

NOTICE OF MEETING

HEARINGS COMMITTEE

I hereby give notice that an Ordinary Meeting of the Hearings Committee will be held on:-

DATE: **Thursday, 21 November 2002** **TIME:** **9.30 am**

VENUE: **Civic Centre, 6 Waipareira Avenue, Lincoln, Waitakere City**

to consider the business as set out herein and to take any necessary action connected therewith.



11 November 2002

Owena Schuster
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8864

MEMBERSHIP:

Councillors	GE	Nash, JP (Chairperson)	
	DA	Yates, JP (Deputy Chairperson)	
	DQ	Battersby, JP	
	BA	Brady, JP	
	PA	Hulse	
	VS	Neeson, JP	
10.30 am		Ward Representative	
		Mrs DJ Webster	(Massey Community Board)
		Alternate Representative	
		Ms KG Perri	(Massey Community Board)

(Quorum 4 members)

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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 AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 21 NOVEMBER 2002, COMMENCING AT 9.30 AM.**

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1 APOLOGIES



2 URGENT BUSINESS

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

- (i) the item is a minor matter; and
- (ii) the Chairperson has explained at the beginning of the meeting (when open to the public) that the item will be raised for discussion, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting; and
- (iii) the Committee resolves to deal with the item.

No resolution, decision, or recommendation may be made in respect of the item except to refer the item to a subsequent meeting for further discussion.

NOTE: Urgent Business need not be dealt with now and may be delayed until later in the meeting.



3 CONFIRMATION OF MINUTES

Ordinary - Thursday, 3 October 2002

RECOMMENDATION

That the minutes of the Ordinary Meeting of the Hearings Committee held on Thursday, 3 October 2002, as circulated, be taken as read and now be confirmed.



4 **APPLICATION FOR SPECIAL EXEMPTION - FENCING OF SWIMMING POOLS ACT 1987**

MASSEY WARD

PURPOSE OF THE REPORT

This report presents an application by Mrs Suzanne Tyndel of 432 Don Buck Road, Massey for a special exemption from the requirements of the Fencing of Swimming Pools Act 1987 (the Act). Such exemptions may only be granted by resolution of Council. This power can be delegated to a Council Committee but not to Council Officers and in this case is specifically delegated to this Committee for hearing and decision.

BACKGROUND

A1-A6 Mrs Tyndel's application refers to an in-ground swimming pool in her back yard that is shown in the photographs taken by Council officers, as attached at pages A1 to A6. The pool has a SAVE-T COVER II automatic pool cover that was installed in 1987.

A7-A10 The Managing Director of The Pool People Limited (Mr Barry) who currently supplies SAVE-T COVER II pool covers has written in support of the application for a special exemption. He identifies the main safety features of the SAVE-T COVER II as being the strength of the material that is used and a key operated switch, which, with the key removed, locks the pool cover so that children cannot open it. To remove any storm water collecting on the top of the pool cover his company also supplies an automatic submersible pump. Mr Barry's supporting letter, as attached at pages A7 to A10.

Mrs Tyndel's pool cover is of an older type and does not have a key operated switch however the switch is housed inside a small shed that is kept padlocked. Similarly her pool cover does not have an automatic submersible pump for removing accumulated storm water from the top of the pool cover however she manually removes any storm water build up with either a siphon hose or an electric pump.

A11-A13 The Department of Internal Affairs has produced a publication called "Guidelines for Territorial Authorities on the Fencing of Swimming Pools Act 1987" that is used by Council's Officer's. Section 6 of this publication (Special Exemptions) has been reproduced, as attached at pages A11 to A13, and the Committee's attention is drawn to this section as an authoritative guide for the assessment and consideration of special exemptions to the Act.

A14 Section six of the Act (Special Exemptions) is also reproduced, as attached at page A14 for the committee's information.

STRATEGIC CONTEXT

Council is committed to ensuring that Waitakere City is a safe place to live and play in.

ISSUES

The pool is not fenced in accordance with the Fencing of Swimming Pools Act 1987; in particular the "immediate pool area" is not fenced.

A12 With any application for a special exemption for a pool cover the key issue is that a pool cover requires human intervention to replace it after use. A compliant pool fence with its self-closing self-latching gate has a major advantage over a pool cover in that it provides constant protection. It does not require continual action or surveillance to prevent children gaining access. The Committee's attention is specifically drawn to clause 6.12 - 6.13 of the Department of Internal Affairs Guidelines for Territorial authorities on the Act, as attached at page A12.

Mrs Tyndall refers to her back yard as having a secure perimeter fence, however this fence does not enclose the "immediate pool area", as required by the Act, from children who are legitimately on the property. The greatest need is to protect those children who are legitimately on the property. Over 85% of pre school drowning occurs when the child is resident on the property or is present as an invited guest. Consequently the most important factor is the location of the fence in relation to the rest of the property. The fence should prevent young children moving directly to the pool from the house, other buildings, garden paths, or other areas of the property normally open to them. Mrs Tyndel's backyard fence does not do this.

A15 Mrs Tyndel claims that the former Waitemata City Council granted a dispensation from the Fencing of Swimming Pools Act 1987 when the pool cover was installed. While unable to produce any such dispensation she has included a letter written by the Managing Director of Kedon Industries Limited in 1987 that recommended that an application for dispensation be made prior to purchasing the pool cover, as attached at page A15. Council has no record of any such application or the granting of any such dispensation.

A12-A13 In discussions with Mrs Tyndel she highlighted the lack of children on her property or in the general neighbourhood and was particularly concerned about the effect that a pool fence would have on the aesthetics/enjoyment of her property. However the Department of Internal Affairs guidelines identify the absence of children as current residents, the distance of the pool from other residences and the effects of fencing on the appearance of the property are not grounds for granting a special exemption. (Attached at pages A12 to A13, paragraphs 6.18 - 6.22).

Since 1 January 1980 one hundred and twenty nine children under five years of age have drowned in pools and a further seventeen children under five years of age have drowned in spa pools. With regard to pools with covers fifteen children drowned in pools that were covered at the time. Eight of these were in swimming pools and seven in spa pools (Water Safety New Zealand statistics).

The Managing Director of The Pool People Limited (Mr Barry) has advised that, in relation to the SAVE-T COVER II, there has never been a drowning reported to the factory in the last 40 years (Mrs Tyndel states 30 years in her application). Water Safety New Zealand do not keep records of what types of pool covers were in use when drownings have occurred and consequently are not in a position to comment on the accident history of the SAVE-T COVER II pool cover.

A16 The owner's manual for the SAVE-T COVER II contains specific warnings about hazardous conditions that can occur with the cover if it is not correctly operated, as attached at page A16. These include:

- (a) "Remove standing water - child can drown on top of cover."
- (b) "Remove cover(s) completely before entry of bathers, entrapment possible."
- (c) "Non secured or improperly secured covers are a hazard."
- (d) "Do not walk on cover except in an emergency."
- (e) "Failure to follow all instructions may result in injury or drowning."

Auckland City reports that they have granted approximately three special exemptions for swimming pool covers in the last four years and that these have only been in exceptional circumstances where there were physical difficulties in complying with the Act. Similarly Manakau City reports only one special exemption being granted for a swimming pool cover while North Shore City's pool inspectors reported that they have made no special exemptions in the last five years for swimming pool covers.

A14

In considering any special exemption to the Act the committee must be satisfied that such an exemption would not significantly increase danger to young children. (Attached at page A14, Section 6.5).

CONCLUSION

The SAVE-T COVER II has advantages over other manual covers in that it is electrically operated, key locked, and made of strong durable material. It's main disadvantage is that unlike a compliant fence with a self-closing self-latching gate the SAVE-T COVER II requires human intervention to ensure that is closed when not in use. Primarily for this reason the Injury Prevention Research Unit of the University of Otago advised the Department of Internal Affairs that they are opposed to reliance on pool covers.

No record could be found of any previous application for or the granting of a dispensation from fencing this swimming pool in accordance with the Act by installing a SAVE-T COVER II pool cover.

Specific hazards are identified in the users manual for the SAVE-T COVER II pool cover if the operating instructions are not followed.

While a small number of SAVE-T COVER II pool covers have been granted special exemptions for their use in Auckland and Manakau cities, these are reported as having been granted in exceptional circumstances where there were physical constraints to fencing. No physical constraints to fencing the immediate pool area could be identified at the site of the swimming pool at 432 Don Buck Road.

RECOMMENDATIONS

1. That the information be received.
2. That pursuant to Section 6 of The Fencing of Swimming Pools Act 1987 the application by Suzanne Tyndel of 432 Don Buck Road for a special exemption from The Fencing of Swimming Pool Act 1987 **be declined** for the following reasons:
 - (a) The pool cover does not provide constant protection and requires continual action or surveillance to prevent children gaining access to the pool.
 - (b) The pool cover does not have any fail-safe features that would automatically prevent access to the pool should any pool user temporarily leave the pool.
 - (c) The current absence of young children at the property and in the neighbourhood does not guarantee that children will not visit the property, or live there in the future.
 - (d) There are no physical constraints to fencing the immediate pool area.

Report prepared by: Max Wilde, Manager: Field Services.



5 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY WESTVALE PROPERTIES TO UNDERTAKE A 15 DWELLING MEDIUM DENSITY HOUSING DEVELOPMENT AT 10-38 CLOVER DRIVE, HENDERSON

RMA 20011624

MASSEY WARD

N.B. This report sets out the Consents Unit's advice to the Hearings Committee on the environmental issues raised by the application for resource consent. It is not the decision of the Council. The decision will be made after consideration of the application by the Hearings Committee.

APPLICATION DETAILS

Planner: Melanie Jesson - Cato Bolam Consultants

Site Address: 10-38 Clover Drive, Henderson

Applicant: Westvale Properties

Date Received: 3 October 2001

Building Consent No: Not applied for yet

Legal Description: Lot 1 DP 206812

Address for Service: C/ John Childs, 1/37 Lloyd Ave, Mt Albert

Site Area: 5510m²

Unit Site Area(s): Lots as created under RMA 990749 / SPW 20551:
Lot 7 - 278m²; Lot 8 - 278m²; Lot 9 - 280m²; Lot 10 - 282m²; Lot 11 - 424m²; Lot 12 - 301m²; Lot 13 - 266m²; Lot 14 - 230m²; Lot 15 - 378m²; Lot 16 - 334m²; Lot 17 - 273m²; Lot 18 - 279m²; Lot 19 - 274m²; Lot 20 - 234m²; Lot 21 - 233m²; Lot 22 - JOAL 1174m².

Transitional Plan:
Zoning: Residential 2
Section: Waitemata
Hazards: No Known Hazards

Proposed Plan:
Human Environment: Living
Natural Area: General
Landscape Elements: Nil
Hazards: No Known Hazards
Roading Hierarchy: Local

Further Information Required: Height in relation to boundary compliance, confirmation of single or two storey layout and revised site plan, outdoor space calculations, impermeable surfaces, finished floor levels, articulation of dwelling facades, outdoor living area access; colour scheme.

Date Requested: 13 November 2001

Date Received: 2 August 2002

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to undertake a 15 dwelling medium density housing development at 10-38 Clover Drive, Henderson. A resource consent has previously been approved for this development on 30.01.1999, and has expired, resulting in the current application for re-approval.

1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the Transitional and the Proposed District Plan. The significant resource management issues associated with this proposal are amenity values both on and off the site; neighbourhood character; and the consistency of the proposal with Councils urban consolidation policies.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for a 15 unit medium density housing development. It is considered that the environmental effects that would be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of both the Transitional and Proposed District Plans will be satisfied.

LOCATION PLAN



Figure One - Aerial Photograph of 10-38 Clover Drive, Henderson

Proposed Plan Human Environment:	Living
Proposed Plan Natural Area:	General
Legal Description:	Lot 1 DP 206812

3.0 PROPOSAL AND BACKGROUND

3.1 BACKGROUND

The applicant seeks consent to a 15 unit single storey medium density housing development at a vacant property at 10-38 Clover Drive, Henderson. A land use consent for a similar 21 dwelling development was granted on 30.04.1999 (RMA 990368). Six of these dwellings have been constructed, on the corner of Clover Drive and Meadowcroft Way. As not all of the dwellings have been constructed, the consent has now lapsed. A subdivision consent (RMA 990747) granted on 24.05.1999 has partially been completed, with the Section 223 survey plan signing completed. The private driveway serving the subdivision, with associated earthworks, have also been completed.

The 1999 application included written consents from all potentially adversely affected parties, and was processed on a non-notified basis. The current application, lodged in October 2001, was lodged without affected parties consents, and was subsequently publicly notified on 25 October 2001. One submission in opposition was received from J and P Tupe (23b Woodside Road) in relation to hours of work of heavy machinery. The submission was subsequently withdrawn following discussions between the submitter and the applicant, and an agreement to no work on weekends.

Approximately nine months lapsed between notification and receipt of all further information required from the applicant. Minor changes to the dwelling style and layout also occurred, including a reduction from a two storey to single storey scale and a change in the style of dwelling originally proposed (similar to the first stage of development completed on the corner of Meadowcroft Way and Clover Drive), to a more simple style of dwelling, consistent with that observed in the surrounding neighbourhood. Changes of ownership had also occurred of some of the properties originally notified. For these reasons, it was deemed appropriate to undertake limited re-notification of the application allow all potentially adversely parties to review the revised application. Limited re-notification was undertaken on 5 September 2002.

3.2 PROPOSAL

The proposed works development comprises the construction of 15 residential dwellings in a semi-circular layout with two dwellings within a central "island". The dwellings comprise five different styles of units (varying only in their "street" façade), all of approximately 105m² in area, containing three bedrooms, bathroom, ensuite, an open plan kitchen, dining and living room, with an internally accessible single garage and single stacked car park. The following table details the characteristics of the proposed development:

TABLE ONE - DEVELOPMENT CHARACTERISTICS

Lot Number	Lot Size	Dwelling Type	Outdoor Space	Colour Scheme
7	278m ²	3	136.6m ²	'Dutch White' cladding, 'Karakā' roof and joinery.
8	278 m ²	3	140 m ²	'Dutch White' cladding, 'Karakā' roof and joinery.

Lot Number	Lot Size	Dwelling Type	Outdoor Space	Colour Scheme
9	280 m ²	2	140 m ²	'Spanish Butter Milk' cladding, 'Terracotta' roof, & 'Off White' joinery.
10	282 m ²	1	141 m ²	'Spanish Pipi' cladding, 'Off White' roof & joinery.
11	424 m ²	2	247 m ²	'Dutch White' cladding, 'Karaka' roof and joinery.
12	301 m ²	1	144.5 m ²	'Spanish Pipi' cladding, 'Off White' roof & joinery.
13	266 m ²	2	101 m ²	'Spanish Butter Milk' cladding, 'Terracotta' roof, & 'Off White' joinery.
14	230 m ²	5	58.9 m ²	'Spanish White' cladding, 'Iron Sand' roof, 'Black' joinery.
15	378 m ²	1	153 m ²	'Dutch White' cladding, 'Karaka' roof and joinery.
16	334 m ²	3	148.6 m ²	'Spanish Pipi' cladding, 'Off White' roof & joinery.
17	273 m ²	2	137.5 m ²	'Spanish Butter Milk' cladding, 'Terracotta' roof, & 'Off White' joinery.
18	279 m ²	3	133 m ²	'Spanish White' cladding, 'Iron Sand' roof, 'Black' joinery
19	274 m ²	3	137 m ²	'Spanish White' cladding, 'Iron Sand' roof, 'Black' joinery.
20	234 m ²	4	52.4 m ²	'Spanish Pipi' cladding, 'Off White' roof & joinery.

Lot Number	Lot Size	Dwelling Type	Outdoor Space	Colour Scheme
21	233 m ²	4	52.4 m ²	'Spanish Pipi' cladding, 'Off White' roof & joinery.
22	JOAL of 1174m ² , of which 350m ² for communal landscaped area and parking.	Communal landscaped area and six visitor car parks.	Not applicable	Six visitor car parks.

Dwelling Types 1, 2 and 3 all have a similar floor layout, with the only differences relating to the location of the single garage. The dwellings contain three bedrooms (one with an ensuite) and an open plan kitchen, dining and living area, which overlook the private driveway. A small porch is located adjacent to the dining room, which acts as the formal entrance to the dwelling, over which a portico is located. The articulation of this entry feature is different for each dwelling type. Ranch slider access is provided from the lounge to the outdoor living area. A single internally accessible garage is attached to either the eastern or western side of the dwellings dependant on the site layout, and behind which a stacked single car park is provided.

Dwelling Type 4 is proposed for Lots 21 and 22, which are located in the central "island" adjoined by the private loop driveway to the north, west and south, and to the east by the communal landscaped area and visitor parking spaces. This dwelling type has the same floor layout as types 1, 2 and 3, with the single garage attached to the western side of the dwellings, and which adjoin on the northern boundary of each lot.

Dwelling Type 5 is proposed only for Lot 14, and has a reversed floor plan, with the bedrooms overlooking the private driveway, to maximise the amount of northerly orientated private outdoor living space. A single attached garage is provided, accessed via a common driveway shared with Lot 15.

All of the proposed dwellings would be constructed with a textured Triboard cladding system, coloursteel roof and aluminium joinery, which would be finished in varying colour schemes throughout the development, as detailed in Table One.

All internal common boundaries would be fenced to a height of 1.6m. Those lots which have outdoor living courts which front either Clover Drive or the private driveway will have low fencing to a maximum height of 1.0m. The previously granted land-use consent included a landscaping plan which was modified and approved by Councils' Landscape Architect. This landscaping plan has been referred to in the assessment of this application, and modified to suit the amended layout and dwelling styles.

No earthworks are required outside of the building platform, as all site development works have been completed as part of the previously granted subdivision consent. All wastewater, stormwater and water supply infrastructure have been approved by EcoWater Solutions (February 2000) and have been constructed and as-built plans provided to EcoWater Solutions.

The applicant consulted with the only submitter to the application as notified in October 2001, J and P Tupe, who subsequently withdrew their application subject to limitations on the hours of work. No further consultation was undertaken prior to lodging the application.

A17-489

The application as lodged and information received from further information requests, are attached at pages A17 to A89.

4.0 REASONS FOR THE APPLICATION

Consent is required under those provisions of the Transitional and Proposed District Plans for the following reasons:

4.1 Proposed District Plan

Discretionary Activity consent is required for a medium density housing development not within an identified Medium Density Housing radius, or fronting a strategic or regional arterial road (Living Environment - Rule 2.3);

Controlled Activity consent is required for a shared driveway between Lots 14 & 15 (Living Environment - Rule 12.2).

4.2 Waitemata Transitional District Plan

Discretionary Activity consent is required for comprehensive residential development (Residential 2 - Ordinance 7.2.3).

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

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

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located on the northern side of Clover Drive, Henderson, being a local road accessed off Universal Drive and Meadowcroft Way. The site is irregularly shaped, and is 5510m² in area with a generally flat topography and grass cover. No other vegetation is present on the site. Access to the site is obtained via a private driveway of 7.0m in width, incorporating a 5.0m formed carriageway and 1.0m grass berm on either side, of loop formation with two entry/exit points.

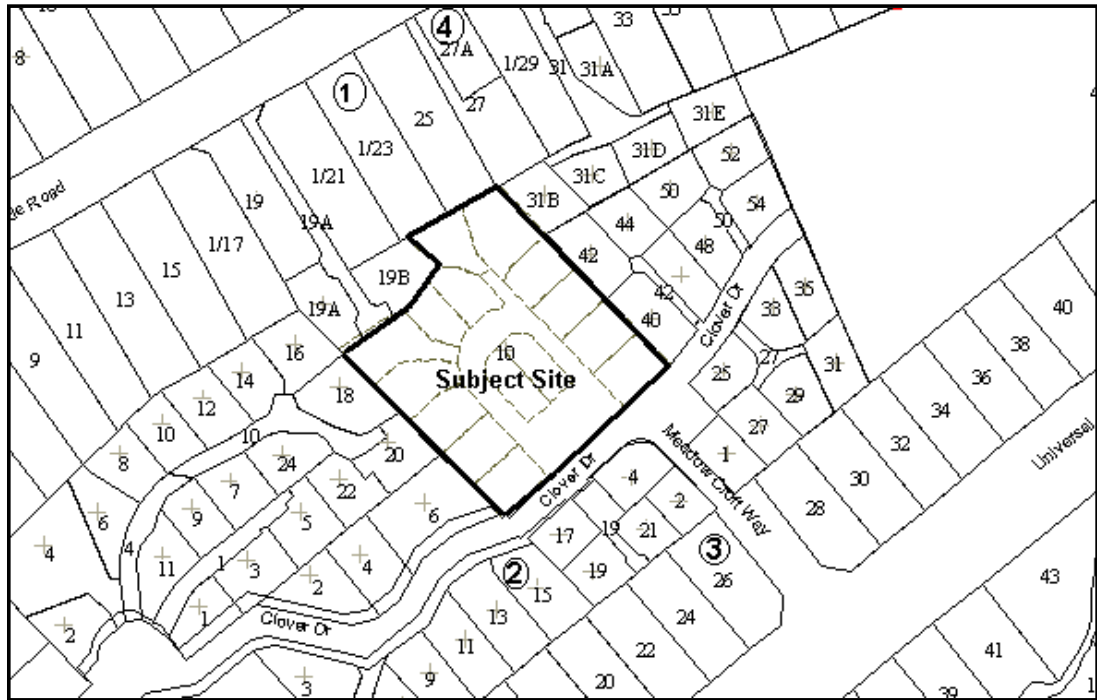
The subject site is adjoined to the north, west and south by residential development. Existing development to the south and west comprises standard single and two storey residential development on site sizes of 350m² and above. Development to the north comprises single storey residential dwellings on site sizes varying from 335-364m². Development on the southern side of Clover Drive, opposite the subject site, was undertaken by the applicant as the first stage of development. These dwellings are of contemporary plaster style, on site sizes varying from 240m² - 335m².

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A90-A99

The application was publicly notified on 25.10.2001, and the period for submissions closed on 28.11.2001 a map detailing the properties notified is attached at page Axx. One submission in opposition was received, and subsequently withdrawn, as discussed previously in Section 3.1. Due to the period of time lapsed between original notification, receipt of all required further information to enable processing of the application, changes to the style of the dwellings, and changes of ownership of potentially adversely affected parties, the application was re-notified on 05.09.2002, and the period for submissions closed on 26 September 2002. Four submissions to the re-notified application were received. One submission supported the application, two submissions opposed the application, and one submission opposed the application in part. Copies of the submissions that were received are attached at pages A90 to A99. A map showing the location of the submitters is located below.

MAP IDENTIFYING SUBMITTERS



KEY:

- ① - Submission in support (J & P Tupe)
- ② - Submission in opposition (S Charan)
- ③ - Submission in opposition (J & R Jones)
- ④ - Submission in opposition (B & L Semmons)

6.1 Submissions

6.1.1 Submissions in Support

One submission in support was received:

Map Reference	Name	Address
A92-A95 1	J & P Tupe	23b Woodside Road, Henderson

This submitter was also the original submitter in opposition to the proposal.

6.1.2 Submissions in Opposition

Three submissions in opposition were received:

Map Reference	Name	Address
A96 2	S. Charan	15 Clover Drive, Henderson
A97 3	J & R Jones	26 Universal Drive, Henderson
A98-A99 4	B & L Semmons	3 Hamurana Place, Henderson (owner of 27 Woodside Road)

The issues raised by each of the submitters related to an increase in traffic generation; surface water runoff from the road; a general disagreement with Councils' medium density housing policies in light of recent weather tightness issues for new dwellings, as well as concern relating to the size of the lots and subsequent appropriateness of the living areas for larger families.

7.0 STATUTORY REQUIREMENTS

7.1 The Weighting of District Plans

The Council is obliged to administer both the Transitional District Plan and the Proposed District Plan. Once a proposed plan is notified, an application must be considered in terms of that plan as well as the existing plan. The weight to be given to a proposed plan depends on what stage the relevant provisions have reached, the weight generally being greater as a proposed plan moves through the notification and hearing process. In this case the Proposed Plan is at the stage where there are still outstanding references to the Environment Court. However, there are no outstanding references affecting this specific site or the relevant development controls. Therefore the Proposed Plan is considered to have greater weight in this particular case.

7.2 Discretionary Activities

A100-A109

The relevant policies and criteria which apply under the Transitional and Proposed District Plan and the Resource Management Act 1991 are attached at pages A100 to A109. This should be referred to as the legal framework within which the application should be addressed.

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

The Proposed 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 Act would have been addressed. In addition, a brief summary is presented below of the main effects on the environment generated by the application.

8.0 EVALUATION IN ACCORDANCE WITH SECTION 104 OF THE ACT

8.1 Assessment of Environmental Effects (104(1)(a)): Actual and potential effects on the environment.

8.1.2 Water Quality and Quantity

The Medium Density Housing criteria of the Proposed District Plan sets an impermeable surfaces limit of 65% of the net site area to ensure that building form and site layout is designed to minimise impermeable surfaces and allow for efficient stormwater management. In this instance the proposed development would result in impermeable coverage of 48 % of the site area, and is therefore within the permitted baseline. As such, it is considered that there would be de minimis adverse effects in relation to water quality/ quantity arising from the proposed activity.

The stormwater drains within the catchment are under capacity to accommodate development above the permitted activity level. The applicant is therefore required to contribute towards the upgrading of the under capacity drainage to enable development to proceed without increasing the frequency or severity of overflows from the drainage system. The wastewater system is also designed with sufficient capacity to accommodate development to a permitted activity level. The proposed development, being at a greater density, will create increased wastewater volumes and peak flows in the sewer system. As such the applicant is required to mitigate the additional flow by either paying a financial contribution, or providing low flow water devices to mitigate the flow and pay a reduced financial contribution.

The property is also subject to an overland flow path. Minimum finished floor levels have been approved by EcoWater Solutions under the subdivision consent, and these levels would be imposed as a condition of consent for this application. The applicant would also be required to demonstrate that the dwellings have been constructed to the minimum floor levels, prior to work commencing beyond the floor level stage of construction.

Overall it is considered that the proposed development will have no more than minor adverse effects on water quality and quantity, subject to compliance with the conditions of consent. Compliance with this conditions would be required to be demonstrated at the time of building consent application.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

The subject site is located within the General Natural Area is devoid of any vegetation. There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation or work within the drip line of any vegetation.

8.1.4 Land / Soil

There would be de minimis adverse effects on soil/ existing landform as a result of the proposed activity as the site is within the urban area and has already been modified by site development works undertaken as part of the previously approved subdivision. Minor permitted earthworks within the building platforms of each lot would be required to facilitate the construction of the proposed dwellings. These works would be required, as a condition of consent, to be conducted in accordance with appropriate erosion and sediment control methods, to ensure that sediment laden flows are detained within the subject site thereby ensuring that water quality is not degraded.

8.1.5 Air

During development works on the site associated with the construction of the proposed dwellings, there is potential for a dust nuisance to the adjoining properties. The presence of the access driveway would minimise dust generation, but a condition of consent would be placed requiring that earth worked areas are watered down or other dust management techniques are utilised if necessary, to ensure that there would be negligible adverse effects on air quality.

8.1.6 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified with no vegetation present on the site, nor any opportunities for ecological linkages, it is considered that there would be de minimis adverse effects on the stability of ecosystems as a result of the proposal.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

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

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

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

8.1.9 Outstanding Landscapes

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

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

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

The originally approved land use consent for the 21 dwelling medium density housing development was based upon a two storey design. The re-approval application lodged in October 2001 was also based upon a two storey design. This however was amended to a single storey design following a request for further information, relating to the development’s compliance with the external height in relation to boundary controls. The dwelling style and layout was also amended.

All of the proposed single storey dwellings have been shown to comply with the external height in relation to boundary controls, thereby ensuring that no loss of daylight or sunlight occurs to adjoining properties, or shadowing due to the scale and height of the proposed dwellings. Daylight and sunlight access within the development is considered to be suitable due to the single storey scale of the dwellings, and the orientation of the indoor and outdoor living areas with a northerly, north-easterly or north-westerly aspect.

Due to the consolidated nature of medium density developments, the privacy of the future occupants of the proposed dwellings needs to be carefully considered to ensure that internal and external living areas are afforded a suitable level of amenity and are free from overlooking. The external boundaries of the subject site are already timber fenced to a height of 1.6-1.8m. Fencing between abutting outdoor living areas would be required as a condition of consent to a height of 1.6m, with lower fencing of 1.0m in height for those lots which would have part of the outdoor living area orientated towards the private driveway or Clover Drive (Lots 7, 16, 19, 20 and 21). Landscaping additional to that imposed under the previously approved land use consent, would be required as a condition of consent to enhance privacy within the outdoor living courts (refer Section 8.2.1.1 for further discussion of landscaping).

Overall it is considered that the proposed development would maintain sunlight and daylight access, and the privacy of the adjoining properties. The form and scale of the proposed dwelling would ensure that no domination of adjoining sites would result.

- *Neighbourhood Character and Visual Amenity.*

The surrounding neighbourhood is predominantly characterised by standard residential development on lot sizes of 350m² and over. The first stage of this development, on the corner of Clover Drive and Meadowcroft Way has been completed, with densities ranging from 273m² to 335m².

The proposed development would have an average net site area of 308m², taking into account the communal landscaped area and visitor parking. A comparison of the proposed development to the permitted baseline, demonstrates that 10 lots could be created as-of-right, without the requirement for a land use consent. Furthermore, as a Limited Discretionary Activity, 13 lots could be created at a density of 350m², without the need for neighbours consents or public notification. It is also worth noting that the subdivision of the site has been granted in conjunction with the originally approved land use consent of 1999, and whilst this land use consent has lapsed, the underlying subdivision is still current, and carries with it an expectation of development. Therefore whilst the proposed development of fifteen dwellings on lot sizes which have already been approved under the previous subdivision consent, may not be consistent with all of the surrounding area, it is not significantly different from that which could be undertaken on a Permitted Activity basis - ie. only five more dwellings than are proposed; or on a Limited Discretionary Activity basis - ie. only two more dwellings than are proposed.

Careful consideration of the scale, form, layout and amenity of the proposed dwellings has been undertaken in assessment of this proposal, including review by Councils Landscape Architect. Following discussions with the applicant, variations on the street façade of the dwellings have been developed, with five different dwelling types proposed, to ensure a varied streetscape, and improve amenity levels. Furthermore, the proposed landscaping of the site will aid in the integration of the new dwellings into the surrounding neighbourhood.

Overall, it is therefore considered that the proposed fifteen dwelling development would result in no more than minor effects on neighbourhood character and visual amenity.

- *Onsite Amenity, Adequate Open Space.*

It is acknowledged that amenity values associated with medium density developments can differ from that expected in a standard residential development. However, to achieve the objectives of medium density housing in curbing the sprawl of urban development, and providing for intensification in selected urban nodes, some trade-offs with regard to amenity values must be made. Overall it is considered that the proposed development would provide for a suitable level of onsite amenity.

All of the proposed dwellings would be provided with an area of private outdoor space, all of which are in excess of that required for a three bedroom dwelling in a medium density housing development (50m²). In fact, most of the areas exceed that required for standard residential development (75m²). The areas of outdoor space range from 58.9m² to 148.6m², thereby ensuring that the area of outdoor space is more than sufficient for the future needs of the occupants.

Lots 20 and 21 do not have adequate shape factors or continuity between outdoor living areas, due to their location within the central “island”. For this reason, the applicant now proposes to utilise part of the Jointly Owned Access Lot which is identified as “landscaped area” on the submitted plans. An additional 3.0m is proposed to be included in Lots 20 and 21 for use as an outdoor living area. This area would be required as a condition of consent to either have an easement registered over the Jointly Owned Access Lot, or a boundary adjustment undertaken to ensure legal access to these areas is provided for Lots 20 and 21.

All outdoor areas are accessible from ranch sliders in the main living room to ensure an appropriate relationship between indoor and outdoor living areas. The outdoor living areas would be screened to ensure a suitable level of amenity and privacy is afforded to the future users. The majority of the outdoor living areas are located to the side or the rear of the dwelling, avoiding the inherent conflicts of outdoor living areas adjoining driveways or roads. However, Lots 7 and 19 are abutted to the east by Clover Drive and to the south by the private driveway. To ensure that privacy is afforded to the outdoor living areas associated with these dwellings, which are located to the north and east, fencing would be required along the Clover Drive road boundary. This fencing should be reduced in height towards the driveway, with landscaping provided to vary the streetscape and break up the façade of the fencing, and would be required as a condition of consent.

Overall it is considered that the proposed development would provide for sufficient areas of outdoor space for each dwelling, with appropriate landscaping and fencing treatment to ensure privacy is afforded to the future users of the outdoor area.

The proposed dwellings are all of a similar layout and design. The single storey dwellings originally proposed by the applicant presented a monotonous street façade with no variation between the dwellings. Following discussions with the applicant, five different dwelling types are now proposed, which whilst are still similar in layout, have varied street frontages and dwelling entries. Each dwelling has an articulated entrance with a transitional space such as a portico or column features. The dwellings have also been shifted towards the private driveway to enhance the private outdoor living areas to the rear, and increase opportunities for social interaction with the surrounding neighbourhood.

It is considered that for the reasons stated above, the proposed development would provide for sufficient areas of private outdoor living, which would be afforded with privacy and amenity. Onsite amenity would be enhanced by landscaping to help integrate the new development into the surrounding area. The use of varied street facades and articulated entries, and the use of a varied but sympathetic colour scheme would ensure a sense of identity for each dwelling. Effects on onsite amenity and open space are therefore considered to be no more than minor.

- *Landscape modification, encroachment above ridgelines, landscape values, views.*

As mentioned previously, the site has already been modified by the development works undertaken as part of the approved subdivision, and is devoid of any natural features. It is considered that the minimal amount of earthworks required to construct the proposed dwellings and private driveways, would not detract from the amenity of the area. The subject site is not located within any ridgelines, or located within an area obtaining any significant views.

- *Connectivity, accessibility, surveillance, safety, public access.*

The proposed development would be accessed via the private loop driveway, already formed as part of the approved subdivision. The loop configuration ensures good connectivity with Clover Drive, and allows for two-way vehicle access. The subject site is located 90 metres from Universal Drive, which is identified as a District Arterial road in the Proposed District Plan Roding Hierarchy, and which serves as a major public transport route.

The loop configuration of the private driveway combined with the carriageway width of 5.0m, would serve to reduce vehicle speeds ensuring the safety of residents living within the development. All of the proposed dwellings front the private driveway, with small front yards to promote passive surveillance from the dining and living rooms. The reduction in fencing height for those dwellings which adjoin Clover Drive will also promote passive surveillance over the public realm.

It is therefore considered that the proposed development is located to ensure direct and convenient accessibility to main transport routes, has good connectivity with the local roading network, and would provide for passive surveillance over the public and private realm.

- *Infrastructural capacity & availability.*

Mr Jason Adams and Mr Richard Thomas (EcoWater Solutions) have reviewed the proposal (refer Appendix 6 for full comments), and advised that engineering plans detailing the nature and extent of the proposed wastewater, stormwater and water supply infrastructure to serve the development were approved by EcoWater on 16 February 2000. Much of the infrastructure approved by EcoWater has been constructed and as-built plans provided to EcoWater by Thornley & Associates Limited. EcoWaters Quality Assurance Engineers have tested and inspected the infrastructure, however, they have not passed or accepted it to date. Remedial works are required to be completed prior to EcoWater passing and accepting the infrastructure as public drainage.

Subject to the completion of conditions of consent imposed on the subdivision consent, EcoWater Solutions support the proposed development. The following summarises the work to be completed:

- *Obtaining of EcoWater clearance for the constructed public wastewater, water and stormwater reticulation systems which would serve the proposed development, including any remedial works required;*
- *Mitigation of the increase in wastewater flows through low flow reduction methods and/or payment of a financial contribution;*
- *Provision of a drainage easement over the identified 1 in 100 year overland flow path and 0.5m freeboard above the overland flow path;*
- *Payment of a financial contribution to mitigate the increase in stormwater generated by the development.*

Conditions of consent would be placed requiring that these conditions be complied with at the time of building consent application. This would ensure that the effects of the proposed development on infrastructural availability and capacity can be mitigated to a level which is 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.*

The Medium Density Housing Design Criteria recommend a minimum requirement of one parking space per residential unit, with additional visitor parking in large developments, or where the potential for off-site visitor parking is limited (assessment criterion E1).

A110-A119

The proposed development has been reviewed by Councils Transport Engineer, Mr Adam Moller, who generally supports the proposal, as attached at pages A110 to A119. Mr Moller has commented that onsite manoeuvring is adequate, both from the private driveways serving each dwelling, and within the loop driveway. Visibility is sufficient for the speed environment, with Clover Drive being a narrow local road.

With regard to the parking demand of the proposed development, Mr Moller has advised that two parking spaces per residential unit should be provided, due to the limited ability for on street parking on Clover Drive. With the exception of Lot 14, all dwellings would be provided with an internally accessible single garage, with a single stacked car park. In addition, onsite visitor car parking at a ratio of 1:3 dwellings is recommended by Mr Moller in accordance with the Waitakere City Council Parking and Driveway Guidelines. This equates to five visitor car parks, with six visitor parks proposed within the communal landscaping area adjacent to the entry/exit to the development. A condition of consent would be placed requiring security lighting to be provided at the visitor parking area to ensure the safety and surveillance of visitors to the site.

Conditions of consent would be placed requiring that a 1m flare or splay be provided on either side of each of the private driveway crossings from Clover Drive, to provide for a minimum crossing width of 7.0m. Evidence of completion would be required at the time of building consent application. The visitor parking spaces should also be reconfigured to a 90° angle to ensure ease of access and manoeuvring. Mr Moller has also commented that the proposed dwelling on Lot 14 requires a second car park, regardless of the presence of the six visitor car parks, as he considers these to be too remote for use in association with Lot 14. Lot 14 originally provided for a second car park, but following discussions with the applicant, the layout of the dwelling and site was altered to provide for a more functional and accessible outdoor living area. It is possible to provide a second stacked car park by shifting the garage further to the east, and this would be imposed as a condition of consent.

Traffic generated to and from the site by the proposed development is considered by Mr Moller to be within the capacity of the local roading network. Clover Drive is classified as a local road, and currently caters for 28 dwellings and one pre-school facility. The traffic generated by the proposed development can be accommodated on Clover Drive and Meadowcroft Way without more than minor adverse effects, and would have no noticeable effects on traffic flows on Universal Drive. Furthermore, in comparing the proposed development to the permitted baseline, whereby approximately 10 dwellings could be established as of right at a density of 450m², the traffic generated by an additional five dwellings associated with the current proposal is considered by Mr Moller to be negligible.

Lots 14 and 15 are proposed to have a shared driveway. The previously approved subdivision consent does not provide for this, and therefore a condition of consent would be placed requiring that a right of way or access easement is registered on the two lots, prior to the issue of building consent to ensure that legal and practical vehicle access is provided to both properties.

For the reasons stated above, it is therefore considered that the proposed development would provide for sufficient levels of onsite resident and visitor parking; would be accessed by a common private driveway of a suitable width and gradient, and would not generate traffic significantly different from that generated by a permitted development. Effects in terms of traffic generation and parking capacity are therefore considered to be no more than minor.

- *Site Facilities.*

Each dwelling would be provided with an internally accessible single garage of 5.4m in length and 4.0m in width. A garage of this size would adequately be able provide for storage for the occupants of the dwellings, as the laundry facilities are located within the kitchen. A door is also provided at the rear of the garage to allow access for maintenance of the rear living courts by garden equipment.

All of the proposed dwellings have part of their living court to the rear, in which an open air clothes line could be erected, away from view of the street or private loop driveway. A condition of consent would be placed required that these are of a retractable design to ensure that the functionality of the outdoor living areas are not compromised, and can be fully utilised when the clothes line is not in use.

The originally approved land use consent of 1999 did not include any details of rubbish collection or mail boxes, with a condition of consent placed requiring details of these site facilities at the time of building consent application, and it was anticipated that these facilities would be combined within the communal area adjacent to the driveway entrances. Since the time of original approval, Councils' Solid Waste has changed their position with regard to communal rubbish collection facilities, as they often create problems with maintenance and responsibility for removal of non-conforming rubbish bags, and organic/inorganic rubbish. It is therefore preferable that rubbish is collected outside each individual dwelling. The private loop driveway is of sufficient width and turning radius to allow for rubbish trucks to access the individual lots, and complete a circuit within the development without the need for onsite manoeuvring. Councils records indicate that the private loop driveway was constructed with 175mm reinforced mesh concrete standard, which is capable of catering for medium rigid trucks such as used for rubbish collection. However, as the driveway is private and maintenance of the driveway is the responsibility of the owners of the lots, for Council to be able to access the private driveway, an access easement is required. A condition of consent requiring this easement to be registered prior to the issue of building consent for any lots, will be placed to ensure that Council can legally access the driveway for rubbish collection.

A communal mail box facility would be required to serve the proposed development. It is considered that the mail boxes should be divided and positioned at each of the driveway crossings from Clover Drive to serve the northern and southern portions of the site. Details of the location, scale and design of the mail box facilities shall be provided at the time of building consent application, and shall be to the satisfaction of Councils Landscape Architect.

8.1.11 Heritage

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

8.1.7 Summary

The proposed 15 dwelling medium density development is considered to be consistent with that anticipated by the Councils' Medium Density Housing Guidelines, and will achieve a suitable level of on and off-site amenity. Whilst the site is not located within an identified medium density housing radius, or on a major road, it is considered that the subject sites location only 90 metres away from Universal Drive, which is identified as a District Arterial road, and is served by public transport, will ensure that the development meets the intent of Councils urban consolidation policies.

It is the report writer's opinion, that the potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. Further, having regard to the meaning of the word 'effect', the potential adverse effects are such that this activity can meet the requirements of Section 104(1)(a).

8.2 District Plan Considerations (104(1)(d)): Relevant Objectives, Policies, Rules and other provisions of a Plan or Proposed Plan

As discussed in Part 7 of the report the Proposed Plan is considered to be the dominant document and discussion of the proposal in relation to the objectives, policies and rules of the District Plan has therefore been limited to those of the Proposed Plan.

The objectives and policies of the Transitional Plan are the same in their intent as the Proposed Plan and therefore it is considered that the application is not contrary to them.

8.2.1 Proposed District Plan

8.2.1.1 Rules and Assessment Criteria

Medium density housing is an important tool in the District Plan's overall consolidation and City form strategies. The Plan concentrates medium density housing around town centres, railway stations, and main transport routes. This forms part of the strategy of improving the viability of passenger transport. It also promotes a high quality urban environment to counter pressures for outward spread of the urban area. This policy signals the importance of ensuring a choice of housing, if pressure for the outward spread of the urban area is to be restrained, and pressures on the land resource eased. The amenity of the urban area should be enhanced through the provision of a range of housing types such as medium density developments, provided that such provision is consistent with the protection of other amenity values within an area.

Performance standards in the form of design criteria are utilised to assess the proposed development and ensure that the development will not have significant adverse impacts on the character and amenity of the surrounding 'standard' residential developments. The Plan also requires that such housing should be comprehensively designed to provide high internal and external amenity, to protect existing residential areas and to integrate the development with adjacent public open space and any surrounding neighbourhood and facilities.

A100-A109

The following summarises each of the Medium Density Housing Assessment Criteria categories, and makes reference to individual criterion where relevant within the text. The full text of the design elements and assessment criteria is attached at pages A100 to A109.

- **Design Element A - Design and Location of Structure - Criteria A1-A8.**

The proposed development presents a varied and articulated street frontage (albeit presented to a private driveway), creating a sense of address and identity for each dwelling, through the use of varied and articulated dwelling entrances with transitional space, and a varied colour scheme (assessment criterion A1).

All proposed dwellings are single storey in scale, ensuring that the scale of development is consistent with that observed in the surrounding neighbourhood (criterion A2). All single garages are recessed from the dwelling, and main entry, to ensure that front yards are not dominated by garage doors (criterion A3).

Solid fencing will be utilised between abutting outdoor living areas, and where these areas adjoin the private loop driveway, or Clover Drive, will be of a reduced height, and/or of permeable construction to maintain visual contact with the public realm (criteria A4 and A5).

- **Design Element B - Site Layout - Criteria B1 - B11**

The layout of the proposed medium density development has been dictated by the previously approved subdivision consent, including the internal private loop driveway, which connects the development into the surrounding neighbourhood (criterion B1). The site layout is configured around the loop driveway and central island, with all proposed dwellings fronting the driveway (criterion B2). Outdoor living areas have predominantly been located to the rear or side of the proposed dwellings, ensuring fencing along the driveway frontage is not required. For those dwellings which do have outdoor living areas adjacent to the private driveway or Clover Drive, fencing of a reduced height of 1.0m would be utilised (criterion B3).

All proposed dwellings are single storey in scale, and comply with the external height in relation to boundary controls, thereby ensuring that the privacy of adjoining properties is not impinged upon (criterion B6). Abutting outdoor living areas within the development would be screened with a combination of timber fencing and landscaping to ensure privacy is afforded to the users of the outdoor area (criterion B6).

- **Design Element C - Building Location - Criteria C1 - C8**

To maximise the northerly orientation of the subject sites, and ensure functionality of outdoor living areas, the proposed dwellings are located 1.3m to 2.6m from the internal private loop driveway boundary (criterion C1). The development would comply with the external height in relation to boundary controls, thereby ensuring that sunlight and daylight access to adjoining properties is not adversely affected (criterion C2).

The internal configuration of the dwellings attempts to maximise the northerly orientation, whilst still achieving other medium density housing aims such as passive surveillance over the public realm, and chances for social interaction. The internal floor layout provides for the dining/lounge areas at the driveway frontage, with access to the east or west to the outdoor living areas, and the bedrooms at the northern end of the site. It is considered that this layout will provide for sufficient daylight and sunlight access to habitable rooms and outdoor spaces (criteria C6 & C7).

The proposed development would result in impermeable surfaces of 48% of the net site area, within the permitted baseline (criterion C4).

- **Design Element D - Visual and Acoustic Privacy - Criteria D1 - D6**

Visual privacy both within the development and in relation to adjoining properties will be maintained and achieved through the use of fencing and landscaping treatments (criterion D1). Due to the single storey nature of the proposed dwellings, overlooking of outdoor living areas in adjoining properties will not result; nor will direct views to the windows of adjoining properties (criterion D2).

The proposed development is a combination of both freestanding and duplex style dwellings, which share a common wall between the garages. Discussions with Councils' Customer Field Advisor: Environmental Health, Mr Andrew Chalton, has determined that inter-tenancy noise is covered by the Building Act, and would be addressed at the time of building consent application. Furthermore, as only the garages are adjoining, and all active living areas are separated, it is considered that aural privacy issues will be negligible (criterion D3).

- **Design Element E - Car Parking and Vehicle Access - Criteria E1 - E5**

As discussed in the preceding Section 8.1.10, the proposed development would provide for a complying level of onsite parking for both residents and visitors (criterion E1). Each dwelling would be provided with a single internally accessible garage, and a single stacked car park, which would provide for convenient and safe access to the dwellings (criterion E2). An additional 6 visitor car parks would be provided within the communal area adjacent to the driveway entrance from Clover Drive. As these are not directly observable from any dwellings, it is considered necessary to provide security lighting to ensure that the safety of users of the visitor parking spaces is not compromised (criterion E2).

All parking spaces provide for complying onsite manoeuvring; and the internal loop road provides for two-way traffic movement, with two entry and exit points to ensure accessibility (criterion E4).

It is therefore considered that the proposed development provides for sufficient onsite parking, with compliant onsite manoeuvring, and would generate no more than minor effects on the local roading network in terms of traffic generation and parking demand.

- **Design Element F - Open Space - Criteria F1 - F8**

All proposed dwellings contain three bedrooms, requiring a minimum of 50m² in accordance with the suggested minimum sizes in criteria F6 and F7. In fact, the majority of the dwellings would be provided with outdoor living areas of a size greater than that required for standard residential development (75m² for a three bedroom dwelling). All of the outdoor living areas are provided with a northerly orientation (criterion F2), accessible from a ranch slider from the internal living areas (criterion F3). A combination of fencing and landscaping treatments would be provided to ensure that a suitable level of amenity and privacy is afforded to the users of the outdoor living areas (criterion F1 & F5).

A communal landscaped area of 350m², containing 6 visitor spaces, is contained within the jointly owned access lot of 1154m², created under the previously approved subdivision. The responsibility for maintenance of this communal landscaped area does not appear to have been addressed under either the previous subdivision or land use consents. For this reason, as a condition of consent, the applicant will be required to provide details of a management structure responsible for maintenance of the communal landscaped area, to the satisfaction of Council at the time of building consent application.

Overall it is considered that the proposed development would provide for more than sufficient areas outdoor living, of a suitable level of amenity and privacy, subject to the implementation of fencing and landscaping treatment.

- **Design Element G - Dwelling Entry - Criterion G1 - G5**

Amended plans provided by the applicant following their decision to reduce the dwellings from a two storey to single storey design resulted in a monotonous street frontage, and lack of articulation of the dwelling entries. Following discussions with the applicant, the dwelling designs were amended to have front doors visible from the private driveway (criterion G1), articulated to present an attractive street frontage, and provide transitional spaces through the use of portico and column detailing (criterion G2). No paths have been proposed or detailed, and it is considered appropriate that these are provided to the dwelling entry to further articulate and identify each dwelling, and would be required as a condition of consent. No details of security lighting at the dwelling entries have been provided with the application, and would be required at the time of building consent application (criterion G5), to ensure the safety of residents and visitors.

Overall it is considered that the proposed development is consistent with the intent of the dwelling entry design criteria.

- **Design Element H - Site Facilities - Criteria H1 - H9**

The original land use consent included a condition of consent requiring details of a combined rubbish enclosed within the communal landscaped area to be provided at the time of building consent application. Since this time, Councils' Solid Waste Department has changed its' policies on rubbish collection, and communal collection points are no longer favoured. For this reason, an access easement will be required as a condition of consent to be registered in favour of Council for rubbish collection purposes.

As discussed in Section 8.1.10, details of the combined mail box facilities, in accordance with New Zealand Post requirements, would be required as a condition of consent to be provided at the time of building consent application (criterion H5). Meter boxes would be provided in accordance with the requirements of the relevant authority (criterion H6).

Each dwelling is provided with a single garage, within which at least 6m³ of storage would be provided (criterion H7).

No details of open air clothes drying locations have been provided. All of the dwellings have an outdoor area screened from the street or private driveway, and clothes lines of a retractable design would ensure that the functionality of the outdoor living area would not be compromised. As such, a condition of consent would be placed requiring that retractable clothes lines be provided in a location screened from view from the private loop driveway and Clover Drive (criterion H8).

Overall it is considered that the proposed development is consistent with the requirements of the site facilities design criteria.

- **Design Element I - Landscape Treatment - Criterion I1 - I11**

Landscape treatment proposed under the previously approved land use consent has been re-assessed with regard to the change style and layout of the proposed dwellings. Additional specimen trees of a grade to provide instant scale and integration into the surrounding neighbourhood (criterion I3), have been detailed within the front yards and the communal landscaped area. Some additional landscaping has also been detailed in the outdoor living areas which adjoin the private driveway or Clover Drive to ensure privacy is maintained. As discussed within Design Element F above, the communal landscaped area has not previously been considered in terms of maintenance. For this reason a condition of consent would placed requiring that the applicant provide details of a management structure to maintain the area, be provided at the time of building consent application (criterion I1).

The dwellings will be served by concrete driveways. No additional paved areas have been detailed. As discussed in the Dwelling Entry Design Element, it is considered appropriate to provide paths to the dwelling entry to articulate and identify each house. These have been indicated on the modified and approved landscaping plan.

Overall it is considered that the proposed development would provide landscaping treatment to integrate the dwellings into the surrounding neighbourhood, provide and maintain privacy, and create a suitable level of on and off site amenity. Effects are considered to be no more than minor.

8.2.1.2 Policies and Objectives

The following discusses the Objectives and Policies of the Proposed District Plan relevant to the proposed medium density housing development.

8.2.1.2.1 Water Quality

Objective 1 seeks to “manage the effects of land use on the environment, and in particular, avoid, remedy or mitigate effects on the quality and quantity of the City’s water resources, including maintaining the life supporting capacity of water; the ability to use aquatic ecosystems as a food source; and the availability of water as a healthy place of recreation.”

This objective is supported by Policy 1.1, which states:

“Settlement should be of a type and density that avoids, remedies or mitigates adverse impacts on water quality Consolidation of population within the urban area is within the capacity of any stormwater and waste management infrastructure”

Response:

The demand placed on existing infrastructure by the proposed development has been assessed by EcoWater Solutions, with engineering approval to the construction of a complete public water, wastewater and stormwater drainage system, obtained as part of the previously approved subdivision consent. In addition, to mitigate increased stormwater and wastewater volumes and peak flows in the sewer and stormwater systems greater than the design capacity (the permitted baseline), low flow reduction devices, and financial contributions will be required to mitigate these effects.

Policy 1.2 seeks that “ activities should be located within the urban area in a way that supports the reduction of vehicle trip length and numbers, and the promotion of passenger transport, therefore minimising discharges into the stormwater system and waterways of contaminants deposited onto impermeable surfaces from motor vehicles. Particular regard should be had for the location of medium density housing within and adjacent to central locations.” Policy 3.1 states that “medium density housing should be encouraged around main town centres, railways and major roads to help provide for the efficient use of land within the urban area. “ Similarly, Policy 4.2 states that “medium density housing should be encourage in areas where it will help to reduce emissions from motor vehicles by reducing vehicle trip length and numbers and support public transport, in particular around main town centres, train stations and major roads”.

Response:

The subject site is not located within a identified medium density housing radius, or on a major road. It is however located 90m, or a 1-2 minute walking distance from Universal Drive, which is a District Arterial Road which supports a public bus service. The site is also approximately 200m from Don Buck Road (2-3 minute walking distance), which also supports a public transport service. The site is approximately 700m (8-10 minute walking distance) from the shops at the intersection of Swanson and Larnoch Roads; or 1200m from the Universal Drive/Lincoln Road shopping centre. The proximity of the subject to these community facilities, and ability to utilise public transport along two major roads, demonstrates that residents are provided with the opportunity to reduce private vehicle use.

8.2.1.2.2 Amenity Values - Health, Safety, Neighbourhood Character

Objective 10 seeks to “maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and works, including maintaining:

- An acceptable level of quiet and freedom from nuisance created by noise, odour, dust and vibration;
- Adequate levels of daylight and sunlight in dwellings;
- Adequate levels of darkness for sleep;
- A safe environment;
- An accessible environment, which includes enhancing public access to and along the coast and waterways and between areas of public land;
- Adequate levels of onsite privacy;
- Health air quality.

Policy 10.17 seeks to ensure that “settlement in all parts of the City should be at a density that is within the capacity of water supply, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.” As discussed previously in Section 8.2.1.2.2, in response to Policy 1.1, the applicant would be required to provide a complete public water, stormwater and wastewater system to serve the development, and pay a financial contribution for upgrading, which is also consistent with Policy 10.27.

Objective 11 seeks to “achieve a quality of settlement and associated activities which is sympathetic to, and protects and enhances, the dominant natural and physical (including buildings) features which contribute to the amenity value and neighbourhood character of an area”

This is supported by Policy 11.1, which states that “Settlement should be of type and density that protects amenity values, including neighbourhood character of different parts of the City, by providing for more intensive settlement in parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas.” Similarly, Policy 11.27 states that “where possible, the amenity of the urban area should be enhanced through the provision of a range of opportunities for different housing types, provided that such provision occurs in a way that is consistent with the protection of other amenity values within an area.”

Response:

The immediately surrounding area is characterised by standard residential development of one to two stories in scale, with densities of 350m² and over. These policies do not seek to maintain densities that currently exist in all parts of the City, but provided for a greater intensity of development in areas that support Councils’ strategic objectives of urban consolidation. The proposed development is conveniently located within walking distance of two major roads with public transport providing for access to the wider region. The density of development is consistent with that previously approved for the site, and the first stage of development completed on the corner of Meadowcroft Way and Clover Drive. The style and scale of dwellings are consistent with that observed in the surrounding neighbourhood, and would be integrated into the surrounding environment through the use of landscape treatment. It is therefore considered that the proposed development is consistent with the intent of these policies.

Policy 11.28 states that “medium density housing should be comprehensively designed so that a high quality of internal amenity is provided to the overall development. Particular regard should be given to:

- *Designing for visual and aural privacy, safety, sunlight and daylight access, on-site parking and outdoor space in a way that is appropriate to and consistent with the medium density settlement pattern.*

Response:

As previously discussed in Section 8.1.10 and 8.2.11, the proposed development would not result in a reduction of sunlight or daylight access both internal or external to the site. Visual and aural privacy for the future occupants of the dwellings would be ensured through the use of landscape and fencing treatments, with inter-tenancy noise reduction to be addressed at the time of building consent. The parking demand generated by the proposal would be met onsite. More than adequate areas of private outdoor space would be provided for the future occupants.

- *Protecting the privacy and amenity of surrounding residential areas.*

Response:

Due to the single storey nature of the proposed development, no overlooking of adjoining properties would result. Fencing and landscaping treatments would maintain the privacy of adjoining properties, and increase the amenity of the subject site, particularly through the use of large grade specimen trees to provide instant scale and integration into the surrounding residential area.

- *Integrating the development with any adjacent public open space and road system such that safe use of these areas is ensured.*

Response:

The proposed development is served by a private loop driveway with two entry/exit points onto Clover Drive, which allows for two-way traffic. The carriageway width of 5.0m, and loop configuration would act to reduce speed within the development, thereby ensuring the safety of residents. No public open space adjoins the subject site.

- *Integrating the development with the surrounding neighbourhood, and community focal points, so that they are accessible, where possible, on foot.*

Response:

The subject site is located within a short walking distance of two major roads, which provide public transport to both the local and wider region.

8.2.2 Transitional District Plan

The Transitional District Plan does not contain any policy direction with regard to the establishment of medium density developments. As such, it is not necessary or appropriate to discuss the policies of the Transitional Plan.

8.3 Auckland Regional Policy Statement (104(1)(c))

The Auckland Regional Policy Statement identifies that the region will need to accommodate continued population growth and economic development into the foreseeable future (Issue 2.3.1). In particular, the Regional Policy Statement recognises that changes in demographics affect the demand for housing in the region, particularly changes in family formation/household composition, and an increased inflow of permanent and long term migrants. The proposed development contributes to the provision of a variety of housing styles, which whilst differs from standard residential development in the City, is consistent with the objectives of urban consolidation.

Strategic objective 2.5.1.6 seeks to *“promote transport efficiency, and to encourage the efficient use of natural and physical resources, including urban land, infrastructure and energy resources”*. This is supported by Policy 2.6.1.2(i), which advocates provision for *“urban intensification around selected nodes and along selected transport corridors”*. Whilst the subject site is not located within a selected node (around train stations and town centres), or along a major transport route, it is within an extremely short walking distance of two major transport routes, being Universal Drive and Don Buck Road, which both support public transportation. The development would be able to mitigate any potential adverse effects on the amenity levels, ensuring the maintenance of amenity values in the existing urban area.

Overall, the proposed development is considered to be consistent with the intent of the Regional Policy Statement objectives and policies which seek to promote urban intensification within appropriate areas.

8.4 Any Other Matters the Consent Authority Considers Relevant (s104(1)(i))

8.4.1 Auckland Regional Growth Strategy, Northern & Western Sectors Agreement

The management of urban growth has been identified as a significant resource management issue, particularly in Auckland, and new solutions are required to accommodate urban growth within city boundaries. Residential intensification and changes in amenity value can be measured by the design of buildings and their relationship to the public realm.

The Regional Growth Strategy: 2050 (Auckland Regional Growth Forum, 1999) vision is to sustain strong supportive communities, a high-quality living environment, and a region that is easy to get around.

Waitakere City is expected to cater for 94% increase in population to meet the targeted population capacity in 2050 of the Northern and Western Sectors Agreement. A population capacity of an additional 50,000 residents in Waitakere City is allocated between 1999 and 2021, with about 40% of this within existing intensification areas. Clearly medium density housing developments are required to meet these targets.

It is considered that the proposed development is consistent with the objectives and policies outlined for residential intensification in the Regional Growth Strategy and Northern and Western Sectors Agreement.

8.4.2 Other Issues Raised by Submitters Not Covered Elsewhere in Report

In this section the individual submitter is noted followed by a summary of their concerns, and a response.

Submitter: Jean and Roland Jones
Issues: "Extra water our section takes on with the road to this higher than our section"

Response:

A111-A118

This submission was forwarded to Richard Thomas of EcoWater Solutions for comment as attached at pages A111 to A118, who has responded as follows:

"The submitter resides at 26 Universal Drive, adjacent to Meadowcroft Way, created under a previous subdivision. At this time the road entrance off Universal Drive was constructed and the overland flow path was blocked to some degree by the road. In addition, stormwater drained of the new berm area of this new road onto the Jones property. A stormwater manhole is located on the Jones property, and the submitter advised EcoWater that the contractor knocked a hole into the side of the manhole to allow water building up on their property to drain into the manhole. EcoWater has since been involved in stormwater issues in the area and will be remedying the problem by altering the manhole or by other minor construction works."

It is not known at this time when such work will be undertaken, but EcoWater is obviously aware of the situation and attempting to remedy the problem. It is considered that the proposed development subject to this application has satisfactorily demonstrated its' ability to adequately dispose of stormwater under the previous subdivision consent; and would not exacerbate stormwater on Meadowcroft Way, or on the Jones property.

Submitter: Brent & Louisa Semmons
Issues: (1) Council should review its medium and high density housing until current problems in building industry are resolved; (2) reduce the number of dwellings to increase the size of the sections; (3) advise why the dwelling designs were amended.

Response:

- (1) The concerns expressed in this submission regarding "leaky buildings" is not a relevant resource management issue. Weather tightness is administered under the separate legislation of the Building Act. However, given the prominence of this issue, the writer requested that Councils Building Control Team Leader, Mr Alan Forster, review the proposal, and advise if the proposed design posed any problems with regard to weather tightness. Mr Forster advised in verbal communication that the style of dwellings proposed, which include eave overhangs, and the cladding system proposed, have not presented any previous problems with leaking or rotting, to his knowledge. Mr Forster also advised that there are possibilities of changes to the Building Code (in December 2002), and may address the leaky building issue. The proposed development would be subject to a building consent application, and ultimately this is a Building Code and building consent matter that cannot be addressed within this land use consent application, or under the Resource Management Act 1991.

- (2) As discussed extensively in Section 8.1.10, 8.2.1.2 and 8.3 of this report, the proposed development is of a density consistent with that anticipated by the Plan for medium density developments, and is not significantly different from that which could credibly be expected to take place on the site - ie. 13 dwellings as a Limited Discretionary Activity. The size of the lots has been established by the previously approved subdivision consent; and will provide for sufficient areas of private open space relative to the number of bedrooms proposed. The submitters comment that the sections are 140m² is incorrect - the minimum site area is 230m². All dwellings are provided with storage within the single garage. Comments that dwellings such as that proposed are more suitable for retirement/pensioner homes and not for large families, may well be correct. However, Council has no control over who purchases or resides in dwellings. Councils' obligation is to provide for a range of housing types to cater for the diverse needs of the City's' residents.
- (3) As discussed in Section 3.1, the proposed dwellings were amended by the applicant from a two storey to single storey design as a result of a request for further information from the applicant, to demonstrate compliance with height in relation to boundary controls.

Submitter: Somesh Charan

Issues: Traffic generation, parking demand, use of Clover Drive as a bypass.

Response:

A110-A118

The submitters concerns were reviewed by Councils' Transport Assets Engineer, Mr Adam Moller, as attached at pages A110 to A118, who has commented that *"traffic flow in Clover Drive during peak periods is not an effect of the proposed development, but rather local road network conditions. The proposed development will not have any adverse effect on this. At this stage the amount of through-traffic using Clover Drive is not considered to be a problem. If it does escalate to problem levels in the future it will need to be addressed by Council through local area traffic management measures"*.

With regard for demand for on-street parking, as discussed in Section 8.1.10 and 8.2.1.1 of this report, the proposal would provide for two parking spaces per dwelling, and an additional six visitor car parks, all onsite. This is compliant with the Waitakere City Council Parking and Driveway Guidelines, and will generate negligible demand for on-street parking.

8.4.3 Bonds/Reserve Contributions/Development Levy/Financial Contributions

A refundable cash bond of \$10,000 will be required to ensure that the proposed landscaping is implemented to the satisfaction of Council, and preferably prior to the occupation of the units.

A financial contribution to remedy the additional pressure placed on public wastewater and stormwater systems which service the site, will remedy any potential adverse effects on the functioning and capacity of these systems (refer Section 8.1.10 for further discussion). The calculation of the financial contributions are available from EcoWater Solutions.

A reserve contribution was imposed under the previously approved subdivision consent, and would be required to be paid prior to the issue of the Section 224(c) Certificate.

8.4.4 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to landscaping, fencing and finishing of the dwellings to ensure an appropriate level of amenity is afforded to the future occupants of the dwelling; visitor parking formation and identification, and security lighting.

8.4.5 Any Other Relevant Non-Statutory Documents

The Auckland Regional Council "Urban Area Intensification - Regional Practice Resource Guide" (2000), advocates 15 to 25 houses per hectare to support a regular daytime bus service (2 to 4 services per hour), with 25 to 35 dwellings per hectare supporting a more regular and extended transit service, including passenger rail. The proposed 15 dwelling development on a site of 5510m² is consistent with the density advocated by Auckland Regional Council to support a regular and extended transit service, including passenger rail.

9.0 PART II OF THE ACT

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

The purpose and principles of the Act 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 Act requires that amenity values and the quality of the environment are to be maintained and enhanced.

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

CONCLUSION

The applicant seeks consent to a fifteen dwelling medium density development, for which land use and subdivision consent has previously been granted, with the land use component subsequently lapsing. The subject site is located at 10-38 Clover Drive, Henderson, and is zoned Residential 2 under the Transitional Waitemata District Scheme and Living Human Environment and General Natural Area under the Proposed District Plan.

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

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

- Promote urban consolidation in areas within close proximity of transportation nodes, such as major roads;
- Provide for a range of housing types to cater for the diverse population within the City;
- Ensure that suitable levels of on an off site amenity are afforded to future occupants and existing adjacent residential development;
- Achieve a quality of settlement which is complementary to the amenity value and neighbourhood character of an area;
- Is comprehensively designed so that a high quality of internal amenity is provided to the overall development;

It is considered that the issues raised by the submitters **can** be adequately addressed through the imposition of appropriate conditions, or are not appropriately addressed through this forum.

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

RECOMMENDATIONS

That pursuant to Sections 104, 105, 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 Westvale Properties for a fifteen dwelling medium density development at 10-38 Clover Drive, Henderson, being Lot 1 DP 206812 for the following reasons:

- (i) The proposed development is consistent with the Waitakere City Council Medium Density Housing Guidelines, and would provide for a suitable level of on and off site amenity;
- (ii) The proposed development whilst not located within an area identified for medium density housing is located a short walking distance from two major roads which support public transport; thereby ensuring that the development is consistent with Councils urban consolidation policies;
- (iii) The proposed is consistent with regional objectives of urban intensification and reduction of private vehicle use;
- (iv) The proposal is in accordance with the Objectives and Policies of the Proposed District Plan;
- (v) The proposed development would result in no more than minor adverse effects;
- (vi) The proposed development would promote urban consolidation and provide for a range of housing types within the City.

Consent shall be subject to the following conditions:

- (1) The development shall proceed in accordance with the plans titled "Mr G Dick, 19 Woodside Road with Access off Universal Drive, Henderson" prepared by Draughting Services, and dated 30.08.2002 and all referenced by Council as RMA 20011624 and the information, and any further information submitted with the application. Refer Appendix 7 for final plans submitted and approved.

EcoWater Solutions Conditions:

- (2) Obtain EcoWater clearance for the public wastewater, water supply and stormwater drainage approved under Engineering Approval RMA:990747 and any subsequent amendments. Take Note: If the wastewater, stormwater and water supply reticulation varies from that previously approved then provide amended engineering plans and specifications for approval detailing the changes.
- (3) Pay any engineering and works supervision fees as incurred. These fees will be charged at Councils advertised schedule of fees.
- (4) Under a building consent pay to Council a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period.
- (5) At the time of building consent application demonstrate that a fire hydrant has been provided and installed within 135 metres of the farthest point of fire risk, to the satisfaction of EcoWater Solutions. Note: The hydrant is to be on a direct traffic route to the property. The 135m may not be measured as a radius.
- (6) Provide a final As Built plan, prepared by a registered surveyor, showing compliance with the approved 1 in 100 year overland flow path through the site. The minimum floor levels required are as amended by Thornley & Associates 4 November 2002 and are as follows:

Lot 7	7.60m
Lot 8	7.70m
Lot 9	7.80m
Lot 10	8.20m
Lot 11	8.20m
Lot 12	8.20m
Lot 13	7.90m
Lot 14	7.90m
Lot 15	8.20m
Lot 16	8.20m
Lot 17	8.20m
Lot 18	8.00m
Lot 19	8.00m
Lot 20	7.90m
Lot 21	7.90m

- (7) The foundation of any dwellings on Lots 16 and 17 are to be solid filled below the floor level.
- (8) A registered surveyor shall certify to Council in writing prior to work progressing beyond the finished floor level of each dwelling (Lots 7-21), that the floor levels comply with the minimum finished floor levels stated in condition (6). No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of EcoWater Solutions.
- (9) Any fencing constructed through the overland flow path between Lots 16 and 17 shall be set above ground level, and shall not be close boarded, to ensure that water is not impounded. Liase with EcoWater Solutions regarding exact specifications.

- (10) Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council at the time of building consent application which of the following you will be carrying out and fulfil the requirements:

Either mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the proposed units:

1. All taps over hand basins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
2. All units/dwellings shall have showers
3. All toilets shall be of 6/3 litre dual flush type.
4. No in sink waste disposal units shall be installed.

An encumbrance is required to be issued and registered on the title(s) requiring the use of low water use devices to limit wastewater flows to Councils satisfaction. Provide an "EcoWater Water Saving Devices Inventory" form completed by a registered plumber to demonstrate that the above requirements are satisfied. Councils Hazard Register will be advised of the above requirement.

In addition, under a building or subdivision consent, whichever occurs first, pay to Council the sum of \$11,393.00 (Incl of GST) to further mitigate wastewater flows. Note: (1) Further reductions may be possible through recycling of grey water or other innovations. (2) If in-sink waste disposal units are proposed then the sum required will rise to \$15,733.18 (Incl of GST).

Or pay to Council pursuant to Section 407/409 of the Act the sum of \$26,690.20 (incl. of GST) to mitigate the increase in flows due to the density of the development. No mitigation works will be required by the developer or encumbrance.

Note: The above sums are based on 3 bedroom Units. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater.

- (11) Pursuant to Section 409 of the Act pay to the Council the sum of \$16,500.00 (Inclusive of GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Metcalf Stream Catchment) (main system improvements) necessary to serve the subdivision. (\$750.00 per additional lot). Note: The above contribution will be reduced by the payment made on the 8 Lots dealt with on Stages 1, 2 and 3 on SPW:19436.

Landscaping:

A119-A122

- (12) Planting shall be provided as detailed and in the locations indicated on the attached landscaping plan, as attached at pages A119 to A122, to the satisfaction of the Manager, Resource Consents.
- (13) All planting shall be implemented and maintained in accordance with the approved landscaping plan within the first planting season ie. 1 May to 7 September, following completion of any ground development works including earthworks or placement of services on the site. All planting is to be irrigated and maintained for a minimum of one further planting season. Any plant losses within this time are to be replaced and to be maintained for a further planting season from the date of replacement.

- A119-A122
- (14) Fencing shall be provided as detailed and in the locations indicated on the fencing plan, as attached at pages A119 to A122, prior to the occupation of the units, to the satisfaction of the Manager Resource Consents.
 - (15) Paths shall be provided to each of the dwelling entrances, prior to the occupation of the units, to the satisfaction of the Manager Resource Consents.
 - (16) To ensure the performance of Conditions (12) - (15) the consent holder shall pay a landscape performance bond of \$10,000 to Waitakere City Council.
 - (i) The bond shall be paid prior to the commencement of any work on the site, and prior to the issue of the building consent, and shall be either in the form of cash or bank guarantee to the satisfaction of the Council Solicitor. The consent holder shall meet any costs associated with the preparation of the bond document.
 - (ii) The bond will be held until in the opinion of the Manager, Resource Consents, Conditions (12) - (16) have been satisfied. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond.

Earthworks and Development Works:

- (17) All sediment laden runoff from the site shall be treated by sediment control measures in accordance with the Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guideline for Earthworks" (updated March 1999). These structures are to be constructed in accordance with best practice, be operational before earthworks commence, and be maintained until the site has been adequately secured against erosion (whether by vegetative means, paving or otherwise).
- (18) The site shall be stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the site. Revegetation is to be completed by 30 April in the year of earthworks construction, in accordance with measures detailed in the Auckland Regional Council Technical Publication No 2 "Erosion and Sediment Control Guidelines for Earthworks" (updated March 1995) and any amendments to this document.
- (19) All "cleanwater" runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion.
- (20) Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
- (21) All development works associated with the subdivision are to be carried out in accordance with NZS 6803P:1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.
- (22) All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only -

Monday to Friday: 7.30 am to 7.00 pm

Saturday, Sunday and Public Holidays: No Work

- (23) All necessary action shall be taken to prevent a dust nuisance to neighbouring properties; including, but not limited to, the staging of areas of works, the retention of existing shelter belts and hedgerows, the installation and maintenance of wind fences and vegetated strips, watering of all haul roads and manoeuvring areas during dry periods, spraying of load dumping operations, and suspension of all operations if necessitated by the prevailing conditions to the satisfaction of the Manager Resource Consents. The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind erosion immediately on the completion of bulk earthworks whether or not other works are completed.
- (24) All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Erosion and Sediment Control Plan.
- (25) Any damage to adjacent property, or adverse effects on the stability of adjoining property (occurring as a result of the earthworks activities undertaken) shall be fully reinstated (to their pre-existing condition) to the satisfaction of Council, within 3 months of completion of works or sooner if considered necessary.

Site Facilities:

- (26) All proposed dwellings shall be provided with an outdoor retractable clothes line, located in a position generally screened from the private loop driveway, and Clover Drive, to the satisfaction of the Manager Resource Consents.
- (27) The location of the combined mail box facilities shall be provided at the time of building consent application, to the satisfaction of Councils' Landscape Architect.
- (28) Provide for an access easement in gross in favour of Council over Lot 22, for the purposes of rubbish collection, to the satisfaction of the Manager: Resource Consents. Provide evidence of compliance with this condition at the time of building consent application. Note: the easement document will be prepared by Council's Solicitor at the applicants cost.

Parking and Access:

- (29) A one metre splay/flare shall be provided on either side of both vehicle crossings from Clover Drive, to achieve a total vehicle crossing width of 7.0m, to the satisfaction of the Transport Assets Manager. Demonstrate compliance with this condition of consent at the time of building consent application.
- (30) Six visitor car parks shall be provided within the jointly owned access lot, and shall be formed, sealed, marked out, and identified as visitor parking, to the satisfaction of the Transport Assets Manager, prior to occupation of the dwellings.
- A119-A122* (31) The six visitor car parks shall be reconfigured to 90 degree angle parking, as detailed on the modified and approved site plan attached as attached at pages A119 to A122.
- A119-A122* (32) A stacked parking space shall be provided on Lot 14 by shifting the garage to the east, as shown on the modified and approved site plan as attached at pages A119 to A122 to this consent, and shall be detailed at the time of building consent application.
- (33) An access easement or right of way shall be registered with Council for access to Lots 14 and 15. Provide evidence of compliance with this condition at the time of application for building consent, for these two lots.
- (34) Details of security lighting shall be provided at the time of building consent for the six visitor parking spaces, to the satisfaction of the Manager Resource Consents.

General:

- (35) At the time of building consent application the applicant shall submit to Council details of a management structure to maintain the communal landscaped area and visitor car parking area, to the satisfaction of the Manager Resource Consents.
- (36) The colour scheme for the proposed dwellings, as submitted by Draughting Services, shall be implemented to the satisfaction of the Manager Resource Consents.
- (37) Security lighting shall be provided at the entrance to each dwelling, and shall be detailed at the time of building consent application.
- (38) An easement or boundary adjustment for use of part of the area identified as "landscaped area" contained within the area identified as the Jointly Owned Access Lot on the approved survey plan, shall be registered with Council for use as part of the private outdoor living courts of Lots 20 and 21. Provide evidence of compliance with this condition of consent at the time of building consent application.
- (39) A consent compliance monitoring fee of \$1000.00 (based on \$200.00 per 3 dwellings, inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a further inspection shall be required at a further cost of \$75.00 (inclusive of GST).

The \$1000.00 fee shall be paid as part of the resource consent fee and the resource consent holder shall be advised of any further monitoring fees if they are required.

Report prepared by: Melanie Jesson, Resource Planner - Cato Bolam Consultants.

