



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF HEARING BY COMMISSIONERS

I hereby give notice that a Hearing by Commissioners will be held on:-

DATE: **Wednesday, 30 January 2008** **TIME:** **9.30 am**

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

to consider an application for resource consent 26 and 28 Pomaria Road, Henderson and to take any necessary action connected therewith.

23 January 2008

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP (Chairman)
 Cr WW Flaunty, QSM, JP
 Cr JP Lawley, JP

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(The reports and recommendations contained in all agendas are reports and recommendations only and are not to be construed, in any way, as Council policy until adopted.)

**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 30 JANUARY 2008, COMMENCING AT 9.30 AM**

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CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON WEDNESDAY, 30 JANUARY 2008, COMMENCING AT 9.30 AM**

**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY CHAN YOUNG KIM PARK AND FUTURE
CITY DEVELOPMENTS LIMITED TO ESTABLISH A 29 UNIT, TWO STOREY,
TERRACE STYLE DEVELOPMENT AS A RESIDENTIAL DEVELOPMENT IN THE
LIVING ENVIRONMENT AT 26 & 28 POMARIA ROAD, HENDERSON**

**RMA: 2006 1184
Ward: Henderson**

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

APPLICATION DETAILS

Planner:	Jade Hunt
Site Address:	26 & 28 Pomaria Road, Henderson
Applicant:	Chan Young Kim Park and FUTURE CITY DEVELOPMENTS LIMITED
Date Received:	04 July 2006
Resource Consent No:	RMA-2006-1184
Building Consent No:	Not lodged at time of writing
Ward:	Henderson 3
Legal Description:	Lot 1 DP 97071 & Lot 4 DP 44329
Address for Service:	Cato Bolam Consultants Ltd PO Box 21 355 Henderson Attention: Kylie Brayshaw
Site Area:	10,891m ²
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	Lincoln Stream Riparian Margin (Non-Riparian)
Hazards:	Past Horticultural Use Floodplain
Roading Hierarchy:	Collector
Further Information Required:	Yes
Date Requested:	Various
Date Received:	Various

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to establish a 29 unit, two-storey, terrace style development as a residential development in the Living Environment.

Resource Consent is required for infringements of the rules contained in the District Plan relating to Density, Height in Relation to Boundary (internal), Site Coverage, Outdoor Space, Carparking and Driveways, Vegetation Alteration and Earthworks. In addition the site is known to Council to have been used for past horticultural purposes (potential contamination) and is subject to flooding (overland flowpath). The status of the Activity is Discretionary.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 ('the Act') 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 the proposed development are primarily related to amenity values, and the cumulative effects of allowing terrace style development (medium density development) outside of those areas provided for in the District Plan. Such consideration should also be given to traffic and pedestrian safety, visual and acoustic amenity, privacy, on-site amenity including site layout and outdoor space, site facilities and landscape treatment. Neighbourhood character must also be considered.

Given the scale of earthworks being proposed, the proposal has the potential to create adverse effects on water quality within the open overland flow path that crosses the site. A large number of trees on site are proposed to be removed; hence there are potential adverse ecological effects on the aquatic receiving environment. The proposal also involves piping of a section of the open drain that crosses the site (non-riparian margin). Consideration is also given to potential adverse effects of developing a site known by Council to be likely to be contaminated and prone to flooding (overland flowpath).

The scale, intensity and character of the proposed development shall be considered in terms of on-site effects and the surrounding environment. The Objectives and Policies of the District Plan, Proposed Plan Changes and the Regional Growth Strategy will also be considered.

1.3 Planner's Recommendation

The Resource 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 establishment of a 29 unit, two-storey, terrace style development as a residential development in the Living Environment that would infringe District Plan requirements for Density, Height in Relation to Boundary (internal), Site Coverage, Outdoor Space, Carparking and Driveways, Vegetation Alteration and Earthworks. In addition the site is known to Council to have been used for past horticultural purposes and is prone to flooding (overland flowpath). 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. The proposal would be consistent with Part II of the RMA.

1.1 Additional/Revised Plans

Further to public notification of the proposal on 26/01/2007 the applicant secured ownership of the property at 28 Pomaria Road. In consultation with Council vehicle access and the layout of the site was altered to reflect this increase in total site area, address pedestrian safety and drainage across the site. Further analysis of drainage resulted in the relocation of units 3, 4, 11 and 12 to account for the 525mm diameter pipe in this area of the site. Revised drawings were received by Council 12/12/2007.

The revised drawings date stamped received by Council 12/12/2007 and supplementary reports listed below shall be considered for this application:

Proposed Site Plan sheet RC02b dated June 2007 revision B
Typical Floor Plans sheet RC03a dated June 2007 revision A
Blocks 1 & 2 Elevations sheet RC04b dated June 2007 revision B
Blocks 3 & 4 Elevations sheet RC05b dated June 2007 revision B
Block 5 Elevations sheet RC06 dated June 2007 revision A
Block 6 Elevations sheet RC07 dated June 2007
Block 7 Elevations, Unit 29 Elevations sheet RC08a dated June 2007 revision A
Lot Sizes Coverage Calculations Sheet RC09a Dated June 2007 revision A
Landscape Planting Plan (Revision 4 dated 26 November 2007)

Assessment of Environmental Effects as updated and received by Council throughout the processing of this consent.

- Appendix A, B, C and D relating to stormwater, earthworks within the watercourse and the Lincoln Stream) received by Council 14/11/2007.
- Ecological Assessment of Lincoln Stream and Tributaries at 26 Pomaria Road for Good Opportunity Development Limited prepared by Kingett Golder Mitchell Limited Dated April 2007 (received by Council 13/08/2007).
- Revised Traffic Impact Report prepared by TEAM dated May 2007 (received by Council 13/08/2007).

All information received subsequent to public notification is attached at Appendix One.

For the purpose of this report the following is noted:

- Units 1 – 4 shall be referred to as Block 1.
- Units 5 – 8 shall be referred to as Block 2.
- Units 9 – 12 shall be referred to as Block 3.
- Units 13 – 17 shall be referred to as Block 4.
- Units 18 – 21 shall be referred to as Block 5.
- Units 22 – 25 shall be referred to as Block 6.
- Units 26 – 28 shall be referred to as Block 7.
- Unit 29 is a stand alone unit.

8.0 LOCATION PLAN

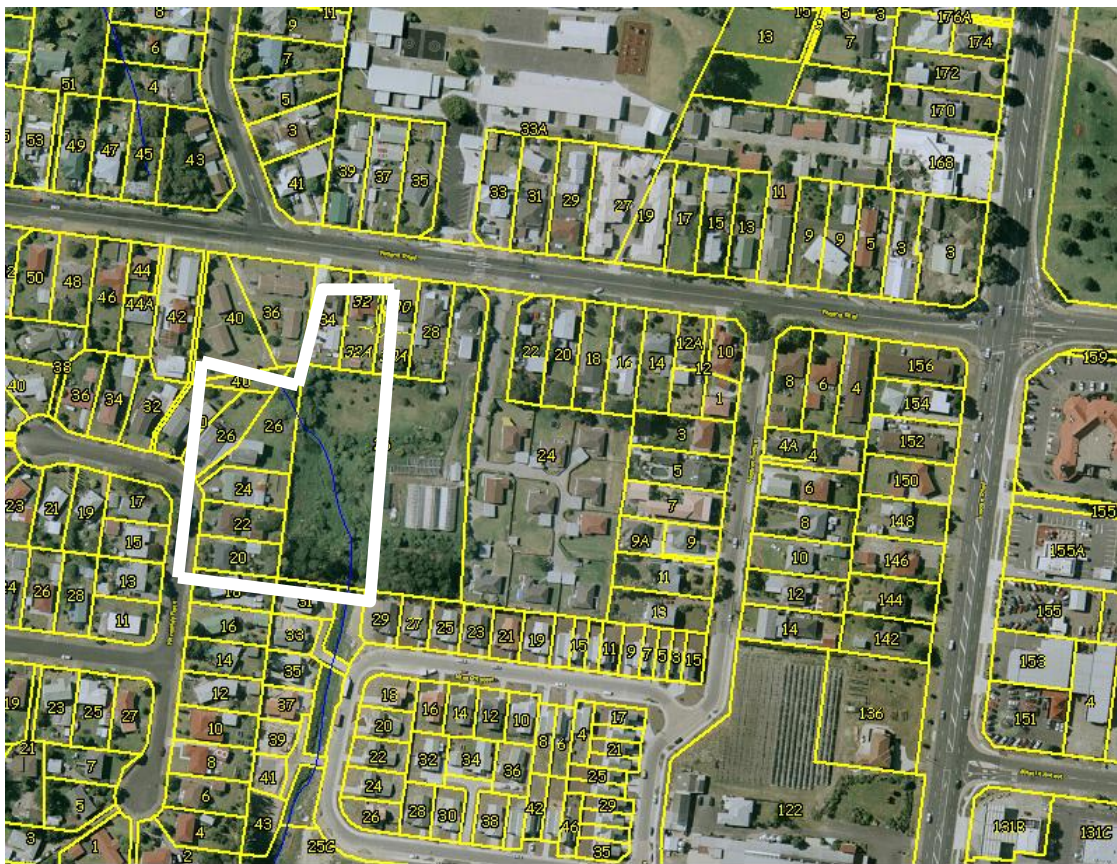


Figure 1: Site as shown on colour ortho-photograph March 2000.

Legal Descriptions: Lot 1 DP 97071 & Lot 4 DP 44329

Human Environment: Living

Natural Area: General/Riparian Margin (Non Riparian)

Roading Hierarchy: Collector

Hazards: Contamination (past horticultural use) and flooding (overland flowpath)

3.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The two sites (10,891m²) are located on the southern side of Pomaria Road, Henderson, approximately 220m west of the intersection with Lincoln Road (a Regional Road) and Te Pai Place. Pomaria Road is classified as a Collector Road in Council's roading hierarchy. At the western end Pomaria Road intersects with Rathgar Road, which is also a Collector Road. The site is directly opposite the entrance and pedestrian crossing facilities associated with Pomaria Primary School.

The site is within 1.7km of the Lincoln Road motorway interchange. Regular public transport is available along Pomaria Road and on Lincoln Road. The site is within easy walking distance to schools and colleges, health services, recreational grounds, employment opportunities and local shops. It is also accessible to the shopping centre located at the corner of Universal Drive and Lincoln Road.

The site is generally rectangular in shape with the exception of the pan handle leading to Pomaria Road in the north and is of near level to gently sloping topography. The ground surface slopes towards the southern (rear) boundary with an elevation change of approximately 3m fall over a distance of 50m.

The site is currently occupied by two residential dwellings located within the pan handle fronting Pomaria Road. The subject site has in the past been utilised for horticultural purposes and there remain a number of shade houses and a garage located within the rear, larger area of the site. These buildings are in a state of disrepair and the open spaces around these structures are colonised by weed species. There are no significant trees on site.

Lincoln Stream flows in a northerly direction within the western section of the site. The site is constrained by the indicative 100 year flood plain and open stormwater drain flowing through the property. Two stormwater pipes (600mm diameter and 525mm diameter) terminate at the eastern boundary, discharging into the site. The open drains from these pipes flow westward, discharging into an open stormwater drain. This stormwater drain enters the property at the mid-point of the southern boundary (adjacent the Council drainage reserve) and flows to the northwest crossing the western boundary a short distance from the north-western corner of the site (refer to Figure 2 below).

Residential properties surrounding the site include a mixture of single and two storey dwellings, infill housing development, a 64 unit medium density development to the south of the site (Stephen Avenue/Kona Crescent), medium density development at 27 Pomaria Road (five units), eight unit development at 19 Pomaria Road and the 10 dwellings sited on land adjoining the eastern boundary (24 Pomaria Road). It is noted that the ROW servicing No 24 adjoins approximately 2/3rds of the eastern boundary.

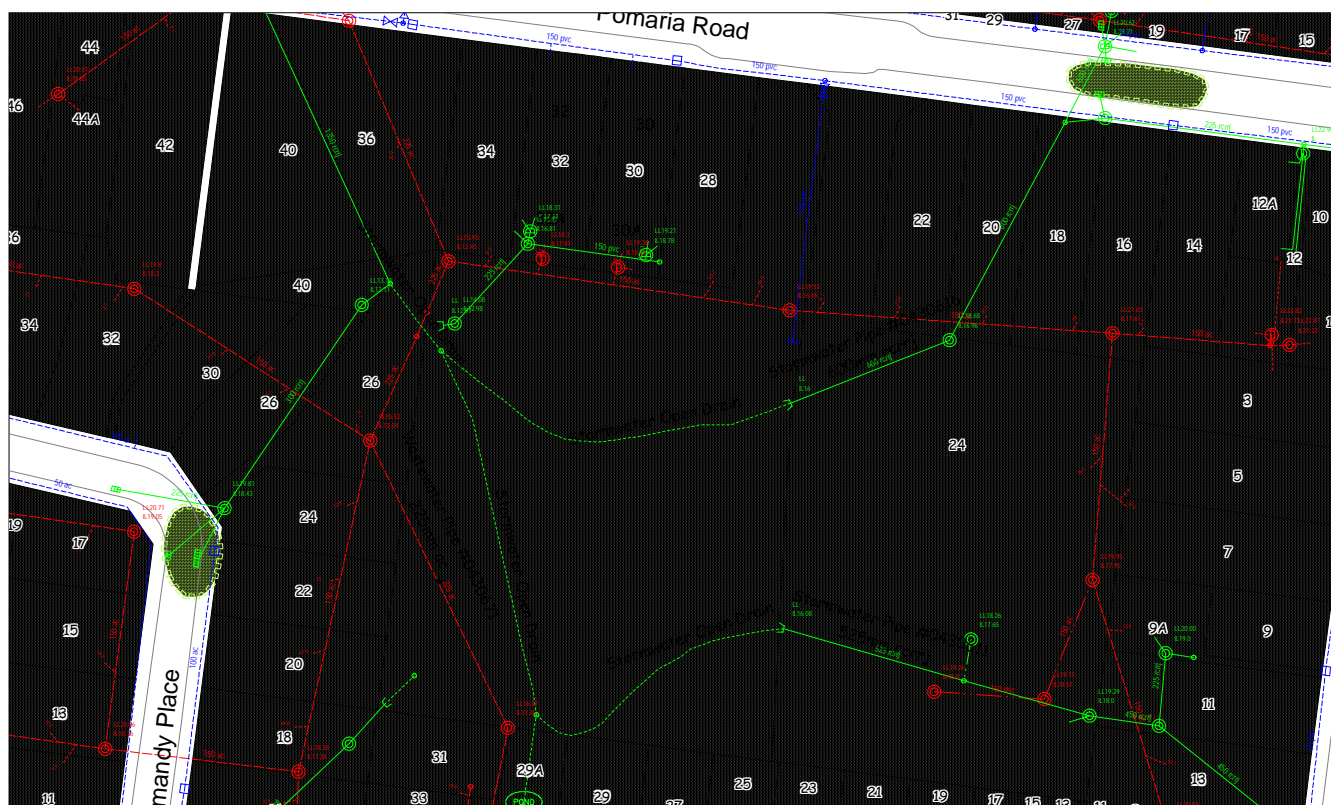


Figure 2 (above): Location of services and open drains on site.

4.0 PROPOSAL

The applicant seeks consent to undertake a staged 29 unit, two-storey, terrace style development as a residential development in the Living Environment on land that is currently held in two certificates of title. The design of the development is based upon a medium density housing development and comprises seven separate two storey residential terrace blocks and one stand alone two storey residential unit. The development would have a maximum height of 7.2m. The two existing dwellings at the road frontage of 26 and 28 Pomaria Road would be removed.

The property does not qualify for a medium density housing development under the District Plan because although it has the minimum net site area of 2000m², it does not have frontage to a Strategic or Regional Arterial Road, nor does it fall within an area identified as being a Medium Density Circle (within a 1000m radius of Henderson Town Centre or 500m radius of a train station). The site sits approximately 600m north of the medium density circle radius associated with the Henderson Environment.

The development would be in three stages. Stage 1 units 18 – 29, (the northern section of the site), stage 2, units 1 – 8, eastern portion at rear, stage 3, units 9 – 17 (western portion at rear).

Design

The design of the proposal has been determined by constraints of the overland flow path, wetland areas in the west to south west and the pan handled northern boundary. The two tributaries that flow through the reserve area will be piped and filled to improve the development potential of the site. The development is effectively clustered to the east of the site, leaving around a third of the site to be vested as drainage reserve (3800m²). The applicant explains that the terraced style clustered development is modelled upon the medium density housing criteria of the District Plan.

There are four different housing typologies comprising type A, B, B/2 and C. These are described in Table 1 below.

TYPE A					
Number of Rooms per Unit	Number of Units in total development	Gross Area	Floor	Balcony Area	Parking
3 bedroom, garage fully within footprint	10	119.8m ²		5.28m ²	1
TYPE B					
Number of Rooms per Unit	Number of Units in total development	Gross Area	Floor	Balcony Area	Parking
3 bedroom, garage fully within footprint.	14	120.0m ²		4.2m ²	1
TYPE B/2					
Number of Rooms per Unit	Number of Units in total development	Gross Area	Floor	Balcony Area	Parking
3 bedroom plus study, attached single garage entry set back relative to dwelling	1	126.7m ²		N/A	1

TYPE C				
Number of Rooms per Unit	Number of Units in total development	Gross Floor Area	Balcony Area	Parking
3 bedroom plus study, steps and entry between garage and living	4	137.7m ²	N/A	1

Table 1 – Unit Types

Although subdivision of the site does not form part of this application, the proposal would have net site areas ranging from 114m² to 224m². Average density across the site is 299m² (this does not include the access way). Building coverage of each unit ranges from 28.5% to 61.7%. Units would have ground floor living areas and upper level sleeping areas. Each unit is provided with at least 50m² of outdoor space. Close board timber fencing and some additional vegetative screening is proposed on all external property boundaries with screening to a height of 1.6m proposed between each unit.

External materials comprise brick veneer cladding for the lower floor, selected weatherboard cladding for the upper floor, upper sections of fibre cement, power coated aluminium joinery and colour steel corrugated roofing.

Access and Parking

Access to the site is only possible from Pomaria Road. The proposed 6.25m wide access way will be situated close to the western boundary of 28 Pomaria Road. This access will provide for two-way access to all units. A portion of the drive will be constructed of permeable paving. Underground infrastructure will be laid within the right of way. An on-site turning area has been provided in the centre of the southern (rear) boundary.

Each residential unit will have an internal garaged parking space. 25 designated spaces are located within the site, 10 for visitor parking and 15 spaces that would be allocated for the use of residents who need a second space.

Pedestrian Access, Lighting and Rubbish Collection

A separate 1m pedestrian footpath is available along the western boundary, the front section of which would have a kerb, while the rear section would be flush with the access drive. A cluster of letterboxes (one for each unit) is provided at the road frontage. An overhead light is proposed (permanent) adjacent to the site entrance. Additional lighting is proposed within the site, incorporated as part of the landscaping design. Rubbish collection and recycle bins will be placed outside each individual unit. Rubbish truck access to the development has been provided.

Earthworks

The development proposes 4221m² of impermeable surfaces (2111m² of buildings). Earthworks of approximately 7335m² (Stage 1 – 3070m², Stage 2 – 2080m² and Stage 3 – 1510m², and 675m² in the watercourse) are proposed to facilitate construction of the common driveways, parking areas and associated stormwater measures. In terms of volumes, 1807m³ cut and 3355m³ fill is required. The balance is to be made up of 348m³ imported fill and 1200m³ base hardfill for “formpave”. Earthworks of 355m³ will occur within the riparian margin (non-riparian).

Retaining would be required to the south east (1.75m reducing to nil along the south and eastern boundaries), to the western edge of living courts 9 – 18 (2.0m), adjacent to the parking area by unit 19 (2.0m), to the north of units 18 – 21 (1.5m) and to the east of units 22 – 29 (1.8m).

All material removed off site will be disposed of at an approved cleanfill facility.

An earthworks plan prepared by Cato Bolam Consultants Limited has been submitted with the application.

Vegetation

The proposal is for the removal of protected vegetation in four identified areas of the site and within three hedge areas that border the site. Re-vegetation of the site is proposed as per the revised Landscape Planting Plan prepared by LASF (Revision 4 dated 26th November 2007). Planting and/or close board fencing to a height of 1.8m would border the site with internal screening to 1.6m in height provided between outdoor living areas of each unit.

Consultation

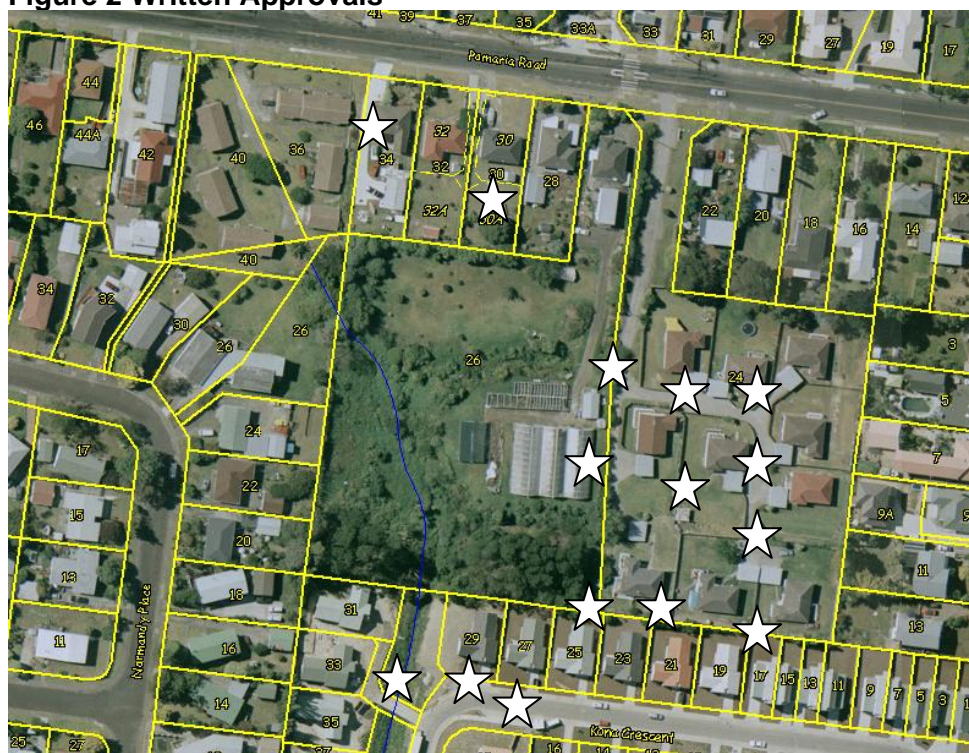
The applicant consulted with Council prior to the lodgement of this application. An on-site meeting with Transport Asset Engineers was held February 2006 and again 9 June 2006. A pre-application meeting was held with Council officers on 24 February 2006. Matters of site context, urban design, landscaping, vegetation, amenity, services, access and parking were discussed.

As identified in Section 1.4 above further consultation with the applicant during the processing of this consent resulted in minor changes to site layout (urban design and vehicle access) and additional landscaping detail. The most notable change was the purchase of No. 28 Pomaria Road and the realignment of the proposed vehicle access to the property as far away as practical from the pedestrian crossing to Pomaria Primary School.

It is noted that the applicant consulted with Pomaria Primary School on 25 May 2006 and a copy of the revised layout was forwarded to the School.

Written approvals that were submitted with the lodgement of the application, prior to notification (26 unit development) are detailed on Table 2 below. Where approvals were from sites within the vicinity of the subject site these have been shown on Figure 3.

Figure 2 Written Approvals



Name	Address
Hao Ding	1/209 Worchester St, Christchurch
K Niblett for IT DING FAT LTD	24 Pomaria Road (owner of units 1,2,3,4,5,6,7,9 & 10)
T Teremoana	1/24 Pomaria Road (occupier)
Frances Browne	2/24 Pomaria Road (occupier)
F Manu	4/24 Pomaria Road (occupier)
Sonarefa	6/24 Pomaria Road (occupier)
Parakura	7/24 Pomaria Road (occupier)
Waipo	8/24 Pomaria Road (occupier)
Simone Ah-Lo	9/24 Pomaria Road (occupier)
Dingzi Zhou	28 Pomaria Road (owner/occupier)
Richard Winton for Housing NZ	30 Pomaria Road (Property Manager)
Sarah Matthews and Richard Winton for Housing NZ	32 Pomaria Road (occupier) HNZ is the owner
T & H Ding	27 Kona Crescent (owner)
Neville Davis	25 Kona Crescent (occupier)
Hamish Taylor	29 Kona Crescent (owner/occupier)

Table 2: Location of owners/occupiers giving written approval (prior to notification)

5.0 REASONS FOR THE APPLICATION

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

CITY WIDE RULES

Rule 1 – Natural Hazards

Limited Discretionary Activity consent is required for buildings and subdivision of land known by the Council to be likely to be subject to subsidence or inundation. The subject site has an overland flow path (open drain) flowing through the property from the south to the northwest. Lincoln Stream drains in a northerly direction over the property with two tributaries from east to west.

Rule 2 – Contaminated Sites

Discretionary Activity consent is required for the development of a site known to Council to be contaminated. The subject site has past horticultural use.

LIVING ENVIRONMENT

Rule 2 – Density

Discretionary Activity consent is required for dwellings not in a medium density housing development where the minimum net unit area is less than 350m². The proposal does not meet the requirements for assessment as a medium density housing development. Net unit areas range from 114m² - 224m².

Rule 5 – Height in Relation to Boundary

Discretionary Activity is required for buildings projecting beyond the recession plane requirements set out in Rule 5.1. Given the terraced nature of the development internal height in relation to boundaries (HRB) are infringed (net area boundaries). However if the indicative site layout is disregarded and the development is considered in terms of the entire site area, then there are no HRB infringements. The proposal complies with all HRB requirements on external site boundaries.

Rule 7 – Building Coverage

Discretionary Activity consent is required for buildings resulting in a building coverage of more than 35% of the net site area. Building coverage over the net site area (10,891m²) equates to 17.3% and is therefore a permitted activity. However indicative site layout for future net unit areas results in a building coverage ranging from 28.5% to 61.7%. Given that future indicative unit boundaries are shown on the site plan the unit area building coverage will be assessed as part of this application to account for any future subdivision.

Rule 9 – Outdoor Living Space

Limited Discretionary Activity consent is required for residential buildings failing to provide 25m² of outdoor space per bedroom. In addition not all areas of outdoor space are capable of containing a circle with a diameter of 6.0m.

Rule 12 – Carparking & Driveways

Limited Discretionary Activity consent is required where two on-site car parks are not provided for each dwelling. Each unit will have one internal garage – 29 in total. 15 additional spaces for residential parking are allocated in different parts of the site and 10 visitor spaces are in a central location on-site.

GENERAL NATURAL AREA

Rule 2 – Vegetation Alteration

Limited Discretionary Activity consent is required for vegetation alteration of native and exotic vegetation less than 6m in height and 600mm in girth and work within the dripline of native and exotic vegetation more than 6m in height and 600mm in girth. The proposal is for the removal of protected vegetation in four identified areas of the site and within three hedge areas that boarder the site.

Rule 3 – Earthworks

Discretionary Activity consent is required for any earthworks not meeting the performance standards of Rule 3.1, 3.2 or 3.3 where the application is accompanied by a Management Plan. The proposal requires of earthworks of 7,065m³ over an area of 7,335m². The works will occur within 1m of the northern, eastern and southern boundary. Cut depth for the purpose of retaining exceeds 1.5m in height in some areas of the site. Some works will occur with the 1 in 100 year floodplain area of the site.

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

4.4 Consent is also required from the Auckland Regional Council (ARC) for stormwater discharge, earthworks, works within a watercourse and consent for filling within the floodplain (application numbers 33429, 33428, 33476 and 33607). It is noted the Regional Council received the updated plans to reflect changes during consultation.

No other consents are required with regard to this application.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A145-A171

The application was publicly notified on Friday 26 January 2007. Notice of this application was served on all identified affected persons on Wednesday 24 January 2007. The period for submissions closed on Monday 26 February 2007. Seven (7) submissions were received. Three (3) submissions supported the application, and four (4) submissions opposed the application. Please refer to Appendix 3 attached at pages A145 to A171 for copies of the submissions that were received. A map showing the location of the submitters is attached within this appendix.

6.1 Submissions

A145-A171

A summary of the submissions are presented in the following table (Table 2) and a copy of individual submissions are attached at the end of this report as Appendix 3 at pages A145 to A171.

Person (Owner/ Occupier)	Address	Support Oppose	Reasons/Concerns
Peter Francis Murphy	162 Waimumu Road, Massey	Support	<ul style="list-style-type: none"> Generally interested in the proposal. Owner/agent for similar sized property, visualising similar type of development.
Mrs Anne Johnston	20 Normandy Place, Henderson	Support	<ul style="list-style-type: none"> Has some traffic concerns. Like to see landscaping on the western side of the site adhered to.
Board of Trustees – Pomaria Primary School	33a Pomaria Road, Henderson	Support	<ul style="list-style-type: none"> As per conditions detailed in the letter dated 25th November 2006 relating to “an agreement in principal” with regard to matters of pedestrian/traffic safety.
Mr RJ Johnston	20 Normandy Place	Oppose	<ul style="list-style-type: none"> No objection to proposal if the reserve area is cleared of Wattle and noxious trees and replanted and landscaped. Traffic concerns. Landscaping adhered to.
P Tolley	None given	Oppose	<ul style="list-style-type: none"> Oppose all of the application (traffic, poor land and housing density). Development of the housing estate will do nothing to reduce gas emissions. Traffic concerns, creation of hazardous conditions. Entry and exit to Pomaria Road. Flooding and possible “leaky homes”. Poor piece of land will give rise to domestic violence issues. Reserve land would be useless in winter time. Land does not qualify for medium density housing.
Alexandra Jepsen (Opus Consultants) on behalf of Ministry of Education	C/- Opus Consultants, PO Box 5848 Auckland	Oppose	<ul style="list-style-type: none"> Increased traffic generation. Potential dust effects due to contaminated soil on site. Applicants mis-use of the permitted baseline.
A.A (Noel) Vanderwee – resident of St Lazarus Trust Retirement Village.	1/36 Pomaria Road, Henderson	Oppose	<ul style="list-style-type: none"> Increased traffic generation. Insufficient parking provided (visitor). Noise associated with turning heavy vehicles. Concern with existing flow of commercial buses leaving and returning to their depot in Swanson Road. Speed humps suggested.

Table 2 – Submissions

The Ministry of Education and A.A (Noel) Vanderwee of the St Lazarus Trust Retirement Board have indicated on their submissions that they wish to be heard at the hearing.

Discussion

The main concerns raised by submitters relate to matters of increased traffic, pedestrian crossing safety, land quality, landscaping and density. All submissions were received within the statutory time frame.

A126-A144

It should be noted that the agreement in principal between Pomaria Primary School and the applicant relates to exploring a range of measures to improve the traffic safety of the immediate area as part of the resource consent of the proposed residential development. A copy of this correspondence was included within the notification pack and is attached at Appendix Two pages A126 to A144. The purchase and inclusion of No: 28 Pomaria Road allowed for the relocation of the vehicle access as far as possible from the existing pedestrian crossing associated with the School.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

A172-A205

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Appendix Four attached at pages A172 to A195 and Appendix Five attached at pages A196 to A205 to 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.

8.1.2 Water Quality and Quantity

The proposed development increases the density of the development on site to below 450m² with the average density across the site being 1 unit per 299m². This therefore increases pressures on Council's reticulated system and the receiving environment.

There would be no more than minor adverse effects in relating to water quality/quantity arising from the proposed activity over the medium to long term as the development would be located within the urban area of the City and the site is connected to Council's public reticulation system. It is noted that the proposal complies with the maximum 60% impermeable surfaces limit (65% for medium density developments).

The proposed stormwater mitigation (including an extension of existing systems, detention and the piping of a section of the open drain) has been reviewed by Council's EcoWater Drainage Engineer Pradsad Tekumalla who has assessed the application in terms of the increased demand for infrastructure and the requirement of Council's Code of Practice for City Infrastructure and Land Development. Mr Tekumalla is satisfied that subject to conditions, including payment of a financial/development contributions to offset increased demand for services, the impact of the development would be no more than minor. There would be no exacerbation of the flooding hazard. All required upgrades to service the site would be subject to engineering approval. Mr Tekumalla's recommendations shall be included as conditions of consent, if granted.

Earthworks

Consideration is also required of the potential for earthworks to impact on water quality. The applicant has applied to the Regional Council for earthworks within a waterbody (Lincoln Stream). Conditions imposed by the Regional Council and also by this Council requiring that all sediment and erosion controls are installed and operational prior to the commencement of works will ensure that any potential adverse effects are no more than minor and of short duration.

The site is noted on Council's records as being subject to contamination. The Cato Bolam Consultants contamination report submitted with the application (dated 23 June 2006) was peer reviewed by Council's consultant Kingett Mitchell Limited (18/01/07) who concurred that concentrations within the surface soil were suitable for the proposal and the proposal suitable for the site on the grounds that some areas of the site would require remediation prior to redevelopment activities commencing. Apart from that area requiring remediation, the soil can remain on site or be disposed at a registered landfill facility. In this manner conditions of consent as recommended by the Kingett Mitchell report will be imposed, if consent is granted, to ensure that any potential adverse effects on the site and surrounding environment are no more than minor.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

A218-A220

The applicant has proposed to remove the majority of protected vegetation on site, including a prominent cluster of mature Cabbage trees near the centre of the site. The Arborists report submitted with the application compiled by Shane Potter of Arborsolutions has been reviewed by Council's Arborist Stephen Bishop. Mr Bishop, after seeking further detail and clarification, notes that although the loss of the Cabbage trees is unfortunate the constraints of the site may make retention of these trees impossible (Mr Bishop's Specialist Report is attached at pages A218 to A220 as Appendix Seven). The Landscaping proposal includes the revegetation and restoration of the riparian margin 10m each side of the open drain, and planting within the individual site areas will mitigate the loss of the protected vegetation. For these reasons Mr Bishop is in support of the application subject to conditions.

A212-A239

Council's Landscape Architect Mr Gordon Griffin (Appendix Nine attached at pages A231 to 239) and Consultant Landscape Architect Mr Ben Frost (Appendix Eight attached at pages A212 to A230) have also reviewed the application. The initial review of the application was carried out by Mr Frost who raised concerns over the degree of planting and plant species, screening, visual amenity and the relationship of the development with the street frontage. Following consultation with the applicant a revised Landscaping Plan and additional information was received by Council 25/09/2007 and 12/12/2007. This revised Plan and further information was subsequently reviewed by Council's Landscape Architect, Gordon Griffin. Mr Griffin was generally satisfied with revisions and has recommended a series of conditions to ensure appropriate species are used to provide the level of screening necessary and to enable the proposed development to be accommodated relatively sympathetically into the wider area.

Through replanting and the imposition of conditions relating to landscaping it is considered that the proposed residential development will have a no more than minor adverse effect on vegetation or the amenity of the site and surrounding environment.

8.1.4 Land / Soil

There would be minor adverse effects on soil and the existing landform as a result of the proposed activity as the site requires some excavation and retaining to a height of 2.0m to achieve a levelled building platform and centralised access way. However, these effects may be adequately mitigated by appropriate conditions of consent.

A248-A252

Earthworks of 7,065m³ over an area of 7,335m² are required to contour the site. Given the scale of the proposed development a geotechnical investigation report prepared by Soil and Rock Consultants, reference 05774 dated February 2006 has been submitted with the application. This report and the proposal has been peer reviewed by Council's Geotech Consultant, Richard Simmonds of GHD Limited. Mr Simmonds found the Geotechnical report adequate and no further information was required. Based on his site visit and the information supplied Mr Simmonds concludes that the site is suitable for the proposal and has recommended a series of conditions. Mr Simmonds peer-review is attached at pages A248 to A252 as Appendix 12.

The earthworks would be temporary in nature and confined to the site. An earthworks management plan has been submitted with the proposal and details such activities as truck movements, noise and dust effects and amenity impacts. To ensure that any potential adverse effects as a result of the earthwork activities are no more than minor conditions of consent will be imposed to ensure appropriate erosion and sediment controls are put in place prior to and for the duration of the works. Such conditions will include a pre-works site meeting with Council's Monitoring Officer and provision of a Site Management Plan.

Conditions will also insure that vehicles moving earth from the site will not track earth on to the surrounding roading network and that the nature of the area is recognised with hours that development can take place restricted not to unduly disrupt the area. It is recommended that truck movements to and from the site be limited to non-peak periods i.e. between 9am and 4pm. All erosion and sediment control measures shall be in accordance with ARC TP90 standards. It is noted that the applicant has applied for resource consent from the Regional Council for works within the watercourse (Lincoln Stream) and therefore site works would be subject to monitoring from both the Waitakere Council and the ARC.

As stated earlier the site is noted as being possibly contaminated due to past horticultural use. The applicants have provided a Contamination Report prepared by Cato Bolam Consultants. This report was peer reviewed by Council's consultant Kingett Mitchell Limited (18/01/2007). Their recommended conditions will be imposed, including the requirement for remediation, if consent is granted, to ensure that any potential adverse effects on the site and surrounding environment due to contamination are no more than minor.

8.1.5 Air

The proposal does not involve air emissions of any kind, and is therefore not considered to result in any adverse effects to air quality. Dust control would be a requirement during the construction period.

8.1.6 Ecosystem Stability

A240-A243

The application and the report entitled "Ecological Assessment of Lincoln Stream and tributaries draining 26 Pomaria Road", prepared by Golder Kingett Mitchell dated April 2007 has been reviewed by Jeannette Ibrahim (acting as Council's Ecologist) Ms Ibrahim's report attached at pages A240 to A243 as Appendix 10 concurs with the conclusions of the Golder Kingett Mitchell report and notes that the 80 – 100m of stream habitat that would be lost is currently of very poor quality supporting low numbers of specimens that are all characteristic of pollution tolerant species able to survive in stagnant ponds or low flow situations. Similarly Lincoln Stream is considered to be a poor quality habitat supporting pollutant tolerant species. Ms Ibrahim comments that proposed site management measures would protect Lincoln Stream from adverse sedimentation effects during the earthworks period and outfall structures for stormwater would be required to meet Council's design standards to minimise erosion. The proposed drainage reserve could be significantly enhanced through weed clearance and native riparian planting along Lincoln Stream as proposed by the applicant. This would have direct benefit on stream ecology. Overall the proposal is supported by Ms Ibrahim from the point of view that there will be no more than minor effects on ecology and riparian margin ecosystems.

Impermeable surfaces created by the proposal comply with Council's District Plan maximum of 65%. Council's EcoWater Drainage Engineer has reviewed the proposal and is satisfied that the proposed stormwater mitigation measures will ensure that any adverse effects will be minor. Consent has been appropriately sought from the Regional Council for works within the watercourse and the floodplain.

Overall it is considered that the proposed development would have a temporary effect of a no more than minor scale on the ecosystems within the site with appropriate landscape treatment being provided as per the proposed plans and conditions of consent. This landscaping would restore the sites ecosystem stability over time.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

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

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

The proposed development is within the built urban area of the city. Sediment and erosion controls will prevent the transportation of any sediment runoff through stormwater systems during development. It is therefore considered that the development will not impact on the natural character of the coast or margins of any lakes, rivers or wetlands. Specifically there would be no more than minor adverse effects in the Lincoln Stream running through the site. Proposed riparian planting will serve to enhance both the stream margins and water quality.

8.1.9 Outstanding Landscapes

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

8.1.10 Amenity Values and Neighbourhood Character

The bulk and location rules of the Living Environment are applicable to this application as the site is located outside of a medium density circle and does not qualify for assessment as medium density housing. However, given the size of the site, design and density of the proposed development, we may use the medium density housing criteria as a guide for appropriate character and on-site amenity.

- ***scale, form, height, bulk, physical dominance, privacy***

The layout of the proposed development has been largely determined by the location of the pedestrian crossing associated with Pomaria Primary School and the flood plain to the west of the site. In this manner the development is clustered to the east of the site with the western 1/3 (3800m²) to be vested in Council as drainage reserve.

The layout comprises seven separate two storey residential terrace blocks and one free standing two storey residential block. Aside from the stand alone unit the blocks have been designed to contain between 2 – 6 units, slightly off set from one another with indented entrance ways and staggered building alignment, which reduces potentially large building facades.

Compliance with the setback and height controls of the Living Environment in which the site is located ensures the development is in keeping with the expected and existing residential amenity of the surrounding environment. All the proposed units are reasonably set back from the external boundaries and comply with the height in relation to boundary requirements along these boundaries. Therefore any adverse effects from overshadowing or the loss of daylight and sunlight on adjoining sites are considered to be no more than minor.

The proposed units are limited to two stories, having a maximum height of 7.2m and therefore will comply with the 8m maximum height requirement of the Living Environment. Scale, form and bulk of the proposed residential blocks have been broken up by the use of varying materials, staggered building alignment, large windows, first floor balconies and a sloped roof pitch.

An assessment of the physical dominance and scale of the proposal has been provided in the Specialist Landscape Architects Report prepared by Ben Frost of Kingett Mitchell Ltd, (consultant to Council) dated 20 September 2006 (Appendix Eight). The proposed fencing and planting, including additional planting along the east boundary as requested by Mr Frost, would break up the scale of Block 6 and give amenity as viewed from Pomaria Road east of the site. Mr Frost states that "The articulation of separate mono-pitched roofs aids in breaking up the appearance of this denser development along the access way of this boundary". It is noted that the applicant has gained the written approval of the landowner and occupiers of the 10 dwellings on the site to the east.

The three units (Block 7) in the road frontage and with their outdoor courts appropriately facing the street would have 1.5 high pool style fencing with a Griselinia hedge at the road boundary. Set down by 1m at the eastern end, proposed planting would include titoki trees. The appropriate scale and style of this fencing would give privacy and allow surveillance of the street – a desired outcome for residential development fronting the road. Council's Landscape Architect considers the development would have some contrast with the traditional neighbourhood character but would have suitable amenity relative to Pomaria Road. Along with this contrast the area also includes a medium density development nearby at 27 Pomaria Road, and there would be some relationship also with the medium density development (64 residential units) to the south at Stephen Avenue and Kona Crescent. From the western boundary vegetation as per the modified and approved landscaping plan provides visual amenity and reduces the perceived and visual bulk of the development.

Height and bulk elements are discussed in the Medium Density Housing criteria and provide a useful tool for assessing physical dominance. The guidelines state that to complement the scale of residential roads, changes of building heights between existing houses and of new developments should be not more than one storey. The development is in keeping with this criterion.

Within the development scale and physical dominance are reduced by the articulated design of the units and the subtle staggering of each unit within a block. There is room available for additional landscaping within each lot. Screening is not necessary and has deliberately been left from those units that face the centralised access lot as not to enclose this area.

Retaining walls throughout the development range from 1.0 – 2.0m high. Given the positioning of the walls no shading effects are anticipated. Fencing of up to 1.8m in height along external boundaries (except the Pomaria Road frontage) will ensure that the privacy of adjoining sites is maintained. Adequate screening (to a height of 1.6m) where outdoor living courts are adjoining has been provided. In addition, living areas will be located on the ground floor and hence privacy of adjoining properties will not be adversely affected.

The site has the ability to incorporate the type of development it seeks to establish. Site layout, bulk, form and appropriate screening as indicated on the updated Landscape Planting Plan (Revision 4 dated 26 November 2007) as modified and approved by Council's Landscape Architect have enabled the development to do so and will ensure that any adverse effects with regard to the above matters are no more than minor.

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

The surrounding area has a mixture of single and double storey dwellings on lots averaging around 450m² but with rapidly evolving infill development on smaller sites. There is also an existing medium density housing development east of the site at 27 Pomaria road, and south of the site in Stephan Avenue and Kona Crescent (62 units which range from 172m² – 375m² in density). It is also noted that there is an 8 unit development at 19 Pomaria Road, and 10 dwellings at 24 Pomaria Road. These developments were all granted by means of resource consent. As mentioned, with reference to physical domination above, the development will contrast with the existing predominant character of the Pomaria Road street frontage but is considered by Council's Consultant Landscape Architect to have some architectural merit in comparison to the recent development to the south which is more consistent in scale with the proposed development. The proposed development complies with the 8m height requirements of the Living Environment. Neighbourhood character and amenity values are enhanced by the modified and approved Landscape Planting Plan (Revision 4 dated 26th November 2007).

A258-A261

Council's Urban Design Specialist Mr Peter Joyce has reviewed the proposal and from an urban design perspective comments that the proposed residential development is adequately designed and set out on site (specialist comments are attached at pages A258 to A261 as Appendix 14). The layout of the site has ensured that some units face Pomaria Road, the location and orientation of units within the site provides for private open space and allows for surveillance. Significant spatial amenity is provided by the relatively large area of landscaped drainage reserve.

The design of each unit is considered to have addressed the basic urban design principals, contributing to the streetscape and providing a sense of place with a distinctive residential character. Each unit has a separate identity within the block by the subtle staggering of each unit and the use of different materials. The three units along the Pomaria Road frontage have low level screening along the road boundary allowing surveillance of the street. Internal surveillance is achieved by the absence of fencing/screening facing the access way. Visual amenity of the site is enhanced by all these elements.

The proposed units will have a gross floor area ranging from 119.8m² to 137.7m². Their reasonable size sits above that recommended within proposed Plan Change 18 – City Wide Rule 1, Design Criteria B1. Although proposed outdoor space across the development sits below the 25m² per room each unit has been provided with at least 50m² of useable outdoor space consistent with the suggested area for outdoor space within the assessment criteria for Medium Density design elements. This private space is located on the ground floor, accessible from the main living area of each unit and is generally located in a north, north-west or north-east direction maximising sunlight admission. There is potential for landscaping within these areas and in some cases pergolas have been provided (unit Type A). Adequate screening (to a height of 1.6m) is provided where living courts adjoin. Council's Landscape Architect has amended the Landscaping Plan to provide for retractable clotheslines. This will be imposed by a condition of consent. It is noted that gate access for maintenance is only required on the end units, not between units. There will be no requirement to provide internal gate access between units and this area is instead utilised for retractable clotheslines.

Elevated balcony areas are provided on units 1 – 8 and 18 – 21. Owing to their size (4-5m²) these areas provide for increased on-site amenity only as they are not highly functional useable spaces and therefore will not give rise to an unacceptable amount of overlooking. It is noted that these balconies are accessible from bedroom areas not main living areas.

Although the drainage reserve (3800m²) will not be accessible this area will contribute to the open feeling and amenity value of the site. Units 9 – 17 will enjoy views to this area with fencing (above the retaining wall) used to separate the drainage reserve from private outdoor space. This fencing will consist of open trellis-type materials to ensure that views through to the reserve and associated amenity plantings are retained. Height would not exceed 1.8m.

The subject site has a total area of 10,891m², the access lot occupying 2,144m². Although it is recognised that the flood plain prevents development in the west of the site it is considered that the proposed development would have less bulk and location effects on adjacent properties and similar occupancy capacity to the potential development of up to 20 free standing dwellings as a Discretionary Activity, similar to that development on Kona Crescent. The pan handle shape of the site which restricts the number of dwellings viewed from the street scene and the extent of the drainage reserve aids in reducing perceived bulk.

- ***connectivity, accessibility, surveillance, safety, public access***

The site is connected with the neighbourhood in a manner mindful of the safe and efficient functioning of the pedestrian crossing and school related traffic. Following consultation with Council's Traffic Engineers access to the site is proposed at the only possible location, close to the western boundary with No. 30 Pomaria Road. The proposed private access way then runs through the centre of the development area, creating an internal streetscape, whereby dwellings can face each other, achieving appropriate surveillance. No fencing is located between the front of the dwellings and the driveway so that surveillance is not impeded.

The site layout provides for pedestrian connections within the property and out to Pomaria Road. A 1.4m footpath is provided along the western boundary leading to the body of the site. The footpath would be constructed with contrasting textures and surface treatments to provide the necessary safety contrast between the pedestrian area and adjoining vehicle area. A permanent overhead light is proposed adjacent to the sites entrance to ensure safe movement and visibility. Additional lighting is proposed within the site, in discreet locations incorporated as part of the landscaping plan to ensure communal use areas are suitably defined. Lighting complies with District Plan provisions. Public transport is available on Pomaria Road, Rathgar Road and Lincoln Road, all within reasonable walking distance from the site (5 – 10 minutes). The proposed pedestrian footpath provides connectivity to these public resources.

The proposal is considered to provide good connectivity and accessibility through the provision of vehicular access and a public pedestrian link to Pomaria Road. One way vehicle access through the site would ensure that public access from the street and along Pomaria Road is not compromised and that pedestrian safety is insured.

- ***noise, odour, dust, vibration, cumulative lighting effects***

The blocks of units have been configured to avoid as much as possible the adverse effects of traffic noise and street lighting on Pomaria Road. Only three of the 29 units will face Pomaria Road. The rest of the development is internal to the site. An acoustic report was not considered necessary as the site is not located on a high noise route and the matter of acoustic insulation between units can be imposed as a condition of consent. The requirements of the Building Act 2004 will ensure common elements are constructed to prevent unacceptable noise transmissions to the habitable spaces of each unit. This appropriately addresses concerns raised by some of the submitters.

Internal noise will be minimised by the layout of the units which has provided for separation of noise sensitive sleeping and living areas from noise sources such as the kitchen or laundry in the same and adjoining unit. The design layout of each unit provides for living at ground floor and bedrooms above.

The District Plan provides us with a noise standard for the residential environment and this can be enforced to ensure on-going compliance.

Visual privacy between adjoining units will be achieved through the use of 1m deep "part walls" where ground floor balcony/patio areas adjoin. At first floor the depth of the part wall matches that of the deck. Fencing between the outdoor living areas of each unit complies with the 1.6m definition of screening under the District Plan.

Internal lighting of common areas (access way and parking area) has been designed to comply with District Plan standards. This will become a condition of consent. A condition of consent will also be imposed with regard to noise during the construction period with respect to hours of operation and the avoidance of dust nuisance.

Overall it is considered that the proposed development would provide for adequate levels of visual and aural privacy.

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

Access to the site is only possible from Pomaria Road. A 6.25m wide access way will be situated close to the western boundary of 30 Pomaria Road. Directly opposite the site is the Pomaria Primary School and its existing vehicle driveway. To the east of this vehicle crossing is the main pedestrian footpath serving the school. Some recessed on-street parking spaces are provided in front and to the west of the site. These spaces are used by parents/guardians for the dropping off and collection of children at the beginning and end of the school day.

Many submitters raised concern regarding the increase in traffic and the capacity of the surrounding road network. Council's Traffic Engineer Mr Sam Shumane has reviewed the application and makes the following conclusions and recommendations:

- The effects of the additional traffic movements on the operation of the Pomaria Road / Lincoln Road intersection are considered minor.
- The creation of the new access point will not exacerbate the crash rate or operational problems within the immediate area. The width of the vehicle crossing is acceptable. The design of the crossing shall be reviewed and approved at the building consent stage.

- The proposed layout meets the expected demand in terms of parking demand and supply. The proposed parking provision is considered acceptable.
- All external spaces are adequate in terms of dimensions and manoeuvring. The proposed footpath is considered acceptable.
- A judder bar or a speed hump shall be installed inside the driveway to ensure that exiting vehicles do so at a very low speed.
- Rubbish collection shall be undertaken by a private firm.
- The clear width of all garaged spaces shall be increased to 3.0m between walls.

A244-A247

Mr Shumane's report is attached at pages A244 to A247 as Appendix 11.

It is acknowledged that the proposal will result in increased traffic volumes. However, given the size of the site it is inevitable that this site will be developed. To provide the safest environment possible the access point to the site has been located as far away as practicably possible from the existing pedestrian crossing. This is a matter which has been discussed with Council's Transport Assets Engineers. Design has ensured that a separate and safe pedestrian access has been provided with distinct textures and surface treatments to provide the necessary contrast between pedestrian area and vehicle area. Council's Traffic Engineer Sam Shumane considered this to be adequate. Given the proximity to public transport links along Lincoln Road it is possible that occupiers may make use of alternative modes of transport.

Transport Assets have supported the application subject to recommended conditions of consent. One such condition of consent will require the installation of a judder bar 2.0m in from the street boundary, across the full width of the driveway to slow traffic exiting the site.

• ***infrastructure capacity and availability***

The site is connected to Council's public drainage system. Two stormwater pipes (600mm and 525mm diameter) terminate at the eastern boundary discharging to an open water course which flows towards the west discharging to an open stream. The property is located in the catchment of the Lincoln Stormwater Management Unit.

The 1 in 100 year flood plain and open drains in the western area of the site have largely determined the layout of the site. The potential yield of the site is controlled by these constraints (in addition to site access) and in an effort to avoid having to pipe the open drain alternative site layouts were presented to and discussed with Council specialists. On discussion these alternatives were shown to provide poor on-site amenity for potential users and difficult traffic circulation. Over half of the units would have south facing living courts and poor privacy.

The proposal and supporting documentation regarding infrastructure have been reviewed by Council's Drainage Engineer, Mr Prasad Tekumalla. The developments potential effects on the public wastewater and stormwater networks include demand on capacity, potential damage due to the proximity of the proposed works to the public drain and to the stream ecological environment. These factors may have an effect on the condition, operation and maintenance of Council's network.

In his report Mr Tukemulla is satisfied that mitigation of such effects has been provided through design and the requirement for the payment of a Development Contribution. Permeable paving, water quality treatment devices, stream erosion protection measures and restorative replanting are appropriate methods proposed by the application to provide sufficient mitigation. The drainage reserve is proposed to be re-contoured to provide the same volume of flood storage for the 1 in 100 year storm event in the pre and post development scenarios. A covenant will be required to ensure the ongoing maintenance of the detention and stormwater quality system.

The revised stormwater reticulation layout system shows that the units have been located sufficiently away from public infrastructure which allows for the operation and maintenance of these assets. Conditions will be imposed to ensure that correct clearances are provided between the finished floor level and adjacent ground levels. During the stage of engineering approval design aspects will be rigorously addressed.

Upgrading works and building construction requirements will be controlled via consent conditions as recommended by Mr Tekumalla. The existing 150mm diameter public wastewater line running through the site will be extended to serve the development. The detailed capacity analysis and upgrading requirements will be assessed at the stage of engineering approval. Any new connections will be required to be constructed to public standards.

The proposal will require the extension of the water supply pipe located at the eastern boundary of the site. This will require specific design and final engineering review at the stage of engineering approval by Waitakere City Council.

Overall Mr Tekumalla, on behalf of EcoWater, is in support of the proposal subject to the imposition of appropriate conditions.

8.1.11 Heritage

The site is not identified in the District Plan as being a site with any historical significance. Therefore, the proposed development is not considered to impact on matters of heritage. Nevertheless a condition has been recommended outlining the requirements should artefactual material be encountered during excavation.

8.1.12 Summary

In addition to the density infringement the main concern of the proposal is the adverse traffic effects (including safety) and the visual amenity effects resulting from the development. The site is not located within an area of the City envisaged by Council for medium density development. However, attributes of the site, the design of the development, extent of the drainage reserve and its location to amenities and transport nodes provide satisfactory justification for the proposal and would mitigate any potential adverse effects.

Transport Assets have acknowledged that the proposed development would result in a minor increase in traffic. However, the traffic increase is not considered significant and will not impact on the operation of the Pomaria Road / Lincoln Road intersection. Parking provisions are considered acceptable and the location of the access way in relation to the existing pedestrian crossing at Pomaria Road is not considered to exacerbate the existing operation of this segment of Pomaria Road.

Two submitters have raised the importance of landscaping to ensure visual amenity. This is an aspect supported by Council's Arborist and Landscape Architects. The revised planting plan, as modified and approved by Council, has addressed some of these issues. The requirement to implement this landscaping will be imposed as a condition of consent. In this manner visual amenity will be maintained and the development relates well to the character of the surrounding area. Proposed earthworks will be mitigated through appropriate sediment and erosion controls as required by condition of consent.

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

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

8.2.1 District Plan Policies and Objectives

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan.

A196-A205

The relevant objectives and policies in relation to this proposal are attached at pages A196 to A205 as Appendix 5 and are discussed in detail below.

Objectives: 1, 3, 4, 10, 11

Policies: 1.1, 1.2, 1.9, 3.1, 3.2, 3.4, 4.2, 10.2, 10.3, 10.4, 10.5, 10.6, 10.8, 10.9, 10.11, 10.14, 10.16, 10.17, 10.19, 11.2, 11.27, 11.28

Objective 1 (effects on water)

Policies 1.1, 1.2, 1.9 seek to reduce pollutant run-off to the receiving environment and to manage the life giving attributes of the aquatic receiving environment.

Discussion:

The proposed development is centrally located. Pomaria Road is a collector road and is located within 220m of Lincoln Road (a strategic route). Lincoln Road provides frequent public transport, shopping facilities and community activities. Buses travelling east towards the Henderson Town Centre, Henderson Interchange (buses and trains) and the Sturges Road train station leave from outside No. 9 Pomaria Road. As detailed on the MAXX public transport website (www.maxx.co.nz) this bus journey would take between 6 – 10 minutes (3 stop bus trip to Henderson CBD). Buses travelling west leave from outside No. 6 Pomaria Road.

The site is within a 15 minute walk (650m) to the nearby shopping centre on the corner of Universal Drive and Lincoln Road (retail shops, fast food outlets and Supermarket). It is also within easy walking distance to schools (Pomaria Primary School and schools located along Rathgar Road), recreational grounds (Te Pai netball courts, Waitakere Stadium) local shops along Rathgar Road and Lincoln Road (cafes, vege/fruit, butcher), employment opportunities and light industrial businesses in Lincoln Road and Central Park Drive. In accordance with Policy 1.2 the location of this residential development is adjacent to central locations and public transport routes thereby minimising potential contaminant discharges off roadways and minimising the length and number of vehicle trips.

Appropriate sediment and erosion controls will ensure that the adverse effects on water quality and quantity are no more than minor. The subject site is known to Council to be prone to flooding. However, in accordance with Policy 1.9 development of the site will not occur within the identified drainage reserve. This reserve area will be cleared of weeds and restorative replanting undertaken, enhancing visual amenity and the natural drainage functions and ecology of this area. The proposal is supported by Council's EcoWater Drainage Engineer who has recommended a series of conditions to ensure that appropriate collection and treatment devices are installed. The 80 – 100m piping of the open drain will have a no more than minor effect on the stream with appropriate conditions used to control any adverse erosion effects during the construction period. The ecological report and peer review have shown that the current health of the stream in this location is poor and the proposed clearance of vegetation (predominately weed species) required as part of the piping of this area will not adversely affect stream health. Proposed revegetation of the stream and removal of existing weed species is supported and will in the medium to long term improve the health of the stream.

The proposal achieves the anticipated environmental results of Objective 1. Water quality within the city will not be compromised; sedimentation will be controlled by consent conditions. The stream bed ecosystem within the site will be maintained and improved. It is therefore considered that the proposal would satisfy the above District Plan requirements.

Objective 3 (effects on land)

Policies 3.1, 3.2, 3.4 seek to manage land based activities to ensure the health and well being of both the natural environment and users of that environment.

Discussion

Medium Density housing is encouraged around main town centres, railway stations and major roads to help provide for the efficient use of land within the urban area. As described in Objective 1 above, the proposal is within acceptable walking distance of high frequency Public Transport routes (bus). The surrounding area, mainly Lincoln Road, has a considerable number of services and retail premises that make the location appropriate for denser, urban residential development because they are easily reached by walking, cycling or relatively short bus trips. The proposed residential development is a direct response to population growth and provides a choice in housing options. Council's Urban Design specialist Mr Peter Joyce notes that there are a number of similar developments in the area that have proven to be successful in this location.

The site is located in an area known to be or likely to be contaminated due to past horticultural use and also has a record of flooding associated with it. The application includes contamination and geotechnical reports which have been peer reviewed and are supported by Council specialists, subject to conditions. The effects of increased stormwater discharge can be mitigated by appropriate engineering design and sediment and erosion controls. These will become conditions of consent. Design features will ensure that the proposal does not cause additional flooding effects and the site is suitable for residential occupation.

Development within the riparian margin (non-riparian) has the potential to cause additional erosion effects. Although earthworks within a non-riparian margin do not require assessment under the District Plan it is important to reduce potential erosion effects of development. Such effects would be avoided, remedied or mitigated through conditions such as appropriate design, riparian planting and acceptable erosion controls. The area of earthworks will not result in the loss of any significant vegetation or natural features.

The anticipated results of Objective 3 are met by the retention of soil stability through appropriate design and the control of erosion and soil contamination through appropriate conditions of consent. The implementation of the Proposed Landscape Plan (subject to modification as required by conditions of consent) and revegetation will ensure the life supporting capacity of the land is not compromised.

**Objective 4 (effects on air quality)
Policies 4.2**

As explained the proposed development is located within walking distance of the public transport links provided along Lincoln Road (strategic road). The location of the site will encourage a reduction in vehicle trip length and numbers, contributing to the viability of the public transport system. It is noted that the management of air quality falls under the responsibility of the Auckland Regional Council.

Objective 10 (amenity values, health and safety)

Policies 10.2, 10.3, 10.4, 10.5, 10.6, 10.8, 10.9, 10.11, 10.14, 10.16, 10.17, 10.19
seek that structures are positioned to ensure all users are provided with appropriate levels of daylight and sunlight and that internal and external amenity for individual sites is not compromised.

Discussion

The design and layout of the development is such that each unit will have an area of outdoor space measuring at least 50m², the minimal area required by the medium density development assessment criteria. The outdoor areas are generally orientated due north – east/west and are of suitable dimensions and shape to meet the needs of future occupants. Each outdoor area is directly accessible from the principal internal living room providing for good indoor/outdoor flow. Patio/pergolas have been included in some of the units to further increase on-site amenity. Outdoor areas are adequately screened to a height of 1.6m. Part walls are provided where outdoor balcony areas adjoin. Council's Landscape Architect has included the requirement for a retractable clothesline within each lot (if required).

The alignment of the units/blocks and their orientation on site will ensure that appropriate levels of daylight and sunlight is achieved between individual units. The areas of principal living and associated outdoor space have been designed so that each unit is suitably offset from one another. The proposal is compliant with all external boundary height in relation to boundary controls and therefore the development is not expected to adversely restrict daylight or sunlight access or physically dominate adjoining sites.

A key concern of infill/intensification is the retention of privacy. In this respect the external boundaries of the site will be fenced with 1.8m high close board timber fencing (excluding the road boundary which has been screened to a lower height to allow passive surveillance). This level of screening will provide a solid visual barrier and aural barrier between outdoor living areas, principal glazing of the proposed units, the internally located allocated car parks and associated manoeuvring area. Vegetative screening along the external boundary as per the revised Landscaping Plan and that required by conditions of consent will add further privacy and enhance site amenity. The main alignment of the access way is centrally located on site and the units on either side provide a further aural buffer between associated traffic movements and the existing amenity of surrounding properties. Landscaping is provided within each unit area. Lighting of the pedestrian footpath (connectivity) and within common parking areas complies with District Plan standards and is therefore not expected to adversely affect surrounding residents. Requirement to comply with this standard on an on going basis will be enforceable via a condition of consent.

The above policies also seek to integrate the land use and development activities within the City with the transportation system and adequately manage and provide for the needs and health of communities and the sustainable management of the City's environment. Frequent bus services operate on Pomaria Road and Rathgar Road. The proposed development would be approximately 220m from public transportation systems along Lincoln Road (regional road). As mentioned, regular buses are available from Pomaria Road to the Henderson and Sturges Road train stations, travelling time, as provided on the MAXX regional transport website (www.maxx.co.nz) being 6 - 10 minutes (2km walk). The site is within easy walking distance of the shops on the corner of Lincoln Road and Universal Drive (650m - 800m) and the smaller convenience shops along Rathgar Road. In this manner the proposal provides an intensified development in an area where existing community services have the ability to service the site. These services also include schools, employment opportunities and recreation. It is probable that with further urban development of Lincoln Road and the surrounding area planned in the future; more such services amenities and employment opportunities will be easily accessible from this location.

This type of intensification satisfies the District Plan, Regional Growth Strategy and Urban Area Intensification Regional Practice and Resource Guide. It is noted that the subject site is 600m from the outer limit of the Medium Density Circle associated with the Sturges Road Train Station and the average density across the site is 299m² (does not include access way). It is the physical constraints of the site that have resulted in more clustered development, the amenity of which is maintained through the articulated design of each block, built form and proposed landscaping. The extent of the drainage reserve provides a sense of openness and increased outlook amenity to units facing the reserve.

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Vehicle access to the site has been peer reviewed and is supported by Council's Traffic Engineer, Mr Sam Shumane. The proposal will not adversely affect the safety and functioning of this segment of Pomaria Road. The increase in traffic generation as a result of the development can be absorbed within the existing roading network. Mr Shumane's peer review of the proposal concludes that the design and layout of the proposal provides for safe manoeuvring and adequate on-site parking in accordance with Council's Code of Practice. Sufficient visitor parking is provided. A detailed Transport Assets report is attached to this application as Appendix 11 at pages A244 to A247.

EcoWaters' Peer review of the proposal and supporting documentation has concluded that the development is within the capacity of the City's water and wastewater supply subject to upgrades as per conditions of consent (engineering approval would be required). The past horticultural use of the site does not threaten human health with the requirement for some remediation prior to development imposed as a condition of consent. Similarly geotechnical investigations have found the level of earthworks and retaining proposed to be suitable for the scale of the development and any potential adverse effects may be controlled by the imposition of consent conditions. Health and safety is therefore maintained.

The District Plan explanation to the above mentioned policies acknowledges that the safe and efficient movement of vehicles is considered important, but that the health of residents and the need to provide for adequate public transport, pedestrian and cycle areas is also important. The proposed layout adequately provides for separate vehicle and pedestrian areas through out the site, and adequate private outdoor space. It is considered that the proposed residential development demonstrates consideration of Objective 10.

Objective 11 (amenity value and neighbourhood character)
Policies 11.1, 11.3, 11.27, 11.28

Discussion

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

The proposed residential development, while not qualifying for assessment as a medium density housing development, has been designed to be sympathetic with the surrounding character of the residential neighbourhood and provides a high quality living environment of appropriate density. Peer review of the application by Council's Consultant Architect and Landscape Architect acknowledges that the development would have some contrast with traditional neighbourhood character but would have suitable amenity relative to Pomaria Road. The existing character includes a medium density development at 27 Pomaria Road and there would be some relationship also with the medium density development to the south at Kona Crescent. The design of the units is thought to have some architectural merit in comparison to recent development occurring in the area and offers a variation in amenity that does not diminish neighbourhood character. The two storey height of the development is in keeping with existing surrounds.

Although not strictly anticipated within this area of the City the proposed development is a good example of urban intensification in a location where existing surrounds can serve the needs of future residents in terms of schools, shops, employment opportunity, recreation and public transport links. This contributes to neighbourhood character and amenity. Council's Urban Design Specialist Mr Peter Joyce states that "The number of sites of this size available for reasonably dense residential development in urban locations in the City is rapidly diminishing. It is considered that denser residential development of this site, although not technically in an identified intensification area, is appropriate due to its proximity to the services and amenities provided by the urban environment along Lincoln Road and the surrounding area. This opinion is reinforced by the ease of access to the high frequency public transport provided by bus services also along Lincoln Road".

The scale of the development, being 2 storeys, and the layout of the site (separation of blocks and staggering of units) would not dominate the site and is softened by required landscaping. Appropriate outdoor space has been provided for each unit and the gross floor area of each unit achieves residential wellbeing (complies with the recommended guidelines of Proposed Plan Change 18: City Wide Rule 1 Apartment Design, General Performance Standards, Rule 1.0(i) Apartment Size). It is noted that this Rule requires apartments to have a minimum gross floor area of 40m² excluding garages, dedicated external storage areas, balconies, roof gardens, outdoor living areas and common internal areas. In this case the proposed gross floor area ranges from 119m² - 137m². Furthermore Apartment Design Criteria Element B, Design Criteria B1 recommends that generally minimum apartment sizes should be 70m² for two bedroom and 90m² for three bedrooms (exclusive of balconies). The proposal sits well above this recommendation (refer to Table 1).

An open street scene is retained through the set back of units 26 – 28, the use of low lying screening and retaining along the frontage and the pan handled nature of the site. Units 26 – 28 face Pomaria Road allowing for active surveillance of the street.

The bulk of the development will not be highly visible from the street frontage with additional screening along the eastern boundary effective in maintaining and enhancing the residential amenity of adjoining sites. Privacy is not compromised. Units within the development are orientated towards the centralised access way and in this manner the internal shared driveway becomes a street. The dwellings are set back from the driveway allowing for an area of landscaping and surveillance. The view of this centralised access, parking and manoeuvring area from outside the site is obscured by the units. All units comply with the height and external height in relation to boundary controls of the District Plan and therefore represent a type of development that is compatible in terms of bulk and scale. Proposed landscaping will over time enhance amenity.

As discussed earlier in this report the existing vegetation on site is considered to be largely insignificant. Proposed landscaping and replanting within the riparian margin is supported by Council specialists. Landscaping has been provided within the access way. The proposed footpath promotes safety and acts to integrate the development to Pomaria Road. This is supported by Council's Transport Assets Engineer. The sites location on a collector road and its proximity to Lincoln Road (strategic road) provide existing public transport links.

Policies of the objective 11 allow an area to evolve and respond to changing circumstances as long as character and amenity are retained. The development achieves this by providing a housing choice, of a density that can readily be supported by surrounding resources (transport, community facilities and shops). On-site amenity has not been compromised and external boundaries are adequately landscaped to merge the development with the character of the surrounding residential area and allow surveillance of the street scene. The site layout provides internal amenity, aural and visual privacy, and adequate daylight/sunlight to residents consistent with medium density settlement patterns.

8.2.2 Rules and Assessment Criteria

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

LIVING ENVIRONMENT

Rule 2 – Density – Assessment Criteria 2(a) – 2(e)

As mentioned the site is not contained within an identified intensification area (medium density circle) and the proposed development would have some contrast with the traditional neighbourhood character. However the development, due to its form, materials, scale and design, would have suitable amenity relative to Pomaria Road and the surrounding residential environment. Council's Consultant Landscape Architect states that the development has some architectural merit in comparison to the recent development occurring in the area. The height of the development does not exceed two stories and sufficient on-site outdoor space has been provided for each unit. In this manner the proposal relates well to the 64 unit medium density development in Stephen Avenue and Kona Crescent. Conditions of consent will ensure landscaping is maintained in order to give amenity and privacy. The bulk of the development is screened from the streetscape with units 26 – 28 displaying good urban design with the Pomaria Road frontage.

The development complies with all external height in relation to boundary controls thereby allowing sufficient daylight/sunlight to adjoining properties. All units will be set back a reasonable distance from the property boundaries maintaining a sense of space and separation. The separation of the development into 7 blocks also achieves this. Privacy is achieved with screening to a height of at least 1.6m between outdoor living courts and solid screening of 1.8m on external boundaries (except the road boundary, for reasons already explained). Additional landscaping is proposed along the eastern boundary. Significant spatial amenity is provided by the relatively large area of landscaped drainage reserve. Upper floor balconies, owing to their small areas (4-5m²) provide for increased on-site amenity whilst their orientation will not reduce privacy of neighbouring residents.

Vehicle access to the development is from Pomaria Road only. The positioning of the units on site effectively obscures the view of the internal centralised driveway, parking and manoeuvring areas. Aspects of parking and access are supported by Council's Traffic Engineer.

The proposal exemplifies the principles that will increasingly determine the form of compact urban residential development intended in Council's Growth Management Strategies and the District Plan Policies and Objectives. Council's Urban Design Specialist Mr Peter Joyce notes that the number of sites of this size available for reasonably dense residential development in urban locations of the City is rapidly diminishing. It is considered that denser residential of this site, although not technically in an identified intensification area, is appropriate due to its proximity to the services and amenities provided by the urban environment along Lincoln Road and the surrounding area. This opinion is reinforced by the ease of access to the high frequency public transport provided by bus services also along Lincoln Road.

There are existing examples of medium density development along Pomaria Road and within Stephen Avenue and Kona Crescent which have proven to be successful in this location. Successful urban design and the location of this proposal are considered to support the level of density proposed.

Rule 5 – Height in Relation to Boundary – Assessment Criteria 6(a) – 6(e)

The intent of the height in relation to boundary rule is to ensure adequate levels of daylight and sunlight to adjoining sites and to the proposed building. The proposal complies with all external height in relation to boundary controls and therefore neighbouring sites will not be unfairly shaded by the development. The design of the site makes it impossible to comply with the internal height to boundary recession plane between each unit. However, each unit has been provided with at least 50m² of private outdoor space with a northern orientation to receive adequate levels of daylight/sunlight. Privacy of these areas is maintained by screening to a height of 1.6m and the opportunity for landscaping. The internal layout of the site is therefore considered to allow for reasonable daylight and sunlight to each unit. It is further noted that the applicant is the owner in this case and therefore has given themselves written approval for the internal infringement. The buildings themselves will have to comply with the Building Code which requires that all habitable rooms have direct access to external openings.

Rule 7 – Building Coverage – Assessment Criteria 7(a) – 7(e)

Building coverage is calculated using the net site area of the development. The building coverage of each unit ranges from 28.5% to 61.7%. Given the two storey height of the development, set back from all external boundaries, articulated building design and proposed landscaping the proposal is not considered to physically dominate or create an adverse effect on amenity values and neighbourhood character. The development is reasonably offset from Pomaria Road with the bulk of the development screened from the streetscape. Units 26 – 28 front Pomaria Road and have been sufficiently set back from the road boundary with the outdoor living space of each unit maintaining an open street scene.

The articulation of separate mono-pitched roofs will help to break up the appearance of denser development along the existing access way to the east. Council's Landscape Architect recognises that the site has the ability to incorporate the type of development it seeks to establish and has recommended additional planting of the eastern boundary rather than close board fencing to give amenity. Significant spatial amenity within the development is provided by the relatively large area of the landscaped drainage reserve. This reserve also acts to block the view of development from the west.

Overall the level of building coverage (over the entire site) is 17.5% (compliant with the 35% permitted within the Living Environment). This average density is representative of the surrounding neighbourhood. Impermeable surfaces do not exceed 65%.

Rule 9 – Outdoor Space – Assessment Criteria 9(a) – 9(e)

Although the development fails to provide 25m² of outdoor space per bedroom, the layout of the development achieves a minimum of 50m² of outdoor space as per medium density development guidelines. The outdoor areas are generally orientated due north- east/west and are considered of useable dimensions to meet the needs of future occupants. The orientation and design allows adequate levels of daylight/sunlight to reach habitable rooms of the development. Each outdoor space is directly accessible from the principal internal living room providing indoor/outdoor flow.

The outdoor living courts of each block are suitably offset from one another to ensure privacy with screening to a height of 1.6m (as required by the modified and approved landscaping plan) provided between each unit. This will maintain privacy. The outdoor living space of units 26 – 28 allows for surveillance and a visual relationship with the streetscape. Low level retaining and landscaping is provided to differentiate this private space from the public road frontage. Outdoor living areas of units 9 – 17 face the drainage reserve which provides spatial amenity to the entire site. The outdoor living space of units 1 – 8, 22 - 25 will be appropriately screened to a height of 1.8m and landscaped in order to give privacy from the adjoining ROW on the eastern boundary.

The entirety of the outdoor space is considered to be usable space having a slope of less than 20%. For the reasons stated above it is considered that the proposed individual outdoor space for each unit is consistent with the assessment criteria having no more than minor effects on the site or surrounding residential land use.

Rule 12 – Carparking and Driveways – Assessment Criteria 12(a) – 12(d)

Council's Code of Practice sets out the performance standards required for access, on-site parking and manoeuvring. The Traffic Impact Assessment prepared by TEAM dated May 2007 addresses access, sight lines, safety, on-site parking provisions and manoeuvring, rubbish collection and the effects of the proposal on the wider road network. Council's Principal Traffic Engineer Mr Sam Shumane has reviewed this report and the proposal and has no objections on the basis of traffic and parking. Most importantly the location of the proposed access way and generation of traffic is not considered to exacerbate existing safety (crash rate) of the immediate area. On-site meetings and on-going consultation between Mr Shumane and TEAM has resulted in the best practical and safest location for the access way. A condition has been recommended to require a judder bar to be installed 2m from the street boundary, across the full width of the driveway to control the speed of vehicles within this pedestrian area. It is noted that this will satisfy a point raised by one of the submitters.

The effects of the additional movements on the operation of the Pomaria Road / Lincoln Road intersection are considered minor. In terms of parking demand and supply the proposal meets the expected demand and the proposed parking provision is considered acceptable. Conditions can be imposed to ensure that the standards are achieved to ensure safe and efficient vehicle access and movement within the site.

GENERAL NATURAL AREA

Rule 2 – Vegetation Alteration – Assessment Criteria 2(a) – 2(q)

The application and Arborists Report compiled by Shane Potter of Arborsolutions (Cato Reference W19247) has been assessed by Council's Arborist, Stephen Bishop. Following clarification of a few matters Mr Bishop makes the following observations:

"It would appear that much of the protected vegetation is proposed to be removed, included in this is a prominent cluster of mature Cabbage trees near the centre of the site, this is unfortunate, and should ideally be retained, although I appreciate the constraints of the site may make this impossible.

The landscape proposals including the Revegetation/restoration of the riparian margin 10m each side of open drain, and the planting in the individual sections will mitigate the loss of the protected vegetation on site and therefore I am able to support the application.

Consideration should be given to the placing of covenants on the site to ensure that the proposed planting is protected further"

The application is generally supported by Council's Arborist for Consent Services. I agree with Mr Bishop's findings. It is considered that the impact on protected vegetation will be reduced to no more than minor if the recommended conditions of consent are imposed.

Rule 3 – Earthworks – Assessment Criteria 3(a) – 3(r)

A248-A252

The area and volume of earthworks proposed would not be out of character with a development of this scale. The proposal and supporting geotechnical report has been peer reviewed and is supported by Council's Geotechnical Specialist Mr Richard Simonds of GHD Limited refer report attached at pages A248 to A252 as Appendix 12. Appropriate sediment and erosion controls will be imposed to ensure any adverse effects would no more than minor, limited to the duration of the works and to the subject site. An earthworks management plan has been submitted with the proposal and the applicant will be required to have a pre-start meeting with Council's Environmental Monitoring Officer. Potential erosion within the riparian margin as a result of the piping of the open drain could also be controlled, and minimised by the imposition of similar conditions. There is potential for landscaping around areas of retaining.

The flooding hazard would be avoided by appropriate and approved engineering design. To this end conditions of consent have been recommended by Council's EcoWater Drainage Engineer.

A253 to A257

Given the past horticultural history of the site soil removed from site will be required to be disposed of at a suitably approved landfill refer to the Golden Kingett Mitchell report attached at pages A253 to A257 as Appendix 13.

CITY WIDE RULES

Rule 1 – Natural Hazards – Assessment Criteria 1(a) – 1(g)

The site is known to Council to be subject to flooding. The development's effects on the environment relating to water quality and quantity originate from high traffic use due to density and the creation of impermeable surfaces. Proposed stormwater detention and treatment devices have been reviewed and are supported by Council's EcoWater Drainage Engineer, Mr Prasad Tekumalla. This treatment mitigates stormwater quality effects with payment of the Development Contributions to offset the costs of future effects. Project Twin Streams allows development in the catchments to continue by mitigating the adverse effects of those developments on existing flooding problems with the catchment during the 1% AEP storm event. A condition of consent will be imposed requiring a financial contribution towards the Project at the rates approved by Council to provide effective mitigation of the effects on flooding in the catchment.

Rule 2 – Contamination – Assessment Criteria 2(a) – 2(d)

A253 to A257

The proposal would involve the development, redevelopment and use of a contaminated site known to Council. The Applicant has submitted a Contamination Assessment prepared by Cato Bolam Consultants Limited dated 23 June 2006 which has been reviewed by Council's consultant for contaminated site issues, Kylie Eckersley of Golder Kingett Mitchell Limited Appendix 13 at pages A253 to A257. In summary, there is evidence of elevated levels of lead contamination on the site above the residential threshold level. Conditions are therefore recommended to deal with the remediation of the site. Some soil on the site would have residual levels of contamination that meet the relevant guidelines and can therefore remain in situ. Any soil removed would require disposal to a licensed landfill. Conditions are recommended in this regard. Such conditions would satisfy contamination concerns raised by submitters.

8.2.3 MEDIUM DENSITY HOUSING ASSESSEMENT CRITERIA

The terraced design and layout of the site represents a medium density housing development. Although the proposed development is not within one of the designated intensification nodes identified in the District Plan planning maps, and does not qualify for assessment as medium density housing, the medium density housing assessment criteria is a useful tool for assessing the liveability and appropriateness of the development in the proposed location.

The site is within an acceptable walking distance (220m) of Lincoln Road which is a high frequency Public Transport (bus) route. The surrounding area, mainly Lincoln Road, has a considerable number of services and retail premises that make the location appropriate for denser, urban residential development because they can easily be reached by walking, cycling or relatively short bus trips. There are a number of similar developments in the area that have proven to be successful in this location.

Local services and amenities that can be easily accessed by walking, cycling or short bus trips from the site include:

- Lincoln Road bus stop – 220m approx – 3 stop bus trip to Henderson CBD;
- Lincoln North retail shops and Supermarket – 500m approx. or 1 bus stop trip;
- Retail shops (including veg/fruit, butcher), restaurants, cafés etc. in small shopping precincts along Lincoln Road. 400 – 500m;
- Lincoln Centre (includes The Warehouse) – 1 stop bus trip;
- Hospital and medical services – 2 stop bus trip;
- Recreational facilities and parks – Te Pai Park 300m; Central Park and Stadium 800m;
- Employment opportunities – commercial and light industrial businesses in Lincoln Road – Central Park Drive area – 500 – 2000m.

Council's Urban Design specialist notes that it is probable that with further urban development of Lincoln Road and the surrounding area planned in the future, more such services, amenities and employment opportunities will be easily accessible from this location.

The medium density housing assessment criteria is used to consider the proposed development in relation to each of the medium density housing design elements. Although the site is not located within the medium density circle, the applicant has applied the medium density housing criteria to the development as a whole to ensure a consistent approach to achieving the outcomes that the Plan specifies for such developments.

These criteria provide appropriate performance standards against which to measure more intensive development than that experienced with 'standard' residential allotments. It is noted that the District Plan specifically exempts Medium Density Housing from consideration against the rules for building height (Rule 4), height in relation to boundaries (Rule 5), front yards (Rule 6), building coverage (Rule 7), building location (Rule 8), outdoor space (Rule 9) and car parking and driveways (Rule 12) that would otherwise be applied to residential development/activity in the Living Environment. In this instance these rules, where relevant, have also been discussed in Part 8.2.2 of this report.

1.1.1.1 DESIGN ELEMENT A – DESIGN AND LOCATION OF STRUCTURE – including matters of residential character and relationship with the streetscene.

The subject site is located in a varied urban environment, with the immediately surrounding area containing both established and recently constructed residential dwellings at a density between 350m² - 450m² and more intensive development to the south (between 172m² - 375m²), and a medium density development at 27 and 19 Pomaria Road. Although there would be some contrast with traditional residential design, the proposed average density (299m²) of the subject development displays appropriate residential character with existing residential development in the immediate area.

The size of the site supports the proposed density. The scale of development proposed is appropriate due to its proximity to the services and amenities provided by the urban environment along Lincoln Road and the surrounding area (commercial, retail, public goods, open space). The location of the site would balance the scale of more intensive development with the lower density of infill and single lot development.

Residential character and visual interest is provided and enhanced by building form and landscaping. Appropriate screening and filtering of views is provided whilst adding residential amenity. In terms of the street scene the bulk of the development will not be highly visible from Pomaria Road. Units fronting Pomaria Road are sufficiently set back from the front boundary contain large windows, upper floor balconies and an unobtrusive roof pitch. This articulation of design breaks up the frontage with low level pool style fencing. The 6.25m accessway with pedestrian footpath create an area of visual open space along the front (north western) boundary.

Being two storeys in nature the residential blocks avoid undue physical domination. Changes of building height between existing houses (adjoining properties) and of the proposed development is not more than one storey. The development is appropriately integrated with the surrounds and complies with all external height in relation to boundary controls. The development will not unduly shade adjoining neighbours.

Adequate and useable private outdoor space has been provided for each unit and surveillance of the street scene is achieved. The development presents as a whole with subtle variations and contrasts in materials, the placement of large windows and balconies and the roof pitch giving suitable individuality to each unit. This articulation creates character.

Site layout is pedestrian friendly. Safe connectivity is provided (colour and texture used to distinguish separate areas). Letterboxes are provided. No communal rubbish bin enclosure is proposed. As all the proposed units do not front a public road, the internal shared driveway becomes the 'street'. Units have been set back from the driveway allowing for an area of landscaping and variations in the street frontage. In accordance with this assessment criterion units face the driveway to provide surveillance and safety. No fencing is located between the front of the dwellings and the driveway, so that surveillance is not impeded. The front door of each unit is clearly visible, set at a slightly different level to the remainder of the dwelling. Garaging does not dominate the internal driveway. The garages have generally been coupled in pairs to ensure the internal

roading network is not unduly dominated by unbroken building facades. Gardens soften the view of this area.

Restoration planting within the drainage reserve will enhance the amenity value. This feature of the site aids in giving the development an 'instant' established appearance and character. A comprehensive landscape plan has been provided to mitigate the intended level of tree removal. A full discussion of this is contained in Section 8.1.3 and 8.2.2 of this report.

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

The layout of the site is directly responsive to the location of the pedestrian crossing associated with Pomaria Primary School and the flood plain to the west of the site (and the existing infrastructure leading to this drainage area). The limitations placed by the flood plain have resulted in the need for a medium density housing design, utilising that aspect of the site best suited to the development. Whilst this area is not accessible the benefits of the drainage reserve have been incorporated into the development through native restoration planting and weed control to provide visual amenity and infrastructural needs. Units 9 – 18 will have direct outlook over this area and views of the drainage reserve are gained when moving within the site.

Each unit has a private area of outdoor space to achieve on site amenity. Units will not directly overlook each other. Each unit within each block is slightly offset from one another. Similarly there will be no overlooking of adjacent properties due to boundary screening and the modest area of upper floor balconies (4m² – 5m²) and their accessibility from bedroom areas rather than living areas. It is noted that the "part wall" between units extends the width of the upstairs deck areas to provide privacy within this space.

Solid barrier fencing has been avoided facing the internal access way and pool style fencing is used along the Pomaria Road frontage. Advantage has been taken of views of the drainage reserve with the outdoor living space of Blocks 3 and 4 directly facing this area. Retention of vegetation and the restoration of this area will give an established appearance and character to the area. It will also obstruct the view of development from the west.

Vehicle access to the site is supported by Council's Traffic Engineer, Mr Sam Shumane (refer to section 8.2.2 of this report). The proposed private access runs through the centre of the development area, creating an internal streetscape, whereby dwellings can face one another. Outdoor space is located to the rear of dwellings as so to avoid the need for fencing along the driveway ensuring increased privacy and surveillance for future residents. The view of this centralised access way, parking and manoeuvring area is largely screened from Pomaria Road by the positioning of units on site. This configuration also acts to avoid as much as possible the adverse effects of traffic noise.

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

The proposed unit configuration (which involves some piping of the open drain) is cognisant of the underlying natural features of the site. The Assessment of Effects submitted with the proposal states that the orientation and spatial alignment is directly responsive to the presence of Lincoln Stream, the associated flood plain and the available access arrangement into the property. As mentioned in Design Element A and B the proposed layout is considered to achieve appropriate outdoor space, amenity, and privacy.

Site Coverage

The building coverage of each unit ranges from 28.5% to 61.7%. Each unit is capable of providing at least 50m² of useable outdoor space. Overall, across the entire site, the development has a building coverage of 17.5%. The site has connection available to Council's reticulated stormwater system and complies with the 65% impermeable surfaces for medium density development. Permeable paving is proposed. Council's EcoWater Engineer has reviewed the application and is in support of the development subject to conditions (physical and financial).

Building Height and Setback

Block 7, located adjacent to Pomaria Road, will be set back 7.2m from the road boundary. This will ensure that a typical residential setback of 3m is maintained. All proposed blocks are compliant with external height in relation to boundary controls to allow sufficient daylight and sunlight to adjoining sites. The maximum building height is 7.2m, well below the 11m Medium Density Housing allowance (and also less than the 8m maximum height standard for the Living Environment).

Daylight and Sunlight

An area of useable private outdoor space has been provided for each unit. In all cases this space is orientated in the north east/west to ensure adequate levels of daylight and sunlight are provided to both the internal and external living areas. Units are linked in Blocks to make more efficient use of the site and maximise outdoor living areas. The provision of individual balconies in Type A and B allows for additional outdoor space and passive surveillance. Overlooking of adjoining properties and intrusion of privacy resulting from the grouping of units in Blocks has been avoided through the orientation of outdoor space and subtle staggering of each unit. An appropriate setback has been maintained from external boundaries. Within the site the internal access way provides sufficient separation distance between Blocks 1 and 2 with 3 and 4.

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

Pomaria Road is not an identified high noise route. The applicant has stated that all units will be constructed using appropriate noise-resilient wall, ceiling and flooring materials in addition to acoustically sound construction details. Compliance with future building consent conditions will ensure this. The District Plan provides a residential noise standard which will be enforced. The design and layout of the site has ensured that where possible the garage of one unit does not abut the bedroom area of another unit. Landscaping and screening of external boundaries will ensure that vehicular movements on the western boundary are reasonably screened from this neighbouring site. The main access way of the proposed development is centrally located and surrounding units will provide an appropriate aural barrier between neighbouring sites.

Visual privacy between units is achieved by having unit walls and/or screening (1.6m) extending to the edges of the balconies/patios (part wall). Overlooking of the street is inevitable from units 26 – 28 and is considered to confer a positive benefit in providing some passive surveillance. The effects within these 'front yard' areas would be no different from those experienced by any other resident on Pomaria Road.

8.2.3.5 DESIGN ELEMENT E – CARPARKING AND VEHICLE ACCESS – including matters of design and layout of driveways for residents, and visitor car parking.

The above criterion recommends as a minimum standard at least one car parking space is provided per unit while the Waitakere City Council Parking and Driveway Guidelines (October 1997) recommend that parking associated with Medium Density Housing is provided at a ratio one car parking space for 1 – 2 bedroom units and 2 car parks are provided for 3 or more bedroom units. This guideline also recommends 1 visitor car park per 4 smaller units and 3 visitor car parks per 3 larger units.

- An internal single garage is provided for each unit (29 in total).
- 15 additional allocated residents' spaces are available throughout the site and;
- 10 visitor's spaces are provided in a central location on-site.

A244 to A247

Principal Traffic Engineer Sam Shumane in his review refer Appendix 11 attached at pages A244 to A247 has agreed that the proposed parking supply meets the expected demand. A condition of consent will ensure that the garage design of unit Types A, B/2 and C are amended to allow a clear width of 3.0m between walls. All other carparks are of complying dimensions and provide for on-site manoeuvring.

In terms of access, this was a matter discussed at length given the surrounds of the site and its proximity to the pedestrian crossing associated with Pomaria Primary School. Following consultation and amendments to the proposal a single point of access is provided from Pomaria Road. The 6.25m wide access adjoins the eastern boundary. A 1.4m wide footpath adjoins this access and provides connectivity from the site to the neighbourhood and serves the cluster of letterboxes at the road frontage. A short distance into the site the footpath and driveway become one, and will be constructed at the same level, but with contrasting textures and surface treatments to provide the necessary contrast between pedestrian and vehicle area.

The width of the access allows for two way traffic. Right turning traffic is able to stand on the road in the western 'shadow' of the solid medium island while waiting for any oncoming traffic to pass. Mr Shumane has recommended a speed hump is placed 2m from the access way to control speed in this environment and ensure safety. Transport Assets are satisfied that the new access point will not exacerbate existing safety within the immediate area subject to the imposition of conditions of consent to meet Council's Code of Practice for Urban Development.

The access will not dominate the view of the development from Pomaria Road. The width of the access would appear as that of two adjoining properties. Carparking and manoeuvring areas are centralised on site with the positioning of units visually screening this area from outside the site.

Overall it is considered that the proposed development provides for sufficient onsite parking for residents and visitors; and provides safe and efficient access to and from the site for both vehicles and pedestrians.

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

Each unit has the provision of private, useable outdoor space measuring at least 50m². The dimensions of each space range from 4.6m to 6.2m. For most units this space is provided at ground level with some units providing a combination of ground level space and balconies. In addition to this a deck (4m² - 5m²) is provided at the first floor bedrooms in Type A and B.

Each area of outdoor space will have a northerly outlook and is directly accessible from main living areas. Units 1-8 and 22-26 are located adjacent to the eastern boundary with a northerly outlook. In accordance with suggested design criteria open space is sited to the rear of units 1 – 25 and unit 29 to increase privacy. Units 9 – 17 will have areas of outdoor living to the west (northwest sun available), taking advantage of the outlook provided by the drainage reserve. Units 18 – 21 will have outdoor areas to the north and are appropriately screened from the adjacent residential property at 32 Pomaria Road. The outdoor living space of Unit 29 is orientated northwest and appropriately screened. The outdoor living courts of units 26 – 28, face north onto Pomaria Road. Pool style fencing of the road boundary assists in ensuring privacy and security whilst creating an attractive street scene. This design achieves a good visual connection with the road and housing without the need for high walls or solid fencing.

Screening of 1.6m in height is provided where outdoor living spaces adjoin (timber paling or brustics style fencing). This is required as per the modified and approved landscaping plan. The location of boundaries will be screened internally though the use of part walls extended to the edge of balconies with a height of 3m. Furthermore landscaping and grassed areas will be established within each outdoor living area to enhance amenity and screening.

Given the provision of at least 50m² of outdoor space, in a position which is accessible to main living areas and adequate daylight/sunlight it is acceptable that no communal outdoor space is provided. The proposal complies with the design guidelines for private outdoor space.

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

Each unit will be identifiable by a unit number on the front of the building, clearly identifying the unit from the shared driveway. The dwelling entry, at ground level, is suitably accessible for all persons and will provide for a sense of personal address with the provision of a small landscaped area further separating and visually defining the entrance point. Each entrance is covered to provide shelter and a transitional space. There is the potential for security lighting above entranceways and some onsite lighting has been provided in landscaped areas.

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

Rubbish collation and recycling bins will be placed outside each individual unit by residents on collection day. The site has the ability to accommodate for the access and manoeuvring for rubbish/service vehicles. The collection of refuse and site maintenance will be the responsibility of the Body Corporate. Paper recycling will be collected from the street.

A cluster of letterboxes (one for each) is provided at the road frontage adjacent to the driveway and separate footpath. The design is compatible with the proposed units.

Although separate storage of 6m² has not been provided for each unit, some space is provided within the proposed units (under stairs, within and to the rear of the garage) to provide for the storage requirements of future residents.

As per the modified and approved Landscaping Plan open air clothes drying will be provided for each apartment with a retractable clothes line within the private outdoor areas, which will be screened from any public views.

Meter boxes will be provided in accordance with the requirements of Waitakere City Council.

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

A revised Landscape Planting Plan (Revision 4 Date 26 November 2007) has been submitted with the proposal and addresses the initial concerns and comments of Council's Landscape Architects and Arborist. This plan which has been modified and approved by Council includes details of the planting areas and types of planting proposed. The position of proposed gardens, fences, gates, overhead low level lighting and footpaths are detailed on this plan. It is noted that there will be no requirement for internal gating between units to allow for retractable clotheslines. Plants for removal have been identified and assessed by Council specialists as being insignificant. Tree removal is acceptable on the basis of proposed restoration and re-planting.

Conditions of consent are recommended which if implemented would ensure that the proposal would be well integrated into the surrounding area and existing streetscape and would minimise impermeable surfaces and stormwater runoff whilst providing enhanced amenity for future residents of the site.

8.2.3.10 Conclusion

Council's internal and external experts have reviewed the application and its amendments and have concluded that the amended proposal would meet the assessment criteria for each of the design elements (A-I) as listed above whilst meeting the requirement for increased housing intensification close to amenities and services on Lincoln Road and within the Henderson Town Centre. The proposed style of development fulfils Council's desired outcome for intensification of housing close to the town centre.

PROPOSED PLAN CHANGE 18 – GENERAL APARTMENT DESIGN CRITERIA

The proposed plan change introduced rules and supporting policies intended to ensure that intensification occurs only after careful consideration of amenity and urban design issues. At this time the proposed plan change 18 does not have enough weight to have any impact on the decision to grant approval on the proposal or on the conditions of consent.

While the proposal has not been supported by Site Analysis it is considered that sufficient information has been provided to enable the potential and actual adverse effects to be assessed with regard to the interaction between existing features and characteristics of the surrounding locality and how the proposal would respond and relate to the identified existing and future character of the neighbourhood. Such matters have been addressed under the Medium Density Housing criteria above which have taken into consideration matters of Neighbourhood Character, Site layout, and Building location etc.

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

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

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

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

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

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

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

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

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

8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Social effects

Some submissions referred to detrimental social effects that are likely to arise as a result of the proposal. Reference was made to the development giving rise to domestic violence issues. Such social issues are dealt with by Council under other legislative requirements.

Leaky Homes

Development of the units will require building consent.

Conclusion

The main planning concerns raised by submitters relate to matters of increased traffic, pedestrian crossing safety, landscaping and density. These matters have been fully addressed within the body of this report. It is noted that it is only planning matters that can be addressed within this report and in this case these can be adequately addressed through conditions of consent.

8.5.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Development Contributions

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

A Development Contribution of **\$285,778.36 (not incl GST)** has been calculated, based on 29 units and 4221m² impermeable surfaces. As agreed with Council, this sum shall be payable upon the issue of the associated building consent.

There are no other contributions applicable to this application.

8.5.3 Monitoring

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

8.5.5 Any Other Relevant Non-Statutory Documents

Regional Growth Strategy

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

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

Other Documents

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

8.6 Lapsing of Consent

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

For this application, there is no reason to depart from the default five year consent period. Further there is no reason to defer the commencement date of the consent. In these circumstances, it is recommended that the consent period be set as five year from the date of the granting of consent.

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 establish a 29 unit two-storey, terrace style development as a residential development at 26 & 28 Pomaria Road, Henderson. The site is located in the Living Environment and the General Natural Area. The development has been designed based on the medium density housing assessment criteria. Infringements generated by the proposal include density, height in relation to boundary, building coverage, outdoor living space, car parking and driveways, vegetation alteration, and earthworks. The site is known to Council to be subject to flooding and has in the past been used for horticultural purposes.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects, while in some aspects are **more than minor**, can be adequately mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of this 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 seek to promote increased intensity of residential development where the development would be supported by transport hubs, public transport routes and town centres whilst protecting, maintaining and enhancing existing local area and neighbourhood character, amenity values and the health and wellbeing of residents. The proposed design and site layout achieves expected levels of outcome.

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

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

11.0 RECOMMENDATION

That pursuant to Sections 104, 104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Chan Young Kim Park and FUTURE CITY DEVELOPMENTS LIMITED to establish a 29 unit, two-storey, terrace style development as a residential development in the Living Environment.

Resource Consent is required for infringements of the rules contained in the District Plan relating to Density, Height in Relation to Boundary (internal), Site Coverage, Outdoor Space, Car parking and Driveways, Vegetation Alteration and Earthworks. In addition the site is known to Council to have been used for past horticultural purposes (potential contamination) and is subject to flooding (overland flowpath) at 26 and 28 Pomaria Road, Henderson being Lot 1 DP 97071 & Lot 4 DP 44329 for the following reasons:

- (1) The adverse effects on the environment would be not more than minor because:
 - (a) The site is within an acceptable walking distance of a number of public services and retail premises that make the location appropriate for denser, urban residential development because they can easily be reached by walking, cycling or relatively short bus trips. The site is connected to the Henderson Town Centre, Henderson Train Station and the Bus Interchange by existing public transport links along Lincoln Road. The proposed development would be reasonably connected with the surrounding neighbourhood with adequate pedestrian links.
 - (b) Given the proximity of the site to existing public transport services the proposal will assist in achieving the desired outcome of the Strategy for Waitakere City and the greater Auckland Region.
 - (c) The increase in traffic movement is not considered significant and can be accommodated within the local road network. Safe access to and movement within the site is achievable and may be controlled by conditions of consent. Sufficient on-site car parking has been provided. All parking dimensions comply with the requirements of the Code of Practice.
 - (d) Visual amenity is adequately mitigated through proposed landscaping. The setback of the development from the road frontage, the modest height and articulated design of units maintains residential appearance whilst enhancing the character of the area. The bulk and location of the development has a good scale relationship with existing neighbourhood character.
 - (e) The internal layout, design and quality of the units provides sufficient on-site amenity with private, useable outdoor space available for each unit. The positioning of the units will not result in an unacceptable loss of daylight/sunlight to dwellings on adjoining sites.
 - (f) The extent of the drainage reserve integrates the development into the existing character of the area, maintains visual amenity, provides outlook and a sense of openness.
 - (g) The adverse earthworks and construction effects on the amenity of neighbouring properties will be controlled by conditions of consent and would be temporary in duration.
 - (h) The site would be appropriately engineered to ensure potential stability effects are mitigated and health and safety of residents is provided. Geotechnical investigations have confirmed the suitability of the site for the intended development.
 - (i) Mitigation of the potential adverse effects in terms of infrastructure and the receiving environment can be appropriately controlled by way of consent conditions. Stormwater generation will be adequately mitigated to ensure that no additional pressures will be placed on the receiving environment. The existing drainage reserve will continue to function.
 - (j) Acoustic design would be controlled by conditions of consent.
- (2) The proposal is considered to be consistent with the relevant assessment criteria, objectives and policies of the Waitakere City Council District Plan and is not contrary to the Auckland Regional Plan or the Auckland Regional Policy Statement.

- (3) The proposal is not contrary to Part II of the Act.

Consent shall be **GRANTED** subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled:
 - Proposed Site Plan sheet RC02b dated June 2007 revision B
 - Typical Floor Plans sheet RC03a dated June 2007 revision A
 - Blocks 1 & 2 Elevations sheet RC04b dated June 2007 revision B
 - Blocks 3 & 4 Elevations sheet RC05b dated June 2007 revision B
 - Block 5 Elevations sheet RC06 dated June 2007 revision A
 - Block 6 Elevations sheet RC07 dated June 2007
 - Block 7 Elevations, Unit 29 Elevations sheet RC08a dated June 2007 revision A
 - Lot Sizes Coverage Calculations Sheet RC09a Dated June 2007 revision A
 - Landscape Planting Plan (Revision 4 dated 26th November 2007) as modified and approved by Council.

date stamped received by Council 12/12/07, prepared by Davis Hawksworth Architects and all referenced by Council as RMA 2006-1184 and the information, including further information, submitted with the application.

2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years after the commencement of the consent.
3. All noise and vibration associated with the development and use of the site shall comply with District Plan standards at all times (Rule 12 and 13 of the Living Environment).
4. All lighting associated with the development shall comply with District Plan standards at all times (Rule 13 of the Living Environment).
5. The development works are to be limited to the following hours:

Monday to Friday:	7.30 am to 7.00 pm
Saturday	8.00 am to 5.30 pm
Sunday and Public Holidays:	No work
6. A consent compliance monitoring fee of \$1,363.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If on inspection, all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time of reinspection.

The monitoring fee has been paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

7. **Pre-start requirement:** Trapping of all ground dwelling fauna prior to earthworks or vegetation alteration, to be released into the reserve areas to the south of the site or to a suitable alternative location such as Riverpark Reserve. Trapping should be undertaken by DoC accredited personnel skilled in the use of capture and release techniques. Please contact DoC.
8. All reticulated services, including power and telephone, shall be provided underground.

EARTHWORKS

9. **Before commencement of any works** the resource consent holder shall submit an Earthworks Management Plan for approval to the Environmental Monitoring Officer. The plan shall include, but shall not be limited to the following:

- The name, telephone number (including after hours) and address of the site manager
- The supervision and operation of the site including measures to be used to maintain the site in a tidy condition e.g. storage and disposal of rubbish and/or materials.
- The proposed sequence of operations
- Heavy Truck Movements
- Stabilisation
- Sediment and Erosion Control and Drainage
- Earthworks Methods
- Access Road Maintenance
- Geotechnical
- Dust Control
- Any other information required by Council's EMO.

*Advice Note: Please allow time for review and any necessary modification.

10. **Before commencement of any works** and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Operative District Plan. The consent holder shall notify Council's Monitoring Officer – Resource Management (ph 8390400) when controls are in place. If unsatisfactory a re-inspection will be required at the relevant hourly rate applicable at the time the re-inspection is carried out. Work shall not commence until approval has been gained from the Manager Resource Consents. The stormwater diversion reticulation system detailed on the Erosion and Sediment Control Plan E103 prepared by Cato Bolam Consultants Limited shall be installed before bulk earthworks unless otherwise instructed by Council's EMO.
11. If the bulk earthworks are not completed within the earthworks season (1 November till 30 April) then the necessary measures shall be implemented to ensure that the erosion and sediment controls are appropriate for the winter. A written report on the progress of the earthworks and the above erosion and sediment controls from the registered engineer supervising

the work shall be submitted for the approval of the Manager: Resource Consents within one month of the cessation of work.

12. A stabilised entranceway to the site shall be provided **prior to the commencement of works** and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.
13. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties; including, but not limited to, the staging of areas of works, the retention of existing shelter belts and hedgerows, the installation and maintenance of wind fences and vegetated strips, watering of all haul roads and manoeuvring areas during dry periods, spraying of load dumping operations, and suspension of all operations if necessitated by the prevailing conditions to the satisfaction of the Manager Resource Consents. The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind erosion immediately on the completion of bulk earthworks whether or not other works are completed.
14. A full copy of the Resource Consent Conditions, Approved Plans, including Site Management and Erosion and Sediment Control plans (as approved by Council) shall be kept on the site at all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Site Management and Erosion and Sediment Control Plans.
15. All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks, to an approved disposal location and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar.
16. A wheel wash, (or if appropriate a stabilised construction entrance with a water pressure wash system), shall be constructed and all vehicles existing the site are required to use this facility.
17. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council may engage the road cleaning contractor nominated by the applicant to carry out the road cleaning. Council's Environmental Monitoring Officer (EMO) may engage the road sweeping contractor to carry out road cleaning if it is the EMO' opinion that the dirt on roads and/or footpath is creating an adverse effect on the environment. The road cleaning contractor shall be engaged at the cost of the applicant.

18. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works. Any area exposed for more than three months shall be re-grassed to the satisfaction of Council's Environmental Monitoring Officer.
19. All topsoil excavated during the course of works shall be retained on site and re-spread following the completion of earthworks.
20. Truck deliveries to the site during the period of earthworks operations shall be restricted to the following hours:

Monday to Friday	7.00am – 8.00am 9.30am – 2.30pm 4.00pm – 7.00pm
Saturday:	7.00am – 6.00pm
Sunday and Public Holidays:	No deliveries.

A traffic safety sign and cones must be placed within the vicinity of the access to ensure safety of the adjoining school.

A log book shall be kept on site, recording the dates, times, and numbers of deliveries made each day, and be made available for inspection at all times.

21. **Prior to work commencing** signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager Transport Assets and the Manager Resource Consents.
22. In the event of archaeological evidence being uncovered (e.g. shell, middens, hangi or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery, the area secured, and the Council (Planning Helpline, 839 0400) contacted. Activity on the site will remain halted until the Manager Resource Consents gives approval for operations to recommence.

SITE REMEDIATION

23. **Prior to the commencement of works** a Remediation Action Plan (RAP) prepared by a suitably qualified Environmental Consultant specialist shall be prepared and submitted to the Manager: Resource Consents for approval. The Remediation Action Plan shall be prepared to address the lead contamination identified at sample location SS17 (Environmental and Earth Sciences, March 2006). The Plan shall be prepared in accordance with Ministry for the Environment (2001) Contaminated Land Management Guidelines No. 1: Reporting on Contaminated Sites in NZ.
24. Surface soil excavated from the footprint of the shade houses and former garage/shed identified within Environmental and Earth Sciences Ltd (March 2006) report shall not be disposed of to cleanfill. With the exception of the remediation area addressed in Condition 1, the material can however remain on site or be disposed of at a registered landfill facility.
25. All fill imported to the site shall meet the Ministry of Environment definition for clean fill.

26. The consent holder shall provide a Site Validation Report (SVR) within 2 months of remediation works being completed at the site and prior to construction activities commencing at the property. The SVR shall be completed in accordance with Ministry for the Environment (2001) Contaminated Site Management Guidelines No. 1: Guidelines for reporting on Contaminated Sites in NZ. The SVR shall include:

- Copies of all landfill receipts.
- Results of the validation samples.
- Details of fill material imported to the site.

All of the above shall be to the satisfaction of the Manager: Resource Consents.

27. A copy of the preliminary investigation report, the RAP and SVR shall be submitted to the ARC for approval prior to redevelopment works commencing at the site. Evidence of ARC approval shall be provided to the Manager: Resource Consents.

GEOTECHNICAL

28. A Chartered Professional structural or geotechnical Engineer familiar with the following document prepared by Soil and Rock Consultants "Geotechnical Investigation for Proposed Residential Subdivisions at 26 Pomaria Rd, Henderson dated February 2006 Ref 05774" must specifically design any foundations, piles or retaining walls, and check the location and final overall slope stability at the proposed redevelopment.

29. A Chartered Professional Engineer (with experience of geotechnics) shall inspect any pile holes or footings for retaining walls or foundations and shall provide Council with a Producer Statement Construction Review for this part of the work.

30. Prior to Building Consent additional site-specific geotechnical investigation shall be undertaken within the footprint of each block of units to confirm good conditions. Specific foundation design on the basis of the additional investigation shall be undertaken for all foundations.

31. All site works shall be under the control of a Chartered Professional Engineer (with experience of geotechnics). The site works shall follow the recommendations of the detailed geotechnical report for foundation types, (including depth of foundations required) and earthworks. This will include supervision of excavations for the foundations, retention measures and floor slabs. Provision must be made for over deepening of any foundations where soft or weak soils are encountered.

32. All vegetation, topsoil and any unsuitable materials shall be removed from beneath any earthwork area.

33. Any earthworks involving filling shall be undertaken in accordance with The New Zealand Standards "Land Development and Subdivision Engineering and Code of Practice for Earth fill for Residential Development NZS 4404 and NZS 44321:1989, respectively.

34. Any imported fill material shall be approved by a Chartered Professional Engineer (with experience of geotechnics) prior to placement.

35. Cuts over 1m shall be retained by a wall subject to specific design by a Chartered Professional Engineer familiar with the report by Soil and Rock Consultants dated February 2006.
36. All temporary excavations (except those in rock), shall be limited to an open face of not more than 3m (three metres) horizontal distance. All Excavations that intercept a line 1 vertical to 2 horizontal from an adjacent boundary shall be retained with a suitable retaining structure designed for at-rest conditions.
37. Excavations in exposed ground shall be protected from the detrimental effects of weathering e.g by the use of polythene, base course or other similar methods. Alternatively provision should be made for a Chartered Professional Engineer (with experience of geotechnics), to determine the depth of material that has become damaged due to the weather, that needs to be removed.
38. Any building over or adjacent to public drains shall be constructed to Council standards and may include piling to at least the inert level of the drain.

Note that unless specific preventative measures are taken the foundations must not lie with the zone of influence (taken to be 45 degrees out from the invert level of the sewer to the ground level) of this utility. Further, any recommendation with regard to works/installation of walls or foundations in the vicinity of this utility must have written approval and acceptance from the utility owner.

39. All stormwater from any new hard surfaces (roofs, patios, driveways etc), and any ground water collected from behind retaining walls, will be collected and disposed of to an appropriate reticulated or otherwise Council approved system.
40. If construction differs from the approved Building Consent Plans, the applicant will supply Council with As-built drawings approved by the supervision engineer for the works prior to applying for the compliance certificate.

WEED MANAGEMENT

41. Carry out the removal of environmentally damaging plants as listed in the Waitakere City Council District Plan from the proposed drainage reserve. Submit a Weed Control Programme within 2 months of the issue of this consent for the Revegetation Areas marked on the Landscape Planting Plan prepared by LASF (Revision 4, Dated 26th November 2007). This Weed Control Programme shall be implemented on the site within the summer period immediately following the issue of this consent and prior to any earthworks proceeding. Ongoing weed management shall be carried out at 4 month intervals thereafter for the first year, and then at six monthly intervals for the **four** years following. All to the satisfaction of the Manager, Resource Consents. The programme needs to include:
 - an inventory of the weed species to be removed;
 - removal techniques to be utilised; weed disposal methods;
 - time frames for work and whether the weed removal needs to be staged

- any re-vegetation programme required to prevent re infestation of weeds;
 - further assessment of any ecological issues around the removal of vegetation if deemed necessary by Council's EMO;
 - methods for addressing stability and erosion and sediment control methods.
42. The developer is to be responsible for the maintenance of all plantings for a period of five years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner. A maintenance bond, based on current rates at the time of signoff for maintenance will be required. Alternatively, a maintenance cash contribution may be paid calculated at the above rate, and the maintenance will be undertaken by the Council.
43. Provide Council with As Built drawings of project showing all services, levels, inverts, features and facilities for the proposed Drainage Reserve as per the following requirements:
- A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
 - All underground services are to be shown on the plan with sizes, types, depth to invert and invert levels based on site datum on plan and new assets scheduled on an Asset Sheet (Client to provide format of Asset Sheet).
 - A new scaled As Built survey plan of all irrigation systems and sand slit drainage systems showing all connections, chambers, fixtures, items and assets scheduled on an Asset Sheet.
 - Any planted areas to be shown to scale on the copy of the construction plan with areas sq. metres of planting, numbers of plants and type and assets schedule on Asset Sheet.
 - All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on an Asset Sheet.

LANDSCAPE DEVELOPMENT OF THE DRAINAGE RESERVE AREA

44. Planting within the drainage reserve shall be as per the approved Landscape Planting Plan Revision 4 dated 26th November 2007 prepared by Simon Ferric of LASF and the associated planting schedule, and shall be carried out in the first planting season (May till 7th September) following the proposed earthworks and weed management within this area. All trees and plants shall be planted at the Pb grade and spacing shown in the schedule and to the satisfaction of the Environmental Monitoring Officer, Resource Consents.

GENERAL LANDSCAPE TREATMENT

45. Landscape development shall be as per the Landscape Planting Plan revision 4 dated 26th November 2007 prepared by Simon Ferrick Landscape architect, (LASF) and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

The following methodology shall apply:

- Ground forming shall be carried out (retaining walls, hard surface areas, entry paving and rear yard patio areas), prior to the final preparation of garden and grass areas. **Units may not be occupied until completion of such works.**
- Fencing and gates shall be set in place following the final ground forming and layering of grass for each unit. *Note: gates are only required to enable access to rear outdoor courts for all end units (ie for units 1,2,3,8,10, 11, 17, 18, 21, 25, 22, 28, and 29).*
- All garden areas to have a minimum 300mm approved topsoil (weed and debris free) and organic compost at a 2/3 to 1/3 ratio.
- All garden beds to have a wood bark chip mulch 60mm depth, maximum particle size 75mm with mulch depth shallow around base of plants.
- All garden beds to have a wood bark chip mulch 60mm, maximum particle size 75mm with mulch depth shallow around base of plants.
- All tree pits shall be excavated and back filled with approved topsoil (weed and debris free) to be planted in a hole twice as wide and half as deep again as that tree's planter bag size, with excavated spoil removed and backfill with 2:1 soil:compost mix.
- All grass areas shall have a maximum 150 – 200mm depth of approved topsoil (retained from the site), free of debris. Ground for grass areas shall be manually graded (ranked) at the final stages of ground preparation to meld with adjacent grass areas, kerbs, concrete nib walls, retaining walls or hard surfaces as appropriate to the satisfaction of the Environmental Monitoring Officer, Resource Consents. New lawn shall be sown or 'readilawn' laid at the time of ground preparation and shall be to the satisfaction of the Environmental Monitoring Officer, Resource Consents.
- Any tree planted within a mowed grass area shall be within a 600mm – 800mm diameter weed free garden area with a woodchip mulch to 75mm depth.
- Letter boxes shall be located as shown on the approved landscaping plan and shall be set in place prior to occupation of the associated unit.

Because the development will be in three stages, landscape treatment shall be staged accordingly.

46. Planting shall be as per the associated planting schedule detailed on the approved Planting Plan with all trees and plants planted at Pb grade shown in the schedule. Layout and spacing as shown shall be to the satisfaction of the Environmental Monitoring Officer, Resource Consents. Planting shall proceed in the first planting season (May till 7 September) following preparation of the garden and grass areas for each unit and with regard to each stage of the development. As far as possible this planting shall occur prior to occupation of the associated unit.
47. The planting shall be kept weed free and shall be watered as necessary to facilitate establishment of the plants for the first 2 years following the initial planting. Any plant that dies, is removed or otherwise fails to establish shall be replaced in the planting season following and maintained for a further 2 years, to the satisfaction of the Environmental Monitoring Officer, Resource Consents.

48. Each unit shall have an outside tap.
49. Outside lighting shall be set in place in the locations shown on the Landscape Planting Plan prior to the occupation of the units and to the satisfaction of the Environmental Monitoring Officer, Resource Consents.
50. Each unit, other than units 27 and 28, shall have a linear or retractable clothesline located in the area shown on the modified and approved Landscape Planting Plan. *Note that for frontage units 27 and 28 if retractable clotheslines are sought there should be a section of close boarded fence or trellis fencing associated.*

ARBORIST

51. No vegetation clearance or pruning shall occur until all relevant building and planning consents have been issued. It is the responsibility of the resource consent holder to provide evidence of this to the contractor undertaking the works.
52. The consent holder shall employ a Council approved Arborist to monitor, direct and supervise all works with the dripline of all protected vegetation for the duration of the contract. The resource consent holder shall provide the name of the elected Arborist/ecologist for approval of Council's Monitoring Officer (EMO) prior to the commencement of any site works.
53. A temporary protective fence shall be erected around vegetation, which has been designated for retention. Particularly vegetation within the riparian margin (non-riparian). The position of the protective fences shall be established at a **pre-commencement meeting** and approved by the Council EMO. The temporary protective fences shall be strong and appropriate to the degree of construction works taking place on the site (Ph. 839 0400 to arrange for an EMO to be present at the pre-commencement meeting, giving at least 48hrs prior notice).
54. No fill associated with building and laying of foundations (including that fill generated by any post hole barriers for pole foundations) shall be deposited within remaining areas of protected vegetation. All excess excavated material shall be removed from the site immediately following the completion of earthworks and disposed of to the satisfaction of Council's EMO.
55. No vehicle, equipment or materials shall be positioned, stored, wheeled or driven within the dripline of any protected tree, unless they can be kept on an existing hard, impermeable surface or a temporary surface constructed for this purpose. No machinery that could cause soil compaction or damage to the roots or crown of the trees shall be operated within the dripline of any protected tree, unless agreed to by the appointed Arborist.
56. No washing of equipment or machinery shall be undertaken within the dripline of any protected tree. Special attention shall be paid to concrete products and petrol/diesel operated machinery as to not contaminate soil within the dripline of any protected vegetation.
57. Roots which are encountered during excavation work shall be pruned back cleanly, past any point of fracture. This work should be carried out using a sharp saw or a pair of secateurs.

58. All roots measuring 35mm or greater in diameter are to be retained, carefully worked around and protected. All retained roots shall be protected from drying out by a covering of Hessian or similar material that is to be kept damp until the excavated area can be backfilled.

TRANSPORT ASSETS

Please contact the Administration Assistant to the Field Advisor on 836-8000 (extension 8308) to book inspections as required (at least 3 days notice is required).

59. A street damage bond of \$5000 be paid by the applicant to Council prior to the commencement of work; this bond shall be refunded in full after inspection by Council's Construction Supervisor confirming no damage to Council's road assets have occurred; the inspection is to take place once all work is completed.
60. The vehicle crossing shall be designed to SD 3.13 of Waitakere City's Code of Practice.
61. The design of the vehicle crossing shall be provided to Transport Assets for review and approval at the building consent stage.
62. Form and construct the vehicle crossing to the satisfaction of the Council. Notes: Inspection of the boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
63. Prior to occupation of any unit the consent holder shall install a judder bar 2.0m in from the street boundary, across the full width of the driveway.
64. The design of garages in unit types A, C and B/2 shall be amended to allow a clear width of 3.0m between walls.
65. Form and construct the shared driveway and vehicle circulation areas in accordance with the approved drawings and construct thereon a carriageway and storm water controls.

Notes:

- Ensure that the longitudinal section of the driveway and vehicle crossing complies with standard detail SD 3.15 Maximum Vehicle Crossing Profile.
- Council's Code of Practice for City Infrastructure and Land Development provides minimum standards and construction details.
- Inspection will be required.

All of the above shall be to the satisfaction of Council.

66. Provide textured surfaces to differentiate between pedestrian and vehicle areas as per the approved plan to the satisfaction of the Service Manager: Transport Assets.
67. In completion of hard surfacing, the access ways and car park areas are to be pavement marked, with signs erected as necessary, to clearly define residential / visitor parking, circulation, and site access etc; all to comply with The Manual of Traffic Signs and Markings, (MOTSAM) published by Transit NZ; also refer to NZS 4125 (1885), "Code of Practice for Design for Access and Use of Buildings and Facilities by Disabled Persons".

PUBLIC DRAINAGE INFRASTRUCTURE – ECOWATER CONDITIONS

The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within the neighbouring property, without first obtaining the agreement of all owners and occupiers of the said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council:

- (DE 1) All buildings are required to be located entirely outside the 1 in 100 year floodplain / overland flow path area, in terms of LINZ datum, being:
- (i) not less than 500mm above the 1 in 100 year flood level of the Lincoln Stream, and
 - (ii) not less than 500mm above the 1 in 100 year overland flow path level for catchments over 2 hectares, and
 - (iii) not less than 300 mm above the adjacent ground levels in accordance with the recommendations of Comprehensive Catchment Management Plan (CCMP) of Lincoln Stormwater Management Unit.

- (DE2) To ensure the unobstructed flow of flood waters or the overland flow path during the 1 in 100 year storm event, the owner(s) of the property are required to comply with the following restrictions on an ongoing basis:
- (i) Open boarded fencing on the eastern boundary, to a height of 200 mm off the ground.
 - (ii) Do not obstruct the free flow of flood water through the property with any object, landscaping, building, or structure.

The above will be monitored by Council to assess the ongoing compliance with this condition. Pursuant to Section 108(2)(d) a covenant is required to be entered into, in favour of Council, to record and advise any future owners of the need to comply with this condition on an ongoing basis.

- (DE3) Design, provide and install a complete public wastewater reticulation system to serve all Units in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Under specific engineering approval, extend the public wastewater drainage system to provide each Unit with a separate public connection at the lowest point within the boundary. Ensure that all manholes have a 1 metre clearance from any building for access and maintenance purposes.
- (ii) Reroute public drains outside of any proposed building platforms.

- (DE4) Provide separate private wastewater drainage systems to each Unit, with connection to the public system as specified below:

- (i) Provide a dry chamber on a new connection to serve two adjacent units with single connection to reduce the number of connections to the public system, in accordance with Section 5.3.2.2 of Code of Practice for City Infrastructure and Land Development.
- (ii) Locate and relay the existing private drainage serving the existing dwelling to a position clear of the building platform for proposed Units. Either grout fill, or remove, the abandoned private drainage under Council's supervision.

- (iii) Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each Unit to the point of connection to the public drains / chamber.
 - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.
 - (v) Provide a surveyed As-Built plan prepared by a Licensed Cadastral Surveyor, showing lid and invert levels in terms of LINZ datum, and two boundary offsets to each dry chamber.
- (DE5) Ensure that all the public wastewater connections are provided at the lowest point on the Unit, so as to achieve gravity drainage by maintaining floor level to be a minimum of 1 metre above the invert of the public drain at the connection point.
- (DE6) Any buildings on this property which span the public drainage line are required to be built to ensure adequate clearance and protection of public drainage assets during excavations and construction. Any earthworks cut over public drains must leave a minimum of 750mm ground cover above the pipe. Any earthworks fill over public drains must be a maximum of 2.0m deep unless the pipe is upgraded to carry the additional loading. The applicant is required to pay Council the cost of raising or lowering manhole lids to the new finished ground level.
- (DE7) Design, provide and install a complete public stormwater drainage system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Under specific engineering approval provide plans, cross sections, calculations and details for the extension of public stormwater system to serve the development including the piping of the open drains, outlet structures and revised reticulation to avoid the 90 degree bends of the alignment etc. The detailed aspects of access and maintenance and clearance shall be addressed in detail in accordance with the design requirements [section 4.3] and performance criteria [Section 4.2] of Council's Code of Practice for City Infrastructure and Land Development.
 - (ii) Provide each Unit with a separate public connection at the lowest point within the boundary.
 - (iii) Reroute the existing public stormwater drains and locate the proposed stormwater lines ; outside of the proposed building platforms. Remove the abandoned drains, manholes and trench material. Provide certification from a Chartered Professional Engineer that the existing stormwater drain has been removed and that the trench backfilled with certified engineered fill and is suitable for construction without foundation bridging. If this is not provided the foundations will also be required to bridge over the abandoned drainage lines.
- (DE8) Design, provide and install a complete stormwater quality treatment system for the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the ARC consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Quality treatment system shall be provided for the stormwater runoff from the development through permeable paving system of 1431 sq.m for collection and discharging to the balancing tank, a system designed to provide the quality treatment and attenuation, in accordance with the 'Stormwater Disposal' [Reference W25463, dated 30th October 2007] enclosed at Appendix A of the application.
 - (ii) A Covenant is required to be issued and registered recording the obligations that the property owners to maintain and operate the storm water management system in accordance with the conditions of this consent. Specifically, this includes permeable paving system, balancing tank providing the attenuation and treatment of stormwater runoff from the development and the mitigation planting to be provided in the drainage reserve area.
 - (iii) A Covenant is required to be issued and registered that includes restriction on unpainted roof materials (i.e. no galvanized or zincalume or other unpainted metal type roofing) for all buildings in accordance with TP 10 requirements.
 - (iv) Provide a planting plan, including species list, quantities, and methodology for the proposed stormwater mitigation planting in proposed Unit 37 which needs to be vested as a drainage reserve; to EcoWater and Parks for approval prior to commencing planting.
 - (v) Provide a surveyed as-built plan of the device showing all lid and invert levels, permanent water level, and contours at 200mm intervals below water level.
 - (vi) Provide a maintenance manual for the treatment device.
 - (vii) Provide a drainage reserve / easement over the entire area occupied by the treatment device, mitigation planting, associated maximum flood water levels, and all areas necessary to access and maintain the treatment device.
- (DE9) Provide separate private stormwater drainage systems to each Unit, with connection to the public system as specified below:
- (i) Provide an inspection (wet) chamber on a new connection to serve two adjacent units with single connection to reduce the number of connections to the public system, in accordance with Section 4.3.8.2 of Code of Practice for City Infrastructure and Land Development.
 - (ii) Locate and relay the existing private drainage serving the existing dwelling to a position clear of the building platform for proposed Units. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
 - (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each Unit to the point of connection to the public drains / chamber.
 - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.
 - (v) Provide a surveyed As-Built plan prepared by a Licensed Cadastral Surveyor, showing lid and invert levels in terms of LINZ datum, and two boundary offsets to each chamber.

- (DE10) It is the applicant's responsibility to obtain a stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the Auckland Regional Council, pay all associated costs and comply with any conditions imposed by the Regional Council. Provide EcoWater with a copy of the ARC consent conditions. It may be necessary to apply for a variation to this WCC consent if the documentation or consent conditions approved by WCC and ARC are conflicting in any way. The applicant is required to obtain full signoff from ARC stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges from ARC up-to-date. Once this has been achieved, apply to transfer ownership of the ARC discharge consent to Waitakere City Council. Provide copies of relevant documentation from ARC to demonstrate that this has been completed.
- (DE11) Pursuant to Section 108(2)(d) a covenant is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, or adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis and meet the following specific requirements:
- i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2 & 10 / 100 year storm event(s). Store the first 34.5mm of rainfall and discharge over 24 hours.
 - ii) Rainwater runoff from the proposed dwellings is recommended to be collected and reused for toilet, laundry and garden use. Tanks of suitable capacity are to be provided for stormwater detention and to enable reuse.
 - iii) The right of way and parking lots to the extent of 1431 sq.m serving units are to be constructed with permeable paving system.
 - iv) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Chartered Professional Engineer or Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.
 - v) Note: Council's Hazards and Special Features Register will be advised of the above requirements.
- (DE12) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Under specific engineering approval extend the public water supply system to serve all Units.
 - (ii) Locate all water connections at the same position as the power and telephone connection to each Unit. Ducting of private lines is recommended where they cross driveways.
 - (iii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners and tenants.
 - (iv) Provide fire hydrants within 135m of the furthest point on any property.
 - (v) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
 - (vi) The provisions of section 6.3.3.6 for servicing medium density developments are to apply.

- (DE13) Provide a private water supply reticulation system to serve each Lot/Unit in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) All Units are to be individually metered at the road reserve boundary. Note that meters will be installed when a building consent is applied for.
 - (ii) Locate all water connections at the same position as the power and telephone connection to each Unit.
 - (iii) Pay Council to remove the water meter and cap the connection for the existing dwellings in the site.
- (DE14) Pursuant to s108 (2)(d) the applicant must enter into a covenant in favour of the Council in respect of conditions above, which must be registered against the certificate of title to the property. Registration of the covenant must be effected before any proposed dwelling on the property is occupied. The covenant will be prepared and registered by the Council's solicitors at the applicant's expense.
- (DE15) **Engineering Approval and Quality Assurance Process:** Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.
- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.
 - (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.
 - (iii) After engineering approval has been given and prior to commencing construction, contact Council's Call Centre on 839 0400 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.
 - (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.
 - (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process.
 - (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
 - (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
 - (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports.
 - (ix) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.
 - (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.
 - (xi) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.

- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & cctv approvals, final inspections, testing and bond management.

FEES, BONDS & CONTRIBUTIONS

- (FC 1) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. This maintenance bond will be held for six months from the completion of all work, or until 31 October, whichever is longer. Maintenance of these assets are the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council

LEGAL DOCUMENTATION

- (LD1) The covenants required by Condition DE(2), DE(8), DE(11), DE(14) will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- . Any technical details arising from the conditions above.
 - . The name and address of the solicitor acting for the owner.
- (LD2) Where any condition imposed upon this consent is to be complied with on an ongoing basis by the owner and subsequent owners, the Consent Holder shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Covenant pursuant to Section 108(2)(d) of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Covenant to be completed.

ADVICE NOTES:

1. Take note that under any future subdivision the proposed drainage reserve shall be vest in Waitakere City Council as Local Purpose (Drainage) Reserve pursuant to Section 239 of the Act. The owner shall supply Council with a copy of the Certificate of Title for the reserve. A solicitors undertaking to order and forward a copy of the certificate of title to Council will be required.
2. Until such time that the site is subdivided the Consent Holder shall be responsible for all maintenance of the drainage reserve.
3. The collection of refuse and site maintenance will be the responsibility of the Body Corporate.
4. The Body Corporate Rules are expected to incorporate management of the shared driveway (including repair and maintenance).

5. It is recommended that the developer consider some form of private covenant to ensure planting is maintained to a high standard throughout. This could be incorporated into the Body Corporate rules.
6. It is recommended that occupants of the units be advised of the planting requirements of this consent, particularly where timing does not allow planting prior to the occupation.
7. 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.
8. With regard to Transport Assets Conditions inspection of the vehicle crossings boxing prior to concrete pouring is required; contact Phone 836-8000 Ext. 8725, at least 48-hours prior to the inspection being required.
9. A Development Contribution is payable for this landuse. This Development Contribution must be paid prior to the grant of the building consent. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$285,778.36 (not incl GST).

Report prepared by: Jade Hunt, Resource Planner.

