



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARING BY COMMISSIONERS

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

DATE: Thursday, 12 February 2009 **TIME:** 9.30 am

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

to consider a Resource Consent application for 66 Otitori Bay Road, Titirangi and to take any necessary action connected therewith.

3 February 2009

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP (Chairman)
Cr JP Lawley, JP
Cr PG Mitchell

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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 THURSDAY,
12 FEBRUARY 2009, COMMENCING AT 9.30 AM**

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6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY,
12 FEBRUARY 2009, COMMENCING AT 9.30 AM**

**1 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88
OF THE RESOURCE MANAGEMENT ACT 1991 BY JEFFERY IAN WHITE TO
CONSTRUCT A NEW DWELLING AT 66 OTITORI BAY ROAD, TITIRANGI.**

RMA: LUC 2008-689

WARD: NEW LYNN 4

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 Hearing Commissioners.

APPLICATION DETAILS

Planner:	Ceilla Govind
Site Address:	66 Otitori Bay Road, Titirangi
Applicant:	Jeffery Ian White
Date Received:	2 May 2008
Resource Consent No:	LUC2008-689
Building Consent No:	Not yet applied for
Ward:	New Lynn 4
Legal Description:	Lot 15 DP 31829
Address for Service:	90 Golf Road New Lynn Waitakere 0600
Site Area:	981m ²
Waitakere Ranges Heritage Area:	Yes
District Plan:	
Human Environment:	Bush Living Environment
Natural Area:	Managed Natural Area
Landscape Elements:	Modified Sensitive Ridge (65m)
Hazards:	Stability Sensitive
Roading Hierarchy:	Collector Road
Further Information Required:	Yes
Date Requested:	12 August 2008; 15 October 2008
Date Received:	11 September 2008; 40 October 2008

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks to construct a new two storey dwelling with an attached garage that would involve infringements related to building on a site subject to instability, development on a sensitive ridge, height in relation to boundary, elevation height, yard setback, driveway gradient, infrastructure, an additional vehicle crossing, works within the drip line of native vegetation, vegetation clearance, earthworks on a sensitive ridge, impermeable surfaces and building coverage. Overall, the proposal is considered to be a Non-Complying Activity.

1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are limited to and primarily related to the amenity values and the effects on the immediately adjoining sites arising from the construction and establishment of the proposed dwelling.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, consent be granted to the application for the construction of a new two storey dwelling with attached double garage. It is considered that the environmental effects that may be generated by the activity would be no more than minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

2.0 LOCATION PLAN



Figure 1: Subject Site (Ortho Urban 2008 imagery)

Legal Description:	Lot 15 DP 31829
Human Environment:	Bush Living Environment
Natural Area:	Managed Natural Area
Landscape Elements:	Significant Native Vegetation (Policy Section) Modified Sensitive Ridge
Hazards:	Stability Sensitive ARC Weed Control Site
Roading Hierarchy:	Collector Road

3.0 PROPOSAL

A1-A2

The applicant seeks consent to demolish an existing double garage that is on the site and construct a new two storey dwelling with an attached double garage. The proposed dwelling would be positioned to the front of the subject site and a new vehicle access is proposed with a manoeuvring area positioned within the road reserve in order to enable improved vehicle manoeuvring onto and off the site. Consent for this has been obtained from Council's Transport Assets Department (SORR-2007-16) attached as Appendix 1 at pages A1 to A2.

The construction of the new dwelling, garage and manoeuvring area will necessitate the removal of several protected trees, a small amount of excavation, and the installation of supporting infrastructure. The first (upper) level of the dwelling will contain the double garage, laundry, kitchen, dining room, and sitting room. Two decks are proposed at the upper level, one deck will wrap around the north eastern corner of the house, with the other being located on the southern elevation of the dwelling, adjacent to the garage.

The lower level of the proposed dwelling will contain four bedrooms and a bathroom. An ensuite will adjoin the master bedroom, and another deck at this lower level wraps around the north eastern corner of the dwelling, with access obtained from the master bedroom. The upper level and lower level of the dwelling are connected via an internal stairwell on the southern side of the dwelling. Overall the proposed dwelling would have a building coverage of 171.68m² (which includes decks over 1m in height) and the development overall would have an impermeable surface coverage of 343.35m² of the gross site area.

The entire dwelling is proposed to be constructed on piled foundations to minimise vegetation disturbance and minimise excavations. However, some excavation will be required for the building platform and for the installation of the piles with fill of approximately 16m³ to be utilised to create the proposed vehicle manoeuvring area and driveway. New connections for sanitary disposal and potable water would be installed and the applicant proposes to install rainwater detention tanks to capture stormwater from the proposed dwelling.

As the subject site is currently vacant (apart from the existing garage), vegetation clearance would be required in order to enable the construction of the dwelling on the site. The total cleared areas would be 171.7m² and would include the following:

Tree (species)	Height (m)	Girth (m)
Lombardy Poplar	30m	1.98m
Rhododendron	8.5m	.85m
Karamu	6.5m	Largest 0.42m
Mahoe	8m	0.34m
Kahikatea	20 - 25m	1.3 plus 0.65
Nikau Palm (remove if necessary)	6.5m	0.51m
Nikau Palm(remove if necessary)	5.5m	0.45m
Nikau Palm	8.0m	0.45m
Karaka	12m	0.54m
Nikau Palm	8.0m	0.45m
Kahikatea	25-30m	3.0m
Ponga	4.0m	0.35m
Ponga	5.0m	0.55m
Nikau Palm	8.0m	0.40m
Karaka (remove if necessary)	9.0m	0.49m
Karamu (remove if necessary)	7.0m	0.41m
Karaka	7.0m	0.24m
Karaka (remove if necessary)	7.0	0.44m
Ponga (remove if necessary)	7.0	0.45m

Some ferns and understorey vegetation such as Ponga, smaller Nikau Palms, and various other species of juvenile native and exotic vegetation would also be removed as a part of the clearance works.

The proposed dwelling would infringe into the northern side yard a maximum depth of 2m and would infringe the northern boundary recession plane by a maximum vertical height of 1.47m over a maximum horizontal length of 11.2m. The dwelling would also infringe the northern elevation height requirement by 0.7m.

Furthermore, the proposed dwelling would infringe the southern height in relation to boundary recession plane by a maximum vertical height of 5.49m over a maximum horizontal length of 14.4m and would infringe the elevation height requirement by 1.5m.

The proposed dwelling would be constructed on a site which is on a sensitive ridgeline and is subject to instability. The eastern elevation of the dwelling would infringe the 10m requirement by 1.7m and the applicant proposes to utilise stormwater detention tanks which are 1.8m in height and cover a ground area of 2.6m². The proposed driveway would have a gradient which exceeds 1 in 5 in some parts and consent is required for a vehicle crossing.

A214-A216 The applicant had consulted with the property owners of 68 Otitori Bay Road prior to lodging the application and the details of that consultation are attached at pages A214 to A216 as Appendix 13 . However, since then, the property at 68 Otitori Bay Road has been sold and there is no evidence to suggest that the applicant has consulted with the new owners of 68 Otitori Bay Road in respect of this proposal.

4.0 REASONS FOR THE APPLICATION

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

4.1 Operative District Plan

Natural Hazards

Limited Discretionary Activity consent is required as the proposed dwelling would be constructed on a site subject to slope instability; (Natural Hazards - Rule 1.1).

Bush Living Environment

Controlled Activity consent is required as a small portion of the south western corner of the subject site falls within the sensitive ridge buffer. The dwelling would not be viewed from a road or public place due to the topography of the site; (Bush Living Environment - Rule 2.2).

Discretionary Activity consent is required as the proposed dwelling would have a maximum elevation height of 11.7m; (Bush Living Environment - Rule 4.2).

Discretionary Activity consent is required as the proposed dwelling would infringe the required height in relation to boundary control along the southern boundary by a maximum vertical height of 5.94m over a maximum horizontal distance of 14.4m; (Bush Living Environment - Rule 5.3).

Discretionary Activity consent is required as the proposed dwelling would infringe the required height in relation to boundary control along the northern boundary by a maximum vertical height of 1.47m over a maximum horizontal distance of 11.2m; (Bush Living Environment - Rule 5.3).

Discretionary Activity consent is required as the proposed dwelling would infringe into the side yard by a maximum depth of 2m reducing to 0m along the northern boundary; (Bush Living Environment - Rule 6.2).

Limited Discretionary Activity consent is required as the driveway associated with this development exceeds 1 in 5 in some parts; (Bush Living Environment - Rule 10.3).

Controlled Activity consent is required for a stormwater tank having a height of 1.8m and an area of 2.6m². (Bush Living Environment - Rule 15.2).

Transport Environment

Limited Discretionary Activity consent is required for vehicle crossings where there is more than one vehicle crossing to the site; (Transport Environment - Rule 7.3).

Managed Natural Area

Controlled Activity consent is required as the proposed dwelling and associated vehicle manoeuvring area, driveway and services will require works to be undertaken within the dripline of native vegetation upon the site; (Managed Natural Area - Rule 2.2(b)).

Limited Discretionary Activity consent is required for the clearance of 171.7m² of vegetation and in particular the removal of approximately 19 protected trees and under storey vegetation in order to enable construction of the proposed dwelling and driveway; (Managed Natural Area - Rule 2.3).

Limited Discretionary Activity consent is required for 16m³ of earthworks associated with infrastructure or driveway construction on a site within a sensitive ridge buffer; (Managed Natural Area - Rule 3.2).

Limited Discretionary Activity consent is required as the proposed development involves the establishment of 17.5% of impermeable surfaces on a site where there is no connection available to a reticulated stormwater system.

4.2 Proposed Plan Change 26

Non-Complying Activity consent is required as the proposed dwelling and decks over 1m in height above the ground would have a total building coverage of 17.5% of the net site area; (Bush Living Environment - Rule 7.3).

4.3 Overall, the application is considered to be a non-complying activity. The proposal complies with all other development control rules under the District Plan.

4.4 A building consent would also be required for this proposal but has not yet been applied for.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located on the eastern side of Otitori Bay Road, is 981m² in size and currently contains a disused garage and driveway at the front of the site. The site is of a very narrow rectangular configuration and apart from the garage the site is vacant and contains a substantial variety of very large, mature native trees. The trees on the site include large specimens of Kahikatea, Puriri, Kauri, Nikau Palms, Karaka, Karamu and many other species of trees ranging in height from 2m up to 35m in height or more.

The understorey vegetation consists of a mixture of weed species and juvenile exotic and native vegetation. The larger trees create an almost uninterrupted canopy when viewed from within the property. The site slopes down steeply from west to the east with the road located on the western site boundary.

A209-A213 Otitori Bay Road is residential in nature and is characterised by lot sizes ranging from 950m² up to more than 4000m². Sites contain large expanses of native bush with most dwellings located near the front of the site, and the remainder of the site being covered in vegetation. Dwellings on sites along the road tend to be relatively large with many dwellings having decks which provide views of the surrounding environment and out towards the harbour. Many sites within the area are narrow like the subject site, and contain dwellings which are built relatively close to the site boundaries and near the front of the site. Photographs of the subject site are attached at pages A209 to A213 as Appendix 12.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

It must be noted that when the applicant first lodged the application in May 2008, the written approval from the owners of the property to the south at 68 Otitori Bay Road was provided. However, the property was then on-sold and the applicant did not approach the new owners of 68 Otitori Bay Road in order to attain their written approval. The applicant was advised that all parties considered to be affected would be served notice of the application, including those that had already given their written approval.

A3-A140

Notice of this application was served on all identified affected persons on 18 November 2008. The period for submissions closed on 19 December 2008. Two submissions were received, both of which were in opposition to the application. Please refer to Appendix 2 attached at pages A3 to A11 for copies of the submissions that were received. A map showing the location of the submitters is attached at pages A12 to A13 as Appendix 3. The application as notified is attached at pages A14 to A140 as Appendix 4.

6.1 Submissions

PERSON (owner/occupier)	ADDRESS	SUPPORT OPPOSE	REASONS
Stephen Hartmann - owner 64 Otitori Bay Road, Titirangi	64 Otitori Bay Road, Titirangi	Oppose	<ol style="list-style-type: none"> 1. Boundary violations on the northern boundary affecting my property in relation to access, dominance, light and privacy. 2. Height infringement - the cutting out of light and the imposing effects of dominance and privacy. 3. Oversize infringement of the proposed dwelling 15 - 17.5% coverage area (adding to the above) and adversely affecting the visual amenity of the existing dwelling on my property. 4. The adverse affect on the ecosystem of the surrounding area by the removal of significant native trees, affecting seedlings and native bird life. 5. There is no Geotech or Ecological report on the affect on my, and adjacent properties, in relation to earth instability on an already in-stable ridge.
Jason Gregorius Peperkoorn - owner 68 Otitori Bay Road, Titirangi	68 Otitori Bay Road, Titirangi	Oppose	<p>1. Rule 1 - Natural Hazards</p> <p>Concerns regarding insufficient attention paid to the fact that site is subject to slope instability and the possible affects not only on our property but those of the neighbours down the hill on the seaward side. It is critical that slope stability design be made available to ensure sufficient protection for all the neighbours.</p> <p>2. Rule 2 - Sensitive Ridge</p> <p>The proposed dwelling is on land identified as a sensitive ridge and unfortunately breaches this rule. These rules were specifically introduced to preserve the character of the neighbourhood and should not be</p>

PERSON (owner/occupier)	ADDRESS	SUPPORT OPPOSE	REASONS
			<p>disregarded. An infringement in this instance could set a precedent for future development. The reason I moved into the area in the first place was because of the character of the landscape and environment.</p> <p>3. Rule 4 - Elevation Height This rule, in my opinion, would be breached more than significantly and have a serious adverse affect on the whole character and visual aspect of the neighbourhood. Again, a dangerous precedent could be set should this infringement not be mitigated.</p> <p>4. Rule 5 - Height to Boundary Recession Plane I believe that the seriousness of this infringement and the effect on the western aspect of my property cannot be overstated and it is difficult to understand how this rule breach can be mitigated. A dwelling that fully complies As with this and all the other rules that are proposed to be breached could surely be designed.</p> <p>5. Rule 6 - Building Setback This is another rule adopted by the Council so as to control development and maintain this sensitive area in its present form. Any relaxation of the building setback criteria will ultimately be to the detriment of the specific nature of the whole community.</p> <p>6. Rule 7 - Bush Living Environment This is a proposed plan change is not an insignificant breach and would affect my privacy and environmental outlook. I would not be averse to the construction of a dwelling that fully complied.</p> <p>7. Rule 10 - Driveway Gradient I am neutral regarding this rule breach.</p> <p>8. Transport Environment I am neutral regarding this breach of the rule applying more than one vehicle entering the site.</p>

PERSON (owner/occupier)	ADDRESS	SUPPORT OPPOSE	REASONS
			<p>9. Rule 2 - Work to drip line and Removal of Native trees.</p> <p>Personally, these breaches are the most serious to me and most definitely affect the environment and stability of the whole neighbourhood. The removal of 171.7m² of vegetation and 19 protected a trees is very significant. This action is very likely to affect the stability of the area including vastly increasing the possibility of erosion, subsidence or inundation. Refer to Section 1 Bush Living Environment (a) Rule 1 - Natural Hazards. Also the effect on native bird life, insects, and animals would be more than significant. Overall I believe these breaches to be certainly much more than minor.</p> <p><u>Summary</u></p> <p>The drawings do not indicate in any detail the footings which, on a house of this nature, must be rather substantial requiring some heavy machinery manoeuvring on the site. This has the potential to cause irreparable damage and it will be too late once the damage is done.</p> <p>Like most (if not all) of my neighbours, I moved into the area because of its natural, unspoilt character in order to enjoy the peace and privacy that it offered. I would do nothing that would infringe on those principles or that would decrease the appreciation of those facilities by all who live here. I fully understand that the rules governing development in the area have been put in place to safeguard the very things we treasure most and fully uphold and live by them. That is not to say that I would object to a proposal to construct a totally rule-compliant dwelling in order that others are also able to enjoy the amenities.</p>

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8.2.1 of this report. This should be referred to as the legal framework within which the application should be addressed.

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 104D of the Resource Management Act 1991 sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of the Operative District Plan. Council may disregard an adverse effect of an activity on the environment if the Operative Plan permits an activity with that effect.

The matters to be considered when assessing an application for resource consent are set out in Section 104 of the Resource Management Act 1991. 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 to the provisions of Part II of the Resource Management Act 1991, which sets out the purpose and principles that guide this legislation.

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unusual because it is one of the few sites created in the 1940s in the area that has remained undeveloped.

It is noted that the inclusion of the uncovered decks in the building coverage calculations result in 17.5% building coverage, and should they be excluded the dwelling would have a coverage of 126.5m² which is more than the permitted 10% but less than the maximum 15% and would require resource consent as a Limited Discretionary Activity.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because each future application in this area would be taken on its own merits and would have to ensure that any effect on the character and appearance of the area was not detrimental.

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

7.2 Plan Weighting

The Living Environment Rules of the District Plan are currently subject to Proposed Plan Change 26. The Plan Change was publicly notified on 12 June 2008 and submissions closed on 10 July 2008. Further submissions were notified on 26 July 2008 and submissions closed on 22 August 2008.

The purpose of the Proposed Plan Change is not to overhaul the Living Environment Rules contained within the Plan, but to provide clearer interpretation of the Rules, provide simplification of the Rules where possible and ultimately to provide enhanced amenity within residential areas, without substantially changing or challenging the Objectives of the Plan.

In the context of this proposal, the Plan Change has introduced an amendment to the operative definition of “building coverage”. Under the Plan Change decks over 1m in height are included in the calculation of building coverage, which in the case of this proposal, results in a building coverage of 17.5% of the site area which falls within the non-complying activity threshold.

At this stage of the Plan Change process little weight has been assigned to the Proposed Living Environment Rules. Significant weight is therefore afforded to the Operative District Plan.

7.3 LIMITED NOTIFICATION - SECTION 94(1)

A141-A163 Section 94(1) provides for “limited notification” if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on 18 November 2008. The determination report is in Appendix 5 attached at pages A141 to A163 and identified that two parties would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

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

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

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

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)) and may disregard an adverse effect of an activity on the environment if the Operative Plan permits 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 proposal involves the establishment of 171.6m² of impermeable surfaces on the subject site being 17.5% of the gross site area. The Managed Natural Area permits up to 10% of the site being covered in impermeable surfaces, when the site is not serviced by a reticulated stormwater system. The application has been supported by a Geotechnical Report, prepared by Soil and Rock Consultants Ltd and dated September 1996; this has been reappraised by Jackson Clapperton and Associates in 2008.

A164-A167 In terms of the Geotechnical Reports provided with the application, Ecowater’s Drainage Engineer Ms Leilani Salanguit has reviewed the proposal refer pages attached at A164 to A167 as Appendix 6 and has stated:

“A Geotech Report by Soil & Rock Consultants (Ref: 99528 dated 23 September 1996) and a Geotechnical Re-Appraisal Report by Jackson Clapperton and Partners Ltd (ref 2008/008) dated 24 April 2008) were also provided addressing the proper stormwater disposal from the site.

In regards to the Ecowater assessment one of the main issues is the infringement of Rule 4 (Managed Natural Area) of the Council’s Operative District Plan, which pertains to the establishment of impermeable surface.

The site is not served by the public stormwater reticulated system. As per the District Plan Rules, the impermeable surface is limited to 10% of the site area. The proposed development will have impermeable surfaces of approximately 17.5%. To mitigate the adverse effects of the proposed development on the receiving environment, conditions have been applied to this consent. The stormwater runoff should be mitigated back to the 10% impermeable surface permitted by the District Plan Rules.

Stormwater Disposal

Since the site is located in a stability sensitive area, disposal of stormwater from the site requires the geotech engineer’s recommendation, but should also comply with Council’s Countryside and Foothills Stormwater Management Code of Practice. This is also included in the conditions imposed on this consent.

As discussed above, all possible Ecowater issues were taken into consideration in the assessment of this Landuse Consent. It is my conclusion that the effects on the environment, if properly mitigated will not be more than the minimum. Therefore, the application is supported by Ecowater with the imposition of the recommended conditions.”

I accept Ms Salanguit’s comments above and note that the applicant has proposed a stormwater detention tank to be constructed beneath the proposed dwelling, which will contain any stormwater runoff from the proposed dwelling. A condition requiring a covenant to be registered against the Certificate of Title is recommended to be imposed to ensure the ongoing compliance with the Countryside and Foothills Infrastructure Code of Practice.

In terms of water quality, the earthworks proposed are relatively small in scale, and the applicant has proposed to utilise silt and sediment control measures to prevent any sediment or silt from entering the stormwater system or adjacent sites. I recommend that a condition requiring the implementation of said sediment and erosion control measures be imposed in order to mitigate any adverse effects arising due to earthworks.

It is my opinion that any adverse effects on water quality and quantity will be no more than minor subject to the imposition of appropriate conditions of consent.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The proposal involves the clearance of 171.7m² of vegetation, in particular the removal of approximately 19 protected trees from within the site and from the road verge. The applicant will need to obtain approval for the removal of trees within the road reserve from Council’s Parks Department prior to works commencing. It is recommended that an Advice Note be placed on this consent accordingly. Some pruning of protected vegetation and works within the dripline of protected vegetation is also required in order to facilitate the construction of the proposed dwelling on the site.

The subject site contains many significant trees that contribute to the visual amenity of the area, the local ecology and the integrity of the Green Network. Of particular note are the Kahikatea trees on the site that are over 30m in height and which have been growing on the site for some time. The existing native vegetation is also a major food source for native wildlife in the area such as birds. Many of the trees produce seeds or nectar that is an important food source that attracts native and exotic fauna to the subject site and the surrounding area.

A168-A177 The applicant engaged Treecare Services Limited to undertake an arboricultural assessment of the subject site and the proposed development. Treecare Services Limited have provided a comprehensive assessment of effects in terms of the trees that are to be removed and have also provided a tree protection methodology for the trees that are to be retained. Council's Consultant Arborist, Mr Simon Miller, has reviewed the information provided by the applicant in particular the report prepared by Treecare Services Limited and has undertaken a site visit. He has made the following comments (refer to pages A168 to A177 attached as Appendix 7) accordingly:

"The subject site has never been developed (other than the construction of the existing garage structure towards the north west of the site) and consequently it is covered in high quality native bush. The site is also constrained by a number of large, mature canopy trees present on the site...The proposed dwelling will be constructed in close proximity of a number of retained protected trees.

A summary of the submitted information includes:

- 2.1.1: *Tree removal - Road Reserve (tree numbering system as per the submitted Arborist's Report undertaken by Gerald Collett of Treecare Services Limited).*
 - *Group #5 - shrubs, weeds, small native trees*
 - *#6 - Coprosma*
 - *#7 - Mahoe*

- 2.1.2: *Tree Removal - Within the Site*
 - *#1 - Lombardy Poplar*
 - *#2 - Rhododendron*
 - *#16 & 29 - 2 x Kahikatea*
 - *#21, 25, 26, 28 and 33 - Nikau Palms*
 - *#27, 36, 37A, 37B - 4 x Karaka*
 - *#30, 32, 38 - 3 x Ponga*
 - *#36A - Coprosma*

The applicant's arborist also notes that a number of juvenile Nikau Palms, seedling and shrub sized natives (including Karaka, Karamu and ponga) will also be removed.

- 2.2: *Works within the dripline of retained vegetation*

This list excludes trees potentially affected by stormwater, wastewater and drainage infrastructure;

- *#7 - Puriri (driveway, turning bay)*
- *#14, 15, 21, 24, 34, 35, 37 - Kahikatea, kauri, Kohekohe (dwelling and deck)*

The applicant's arborist has proposed construction and tree protection methodologies to manage and minimise any negative effects arising from the proposed works. Potential adverse effects range from tracking of construction machinery and equipment, rainshadowing, toxic discharge, physical damage to trees and roots.

2.3: Pruning and Remedial Works

Pruning of a number of trees and cabling of two trees is proposed by the applicant. The information submitted by the applicant notes that this should be considered a permitted activity as no more than 20% of the existing canopies will be affected and all works would be in accordance with accepted arboricultural practice.

2.4: Mitigation Works

The applicant proposes to remove the existing weed material beneath the roadside Puriri (#7). Mulching within the dripline of tree #7 and within the strip between the new driveway and footpath retaining wall is also proposed. Weed control is not proposed within the boundaries of the subject site.

Specific landscape planting is not proposed within the site although the applicant's arborist notes that there is some scope for replanting along the boundary where tree #1, Poplar is to be removed.

Within the road reserve, the applicant's arborist notes there is the opportunity to plant low growing native vegetation such as Kawakawa.

- **Council's Arborist Comments**

- *Tree Removal and Mitigation*

I concur with the applicant that the trees described in Sections 2.1.1 and 2.1.2 of my report require removal to secure a practicable site access and building platform. Tree removals have been kept to a minimum and represent a small percentage of the tree cover of the site.

With regards to existing ecosystems and habitats, the retention of protected vegetation within the immediate area, and mitigation planting on site will allow for the maintenance of any existing natural ecosystems and the maintenance of site biodiversity.

- *Works within the dripline of retained vegetation*

The applicant has submitted a detailed construction and tree protection methodology to manage and minimise negative effects arising from the proposed works. I concur with the submitted methodology and consider that retained protected vegetation will not be adversely affected by the proposed works.

- *Geotechnical Issues*

The geotechnical information submitted by the applicant initially recommended a combination of deep buttress drains and bored horizontal drains as a ground control measure. This recommendation has been reassessed as it was considered that it would adversely affect retained protected vegetation. Subsequently a system of vertically bored 'well point ground water collection holes' drained by horizontally bored relieving drains has been proposed in place of the buttress drains. This measure is considered to be less harmful on the receiving protected vegetation environment.

Specific designs for the new proposal are to be presented for consideration once resource consent planning issues have been resolved. Provided any new drainage designs are undertaken with full arboricultural input (Works Arborist or Council Arborist), it is my professional opinion that any adverse effects that may arise can be avoided and/or mitigated.

- *Pruning and Cabling*

Provided the proposed pruning and cabling works are undertaken in accordance with arboricultural best practice with no more than 20% of the existing canopies removed during the pruning process, the subject trees will not be adversely affected.

- **Conclusion and Recommendation**

I concur with the submitted information. It is my professional opinion that the protected vegetation environment (MNA) will not be adversely affected by the proposed development works.

The application is generally supported by Council's Consultant Arborist for Consent Services provided the suggested conditions of consent are included in the final planning report and followed when work commences on site.

I accept Mr Miller's assessment above and his recommendations. I consider that any adverse effects of undertaking the construction works and the effects once works are completed would be no more than minor subject to the imposition and implementation of the recommended conditions of consent.

8.1.4 Land / Soil

Silt Control

Minor excavations are required for the creation of the building platform, the driveway and for the installation of the piled foundations. Some 8.5m of fill would be required for the proposed driveway. The arborist's report provided with the application, undertaken by Treecare Services Limited, discusses silt and sediment control specifically in terms of the protection of the trees that are to remain on the subject site. Specific reference is made to the avoidance of trenching of silt control fences into the ground where roots may be present. I consider that the scale of the proposed earthworks is small, and can be adequately mitigated by the use of appropriate sediment control measures specific to the site. A condition of consent is recommended requiring the applicant's arborist to liaise closely with Council's Environmental Monitoring Officer and Council's Arborist to ensure that appropriate sediment control measures are installed prior to works commencing, in a way that avoids adverse impacts on the trees that are to be retained on the site.

Site Stability

A geotechnical report prepared by Soil and Rock Consultants dated September 1996 has been provided with the proposal. This report concluded that in terms of site stability:

"On the basis of our investigation, we consider the risk of major, deep seated instability on the site to be remote and the risk of shallow instability affecting the proposed development to be only slight, provided the recommendations given in this report are met and proper construction techniques are utilised on the site. A mantle of weathered residual soils overlying hard, less weathered sand stone and siltstone at relatively shallow depths suggests any potential instability will be predominantly of a translational failure mode and would be relatively shallow as is the case with the existing shallow landslippage features present over the lower slope to midslope area. the potential for a deep seated rotational failure mode development is less likely to occur in weathered soil deposits such as residual Waitemata Soils lying as a mantle over hard, less weathered materials."

The report identifies factors that were considered in the analysis of the subject site in relation to development occurring on the site. These other factors included: foundations, earthworks, earth retaining structures, stormwater control, vegetation, development review, and the observation of construction. The report concludes that with subject to compliance with the recommendations provided in the report, that there would be less than minor adverse effect on the land stability of the subject site based on the plans of development that were provided at the time the report was commissioned.

This report was reappraised in April 2008 by Jackson Clapperton and Partners Limited with additional information provided relating to the new design of the dwelling and present day site characteristics taken into account. The reappraisal of the original Geotechnical report states:

“The investigation by Soil and Rock Consultants which covered virtually the entire site and drilled bore holes up to 42m from the front boundary, is therefore applicable to both proposals, but is now some 12 years old. I have therefore re-inspected the site to ascertain whether any appreciable changes have occurred which may alter the conclusions of that previous report.

Geotechnical Review:

I inspected the site on 22 April 2008 to find site conditions similar to those described in the Soil and Rock Investigation Report page 2 and on the site plan Ref: 95528/1. The site information has been further augmented by a topographical survey which has identified a number of additional trees. In general there have been no changes in the site topography to indicate any recent evidence of ground movement, although evidence of surface creep movement on the steeper slopes of the property, some 30 - 50m from the front boundary remains clearly evident.

The comprehensive ground stabilisation recommendations in Soil and Rock Consultants Report therefore remain applicable to the site, although some alternative methods of achieving the same effect may be appropriate at the time of specific design prior to a Building Consent application. The design parameters proposed by Soil & Rock Consultants Limited will remain applicable to the house piles and by this method the house construction will have an overall stabilising effect on the total site by pinning the surface soils to the underlying hard strata.

I consider that some variation to the specific elements of the pile and ground water relief drainage systems may be appropriate, following further stability analysis reflecting the alternative house layout. We would propose to undertake that further analysis, specific design of the pile systems and ground water relief drainage as part of the Building Consent application process. In particular, we believe that the location of the collecting silt traps and the integration of the overall stormwater control system to be specifically designed in accordance with the Waitakere City Council Countryside and Foothills Stormwater Code of Practice, should be undertaken to control all water discharge to an outlet discharge diffuser system constructed along the banks of the existing water course, located in the lower south western area of the property.

Conclusion

On the basis of my re-examination of the site, my review of the Soil and Rock Consultants Report on the property, and my familiarity with the soil conditions of the Titirangi area, in my opinion, not to be construed as a guarantee, that subject to compliance with the recommendations of the Soils Report and such modifications as further analysis may determine, and specific design in accordance with those recommendations, Lot 15 DP 31829 will be suitable for construction of the house indicated on the Shayne Telford plans, to provide a development with a life expectancy consistent with the materials of construction and of at least 50 years without adverse effect on the stability of this or any adjacent property.”

I consider that there will be no more than minor adverse effect on the land/soil on the subject site and surrounding neighbourhood, with the imposition of appropriate conditions ensuring that the stability of the land is not compromised. In particular, it is recommended that an engineer experienced in geomechanics design and supervise the construction of the foundations and in-ground retaining. It is also recommended that a condition is imposed to require the provision of a Completion Report from the supervising engineer.

8.1.5 Air

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

8.1.6 Ecosystem Stability

The subject site is significant as it contains several significant specimens of trees that may not be found on residential sites elsewhere in Waitakere City. As the site provides continuous canopy coverage for the length and breadth of the site, apart from where the existing garage is located, it is considered that there is the potential for ecosystems existing within the site to be adversely affected by the proposed development. Several trees are proposed to be removed from the site, works within the dripline of several trees and the pruning of some trees is required as a part of the development works on the site. The applicant has not provided an ecological assessment, however they have provided a comprehensive arboricultural assessment relating to the vegetation alteration proposed on the site. Council's Consultant Arborist, Mr Simon Miller, has reviewed the proposal and the arboricultural assessment submitted with the application and he is satisfied that the ecosystem stability and biodiversity of the site would be maintained with the imposition of appropriate consent conditions related to replanting and weed management. I accept Mr Miller's comments in this regard.

Furthermore, the excavations proposed for the development are relatively small in scale and any adverse effect of the excavations can be mitigated by the imposition of appropriate conditions of consent relating to the implementation of silt and sediment control, specifically installed to be sympathetic to the vegetative characteristics of the subject site. These conditions acknowledge the need for controls, whilst accommodating development on a site created for residential use.

I therefore consider that, with the imposition of appropriate conditions, that any adverse effect on the stability of ecosystems and site biodiversity would be no more than minor.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

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

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

The subject site is located within the Outstanding (Natural Character) Coastal Area (refer District Plan Map 3.5(C)). The site has views out towards the Manukau Harbour, however, the topography of the site, the distance from the coast, and the vegetation upon it provides a physical and visual buffer for development occurring on the subject site. Therefore, in my opinion, as the development would not be visible from the coastal edge, the natural character of the coastal area would not be adversely affected.

8.1.9 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area of “outstanding landscape” within the City (refer Map 3.6B). However, as discussed above, the site is located within the Outstanding (Natural Character) Coastal Area (refer District Plan Map 3.5(C)).

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

Amenity Values are defined in the Resource Management act 1991 as:

“Those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.”

The District Plan also defines Amenity Values as follows:

“These are those natural and physical characteristics of an area that contribute to people’s enjoyment of it...”

The District Plan also provides a definition of Neighbourhood Character:

“Neighbourhood is that small local area, usually the same number of streets around a dwelling or workplace that a person identifies with and knows most thoroughly of all parts of the City. Usually people have a strong sense of belonging and place associated with a neighbourhood. It is the most localised, personal and intense expression of the relationship or people with their environment.

Such neighbourhoods reflect the general amenity values of the surrounding landscape or local area but have distinctive versions of those general features that allow inhabitants to see them as unique and special. This is a neighbourhood character that defines a neighbourhood as unique. Often the particular streetscape contributes strongly to the local neighbourhood, although it is personal perceptions of residents that ultimately define the nature of that neighbourhood.”

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

Development on the subject site is constrained by its narrow configuration and its steep topography. Furthermore, the site is very densely vegetated with a vast proportion of the site containing large, mature native vegetation. However, as the underlying zone for the site is Bush Living which ultimately provides for residential development (subject to rules and conditions), some form of development is anticipated upon the site.

The dwelling as proposed would infringe the 10m elevation height requirement on the northern, southern and eastern elevations; infringe the 3m yard requirement along the northern boundary; and would infringe the northern and southern height in relation to boundary recession planes. In this regard the following comments are made:

- The proposed attached garage would be located 1.0m away from the northern site boundary and the main part of the proposed dwelling itself would be located 1.3m away from the northern boundary. Therefore the proposed development encroaches into the northern side yard by a maximum depth of 2m. It must be noted that the degree of infringement varies at different points along the boundary due to the design of the proposed dwelling.

- The proposed dwelling would infringe the northern height in relation to boundary recession plane by a maximum vertical height of 1.47m over a maximum horizontal length of 11.2m.
- The proposed dwelling would infringe the southern height in relation to boundary recession plane by a maximum vertical height of 5.94m over a maximum horizontal length of 14.4m.
- The proposed dwelling would infringe the permitted elevation height of 10m by 1.7m on the eastern elevation; infringe by 1.5m on the southern elevation and 0.7m on the northern elevation.
- Under Proposed Plan Change 26, which requires decks over 1m to be included, the proposed dwelling would also infringe the building coverage requirement by 2.5% giving a total building coverage of 17.5% of the net site area, which equates to 171.8m².

Due to the proposed proximity and height of the dwelling to the northern boundary, the proposed dwelling would potentially have adverse height, bulk, and physical dominance and privacy effects on the northern property at 64 Otitori Bay Road.

The northern height in relation to boundary infringements relate to the proposed deck and associated handrail that would both wrap around the north-eastern side of the dwelling. It is noted that two decks are proposed as a part of the development works on the subject site, and the top most deck, which would serve the upper level on the dwelling, would not be a covered deck. The same style of deck has been noted on the dwelling located on the property immediately to the south of the subject site at 68 Otitori Bay Road, where the deck is on the rear elevation of the dwelling and looks out over the bush retained to the rear of that site.

The northern elevation height infringement measures 0.7m resulting in a total elevation height of 10.7m which includes a parapet on top of the proposed garage. The proposal would involve some vegetation removal from the northern boundary of the subject site; however the applicant has endeavoured to retain much of the significant vegetation along the northern boundary which would assist in screening the proposed dwelling from the northern neighbour's property.

The building coverage infringement of 2.5% (or 24.5m²) arises when the proposal is considered under Proposed Plan Change 26. Under the Plan Change decks over 1m in height are included in the calculations of building coverage. The infringement relates to the two uncovered decks on the upper level of the proposed dwelling - one wrapped around the north eastern corner of the dwelling, and the other located on the southern elevation adjacent to the garage. The scale of the infringement is relatively small when compared to the bulk of the building overall. The decks themselves would not be visible from the road; however the north eastern deck would be visible to the adjoining northern and southern neighbours.

The rationale behind the location of the proposed dwelling nearer to the northern boundary is to enable the retention of several large mature native trees that are growing alongside the southern boundary of the subject site. The applicant's have also proposed to locate the vehicle turning area within the road reserve due to site constraints and in order to retain significant vegetation within the interior of the site.

The northern height in relation to boundary infringement relates to the upper deck of the proposed dwelling which would not be an enclosed structure and therefore has a more "permeable" appearance. Furthermore, there are few windows on the southern elevation of the dwelling at 64 Otitori Bay Road which would provide a degree of privacy for both the applicants and the property owners at 64 Otitori Bay Road.

The proposed dwelling also infringes the southern height in relation to boundary recession plane by a maximum vertical height of 5.94m over a maximum horizontal distance of 11.2m. A large amount of mature native vegetation is proposed to be retained along the southern boundary, which would aid in the screening of the proposed dwelling from the southern neighbour's property. However, as the dwelling is proposed to be constructed closer and higher than what the District Plan permits, the proposed development has the potential to have adverse bulk, dominance, privacy and loss of sunlight effects on the southerly neighbour at 68 Otitori Bay Road.

As the proposed dwelling would be constructed to the north of the southern neighbours dwelling, the southern neighbour could potentially have a loss of sunlight. Given that most sites on Otitori Bay Road are heavily vegetated, loss of sunlight is a notable issue. The proposed dwelling would infringe the southern boundary by a maximum vertical height of 5.94m for a horizontal length along the proposed dwelling of 11.2m. It is noted, however, that the dwelling on 68 Otitori Bay Road is located closer to its southern boundary giving more potential for sunlight to access the dwelling. Additionally, due to the location of the dwelling (at 68 Otitori Bay Road) which is sited closer to its southern boundary than its northern boundary within the site, adverse privacy, dominance and bulk effects are reduced, particularly since the applicants are proposing to retain most of the vegetation which is growing along the southern boundary. It must also be noted that the existing vegetation on the subject site would potentially create the same loss of sunlight due to the height and density of the vegetation existing on the southern boundary.

The proposed dwelling also infringes the elevation height on the southern boundary by 1.5m resulting in a total elevation height of 11.5m on the southern boundary. Although the elevation height would be exceeded along the southern boundary, it is noted that the applicant intends to retain several large, mature tree specimens (including Kahikatea and Karaka) along the southern boundary which would be taller than the proposed dwelling, and would also provide screening and buffering of the proposed dwelling from the neighbouring southern property.

The other adjoining site that could potentially be affected by the proposed dwelling would be located on the eastern boundary. However, I consider that adverse effects would be less than minor due to the large separation distance between the subject sites' eastern boundary and the dwelling on the eastern neighbour's site at 36 Wood Bay Road. Furthermore, the proposed dwelling is located near the front of the subject site, which enables the retention of an extensive expanse of mature vegetation to the rear of the subject site which would effectively screen the proposed dwelling from the view of the eastern neighbour. This would ensure that the privacy of the eastern neighbour is maintained and also would not interrupt the view that the eastern neighbour has of the bush clad site.

A178-A185 In terms of the eastern elevation of the proposed dwelling, it is noted that it exceeds the permitted elevation height of 10m by 1.2m making the elevation height 11.2m in total. The elevation height of the proposed dwelling would not intrude on the surrounding natural landscape and when viewed from the eastern neighbouring property (36 Wood Bay Road) it would not be visible. Mr Gordon Griffin, Council's Landscape Architect, having reviewed the proposal and undertaken a site visit has commented (attached as Appendix 8 at pages A178 to A185):

"The large native trees on the site are visible from 36 Wood Bay Road to the east of the site. I anticipate that the building would not be visible against the sky or from a public place. Sufficient large native trees would remain associated with the proposal to maintain natural values associated with the sensitive ridgeline and to give integration of the dwelling into the bush setting."

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

It is considered that the location, design, scale and materials of the proposed new dwelling and associated services would be consistent with the character of the existing environment and surrounding neighbourhood. There are many dwellings of similar size and scale - such as that at 68 Otitori Bay Road - which currently occupy sites along the same street. The proposed dwelling would not be viewed from the road side, apart from the garage (that would have an elevation height of 3.5m), which would essentially replace the existing two car garage, although fill would be utilised to create a flat grade for the driveway and manoeuvring area, thus avoiding scraping of vehicles entering and exiting the site.

The site is a vacant, heavily vegetated site, with a dilapidated double garage located near the front. Currently the owners are not able to utilise the site or gain on-site amenity from the subject site as there is no dwelling on the site. As the site is within the Bush Living Environment of the City, it is considered that there would be some form of residential development expected upon the site. The applicant could not expect to gain economically by leaving the site undeveloped. Therefore to enable the applicant's to obtain some form of on-site amenity from the residential site, a dwelling of some description would be required to be built on the site.

On the flip side, the amenity of the site having been vacant from a number of years would be lost to neighbouring properties. The proposal involves the removal of 19 protected trees from the site, some of which are up to 30m in height. Works are also proposed within the dripline of several trees, and the pruning of others is also required. This could potentially detract from the amenity of the area and surrounding sites as trees intrinsically add to the amenity of sites in the Bush Living Environment. Although 19 protected trees are proposed to be removed, much of the significant vegetation on the subject site is to be retained. The proposed dwelling is to be constructed on piles, which will reduce the amount of excavation that would have been required if the dwelling were not being built on piles. Additionally, the turning bay for vehicles is to be constructed within the road reserve, so that the proposed dwelling can be constructed closer to the front boundary, meaning that more vegetation within the interior of the site can be retained. Given that a substantial amount of vegetation will remain on site, it is considered that the character of the neighbourhood will not be compromised, and that the amenity values of the wider neighbourhood will be maintained. Additionally, the applicant has provided a comprehensive arboricultural report which outlines a Tree Protection Methodology, which has been reviewed by Council's Consultant Arborist, Mr Simon Miller, who supports the proposal subject to the imposition of appropriate consent conditions.

In terms of the property to the south, the distance between the proposed dwelling and the existing dwelling at 68 Otitori Bay Road is sufficient to maintain the amenity values of the southern neighbour, furthermore, the existing vegetation along the southern boundary is to remain on the site, therefore not compromising the visual amenity of the southern neighbour.

In terms of the property to the north, at 64 Otitori Bay Road, the visual amenity could potentially be affected due to the close proximity of the proposed dwelling to the northern boundary. Due to the side yard encroachment and the height to boundary infringement, the proposed dwelling would be built closer than what the plan permits. Furthermore, some vegetation along the northern side of the site is proposed to be removed to enable the construction of the dwelling, further visually intruding into the northern neighbour's property. It is considered that the owners of the property to the north at 64 Otitori Bay Road would be adversely affected by the proposed development.

The property owner of the northern neighbouring property has raised concerns with regard to the proposed boundary infringements affecting his property in terms of access, dominance, light and privacy, height infringement reducing light and imposing effects of dominance and privacy, exceeding building coverage causing an adverse effect on the visual amenity of his property among other issues of concern. Mr Gordon Griffin has commented accordingly:

“The proposed garage would involve yard infringements relative to the northern boundary. The site is a residential site so the owner is entitled to establish a dwelling. Keeping some of the significant trees and reducing the extent of building coverage has been a driver to the design. The proposed garage would be to the south - south west of the submitter’s dwelling, with main views and orientation for the dwelling at #64 being to the east and north. The proposed decks and living areas of the proposed dwelling would align to the north, towards the adjacent dwelling and with a 1.2m minimum area within the site north of the deck that could be planted to strengthen privacy relative to the adjacent dwelling to the north. This would be a relatively narrow space and the house to the north appears to be within its southern 3m yard, so the dwellings would be relatively close to each other. The owner advises that the living areas and the decks would align towards the living areas of his dwelling. Living tends to be oriented towards the sun, and #64 does appear to have some orientation to the east and north. Privacy is needed however relative to living areas of each dwelling and relative to the orientation of the proposed dwelling’s living area towards #64. There is scope for native species to grow within the subject site to strengthen privacy relative to the proposed living areas and decks. Planting for privacy would be less critical relative to the yard infringement by the garage but may have some value for amenity. One kauri, would remain north of the east end of the deck, a nikau would remain north of the deck, and two trees would be kept and accommodated within the deck. These trees would maintain bush character, would provide amenity and some privacy.”

With regard to the concerns raised by the owner of the property to the south at 68 Otitori Bay Road, Mr Gordon Griffin has made the following comments:

This site is to the south of existing large trees. The infringement of height in relation to boundary would give a similar outcome to the shade produced by the existing trees, although amenity may be higher with the trees and there may be some filtered light through the trees. Many trees would remain with the bush character thereby preserved. Requiring supervision by a works arborist when piles are dug and other arboricultural conditions will prevent long term damage to trees and bush soils to remain, and weed control conditions could potentially lead to improved natural regeneration outside the building footprint...”

I accept Mr Griffin’s comments above and consider that with the imposition of appropriate consent conditions, that any adverse effects would be no more than minor.

Landscape modification, encroachment above ridgelines, landscape values, views

A small portion of the subject site falls within a sensitive ridgeline buffer of 65m. The area of the subject site to which this relates is the south western corner of the site. Although the proposed dwelling is not going to be constructed within the sensitive ridge area of the subject site, the proposed turning area may encroach to a very small degree within the sensitive ridgeline area. Despite this, it is considered that any adverse effect in this regard, would be less than minor as the proposed dwelling would not be visible from a public place, the sea or above the skyline. The view of the development is limited to the garage, which is consistent with other sites in the street and neighbourhood. The dwelling would be constructed in line with the topography of the site, and minimal earthworks are proposed. Instead the dwelling is to be set on piles, enabling the avoidance of large scale excavations and hence root disturbance and alteration to the landscape is avoided or minimised.

In terms of the landscape values and amenity issues discussed above, Mr Gordon Griffin, Council's Landscape Architect has reviewed the proposal and concludes:

"I accept that the owners have a right to have a dwelling on the site and have gone to some effort, with a competent arborist's assistance, to keep some of the trees and fit the dwelling within the bush site.

Natural values associated with the sensitive ridgeline would remain and the dwelling would be of a suitable style to fit in the bush environment.

Earthworks would be small in scale, with a pole style dwelling reducing earthworks required.

Average ground level has been cited as the basis of compliance with building height and is accepted; however the building would exceed the 10m elevation height and so requires resource consent for this infringement also.

The proposal involves yard and height in relation to boundary infringements that would require affected parties consents with the owners and occupiers of the adjacent properties to the north and south. (Both these properties have yard infringements also, I note).

Provided affected parties consents are obtained for the yard and height and height in relation to boundary infringements, I support the application subject to arboricultural conditions, weed management including in the berm and native re-vegetation conditions. There may be some value in setting conditions for planting some replacement native trees or under-storey species, in the bush areas to remain, and if weed management leads to open areas within the bush, open areas exceeding 1.5m² should be planted.

Conditions have been combined with Council's Arborist's conditions so there is consistency in regard to these related areas and Council's Arborist has given his approval for the combined conditions that follow. An advice note will be included recommending that any small native seedlings within the building footprint be relocated outside the building footprint, on site.

I accept Mr Griffin's comments above, and have reviewed the recommended conditions of consent. I consider that they are appropriate for this proposal and that the imposition of the conditions would ensure that any adverse effects of the proposal relating to visual amenity and landscape values would be no more than minor.

Infrastructural capacity & availability

Issues relating to stormwater disposal have been discussed in Water Quality and Quantity earlier in this report under Section 5.2.1. This section should be read in conjunction with 5.2.1.

Council's Drainage Engineer, Ms Leilani Salanguit, has reviewed the application has stated with regard to wastewater disposal:

"Council's GIS record shows that there is an existing wastewater connection to the public wastewater line that runs near the eastern boundary of the site. According to the Arborist's report, the said public line runs above the ground. As per the advice of the Ecowater Engineer at the pre-application stage, the private wastewater pipe should be installed underground and wherever possible above ground lines are to be avoided, except in the area where the public line is located above ground. Due to the sloping site, the private wastewater lines can achieve the required cover. However, special care will need to be taken and most likely the lines will have to be hand dug when installing the pipes taking the protected trees and its roots into consideration."

Conclusion and Recommendation

As discussed above, all possible Ecowater issues were taken into consideration in the assessment of this Land Use Consent. It is my conclusion that the effects on the environment, if properly mitigated, will not be more than the minimum. Therefore, the application is supported by Ecowater with the following conditions.

I accept the assessment above undertaken by Council's Drainage Engineer, it is considered that subject to compliance with conditions of consent, that adverse effects on infrastructural capacity and availability would be no more than minor.

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

A186-A188 The proposed development involves the creation of a new vehicle crossing and a driveway with a gradient of more than 1 in 5 (20%). Mr John Carroll, Council's Transport Assets Engineer, has reviewed the proposal and has made the following comments attached as Appendix 9 at pages A186 to A188:

“Access:

Access directly from the road from the building platform is difficult and the agreement of the adjacent neighbour at number 64 has been gained to allow a parallel driveway/vehicle crossing to cross diagonally over that site's road frontage. An “Application to Erect a Structure on, or Use, Road Reserve” (SORR-2007-16) was approved by Transport Assets and Legal Services will register a Memorandum of Encumbrance on the land title at Land Information New Zealand.

Parking:

The required 2 on-site car park spaces will be provided within a basement double garage, with complying on-site turning for cars to exit the property in a forward direction to the road, utilising a new driveway and vehicle crossing - complies.

Driveway:

From the ground levels and contours provided on the scheme plan, the finished gradient of the proposed new driveway and vehicle crossing (parallel to that of number 64) will not exceed Council's absolute maximum grade of 33% (1 in 3) and shall include change in gradient transitioning to eliminate under-body-car-scraping.

Conclusion/Recommendation

The proposal is in general accordance with Council's District Plan and Code of Practice for City Infrastructure and Land Development, Section 3 Transportation including the Parking and Driveway Guideline. The project will have less than minor effect on the safe operation of the roading network”.

I concur with Mr Carroll's comments above, and that subject to conditions of consent, the adverse effects on the traffic and parking issues related to this proposal, would be no more than minor.

Other relevant issues

While it is noted that the proposed development would have adverse amenity, overshadowing, bulk and location, dominance, visual amenity and privacy effects on the adjoining northern and southern neighbours' at 64 and 68 Otitori Bay Road respectively.

I consider that these adverse effects are restricted to the northern and southern neighbour and it is considered that these adverse effects would be no more than minor in scale. Furthermore, the proposed development overall would have no more than minor effects on the wider neighbourhood subject to conditions of consent being imposed.

8.1.11 Heritage

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

8.1.12 Waitakere Ranges Heritage Features

When assessing the proposed development against the relevant heritage features and the landscape character elements of the Bush Living Environment, the following comments are made:

- The applicant proposes to remove 17 trees from the interior of the subject site and 2 trees from the road verge in order to facilitate development upon the site;
- Currently the site is vacant and contains several significant trees of a variety of species;
- The applicant has attempted to retain most of the significant vegetation upon the site, this is reflected in the comprehensive arboricultural assessment provided with the application which also details tree protection methodologies and site management;
- The dwelling would be constructed to the front of the site, leaving the remainder of the site in vegetation;
- The character and scale of the proposed dwelling is consistent with other dwellings on the street and the materials proposed for construction are sympathetic to the subject site and surrounding neighbourhood;
- Little excavation is proposed - up to 16m³ will be required for the building platform and for the proposed driveway - meaning that there would be very little change to the existing landform;
- The dwelling will not be visible from the road side, however, the proposed garage will be visible from the road;
- The site will maintain the appearance of continuous bush cover, as the proposed dwelling will be constructed among the remaining significant vegetation on the site;
- The proposal will maintain the dominance of the natural features over the built features, as evident by the design of the house, which enables the retention of most of the significant trees on the site;
- The prominence of scarps and ridgelines is not compromised by the proposed development as only a small portion of the site falls into the sensitive ridge buffer, and the dwelling will follow the landform down away from the ridgeline; and
- In terms of the subject site and the proposed development, it is considered that the integrity of the Waitakere Ranges Heritage Area Act is maintained.

8.1.13 Summary

In accordance with Section 104D(1) of the Act, it is considered that overall and subject to the recommended conditions, any adverse effects of the proposed activity on the environment would be no more than minor.

It is noted that the subject site is currently vacant and has been so for a number of years. The establishment of residential activity on the site is anticipated by the District Plan due to the underlying residential zoning and it is recognised that any proposed activity on the subject site would have an impact on the adjoining properties as it would be a significant departure from the current use of the subject site.

It is further noted that development of the subject site is constrained by the existing steep topography, narrow configuration and existing vegetation upon the site and this is reflected in the nature of the resulting District Plan infringements. Whilst the proposal involves the removal of trees, and infringements relating to height, bulk and location, it is considered that the proposed design of the dwelling is in keeping with the surrounding environment and is an effective use of the site, with all of its constraints.

8.2 National Policy Statements (s104(b)(i))

The National Policy Statement on Electricity Transmission 2008 has no relevance with regard to this application as the subject site is not located within proximity to any high voltage transmission lines or infrastructure.

8.3 New Zealand Coastal Policy Statement

The New Zealand Coastal Policy Statement (NZCPS) has no relevance with regards to this application as the subject site is not located within proximity to the coast.

8.4 A Regional Policy Statement, or Proposed Regional Policy Statement (s104(b)(iii))

The Auckland Regional Policy Statement became operative in 1999 and (subject to plan changes at various stages in the statutory process) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared.

The proposed new dwelling would have manageable environmental effects. Therefore, by reason of its nature, size and scale and matters discussed elsewhere in this report, the proposal is considered to be consistent with the ARPS or any Proposed Plan Change associated with this document.

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

A189-A197

8.5.1 District Plan Policies and Objectives (attached as Appendix 10 at pages A189 to A197)

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

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

Objective 1: Policies 1.2, 1.5, 1.6, 1.7, 1.10: Objective and Policies related to the impact of landuse on the environment and in particular on the quality and quantity of stormwater.

Discussion:

The proposal involves a very small amount of earthworks of approximately 16m³ outside the approved building platform. Vegetation removal can also result in soil erosion and runoff during rain events. The applicant's arboricultural report provides detailed mitigation measures for capturing any silt and sediment runoff, and a condition of consent is recommended requiring the implementation of appropriate silt and sediment control, in consultation with Council's Environmental Monitoring Officer.

In terms of stormwater runoff from the dwelling once it is completed, the applicant is proposing to install stormwater detention tanks to collect stormwater. This has been reviewed by Ecowater's Drainage Engineer, Ms Leilani Salanguit, who supports the proposal subject to conditions of consent being imposed.

Objective 2: Policies 2.1, 2.3, 2.4, 2.10, 2.12, 2.15: Objective and Policies related to the impact of landuse on native fauna and flora and the protection of outstanding areas of native vegetation.

Discussion:

The proposal involves the removal of 19 protected trees from the interior and road verge of the subject site and clearance would cover a plan area of 171.7m². Of particular note is Policy 2.3 which states:

"In areas of significant and outstanding native vegetation and fauna habitat, clearance may be carried out to the extent that a dwelling and driveway can be adequately provided..."

In this instance, the subject site is currently vacant and appears to have been vacant for a number of years as evident by the amount of mature vegetation on the site. The applicant has engaged the services of an arborist, who has prepared a comprehensive Arboricultural Assessment of the proposal with regard to the vegetation on the site. Whilst the proposal would result in the loss of some vegetation, it can be argued that any dwelling proposed for the subject site would require the removal of trees to enable construction of that dwelling. Council's Consultant Arborist, Mr Simon Miller, and Council's Landscape Architect, Mr Gordon Griffin both have reviewed the proposal and are familiar with the site and have both stated that they support the proposal, subject to the implementation of appropriate conditions.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

Objective 3: Policies 3.2, 3.4: Objective and Policies related to the impact of development on soil, impact of soil disturbance on the environment, and soil quality in Waitakere City.

Discussion:

The proposal involves earthworks outside the approved building platform of 16m³. The site has also been identified under a previous District Plan as being subject to instability and is partially within a sensitive ridge buffer. The topography of the subject site is very steep and would usually involve large scale earthworks to create a suitable platform on which to build a dwelling, however the applicant is proposing to construct the new dwelling on pile foundations, which reduces the need for major excavations and soil disturbance. The applicant has provided a geotechnical report and supporting re-appraisal of the initial geotechnical report, which both state that the site is suitable to build upon and contain several recommendations related to the proposed earthworks and construction on the site. It is recommended that conditions of consent be imposed to mitigate any potentially adverse effects on the environment resulting from the proposed earthworks.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above.

Objective 5: Policies 5.4, 5.6, 5.7: Objective and Policies related to the resilience of the Green Network and natural regeneration processes within the City in order to provide linkages between significant and outstanding native vegetation and fauna habitat.

Discussion:

The proposal would involve the removal of 19 protected trees and 171.7m² of vegetation clearance. The vegetation clearance relates to a small part of the site (17%) where the proposed dwelling is to be constructed. Much of the higher quality vegetation is to be retained and protected on site. Whilst tree clearance is proposed to the front of the site, vegetation at the rear of the site will remain untouched and would therefore contribute to the amenity of the site and surrounding area. The resilience of the Green Network would not be compromised by the proposed works.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above

Objective 7 and Policy 7.1 relates to the preservation and enhancement of the natural character of the City's coastal environment.

It is noted that the subject site is located over 330m from the coast, and is therefore not considered to be located within a 'coastal edge'. The proposal would not be a threat to sea level rise or flooding and is therefore consistent with Council's policies with regard to the natural character of the coast. Whilst the site is located within an Outstanding (Natural Character) Coastal Area (Map 3.5(c)), the development would occur in a manner that would not detract from the essential natural character of the area (refer to discussion at 8.1.10 and 8.1.12 above).

Objective 8: Policies 8.2, 8.3: Objective and Policies that relate to the protection and maintenance of aspects of the environment which are of significance to tangata whenua.

Discussion:

Whilst some vegetation would be removed in order to enable the construction of the proposed dwelling and associated services, I consider that the remaining vegetation would adequately be protected and maintained and the development works would not adversely affect the mauri of the vegetation on the site or surrounding area. When viewed from the outside or from the eastern boundary, the canopy spread over the site would remain largely intact. Conditions relating to appropriate weed management and tree protection are recommended to mitigate any adverse effects on retained vegetation.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above

Objective 10: Policies 10.5, 10.6, 10.11, 10.13, 10.14, 10.16, 10.17:

Objective 11: Policies 11.2, 11.3, 11.4, 11.7, 11.9

The above Objectives and Policies relate to the effects of activities on amenity - from a health and safety perspective and from a neighbourhood character and amenity values perspective.

Discussion:

The above Objectives and Policies aim to control the effects of development on the health and safety of residents and their ability to enjoy their environment. This is achieved by managing activities that can cause nuisance and by controlling the characteristics of a proposal e.g., height restrictions. This objective is not concerned with maintaining a static landscape; it is more about protecting some elements and characteristics and recognising that there is considerable scope for flexibility and change that allows each area to evolve and respond to changing circumstance, within a framework of what people value. In terms of the proposed development, it is recognised that the dwelling as proposed would infringe several development control rules of the District Plan such as height, yards, height to boundary, earthworks, building coverage, and that these infringements could potentially adversely affect neighbouring properties.

The applicants are not able to design a fully compliant dwelling on the subject site, due to its topography, size and shape and due to the existing vegetation on the site. Whilst there are some adverse effects, in my opinion, they would be no more than minor subject to the imposition of appropriate consent conditions and because this style of development is evident throughout the Titirangi area.

It is therefore considered that the proposed activity will not be contrary to the objective and policies identified above

A198-A208 **8.5.2 Rules and Assessment Criteria** (attached at pages A198 to A208 as Appendix 11)

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:

City Wide Rules - Natural Hazards

Assessed in terms of design, location and monitoring and in accordance with Assessment Criteria 1(a) - 1(g):

The proposed dwelling would be constructed on a site identified to be subject to instability under a previous District Plan. The applicant has provided a geotechnical assessment and a further updated re-appraisal of the geotechnical assessment, both of which contain recommendations as to the proposed construction works and earthworks on the site. Both assessments conclude that the site is suitable for dwelling such as the one proposed subject to the recommendations in the report being followed. It is recommended a condition of consent be imposed requiring the proposed works to be undertaken in accordance with the geotechnical reports and further, that detailed design is undertaken by a qualified professional in accordance with these reports. The proposed works would therefore be considered in accordance with the Assessment Criteria 1(a) - 1(g).

Bush Living Environment - Building Location, Natural Landscape Elements

Assessed in terms of height, location, design, landscape treatment, and scale and in accordance with Assessment Criteria 2(a) - 2(f):

A portion of the south western corner of the subject site is located within a Sensitive Ridge Buffer and a very small part of the proposed dwelling would fall within the buffer zone. The proposed dwelling, however, would not be visible from the sea or above the skyline due to the large amount of vegetation on the site. The dwelling would sit well below the retained vegetation canopy and is therefore effectively screened within the landscape. The proposed works would therefore be considered in accordance with the Assessment Criteria 2(a) - 2(f).

Bush Living Environment - Elevation Height

Assessed in accordance with Assessment Criteria 4(a) - 4(d):

The proposed dwelling would infringe the permitted elevation height of 10m by 1.7m on the eastern elevation of the dwelling, by 1.5m on the southern elevation and by 0.7m on the northern elevation. The topography of the subject site and surrounding sites is variable in nature and hence leads to differing levels of infringements. The proposed dwelling once constructed, would sit below the tree line and would not protrude over the top of the canopy as the many of the trees are more than 25m in height. Separation distances and vegetation in between the proposed and existing dwellings on adjoining sites further provide a buffer that breaks up the view of the dwelling. As the proposed dwelling would follow the ground topography it would not visually interrupt views from sites in the vicinity. The proposed development would therefore be considered in accordance with the Assessment Criteria 4(a) - 4(d).

Bush Living Environment - Height in Relation to Boundaries

Assessed in accordance with Assessment Criteria 5(a) - 5(c):

The proposed dwelling would infringe the northern height in relation to boundary recession plane by a maximum vertical height of 1.47m over a maximum horizontal length of 11.2m and infringes the southern height in relation to boundary recession plane by a maximum vertical height of 5.94m over a maximum horizontal length of 14.4m. Due to the infringements stated above, the proposed dwelling could potentially adversely affect the southern and northern neighbouring properties due to overshadowing, bulk and dominance effects, however, given that the southern boundary is densely vegetated and as much of the vegetation on the southern boundary is to be retained, I consider that any overshadowing would be the same as what is currently being created by the trees. Furthermore, the retained vegetation along the southern boundary provides some screening of the house from the southern neighbour's property and the dwelling on the southern neighbour's site is situated away from the boundary shared with the subject site. The northern height in relation to boundary infringement relates to the upper deck of the proposed dwelling which would not be an enclosed structure and therefore has a more "permeable" appearance. The majority of the habitable rooms of the proposed dwelling would enjoy reasonable access to sunlight. The proposed development is therefore considered to be in accordance with the Assessment Criteria 5(a) - 5(c).

Bush Living Environment - Yards

Assessed in accordance with the Assessment Criteria 6(a) - 6(e):

The garage of the proposed dwelling would be constructed 1 metre away from the northern boundary, and parts of the dwelling are located less than the required 3m away from the northern boundary. To the rear of the proposed house, the upper and lower deck and a bedroom infringe into the required side yard, however there is still a 1m clearance between the dwelling and the site boundary, which would enable vegetation to be planted along the northern boundary to soften the appearance of the dwelling. In terms of privacy, sufficient distance is proposed between the proposed dwelling and the existing northern neighbour's dwelling to provide sufficient a degree of privacy which would be further enhanced by the retention of vegetation to the rear and north of the house. The proposed development is therefore considered to be in accordance with the Assessment Criteria 6(a) - 6(e).

Bush Living Environment - Building Coverage

Assessed in accordance with the Assessment Criteria 7(a) - 7(c):

Under Plan Change 26 the calculation of building coverage includes uncovered decks which are 1m or more above the ground. The proposal contains three decks in total, with two on the rear elevation (one for each level) and one adjacent to the garage on the southern elevation. Together with the decks the total building coverage equates to 171.8m² or 17.5% of the site area. In terms of the scale of infringement, the District Plan permits 150m² of building coverage in the Bush Living Environment, therefore the scale of the infringement is relatively small at 21.8m² or 2.2%. The stormwater produced by the increased building coverage is proposed to be mitigated by way of stormwater detention tanks. Ecowater's Drainage Engineer has reviewed the proposal and supported the proposal subject to appropriate conditions of consent being implemented. Visually, the site would maintain vegetative dominance over built dominance and would be consistent with the surrounding neighbourhood. The proposed development is therefore considered to be in accordance with the Assessment Criteria 7(a) - 7(c).

Bush Living Environment - Carparking and Driveways

Assessed in terms of design, location, number of carparks, screening and planting and in accordance with Assessment Criteria 10(a) - 10(e):

The proposal involves a driveway which would have a gradient exceeding 1 in 5 in some parts. I's Transport Assets Engineer, Mr John Carroll, has reviewed the proposal and has stated that:

“From the ground levels and contours provided on the scheme plan, the finished gradient of the proposed new driveway and vehicle crossing (parallel to that of number 64) will not exceed I’s absolute maximum grade of 33% (1 in 3) and shall include change in gradient transitioning to eliminate car under-body ground-scraping..

The proposal is in general accordance with I’s District Plan and Code of Practice for City Infrastructure and Land Development, Section 3 Transportation including the Parking and Driveway Guideline. The project will have less than minor effect on the safe operation of the roading network subject to compliance with the recommended conditions of consent.”

I accept Mr Carroll’s comments above, and consider that the proposed driveway would be consistent with the above assessment criteria.

Bush Living Environment - Infrastructure

Assessed in terms of design, capacity, construction, location, health and safety and in accordance with Assessment Criteria 15(a) - 15(t):

The proposal would involve the installation of a stormwater detention tank beneath the proposed dwelling which would capture any stormwater runoff generated by the proposed house. The detention tank would be 1.8m in height and cover an above ground area of 2.6m². I’s Drainage Engineer has reviewed the proposal and has stated that Ecowater supports the proposal and in terms of stormwater runoff, the detention tank would sufficiently collect any stormwater generated from the dwelling and has recommended conditions of consent to ensure that the infrastructure required for the dwelling is installed adequately. The proposed development is therefore considered to be in accordance with the Assessment Criteria 15(a) - 15(t).

Managed Natural Area - Work within the Dripline of Native Vegetation Managed Natural Area - Vegetation Clearance

Assessed in terms of landscape treatment, scale, method and location and in accordance with Assessment Criteria 2(a) - 2(u):

Construction of the proposed dwelling, driveway and associated infrastructure would result in works within the dripline of native vegetation and require vegetation clearance. It is proposed to remove 19 protected trees and clear 171.7m² of vegetation from the subject site. The applicant has engaged the services of a Works Arborist who has prepared a comprehensive Arborist’s Report which contains a tree protection and works methodology. I’s Consultant Arborist, Mr Simon Miller and I’s Landscape Architect, Mr Gordon Griffin, have both reviewed the proposal in terms of the vegetation alteration and clearance works. Both have supported the proposal subject to the imposition of appropriate conditions, in particular tree protection measures and pruning works. The proposed development is therefore considered to be in accordance with the Assessment Criteria 2(a) - 2(u).

Managed Natural Area - Earthworks

Assessed in terms of scale, location, design, method and landscape treatment in accordance with Assessment Criteria 3(a) - 3(s):

The proposal involves 16m³ of earthworks associated with the driveway construction and for the creation of a platform for the proposed dwelling. The arborist’s report provided with the application contains measures for controlling silt and sediment erosion from entering the stormwater system and neighbouring sites. Conditions of consent are recommended requiring that the applicant implement appropriate site specific erosion and sediment control in consultation with I’s Environmental Monitoring Officer. The proposed earthworks are therefore considered to be in accordance with Assessment Criteria 3(a) - 3(s).

Managed Natural Area - Impermeable Surfaces

Assessed in terms of scale, location, clearance, landscape treatment and methods of stormwater disposal in accordance with Assessment Criteria 4(a) - 4(k):

The proposal involves the establishment of 17.5% of impermeable surfaces on the site which equates to 171.67m² the applicant is proposing to utilise a stormwater detention tank to capture any stormwater runoff created by the proposed dwelling. I's Drainage Engineer, Ms Leilani Salanguit, has reviewed the proposal and considers that the detention tank would have enough capacity to capture all the stormwater that the dwelling could potentially create. Ms Salanguit has recommended conditions of consent to ensure any adverse effects of the increased impermeable surfaces on the site, would be no more than minor. It is therefore considered that the proposed development is in accordance with Assessment Criteria 4(a) - 4(k).

Transport Environment - Vehicle Crossings

Assessed in terms of location, design and drainage in accordance with Assessment Criteria 7(a) - 7(d):

The proposal involves the construction of a second vehicle crossing to the subject site as the current access is problematic. The new driveway will be of an adequate gradient to enable cars to enter and exit without scraping. The proposal has been reviewed by I's Transport Assets Engineer, Mr John Carroll, who supports the proposal subject to the imposition of consent conditions relating to the formation of the access and the registration of a Memorandum of Encumbrance as the applicant would be utilising the road verge outside the northern neighbour's property. The proposed vehicle crossing is therefore considered to be in accordance with the Assessment Criteria 7(a) - 7(d).

8.5.3 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 ARPS reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of areas [contributing to runoff into coastal waters] and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways. To be consistent with the ARPS it would be necessary to ensure that elevated levels of sediment do not enter the watercourses as a result of any works. It is noted that measures to control sediment during construction are contained in the Erosion and Sediment Control Measures Appendix in the Waitakere District Plan. With conditions in place requiring the implementation of the recommendations of the Sediment and Erosion Control Measures Appendix, it is considered that the proposal would mitigate adverse effects from development on the natural character of waterways and ultimately coastal areas.

The 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 subject site has never been developed, perhaps constrained by the topography and vegetation on the site. Development has occurred on the sites which surround the subject property and it is therefore not unreasonable to anticipate that some form of development would eventually be proposed on the subject site. Developing this site would potentially lessen the development pressure on sites further away from the urban area.

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

8.5.4 National Policy Statement (104(1)(b)(i)(ii))

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

8.5.5 Coastal Policy Statement (s104 (b)(ii))

The subject site is located within the Outstanding (Natural Character) Coastal Area in Waitakere City and therefore the New Zealand Coastal Policy Statement (NZCPS) is relevant to this proposal.

The purpose of the New Zealand Coastal Policy Statement (NZCPS) is set out in Section 56 of the Resource Management Act 1991, which states:

“The purpose of a New Zealand coastal policy statement is to state policies in order to achieve the purpose of this Act in relation to the coastal environment of New Zealand.”

Policy 1.1.1 of the NZCPS states that:

It is the national priority to preserve the natural character of the coastal environment by:

- a) Encouraging appropriate subdivision, use and development in areas where the Natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment.***
- b) Taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside of the immediate location; and***
- c) Avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.***

The NZCPS seeks that development in the coastal environment should be located in areas where the natural character has already been compromised to some degree. Development should therefore be located in coastal settlements or in other areas where there will be no more than minor adverse effects. As referred to Policy 3.2.2 plans should define what form of development would be appropriate.

As discussed above and highlighted in the District Plan the subject site has been identified as being within an Outstanding Coastal Area. The Titirangi and French Bay area has an historic association with residential development. Development is characterised by dwellings located near the road frontage of narrow, bush clad sites. The proposed development will be of a scale and extent compatible with other development located in the immediate vicinity. Furthermore, the subject site is physically separated and visually screened from the coast by the topography and vegetation. The proposal would not be visually obtrusive having regard to its current visual landscape qualities, and other natural landscape elements and as such the proposal is not considered contrary to the policies contained within the NZCPS, for reasons discussed elsewhere in this report.

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

8A. Waitakere Ranges Heritage Area Act 2008

When considering an application for a resource consent for a non-complying activity in the heritage area, a consent authority -

- a) Must have particular regard to -
 - The purpose of the Act and the relevant objectives; and
 - The relevant provisions of any national policy statement or New Zealand Coastal Policy Statement; and
- b) Must consider the objectives having regard to any relevant policies in the regional and district plans.

8A.1 Purpose of Act

the purpose of the Waitakere Ranges Heritage Area Act 2008 is:

to-

3(1)(a) recognise the national, regional, and local significance of the Waitakere Ranges Heritage Area; and

3(1)(b) promote the protection and enhancement of its heritage features for future and present generations.

(Section 3 Waitakere Ranges Heritage Area Act 2008)

8A.2 Relevant Objectives

The WRHAA objectives which are relevant to this proposal are:

- a) *to protect, restore, and enhance the area and its heritage features:*
- b) *to ensure that impacts on the area as a whole are considered when decisions are made affecting any part of it:*
- c) ...
- d) *to recognise and avoid adverse potential, or adverse cumulative, effects of activities on the area's environment (including its amenity) or its heritage features:*
- e) ...
- f) *to ensure that any subdivision or development in the area, of itself, or in respect of its cumulative effect,-*
 - I. is of an appropriate character, scale and intensity; and*
 - II. does not adversely affect the heritage features; and*
 - III. does not contribute to urban sprawl;*
- g) *to maintain the quality and diversity of landscapes in the area by -*
 - I. protecting landscapes of local, regional, or national significance; and*
 - II. restoring and enhancing degraded landscapes; and*
 - III. managing change within a landscape in an integrated way, including managing change in a rural landscape to retain a rural character;*
- h) *to manage aquatic and terrestrial ecosystems in the area to protect and enhance indigenous habitat values, landscape values, and amenity values;*
- i) *to recognise that people live and work in the area in distinct communities, and to enable those people to provide for their social, economic, environmental, and cultural well-being.*

8A.3 Relevant Heritage Features

The relevant heritage features of the heritage area in the context of the application are:

- (2) *the heritage features of the heritage area are -*
- (a) *it's terrestrial and aquatic ecosystems of prominent indigenous character that -*
 - (i) *include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences;*
 - (ii) *have intrinsic value;*
 - (iii) *provide a diversity of habitats for indigenous flora and fauna;*
 - ...
 - (v) *provide opportunities for ecological restoration;*
 - ...
 - (vii) *have natural scenic beauty*
 - (b) *the different classes of natural landforms and landscapes within the area that contrast and connect with each other, and which collectively give the area its distinctive character;*
 - (i) *the subservience of the built environment to the area's natural and rural landscape, which is reflected in -*
 - (i) *the individual identity and character of the coastal villages and their distinctive scale, containment, intensity and amenity; and*
 - (ii) *the distinctive harmony, pleasantness and coherence of the low-density residential and urban areas that are located in regenerating (an increasingly dominant) forest settings; and*
 - (iii) *the rural character of the foothills to the east and north and their intricate pattern of farmland, orchards, vineyards, uncultivated areas, indigenous vegetation, and dispersed low-density settlement with few urban scale activities;*
 - ...
 - (l) *its distinctive and local communities.*

The Bush Living Environment of the City is characterised by:

Landscape character elements

- *natural variety and complexity*
- *dominance of natural over built features*
- *prominent ridgelines and scarps*
- *continuous bush cover with the merging of buildings and the bush*
- *sense of wilderness, quiet and enclosure*
- *sparse population/some patches of more intensive settlements*
- *unkerbed winding roads following the ridgelines with a clustering of buildings along the roads*
- *gateway for visitors accessing the beaches and bush*
- *1-2 storey buildings*
- *Intensive bush living settlement at Laingholm and Titirangi with complex, local and small scale neighbourhoods*
- *Interface between bush and cultivated foothills areas*

8A.4 Assessment of the Proposal with Regard to the Purpose and Objectives of the Waitakere Ranges Heritage Area Act 2008

The heritage area objectives as listed in section 8A.2 above are discussed below with particular regard to the purpose of the Waitakere Ranges Heritage Area Act.

The proposed new dwelling with associated decks, garage and infrastructure will have a total building coverage of 17.5% of the site area which equates to 171.67m². Vegetation clearance equating to 171.7m² and earthworks totalling 16m³ in volume would be required in order to enable the dwelling to be constructed on the subject site. The dwelling would be constructed and finished in materials sympathetic to the subject site and surrounding environment, and would blend well with the existing retained vegetation on the site. The dwelling would not dominate the landscape, and is a development that could reasonably be expected in the area. Whilst the elevation height, side yard and height in relation to boundary requirements of the Plan have not been met by the proposed development, it is recognised that development of the site is constrained by the site topography, vegetation and narrow configuration of the site. The façade of the dwelling is broken up and the dwelling does not present just one large wall, which also softens the appearance of the dwelling. The roofline of the dwelling also minimises intrusion into the landscape by having a low profile instead of being pitched. In terms of the building coverage infringement, it is noted that the subject site is relatively small in scale when compared with other sites in the Bush Living Environment. Many sites on Otitori Bay Road contain dwellings of a similar scale and size, most of which were constructed prior to current planning regulations being imposed. Although several trees would be removed from an essentially undeveloped bush clad site, it is recognised that the site is within a residential zone of the Cit, and that some sort of development is anticipated upon the site. It is further noted that the site has been vacant for a number of years, and this is a testament to the difficulties that arise from developing a site with such constraints. The design of the proposed dwelling is considered to be in keeping with the character of the site and neighbourhood and as such the site would continue to be of an appropriate scale, character and intensity that is expected within the Bush Living Environment.

8.5.7 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Long Term Council Community Plan

Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$3368.20 (incl. GST).

8.5.8 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 the conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to sediment and erosion control measures and any conditions involving vegetation.

8.5.9 Any Other Relevant Non-Statutory Documents

No other non-statutory documents are considered relevant in the processing of this application.

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 specified in the consent, or if no date is specified, then five years from the date of commencement of the consent.

A five year period in which to give effect to this consent is considered appropriate because of the nature and scale of the works described and because a number of the conditions are intertwined (e.g. tree removal and silt control). A lapse period of five (5) years is therefore recommended.

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 proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Bush Living Environment in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the establishment of a new dwelling on a residential site that is currently vacant. The proposed dwelling would be similar in scale and design to other dwellings in the neighbourhood and would therefore be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected.

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

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

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Sections 8.1.9 and 8.5.2 of this report. Subject to conditions, it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be reduced.

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

The threshold test in Section 104D of the Resource Management Act 1991 states that a consent authority must not grant consent to a non-complying activity unless it is satisfied that the adverse effects on the environment will be minor (104D(a)) or the activity will not be contrary to the objectives and policies of a plan or proposed plan (104D(b)).

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D, in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

The applicant seeks consent to construct a new two storied dwelling with an attached double garage at 66 Otitori Bay Road, Titirangi. The site is zoned Bush Living Environment and Managed Natural Area under the Operative District Plan. Construction of the new dwelling would involve the following infringements: development on a sensitive ridge, yard infringement, height in relation to boundary infringements, elevation height infringements, infrastructure, driveway gradient, second vehicle crossing, vegetation clearance and alteration, earthworks and impermeable surfaces.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the construction and establishment of a new two storied dwelling being a Non-Complying Activity will not lead to a decline in the amenity values of the area which it is proposed to be constructed.

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

- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well being of residents and workers;
- Achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area;
- Manage the effects of land use on the environment and in particular, avoid, remedy or mitigate effects on the quantity and quality of the City's water resources;
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential coherence of the neighbourhood;
- Protect the City's native vegetation and fauna habitat;
- Protect processes of natural regeneration within the City, and promote and maintain links between areas of significant and outstanding native vegetation and fauna habitat, so that their resilience is protected and enhanced; and
- Protection of the environment for the long term benefit of future generations

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

Subject to any additional and/or contrary evidence being presented at the hearing, it is concluded that the application **merits consent** in accordance with Section 104 and 105 of the Resource Management Act 1991.

12.0 RECOMMENDATION

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Jeffery Ian White to construct a new dwelling with attached garage at 66 Otitori Bay Road, Titirangi being Lot 15 DP 31829 for the following reasons:

- (i) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and will be adequately avoided, remedied or mitigated by appropriate conditions of consent.

- (ii) The size, scale, siting, design and height of the proposed dwelling would be consistent and sympathetic with the surrounding environment and would not physically dominate or interrupt the view of adjoining sites.
- (iii) The established neighbourhood character of the locality would not be adversely affected by the proposed dwelling as it would be of a similar character and design and constructed of materials that can be found elsewhere in the locality.
- (iv) Although some shading would be created by the proposed dwelling, it is considered that the shading created would be of a similar extent to what is already created due to the large number of mature trees, in particular along the southern boundary and as most of these trees are proposed to be retained.
- (v) The proposed earthworks will be consistent with the level of development being undertaken, will be of a temporary duration, and are able to be controlled by the imposition of appropriate consent conditions.
- (vi) Separation distances between the dwellings on the northern site, and the southern site, is adequate enough to ensure privacy is maintained for the occupants of the subject and adjoining sites.
- (vii) Adequate on-site vehicle manoeuvring will be provided to ensure that vehicles exiting the site are able to do so in a safe, efficient manner.
- (viii) The additional impermeable surfaces will not place additional pressure on the receiving environment and will be controlled through appropriate conditions of consent.
- (ix) The development of the site would be concentrated to the western side of the subject site, with the remainder of the site to be left untouched, which contains high quality native vegetation. This would offset the removal of vegetation to facilitate the construction of the dwelling.
- (x) Any works which involve vegetation would be undertaken under the supervision of a competent and able Works Arborist.
- (xi) The proposal would not be contrary to the relevant Objectives, Policies, Rules and Assessment Criteria of the District Plan.
- (xii) The proposal accords with Part II of the Resource Management Act 1991.
- (xiii) The proposal is consistent with the Purpose and Objectives of the Waitakere Ranges Heritage Area Act 2008.

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled "*Proposed New House for J White & S Hayes, 66 Otitori Bay Road,*" prepared by Shayne Telford and dated 10 April 2008 and all referenced by Council as LUC2008-689 and the information, including further information, submitted with the application.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).
3. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
4. A consent compliance monitoring fee of \$702.00(inclusive of GST.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

5. A copy of this resource consent shall be held on site throughout the period of work. Prior to works commencing, it shall be the responsibility of the consent holder to **explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff that are carrying out any works associated with the project.**
6. The consent holder shall engage a suitably qualified independent arborist with proven experience in the field of trees in relation to construction (Works Arborist) to monitor, direct and supervise all works within the dripline of protected vegetation for the duration of the development.

PRE-START CONDITIONS

7. **Prior to commencement of any works on site**, the consent holder shall organise a pre-start meeting with Council's Environmental Monitoring Officer, Council's Arborist and the applicant's appointed Works Arborist to discuss the conditions of consent onsite. The consent holder shall ensure that their representatives and all contractor's representatives are present at this meeting.

The applicant must book an inspection at least 5 working days prior to the required inspection. Inspections must be requested by calling Council's Call Centre (839-0400) and requesting a Monitoring Inspection. Council's response time can be up to five (5) working days.

The pre-start meeting will address the following:

- Tree protection measures and the proposed works procedures relating to retained vegetation can be explained by the consent holder and Works Arborist to the work site supervisory staff of all contractors and sub-contractors who shall be engaged to carry out any works associated with this consent.
 - The extent of the required vegetation clearance shall be agreed to at this meeting and this shall be marked out on site using warning tape or equivalent.
 - Ensure that adequate sediment and erosion control measures are constructed in accordance with Auckland Regional Council Technical Publication No.90 "*Erosion and Sediment Control Guideline for Earthworks.*"
8. **Before** the commencement of any works and until completion of exposed site works, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment laden runoff. The construction and maintenance of the sediment and erosion control measures shall be in accordance with the Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City District Plan.

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the Monitoring Officer before commencing work.

9. **Prior to the commencement of works** the consent holder shall provide a planting plan detailing location, numbers and species type to be planted on the affected area of the road reserve following completion of works. The planting plan shall use native species local to the ecosystem * and shall be agreed upon by Waitakere City Council's Parks Department prior to implementation.

*Refer to Council's re-vegetation manual, "*A Guide for Planting and Restoring the Nature of Waitakere City,*" specifically Ecosystem 4, warm lowlands Ecosystem.

10. **Prior to the commencement of works** the consent holder shall provide specific design proposals for all service, geotechnical and drainage infrastructural works for vetting and agreement by Council's Arborist in consultation with the Works Arborist.

EARTHWORKS

11. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented 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 immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder.
12. 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 completed but no later than one week following the completion of works.
13. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager - Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease work until conditions are suitable for the recommencement of works.
14. Noise from construction, maintenance, demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS 6801: 1999 Acoustics - Measurement of Sound and NZS 6802: 1999 Acoustics - Assessment of Environmental Sound. All construction, maintenance, demolition and earthworks on the site shall be undertaken between the following hours only:-

Monday to Friday:	7.30am to 7.00pm
Saturday:	8.00am to 5.30pm
Sunday and Public Holidays:	NO WORK

VEGETATION CONDITIONS

15. With the exception of Condition 16 - 23 below, all arboricultural works shall be undertaken in accordance with the following submitted information:
 - Treecare Services Ltd, 66 Otitori Bay Road, Titirangi - Proposed Site Development - Arboricultural Review & Tree Protection Procedure (including attachments 1-4);
 - Soil and Rock Consultants, Site Plan, 64A Otitori Bay Road, Titirangi, Drawing No. 95528/1;
 - Proposed New House for J. White and S. Hayes 66 Otitori Bay Road, Titirangi, Sheets 3 - 12;
 - Jackson Clapperton & Partners Ltd; Response to Waitakere City Council re: Geotechnical and Infrastructure Issues, dated 25 August 2008.
16. Evidence of compliance with the conditions of consent shall be provided to Council's Environmental Monitoring Officer, Resource Consents, in the form of monitoring memoranda and a final report (as outlined in the applicant's arboricultural report)

WEED MANAGEMENT

17. All environmentally damaging plants (as identified in the Environmentally Damaging Plants Appendix to the District Plan) shall be removed from the site and the road reserve area between the site and Otitori Bay Road to the satisfaction of Council's Environmental Monitoring Officer - Resource Consents. Weed control shall involve the following:
 - Initial phase of weed control to commence in the summer period immediately following granting of this consent and prior to any other works occurring on the site.
 - Ongoing weed control shall be carried out at 4 month intervals thereafter for the first year following the initial weed management operation, and then six monthly intervals for the four years following the first year, to include the entire subject site and the road reserve area fronting the subject site, to the satisfaction of Council's Environmental Monitoring Officer - Resource Consents. (Environmentally damaging species at the site include *Tradescantia fluminensis*, (Wandering Jew), and *Hedychium gardnerianum* (Kahili ginger)).
18. Cut weed material shall be disposed of at a landfill approved for disposal of such material.
19. Approval for the initial phase of weed control shall be obtained from Council's Environmental Monitoring Officer before any further works (other than for erosion and sediment control) are undertaken on the site.

Note: the site is ARC listed Total Control Pest Plants in regard to its weed infestation and must not be touched or altered without first notifying the ARC.

NATIVE RE-VEGETATION, PLANTING AND INFILL PLANTING

20. Native re-vegetation planting and infill planting shall be carried out in the first planting season (May until 7 September) following construction of the dwelling and following a weed management operation, in the following areas of the site outside the building footprint and entrance path and parking area;
 - Beneath any permeable deck area greater than 1m above the ground (using low native shrubs or ferns);
 - Any clear areas within the site 1.5m² or greater; and
 - All areas of the road reserve fronting the property that are permeable (i.e. do not have hard surface) and as per the Parks Department approved plan required by Condition 9 above.
21. The planting within the site shall use a range of native species local to the area selected from Council's re-vegetation manual, "*A guide for planting and restoring the nature of Waitakere City,*" for Ecosystem 4, warm lowlands ecosystem, and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Wood-chip mulch to 50mm - 60mm depth shall be added to new planting areas 1.5m² or greater at the time of planting. (It is recommended that the depth of mulch be shallower within the root zone of each plant). Plants shall be at Pb3 minimum grade at planting time. The use of cultivars, varieties, and hybrid versions of native species is inappropriate and shall not be used. Any native regeneration shall be kept and encouraged.

22. A range of native species at Pb5 minimum grade, selected from the following list, shall be planted north of the deck within the site in any cleared areas 1m² or greater, as far as possible stagger planted, (so as to strengthen screening relative to #64 Otitori Bay Road in the longer term); Medium Trees; *Pittosporum tenuifolium* (kohuhu), (green eco-sourced form), *Sophora microphylla* (Kowhai); Small Trees/Large Shrubs, *Coprosma arborea*, mamangi *C gradifolia*, (kanono), *Cordyline banksii* (forest cabbage tree), *Hedycarya arborea*, (pigeonwood), *Cyathea dealbata* (ponga), *melicytus macrophyllus*, large leaved mahoe, *M ramiflorus*, (mahoe), *Myrsine australis*, mapou, *Rhopalostylis sapida*, (nikau).

The objective is removal of weeds and a minimum planting density in the bush area including re-vegetation planting areas of the site and the edge of the manoeuvring area, of 1 plant per 1m².

MAINTENANCE

23. The site and all new planting shall be maintained with plants watered as necessary in the first summer and with planted areas kept free of weeds to facilitate establishment, for the period of the resource consent (five years) to the satisfaction of Council's Environmental Monitoring Officer - Resource Consents.
24. Replacement planting shall be carried out the following planting season where losses of plants is 5% or over or where planting density is below 1 plant per 1m² or as maybe deemed necessary by Council's Environmental Monitoring Officer, Resource Consents, to give an adequate planting density (suggested density 1m to 1.2m maximum space between native plants), all to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Any replacement planting required as part of maintenance shall use a minimum of Pb 3 grade or root trainer grade native plants local to the ecosystem. The use of cultivars, varieties, and hybrid versions of native species is inappropriate and shall **not** be used.

GEOTECHNICAL CONDITIONS

25. A Chartered Professional structural or geotechnical Engineer familiar with the Geotechnical Report entitled "*Geotechnical Investigation for Proposed Dwelling 64A Otitori Bay Road, Titirangi,*" dated September 1996, prepared by Soil and Rock Consultants **and** familiar with the reappraisal of said report entitled "*Geotechnical Re-Appraisal of Lot 15 DP 31829 at 66 Otitori Bay Road, Titirangi,*" dated 24 April 2008, prepared by Jackson Clapperton & Partners Ltd, **must** specifically design the foundations for the proposed dwelling, the in-ground retaining, and any stormwater drainage.
26. A Chartered Professional structural or geotechnical Engineer (the "supervising geotechnical engineer) familiar with the Geotechnical Reports and engineering designs referred to in the above Condition (25) shall be engaged by the consent holder to inspect the in-ground wall, retaining walls and slab sub-grades and foundations as exposed.
27. A completion report from a professional engineer experienced in soil geomechanics must be provided, to the satisfaction of the Manager- Resource Consents. The completion report must be provided within one month following the completion of construction of the dwelling and prior to habitation of the dwelling.

PUBLIC DRAINAGE INFRASTRUCTURE - ECOWATER CONDITIONS

28. Design, provide and install on-site stormwater management devices to mitigate against adverse effects on the environment and increased downstream flooding. Specifically:

- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2 year storm event.
 - (ii) Detention tanks of suitable capacity are to be provided for stormwater detention.
 - (iii) The discharge point is to mimic natural runoff patterns. The type of stormwater dispersal device to be used and its location should be nominated by a Geotechnical Engineer. Refer to the Geotechnical Report by Soil and Rock Consultants dated 23 September 1996 (ref: 95528).
 - (iv) 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 stormwater management device(s) for the property to the point of discharge.
29. 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 and increased downstream flooding on-site stormwater management systems are required on an on-going basis to comply with Ecowater's Countryside and Foothills Stormwater Management Code of Practice and meet the following specific requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2 year storm event by providing a stormwater detention tank of suitable capacity.
 - (ii) The discharge point is to mimic natural runoff patterns. The type of stormwater dispersal device to be used and its location should be nominated by a Geotechnical Engineer. Refer to the Geotechnical Report by Soil and Rock Consultants dated 23 September 1996 (ref: 95528).

TRANSPORT ASSETS CONDITIONS

30. A Memorandum of Encumbrance must be registered on the land title at Land Information for the use of road reserve for the new vehicle crossing/driveway turning area. The documentation will be prepared by the City Solicitor at the consent holder's cost.
31. Form and construct a vehicle crossing/driveway and turning area with stormwater controls, on Otitori Bay Road (road reserve), using standard detail SD 3.10 Residential Vehicle Crossing (Kerbed Road) in Council's Code of Practice for City Infrastructure and Land Development; and for which a vehicle crossing detail form shall be completed and returned to Council.
32. Inspection of the vehicle crossing/driveway boxing prior to concrete pouring is required. Contact Phone 836-8000 extension 8275, at least 48 hours prior to the inspection being required.

LEGAL DOCUMENTATION

33. The covenant required for stormwater management systems as required by Condition 28 above will be prepared by the City Solicitor at the applicant's cost when the following information has been received:
- (a) All necessary technical information.
 - (b). A copy of the Land Transfer Plan showing the Deposited Plan and Certificate of Title.
 - (c). The name and address of the solicitor acting for the owner/s.

34. Where any condition imposed upon this landuse consent is to be complied with on an ongoing basis by the landowner and subsequent owners thereafter, the owner shall pay the Council's Solicitor's legal costs and disbursements relating to the preparation and registration of a Covenant pursuant to Section 108(2) 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. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. A current Geotechnical Report will be required at Building Consent Stage.
3. It is recommended that any seedling native plants within the building footprint (other than shrubs, ferns etc. beneath the deck area) be transplanted on site to locations outside the building footprint and general works area.
4. The consent holder is advised that the approval of Council's Parks Department must be obtained prior to any removal of vegetation from within the road reserve.

Report prepared by: Ceilla Govind, Resource Planner

