



**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD  
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 10 JUNE 2004, COMMENCING AT 11.00 AM.**

---

**TABLE OF CONTENTS**

<b><u>ITEM</u></b>		<b><u>PAGE NO.</u></b>
1	APOLOGIES	1
2	URGENT BUSINESS	1
3	NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY CASSEL HOLDINGS LIMITED TO UNDERTAKE A 10-LOT FREEHOLD SUBDIVISION (AMENDED FROM 12-LOTS) REQUIRING EARTHWORKS AND VEGETATION ALTERATION ON LAND AT KITEWAHO ROAD, SWANSON	1

**AGENDA FOR AN ORDINARY MEETING OF THE HEARINGS COMMITTEE TO BE HELD  
IN THE CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 10 JUNE 2004, COMMENCING AT 11.00 AM.**

---

**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 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE  
RESOURCE MANAGEMENT ACT 1991 BY CASSEL HOLDINGS LIMITED TO  
UNDERTAKE A 10-LOT FREEHOLD SUBDIVISION (AMENDED FROM 12-LOTS)  
REQUIRING EARTHWORKS AND VEGETATION ALTERATION ON LAND AT  
KITEWAHO ROAD, SWANSON**

**WAITAKERE WARD**

**RMA 20032562 (SPW21955) (Subdivision) and 20032563 (Land Use)**

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

## APPLICATION DETAILS

Planner:	Jeannette Ibrahim
Site Address:	Kitewaho Road and Scenic Drive North, Swanson
Applicant:	Cassel Holdings Limited
Date Received:	17 December 2003
Legal Description:	Pt Lots 1 & 2 DP 64489, Pt Lot 2 DP 20522, Lot 1 DP 211994
Address for Service:	C/- Davis Ogilvie & Partners PO Box 21738 Henderson Attention: Claudine Chalton
Site Area:	35.5164 hectares
Unit Site Area(s):	Proposed Development Lots (as amended) <i>Lot 1, 504 m<sup>2</sup> Lot 7, 654 m<sup>2</sup></i> <i>Lot 2, 613m<sup>2</sup> (Option A) or 743m<sup>2</sup> (Option B)</i> <i>Lot 8, 622 m<sup>2</sup></i> <i>Lot 4, 720 m<sup>2</sup> Lot 9, 692 m<sup>2</sup></i> <i>Lot 5, 1000 m<sup>2</sup> Lot 10, 776 m<sup>2</sup> (Option B) 780 m<sup>2</sup></i> <i>(Option A)</i> <i>Lot 6, 658 m<sup>2</sup> Lot 12, 1000 m<sup>2</sup></i> Lots 100 - 104 = Access Lots; Lot 300 = 1198m <sup>2</sup> - Road to Vest; Lots 201 - 202 = 1.0960Ha - Reserves to Vest in Waitakere Council Lot 200 = 20.76380Ha - Reserve to Vest as Waitakere Ranges Regional Park Lots 301 - 303 = Lots to amalgamate
District Plan:	
Natural Area(s):	General/Managed
Landscape Elements:	Non-riparian streams/Cassel Stream - 20m Riparian Margin; CHI No. 1260 - timber rafter dam on edge of Cassel Stream
Hazards:	Stability sensitive
Roading Hierarchy:	Local (Kitewaho Road) District Arterial (Scenic Drive North)
Transitional Plan:	
Zoning:	Non-Urban Residential 1 (NUR 1); Landscape protection 2
Section	Waitemata
Further Information Required:	Yes
Date Requested:	13/1/2004; 27/1/2004
Date Received:	28/1/2004; 4/2/2004
Site Visit:	16/1/2004
Any Affected Persons:	Yes
Approval Given:	Not all affected party approval obtained

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The application seeks consent to subdivide a 35.5 hectare parcel of land as follows:

- 10 lots (amended from 12) ranging from 4,116m<sup>2</sup> to 3.0739 hectares - Lots 1, 2, 4 - 10 and 12;
- jointly owned access lots - Lots 100 to 104 with one access off Scenic Drive North and two separate accesses off Kitewaho Road;
- 1.0955 hectares of recreation reserve to vest in Waitakere City Council to be contiguous with and increase the size of the existing Kitewaho Reserve - Lots 201 and 202;
- 20.7638 hectares of reserve to vest in the Auckland Regional Council to become part of the centennial memorial Park, being all the land to the east of Kitewaho Road between the residential boundaries and Cassel Stream - Lot 200;
- Road reserve to vest at the end of the existing legal road of Kitewaho Road to form a turning head - Lot 300;
- Boundary adjustments to increase the land areas of Lot 61 DP 44433, Lot 162 DP 44433 and Lot 31 DP 44433 from 1,265m<sup>2</sup> to 2,765m<sup>2</sup> (Lot 61), 1,186m<sup>2</sup> to 2,632m<sup>2</sup> (Lot 162) and 1,391m<sup>2</sup> to 1,666m<sup>2</sup> (Lot 31) respectively. Please note that the increase in the site area of these neighbouring lots does not enable their further subdivision.

The associated site works required for the provision of building platforms, access ways and infrastructure would include:

- 2,980m<sup>2</sup> of vegetation clearance associated with the preparation of building platforms for proposed Lots 1, 2, 4, 5, 6, 7 and 8;
- 1.0925 hectares of re-vegetation of existing cleared areas outside of the designated building platforms and 290m<sup>2</sup> within proposed Lot 200;
- 750m<sup>2</sup> of vegetation clearance associated with the formation of the access lots and stormwater drainage devices;
- 1,000m<sup>2</sup> associated with the formation of the cul-de-sac turning head at the end of Kitewaho Road;
- 711m<sup>3</sup> of earthworks (excavation) associated with the formation of the access lots and stormwater drainage devices over an estimated area of 4,514m<sup>2</sup>;
- 505m<sup>3</sup> of earthworks comprising 305m<sup>3</sup> of cut and 200m<sup>3</sup> fill associated with the formation of the turning head off the end of Kitewaho Road.

The subdivision design would take advantage of existing uncompleted works and seek to restore those parts of the site not required for building purposes or access, by clustering the building sites around three main access points and re-vegetating much of the existing cleared areas. The building sites would be fixed by survey and covenanted to restrict all development to designated locations within each site.

### 1.2 Resource Management Issues Raised

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

The Waitakere City District Plan, proposed in October 1995 is now Operative apart from a small number of outstanding references (appeals) one of which is that relating to subdivision in the Waitakere Ranges Environment. The Operative District Plan 'human environment' zoning for the subject site is Waitakere Ranges Environment and the site is also subject to the provisions of the underlying 'natural area' zoning of Managed Natural Area. Since the subdivision requirements for the Waitakere Ranges Environment are still subject to appeal the applicable Transitional District Plan (Waitemata District Scheme) rules for subdivision would apply to this site.

Under the Transitional District Plan the site would be subject to a split zoning with Non-Urban Residential 1 zoning applied to the western portion of the site and Landscape Protection 2 zoning applied to the eastern portion of the site. The Plan makes provision for a zone boundary to be treated as a lot boundary under Rule 5.5:2 which states that *"where any particular allotment is included in two or more zones ... the zone boundary...shall be deemed to be a lot boundary for the purposes of any particular requirements of this Scheme including subdivision requirements."*

This proposal would comply with the minimum and average site area requirements under Rule 11.4:7.2 for Non-Urban Residential 1 subdivision but would not meet the standards for boundary adjustments under Rule 5.4:4. Under the Proposed District Plan the proposal would meet neither the standards for subdivision (Rule 11.3 - Subdivision), nor the standards for boundary adjustments (Rule 2.3 (c) - Subdivision).

Under the Operative Plan the proposal would also not comply with the standards for either total volume of earthworks or for total area of vegetation clearance. Nevertheless the applicant offers sufficient mitigation and remedial works that the environmental effects are considered to be no more than minor and primarily related to the short term effects that would be generated by the construction of the new internal access lots/driveways and the minor longer term effects on amenity values related to the loss of a very small number of mature trees and the changed pattern of land use within the site.

### 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 up to 4,730m<sup>2</sup> of vegetation alteration over an area of approximately 14.7526 hectares, re-vegetation of 1.0925 hectares and up to 1,216m<sup>3</sup> earthworks over 4,514m<sup>2</sup> for building platform, access and infrastructure development for a proposed 10-lot 'bush lot' subdivision. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of ,and Operative District Plan will be satisfied.

### 2.0 LOCATION PLAN

The attached aerial photograph (Fig 1 below) of the site was taken in March 2000 and therefore does not include the development that has occurred and/or is now occurring particularly off the eastern side of Kitewaho Road where there still remain a number of undeveloped sites.

Legal description: Pt Lot 1 and Pt Lot 2 DP 64489 and Pt Lot 2 DP 20522 held in CT 50B/1475  
Lot 1 DP 211994 - also to be held in CT 50B/1475

Site Area: 35.5164 hectares

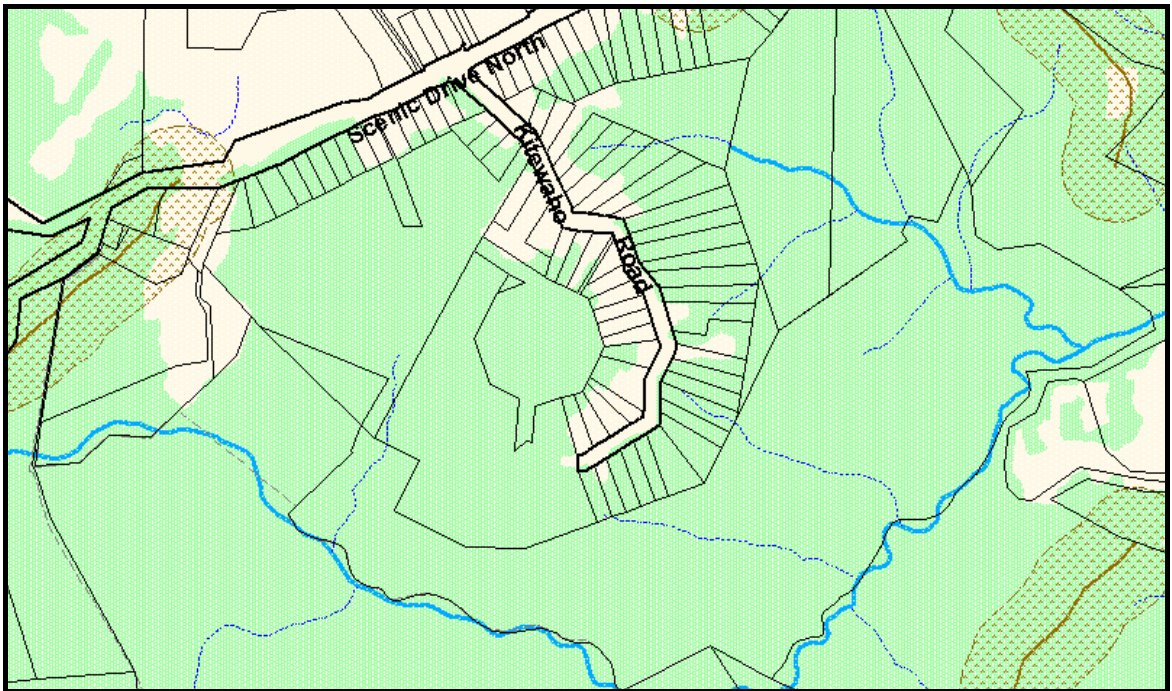
Location Diagram

Figure 1



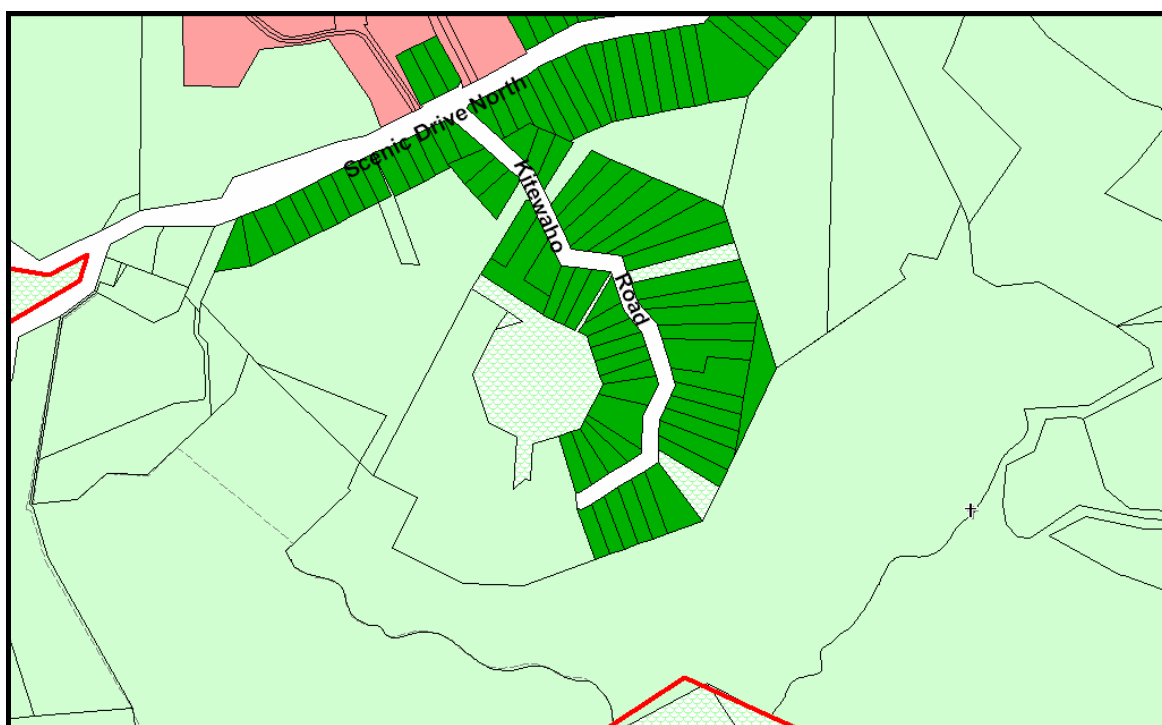
Aerial View - March 2000 - a number of sites on east side of Kitewaho Road are now developed.

Figure 2



Natural Area Zonings - Shaded area = Managed Natural Area; Clear areas = General Natural Area  
Stippled area = sensitive ridge

Figure 3



**Human Environment Zonings:** Dark Areas = Bush Living; Pale areas = Waitakere Ranges Environment  
Pale Stippled areas = Open Space Environment

**Operative Plan Zoning**

Human Environment: Waitakere Ranges  
Natural Area: Managed/Riparian Margin (20m)

**Transitional Plan Zoning**

Non-Urban Residential 1  
Landscape Protection 2

**Other Relevant Map References:**

District Plan Policy Section: Map 3.5(A) - Significant Native Vegetation  
Map 3.5 (B) - Outstanding Native Fauna Habitat  
Map 3.6(B) - Outstanding Landscapes (Ranges)

**Auckland Regional Policy Statement: Maps**

Significant Natural Heritage Area: Map 2 - Sheet 2 - Area 87  
- Landscape Quality Value - 6  
Significant Landscape Sensitivity Area: Map 3 - Sheet 2  
- Landscape Sensitivity Value - 5

**3.0 PROPOSAL**

**Background**

Historically the site forms part of a much older subdivision proposed for the whole of Kitewaho Road and known as Panorama Heights, but only partially completed and developed. The existing houses on either side of Kitewaho Road and those on the south side of Scenic Drive North on Lots 3 - 17 DP 44433 are the result of the completed stage of that subdivision while the site subject to this application forms the balance areas. Earlier clearance of the site in preparation for the subsequent stages of the subdivision can be seen in the presence of the open, grassed and younger re-growth areas of the site with the open grassed areas apparently also grazed in the relatively recent past. The existing tracks represent the pathway of the proposed connecting road network that would have made Kitewaho Road a loop road with two connections to Scenic Drive North.

The present proposal is the result of consultation with a number of interested parties such as the Waitakere Ranges Protection Society, the Royal Forest & Bird Association, neighbouring property owners and also the Auckland Regional Council and Waitakere City Council, where the scope of the development was reduced from an earlier proposed 22-lot freehold subdivision to a 12-lot freehold subdivision. The proposal has now been further amended as a result of Pre Hearing consultation. Two lots have been eliminated by creating a single lot (Lot 10) in place of Lot 10 and Lot 11; and a single Lot 2 in place of Lots 2 and 3 with the total number of bush lots now reduced to 10.

### Current Proposal

The application seeks consent to subdivide the 35.5 hectare parcel of land as follows:

- 10 lots (amended from 12) ranging from 4,116m<sup>2</sup> to 3.0739 hectares - Lots 1, 2, 4 - 10 and 12;
- jointly owned access lots - Lots 100 to 104 with one access off Scenic Drive North and two separate accesses off Kitewaho Road;
- 1.0955 hectares of recreation reserve to vest in Waitakere City Council to be contiguous with and increase the size of the existing Kitewaho Reserve - Lots 201 and 202;
- 20.7638 hectares of reserve to vest in the Auckland Regional Council to become part of the centennial memorial Park, being all the land to the east of Kitewaho Road between the residential boundaries and Cassel Stream - Lot 200;
- Road reserve to vest at the end of the existing legal road of Kitewaho Road to form a turning head - Lot 300;
- Boundary adjustments to increase the land areas of Lot 61 DP 44433, Lot 162 DP 44433 and Lot 31 DP 44433 from 1,265m<sup>2</sup> to 2,765m<sup>2</sup> (Lot 61), 1,186m<sup>2</sup> to 2,632m<sup>2</sup> (Lot 162) and 1,391m<sup>2</sup> to 1,666m<sup>2</sup> (Lot 31) respectively. This increase in the site area of these neighbouring lots does not enable their further subdivision.

Land use consent would be required for associated site works necessary for the provision of building platforms, access ways and infrastructure that would include:

- 2,980m<sup>2</sup> of vegetation clearance associated with the preparation of building platforms for proposed Lots 1, 2, 4, 5, 6, 7 and 8;
- 1.0925 hectares of re-vegetation of existing cleared areas outside of the designated building platforms and 290m<sup>2</sup> within proposed Lot 200;
- 750m<sup>2</sup> of vegetation clearance associated with the formation of the access lots and stormwater drainage devices;
- 1,000m<sup>2</sup> associated with the formation of the cul-de-sac turning head at the end of Kitewaho Road;
- 711m<sup>3</sup> of earthworks (excavation) associated with the formation of the access lots and stormwater drainage devices over an estimated area of 4,514m<sup>2</sup>;
- 505m<sup>3</sup> of earthworks comprising 305m<sup>3</sup> of cut and 200m<sup>3</sup> fill associated with the formation of the turning head off the end of Kitewaho Road.

The subdivision design would take advantage of existing uncompleted works and seek to restore those parts of the site not required for building purposes or access, by clustering the building sites around three main access points and re-vegetating much of the existing cleared areas. The building sites would be fixed by survey and covenanted to restrict all development to designated locations within each site.

#### **4.0 REASONS FOR THE APPLICATION**

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

##### **4.1 District Plan**

###### **General (City Wide) - Natural Hazards**

Limited Discretionary Activity consent is required to undertake development on land known by Council to be or likely to be subject to natural hazard, in this case instability - Rule 1.1.

###### **Managed/General Natural Area - Vegetation Alteration**

Non-Complying Activity consent is required to undertake vegetation alteration associated with building platform, access and infrastructure preparation where total clearance will exceed 500m<sup>2</sup> - Rule 2.5. Total clearance would be up to 4,730m<sup>2</sup> over an area of 14.7526Ha.

Limited Discretionary Activity consent is required for clearance of exotic native vegetation higher than 6m or greater in girth than 600mm in the General Natural Area under Rule 2.3.

Controlled Activity consent is required for the clearance of more than 500m<sup>2</sup> of 'removable' or 'environmentally damaging' species pursuant to Rule 2.2(a).

###### **Earthworks**

Non-Complying Activity consent is required to undertake earthworks in excess of 100m<sup>3</sup> pursuant to Rule 3.4. It is proposed to carry out up to 1,216m<sup>3</sup> over an area of 4,414m<sup>2</sup> for formation of access ways, infrastructure and a turning head at the end of Kitewaho Road.

###### **Waitakere Ranges Environment - Car Parking and Driveways**

Limited Discretionary Activity consent is required for a driveway serving more than one household unit pursuant to Rule 9.3.

###### **Subdivision - Boundary Adjustments**

Discretionary Activity consent is required where the existing site is adjusted in area by more than 10% - Rule 2.3(c). It is proposed to add substantially to the areas of existing Lots 31, 61 and 162 DP 44433.

###### **Subdivision - Waitakere Ranges**

Non-Complying Activity consent is required for the creation of 10 (amended from 12) freehold, fee simple allotments not meeting the minimum or average site area requirements (2.0Ha and 4.0Ha respectively) under Rule 11.3. The proposed lot sizes would vary from 4,116m<sup>2</sup> 3.0739 hectares.

##### **4.2 Transitional Plan - Waitemata Scheme**

###### **Subdivision - Non-Urban Residential 1**

Controlled Activity consent required for 12 freehold, fee simple allotments complying with the minimum and average site area requirements under Rule 11.4:7.2.

## Subdivision - Boundary Adjustments

Non-Complying Activity consent required where the adjusted site does not have 'substantially' the same area as before the adjustment under Rule 5.4:4

Overall the application is considered to be a Non-Complying Activity. The proposal complies with all other development controls under the District Plan.

**4.4** Consent is also required from the Auckland Regional Council for stormwater discharge and an application was lodged with the Auckland Regional Council in December 2003 - Auckland Regional Council Application Number 28785.

No other consents are required in respect of this application.

## 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

This irregularly shaped, 35.5 hectare site has the overall appearance of a blown out shallow basin rimmed to the north and east by relatively small (1000 - 2000m<sup>2</sup>) residential sites along Scenic Drive North and Kitewaho Road and bordered to the south west, south and south east by Cassel Stream. The land immediately to the south of these residential sites has mostly gentle grades, then drops more steeply down to the stream. A number of ephemeral and permanent watercourses traverse the site before eventually draining to Cassel Stream at the boundary of the site.

The western and flatter portion of the site is characterised with regenerating native bush interspersed with patches of rough pasture and invasive weeds such as gorse, *Eleagnus*, wattle and pampas grass. The steeper eastern portion of the site is densely vegetated with high quality native kauri/podocarp/broadleaf forest.

Although surrounded to the north and east by residential development, the site is presently undeveloped but with remnant access tracks through the western portion as a result of earlier development site works. Kitewaho Reserve, an existing recreational reserve to the east of the residential sites along Kitewaho Road, serves to separate existing residential development from the proposed development within the western portion of the site.

Road access to the site is gained from the end of formation of Kitewaho Road to the east and from the west access would be via a jointly owned access lot over which the applicant owns a right-of-way easement. Direct access would also be available directly off Kitewaho Road into the site some 120m in from the intersection with Scenic Drive North. Thus there are three possible entry points to the site but none of the proposed residential bush lots would have direct road frontage.

Cultural Heritage Inventory (CHI) No 1260 is identified on the eastern Cassel Stream boundary of the site. This is listed as a timber and rafter dam with historical and pattern values. The record states that the dam was built in the 1850's and was last field checked in October 1999. It is apparently one of two 'driving' dams built by William Fraser and used by William Swanson to log the Swanson Valley from 1853 - 1861. However the entire eastern portion of the site is not to be subdivided as it is proposed to incorporate this part of the site in reserve to be vested with the Auckland Regional Council in order to protect in perpetuity the high quality native forest present on these slopes.

The entire area represents a transition from modified, farmlet-style open countryside on the northern side of Scenic Drive North to increasing amounts of native bush on the hills to the west. The immediate area is characterised by bush clad slopes into which residential dwellings have been 'nestled' but this merges into a more suburban style residential character along the road side of Scenic Drive North and Kitewaho Road. The houses along these road frontages are developed with gardens, lawns and exotic trees with only remnant bush retained in places along (mostly) rear boundaries.

As discussed the site has two readily separable topographic and vegetation profile characteristics with the western portion being generally flatter and with the vegetation more degraded. As can be seen from the attached photographs the existing cleared areas would provide suitable building sites, thus negating the need for any more than minor additional vegetation alteration.



Typical cleared areas to be utilised as building platforms as no further clearance would be required.



## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

Notice of this application was served on all identified affected persons on 1 March 2004. The period for submissions closed on 1 April 2004 and 10 submissions were received. All 10 submissions opposed the application. In addition the applicant obtained written approval from 6 landowners in Kitewaho Road prior to 1 March 2003 who were not considered to be directly affected by the proposal and 1 additional written approval after 1 March 2004 also from a landowner not considered to be directly affected by the proposal. A further 4 approvals were received from landowners who had been notified of the proposal. Attached at pages A160 to A199 for copies of the submissions/approvals that were received. A map showing the location of the submitters is attached at pages A155 to A156. The location of landowners who provided written approvals has also been shown.

A160-A199

A155-A156

## 6.1 Submissions

The submissions opposing the proposal fall into two main areas of concern, these being:

1. The proposed use of the access lot (Lot 1 DP 110509) over which the applicant 'owns' a right-of-way easement to provide access to 3 lots off Scenic Drive; and the possible re-alignment of the existing vehicle crossing from this access lot onto the Scenic Drive carriageway. The issues raised were those of rights of access, upgrading/maintenance, design of driveway and traffic safety at the road crossing.
2. The density of development. The current District Plan Rules would allow up to 8 lots to be created and 10 are proposed (exclusive of any lots for access and/or infrastructure). Issues raised were those relating to confidence in the District Plan and Regional strategic objectives, protection of habitat and protection of landscape values.

A Summary of Submissions and Approvals have been provided in the Tables below:

**TABLE 1 - LIST OF SUBMITTERS**

Name	Number	Support Oppose	Concerns
Denise and Martin Diehl 1026 Scenic Drive North Swanson		Oppose	Safety of access; guaranteed access to Scenic Drive.
John Hsu 1014A Scenic Drive North Swanson	2	Oppose	Safety and design of access to Scenic Drive; number of lots.
Gareth & Lexi Lauchlan 1024 Scenic Drive North Swanson	3	Oppose	Safety of access.
Michael S Marygold 873 Scenic Drive North Swanson	4 & 5	Oppose	Use of access lot requires negotiation; safety of access.
Waitakere Branch Royal Forest & Bird Protection Society Inc. PO Box 45144 Te Atatu	6	Oppose	Density; protection of stream values and native fish.
Craig Shearer/Hugh Jarvis Strategic Policy Auckland Regional Council	7	Oppose	Density; against District and Regional Plans.
Pauline Jannette Rennie 1020 Scenic Drive North Swanson	8	Oppose	Use of access requires negotiation; access lot should become public road.
Mark & Sandra Hart 1014 Scenic Drive North Swanson	9	Oppose	Safety of access; environmental effects; access lot should become public road.
Waitakere Ranges Protection Society C/- G V Taylor, Environmental Consultant 120 Bethells Road, RD 1, Henderson	10	Oppose	Density; against District and regional Plans.

**TABLE 2 - OWNER/OCCUPIERS WHO HAVE GIVEN WRITTEN APPROVAL**

Name	Number	Approval Given	Dated
Neil & Linda Wallwork 54 Kitewaho Road Swanson	1	Yes	17 February 2004
Paul & Allison Ingram 40 Kitewaho Road Swanson	2	Yes	17 February 2004
Mike Siddens 60 Kitewaho Road Swanson	3	Yes	18 February 2004
Diana & Ian McDiarmid 36 Kitewaho Road Swanson	4	Yes	18 February 2004
Jason Leek 64 Kitewaho Road Swanson	5	Yes	20 February 2004
Shaun Daley 46 Kitewaho Road Swanson	6	Yes	20 February 2004
Philip Brown 58 Kitewaho Road Swanson	7	yes	16 March 2004
Chas & Pauline Benest 1012 Scenic Drive North Swanson	8	Yes	17 March 2004
Robert Cubitt 9 Kitewaho Road Swanson	9	Yes	18 March 2004
Dave Bonniface 7 Kitewaho Road Swanson	10	Yes	20 March 2004
Andrew & Karen Fong 47 Kitewaho Road Swanson	11	Yes	24 March 2004

## 6.2 Pre Hearing Meeting

As a result of the submissions and at the request of several submitters and the applicant a Pre-Hearing Meeting was held at the Waitakere City Council on 20 April 2004 to discuss the submitters concerns and the application. All the submitters, and the applicant and his representatives were invited to attend. Those present included Officers from Waitakere City Council and the Auckland Regional Council, the applicant, and a number of his consultants and six of the submitters.

Discussion covered a range of issues including:

- Local concerns regarding use of the access lot off Scenic Drive, design of the proposed driveway and future maintenance of it.
- Safety of the proposed vehicle crossing on to the Scenic Drive carriageway and possible changes to access on to Scenic Drive for 1022, 1024 and 1026 Scenic Drive North.
- Potential for contamination of Cassel Stream.
- Density of the development.
- Landscape effects.
- Use of covenants to restrict building platforms, size, colour and type of building, type of effluent treatment.
- Request for site visit.

A site visit was arranged for 4 May 2004 which was attended by the applicant, Gary Taylor representing Waitakere Ranges Protection Society, Debbie Wingate for Auckland Regional Council and Bruce Hawkins for Waitakere City Council Consents department. Site suitability, bush protection and the means by which perpetual protection of the bush could be achieved were further discussed at this site meeting though no minutes were taken.

A232-A238 A copy of the agenda, attendance list and minutes from the Pre Hearing meeting of 20 April 2004 is attached at pages A232 to A238. Further information and an amended scheme plan were submitted to Council on 27 May 2004 and have been attached at pages A200 to A206.

A200-A206

## 7.0 STATUTORY REQUIREMENTS

The Waitakere City District Plan became operative on 27 March 2003. However there were a few provisions and rules that were excluded from becoming operative as all references in relation to them had not been resolved. As the proposed activity relates to provisions in the District Plan that are not yet operative, regard must still be had to the relevant provisions of both the Transitional and Proposed District Plan prior to the Plan becoming operative.

In relation to this application the approach taken by both plans could be considered to be significantly different with the Transitional Plan allowing for the activity within the zone while the Proposed Plan does not. Under the Transitional Plan the part of the site within which subdivision is proposed is Non-Urban Residential 1 where the minimum site area for un-sewered sites is 4000m<sup>2</sup>. None of the proposed lots in this subject application would be less than 4000m<sup>2</sup> apart from those sites subject to boundary adjustments where additional land is to be added to existing residential lots but where the additional land would not confer additional subdivision rights.

However as determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is, the weight generally being greater as a proposed plan moves through the notification and hearing process. In this case the rules/provisions in the Plan, relevant to this application, namely the subdivision rules, are not yet operative and are still subject to unresolved references. Nevertheless the greater weighting would tend to fall to the Proposed Plan as it has been formulated under the guiding principles of the Resource Management Act 1991 with its emphasis on consistency with relevant objectives and policies and avoidance (where practicable) of adverse effects. Consideration should therefore be given to the rules/provisions in the proposed plan, the outcome sought by the references and the provisions of the Transitional Plan.

## 7.1 Non-Complying Activities

A256-A261

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail as attached at pages A256 to A261. This should be referred to as the legal framework within which the application should be addressed.

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

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be unique because of its location, past history and the zoning regimes prior to 1995. This is a singularly large land parcel with two distinctive and readily separable topographic and vegetation profiles. Such a combination is unlikely to be found anywhere else within the Waitakere Ranges.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because there would be no other opportunities for such subdivision design within the Waitakere Ranges zone. This proposal has adopted a 'structure plan' approach to the design by clustering the building sites, utilising existing cleared areas and proposing extensive re-vegetation and weed eradication within the degraded areas. This would have the effect of keeping the larger proportion of the site undeveloped while allowing appropriate drainage systems to be installed that would have low impact on the existing ecosystem.

For the aforementioned reasons the proposed development is considered to meet both the threshold criteria of Section 104D. Having satisfied these threshold tests assessment of the substantive effects of the proposal in terms of Section 104(1)(a) of the Resource Management Act (as amended) follows in Section 8.0.

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

## **7.2 LIMITED NOTIFICATION - SECTION 94(1)**

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 26 February 2004. The report is attached in Appendix 12 of this report and identified that 35 persons and special interest groups would be adversely affected by the proposal. However, not all persons identified as being affected gave their written approval. As required by section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected. The special interest groups were identified on the basis of their as yet unresolved appeals on the subdivision rules for the Waitakere Ranges and/or their cultural and spiritual association with the land, these groups being:

- Auckland Regional Council
- Waitakere ranges Protection Society
- Te Kawarau A Maki Trust
- Te Hao o Ngati Whatua
- Royal Forest and Bird Protection Society
- Waitakere City Council Parks and Green Assets

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

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

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

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

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

The following assessment of effects is undertaken on the basis that the level of effects arising is avoided, remedied or mitigated (as appropriate) by the proposed consent conditions contained in this report. It is considered that the elimination of proposed Lots 11 and 3 and the merging of these areas with Lots 10 and 2 respectively would not materially affect the findings and recommendations of the specialist reports provided with the application, nor alter the recommendations of the peer reviews of these reports undertaken by Council as part of this assessment. There would be no change to site layout or the environmental issues resulting from the proposal except for their reduction on two of the sites.

### 8.1.1 Water Quality and Quantity

A207-A212 Application has been made to the Auckland Regional Council for discharge of stormwater and the application has also been assessed by Council's water and drainage engineer Shelley Renkema of EcoWater Solutions, Specialist report attached at pages A207 to A212. Sediment and erosion control measures including the construction of silt fences to control silt and sediment runoff, and the provision to ensure all work on site is carried out in accordance with a Site Management Plan, would mitigate the potential for adverse effects as a result of the proposed earthworks on site.

EcoWater have appraised the proposed development. Following receipt of further information requested by Ms Renkema, Council is satisfied that appropriate conditions can be imposed to ensure that services are constructed to Council standard, which would adequately serve the proposed development, including mitigation of stormwater discharges. Subject to such conditions the proposal is considered to have no more than minor impact on water quality/quantity and the city's infrastructure network, particularly the Swanson Catchment. Financial contributions would also be required to offset the cost of upgrading the stormwater drainage system.

### 8.1.2 Native Vegetation, Vegetation and Fauna Habitat

A217-A223 Council's Arborist, Andrew Richards has visited the site and has allowed up to 500m<sup>2</sup> of weed eradication to be undertaken, which also included the removal of a number of small manuka at the edges of some of the cleared areas. This work was monitored under Resource Management Act 20012123. Further vegetation removal would be required to provide suitable building platforms on all sites and this has been assessed by Council's consultant arborist Simon Miller, specialist report attached at pages A217 to A223.

Mr Miller generally concurs with the Arboricultural Assessment & Tree Protection Measures provided by Treecare Services on behalf of the applicant. (See Appendix F of the application.) This provides a comprehensive assessment and management plan, compliance with which would ensure any effects would be no more than minor. The recommendations of this report would be incorporated as conditions of consent to ensure that any effects would remain no more than minor. Mr Miller has further recommended that vegetation removal be limited to specific areas within each of the proposed sites, which would be specified in the conditions of consent. This would be in accordance with the use of existing cleared areas for building platforms as nominated by the applicant.

### 8.1.3 Land / Soil

A22-A231 Stage One of the historical subdivision that gave rise to the existing settlement in Kitewaho Road resulted in a Hazard Register entry indicating that the land in this area is stability sensitive. Meritec Limited have provided a Preliminary Geotechnical Assessment, Reference 19 930 35, dated September 2003, which has been peer reviewed by Council's Consultant Garry Law Associates. Mr Law has concluded that although *'the site is a difficult one, with selection of building sites, drainage and specific design requirements, is suitable for the purpose'*. He has made a number of recommendations and these would be included in any conditions of consent. Compliance with such conditions would ensure that site stability was not compromised and that any effects would be no more than minor and confined to the site(s) - see specialist report, as attached at pages A228 to A231.

In addition the application has been assessed by Council's Plumbing and Drainage Surveyor, Glen Moser, in terms of effluent disposal requirements. Mr Moser has made a number of recommendations that would also be incorporated into any conditions of consent to ensure that any discharge effects would be no more than minor and would be contained within each site and would not have any effect on water quality.

#### **8.1.4 Air**

The proposal does not involve any air emissions of any kind, apart from temporary construction effects and is therefore not considered to result in any adverse effects to air quality. Conditions of consent would be used to limit dust nuisance and hours of work on the site.

#### **8.1.5 Ecosystem Stability**

The site currently shows considerable evidence of past vegetation alteration, particularly within the western portion, which was to have been subdivided into a further 40-odd lots of between 1000m<sup>2</sup> and 2000m<sup>2</sup> in area. This land is slowly recovering, while the land to the east where no clearance occurred is older and more diverse. The proposed perpetual protection of the eastern portion of the site by vesting it as reserve together with the vesting of additional land with the Kitewaho Reserve and providing a re-vegetation programme for the degraded areas would serve to minimise any effects of vegetation removal on ecosystem stability. The whole site retains opportunities for ecological linkages and maintenance of biodiversity characteristic of the Waitakere Ranges. The applicant has also offered to covenant all areas outside the building platforms to provide added certainty for bush protection.

#### **8.1.6 Outstanding Natural Features; Landforms, Geological Sites**

The site is not in an area identified as having outstanding natural features, landform, or geological sites (refer maps 3.5(C) - 3.5(E))<sup>1</sup>. Accordingly, it is not considered that the proposal would have an adverse effect. However, as earthworks are proposed it is considered appropriate to impose a condition to ensure that if any archaeological evidence is found all works stop, and Council is contacted.

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

The subject site contains a number of permanent and ephemeral water courses that eventually drain to the Cassel Stream, which forms the southernmost and easternmost boundary of the site. The proposed subdivision has focussed on minimising landform modification, vegetation alteration and clearance with a view to protecting water quality and establishing a settlement density that is consistent with existing infrastructure and servicing standards.

Cassel Stream would be well separated from any proposed building platforms, the closest proposed platform being at least 120m from the stream. All on site stormwater and waste disposal would require specific design and any discharge points would be required to be well removed from any water courses, whether permanent or ephemeral. Thus any effects on natural character, particularly fish habitat, would be minimised through appropriate design and by means of conditions of consent.

#### **8.1.8 Outstanding Landscapes**

The site is located within the eastern foothills of the Waitakere Ranges and is identified in, or directly near an area of outstanding landscapes (refer Map 3.6(B)) with 'significant native vegetation (refer Map 3.5(A)) and 'outstanding native fauna habitat' (refer Map 3.5(B)). The upper bush-clad wider region of the foothills is also recognised in the Auckland Regional Plan as a 'significant landscape sensitivity area' and a 'significant natural heritage area'.

<sup>1</sup> Map 3.5(E) Outstanding Natural Features: High Fertility Soils has been deleted by Plan Change 3

A low impact development approach has been used to preserve the landscape character of the (undivided) site and to protect, incorporate and enhance significant features within the site including existing vegetation, water courses, wetland areas and riparian margins. By utilising existing cleared areas, clustering the building sites, undertaking a weed eradication programme in conjunction with extensive re-vegetation planting it is anticipated that there would be minimal impact on landscape character of this part of the city but rather an enhancement of existing natural values. Natural features of the site would also be protected. Council's Landscape Architect, Gordon Griffin has undertaken a peer review of the proposal and this has been discussed further in the flowing section on Amenity values (Section 8.1.9).

Therefore, the proposal is considered to have no more than minor effect on any outstanding landscapes and would be beneficial in the long term by providing a re-vegetation programme and protecting the area in perpetuity by means of covenants or the vesting of land as reserve.

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

- *Density*

This cluster style proposal would result in sites that would all comply with the transitional zoning requirement of minimum site areas of 4,000m<sup>2</sup> for Non Urban Residential 1 but would not meet either the minimum 2.0Ha or average of 4.0Ha site areas required of the Waitakere Ranges zoning since an average of only 3.55Ha per site can be achieved if the whole site is taken into consideration. Balanced against this a number of factors should be considered such as:

- (a) the intention of the earlier subdivision proposal of a much denser settlement pattern;
- (b) compliance with the transitional zoning requirement,
- (c) the protection in perpetuity of the high quality bush contained within the eastern portion of the site and its contiguity with the Auckland Regional Centennial Park; and
- (d) the opportunity provided for improved management of the remaining land under private ownership.

The proposal would result in a style of development similar to that which occurs over the remaining length of Scenic Drive west of its intersection with Kitewaho Road with dwellings nestled into bush clad sites. This would be in sharp contrast to existing Kitewaho Road settlement which is very much more 'suburban'. It is also proposed to fix the building sites by survey and covenant them in order to restrict development to specific locations within each of the proposed lots and ensure minimal impact on landscape and natural amenity.

- *Visual amenity, neighbourhood character, landscape modification, landscape values, views.*

A landscape and visual impact assessment has been undertaken on behalf of the applicant by Melean Absolum Limited. Comment has been provided on:

1. Potential impacts of the subdivision for the overall site.
2. Landscape and visual impact assessment of the identified building platforms, recommended mitigation measures and conditions of consent.
3. Preparation of a re-vegetation plan.

Conclusions drawn from this report, among others, show that the landform is characterised by the presence of elevated rolling foothills that form a transition between lower, more open and developed countryside and the native forest of the main Waitakere Ranges forest tract. Land use in this area comprises retained natural vegetation with areas of housing set amongst it.

The pattern of settlement immediately surrounding the subject site varies considerably ranging from the essentially suburban appearance of the highly modified residential sites lining Kitewaho Road, to the cleared 'farmlet' style development on the north side of this part of Scenic Drive, to the larger 'bush' lots further west where the dwellings are nestled within the bush. The proposed development would not be out of character with this surrounding pattern of settlement.

Map 3.6(E) lists all the significant view shafts within Waitakere City and shows that View No. 1 from Pukematekeo Summit offers 360° views that would encompass the 'basin' enclosed by Scenic Drive North and Kitewaho Road but the subject site would not be visible from the lookout itself because of the presence of vegetation screening. Parts of the proposed development could be glimpsed through vegetation at several points below Pukematekeo but it is unlikely that any of the proposed development would be clearly visible because of the existing canopy height, which is greater than 8m (the maximum permitted building height). It has therefore been concluded that the visual impact of the proposal would be less than minor.

The landscape and visual impact assessment further concluded that the proposed subdivision would not compromise landscape character of the area, ecological or amenity values. A vegetation management plan has been recommended together with a number of other recommendations such as eco-sourcing of plants and use of recessive colours in building materials. These recommendations would be incorporated into any conditions of consent to ensure that any effects would remain no more than minor.

A217-A223

Council's Landscape Architect, Gordon Griffin has reviewed the application and the specialist reports on 'Landscape and Visual Impact Assessment' and 'Arboricultural Assessment'. He has concluded that *'the density, although below the requirements of the Plan, coupled with measures associated with the proposal, such as re-vegetation, underground installation of power, water, telecom following the driveways, would continue to safeguard landscape features and landscape character, including maintaining and strengthening the bush setting.'* A number of additional recommendations have been made that would be incorporated into the conditions of consent to reinforce those offered by the applicant. See specialist report as attached at pages A217 to A223.

Maylene Brown, Council's Parks Consents Planner has also reviewed the proposal, as well as visiting the site. Ms Brown is satisfied that the proposal provides a good outcome in terms of benefit to the wider community and protection of high quality native forest by providing additional reserve land for Kitewaho Reserve and road frontage to the reserve off the end of Kitewaho Road. This would improve ecological opportunities between Scenic Drive, Kitewaho Road and the regional park and provide good access for passive recreation. A number of conditions have been recommended and these would be incorporated into any conditions of consent to ensure that effects on landscape values remain less than minor.

- *Traffic Generation, roading capacity and roading network, vehicle movements, access and driveways.*

The applicant has provided a Traffic Impact Report prepared by Philip Brown of Traffic Planning Consultants Limited (TPC), dated December 2003. Roothing and traffic works associated with the proposal include:

1. The formation of a cul-de-sac turning head located at the end of existing Kitewaho Road.
2. The formation of a shared driveway to service 3 lots off the end of the above cul-de-sac.
3. The formation of shared driveways to service 4 lots off the existing road between 7 and 9 Kitewaho Road.
4. The reinstatement of the existing carriageway within the jointly owned access lot servicing 1014, 1014A, 1018 and 1020 Scenic Drive North, over which the applicant has an access easement.
5. The formation of shared driveways to service 3 lots off the end of the above access way.

Council's Transport Assets Engineer, John Carroll has reviewed the Traffic Impact report and generally concurs with the findings, namely:

- The 3 (amended from 4) lots accessed by a shared driveway off the cul-de-sac to be formed at the end of Kitewaho Road and the 4 lots to be accessed by a shared driveway opposite 6 Kitewaho Road would generate less than present daily variations in traffic and would not significantly increase flows or create any operational problems for the road network.
- Traffic generated by the total of 7 lots (reduced from 8) accessed by shared driveway(s) at 1014 - 1020 Scenic Drive North would not significantly increase flows or create any operational problems. The access to the driveway would be relocated to a safer position slightly to the west of the present access entrance and with clearance of low vegetation would provide improved sightlines to the west and more than required visibility to the east. Existing access for the owners of 1022, 1024 and 1026 Scenic Drive North would be retained.
- The shared driveways meet or exceed all requirements in terms of gradient, horizontal and vertical alignment, width related to number of lots being served, passing bays, standard vehicle crossings and construction design.
- Driveways have the curve widening, width, and material strength to accommodate fire appliances.

A213-A261

Mr Carroll therefore supports the proposal, subject to a number of conditions mainly relating to compliance with Council's Code of Practice for City Infrastructure and Development, which would be incorporated into any conditions of consent - specialist report attached at pages A213 to A261.

Further consultation on site between Council's Transport Assets engineer, Adam Moller and the applicant has also occurred as a result of concerns expressed during the Pre Hearing meeting to resolve these maintenance and traffic safety concerns, which were also expressed in some submissions. As a consequence the road crossing design has been amended to provide assured access and improved safety for traffic entering or exiting the site off Scenic Drive North. However, in response to the stated desire of a number of submitters, Mr Moller has indicated that Council would have little justification on policy grounds in acquiring the access lot off Scenic Drive North as public road because it would be serving only an additional 3 lots over and above the four that presently gain access to their sites via this access.

There would be no advantage to the wider community in Council acquiring this land as road, there would be added costs to Council in maintaining it and it would be against Council policy to increase the number of roads within the Waitakere Ranges.

- *Infrastructural capacity and availability.*

As discussed in sections 5.2.1 and 5.2.3 stormwater and wastewater disposal have been assessed and Council is satisfied that subject to appropriate conditions any effects generated would be no more than minor and confined to individual sites. Provision would be made for the re-use of rainwater but it is intended to provide town water supply. The applicant is proposing to impose design requirements by means of covenants on the titles, which would further ensure mitigation of effects.

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

District Plan policy specifically discourages subdivision requiring new roads in the Waitakere Ranges and no new roads are proposed. The proposed access lots in combination with the extension of Kitewaho Road into a cul-de-sac would provide good access to the proposed lots. Public access to Kitewaho Reserve would be improved with the incorporation of the reserve land to be vested, which would also provide road frontage to the reserve via the Kitewaho Road cul-de-sac. Additional land at the northern end of the reserve would also provide walking access from this northern end of the reserve. The provision of clear access ways and public access would improve public safety and enable improved surveillance of public and private land.

#### **8.1.10 Heritage**

Cultural Heritage Inventory (CHI) No 1260 is identified on the eastern Cassel Stream boundary of the site. This is listed as a timber and rafter dam with historical and pattern values. The record states that the dam was built in the 1850's and was last field checked in October 1999. It is apparently one of two 'driving' dams built by William Fraser and used by William Swanson to log the Swanson Valley from 1853 - 1861. However there would be no adverse effects in respect of this heritage item as the proposed activity would not be located near, or impact on it as it is proposed to incorporate this part of the site in reserve to be vested with the Auckland Regional Council.

#### **8.1.11 Summary**

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

There would be a change to the pattern of land use of the land immediately adjoining the existing residential properties along Kitewaho Road and Scenic Drive North. This is because the use would be for 10 residential bush lots rather than the *de facto* use of privately owned land for passive recreation presently enjoyed by many of the local residents. However all proposed lots that directly adjoin existing residential properties would be very much larger in land area and every proposed lot offers the potential for greatly improved land management by having defined and covenanted building areas, specified waste- and storm-water disposal systems (by means of covenant), re-vegetation requirements and bush protection covenants.

There would be a slight increase in local traffic and short term effects from construction of new dwellings, new shared driveways and the construction of the turning head at the end of Kitewaho Road. The advantage to local residents is that larger vehicles such as Council's rubbish collectors would no longer have to manoeuvre in private driveways and access and parking for Kitewaho Reserve would be improved.

Benefits to the wider community derive from the vesting of the high quality native forest within the eastern portion of the site (being more than half the total land area of the subject site) to the Auckland Regional Council to be incorporated into the Centennial Memorial Park and protected in perpetuity; the increase in size of Kitewaho Reserve and improved access to the reserve; and the potential for greatly improved management and protection of existing and future native habitat on privately owned land.

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

### 8.2.1 Transitional Plan

The Transitional Plan (Waitemata City District Scheme) contains general provisions regarding suitability of land for subdivision and requires that drainage must be suitable and there are specific requirements for stability sensitive areas. These are contained in Section 5. In addition there are general requirements relating to earthworks and vegetation alteration covered under Section 4.2 'Conservation of Landscape'. These are further elaborated within the particular rules, in this case those relating to Non-Urban Residential 1 and Landscape Protection 2 zones. This proposal would meet these requirements and although it would not comply with the boundary adjustment rules, the enlarged site areas proposed in this case could not be used as a basis for further subdivision because they would not comply with the minimum standard of 4000m<sup>2</sup>.

It is my professional opinion therefore that the proposed subdivision and associated site works would meet all the relevant requirements of the Transitional Plan and that this Plan requires little further comment.

### 8.2.2 District Plan Policies and Objectives

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

The relevant objectives and policies in relation to this proposal relate to subdivision in the Waitakere Ranges resulting in a **non-complying** level of density, vegetation alteration and earthworks, and also requires consideration of soil stability and shared driveways.

**Objective 1** and **Policies 1.7** and **1.14** which seek to manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource, including maintaining:

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

Proposed **Policy 1.1** (though not yet operative) would also make provision for a site-specific management approach on land areas of 30 hectares or more where net environmental benefit may be gained from alternative settlement patterns [generally via a Plan Change process].

While not seeking to subdivide through a Plan Change process the applicant has demonstrated a willingness to take a low impact, holistic approach to the site by clustering building sites within existing cleared areas and being prepared to manage the entire subdivision process to ensure installation of appropriately designed drainage systems; to minimise vegetation alteration over the site; and to generally improve environmental outcomes with re-vegetation and protection of the bush.

**Objective 2** and **Policies 2.1, 2.3, 2.4, 2.10, 2.12** and **2.13** which seek to protect the City's native vegetation and fauna habitat, including protecting:

- the quality and resilience of the resource;
- the variety and range of species and their contribution to the biodiversity of the City;
- their ecological integrity;
- their healthiness as a potential source of harvest for cultural purposes.

**Objective 3** and **Policies 3.2, 3.4** and **3.5** which seek to maintain the life-supporting capacity of the City's land resource.

**Objective 4** and **Policies 4.3** and **4.4** which seek to manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level.

**Objective 9** and **Policies 9.9** and **9.14** which seek to protect the quality and significance of the City's outstanding landscapes by avoiding, remedying or mitigating damage to or clearance of native vegetation and only allowing subdivision design that is no intrusive on the natural landscape.

**Objective 10** and **Policies 10.4, 10.8, 10.9, 10.11, 10.13, 10.16, 10.17, 10.18** and **10.20** which seek to maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers, including maintaining:

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

**Objective 11** and **Policies 11.1, 11.2, 11.3, 11.4, 11.6, 11.7** and **11.9** which seek to achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

- the quality and character of different patterns of settlement within the City's intensively settled residential areas;
- the pedestrian-oriented amenity values of the town centres and the character of those areas as retail centres;
- the utilitarian nature and character of the industrial areas;
- the natural and physical features that give each rural and coastal village its particular and unique character;
- the pastoral/rural character of the northern parts of the City;
- the complex, mixed landscape of the foothills.

These policies are discussed in more detail as follows:

## Subdivision and Density

Policy 9.9 states the following: *Activities should be managed in a way that avoids, remedies or mitigates damage to or clearance of native vegetation from the outstanding coastal and Waitakere Ranges landscapes.*

Policy 9.14 states the following: *Subdivision should be designed in a way that:*

- *Minimises the intrusion of structures and driveways into the natural landscape, and subsequent effects on landscape character;*
- *Avoids, where possible, the placement of structures and driveways so that they intrude on to Natural Landscape Elements; and*
- *Minimises adverse effects on other natural features, including native vegetation and heritage objects and sites.*

The proposed subdivision would result in a total vegetation clearance of approximately 4,730m<sup>2</sup> within this significant natural landscape but much of this has already occurred and involves the removal of highly invasive weed species such *Eleagnus*, gorse and Wattles. The effect of this clearance would be mitigated by proposed re-vegetation of 1.0925 hectares of existing cleared areas. Furthermore, the proposal would provide Council with an opportunity to impose further mechanisms to assist in the protection of native bush and the on-site fauna habitat.

The subdivision has been designed with a cluster-style configuration in such a way that the resultant land parcels would have the least impact on the natural landscape. For example, the configuration of the proposed lots would ensure that the proposed accesses (shared driveways) would be defined over existing tracks. This would avoid the need for further vegetation clearance and reduce the level of earthworks required for driveway formation. The proposed subdivision would identify delineated building areas to ensure that new buildings would not alter natural landscape elements. Finally the proposed layout of the subdivision would not result in any change to natural features or sites of historical or cultural value. Therefore it is considered that the proposed subdivision would be consistent with these policies.

Policy 10.17 states the following: *Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.*

The proposed subdivision would not result in any further development on the site beyond that which is proposed. It has been determined through the assessment of affects contained in Section 8 of this report that the adverse effects would be no more than minor and could be avoided, remedied or mitigated by means of conditions of consent. The applicant proposes to impose requirements for infrastructure as covenants on the titles and Council's water and drainage engineer is satisfied that effects can be managed by means of appropriate design and consent conditions. The proposed subdivision would therefore be able to adequately meet water supply, wastewater drainage and stormwater disposal requirements on the site to provide for the health of all residents.

Policy 11.9 states the following: *Structures and access ways should be placed in such a way that they do not encroach visually on those natural landscape elements that have been identified as contributing to the amenity of an area. Particular regard should be had for the placement of structures so that intrusion above any sensitive ridgeline when viewed from a public place is avoided, or where unavoidable, remedied or mitigated.*

The proposed subdivision would not alter the proposed building areas, which have already been positioned to have regard for the natural landscape and to avoid impacting on views from Pukematekeo lookout. As discussed above, access ways would remain in the same position as existing tracks. In addition the applicant has indicated that there would be requirements on any titles created to ensure that building styles and materials would be appropriate for this bush setting.

### Shared Driveways

Policy 10.16 states the following: *Driveways, carriageways and car parking areas should:*

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

Section 8 of this report has already established that the location of the shared driveways and the formation of the formed surfaces would be safe for shared vehicle access, would be designed to discharge runoff within the site, and would not result in vegetation removal so edge effects would be negligible. Therefore it is considered that the proposed development would be consistent with this proposal.

### Earthworks

Policy 1.6 states the following: *Activities (including structures and impermeable surfaces), should be designed, located and carried out in a way that they do not impede or adversely affect the potential for the regeneration of native vegetation, or reduce the extent, range and linkages between areas of native vegetation within riparian margins and coastal edges.*

The proposed works would be in accordance with this policy as sediment and erosion controls would be put in place to minimise the movement of soils and the potential for contamination in receiving waters. The applicant would also be constrained by any conditions of consent imposed by the Auckland Regional Council.

### Vegetation Alteration

Policy 2.13 states that: *Subdivision design should:*

- *provide a level of protection of significant and outstanding native vegetation and fauna habitat, and restoration areas, that, where possible avoids clearance of, and damage to, this resource;*
- *minimise adverse effects arising from subsequent placement of structures, roads, and other infrastructure, on the overall resilience, biodiversity and integrity of the Green Network;*
- *minimise adverse effects during the course of establishing the subdivision, including those arising from surveying;*
- *provide for the recognition of the natural values of native vegetation and fauna habitat and linkages between these areas.*
- *provide for an esplanade reserve or esplanade strip of 20m in width where subdivision of sites adjacent to the coast, river or lake occurs and it is considered that the protection of native vegetation and fauna habitat would benefit from public ownership or a legal protection covenant.*

Whilst it is recognised that within parts of the undivided site clearance has already occurred that is well outside the parameters for vegetation alteration identified in Policies 2.2 and 2.3, this is a result of past poor management. The cluster development approach taken in this application, with its utilisation of existing cleared areas for building platforms and driveways is considered to provide a beneficial management tool for the future health and long term survival of this area of native forest. Each nominated building site would be restricted in area and Council's Arborist has recommended that a covenant be placed on the title prohibiting the importation of exotic plants to the site. Restricted covenants would be required on each title to protect the bush outside the building platforms and the comprehensive re-vegetation programme, which will be implemented by means of consent conditions, has been commended by both [Council's] Arborist and Landscape Architect. Thus improved protection of native vegetation and fauna can be achieved on privately owned land.

More than half the land area is proposed to be vested in either Waitakere City Council or Auckland Regional Council and this provides further protection of the quality native forest with improved linkage opportunities throughout the Cassel Stream/Swanson Stream Catchment Area.

### Summary

It is considered that the proposal would be consistent with the objectives and policies of the Plan. The Plan is "effects based" in its approach to natural and physical resources and it has been demonstrated in the previous assessment of effects that subject to conditions, any effects arising from the proposal would be no more than minor.

### 8.2.2 Rules and Assessment Criteria

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

#### EARTHWORKS

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

The main bulk of the earthworks would be required to construct the new turning head at the cul-de-sac end of Kitewaho Road with some earthworks also required for driveway formation and stormwater drainage devices. No significant vegetation would be affected and enhancement and restoration opportunities would be maintained. Re-vegetation has been proposed on completion of the earthworks. Engineering supervision of geotechnical recommendations and appropriate silt and erosion control measures would ensure that there would be no exacerbation of, contribution to, or potential for flooding, erosion or instability.

The visual effects would be short term and all exposed surfaces would be required to be stabilised and re-grassed. Re-use of material on site would be limited but transport of material off-site would be managed to prevent deposition of soil on the road network and would be required to be transported to an approved clean fill site or facility.

This level of earthworks is minimal for this level of development and is primarily for the purpose of public road. Subdivision design ensures that most sites will have good access without requiring new roading. Therefore earthworks have been minimised to the best practicable level and would be anticipated to require only a short time for completion.

## VEGETATION ALTERATION

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

The portion of the site proposed for development has been modified in the past and is only now showing evidence of recovery from past vegetation clearance. The minor amount of clearance would be for the provision of suitable building sites and/or to provide internal access to the proposed sites. Weed eradication in conjunction with re-vegetation is also proposed.

The proposed vegetation removal would not have adverse effects on nearby vegetation and the proposed re-vegetation programme would offset vegetation loss from the site. In addition ample landscape opportunities would be available within each proposed residential bush lot as they are developed.

For these reasons it is considered the proposal meets Assessment Criteria 2b, 2d, 2f, 2g-2k and 3b-3d (Managed Natural Area) for earthworks and vegetation alteration and also 11a - 11h (Subdivision - Waitakere Ranges).

## VISUAL AMENITY AND NEIGHBOURHOOD CHARACTER

This site is currently undeveloped and comprises a mixture of high quality native forest to the east and recovering but degraded native vegetation to the west. As mitigation for the loss of amenity and habitat associated with the clearance of vegetation, conditions of consent would require vegetation protection and re-vegetation. The planting would soften the visual appearance of the development and would include native plants selected for their aesthetic value and also for their habitat values (for example a food source for native birds, ecological linkage opportunities, riparian treatment).

Earthworks on this scale have the potential to cause obvious changes to the landscape. The earthworks proposed are for the cul-de-sac turning head at the end of the road and upgrading of existing access within the site. The earthworks for the road access are considered to be necessary for these purposes but not excessive.

Noise and hours of operation would be limited by conditions of consent to maintain a reasonable level of aural amenity for adjoining and neighbouring property owners for the duration of the necessary site works.

For these reasons it is considered the proposal meets Assessment Criteria 2a, 2e, 2k, 3a, 3b, 3d, 3h and 3l (Managed Natural Area), 9a (Waitakere Ranges Environment) and 11f - 11h (Subdivision - Waitakere Ranges).

## INFRASTRUCTURE

A207-A212

As discussed in Section 8.1.2 of this report Council's Subdivision Engineer, Ms Shelley Renkema of EcoWater has assessed the infrastructural issues (refer to memorandum as attached at pages A207 to A212 dated 21 April 2004). Ms Renkema recommended that conditions be placed on the consent to ensure sufficient infrastructural capacity is provided for the proposed lots. Those suggested conditions will become conditions of consent, if granted.

EcoWater were satisfied that the effects on water quality and quantity of the proposed development would be de-minimis when viewed in isolation but there would be cumulative effects from the general increase in development within the catchment. To allow Council to undertake catchment-wide work to mitigate these cumulative effects, a financial contribution would be imposed as a condition of this consent.

It is therefore concluded that the proposal meets Assessment Criteria 3e-3g (Managed Natural Area) and 11i - 11s (Waitakere Ranges Subdivision).

## TRAFFIC, CAR PARKING AND DRIVEWAYS

The sites would be served from three separate access points all of which would be of sufficient width to serve the proposed lots. The sites would access onto the road at acceptable grades to ensure pedestrian safety and would prevent vehicle accidents. In addition, the proposal involves 3 shared driveways that are to be designed and constructed to Council approved standards. Given the existing contours of the site and the state of the tracks the proposed driveways would be of moderate grade and all the shared driveways are considered to allow safe passage onto the road.

A213-A216

The proposal has been assessed by John Carroll and Adam Moller of Council's Transport Assets Department, see memorandum dated 8 January 2004, as attached at pages A213 to A216. They are satisfied with the layout of the development including the design of the access to each lot and subject to the finalising of some minor design issues, the adverse effect on pedestrians and the roading network would be de minimis. Those issues would be controlled via conditions of consent.

It is therefore considered that the proposal meets Assessment Criteria 3n (Managed Natural Area) 9a-9d (Waitakere Ranges Environment) 7a-7d (Transport Environment) and 11d (Waitakere Ranges Subdivision).

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

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

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

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

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

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

Auckland Regional Policy Statement is also concerned that expansion of activities beyond the Metropolitan Urban Limits does not threaten environmental qualities and thresholds (Urban Growth Management).

Policy 2.6.4: Rural areas states (in part) that: 1. *The use, development and protection of natural and physical resources and the subdivision of land in the rural parts of the Region (except as provided by Policy 2.6.1-3) is to be managed in an integrated manner, that:*

- *gives effect to Part II of the Resource Management Act; and*
- *is consistent with the Strategic Direction and with the relevant provisions of Chapters 3 to 18 inclusive of this Auckland Regional Policy Statement ;and*
- *takes account of and makes appropriate provision for the following matters;:*
  - (i) *The avoidance of significant adverse effects (including cumulative adverse effects) on:*
    - (a) *the environmental values protected by defined limits to metropolitan Auckland and defined limits to rural or coastal settlements.*
    - (b) *the safe and efficient operation of existing regional infrastructure*
    - (c) *the necessary upgrading of existing regional infrastructure*
    - (d) *the provision of new regional infrastructure.*
    - (e) *the rural character of the region.*
  - Where significant adverse effects cannot be avoided they shall be remedied or mitigated ...*
  - (iv) *significant adverse effects on the environment, including effects on the rural character of rural areas and on regionally significant environmental values, are avoided; and where avoidance is not practicable, adverse effects are remedied or mitigated; ...*

The applicant is offering more than half the land area of the site to be vested as reserve with the Auckland Regional Council, to become a part of Centennial Memorial Park which it adjoins. This would afford perpetual protection of this area of high quality native forest and the re-vegetation and covenanting of the balance area held in private ownership would ensure protection of the remaining bush. This proposal would therefore be consistent with Auckland Regional Policy Statement policies concerned with the protection of natural heritage and with an integrated approach to subdivision, given the cluster-style development and drainage systems proposed and the proposed covenanting of bush areas.

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

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

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

Submitter	Concerns	Planning Assessment
Pauline Jannette Rennie	Use of access requires negotiation; access lot should become public road.	Council's Transport Assets engineer has made it clear that there would be no policy grounds on which Council could accept the access lot as a new public road. It has not been offered to Council and would not be required as a condition of consent. Therefore use of the legal access is a matter that falls under the legal agreement outlined in the 'easement agreement'. The applicant intends to carry out maintenance on the existing driveway as required and has consulted with Council regarding the best position for the vehicle crossing within the road reserve. This has now been redesigned slightly but will guarantee access for all those users currently accessing Scenic Drive North from the existing vehicle crossing and is considered to be the safest access option. The number of lots gaining access via the access lot has been reduced from 4 to 3.
Mark & Sandra Hart	Safety of access; environmental effects; access lot should become public road.	
Denise and Martin Diehl	Safety of access; guaranteed access to Scenic Drive.	
John Hsu	Safety and design of access to Scenic Drive; number of lots.	
Gareth & Lexi Lauchlan	Safety of access.	
Michael S Marygold	Use of access lot requires negotiation; safety of access	This organisation has stated that it would normally be opposed to such a density of development but in this case is satisfied that every effort is being made to protect the environmental qualities that are characteristic of this area. They have recognised that the applicant is concerned to ensure that all the streams are maintained and/or enhanced and would make every effort to protect fish habitat in particular.
Waitakere Branch Royal Forest & Bird Protection	Density; protection of stream values and native fish.	
Craig Shearer/ Hugh Jarvis Auckland Regional Council	Density; against District and Regional Plans	Auckland Regional Council has stated that the total land area could support a subdivision density of up to 8 lots. The applicant is proposing 10 lots. It is my opinion that the development is such that it would easily satisfy the Auckland Regional Policy Statement policies & objectives regarding protection of water quality and quantity and natural heritage because of the design of the subdivision and the protection in perpetuity of the native forest.
Waitakere Ranges Protection Society C/- G V Taylor,	Density; against District and regional Plans.	Waitakere Ranges Protection Society has expressed similar concerns but having seen the site, have acknowledged that the proposed design and protection of native forest in perpetuity would relieve their concerns.

#### **8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions**

Pursuant to Section 407 of the Resource Management Act 1991 (as amended) financial contributions and reserve contributions would be levied on this proposal to offset the cost of infrastructure and to contribute to Council's Reserves. The sum to be paid in lieu of reserves would be offset by the vesting of proposed Lot 201 to Council as Local Purpose (Neighbourhood) Reserve as shown on the plans submitted with the application at the time of survey plan approval and would be considered to be payment in full.

A condition requiring payment of other contributions is recommended.

#### **8.4.3 Monitoring**

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to silt and erosion controls, the re-vegetation programme and site-specific survey of building sites.

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

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

A standard five year period in which to give effect to this consent is not considered appropriate because it relates to a subdivision consent that would have the consent period extended a further three years upon the approval of the survey plan. Thus a three year period for the consent is considered appropriate for both the land use and subdivision consents.

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

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

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

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in such a way that enables people and communities to provide for their social and cultural well-being and their health and safety without significantly compromising the needs of future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment as demonstrated through the assessment in Section 8 of this report.

It is considered that that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of subdivision in the Waitakere Ranges, and associated infrastructure, vegetation removal and earthworks, in a Managed Natural Area within the Waitakere Ranges Environment.

The proposal would allow for a 10-lot 'bush-lot' subdivision, that subject to conditions, would be able to establish and operate in such a way that the amenities of the neighbourhood and long-term health of the Waitakere Ranges and Cassel Stream/Swanson Stream Catchment and environs would not be adversely affected.

The proposal is not considered to adversely affect any matters of national importance, as addressed in Section 6 in Part II of the Act. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes efficient use of natural and physical resources, and the maintenance and enhancement of amenity values. It is considered that the proposal would not be contrary to any other such matters and that the concerns of the parties to outstanding references on subdivision rules have been satisfied.

Section 8 addresses matters relating to the principles of the Treaty of Waitangi. Opportunity for Iwi to consult/comment has been provided during the period since the application was notified and it is considered that the proposal would be undertaken in such a way that it would be not be contrary to the Treaty's principles.

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.

As such it is considered that the proposal would be consistent with Sections 5, 6, 7, & 8 or the Resource Management Act 1991 in that any adverse effects on the environment can be avoided, remedied or mitigated through conditions of consent and the amenity values and the quality of the environment can be maintained and enhanced.

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

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

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

## **11.0 CONCLUSION**

The applicant seeks consent to undertake up to 4,730m<sup>2</sup> of vegetation alteration over an area of approximately 14.7526 hectares, re-vegetation of 1.0925 hectares and up to 1,216m<sup>3</sup> earthworks over 4,514m<sup>2</sup> for building platform, access and infrastructure development for a proposed 10-lot 'bush lot' subdivision. The subject site is located at Kitewaho Road and Scenic Drive North and is within the Waitakere Ranges [Human] Environment and the Managed Natural Area of the Waitakere City Operative 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 be adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of this non-complying activity for subdivision will not lead to a decline in the amenity values of the area in which it seeks to locate.

The proposal is considered to be consistent with the objectives and policies of the District Plan, which seek to maintain the amenity of the Waitakere Ranges Environment, and prevent adverse effects on fauna habitat and the life supporting capacity of rural streams.

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies Section 105(2A) in that subject to appropriate conditions of consent the adverse effects on the environment of the proposal will be no more than minor and the proposal is not contrary to the relevant objectives and policies of the Proposed District Plan.

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

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

### **RECOMMENDATIONS**

- A. That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Cassel Holdings Limited to undertake a proposed 10-lot 'bush lot' subdivision requiring up to 4,730m<sup>2</sup> of vegetation alteration over an area of approximately 14.7526 hectares, re-vegetation of 1.0925 hectares and up to 1,216m<sup>3</sup> earthworks over 4,514m<sup>2</sup> for building platform, access and infrastructure development at Kitewaho Road, Swanson, being Pt Lots 1 & 2 DP 64489, Pt Lot 2 DP 20522, and Lot 1 DP 211994 for the following reasons:
- (i) It is considered that the proposal would have no more than a minor adverse effect on the environment as the earthworks are at a level necessary to provide suitable building sites and access, and the sediment/erosion measures imposed as conditions of consent are considered appropriate to protect the soil and water quality, the trees being removed are largely unprotected under the District Plan and would be more than adequately replaced by required re-vegetation within the proposed sites,
  - (ii) The proposal is considered to be consistent with the relevant assessment criteria for Earthworks, Vegetation Alteration and Shared Driveways.
  - (iii) The proposal is generally consistent with the Objectives and Policies of the Operative District Plan and Part II of the Resource Management Act and the design (and conditions below) will ensure the amenity of the area is maintained.
  - (iv) The proposal is consistent with the relevant objectives and policies of the Auckland Regional Policy Statement and the requirements of the Auckland Regional Plan: Sediment Control.

**Conditions imposed on the consent are as follows:**

**GENERAL**

1. The development shall proceed in accordance with the plans for proposed 10-Lot Subdivision - prepared by Davis Ogilvie and Partners Limited and variously dated and titled:
  - Scheme Plan of Proposed 10-Lot Subdivision at Kitewaho Road for Cassel Holdings Sheet 1N;
  - Topographical Survey of Lot 1 DP 211994, Pt Lot 2 DP 20522 & Pat Lots 1 & 2 DP 64489 - Sheet 2B;
  - Earthworks and Sediment Control Plan. Sheets 3 - 7 (Sheet 3 to be amended in line with revised Sheet 8A);
  - Access way and Drainage Layout ... Sheets 8A, 9 - 12;
  - Access way Long & Typical Sections ... Sheets 13A,14A,15A and 16A;
  - Water & Utilities Layout Plan ... Sheets 17 - 21 (Sheet 17 to be amended in line with amended Sheet 8A);
  - Overland Flowpath Details - Sheet 22A;
  - Retaining Wall Details - Sheet 23and all referenced by Council as Resource Management Act 20032562/2563 and the information, including further information, submitted with the application, all plans to be appended to this decision as Attachment 1.
2. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of three (3) years from date of issue of the consent
3. 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 Plans and methodology.

**INFRASTRUCTURE**

4. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be accepted by EcoWater. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition.

**EARTHWORKS**

5. Erosion and sediment control measures shall be carried out in accordance with those referred to in the Earthworks Management Plan and the Sediment Control Plan, submitted as part of this application and prepared by Davis Ogilvie & Partners Limited as Appendix F (appended to this decision as Attachment 2), and in accordance with Auckland Regional Council's Technical Publication No. 90, 1999 and Auckland Regional Council conditions of consent.
6. 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 Guidelines for Earthworks". These structures are to be constructed in accordance with best practice, be operational before earthworks commence, and be maintained to perform at full operation capacity until the site has been adequately secured against erosion.

7. Council's Environmental Monitoring Officer (phone 8368000 extension 8685) is to be contacted prior to any bulk earthworks commencing, to inspect the sediment control measures constructed, and then again before the erosion and sediment control measures are removed.
8. Roads, footpaths, berms and kerbs, including access to the site, are to be kept clear of mud and debris at all times, to the satisfaction of Council's Field/Monitoring Officers. Any mud/site debris (from the site and associated site activities) deposited on the road reserve will be removed immediately at the expense of the consent holder and in a manner that prevents environmental or infrastructure degradation.
9. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from the earthworks area via a stabilised system, so as to prevent surface erosion.
10. Stockpiles of earth shall be located as far as practicable from the stream and existing residents, to the satisfaction of the Manager: Resource Consents, and refer condition 15 regarding dust control.
11. All excess or unsuitable excavated material shall be removed from the site immediately following the completion of the earthworks or sooner, to an approved disposal location, to the satisfaction of the Manager: Resource Consents. Evidence of where the excavated fill has been deposited is to be submitted to the Environmental Monitoring Officer in the form of an invoice or similar.
12. The applicant is responsible for ensuring the site is stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the sites. Re-vegetation/stabilisation of all earth-worked areas is to be completed in the first planting season following the completion in accordance with measures detailed in the Auckland Regional Council Technical Publication No. 90, 1999.
13. Regular inspection and ongoing maintenance of all sediment control measures are to be undertaken. Any problems identified are to be rectified immediately.
14. All planting shall be implemented and maintained in accordance with the approved re-vegetation plan (appended as Attachment 3) 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, with the equivalent, and maintained for a further planting season from the date of replacement.
15. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties. Should these not prove satisfactory, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
16. Provide to Council, an earthworks completion report prepared by a Registered Engineer, which will include details of fill location and depth; the final depth of topsoil on all allotments; and areas requiring special design.
17. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).

18. Prior to the commencement of works, the applicant shall obtain all consents, permits and authorisations for the work as may be required by the Auckland Regional Council.
19. Truck deliveries to the site during the period of the earthworks operations shall not exceed 10 deliveries in one day.
20. The consent holder shall implement use and maintain a suitable wheel wash facility to prevent the deposition of earth or other site material on the surrounding streets from vehicles entering or leaving the site to the satisfaction of the Manager, Resource Consents. The sediment-laden run-off from the wheel wash facility shall be channelled into the sediment pond.
21. All access ways to the site shall be stabilised and maintained over the entire construction period to the satisfaction of the Manager: Resource Consents.
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 - 7.00 pm
Saturday	8.00 am - 5.30 pm
Sunday and Public Holidays	NO WORK

#### **GEOTECHNICAL**

23. Building platforms shall be restricted to the already cleared sites unless the varied sites are subject to further specific investigation.
24. Earthworks in forming building platforms shall be carried out to NZS 4431.
25. On lot 1 cuts and fills in forming building platforms shall not exceed 1 m in height without further specific investigation and design.
26. On lot 1 retaining walls exceeding 1m in height shall be subject to specific investigation and design.
27. On lots 2 to 12 any cuts and fills in forming building platforms shall have further specific investigation and design.
28. On lots 2 to 12 any retaining walls shall have further specific investigation and design.
29. Lots 2 to 5 shall have counterfort drains installed under the building locations to 3 m depth, with protected outlets, at spacing subject to specific design along with the foundation details.
30. Foundations of buildings on lot 1 and 6 - 12:
  - (a) for buildings to NZS 3604, shall be to the requirements of that standard, but with specific investigation and design of the footing depths for expansive soils., or
  - (b) if to other than NZS 3604, have foundations subject to specific design by an experienced geotechnical engineer familiar with the report of Meritec - Reference 19 903 35, September 2003 with specific investigation in respect of the expansive properties of the soils.

31. Foundations of buildings on lots 2 to 5 shall be subject to specific investigation and design by an experienced geotechnical engineer familiar with the report of Meritec Reference 19 903 35, September 2003.
32. Placement of irrigation fields for stormwater and effluent shall be subject to specific design by an experienced geotechnical engineer familiar with the report of Meritec Reference 19 903 35, September 2003.
33. An experienced geotechnical engineer familiar with the report of Moss Engineering, reference 1283G, August 2001, shall be engaged to inspect the earthworks, foundations and retaining walls and shall provide the Council with a Producer Statement - Construction Review for this part of the work.

#### VEGETATION ALTERATION

34. All work involving vegetation removal or work within the drip line of protected vegetation shall be undertaken in strict accordance with the procedure laid down in Appendix A of the Treecare Services Report for the subdivision proposal and appended to this decision as Attachment 3.
35. All vegetation clearance shall be undertaken by a competent arborist in accordance with modern arboricultural practice.
36. Planting and maintenance (including replacement planting of dead or missing plants) shall be as per the Revegetation Plan REF 03480 PP submitted with the application. This plan includes weed clearance by a qualified operator, (with hand held options preferred) in all zones to be planted, prior to carrying out the planting, and on going weed control, with this maintenance for a minimum of three years. Initial planting shall take place in the planting season, (May until 7 September) of the year in which the consent is granted but following weed clearance of all zones to be planted.
37. The cleared areas for building platforms shall not exceed the following areas of clearance on any one lot;

<i>Lot 1, 504 m<sup>2</sup></i>	<i>Lot 7, 654 m<sup>2</sup></i>
<i>Lot 2, 613m<sup>2</sup> (Option A) or 743m<sup>2</sup> (Option B)</i>	<i>Lot 8, 622 m<sup>2</sup></i>
<i>Lot 4, 720 m<sup>2</sup></i>	<i>Lot 9, 692 m<sup>2</sup></i>
<i>Lot 5, 1000 m<sup>2</sup></i>	<i>Lot 10, 776 m<sup>2</sup> (Option B)</i>
	<i>780 m<sup>2</sup> (Option A)</i>
<i>Lot 6, 658 m<sup>2</sup></i>	<i>Lot 12, 1000 m<sup>2</sup></i>
38. Building Materials and colours of buildings shall be chosen to merge harmoniously with the bush setting. Use of light or highly reflective colours that have high contrast with the bush setting shall be avoided.
39. Vegetation clearance including weed removal within building platforms or driveways may proceed from the time of granting of this consent but all cleared areas shall be stabilised and re-grassed until building and development works shall proceed.

## MONITORING

40. A consent compliance monitoring fee of \$410.00 (inclusive of GST) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

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

## Advice Notes

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer at least 48 hours before inspection is required. Inspections can be requested through the Call Centre on 839 0400.
  2. When any approved site clearing is being carried out, no fires are permitted unless consent has been obtained from Council under the appropriate By Law.
  3. Further foundation design conditions may be required by consent notice imposed on new certificates of title upon receipt of the earthworks completion report.
  4. Weed management of all environmentally damaging species within the subject site including those areas not required for re-vegetation shall be carried out on an ongoing basis as per the covenants established on the title.
  5. The Plan's objectives for the Waitakere Ranges Environment and for the Managed Natural Area seeks to protect and maintain the natural bush covered environment and natural landscape character associated with the bush-clad ranges. Use of exotic species and native bush clearance is therefore inappropriate in this area.
- B.** That Subdivision Consent Application Plan No SPW21955 (RMA20032562) being a Non-complying activity and being a 10 Lot subdivision of Pt Lots 1 & 2 DP 64489, Pt Lot 2 DP 20522, Lot 1 DP 211994 comprised in CT 50B/1475 situated at Kitewaho Road, Swanson by Cassel Holdings Limited be granted subdivision consent pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991 and be approved pursuant to Section 348 of the Local Government Act 1974, and that:-

## 1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 3 years provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council. If not complied with, the survey plan will be declined pursuant to Section 223 (1A) of the Act.

- (a) If required by Condition EW3(iii) below, provide drainage easements (over Lots 1, 2, 5, 9, 12 as required to protect the stormwater outlet(s) serving the JOAL(s)) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon."

- (b) Provide for water supply easement(s) in gross in favour of Council over Lots 100, 103 & 104 in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Note:

The easement document will be prepared by Council's Solicitor at the applicant's cost.

- (c) If required by Condition (CS 1) below, define and letter Land Covenant areas showing any restricted areas identified in the final geotechnical report on any affected lots which will be subject to a consent notice pursuant to Section 221 of the Act.

- (d) Pursuant to Section 220(1)(b)(iv) of the Act, provide for the following condition of amalgamation to be shown in the Section 223 approval on the survey plan:

"Subject to the amalgamation condition set out hereon"

and provide for the following to be endorsed on the Plan:

"That Lot 100 hereon (legal access) be held as to three undivided one-third shares by the owners of Lots 9, 10 and 12 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith."

"That Lot 101 hereon be held as to two undivided half shares by the owners of Lots 9 and 10 hereon and that individual Certificates of Title be issued in accordance therewith."

"That Lot 102 hereon be held as to two undivided one-half shares by the owners of Lots 6 and 7 hereon and that individual Certificates of Title be issued in accordance therewith".

"That Lot 103 hereon be held as to four undivided one-fourth shares by the owners of Lots 5, 6, 7 and 8 hereon and that individual Certificates of Title be issued in accordance therewith".

"That Lot 104 hereon be held as to three undivided one-third shares by the owners of Lots 1, 2 and 4 hereon and that individual Certificates of Title be issued in accordance therewith".

See CSN: A634859.

- (e) Pursuant to Section 220(3) of the Act, provide for the following condition of amalgamation to be shown in the Section 223 approval on the survey plan:

"Subject to the amalgamation condition set out hereon"

and provide for the following to be endorsed on the Plan:

"That Lot 301 hereon be transferred to the owners of Lot 61 DP 44433 (CT16D/139) and that one Certificate of Title be issued to include both parcels".

"That Lot 302 hereon be transferred to the owners of Lot 162 DP 44433 (CT69A/959) and that one Certificate of Title be issued to include both parcels".

“That Lot 303 hereon be transferred to the owners of Lot 31 DP 44433 (CT11D/1183) and that one Certificate of Title be issued to include both parcels”.

See CSN: 291380.

- (f) As required by Condition (LD 6) below, define and letter Land Covenant areas showing the native bush which is required to be preserved and which is to be the subject of a performance bond.
- (g) Provide services easements through Lot 1 DP 86441 and Lot 10 (to serve Lots 9, 10 and 12) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, “subject to the granting of or reserving of the easement(s) set out in the Memorandum hereon”.
- (h) Provide for right-of-way easement in gross in favour of Council over Lots 103 and 104 [as required by Condition (PK 1) below] in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, “subject to the granting or reserving of the easement(s) set out in the Memorandum hereon”.

Note: The easement documents will be prepared by Council's Solicitor at the applicant's cost.

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

## 2: SECTION 224C REQUIREMENTS

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

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

### ECOWATER CONDITIONS (PUBLIC DRAINAGE)

Please contact the Secretary, 836 8000 extension 8428 EcoWater, Development Services to arrange a pre-start meeting with EcoWaters Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.

- (EW 1) Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's “Code of Practice for City Infrastructure and Land Development” detailing the nature and extent of any proposed work.
- (EW 2) A consent notice is to be issued and registered on the new titles for Lots 1, 2, 4 - 10 and 12 stating that the wastewater treatment and disposal system from any development on the site shall be designed to meet the recommendations of the ‘Wastewater Assessment for Kitewaho Road and Scenic Dr North’ report prepared by Davis Ogilvie & Partners Limited, dated February 2004. In particular, the irrigation fields and reserve area are required to be located at least 15m away from any watercourse, wetland, or overland flow path.

- (EW3) Design, provide and install a complete public stormwater drainage system to service the public road, and a private stormwater drainage system to service the joint-owned access Lots (JOALs), in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 4.0), and EcoWater's Countryside and Foothills Stormwater Management Code of Practice. Specific requirements:
- (i) The proposal for a piped stormwater system along Access Lot 100 discharging to the existing pond is **not acceptable**. This pond is considered a significant and sensitive feature of the property and it shall be protected from any discharges. Provide in the engineering plans for an alternative design and outfall(s) for the runoff from Access Lot 100. The decant from the earthworks bund is not to discharge to this pond either. It is recommended that small amounts of runoff be discharged at regular intervals along the driveway.
  - (ii) Remove the existing culvert from the watercourse running through proposed Lot 4, and restore the stream banks to the satisfaction of Council, as stated in the consent application report by Davis Ogilvie & Partners Limited.
  - (iii) Stormwater outlets from JOALs are required to be, either, located within the JOAL boundary, or, within an easement over the individual Lot in favour of the JOAL. Amend boundaries or provide easements as required.
  - (iv) Reposition the outfall from JOAL 104 so it is located entirely within Lot 1, not Lot 200 (the reserve to vest to Auckland Regional Council).
  - (v) Minimise the length of the outfall, and excavations for the overland flow path, on the boundary of Lots 2. There is existing wetland vegetation in this area that should be protected and enhanced as much as possible. It is recommended that wetland species in this location are carefully removed, stored and replanted within the newly formed flow path.
- (EW 4) To prevent increasing downstream flooding and/or increased channel erosion on the Swanson Stream, stormwater disposal is required to comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice. A consent notice is to be issued and registered on the new titles for Lots 1, 2, 4 - 10 and 12 stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements in accordance with the design by Davis Ogilvie & Partners Limited, dated December 2003, to the satisfaction of EcoWater:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 2 & 10 year storm events.
  - (ii) Mimic natural runoff patterns, and not to discharge directly to a watercourse, open drain or piped system.
  - (iii) Rainwater to be reused for toilet, laundry and gardening use to reduce runoff volumes and minimise water importation. Backflow prevention is required if mains supply top-up is used. Note rainwater reuse mitigates half the roof area up to a maximum of 100m<sup>2</sup>.
  - (iv) A stormwater detention tank to be provided to limit the rate of runoff.
  - (v) Design and location to be approved by EcoWater prior to carrying out mitigation measures. Additional mitigation measures such as permeable paving are recommended.
  - (vi) The construction of impermeable areas on Lots 1, 2 4 - 10 and 12 is to be limited to no more than 400m<sup>2</sup> unless further stormwater mitigation (of the 2, 10 & 100 year storm events) is provided to EcoWater's satisfaction.

- (vii) The property owner is required to maintain any devices to meet the above requirements, and all bush planting areas to the satisfaction of Council. The planted areas are to be covered by restrictive covenants.
  - (viii) Note: Council's Hazards and Special Features Register will be advised of the above requirements.
- (EW 5) To ensure that the owners of each Lot are made aware of their responsibilities with regard to stormwater drainage from the development, a consent notice is to be issued and registered on the new titles for Lots 1, 2, 4 - 10 and 12 stating that the stormwater disposal system from any development on the site shall be designed to incorporate the following requirements to the satisfaction of EcoWater:
- (i) The 1 in 100 year overland flow path(s) on the site are to be assessed at the time building consent application is made. Dwellings are required to be located clear of any flow path with a minimum floor level to EcoWater's satisfaction.
  - (ii) All stormwater drainage serving the joint-owned access Lot(s) is privately joint-owned by all owners of the access Lot(s) serving the site. The owners of an individual Lot shall accept the discharge of stormwater as required from the joint-owned access Lot(s) over their property.
  - (iii) Maintenance of the stormwater drainage, including culverts, water table drains, rock check dams, and outlets, serving the joint-owned access Lot(s) is the responsibility of all owners of that access Lot.
  - (iv) Note: Council's Hazards and Special Features Register will be advised of the above requirements.
- (EW 6) The stormwater mitigation measures proposed in the Application for Subdivision & Land Use Consent Report for Kitewaho Road prepared by Davis Ogilvie & Partners Limited dated December 2003 are acceptable to EcoWater. Bush planting is to be carried out over a 1.1215Ha area which effectively mitigates the 1 in 100 year event for all proposed paved areas (including public road, JOALs, and private driveways). Rain water re-use within the dwellings will further mitigate up to 100m<sup>2</sup> of roof area, while tanks will provide the attenuation required to keep the flows to pre-development levels for the 2 & 10 year storm events. The proposed stormwater quality treatment via existing and proposed bush planting, water table drains (swales) with check dams, and rain water tanks, is acceptable to EcoWater. Specific Requirements:
- (i) Provide a certified plan from a registered surveyor and a report from a suitably qualified person to demonstrate that the 1.1215 Hectare area of planting to mitigate stormwater runoff has been planted in accordance with the approved proposal.
  - (ii) Provide for restrictive covenants over the bush areas to ensure ongoing protection and continuity of stormwater mitigation effects.
- (EW 7) Advice Note: It is the applicant's responsibility to, if applicable, obtain from the Auckland Regional Council a discharge permit, and all other consents, on terms acceptable to the Council, pay all costs attributable to such application and comply with any conditions imposed by the Council. Provide copies of subdivision consent conditions and hydraulic or geotechnical reports to the Regional Council.

- (EW 8) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners/tenants.
  - (ii) Provide a detail showing the proposed connection to the existing Council watermain/s. The detail is to include all flanges, joints and applicable details. In addition any water reticulation plan is to show all necessary design details to inform construction (eg. thrust blocks etc).
  - (iii) Provide and install a fire hydrant within 135 metres of the farthest point of fire risk and within 65m of the end of a cul-de-sac. Note: The hydrant is to be on a direct traffic route to the property. The distance specified above may not be measured as a radius.
  - (iv) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary. Public water mains are to be located within Access Lots 100, 103 & 104 only. All water meters are to be located within these Access Lots also.
  - (v) Locate all water connections at the same position as the power and telephone connection to each Lot not in the centre of the Lot.
  - (vi) Design, provide and install individual 25mm PE80 private water supply lines to serve all rear Lots (6, 7, 9 & 10) in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 6). The service lines are required to be laid within the services berm along the ROW from the proposed meter location (with a 50mm minimum overlap) at the road reserve boundary to not less than 300mm into the body of each Lot, terminating with an acuflow valve. The individual private lines shall be coiled up out of the ground in the ROW at the joint-owned access Lot boundary and each line shall identify which Lot it will serve. Provide an As-Built plan of the private water supply service lines to EcoWater.
  - (vii) Ducting of private service lines is recommended.
- (EW 9) Where any drainage is to be laid through bush areas or near specimen trees (works within the drip line of vegetation protected by rules of the District Plan) the applicant shall seek a resource consent from Council for this work. Prior to seeking engineering approval for public drainage, or a minor plumbing and drainage consent for private drainage works, provide confirmation that a resource consent has been granted or that one is not required. For information please contact the Council Duty Planner on 839 0400 or talk to the Duty Planner at the customer services desk, Civic Offices, Waipareira Avenue, Henderson. Advice Note: Drainage may be required to be thrust through bush areas.
- (EW 10) Contact EcoWater's Development Services Secretary (extension 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
- (EW 11) Provide an As-Built drainage plan prepared by a registered surveyor and cctv video inspection of the new public drainage, in accordance with Waitakere City Council COP.
- (EW 12) Advice Note: Public drainage - prior to applying for a drainage test, as-builts and cctv video must be lodged with EcoWater. Prior to applying for the 224c certificate, ensure that the drainage test / field check has been applied for.

## TRANSPORT ASSETS CONDITIONS

Please contact the Transportation Engineer on 836-8000 (extension 8740) to book an inspection.

- (RD 1) Design, form and completely construct the proposed new road / cul-de-sac turning head (Lot 300) in accordance to the Code of Practice for City Infrastructure and Land Development to the satisfaction of the Council. Note:
- (i) The intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process.
  - (ii) Remove and reconstruct existing vehicle crossings at Lots 61 & 162 DP 44433 (47 & 64 Kitewaho Road) using standard detail SD 3.12 Residential Vehicle Crossing (Un-kerbed Roads).
- (RD 2) Provide one flag streetlight at the end of the proposed new road/cul-de-sac turning head to the satisfaction of the Service Manager Transport Assets.
- (RD 3) Prior to the release of the 224 Certificate, provide Council with all RAMM and as-built plan data of the new road / cu-de-sac head formed (electronic and compatible with Council's GIS system). This will be inclusive of edge of seal, swale drains and culverts etc., streetlight pole and property boundaries.
- (RD 4) The road vested to Council shall be designated as a "Local" road.

## SHARED DRIVEWAYS & VEHICLE CROSSING

- (SD1) Form the shared driveway over the existing ROW driveway off Scenic Drive North and over Lots 100, 101, 102, 103, & 104. Construct thereon a carriageway and storm water control in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council.
- Notes:
1. The construction shall include the vehicle crossings; using standard details 3.12 Residential Vehicle Crossing (Un-kerbed Roads) or SD 3.14 High Volume/Speed Vehicle Crossing as required.
  2. Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
  3. Ensure that the long section of the driveways and the vehicle crossings comply with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15 Maximum Vehicle Crossing Profile.
  4. All bends shall have a minimum inside turning radius of not less than 6.5m.
  5. The minimum width of the carriageway on shared driveways is specified in Councils District Plan and the construction details are given in Council's "Code of Practice for City Infrastructure & Land Development".
- Notes:

Provide a carriageway width for

- (i) 1-2 lots, 2.5m wide with 0.7m services strip (Lots 100, 101, 102)
- (ii) 3-5 lots, 2.7m with passing bays and 1.3m services strip (Lots 103, 104)
- (iii) 6-10 lots, 3.5m with passing bays and 1.5m services strip (Existing ROW)
- (iv) All to the satisfaction of Council.

(SD2) Provide a passing bay at the road entrance of the existing ROW driveway, the width and length of which shall be determined by design using tracking curves, and 5m wide passing bays along the course of the shared driveways at an interval not exceeding 50 metres, and remove the entrance of the existing vehicle crossing, all to the satisfaction of the Council.

### **PARKS AND GREEN ASSETS CONDITIONS**

Please contact the Parks Assets Planning Co-ordinator on 836-8000 (extension 8768) to book an inspection.

- (PK 1) That a right-of-way easement, in gross in favour of Council, is created over lots 103 and 104, for the purposes of reserve maintenance.
- (PK 2) That all retaining walls in the development be located on private lots.
- (PK 3) That all development entry statements/subdivision name signs, be located on private lots.
- (PK 4) The removal of environmentally damaging plants from all lots, as listed in the Waitakere City Council Proposed District Plan.
- (PK 5) Enter into a registerable fencing agreement with Council in regard to Lots 4, 5 and 301 to the effect that the Council will not be liable to contribute toward the cost of creating or maintaining any dividing fence between any reserve or other land vested in or administered by the Council. Also that any fences facing the reserve shall be of visually permeable construction, in order to ensure good surveillance of the reserve, and to reduce the chance of graffiti.
- (PK 6) Ensure that the reserves are left in a condition suitable for maintenance and mowing in accordance with Section 7.2 of the Waitakere City Council Code of Practice and to the satisfaction of the Parks Consent Planner.
- (PK 7) Lots 201 and 202 shall be developed to neighbourhood reserve standard to the satisfaction of the Service Manager: Parks and Green Assets. A landscape plan prepared by a qualified Landscape Architect is to be submitted to the Parks Consent Planner for approval prior to any works commencing. The plan shall detail the following specific features and provide design and engineering details where required:
  - (a) A bark chip track through the reserve, from the entrance of Lot 202 to the entrance of Lot 201 (adjacent to Lot 300); track to be 1.5 metres wide in accordance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development. The alignment of the track shall be approved by the Service Manager: Parks and Green Assets and marked out on the ground prior to construction using a non-permanent marker. The layout of the footpath shall be designed to minimise the removal of vegetation within the Park.
  - (b) Two Parks Signs are to be installed as per Parks Standard, one within the reserve (Lot 201) adjacent to Lot 300 and one at the entrance to Lot 202. The name of the reserve on these signs is to be Kitewaho Park.

- (PK 8) Provide Council with As Built drawings of project showing all services, levels, inverts, features and facilities as per the following requirements:
- (a) A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
  - (b) All underground services are to be shown on the plan with sizes, types, depth to invert and invert levels based on site datum on plan and new assets scheduled on an Asset Sheet (Client to provide format of Asset Sheet).
  - (c) A new scaled As Built survey plan of all irrigation systems and sand slit drainage systems showing all connections, chambers, fixtures, items and assets scheduled on an Asset Sheet.
  - (d) Any planted areas to be shown to scale on the copy of the construction plan with areas sq. metres of planting, numbers of plants and type and assets schedule on Asset Sheet.
  - (e) All products, fixtures, items and fittings with type, colour, model, manufacturer name and contact telephone number are to be scheduled on an Asset Sheet.
  - (f) All paint colours used or graffiti coatings with name of products for graffiti removal are to be schedule on an Asset Sheet.
  - (g) Two copies of any special operating manuals for any new systems are to be provided.
  - (h) Completion and supply of asset data sheets for all new or modified asset components (to be provided by the client).
  - (i) Any special maintenance requirements to be scheduled and supplied.

#### **CONSULTANCY SERVICES CONDITIONS**

Please contact the Design Engineer on 836-8000 (extension 8718) to book an inspection.

- (CS 1) Arising from **GEOTECHNICAL CONDITIONS 23 - 33** in Part A above, further foundation design conditions may be applicable on receipt of the earthworks completion report. A consent notice pursuant to Section 221 of the Act may be required to be issued and registered on the new titles to be issued for any affected lots.

#### **LEGAL DOCUMENTATION**

These conditions will be signed off by Consent Services. If you are required to obtain a geotechnical report as a condition of consent, please provide your account manager with a copy so that we can initiate Legal documentation and hasten the Section 224C procedure.

- (LD 1) Take note that Lot 300 shall vest in the Waitakere City Council as road and Lot 202 shall vest as access way pursuant to Section 238 of the Act.
- (LD 2) Take note that Lot 201 shall vest in the Waitakere City Council as Recreation Reserve pursuant to Section 239 of the Act and the owner shall supply Council with a copy of the certificate of title for this reserve. A Solicitors undertaking to order and forward a copy of the certificate of title to Council will be required.

- (LD 3) Provide for the following documents:
- The Consent Notice required by Conditions (EW 2), (EW 4), (EW 5), (CS 1) and (LD 6) below ;
- and the water supply easement required by Condition 1(b) above;
- and the fencing agreement required by Condition (LD 5) below;
- and the right-of-way easement in gross required by Condition (PK 1) above;
- will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- (i) All necessary technical information;
  - (ii) The Land Transfer plan number allocated by Land Information New Zealand, and
  - (iii) The name and address of the solicitor acting for the owner.
- (LD 4) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner of a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.
- (LD 5) Enter into a registerable fencing agreement with Council in regard to Lots 4, 5 and 301 required by Condition (PK 5) above to the effect that the Council will not be liable to contribute toward the cost of creating or maintaining any dividing fence between any reserve or other land vested in or administered by the Council.
- (LD 6) The areas of native vegetation and the re-vegetation areas on Lots 1, 2, 4 - 10 and 12 which are required to be preserved shall be suitably defined on the survey plan. A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new titles to be issued for the affected lots and pursuant to Section 108 (1)(b) of the Act, a performance bond on each lot in the amount of \$100,000.00 will be required for bush preservation.
- (LD 7) Take note that Lot 200 shall vest in the Auckland Regional Council.

### **FEES, BONDS & CONTRIBUTIONS**

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

- (FC 1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred. These fees will be charged at Councils advertised schedule of fees.
- (FC 2) Pay to Council a street damage bond of \$5,000 prior to the commencement of work. This bond shall be refunded in full after inspection by Councils Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed.
- (FC 3) Pay 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.

- (FC 4) Pay to the Council pursuant to Section 407 of the Act the sum of \$1,320.00 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Swanson Stream Catchment main system improvements) necessary to serve the subdivision. (\$120.00 per additional Lot).
- (FC 5) The vesting of Lot 201 as Recreation Reserve and the works required by Condition (PK 7) above shall be accepted in full satisfaction of the reserve contribution.

### GENERAL

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

- (GL 1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.
- (GL 2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 3) Remove all non-complying building and structures.
- (GL 4) Obtain the reticulation of electric power to Lots 1, 2, 4 - 10 and 12 by underground methods and design and provide each street light and standard necessary at the discretion of Council to serve the subdivision; and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Electrical Network Operator (including the requirements of the Operator of the network to which the subdivision network is to be connected).
- (GL 5) Obtain the reticulation of telephone services to Lots 1, 2, 4 - 10 and 12 by underground methods and provide to Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Network Operator.
- (GL 6) Provide to Council prior to the release of the 224 certificate, all RAMMS Data and as built of the new roads formed (electronic and compatible with Waitakere City Council GIS system). This will be inclusive of kerblines, cesspits, street lighting, footpaths, parking bays, Intersection control devices, traffic calming devices, signs, street furniture, Landscaping, vehicle crossings, pedestrian access ways and property boundaries.

#### Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.

Report prepared by: Jeannette Ibrahim, Senior Resource Planner.

