also considered that the density of the proposed development would have no more than de minimis adverse effect on the character of the surrounding area.

However, due to the increase in density above the permitted and limited discretionary standard it is considered that the proposal may have an adverse effect on the residential amenity of adjoining neighbours. Due to the existing and proposed dwellings complying with the bulk and location requirements of the Living 1 Environment it is considered that these effects will be no more than minor.

Privacy between the dwellings and their associated areas of outdoor space, and the neighbouring properties will be maintained by existing fencing and vegetation located along the west, east, and south boundaries and new fencing to be established along the internal boundary.

There are no natural features on the property which need to be considered when assessing this application.

Vehicle Crossings – Limited Discretionary Activity

Proposed Lots 1 and 2 will be served by separate vehicle crossings and driveways. The proposed development is considered to be a Limited Discretionary Activity under the Operative District Plan (Rule 7, Transport Environment). The assessment criteria 7(a) – (d) detailed in Rule 7 of the Transport Environment Section of the Operative District Plan are addressed as follows:

The proposal has been assessed with regard to the effect the vehicle crossings will have on the safety and efficiency of vehicles and pedestrians utilising Waipani Road. It is considered that the location of the proposed vehicle crossings is satisfactory and will have negligible effect on the operation of the roading network.

It is considered that subject to conditions the proposed development will have no more than de minimis adverse effects on the safety and efficiency of the road and pedestrian network.

Height in Relation to Boundary – Discretionary Activity

The existing dwelling will infringe the height in relation to boundary recession plane relating to the internal boundary between proposed Lots 1 and 2. The infringement will have a vertical maximum of 0.25m along the full length of the dwelling being 9.6m. The assessment criteria 5(a) – (d) detailed in Rule 5 of the Living Environment Section of the District plan are addressed as follows:

As detailed above, the existing dwelling located within proposed Lot 1 will infringe the height in relation to boundary recession plane relating to the internal boundary between proposed Lots 1 and 2. The eave overhang of the existing dwelling will infringe the recession plane by a vertical height of 0.25m for a distance of 9.6m. The infringement relates to the internal boundary along the new driveway between proposed Lots 1 and 2, and is considered to be internalised within the development. In such circumstances the written approval of the directly affected owner (proposed Lot 2) is considered to be implicit, since the applicant is the owner.

Furthermore, the affected area within proposed Lot 2 will be utilised for driveway purposes. Therefore, it is considered that the proposed infringement will have no more than de minimis adverse effect on the residential amenity enjoyed by the future occupants of proposed Lot 2. The adjoining neighbour to the east would experience no more effect than at present since the existing dwelling is not proposed to be moved.

Overall, it is considered that the proposed development will have no more than de minimis adverse effect on the neighbouring occupiers.

Infill Subdivision – Controlled Activity

With respect to the assessment criteria 3(a) - (y) contained in Rule 3 of the Infill Subdivision Rules, the following is noted:

The proposed subdivision of the 852m² existing site to create two (2) lots with net site areas of 374m² (Lot 1) and 400m² (Lot 2) would be compatible with the surrounding development in the area. Although proposed Lot 1 does not comply with the 15m x 15m shape factor, proposed Lot 1 will contain the existing dwelling. As can be seen from the scheme plan this lot has sufficient outdoor living and parking areas. House and site plans have also been provided for proposed Lot 2. As can be seen from the plans provided this lot also has sufficient outdoor space, vehicle parking and manoeuvring. Therefore, the proposed lots are considered to be of a usable shape.

As discussed in Section 8.1.1 and 8.1.9 of this report Council's Subdivision Engineer, Mr. Steven Rankin of EcoWater has assessed the infrastructural issues. Mr. Rankin has recommended that conditions be placed on the consent to ensure sufficient infrastructural capacity is provided for the proposed lots. We concur with this assessment and recommend that the suggested conditions become conditions of consent, if granted. It is therefore concluded that the assessment criteria for Infill Subdivision can be satisfied.

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

It is considered that the proposed development is in keeping with the provisions of the Auckland Regional Policy Statement and Proposed Regional Plan. These documents provide direction and strategy for the urban growth of the Auckland region. The key point to acknowledge in these documents is the need for intensive development within the Metropolitan Urban Limits to provide adequate housing to meet demand.

What is also important to note is the need to provide intensive housing that is functional and provides adequately for the needs of future occupants. The fact that the existing and proposed dwellings comply with the bulk and location requirements, provides for adequate outdoor living, parking and manoeuvring highlights the appropriateness of this development.

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

8.4.1 Bonds/Reserve Contributions/Development Levy/Financial Contributions

The proposed development will create an additional building site. Pursuant to Section 487 of the Resource Management Act 1991 and under the subdivision consent a reserve contribution will be required for the proposed development to be utilised by Council in the provision of maintenance and upgrade of public services.

8.4.1.1 Development Contribution

The proposed development will create an additional building site. A development contribution is required

8.4.1.2 Reserve Contribution

The reserve contribution has been considered in accordance with the Resource Management Act 1991.

A financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values is to be obtained for Lot 2 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act. Council will obtain the valuation from Quotable Value New Zealand Ltd (QV) at the time an application is made for survey plan approval under section 223 of the Resource Management Act.

A condition requiring payment of this contribution is recommended.

8.4.2 Monitoring

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

8.5 Lapsing of Consent

Pursuant to 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. There are no foreseeable matters that would require a reduction in this time frame. A lapse period of 5 years is therefore recommended for both the land use and subdivision.

9.0 Part ii of the Resource management act 1991

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. The proposed lots will contain the existing 3 bedroom single level dwelling and a new 4 bedroom two level dwelling. The dwellings will be operated in a residential manner consistent with the surrounding environment.

The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 8 of this report. Subject to conditions, it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be reduced.

10.0 CONCLUSION

The applicant proposes to construct an additional dwelling and subdivide the property at No. 15 Waipani Road. The proposed development has density, vehicle crossing, height in relation to boundary, and infill subdivision infringements.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of the proposed residential activity will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan which seeks to provide a "...more intensive settlement within the Living Environment in a way that protects residential wellbeing and amenity."

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

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

RECOMMENDATIONS

A LANDUSE CONSENT - LUC-2006-1493

That pursuant to Sections 104, 104B, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Silvija Sumich to construct a new dwelling and subdivide the property, that under the Rules of the District Plans (as more accurately defined in Sections 3 and 4 of this report) requires resource consent for:

- Density;
- Height in relation to boundary;
- Second vehicle crossing;
- Infill subdivision

at No. 15 Waipani Road, being Lot 4 DP 43770 for the following reasons:

- (i) It is considered that the proposal would have no more than minor adverse effect on the environment as detailed in Section 8.1.1 – 8.1.9 above. Appropriate conditions would mitigate or remedy any adverse effects.
- (ii) The proposal is considered to be consistent with the relevant assessment criteria for Discretionary Activities.
- (iii) The proposal is generally consistent with the objectives and policies of the District Plan and is not contrary to Part II of the RMA.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled “Proposed New House at Lot 2, 15 Waipani Road, Te Atatu” prepared by Olsen Design and dated 25 July 2006 and all referenced by Council as RMA 20061493 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. Refer to Ecowater conditions in the subdivision consent SUB-2006-1494 below for further detail.
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years from the grant date of the consent.
4. All reticulated services to Lot 2, including power and telephone, shall be provided underground.

Monitoring Conditions

A72-A79

(Mon1) Before commencement of any works and until completion of exposed earth siteworks, 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 with attachments at pages A72 to A79, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan attached as appendix A at pages A33 to A34 to this consent.

A33-A34

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 5 working days prior to the required inspection.

(Mon2) A consent compliance monitoring fee of \$672.00 (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. The resource consent holder shall be advised of any further monitoring fees if they are required.

Transport Assets Conditions

(TA1) Comply with (TA 1) and (TA 2) of the concurrent subdivision consent RMA 20061494.

Advice Notes:

1. Where indicated in the conditions it is the consent holders' responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A Survey Plan has been provided by a surveyor detailing the degree of infringement generated to the new internal boundary by the existing house.

B SUBDIVISION - RMA-2006-1494

That Subdivision Consent Application SUB-2006-1494 being a controlled activity and being a 2 Lot Subdivision of Lot 4 DP 43770 comprised in CT NA2037/40 situated at No. 15 Waipani Road, Te Atatu Peninsula by Silvija Sumich be granted subdivision consent pursuant to Sections 104, 104A, 108 and 220 of the Resource Management Act 1991, and that:

Pursuant to Section 113 of the Resource Management Act, the reasons for granting consent are as follows;

- a. No persons may be adversely affected by the proposal.
- b. The proposal has been considered in terms of the relevant assessment criteria, meets the relevant policies and objectives of the District Plan, and would create no more than minor adverse effects on the environment.

Conditions imposed on the consent are as follows:

1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) The Survey Plan shall be in accordance with the plans titled "Proposed Subdivision of Lot 4 DP 43770" prepared by Cato Bolam Consultants and dated **June 2006** and all of the information submitted with the application (including further information), all referenced by Council as RMA 20061493 and RMA 20061494
- (b) Provide services and drainage easements (for the services through Lot 1 to Lot 2 and, Lot 2 to Lot 1 to protect the proposed connections) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon."

Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

2: SECTION 224C REQUIREMENTS

Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council:

Note: The application requesting the 224 release shall be in writing, shall include the advertised processing fee, shall address how each of the following conditions have been satisfied, and shall be accompanied with Compliance Certificates from each of Council section(s) named below.

ECOWATER CONDITIONS

(EW 1) Design, provide and install a complete private wastewater reticulation system to serve all Lots 1 and 2 in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:

- (i) Locate and relay the existing private drainage serving the existing dwelling to a position clear of the building platform on Lot 2 and within a drainage easement.
- (ii) Either grout fill, or remove, the abandoned private drainage under Council's supervision.
- (iii) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve Lot 1 and Lot 2 if not covered by a building consent.
- (iv) Separate systems are to be provided from each Lot to the point of connection to the dry chamber.
- (v) A Licensed Cadastral Surveyor is required to certify the private drainage has been laid within the easements provided.
- (vi) To minimise the number of connections to the principal lines provide a dry chamber at the end of a connection and serve 2 Lots from one chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.

(EW 2) Design, provide and install a complete private stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:

- (i) Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
- (ii) Separate systems are to be provided from each Lot to the point of connection to the wet chamber.
- (iii) Pay to the Council the cost of providing a new connection to the drain.
- (iv) Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve both Lots if not covered by a building consent.
- (v) A Licensed Cadastral Surveyor is required to certify the private drainage has been laid within the easements provided.
- (vi) To minimise the number of connections to the principal lines provide a wet chamber at the end of a connection and serve 2 Lots from one chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.

Advice Note:

EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

(EW3) Design, provide and install a complete public water supply reticulation system to serve all Lots 1 and 2 in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:

- (i) Provide and install a private water service pipe to the boundary of Lot 2 as specified in WCC COP Section 6.3.12 Case 1 (25mm PE (nominal 20mm bore) service connection at the boundary of each lot)

- (ii) Liaise with the Water Assets Engineer regarding the location of the existing water meter and arrange for its relocation or substitution and pay all fees applicable. Note: Council require that an existing water meter serving an existing house remain the meter serving that house.
 - (iii) Locate all water connections at the same position as the power and telephone connection to each Lot **not** in the centre of the Lot.
 - (iv) All Lots/Units are to be individually metered at the road reserve boundary.
 - (v) Ducting of private service lines is recommended.
- (EW 4) Provide an As-Built drainage plan for the property, prepared by a registered drainlayer, showing the separate private drains from the existing buildings/new Lots to the point of connection to the public drains/dry chamber.

TRANSPORT ASSETS CONDITIONS

- (TA1) Form and construct two vehicle crossings for future Lots 1 & 2 on Waipani Road, using standard detail SD 3.10 Residential Vehicle Crossing (Kerbed Roads) in Council's Code of Practice for City Infrastructure and Land Development; and for which a vehicle crossing detail form shall to be completed and returned to Council. Note: The existing vehicle crossing is old, possibly non-standard and in poor condition and shall be replaced.
- (TA2) Inspection of the vehicle crossing boxing prior to concrete pouring is required. Contact Phone 836 8000 Ext. 8725, at least 48-hours prior to the inspection being required.

FEEES, BONDS & CONTRIBUTIONS

Invoices will be prepared by Consent Services. If paying by personal/company cheque the standard 5 days clearance will apply. If you require the 224C certificate immediately, you must provide a bank cheque.

- (FC1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.
- (FC2) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for Lot 2 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act. Council will obtain the valuation from Quotable Value New Zealand Ltd (QV) at the time an application is made for survey plan approval under section 223 of the Resource Management Act. Pay also QV costs for obtaining the valuation, which will be invoiced by Council.

GENERAL

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

- (GL1) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL2) Provide confirmation that the relevant network utility operators are satisfied with the electric power and telephone connections to each allotment; or, if necessary, carry out any remedial work required.

(GL3) Pursuant to Section 125 of the Resource Management Act 1991, if not given effect to earlier this consent shall lapse five (5) years after the date of granting of the consent

Note: The above time frame would be extended by the application and approval of the survey plan pursuant to Section 223 of the Act. However, work required for the completion of the subdivision that is subject to the land use consent above is subject to the timeframe specified in that consent. Should that time period lapse/expire prior to the completion of such works, then a new consent will be required before such work may (re)commence."

Advice Note:

A Development Contribution of \$10,436.95 (plus GST) has been estimated for this subdivision. This development contribution (less any deductions that may apply under the above conditions) shall be paid prior to the issue of a certificate under S.224(c) Resource Management Act 1991. Should a building consent be granted prior to S.224(c) the development contribution will be required prior to the uplift of that Building Consent. Duplicate payments would not be required.

Report Prepared by: Nick Eagleson, Resource Planner.

