



**AGENDA FOR A HEARING BY A COMMISSIONER TO BE HELD AT WAITAKERE  
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,  
ON THURSDAY, 14 AUGUST 2008 COMMENCING AT 9.30 AM.**

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**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE CITY COUNCIL TO WIDEN  
AND RAISE STURGES ROAD TO ALLOW FOR RAISING THE ROAD BRIDGE OVER  
THE RAIL LINE.**

**RMA: HENDERSON  
LUC: 2008-736**

**N.B. This report sets out the advice of Consent Services to the Hearing Commissioner 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 Hearing Commissioner.**

**APPLICATION DETAILS**

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Planner:	Stuart Brooke
Site Address:	Sturges Road and parts of the following private properties: 1/7, 2/7, 8, 9, 9B, 1/10, 2/10, 11A -11F, 12, 1/14, 2/14, 1/16, 2/16, 1/18, 2/18, 19, 1/20, 2/20 and 21 Sturges Rd; and 17, 19, 21, 23, 25, 27, 29, 31 and 33 Neta Grove
Applicant:	Waitakere City Council
Date Received:	12/5/2008
Resource Consent No:	LUC-2008-736
Building Consent No:	COM-2008-1025
Ward:	Henderson 3
Legal Descriptions:	All or parts of the following titles: LOT 1 DP 49973, LOT 1 DP 60780, LOT 2 DP 9973, LOT 3 DP 49973, LOT 2 DP 60780, LOTS 11- 16 DP 201039, LOT 1 DP 129962, LOT 21 DP 107080, LOT 20 DP 107080, LOT 19 DP 107080, LOT 1 DP 114231, LOT 18 DP 107080, LOT 2 DP 114231, LOTS 1-10 DP 201039
Address for Service:	c/- Tom Hurdley, Connell Wagner Ltd, PO Box 9762, Auckland
Site Area:	n/a
District Plan:	Transport Environment
Human Environment:	Living Environment
Natural Area:	General Natural Area
Landscape Elements:	Nil
Hazards:	Nil
Roading Hierarchy:	Collector Road
Further Information Required:	No, although the applicant provided the following further information: -vegetation alteration -landscape planting -rubbish collection area in front of 11A- F Sturges Road -permeable paving at 14A Sturges Road for onsite vehicle turning

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to widen Sturges Road and upgrade the bridge to prepare for electrification of the railway. Works involve raising the level of the bridge and the road approaches to the bridge, as well as the re-grading of residential driveway access' and construction of retaining walls along the road boundary. Consent is required for earthworks, vegetation removal, and the construction of retaining walls within the road reserve.

### 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 significant resource management issues associated with the proposal relate to residential amenity, visual amenity, earthworks and vegetation alteration and removal.

### 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 to widen and raise the level of Sturges 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



**Figure 1:** (above) 2005 Aerial photograph illustrating proposed works area on Sturges Road. Works required on private land blocked in white.

**Site Address:** STURGES ROAD, HENDERSON, and parts of the following private properties:

1/7, 2/7, 8, 9, 9B, 1/10, 2/10, 11A -11F, 12, 1/14, 2/14, 1/16, 2/16, 1/18, 2/18, 19, 1/20, 2/20 and 21 Sturges Rd; and 17, 19, 21, 23, 25, 27, 29, 31 and 33 Neta Grove

**Legal Description:** All or parts of the following titles: LOT 1 DP 49973, LOT 1 DP 60780, LOT 2 DP 9973, LOT 3 DP 49973, LOT 2 DP 60780, LOTS 11- 16 DP 201039, LOT 1 DP 129962, LOT 21 DP 107080, LOT 20 DP 107080, LOT 19 DP 107080, LOT 1 DP 114231, LOT 18 DP 107080, LOT 2 DP 114231, LOTS 1-10 DP 201039

**Human Environment:** Transport Environment and Living Environment.

**Natural Environment:** General Natural Area.

**Roading Hierarchy:** Collector Road.

### 3.0 PROPOSAL

Waitakere City Council, as the applicant, seeks consent to widen and raise a section of carriageway along Sturges Road in Henderson. This proposal has been brought about by the need to tie in with the ONTRACK project to replace the existing Sturges Road Bridge over the Western Rail Corridor. The replacement bridge will be 1.2 metres higher and have a greater span than the existing bridge in order to accommodate double tracking and future electrification of the rail corridor.

The length of proposed works on Sturges Road will span approximately 295 metres, extending from the centreline of Swanson Road in the north-east to the edge of the Vintage Drive / Septimus Place intersection in the south-west (as indicated above in Figure 1). Sturges Road Bridge is located approximately half way between these intersections. The maximum proposed change in height within the road reserve is 1.2m where the road meets the bridge, and will be gently graded back to meet the existing road level at either end of the works area.

Due to time restrictions imposed by the need for ONTRACK to undertake double tracking of the rail corridor, the applicant anticipates that the demolition of the existing bridge and construction of the replacement bridge will be undertaken prior to the proposed raising and realignment of Sturges Road. During this stage, vehicle and pedestrian access will be provided via the installation of interim ramps either side of the replacement bridge. The interim ramps will remain in place with the permanent re-grading and realignment works being built over the top.

The modifications to the layout of the road reserve include the provision of an additional north-east bound lane and the relocation of footpaths so that they abut the carriageway on both sides of the road. A 2.5 metre grassed berm would be provided between the footpath on the southern side of Sturges Road and the adjoining properties. Along the northern side of Sturges Road there would be far narrower grassed berm areas, and in certain locations there would be no berm between the footpath and adjoining properties.

Sturges Road and the properties on either side of the road are currently relatively level with residential properties in this area gaining direct, level ingress and egress to Sturges Road. The change in the level of Sturges Road will result in the new road being above the existing level of the adjoining properties, by up to 1.2m in height. This would require retaining walls to be constructed along adjoining property boundaries (located wholly within the road reserve). The application specifies that these would be constructed of timber post and board.

The raising of Sturges Road would require reconstruction of vehicle crossings for all properties between Swanson Road and Septimus Place. In addition, driveways within the following properties (identified in Figure 1 above) will need to be re-graded (and in some cases realigned) from their existing level gradient to a gradient of up to 20% (or 1 in 5):

- 1/7 and 2/7 Sturges Road;
- 8 Sturges Road;
- 9 and 9B Sturges Road;
- 1/10 and 2/10 Sturges Road;
- 11A -11F Sturges Road;
- 12 Sturges Road;
- 1/14 and 2/14 Sturges Road;
- 1/16 and 2/16;
- 1/18 and 2/18;
- 19 Sturges Road;
- 1/20 and 2/20 Sturges Road; and
- 21 Sturges Rd; and 17, 19, 21, 23, 25, 27, 29, 31 and 33 Neta Grove.

Retaining walls would be required to support these new driveways where the change in height exceeds 300mm. Typically this retaining would be block retaining walls on both sides of the driveway.

The works would involve earthworks of 3376m<sup>3</sup> in volume, over an area of 5840m<sup>2</sup>. It is proposed to import 1,432m<sup>3</sup> of general fill material, 625m<sup>3</sup> of road surfacing, and 196m<sup>3</sup> of footpath surfacing. It is proposed to export 1,123m<sup>3</sup> of material from the site that is unsuitable for re-use, this will be disposed of at a suitable fill location.

The works will require the removal of 16 street trees. In addition it is proposed to undertake pruning and works within the dripline of vegetation at 4, 7, 7B, 10, 14 and 22 Sturges Road, and the removal of a dead tree at 5 Sturges Road.

Impermeable surfaces within the road reserve will increase by 630m<sup>2</sup> in area. New kerb and channelling, as well as ACO channel drainage (located across respective driveways), would be constructed as part of the road works and designed to cope with the stormwater associated existing and proposed impermeable surfaces.

An Indicative Traffic Management Plan (ITMP) has been submitted with the application. A more detailed traffic management plan based on the ITMP would be prepared by the successful project contractor.

The rail corridor and bridge carrying Sturges Road over the rail corridor have recently been subject to related resource consent applications. Land use consent (LUC-2006-1749) and an outline plan of works (OPW-2006-1750) have been granted for double tracking and associated works from Henderson to Swanson. In addition, Land use consent (LUC-2007-891) has been granted for earthworks associated with a new bridge over Sturges Road and temporary Bailey bridges during construction.

Waitakere City Council has also recently passed a resolution pursuant to Section 330 of the Local Government Act 1974 to raise the level of Sturges Road.

#### Consultation

Consultation between the Project Team and the public took place in 2007 with the holding of an open day on 4 August 2007 as well as with regular meeting of the Sturges Bridge Replacement Community Liaison Group. Personal visits were also made by the Project Team to two elderly residents in the area in June 2008.

A further informal meeting was held at Council on 8 July 2008 when three residents' concerns over the Resource Consent application were heard by the Project Manager and minor design changes were proposed to accommodate the residents' requirements and to make matters easier for them.

This application supersedes a previous resource consent application (LUC2007-1162), which has been withdrawn.

#### 4.0 REASONS FOR THE APPLICATION

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

##### General Natural Area

###### Rule 2: VEGETATION ALTERATION

Limited Discretionary Activity for the removal of protected vegetation. It is proposed to remove 16 street trees. It is proposed to undertake work within the dripline of trees on private property and 1 street tree.

Controlled Activity for works within the drip line of protected vegetation it is proposed to undertake works within the drip line of 1 street tree and 5 private trees.

###### Rule 3: EARTHWORKS

Discretionary Activity for earthworks that exceed an area of 100m<sup>2</sup> and a volume of 50m<sup>3</sup>. It is proposed to undertake earthworks of approximately 5840m<sup>2</sup> in area and 3376m<sup>3</sup> in volume, to a depth of 1.2m.

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 resource consents are required in respect of this application.

#### 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The works are proposed along Sturges Road; from the Swanson Road intersection in the north-east to the Vintage Drive / Septimus Place intersection to the south-west (see Figure 1 above). Sturges Road is a Collector Road under the District Plan Roding Hierarchy and currently carries an average of 17,000 vehicles per day. The road crosses over the Western Rail line and is currently carried via a relatively level two lane bridge (Bridge 58), which was constructed in the 1940s. Sturges Road Railway Station is located approximately 200m to the north-west of the Sturges Road Bridge.

The surrounding environment is residential in character, with a range of housing densities including stand alone dwellings on individual sites, cross-lease and infill housing, and medium density housing.

There are a variety of boundary treatments between the residential properties and Sturges Road. These consist of a range of fencing types and heights, a range of vegetation (hedges and plants), and some properties have no boundary division. Sturges Road and surrounding properties are generally flat, though the rail corridor cuts down steeply from the surrounding properties to track level, approximately 4 metres below.

Sturges Road continues on to the south-west where a significant number of residential subdivisions have been, and continue to be undertaken. Swanson Road to the north-east is a District Arterial Road that leads into Great North Road and Henderson's Town Centre.

The vegetation character of the locality is described by a mix of native and exotic young to semi-mature/ mature trees within the existing road reserve and generally semi-mature to mature native and exotic trees within the boundaries of the private properties immediately adjacent to the site. Of particular prominence are the two Sweet Chestnut trees located within the road reserve on the corner of Sturges Road and Swanson Road.

Figure 2



Figure 3



Figure 4



Figure 5



Figure 6



Figure 7



Figure 8



Figure 9



**Figure 2** – Swanson Road / Sturges Road intersection

**Figure 3** – View from Swanson Road looking up Sturges Road

**Figure 4** – Looking down Sturges Road towards Swanson Road intersection

**Figure 5** – View from Swanson Road looking up Sturges Road, group of trees including mature Kanuka to right of photo

**Figure 6** – Trunk of Kanuka in proximity to boundary fencing and Sturges Road

**Figure 7** – Kanuka tree

**Figure 8** – View of northern side of Sturges Road, looking towards Swanson Road. Low fence and hedge boundary treatment visible, as well as relatively flat topography.

**Figure 9** - View of southern side of Sturges Road, looking towards Swanson Road. Low fence and hedge boundary treatment visible, as well as relatively flat topography.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 28 May 2008. Notice of this application was served on all identified affected persons on 23 May 2008. The period for submissions closed on 30 June 2008.

A33-A43

4 submissions were received. No submissions were received in support of the application, 3 were neutral and 1 opposed the application. Subsequently, one submitter changed their stance from being neutral to opposing the application. Please refer to Appendix 3 attached at pages A33 to A43 for copies of the submissions that were received. A map showing the location of the submitters is also attached in Appendix.3

### 6.1 Submissions

A summary of the submissions is as follows:

#### Ju Sun Juong and Choi Hyun Ja, 9B Sturges Road - Position: Neutral

The submitters stated that they would like the fence along their right of way to be replaced following the raising of their driveway. The submitters also sought property improvements associated with works currently being undertaken by ONTRACK.

John Paul Heynan, 21 Sturges Road - Position: Neutral.

Mr Heynan did not want to lose an existing car parking space beside his house, and raised concerns that if his driveway was ramped then vehicles accessing his property would “bottom out”. Mr Heynan also identified that any replacement fencing will need to be raised to new levels. Finally Mr Heynan sought confirmation that Council would improve storm water drainage on the road, and stated that his property currently floods during heavy rain.

Keith and Joyce Wylie, 19 Sturges Road - Position: Oppose

Mr and Mrs Wylie were originally neutral to the proposal but later amended their submission to a stance of opposition. Two letters, dated 29 August 2007 (in response to the previous resource consent application which was subsequently withdrawn) and 3 June 2008, were attached to the submission. Matters raised in these letters included:

- Loss of grass verges and two street trees in front of their property;
- Proximity of proposed footpath to front boundary;
- Opposed to noise and vibrations associated with increased traffic;
- Fence and gates to be raised and replaced;
- Loss of hedge on their front boundary;
- Ramped driveway will affect onsite manoeuvring and reversing out of property;
- Wants to know the quantum of the valuation recently done; and
- Broken bottles on road and footpath every weekend. Concerned that with the footpath closer and higher in relation to their property, bottles will be thrown into their front yard.

G.C.S Bendall and J.N Bendall, 14A Sturges Road - Position: Oppose

The submitters opposed the raising of the level of the road in front of their property and the proposed modifications to their driveway, citing substantial negative effects on the visual amenity and value of their property, and on the safety and privacy of occupants of the site. The submitter felt that the proposal should be further redesigned to mitigate these effects.

## **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.

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

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

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

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

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

#### **8.1.1 Water Quality and Quantity**

The proposed works involve the widening of Sturges Road which currently has grassed road berms on either side of the road. In order to achieve the desired road width, the road berm/footpath area will be reduced and the carriageway increased.

The application details outline that this will increase the impermeable surface coverage of the road area by 630m<sup>2</sup>. The application details also outline that new kerb and channelling will be constructed in accordance with Waitakere City Council's Code of Practice to capture stormwater runoff and direct it to Council's reticulated stormwater system.

The District Plan (under General Natural Area, Impermeable Surfaces Rule 4) specifies that as a permitted activity, up to 90% of the legal width of the road can be established in impermeable surfaces (10% permeable). Proposed permeable areas exceed 10% of the total road reserve within the subject site, and include a 2.5 metre wide grassed berm for the length of the southern side of Sturges Road and additional grassed berm areas along the northern side of Sturges Road areas. The development complies with the District Plan in terms of impermeable surfaces coverage and will not impact on any watercourses or streams.

In his submission, Mr Heynan identified that storm water runoff from Sturges Road causes ponding on his property at 21 Sturges Road during heavy rainfall events, and sought confirmation that Council would improve storm water drainage. A visit to Sturges Road on 28 July 2008 during a prolonged heavy rainfall event confirmed that storm water was not being adequately drained from the northern side of the carriageway (west of the bridge). With regard to Mr Heynan's concerns, new kerb and channelling and cesspits will be constructed in accordance with Council's Code of Practice along the length of the realigned carriageway. In addition, ACO channel drainage will be constructed across the width of driveways to prevent sheet flows of storm water down the proposed ramped driveways. New storm water infrastructure to service the channel drainage will be constructed on Council and ONTRACK owned land, and will discharge to ONTRACKS outfall. Council's Ecowater Engineers have assessed the application and support the proposed storm water mitigation without condition. It is therefore considered that the proposed development will improve storm water drainage off Sturges Road.

It is expected that the stormwater runoff from the carriageway would contain contaminants from vehicles using the road, and these will enter the stormwater system. The contaminant levels are not expected to increase as a result of the works. Temporary effects on water quality associated with the construction period are discussed in Section 8.1.3 below.

Overall, there would be no more than minor adverse effects on water quality and quantity from the proposed development.

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

As stated in Section 3.0 above, the applicant proposes to undertake works within the dripline of five private trees, prune nine private trees, and remove 16 trees from within the road reserve. Works within the dripline of 1 tree within the road reserve will also be undertaken.

#### *Works within the Drip Line of Vegetation*

In a report dated 22 June 2007, the applicant's arborist Chris Boucher recommended a methodology for the proposed works within the drip line of vegetation to be retained ("Tree Protection and Works Methodology Statement"). Mr Boucher considered that subject to the implementation of his recommendations, adverse effects on retained vegetation would be no more than minor. Consultant Arborist Simon Miller has reviewed the application and considers that the detailed construction and tree protection methodology to manage and minimise negative effects arising from the proposed works is in accordance with arboricultural best practice.

#### *Effects on Privately Owned Vegetation*

Mr Miller generally concurs with the submitted arborist report, although he has raised concern over the potential effects of works on the mature kanuka tree (labelled T05 in Mr Bouchers report, though it is incorrectly identified as a totara). This large, well structured specimen is located within a cluster of mature native trees along the front property boundaries of 1/7 and 2/7 Sturges Road (Refer figures 5, 6 and 7 above).

It is proposed to raise the level of the road by 500mm and construct a timber pole retaining wall on the boundary and against the trunk of the Kanuka T05. Approximately 40% of its dripline would be buried by the road raising. While it is acknowledged that the proposed tree protection and construction methodologies are in accordance with arboricultural best practice, the proposed soil loading on the existing root system of the Kanuka could potentially have a more than minor affect on the health of the specimen, and partial dieback is likely.

The Kanuka tree is an impressive specimen, and is particularly prominent within the view shaft associated with the south-western approach along Sturges Road. However, due to its close proximity to the mature Puriri and Pohutukawa specimens, adverse visual effects associated with the partial decline of the Kanuka tree will be no more than minor. With regard to the nearby Pohutukawa T03 and Puriri T04, I concur with Chris Bouchers comment that the proposed works within the dripline of these trees can be accommodated with no more than minor effects on their health.

#### *Effects on Public Trees*

The two Sweet Chestnut trees on the corner of Swanson and Sturges Roads are the most notable street trees within the proposed works area. It is proposed to retain the smaller of the two specimens, though the following works are proposed within its drip line:

- Realignment of the carriageway (including kerb replacement and realignment of storm water cesspit/ connection to proposed new storm water line);
- Construction of wooden boardwalk pavement; and
- Construction of new traffic signal ducts and junction box.

Both Mr Miller and Waitakere City Council Parks Operations Team Leader Roscoe Webb have stressed the importance of safeguarding the health of this specimen due to its significant contribution to the existing character and amenity of the area. Upon review of the application, Mr Miller considers that the proposed works within the dripline of the Sweet Chestnut could be managed with no more than minor effects, though uncertainty remains as to the exact location of existing services and proposed trenching for new services. In addition, both Mr Miller and Mr Webb considered that the proposed protective fencing was not robust enough. Thus, it is recommended that additional conditions of consent relating to more robust fencing and greater supervision of works as recommended by Mr Miller and Mr Webb be imposed. I concur with Mr Miller's opinion that subject to careful site management in accordance with the recommended conditions, adverse effects on the health of the retained Sweet Chestnut will be no more than minor.

#### *Tree Removal*

The sixteen trees proposed to be removed comprise of a diverse range of young and mature, native and non-native specimens. I concur with the applicant that these trees require removal in order to facilitate the development, and that there is no viable alternative design that would permit any of them to be retained.

Of the sixteen subject trees, the Sweet Chestnut has the highest amenity value. It is considered a notable example of its species and is prominently located on the corner of Sturges Road and Swanson Road. The removal of this tree will have more than minor adverse effects on the visual amenity of the immediate area, though these effects could be mitigated by the successful retention of the second Sweet chestnut tree. In time this second Sweet Chestnut may develop a larger, uninterrupted crown on its own.

The two Queensland box trees located near the corner of Sturges Road and Septimus Place contribute a pleasant amenity to the local streetscape due to their size, good health, prominent location, and the relative lack of other mature vegetation in the immediate vicinity. Visually, it is considered that the removal of these two specimens will be minor. The remaining street trees within the works area, including 6 small Pohutukawa, have limited visual amenity. Mr Miller considers that their removal would not adversely affect amenity values and neighbourhood character provided that some mitigation planting is undertaken.

#### *Potential mitigation*

Replacement planting within Sturges Road is limited to low-growing garden species in two locations: underneath the retained Sweet Chestnut tree and the sloping embankment adjacent to the northwest corner of the Sturges Road Bridge. Mr Miller and I consider that the 2.5 metre wide berm along the southern side of Sturges Road represents a potential location for tree planting to mitigate the adverse visual effects associated with the loss of 16 street trees. Mr Miller has recommended the planting of *Metrosideros excelsa* 'Maori Princess' in this area, subject to Waitakere City Council Parks agreement.

Overhead power lines span the length of the subject site on the southern side of the carriageway. In a memorandum dated 25 July 2008, Mr Webb advised confirmed that Council's policy since the promulgation of the Electricity (Hazards from Trees) Regulations 2003 has been not to plant any tree species beneath electrical conductors that have the potential to conflict. Because of this policy, Mr Webb found that he could not support the replanting recommended by Mr Miller, although instead recommended that Parks review the site on completion of the construction works to consider the opportunities for betterment planting. A condition of consent is recommended to ensure that this occurs.

It is noted that the applicant has not demonstrated any consideration to place the existing power lines underground as part of the proposed development. I feel that this represents a missed opportunity while other infrastructure is being upgraded, and as a result it significantly limits the potential to mitigate the loss of street trees in the immediate area.

I concur that it is prudent to restrict the size of vegetation beneath power lines to avoid potential conflict, however I feel strongly that it is important to pursue all appropriate mitigation planting to address the loss of amenity within the streetscape. In consultation with a Council Arborist, I feel that a local Kowhai variety *Sophora fulvida* would be appropriate in this situation. It grows to a maximum height of 3-4m high with a crown spread of approximately 2m. Due to its limited height, it is considered that this variety would not interfere with overhead power lines. The open framework and deciduous nature of the tree would suit its placement on the southern side of the road, as it wouldn't cause significant shading for adjacent houses. Therefore I recommend that a condition of consent requiring the planting of *Sophora fulvida* at appropriate spacing within the grass berm on the southern side of Sturges Road.

#### *Effects on the Green Network, biodiversity and fauna habitat*

The surrounding environment is highly modified, though well established with an eclectic range of ornamental trees. The loss of this vegetation is therefore not considered to have a significant effect on the fauna habitat, biodiversity or the resilience of the Green Network. The planting of Kowhai trees as recommended above would mitigate adverse effects on the Green Network. As a prolific flowering species, Kowhai would attract native birds to the area.

It is noted that the applicant proposes to plant a total of 36 native specimen trees of a Pb 95 grade in two local schools. This is strongly encouraged as it will result in a net benefit to the ecology of the subject schools and the surrounding area. Unfortunately this mitigation cannot be taken into consideration when assessing this application, as the planting would be carried out on land that does not form part of the subject site. Council does not have the authority to require works to be carried out on land that does not form part of the application. Despite this, would like to re-iterate that I strongly support this planting plan.

#### **8.1.3 Land / Soil**

The proposal is expected to require earthworks of approximately 5840m<sup>2</sup> in area and 3376m<sup>3</sup> in volume, to a fill depth of 1.2m. The volume of earthworks is comprised of 1,432m<sup>3</sup> of general fill material, 625m<sup>3</sup> of road surfacing, and 196m<sup>3</sup> of footpath surfacing. It is proposed to export 1,123m<sup>3</sup> of material from the site that is unsuitable for re-use, this will be disposed of at a suitable fill location.

#### *Landscape modification and stability issues*

Timber pole retaining walls, ranging in height from 300mm to 1.1m, have been proposed within the road reserve along the adjoining property boundaries to facilitate the heightening of the road above the surrounding ground level. On the northern side of road this retaining wall is proposed between properties 7 and 19 Sturges Road (inclusive), and on the southern side between 12 and 14 Sturges Road. The driveways of the affected properties will be re-graded with block-work retaining walls proposed where driveway height is greater than 300mm (all affected properties are listed in Section 3.0 above). All proposed retaining structures have been designed to accommodate the relevant likely surcharge from vehicles, and will be assessed under a future building consent application. It is therefore considered that the proposed development will not cause any effects associated with subsidence or instability.

The area is highly modified and has little landscape value of note. The proposed earthworks and the subsequent change in ground levels will not significantly alter the existing landscape values.

*Sediment loss and erosion*

A65-A72

The proposed earthworks will have a transient effect on local erosion and water quality which can be mitigated through appropriate sediment and erosion control measures. The application proposes all earthworks will be undertaken in accordance with the Auckland Regional Council Technical Publication 90: Sediment and Erosion Control. Councils Environmental Monitoring Officer Glenn Pope has assessed the application refer to Appendix 5 attached at pages A65 to A 72. Mr Pope considers the earthworks would be a scale that is appropriate to the development, and supports the application subject to a number of conditions, if granted. Mr Pope considers that it would be appropriate to require an Earthworks Management Plan (EMP) be prepared and submitted to Council for approval prior to works commencing. The EMP would include:

- A detailed sediment and erosion control plan;
- The means by which the surrounding road will be kept free from damage, mud, gravel and silt;
- Contact details for the project manager;
- Details of a contract with a road sweeping company that may be employed to sweep the roads if deemed necessary by Council staff; and
- The disposal location of any spoil/cut material that cannot be re-used on site.

I concur with the recommendations of Mr Pope, and consider that sediment loss associated with the proposed earthworks can be managed in a way that has no more than minor effects on water quality.

**8.1.4 Air**

In dry conditions during earthworks, dust may become an issue, this is a particular concern given the proximity to surrounding residential properties. As outlined in the application information, if dust becomes an issue, the contractor will take the appropriate dust suppression measures. These measures are to be confirmed via the submission of a dust management plan to the satisfaction of the Manager, Resource Consents. It is considered that with appropriate dust control and management measures the adverse effects relating to air quality would be no more than minor.

It is also worth mentioning that the realignment of Sturges Road will improve traffic flows, and will significantly reduce the quantity of emissions in the immediate area associated with stagnant traffic during commuter hours. The works will also allow for the electrification of the rail network, which would zero emissions. The anticipated increase in passengers using the rail network will result in a corresponding reduction in private vehicle movements.

**8.1.5 Ecosystem Stability**

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

**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. Appropriate placement of silt and erosion control measures during earthworks would prevent sediment laden runoff, and the

subsequent re-instatement of planted areas within the road reserve would minimise downstream effects from stormwater discharges.

### 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

*Privacy, onsite amenity, overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance surveillance.*

The proposed timber pole retaining walls against the front boundaries of 7, 11A, 12, 14 and 19 Sturges Road will affect the onsite amenity of these properties, although it is not considered that the streetscape or other properties will not be affected. The retaining walls may result in a loss of privacy and a feeling of dominance caused by pedestrians walking along the raised footpaths and looking down into the front yards of these sites. The applicant has addressed the issue of privacy by locating the replacement footpaths against the carriageway and as far away from the property boundaries as possible. The extent of the loss of privacy depends upon the setback and orientation of each dwelling in relation to the front yard. Privacy issues can be mitigated by screening with vegetation or a closed timber board fence. Unfortunately, this mitigation measure could exacerbate other effects associated with the raised road level such as shading, particularly for properties on the southern side of the carriageway. Also, the appearance of a 1m high retaining wall with a fence on top may be well beyond the height of a person and thus create issues of dominance. Dominance can be reduced by careful height selection and softened through landscaping.

Submissions identified the intrusion of privacy and shading as key issues. The application proposes to replace existing front boundary fencing with a like for like product, or alternatively with a standard 1.8 metre high close boarded fence. I feel that the balance between protecting privacy and avoiding shading is a personal and subjective amenity issue that may vary from site to site. It is therefore recommended that if the consent be granted, a condition be imposed which requires replacement fencing. The condition would allow the affected party to stipulate whether the replacement fencing is "like for like" or a close boarded timber fence up to 1.8m in height. To address the potential loss of the Pittosporum hedge in the front yard of 19 Sturges Road, it is recommended that a condition be imposed would require the replacement and maintenance of this vegetation.

*Access and driveway manoeuvring, driveway width & gradient, on-street parking, driver safety, traffic noise.*

The submissions from Mr Heynan and Mr & Mrs Wylie raised concerns that the proposed ramped driveways on their properties were too steep and would cause vehicles using this access to "bottom out" - scrape their underside. The ramped driveways have been designed in accordance with the Council's Code of Practice, and would all have a gradient of less than 1 in 8. Senior Engineer Joe Schady on behalf of the applicant has confirmed that the proposed ramped driveways will not cause vehicles to bottom out.

Mr Wylie raised an additional concern relating to the design of the ramped driveway on his property. Immediately north of the driveway, a grassed area between the front boundary and the dwelling is occasionally used as an informal parking area. The ramped driveway would not permit access to this area as it would be raised up to 200mm in height. Joe Schady on behalf of the applicant has proposed to overcome this difficulty by providing a gentle earth batter from the north edge of the driveway.

Mr Bendall of 14A Sturges Road raised concerns over the safety of vehicle access to and from his property. Side by side car parking spaces are located against the front of the dwelling, which is approximately 6m from the front boundary and 11m from the carriageway. Onsite manoeuvring is not currently available. The proposal would raise the height of Mr Bendall's driveway by 750mm, and the height of the carriageway in front of this driveway would be raised by approximately 1.0m. I concur with the submitter that being required to reverse up a 1 in 10 gradient onto a busy road poses danger to vehicles leaving the site and other road users. A further exacerbating factor is that this driveway is located on a gentle bend in the carriageway, and road users travelling in a southwest direction may not see a vehicle reversing out of this driveway.

Mr Schady acknowledges this is a significant safety risk, and has proposed to mitigate this by constructing an onsite reverse manoeuvring area in front Mr Bendall's dwelling. This is a late amendment, and at the time of writing this report the engineering details have not been completed. I understand that Mr Schady has discussed this potential mitigation measure with Mr Bendall, who is considering the proposal. I would encourage that this or a similar option be further explored during the hearing process.

*Connectivity, accessibility, safety, pedestrian access.*

The proposed road layout will maintain pedestrian access on both sides of Sturges Road. Footpaths are to be located adjacent to the carriageway, which eliminates the existing buffer currently provided between pedestrians and vehicles. This raises consideration of pedestrian safety. The applicants have addressed this by widening footpaths from 1.0m to 1.5m, as required by Councils Code of Practice Manual. This will comfortably allow enough room for pedestrians to pass each other within the confines of the pavement. With respect to the matter raised by Mr and Mrs Wylie, the additional footpath width will also adequately accommodate the rubbish and recycling bins for 19 Sturges Road without risking pedestrian safety, as this property will have no grassed berm along its front boundary for these services.

Additional features that will improve pedestrian safety and accessibility include the provision of a narrow crossing near the Septimus Place intersection, and the upgrading of footpaths to the Sturges Train Station. Overall it is considered that pedestrian accessibility will be improved, and that the widened footpaths, which have been designed in accordance with Councils Code of Practice, poses no more than a minor increased risk to pedestrian safety.

*Construction effects: noise, dust, and traffic congestion*

The application details indicate that the earthworks are expected to take place over a period of 16 weeks. It is expected that during this time, an average of 25 heavy vehicle movements per week will occur. The application proposes the following staged approach to minimise disturbance:

- Block (and other) retaining for driveways;
- Retaining walls constructed along the property/road reserve boundary;
- Widening and re-grading of the south-bound lane; and
- Widening and re-grading of the north-bound lane.

For short periods during the construction of the works, the subject site will need to be closed for the safety of the general public. As stated in Section 5.0 above, Sturges Road currently carries an average of 17,000 vehicles per day. Mismanagement of the proposed development could cause major traffic congestion within the surrounding road network. In addition, noise and dust generated by heavy machinery could adversely affect the amenity of people living nearby, and was a matter raised in the submission by Mr & Mrs Wylie. Mr Pope has recommended conditions of consent to mitigate these effects.

An Indicative Traffic Management Plan (ITMP) has been submitted with the application which sets out a framework of construction sequences, volunteer detour routes and a communications plan that the successful tender will be required to give effect to. The application states that the successful tender will be required to prepare a detailed Traffic Management Plan that provides for:

*“construction to be carried out in a manner that does not place undue hardship or create excessive delays for the general public, and must at all times be minimised as much as possible.”*

I concur with the mitigation measures proposed by Mr Pope and the ITMP. Adverse effects on traffic movement and amenity values of nearby residents are likely to be more than minor, but provided that works proceed in accordance with an adequate traffic management plan and earthwork management plan, it is considered that these effects will be limited in duration and scale to those that are absolutely necessary to complete the road upgrade.

#### *Infrastructural capacity & availability.*

As mentioned in Section 8.1.2 above, storm water infrastructure within the road reserve will be upgraded in association with the proposed works. The proposed works will not result in greater demand on other existing infrastructure, which is to remain unchanged.

#### *Traffic generation, road capacity and roading network, public transport.*

The proposed widening of Sturges Road will provide a second north-east bound lane over a distance of 280 metres to the Swanson Road traffic lights. This will offer a significant improvement in traffic flows onto Swanson Road, particularly during commuter hours.

The proposed development will also enable the continued double tracking, and future electrification of the Western Rail-line. These works are considered crucial to providing an effective and user-friendly passenger transport service to communities' north-west of the subject site.

I concur with the applicant's assertion that the short term adverse effects of the road realignment works are far outweighed by the long term positive effects of the proposal.

#### **8.1.10 Summary**

It is acknowledged that the raising and realignment of Sturges Road is necessary to meet the increased height of the replacement bridge and thus enable the successful double tracking and electrification of the western rail line. The most significant actual and potential adverse effects associated with proposed development include the loss of on site amenity at 1/7, 11A, 12, 14A and 19 Sturges Road; the loss of visual amenity that would result from the potential loss of a Sweet Chestnut tree; and the potential effects on traffic flows and amenity values associated with the road works period. It is considered that these adverse effects can be mitigated through appropriate conditions of consent. Overall, it is considered that the long term positive effects outweigh the negative effects.

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

#### Earthworks and Water Quality

##### *Objective 1*

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

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

##### *Policy 1.10*

Impermeable Surfaces and Stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including life supporting quality of water, arising from the discharge of stormwater into the cities watercourses

##### *Policy 3.2*

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

##### *Comment*

Earthworks will be limited to those necessary to raise and realign Sturges Road to link in with the proposed bridge. The earthwork activity will be managed by an appropriate Earthwork Management Plan in a way that avoids, as far as possible, adverse effects on water quality. New infrastructure associated with the works will improve the effective drainage of stormwater associated with this section of Sturges Road.

#### Transport

##### *Policy 4.4*

Roads should be designed and constructed in a way which minimises the adverse effects of motor vehicle emissions on air. This means reducing motor vehicle trip lengths and numbers, and alleviating congestion:

- through appropriate traffic control;
- by creating a roading pattern which maximises connections within and between local neighbourhoods, shops, schools, community facilities, recreation areas and town centres, taking into account natural topographic features; and
- by designing and constructing roads in a way which facilitates the use of alternative modes of transport that are less polluting than the private motor vehicle, such as passenger transport, cycling and walking.

*Policy 10.8*

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

*Comment*

The existing layout of Sturges Road causes significant delay to peak hour commuters due to insufficient separation of left and right turning traffic onto Swanson Road. The addition of a second northbound lane will substantially improve the efficient carriage of vehicles. The raising of Sturges Road will enable the continued double tracking of the western rail line. This is regarded as a fundamental pre-requisite to achieving the objectives of the Waitakere City Transport Strategy 2006-2016.

Vehicle Access

*Policy 10.11*

Activities should provide for:

- the on-site parking and loading of motor vehicles; and
- the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roding Hierarchy, is not adversely affected.

*Policy 10.16*

Driveways, carriageways and car parking areas should:

- be laid out in a way that provides for the safe circulation of vehicles and pedestrians; be of sufficient design quality to ensure the safe passage of motor vehicles, cyclists and pedestrians and discharge of stormwater;
- be designed to avoid edge fretting; and
- allow safe, ready access to adjoining sites.

*Comment*

The application will provide driveway access onto Sturges Road for all affected properties. All driveways meet the construction and gradient design set out in Councils Code of Practice Manual. Provision has been made for the drainage of stormwater from these driveways. 14A Sturges Road does not currently have provision for onsite manoeuvring. The raising of this driveway was considered unsafe. The applicants have addressed this by proposing to construct permeable paving to enable onsite turning.

Amenity Values

*Objective 10*

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

- an acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- adequate levels of daylight and sunlight in dwellings;

- adequate levels of darkness for sleep;
- a safe environment;
- an accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- adequate levels of on-site privacy; and
- healthy air quality.

#### *Policy 11.2*

“Activities should be managed in a way that avoid the clearance of or damage to trees and vegetation, to extent that the following characteristics are adversely affected:

- Visual dominance of trees on private property within the neighbourhoods of the Living Environment;
- The remnant native vegetation within the urban Human Environments;
- The remaining native vegetation along riparian margins in the urban area;
- The amenity value associated with native vegetation and its relative significance in all parts of the city; and
- The historic and cultural value of trees associated with the above characteristics.

#### *Comment*

It is acknowledged that the construction of timber pole retaining walls in front of 7, 11A, 12, 14 and 19 Sturges Road will not maintain or enhance the amenity values that contribute to the wellbeing of these affected properties. However, replacement fencing will provide adequate levels of on-site privacy. The road raising and realignment works have been designed in a manner that avoids the removal of protected vegetation on private property. This will ensure that the vegetated character of the area is maintained.

### **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:

#### **Earthworks - Discretionary Activity**

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

#### Discussion

The proposed works have been designed in such a way as to minimize the earthworks required to realign and widen Sturges Road. Low retaining walls and the location of footpaths against the carriageway to allow battered grassed berms will further reduce the earthworks disturbance area. The earthworks are of a scale that is consistent with the nature of the development, and have been limited to those required to give effect to the ONTRACK double-tracking project.

Sediment and erosion controls have been proposed to ensure that little or no sediment enters the Stormwater system which feeds to local streams. The required Earthwork Management and Traffic Management Plans will address amenity and health/safety issues associated with the construction period.

The earthworks will not adversely affect the potential for restoration or enhancement in the area in the future as the area is already highly modified. The earthworks will not significantly alter the existing landscape, although the timber pole retaining walls will adversely affect the onsite amenity of adjoining properties. Mitigation options are discussed in Section 8.1.9 above.

### **Vegetation Alteration - Controlled and Limited Discretionary Activities**

With respect to the assessment criteria 2(a) - 2(k) contained in Rule 2 of the General Natural Area, the following is noted:

#### Discussion

The loss of the 16 street trees is unavoidable with respect to the requirement to raise and realign Sturges Road in a way that links into the proposed bridge. To their credit, the applicants have altered their pre-application design in a way that provides for the retention of one of the Sweet Chestnut trees on the corner of Swanson Road and Sturges Road. However, to avoid significant adverse effects associated with the removal of a Sweet Chestnut tree from the corner of Swanson Road and Sturges Road, it is critical that the works within the dripline of the remaining chestnut tree are managed in a way that they provide every opportunity for its long term health. With regard to other vegetation removal, it is considered that there will be no more than minor effects on amenity values and neighbourhood character, subject to conditions requiring replanting within the grassed berm on the southern side of the carriageway.

The surrounding environment is highly modified. Any further effects on fauna habitat, biodiversity or the resilience of the Green Network arising from the loss of the 16 street trees will be insignificant.

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

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

For the reasons highlighted in Section 8.2.1 of this report, it is considered that the proposal is consistent with these documents.

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

#### **8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report**

Other matters have been raised through the submission process (as summarised in Section 6.1) that have not been addressed in this report. These include:

- Reduction in property rates;
- Quantum of property valuations;
- Driving behaviour of neighbours; and
- Property improvements sought in association by work being undertaken off-site by ONTRACK.

In accordance with the RMA, these are not relevant matters which can be considered when assessing this application.

#### **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 earthwork management, works within the dripline of vegetation and replacement fencing and planting.

#### **8.4.3 Any Other Relevant Non-Statutory Documents**

##### Waitakere City Transport Strategy 2006-2016

The proposal will enable the double tracking and electrification of the Western Rail Corridor. This is seen as a key component to achieving the transport vision for the city, which is:

*"A sustainable multi-modal transport system that is integrated with land use and contributes to Waitakere City being an Eco-City".*

##### Growth Management Strategy For Waitakere City, August 2006

The Growth Management Strategy expects the populations of the Sturges, Ranui and Swanson intensification nodes to increase significantly in the future. The document identifies the importance of providing effective and user-friendly public transport options to this population.

#### **8.5 Lapsing of Consent**

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

There is no known reason to either decrease or increase the timeframe in this instance, though it is noted that the applicant expects to complete all construction works within a four month period.

#### **9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991**

It is considered that the proposal would be consistent with Sections 5, 6, 7 and 8 of the Resource Management Act 1991.

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

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

## 10.0 CONCLUSION

The applicant seeks consent to widen and raise a section of carriageway along Sturges Road in Henderson associated with the replacement of Sturges Road Bridge over the western rail corridor. The length of proposed works on Sturges Road will span approximately 295 metres, extending from the centreline of Swanson Road in the north-east to the edge of the Vintage Drive / Septimus Place intersection in the south-west.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are more than minor but can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the raising and realignment of Sturges Road will not lead to a substantial decline in the amenity values of the area.

The proposal is considered to be consistent with the relevant objectives and policies of the District Plan which seek to:

- avoid adverse effects on water quality;
- minimise vehicle emissions;
- provide safe and efficient movement of people through public and private transport maintain or provide safe vehicle access from private properties to the roading network; and
- maintain amenity values and neighbourhood character of the Living Environment.

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.

## **RECOMMENDATION**

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 Waitakere City Council to undertake earthworks and vegetation alteration to raise and widen Sturges Road and provide vehicle access to adjoining properties, being all or parts of the following titles: LOT 1 DP 49973, LOT 1 DP 60780, LOT 2 DP 9973, LOT 3 DP 49973, LOT 2 DP 60780, LOTS 11- 16 DP 201039, LOT 1 DP 129962, LOT 21 DP 107080, LOT 20 DP 107080, LOT 19 DP 107080, LOT 1 DP 114231, LOT 18 DP 107080, LOT 2 DP 114231, LOTS 1-10 DP 201039 for the following reasons:

- (i) The proposal would allow for the double-tracking and future electrification of the rail network which would contribute towards increasing the efficiency of the rail network and encouraging public transport use;
- (ii) The proposed upgrade will improve stormwater drainage off this part of Sturges Road;
- (iii) The proposed vegetation clearance is mitigated by the retention of significant specimens and further replanting within the road reserve and would not detract from the amenity of the area;
- (iv) Subject to conditions, the effects of sediment runoff can be managed within the road reserve and would not adversely effect the water quality;
- (v) With the exception of a short period during works, the realignment of Sturges Road would not adversely affect the ability of residents adjoining the work area to access their sites. New vehicle crossings will be constructed with suitable gradients.

- (vi) Boundary treatment of affected persons will be replaced on a like by like basis or by a close boarded wooden fence or by alternative, as negotiated with the applicant;
- (vii) Pedestrian access would be retained along both sides of Sturges Road;
- (viii) The proposal is consistent with the Policies and Objectives of the District Plan, Waitakere City Transport Strategy, Growth Management Strategy and Part II of the RMA.

Consent shall be subject to the following conditions:

#### GENERAL CONDITIONS

(GEN 1) The development shall proceed in accordance with the plans for the "Sturges Road Bridge Approach Modifications" project, including drawing numbers:

- 22200.7P.GA.00-GA.24 (24 Sheets)
- 22200.7P.CS.01-CS.07(7 Sheets)
- 22200.7P.CS.11-CS.12(2 Sheets)
- 22200.7P.DR.01-DR.05 (5 Sheets)
- 22200.7P.EF.01-EF.02 (2 Sheets)
- 22200.7P.PA.01-PA.02 (2 Sheets)
- 22200.7P.SD.01-SD.06 (6 Sheets)
- 22200.7P.TR.01-TR.08 (8 Sheets)
- 22200.7P.UT.17 & UT.20-UT.23 (5 Sheets)
- 22200.7P.W1.01-W1.02 (2 Sheets)

prepared by Connell Wagner and dated 24/4/08 excluding the following revisions:

- 22200.7PA.GA.16 (Rev 3) dated 16/6/08
- 22200.7S.TR.08 (Rev 2) dated 16/6/08

And all referenced by Council as LUC-2008-736 and the information, including further information, submitted with the application.

(GEN 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).

(GEN 3) Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 (five) years after the commencement of the consent.

(GEN 4) A consent compliance monitoring fee of \$1,363.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The \$1,363 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

## EARTHWORK CONDITIONS

- (EW 1) **Prior to any works commencing onsite** the consent holder shall submit to the Manager, Resource Consents an Earthworks Management Plan (EMP) including the following:
- Detailed sediment and erosion control plan to be employed onsite with types and locations of control measures;
  - The means by which the roads surrounding the site shall be kept free from damage;
  - The means by which the roads surrounding the site shall be kept free from mud, gravel and silt;
  - The name, address and contact details (work and after hours) of the designated site manager; and
  - The details of a Contract with a nominated road sweeping company that may be employed to sweep the roads if deemed necessary by Waitakere City Council staff.
  - The location where any spoil/cut material that cannot be re-used onsite is to be disposed to.

**This EMP is to be approved in writing by the Manager, Resource Consents prior to works commencing.**

- (EW 2) **Prior to any works commencing onsite** the consent holder shall submit to the Manager, Resource Consents a Dust Management Plan outlining the procedures and practices to be utilised onsite to control dust. This shall be approved in writing by the Manager, Resource Consents prior to works commencing. Note: Dust can be a major nuisance to surrounding properties and must be controlled. Non-compliance will result in enforcement action which may include stopping works until such time as dust is controlled satisfactorily.

- (EW 3) **Prior to works commencing a Pre-Start meeting shall be held onsite** with all Contractors, the Consent Holder's Representative and the Council's Environmental Monitoring Officer (EMO). All conditions of consent will be explained so that all Contractors are aware of their obligations.

**Advice note: To arrange for an EMO to meet on site, please call Council's Call Centre on 839 0400 and request a Pre-Start meeting with the EMO. Please allow up to 2 working days to arrange the meeting.**

- (EW 4) **Before commencement of any works and until completion of exposed site works**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder in accordance with the approved EMP (see condition EW1) and Auckland Regional Council Technical Publication 90. The consent holder shall notify Council's Monitoring Officer – Resource Management (ph 8390400) 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.

- (EW 5) **Prior to commencement of works** the Consent Holder shall submit a revised Traffic Management Plan (TMP) to the Council for approval from the Manager, Resource Consents and the Manager, Transport Assets. The revised TMP shall incorporate all relevant traffic management considerations identified in the Indicative Traffic Management Plan (ITMP). Justification is to be provided for any variations to the ITMP.

- (EW 6) **Prior to commencement of works** the Consent Holder shall prepare a pedestrian safety strategy to complement the Traffic Management Plan. Approval to this strategy shall be obtained for the Manager, Resource Consents prior to works commencing.
- (EW 7) Dust control shall be in accordance with the approved Dust Management Plan (see condition EW2) and shall be ongoing. If dust control at any stage is inadequate, works shall cease until such time as the dust is controlled to the satisfaction of Council's EMO.
- (EW 8) Any stormwater inlet sediment protection controls shall be fully constructed in accordance with ARC TP90 standard and shall be maintained by the consent holder for the duration of the earthworks operation until such time as all surrounding areas area stabilised against surface erosion.
- (EW 9) All unsuitable excavated material shall only be removed to the offsite disposal location approved in the EMP and a written statement confirming the volume and description of the material shall be submitted to the Council all to the satisfaction of the Manager, Resource Consents.
- (EW 10) All efforts shall be made to reduce the amount of heavy vehicle movements to and from the site during the hours of 7:30-9:30am and 3:30-5:30pm Monday to Friday to reduce the impact on traffic flows at that time.
- (EW 11) Any damage to the surrounding roads, berms or kerbs directly attributable to the earthworks operation shall be repaired immediately upon completion of the development at the entire cost of the consent holder to the satisfaction of the Manager, Transport Assets and the Manager, Resource Consents.
- (EW 12) The surrounding roads shall be kept clear of all mud/debris at all times during the development. If at any time, Council's EMO deems it necessary to prevent a negative effect on the environment, the EMO will require the Consent Holder to engage the nominated street sweeper approved in the EMP to clean the road entirely at the cost of the Consent Holder.
- (EW 13) All construction, maintenance, demolition and development works 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: | 8:30 am to 5:30 pm |
- Please Note: Should work be required on Sundays, surrounding residents shall be given 2 (two) weeks notice in writing to allow other arrangements to be made for that day.
- (EW 14) All retaining walls shall be constructed in accordance with the approved plans in terms of heights and materials. (i.e. block-work retaining walls shall be constructed of block-work).

#### **VEGETATION ALTERATION CONDITIONS**

- (VEG 1) The applicant shall employ a suitably qualified independent arborist with proven experience in the field of trees in relation to construction (works arborist) to monitor, direct and supervise all works within the dripline of protected vegetation for the duration of the development.

- (VEG 2) Prior to works commencing, a meeting shall be arranged by the consent holder so that the tree protection procedures are explained by the works arborist to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project within the dripline of any retained vegetation.
- (VEG 3) Prior to the commencement of works the applicant shall provide a planting plan detailing location, numbers and species type of street trees to be planted on the southern side of the affected portion of Sturges Road, following completion of works. The planting plan will be agreed upon by Waitakere City Council Parks prior to implementation.
- (VEG 4) With the exception of Conditions 5 - 8 below all arboricultural works shall be undertaken in accordance with the following submitted information:
- Chris Boucher, Arboricultural Report for Sturges Road Widening, Henderson Town Centre
  - Chris Boucher, Tree Protection & Works Methodology
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7S.TR.01 - 08
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7P.DR.05 (Stormwater)
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7B.W1.01 (Retaining walls)
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7P.SD.03 (Trench bedding)
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7P.SD.03 (Kerb and drainage details)
  - Connell Wagner Ltd Sturges Road Bridge Approach Modifications 22200.7P.PA.02 (Pavements plan)
  - Wilcon Sylvan Parks and Landscape Management Tree Root Treatment (for T03.A, T04.A & T05A)
  - Wilcon Sylvan Parks and Landscape Management Sturges Road replacement bridge - associated landscaping (x 3 sheets)
  - Amended plans for Sturges Road works
- (VEG 5) Prior to any construction activity commencing on the site, a protective fence of solid construction style, such as Rent-a-Fence or wooden panelling shall be erected to the maximum extent possible around the Sweet Chestnut tree to be retained on the corner of Sturges and Swanson Roads.
- (VEG 6) The protective fence shall remain in situ until such time that site works require its position to be altered or removed. Alteration of the position of the protective fence shall not be undertaken without prior consultation with the works arborist.
- (VEG 7) All works within the root zone as defined by the dripline of retained trees including but limited to construction, infrastructural, foundational, underground servicing are to be carried out under the supervision and direction of the works arborist.
- (VEG 8) Evidence of compliance with the conditions of consent shall be provided to Council's Environmental Monitoring Officer, Resource Consents in the form of monitoring memoranda and a final report.

- (VEG 9) Prior to any site works commencing within 30m of the remaining Sweet Chestnut tree, a meeting shall be arranged by the consent holder, the Council approved arborist and the Asset Manager – City Arborist (836 8000 Ext: 8768) to establish the extent and location of temporary protective fencing. The location and make up of all temporary protective fencing shall be to the approval of the Asset Manager – City Arborist (836 8000 Ext: 8768).
- (VEG 10) Temporary protective fencing shall be a minimum of 1.8m high and constructed of solid materials, forming a robust, static and impenetrable barrier between construction activities and the designated tree root protection zone. The temporary protective fencing shall be constructed in such a manner that will not provide construction workers or others any opportunity of altering the position i.e. secured to the ground. No activities related to the construction project shall be permitted within the designated protection zone unless under the supervision of the nominated supervising arborist. Mesh type fencing or any fencing that can be easily moved will not be accepted. The temporary protective fencing shall not be removed at any time unless with the express prior permission of the nominated approved arborist.
- (VEG 11) The construction of the boardwalk beneath the remaining Sweet Chestnut tree ref T09A shall be undertaken as a final component of the construction phases. Prior to the commencement of any boardwalk construction works within the designated protection area, the consent holder shall submit a works method statement to the Asset Manager – City Arborist (836 8000 Ext: 8768) for approval. The works method statement shall be endorsed by the nominated supervisory arborist and shall provide in detail the proposal for constructing the boardwalk beneath the remaining sweet chestnut tree. The report will detail low impact solutions for construction of the boardwalk. The Asset Manager – City Arborist shall reserve the right to seek amendments to the works method statement if it is considered that alternative solutions are available which will have positive outcomes for the longevity of the tree.
- (VEG 12) Replanting shall occur in accordance with the plans titled:  
  
*“Waitakere City Council - Sturges Road replacement bridge - associated landscaping”* Sheets 1-3, dated 8 August 2007.
- (VEG 13) A replanting plan for the grassed berm on the southern side of Sturges Road between Septimus Place and Swanson Road, consisting of no less than six Kowhai *Sophora fulvida* at pB150, shall be submitted to The Manager, Parks Operations for approval prior to the start of works.

**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.

Report prepared by Stuart Brooke, Resource Planner, Consent Services.

