



Waitakere City Council  
*Te Taiao o Waitakere*

## NOTICE OF MEETING

# HEARINGS COMMITTEE

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

**DATE:**        **Thursday, 10 November 2005**        **TIME:**        **9.30 am**

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

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

1 November 2005

Owena Schuster  
**COMMITTEE SECRETARY**

Telephone (09) 836 8000 extn 8864

### **MEMBERSHIP:**

Councillors    DQ    Battersby, JP (Chairperson)  
                  WW    Flaunty, QSM, JP (Deputy Chairperson)  
                  PA    Hulse  
                  JP    Lawley  
                  VS    Neeson, JP  
                  CA    Stone

Alternate Council Representative  
                  LA    Cooper

Ward Representative  
                  Mr    GE    Barnard                   (Massey Community Board)

Alternate Ward Representative  
                  Mr    AE    Davies, JP               (Massey Community Board)

(Quorum 4 members)

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

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE  
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,  
ON THURSDAY, 10 NOVEMBER 2005, COMMENCING AT 9.30 AM.**

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**1 APOLOGIES**



**2 URGENT BUSINESS**

Section 46A(7) of the Local Government Official Information 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 Committee by resolution so decides; 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 and decision, why the item is not on the agenda, and why it cannot be delayed until a subsequent meeting.

The Committee may make a decision on a matter determined to be urgent.

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



**3 CONFIRMATION OF MINUTES**

Meeting Minutes - Thursday, 29 September 2005

**RECOMMENDATION**

That the minutes of the Meeting of the Hearings Committee held on Thursday, 29 September 2005, as circulated, be taken as read and now be confirmed.



**4 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991 BY NEON LTD AND BORON LTD TO UNDERTAKE A 125-LOT RESIDENTIAL SUBDIVISION AND ASSOCIATED EARTHWORKS AND SITE WORKS AT 102A ROYAL ROAD, MASSEY (COMMONLY KNOWN AS THE MCWHIRTER FARM)**

**MASSEY WARD**

**RMA 20041672 (LUC) and RMA 20041673 (SUB)**

**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**

Resource Planner: Chris Gorman

Site Address: 102A Royal Road, Massey

Applicant: Neon Limited & Boron Limited

Date Received: 30 June 2004

Resource Consent No: RMA20041673 (Subdivision), RMA20041672 (Land Use)

Scheme Plan No: SPW22175

Legal Description: Lot 1 DP205681 & Lot 2 DP 320466, CT 81208

Address for Service: D Ison  
Harrison Grierson Consultants Limited  
PO Box 5760  
Wellesley Street  
Auckland

Total Area: 21.4594ha

Operative Plan:

- Human Environment: Living
- Natural Area: General / Restoration
- Landscape Elements: Riparian Margins 10m, 5m and non-riparian
- Hazards:
- Roading Hierarchy: Local

Further Information Required: Yes

Date Requested: 11 & 16 August 2004, 19 November 2004,  
21 February 2005

Date Received: 17 February 2005, Final Layout received 3 August 2005

## 1.0 INTRODUCTION AND RECOMMENDATION

### 1.1 Nature of the Application

The applicant seeks consent to undertake a 125-lot residential subdivision of the southern portion of the subject site. There would be 125 residential lots created with site areas all in excess of 450m<sup>2</sup>, and various ancillary lots (joint ownership access lots, drainage reserves, recreation reserves, etc) would also be created. Vegetation clearance, earthworks and the construction of a pedestrian bridge (within Riparian Margins Natural Area) would also require resource consent.

### 1.2 Resource Management Issues Raised

The Resource Management Act 1991 requires that, when considering an application for a resource consent, a consent authority shall have regard to the environmental effects of the proposed activity, together with any relevant objectives, policies and rules of the District Plan. The most significant issues raised by this proposal relate to the effects of the culvert construction and earthworks on stream ecology and local drainage patterns, the effects of the road layout on local traffic movement, and the effects of the earthworks, particularly vehicle and machinery noise and dust generation, on the residential amenity of the neighbouring properties.

### 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 subdivision of the subject site and the undertaking of associated site works. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

## 3.0 PROPOSAL

The applicant seeks consent to subdivide the southern portion of the subject site, to a density complying with the maximum permitted density within the Living Environment of one dwelling per 450m<sup>2</sup> of net site area. The average residential lot area would be around 558m<sup>2</sup>. A total of 125 residential lots would be created, and other lots would be established for the purposes of providing drainage and recreation reserve. A number of new roads would be created to serve the subdivision area, including the partial formation of a main 'spine' road that would eventually extend Westgate Drive to a new intersection with Royal Road.

The applicant proposes to undertake a large quantity of earthworks (approximately 70,000m<sup>3</sup>) across the site to establish suitable building sites, to install infrastructure and to create the roading network. The applicant advised in November 2004 that it was intended to complete the earthworks within a three-month period. Presumably, this timeframe this would be achievable if the works were not commenced toward the end of an official earthworks season. It is proposed to undertake an even cut and fill balance on the site, with any surplus material to be disposed of off-site. An earth bund would be formed along the eastern side of Lots 90 – 102, 124 and 125, to reduce traffic noise from the adjacent motorway.

Retaining walls would be constructed in the locations shown on the amended subdivision plan. Generally, retaining work would be undertaken to support the detention pond excavations, with the balance to allow suitable building sites to be established on various lots in the northern portion of the Stage 1 area. The maximum height of the retaining walls would be 4.3m (Wall 2).

The applicant proposes to construct a 45m-long culvert to allow the Westgate Drive extension to cross the Tihema Stream, which forms the northern boundary of the Stage 1 subdivision area. Another much smaller, watercourse on the eastern side of the site, would be filled. Two new stormwater detention ponds would be created: the lower pond in the north-eastern corner of the Stage 1 area, abutting the curve of proposed Road 3 (a cul-de sac); and the upper pond between proposed Road 7 and the cul-de-sac head of proposed Road 4.

Stormwater overflow from the upper detention pond would discharge back into the stream that feeds the pond (ie. an 'on-line' pond), as would road access into the subdivision would be via proposed Road 2, which would join Royal Road within the wide existing road frontage in the south-eastern corner of the site. A 4m-wide pedestrian access lot would be created off Road 7 to provide direct access between the subdivision and the adjoining Royal Road Primary School.

Surrounding activities are predominantly residential in character, though the site's direct neighbours include the Auckland-Kumeu Motorway (SH 16), Royal Road Primary School, and 76 Royal Road ('the Thompson land'), a large site with a similarly low level of residential development as the subject site.

The applicant proposes to provide reticulated sewerage services to the subdivision by connecting to the existing public system at a point adjacent to the site's triangular northern corner. The wastewater pipe would be slung beneath a new footbridge to be erected over the Tihema Stream. The footbridge would also provide for pedestrian access between Road 3 and the surrounding residential area and Road 1 (the proposed extension of Westgate Drive). Permission has been obtained from the Council's Parks and Open Spaces department for the applicant to undertake works within an adjacent area of open space to make this required connection.

A second pedestrian walkway would provide access between Road 4 and Road 7 across the upper stormwater detention pond. The walkway would be constructed along the top of a bund to be built to dam the watercourse.

The proposal has been subject to a number of changes since first submitted to Council, but the applicant has now reverted to the original proposal, albeit with minor amendments to elements such as the alignment of roads, stormwater discharge methods, retaining wall location and heights, and the ratio of drainage to recreation reserve.

A major change to the proposal, providing for integration of the roading pattern - in particular the alignment of the main roads - with the adjoining site at 76 Royal Road was mooted for some months in early-mid 2005, but was abandoned by the applicant recently following Council's advice to the applicant that the amendments would warrant re-notification (on a limited basis) of the application. Consequently, the applicant opted to proceed with the original proposal. The main difference between the two proposals was that under the now abandoned proposal the extension of Westgate Drive would have taken the approximate route of Road 2 and intersected with Royal Road at the eastern end of the site's Royal Road frontage. Essentially, then, the two proposals differed in the relative hierarchical position of the two roads that would link the Westgate area to Royal Road. Under this proposal, Westgate Drive would eventually connect with Royal Road through the Thompson land.

#### 4.0 REASONS FOR THE APPLICATION

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

##### Land use

##### General Natural Area

1. Resource consent as a Discretionary Activity required, pursuant to Rule 3.4, for earthworks exceeding 300m<sup>3</sup> accompanied by an earthworks management plan. The applicant proposes to undertake approximately 70,000m<sup>3</sup> of earthworks across the site to prepare the site for residential development, including the formation of retained lot boundaries and roads.
2. Resource consent as a Limited Discretionary Activity required, pursuant to Rule 2.3, for removal of native and exotic vegetation exceeding 6.0m in height. The applicant proposes to remove a stand of exotic trees from an area immediately west of the cul-de-sac head of proposed Road 4. Also, a number of [native] Kanuka trees would be removed from various locations within the site.

##### Restoration Natural Area

3. Resource consent as a Limited Discretionary Activity required, pursuant to Rule 3.2(a), for earthworks to construct a stormwater detention pond along the periphery of land within the Restoration Natural Area. The volume of earthworks involved has not been specified in the application, but would be low, as only backfilling of a retaining wall would be undertaken.
4. Resource consent as a Limited Discretionary Activity required, pursuant to Rule 6.2, for the establishment of new building coverage (Retaining Wall 1).

##### Riparian Margins Natural Area

5. Resource consent as a Discretionary Activity required, pursuant to Rule 3.3, for earthworks required to construct a stream crossing (both for infrastructure and a pedestrian bridge) through a riparian margin exceeding 7.0m in width. The applicant may be required to undertake an unspecified, but certainly low, volume of earthworks to erect a sewer line with a pedestrian bridge above across the Tihema Stream, at a point where a 10m Riparian Margin applies. **Note.** The applicant applied for a Limited Discretionary Activity consent on the basis the earthworks would be less than 30m<sup>3</sup> under Rule 3.2(a), however, as this work is required as part of a subdivision, and does not meet the requirements of Rule 3.2(b) it would need to be considered as a Discretionary Activity.
6. Resource consent as a Limited Discretionary Activity required, pursuant to Rule 7.2, for the erection of a bridge within a 10m Riparian Margin.

##### Subdivision

7. Resource consent as a Discretionary Activity required, pursuant to Rule 4.2(a), for the subdivision of a site exceeding 3ha in net site area.
8. Resource consent as a Controlled Activity required, pursuant to Rule 2.2(b) as the subdivision would create proposed sites adjacent to a High Noise Route where the application for subdivision consent is accompanied by an assessment showing that the subdivision is set out in a manner which ensures that the potential effects of traffic noise on future residential developments are avoided or substantially mitigated. There would be 12 lots that would be adjacent to State-Highway 16.

## 4.2 Overall Status of Application

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

4.3 Resource consent(s) would also be required<sup>1</sup> from the Auckland Regional Council under the Proposed Regional Plan: Air, Land and Water. The Auckland Regional Council, the region's primary consent authority with respect to matters pertaining to environmental matters, has confirmed that no application for consent had been received from the applicant as of 7 September 2005, but has also advised that the Regional Council is unlikely to notify any subsequent application, and that even if it chose to do so, a separate hearing would be held. As a result, therefore, the application the subject of this report was notified separately and does not, in the opinion of the ARC, need to be heard in conjunction with the associated land use consent application.

## 5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is a large property of unconventional shape located on the northern side of Royal Road, Massey. Existing development on the site consists of a large, two-storey house and ancillary agricultural buildings. All the existing buildings are clustered in the south-western corner of the site. There is a disused horse trotting track at the southern end of the site, extending to within 8-12m of the side boundaries. The site is located approximately 220m west of Makora Road, which serves as an off-ramp for west-bound traffic on SH16. The site also extends as far north as the southern edge of the Westgate shopping centre.

Due to its large size and the recent large-scale subdivision of the adjoining area to the north-west (Rush Creek) the site abuts a large number of properties. To the south and north-west, the site adjoins residential properties at typical Living Environment densities (approx one dwelling per 400-500m<sup>2</sup>), while to the east the site adjoins Royal Road Primary School and SH16. The site also adjoins a large (6.44ha) residential property along its western boundary. (This adjoining site contains only one dwelling and is itself likely to be subject to a multi-lot residential subdivision in the future.)

There are a number of streams within the site, the largest - and the only one with Riparian Margin status under the District Plan - is the Tihema Stream, which enters the site from the northern boundary of 76 Royal Road and exits along the site's eastern boundary. There is also a more minor watercourse on the upper portion of the site, running across the site from west to east.

Ground levels on the site vary greatly, hence the need for a significant volume of earthworks and retaining. There are a number of steep gullies and few flat areas, particularly within the Stage 2 area.

The site has been used to graze horses in recent times, and is almost wholly in pasture, with isolated pockets of native vegetation, comprising mainly Manuka / Kanuka, around the streams and gullies. There is also a cluster of larger exotic trees, including *Macrocarpa*, along the boundary of the Stage 1 and Stage 2 areas.

<sup>1</sup> Consent from the Auckland Regional Council may be required for earthworks, water diversion/damming and/or stormwater discharge.

## 6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A160-A208

Notice of this application was served on all identified affected persons on 1 October 2004. The period for submissions closed on 29 October. Nine submissions were received. One submission supported the application unconditionally, while four submissions opposed the application outright. The remaining four submissions opposed the application in part. Attached at pages A162 to A208 are copies of the submissions that were received. A map showing the location of the submitters are attached at pages A160 to A161.

### 6.1 Submissions

#### 6.1.1 Support

1. Mr Ricky Chadha

Mr Chadha supports the application, saying that the development will result in the removal of an "eyesore", and increase surveillance and neighbourhood security.

#### 6.1.2 Oppose

1. Aaron & Heather Martin - 78 Royal Road

These submitters oppose the application on the basis that the proposed layout will lock the owners of the adjoining property (76 Royal Road - the Thompson land) into establishing a road layout that would lead to adverse effects on their 'living conditions'. Specifically, this would arise as a result of the main road providing vehicle access to the Thompson land being positioned directly adjacent to the submitters' property.

2. Diane Wrathall - 86 Royal Road

Ms Wrathall opposes the subdivision on various grounds. These can be summarised as follows:

- Submitted development plans contain errors.
- Proposed deviation from Waitakere City Council Engineering Code of Practice with respect to cul-de-sac radii.
- Previous uses of site may have resulted in ground and stream contamination.
- Stormwater drainage on the subject site could affect the soil stability of adjoining sites.
- Applicant should first have obtained Mr Thompson's approval before applying for consent.
- Earthworks would cause inconvenience and reduction in neighbourhood amenity.
- Loss of existing 'countryside atmosphere' and 'rural outlook' would affect amenity.
- There are trees on the subject site overhanging Ms Wrathall's property that need to be pruned.

3. Thornton Estates - 74A Royal Road

Cato Bolam Consultants, submitting on behalf of Thornton Estates, oppose the application on the following grounds:

- Proposed Road 2 is better suited as the main access road to and from the subdivision.
- Stormwater quality arrangements for the area need to be rationalised to reduce the total number of treatment devices that need to be established.
- Sanitary sewer route could be realigned at no extra cost to facilitate development of the adjacent sites.

4. Geoff Thompson - 76 Royal Road

Hosken & Associates Limited, submitting on behalf of Mr Thompson, opposes the application on the following grounds:

- The proposed development is inconsistent with a previously “adopted structure plan” for the land.
- The proposed connection of Roads 1 and 8 to the Thompson land’s boundary would necessitate excessive earthworks on Mr Thompson’s site.
- There is an incorrect reference to the Thompson land contributing to Pond One’s stormwater catchment.
- Practical access cannot be obtained to several proposed lots.
- The north-eastern portion of Mr Thompson’s land would not be well served by road connections.
- The Waitakere City Council Development Scenario on which the proposed subdivision is based has no statutory status.
- The proposal requires any future subdivision of the Thompson land to provide open space to meet the recreational needs of the residents of the proposed new lots on the subject site.
- Consultation undertaken with Mr Thompson has been inadequate.

5. D & M Burch - 104 Royal Road

These submitters object to the proposal for the following reasons:

- The location of Road 2 adjacent to their boundary would reduce the privacy and amenity of their property.
- Daylight and sunlight access to their property would be lost if the berm of Proposed Road 2 was planted out.

**Conditionally Support or Neutral**

1. Royal Road Primary School

Mr Wayne Leighton, submitting on behalf of the Royal Road Primary School in his role as the school’s principal, supports the application, subject to conditions relating to: public access to the school and security; assistance with replanting of stream margins within the school; and obtaining certainty that the existing Beauchamp Reserve would be extended into 76 Royal Road.

2. R B & J A Garrity - 33 Richfield Crescent

These submitters stated that they had no grounds for objection, but hoped that two Pine trees on the adjacent Thompson land could be removed, as the trees drop pine needles into their drains and could potentially drop branches onto their roof.

3. Transit New Zealand - State Highway 16

Transit NZ opposes the proposal (partly) for the following reasons:

- Congestion effects on SH 16 of the additional traffic generated by the subdivision.
- Reverse sensitivity issues could arise as a result of the creation of residential lots adjoining the motorway.

## **7.0 STATUTORY REQUIREMENTS**

### **7.1 Discretionary Activities**

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are assessed in more detail under section 8.2 of this report. This should be referred to as the legal framework within which the application should be addressed.

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

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

### **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 13 August 2004. No written approvals were received from the persons identified as being potentially affected. As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

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

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

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

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

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

### **8.1.2 Water Quality and Quantity**

The applicant proposes to undertake a large volume of earthworks to establish a roading network, building platforms, stormwater detention ponds, an acoustic bund and to install other infrastructure, including a wastewater connection to a sewer main on the adjoining site.

The proposal, and the accompanying earthworks management plan, has been assessed by a Council monitoring officer, Mr Wolfgang Nethe, who has provided recommended conditions of consent. In particular, Mr Nethe requires that the earthworks be undertaken in full accordance with Auckland Regional Council TP 90, which is widely recognised as the 'best practice' standard for large-scale earthworks. A pre-start meeting is to be held between the applicant, their contractors and a Council monitoring officer to discuss the methodology and details of all erosion and sediment control measures. No substantive earthworks are to begin until any changes to the proposed control measures requested by Council have been implemented to Council's satisfaction and a re-inspection undertaken

In addition, the Auckland Regional Council, which has primary responsibility for the maintenance of water quality within the region, has reviewed the application and stated that it is highly unlikely that they would require public notification, i.e. it has determined that the effects with respect to water quality would be no more than minor. (Note: the Auckland Regional Council has assessed the application lodged with Waitakere City Council, as no application for resource consent has been officially lodged with the Auckland Regional Council).

*A219-A227*

The application has also been reviewed and approved by a Council drainage engineer, Mr Mark Iszard, who is satisfied that the proposed stormwater drainage systems are appropriate and would provide for good-quality stormwater management. Mr Iszard's report is attached at pages A219 to A227. All detention ponds have been designed in accordance with Auckland Regional Council TP 10 requirements. Each pond consists of a wetland to provide stormwater quality treatment, and an extended detention volume to ensure that a suitable level of delayed discharge can be achieved, and that the existing peak flows from the 2 and 10-year storm events are not exceeded. Each pond also features a spillway capable of conveying flows from the 100-year storm event.

Overall, it is considered that the effects of the proposal on water quality and quantity would be no more than minor.

### **8.1.3 Vegetation and Fauna Habitat**

The applicant proposes to remove a relatively small amount of exotic and native vegetation from the site, including a stand of canopy trees, such as Eucalyptus and Oaks, that are commonly found on farms and former agricultural land.

A Council arborist, Mr Simon Miller, has reviewed the application and the accompanying arboricultural assessment, and concurs with the applicant's conclusions. Mr Miller states the following:

"With regards to mitigation, the applicant has submitted an extensive landscape and site restoration plan (drawing number 09170-LS1). It is considered that the implementation of this plan will reduce the effects of the proposed development on the protected vegetation environment to no more than minor." I concur with Mr Miller's summary.

Mr Miller also states that there some concerns were raised relating to the effects on existing native vegetation of proposed drainage works within the riparian margin of the Tihema Stream and the Restoration Natural Area. Further information recently submitted by the applicant has indicated that while some works will be undertaken within the Restoration Natural Area (culverting of the existing stream, etc), none will be within the drip lines of protected vegetation. There may, however, be some minor adverse effects on riparian vegetation (but not on vegetation within the Restoration Natural Area) as a result of the construction of a culvert within the Tihema Stream. I consider that these effects would not be significant because of the relatively low quality of the vegetation in this area, and the mitigation that would be achieved through the imposition of conditions relating to the revegetation of much larger riparian areas within the Restoration Natural Area portion of the site.

#### **8.1.4 Land / Soil**

There are no identified geotechnical impediments to residential development, such as slope instability or unstable soils, on the site. The application does involve a large volume of earthworks - in the vicinity of 70,000m<sup>3</sup>, but a Council geotechnical engineer, Mr Garry Law, has assessed the application and concluded that the site is suitable for the proposed use. Conditions of consent would be imposed relating to the provision of a geotechnical completion report and the requirement for specific design of retaining walls by a geotechnical engineer. Mr Law also notes that further ongoing conditions may need to be applied via consent notices once the geotechnical completion report has been received.

The effects on landscape quality, amenity values and neighbourhood character resulting from the proposed modification of the landform are addressed in section 8.1.10 of this report, and are considered to be no more than minor.

Therefore, it is considered that the effects of the proposal with on land and soil would be no more than minor.

#### **8.1.5 Air**

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be less than minor adverse effects on air quality. There is potential for the large volume of earthworks proposed to generate dust that could affect the residents of the local area, particularly during dry and windy weather conditions. I consider, however, that these affects could be avoided and mitigated by the applicant adopting 'best-practice' earthworks management techniques, including limiting the stockpiling of excavated material on the site. It is noted that Stage 1 would require earthworks to be undertaken within Stage 2. Any exposed ground within Stage 2 would need to be grassed (hydro-seeded) as soon as the work is complete. Appropriate conditions of consent would be recommended to ensure that an acceptable level of mitigation was achieved.

#### **8.1.6 Ecosystem Stability**

The proposal involves only minimal removal or disturbance of native vegetation within the site's ecologically sensitive riparian margins. This would most likely result from the construction of footings for the proposed pedestrian bridge (with associated sewer pipe) where it crosses the Tihema Stream. Conditions of consent would be imposed requiring the applicant to adopt best practice when undertaking works within the watercourse. It is noted that the bridge would be located within a Council-designated riparian margin, but not within the Restoration Natural Area. Provided that appropriate conditions of consent were imposed, adverse effects arising from the pedestrian bridge's construction would be no more than minor. It is also noted that the applicant will be required to undertake revegetation of the stream's banks as mitigation for the new 40m culvert to be constructed slightly upstream, and this revegetation would also be sufficient to mitigate any adverse effects associated with the bridge's construction.

The greatest potential for adverse ecological effects arises from the proposed culverting of the Tihema Stream adjacent to the boundary with 76 Royal Road. The 40m culvert would allow Westgate Drive to cross the stream and to continue in a straight line to the Council's preferred connection point along Royal Road.

Boffa Miskell undertook an assessment on behalf of the applicant on the original proposal (which had proposed a 70m length of culvert) and while they were satisfied this would not affect the existing in-stream ecosystem, Council sought to reduce the length of the culvert to its current 40 metre length.

It should be noted that initial discussions have taken place between Council and the owner of the land immediately upstream from the proposed culvert. Council's expectation is that some restoration would occur around the stream within that property and minimising the length of culvert would improve the passage further upstream.

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

The site has already been modified through grazing and other activities (within limited parts of the site) and the site is not listed in the District Plan as an Outstanding Natural Feature. The applicant has engaged Dr Rod Clough to undertake an archaeological assessment and has satisfied Council that the development is unlikely to encounter any archaeological remains.

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

There would be some modification of the stream system as part of the subdivision, including the construction of a road and culverts across Tihema Stream. However, through discussions with Council, the applicant has reduced the length of the culvert. However, overall there is expected to be an improvement to the streams through the removal of stock and restoration planting.

### **8.1.9 Outstanding Landscapes**

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

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

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

No dwellings are proposed as part of the subdivision, however no retaining is proposed against any existing residential boundary. As future dwellings would be subject to the requirements of the District Plan, it is considered they would not affect adjoining property. There will be retaining walls along residential sites within the development, but with the exception of "Wall 8" these would be 1m high or less. Wall 8 would reach up to 2 metres in height, however the lots below the wall (Lots 65 and 66) would have good northerly and westerly aspects thus would not adversely shaded by the wall.

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

The proposed sites are typically above 500m<sup>2</sup>, thus would have ample room to provide open space around the future dwellings. Generally the proposed sites that are 450m<sup>2</sup> - 500m<sup>2</sup> front a road and many also face or adjoin a reserve or the school grounds. The two drainage reserves would also contribute to the overall amenity of the development.

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

The proposed earthworks would generally alter the landscape by no more than 2 metres (as cut or fill), which would be less noticeable as dwellings are constructed on the individual sites. The sites are suitably large enough to enable landscape planting to enhance the overall view of the development.

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

The subdivision would eventually provide a link between Royal Road and the Westgate Shopping Centre. The proposed reserves are not expected to have a high active or passive use, with the benefits mainly being visual. Nevertheless, the reserves have good road frontage.

However, concern is expressed as to the connections provided into the adjoining site (No. 76 Royal Road) particularly with the access to the northern part of that site. Evidence presented by the adjoining owner would suggest that this entrance would force the road to be retained above the stream which would otherwise have recreational opportunities.

- *Noise, odour, dust, vibration, radio frequency, electromagnetic radiation, lighting, glare - cumulative lighting effects, hazardous materials, natural hazards, air base operations -*

The site adjoins the motorway and has high-tension power lines passing overhead. Transit New Zealand expressed concerns about "reverse sensitivity" in relation to the sites adjoining the motorway. A noise "bund" is proposed along the motorway boundary and the sites are considered to be of a sufficient size to accommodate the bund and reasonable development on the remaining area of the sites. Future dwellings would still need to demonstrate compliance with the General Noise Standards of the District Plan.

Transpower, through their representatives have provided guidance in regards to building near/under the power lines. The amended subdivision design accommodates these recommendations by placing the pylon within the road reserve and increasing the area of the sites which are under the power lines. This would enable dwellings to be constructed in accordance with the required distances from lines.

- *Infrastructural capacity & availability -*

This has been assessed by Mark Iszard of EcoWater, and Council can be satisfied that there is sufficient capacity to serve the development and, where necessary, the sites above the service catchments.

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

Modifications have been made to the proposal to address some roading design concerns. It is also noted that the provision of the walkway through to the school is seen as an improvement to pedestrian safety as children can be dropped off and collected from a "minor" road (with adequate width to accommodate parking) as opposed to the current situation of using Royal Road, a busy collector road.

#### **8.1.11 Heritage**

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

#### **8.1.12 Summary**

Overall, the subdivision and associated works would be compatible with the expectations for the site, given the "zonings" (Human Environment and Natural Environments) and the topography. Any potential adverse effects on site can be adequately mitigated through the imposition of appropriate conditions of consent to ensure there are no effects outside the site.

However, while the proposal would provide for residential development with reasonable amenities, there is concern in this proposal "locking in" the adjoining owner to subdividing in a manner that would diminish the amenity of the stream and surrounding reserve land through the likely requirement of high retaining walls alongside the stream.

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

#### **8.2.1 District Plan Policies and Objectives**

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

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

##### Buildings within a Riparian Margin/Coastal Natural Edge

Objectives 1, 2, 5, 7, 8, 10

Policies 1.1, 1.5, 1.6, 1.9, 1.11, 1.14, 1.16, 2.1, 5.1, 7.3, 7.7, 8.1, 10.27, 10.28

Also Assessment Criteria 7(a) - 3(o) Riparian Margin/Coastal Edge Natural Area

##### Buildings (Restoration)

Objectives 1, 2, 5, 7

Policies 1.1, 2.1, 2.13, 2.14, 5.1, 7.3, 7.6

Also Assessment Criteria 6(a) - 6(c) Restoration Natural Area

##### Earthworks (General)

Objectives 1, 2, 3, 5, 7

Policies 1.5, 1.6, 1.9, 2.4, 3.2, 5.1, 7.2, 7.3

Also Assessment Criteria 3(a) - 3(q) General Natural Area

##### Earthworks (Restoration)

Objectives 1, 2, 5, 7, 10

Policies 1.5, 1.6, 2.4, 2.13, 2.14, 5.1, 7.2, 7.3, 7.6, 10.13, 10.28

Also Assessment Criteria 3(a) - 3(r) Restoration Natural Area

Earthworks (Riparian)

Objectives 1, 2, 3, 5, 7, 8, 10, 11

Policies 1.1, 1.5, 1.6, 1.11, 1.12, 1.16, 2.4, 3.5, 5.1, 7.2, 7.3, 8.1, 10.28, 11.7, 11.32

Also Assessment Criteria 3(a) - 3(w) Riparian Margin/Coastal Edge Natural Area

Vegetation Alteration (General)

Objectives 1, 2, 5, 7, 8, 11

Policies 1.5, 1.6, 2.3, 2.4, 2.14, 5.3, 5.4, 8.2, 11.7

Also Assessment Criteria 2(a) – 2(k) General Natural Area

Greenfields Subdivision

Objectives 1, 2, 3, 4, 5, 7, 10, 11, 12

Policies 1.1, 1.10, 1.16, 2.1, 2.3, 2.13, 3.5, 4.4, 5.4, 7.1, 7.2, 7.3, 10.4, 10.7, 10.8, 10.15, 10.16, 10.18, 10.20, 11.1, 11.5, 11.6, 12.8

Also Assessment Criteria 4(a) - 4(an) Subdivision Rules

Subdivision - High Noise Route

Objective 10

Policies 10.4 and 10.15

Also Assessment Criteria 2(b) General Subdivision Rules

**Objective 1** (effects on water)

The proposed bridge/sewer pipe and retaining wall are seen as necessary infrastructure for the subdivision and would not present a significant to water quality (policy 1.1). EcoWater will require a maintenance bond, and this would ensure any problems with the sewer pipe are rectified before the stream would be put at risk from any leakage of sewer into the stream (policy 1.14 and also 3.5 in respect to soils).

The Riparian Margin around the Tihema Stream has been modified through stock grazing and the subdivision would allow the restoration of the margin area, with an overall improvement anticipated (policies 1.5, 1.6, 1.11, 1.16).

While the work within the Riparian Margin is unlikely to have a significant impact on the stream, there is the potential for the construction of the road and culverts through the portion of the stream not classed as "Riparian" could. It is anticipated that the standard sediment control measures would ensure the stream and its Riparian areas would not adversely affected (policy 1.9).

The proposed stormwater ponds (with the northern one being "off-line") would provide a degree of treatment to minimise contaminants entering the stream network and would allow the Tihema Stream to function naturally (policies 1.10, 1.12 plus policy 8.1).

**Objective 2** (effects on vegetation)

As noted above the work associated with the subdivision would generally be clear of the Riparian Margin as well as the "Restoration Area" and the planting proposed within these areas would improve the native vegetation cover in the area (policies 2.1, 2.13, 2.14, and also policies 5.1, 7.6 and 8.2), and would more than offset the proposed removal of existing exotic and native trees on the site (policies 2.3, 2.4).

**Objective 3** (effects on land)

Earthworks generally taper out near the boundaries to minimise any effects on adjoining sites (policy 3.2) and sediment control measures plus the stormwater ponds 3.2 avoids/mitigates effects on surrounding topsoil and soil structure

**Objective 4** (effects on air)

The subdivision is part of an overall concept that would provide linkages from Royal Road to the Westgate shopping area. This would allow existing residences on Royal Road and future occupants within the subdivision to have the option of walking/cycling to the shopping centre (policy 4.4, plus policy 10.8)

**Objective 5** (promotion of ecological linkages)

The subdivision would create reserves, and while the majority of the reserve would be for stormwater purposes, the northern pond would link into the Restoration and Riparian Areas and would contribute to the vegetation cover within the development (policies 5.3 and 5.4).

**Objective 6** (maintain Outstanding Natural Features)

Not Applicable

**Objective 7** (maintain/protect coastal environment and lakes, rivers and wetlands and their margins)

The site has a watercourse and a stream running through it. The stream has riparian status under the District Plan, therefore it is considered necessary to provide an "off-line" stormwater treatment pond, whereas the watercourse has no riparian status, and an "on line" pond is considered acceptable in terms of protecting natural waterways (policies 7.2 and 7.3). In general (and consistent with Policy 7.1) the subdivision would create minimal encroachment into the part of the Tihema Stream that has Riparian Status. However, Policy 7.1 also requires consideration of the "big picture" where subdivision is to be ongoing. In this respect, Council's Parks Planner is concerned of the impact that this subdivision would have on the amenity upstream of this site. It is considered that the road leading into No 76 Royal Road would require retaining adjoining the stream. This would degrade the amenity of the stream and surrounding land in terms of their use as reserves with recreational opportunities, as well as placing long term maintenance requirements on Council with respect to the likely retaining walls. Thus while the proposed subdivision is consistent with policy 7.1 in isolation, without some modification it may be contrary to the overall outcomes sought by this policy.

**Objective 8** (protect and maintain those aspects of the environment that are of significance to tangata whenua)

Policies noted in Objectives 1 and 2 above.

**Objective 9** (protect the quality and significance of the City's outstanding landscapes)

Not applicable to this application.

**Objective 10** (maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers)

All sites are considered large enough to provide for dwellings with ample outdoor space. It is particularly noted that the sites adjoining the motorway are at least 90m<sup>2</sup> above the minimum 450m<sup>2</sup>. It is therefore considered the proposed "noise" bund (satisfying policy 10.15) would not diminish the ability to provide adequate outdoor space (policy 10.4). Council's Parks Planner has expressed some misgivings with regards to the proposed reserves around the stormwater ponds. Conditions have been proposed to improve the amenity of these reserves (Policy 10.7). However, it is noted that the proposed road alignment into No.76 Royal Road may result in reserve areas being contrary to this policy as reserves around the stream are likely to be separated from the road and dwellings by high retaining walls, reducing the informal surveillance onto those reserves and therefore its recreational value is diminished (contrary to policies 10.20 and 10.28).

The layout of the subdivision would appear to provide for emergency vehicle access, infrastructure and pedestrian/cycle movement (policy 10.18). A total of 3 shared driveways are proposed. These are straight and would have good sight-lines and are considered to be safe in accordance with policy 10.16.

**Objective 11** (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)

The proposed lot sizes within the subdivision would be consistent with those of recent Greenfield subdivisions to the north-west of the site (policy 11.1).

While the proposed reserves would have good road frontage (in accordance with aspects of policy 11.5), Council's Parks Planner has expressed some reservations about the amenity they provide in terms of the shape (with the "recreation portion" of the reserve being quite narrow) and the retaining walls that would adjoin the reserves within the subdivision and the likely retaining along reserves in the adjoining site as a result of the road entrance. The retaining along the reserves (proposed and future adjoining) would be contrary to policy 11.32 in terms of reserves (Open Space) being sensitive to the natural landscape. Some modification has also been recommended to the proposed street planting proposal (policy 11.6). The sewer pipe/pedestrian bridge over Tihema Stream would not detract from the amenity of the reserve, assuming the bridge would "hide" the sewer pipe from view (policy 11.7)

11.7 infrastructure maintain amenity/ minimise disturbance of natural features/does not physically dominate adjoining sites

**Objective 12** (manage the effects of activities on the City's valued heritage)

The applicant has undertaken an archaeological assessment of the site, and no archaeological evidence was found (policy 12.8).

## 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:

### a) **Vegetation Alteration - Limited Discretionary Activity**

The proposal would involve the clearance of native and exotic vegetation which is more than 6.0 metres in height or more than 600mm in girth (measured at 1.4 metres above the ground).

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

It is acknowledged that a large scale subdivision would result in modification of the site and the natural features within that site (d)(e). As noted in part 8.1.3 of this report, it is considered that the proposed landscaping and restoration planting would offset the proposed removal of vegetation and works in the vicinity of the vegetation within the Riparian Margin. Thus, while there would be some short term loss of amenity (while new trees mature), the overall amenity and character would be maintained, if not improved (a)(b)(h)(j). Apart from where the road crosses the stream, the subdivision would create reserves along the stream edges, allowing planting to continue along the stream edge (i).

**b) Earthworks - Discretionary Activity (General Natural)**

The proposal would involve earthworks that does not meet the standards listed under Rules 3.1, 3.2 or 3.3 (General Natural Area) as they are associated with a subdivision that is a Discretionary Activity

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

Criteria (c), (f) and (g) are more appropriately discussed under the "Riparian Margin" heading below.

The level of earthworks are deemed necessary to ensure the subdivision can meet the Code of Practice design requirements for the proposed road network, and while a significant volume is proposed, this would be in scale with the number of lots involved and the area covered and the volumes of cut and fill have been designed to be equal (although there is an imbalance in Stage 1 requiring some earthworks within Stage 2 (a)(i)(l)(o)(p). During the period of earthworks it is accepted there is the potential for adverse visual effects on adjoining property (h), however this is considered to be offset by longer term benefits of improved planting within the proposed reserves and likely landscaping within individual sites (see item (g) below) and conditions would be imposed to ensure dust and dirt is controlled during the earthworks period, including ensuring heavy traffic entering and leaving the site do not create a hazardous situation by preventing the tracking of dirt and debris onto the road, and the risk would be further minimised by the balance in the cut and fill (j)(k)(m).

**c) Earthworks - Limited Discretionary Activity (Restoration Natural Area)**

The proposal would involve earthworks within a Restoration Natural Area that are outside an approved building platform, are not within a *sensitive ridge* or headland/cliff/scarp and do not exceed 100m<sup>3</sup> and are not for the purpose of a Solid Waste Landfill.

The proposal would involve earthworks earth works with an unspecified, but minimal amount within the Restoration Natural Area.

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

Criteria (e), (f) and (g) are more appropriately discussed under the "Riparian Margin" heading below.

Criteria (i) - (o) are similar to those discussed under the "General" heading above.

A nominal volume of earthworks would occur within the area defined as the "Restoration Natural Area", which has been considered necessary to construct a retaining wall for the stormwater treatment pond (p). However, this is on the fringe of the Restoration area and this would not create significant effects on the ability for native plant regeneration (d)(q). Also the overall restoration of planting etc within the Riparian Margin would more than offset any loss as a result of earthworks in the Restoration Area (a)(b)(c)(h).

**d) Earthworks - Discretionary Activity (Riparian Margin)**

The proposal would involve earthworks within a Riparian Margin that are associated with a *subdivision* requiring a *resource consent* pursuant to Subdivision Rule 4 (Greenfields Subdivision) which is necessary to provide for *infrastructure* or *stream crossing*, and does not otherwise meet the standards in Rule 3.1(b) as the Riparian Margin is greater than 7.0 metres in width.

The proposal would involve earthworks to construct install a sewer line the stream and a pedestrian bridge is proposed over the pipe.

With respect to the assessment criteria 3(a) - 3(w) contained in Rule 3 of the Riparian Margin / Coastal Edge Natural Area, the following is noted:

Criteria (f), (h), (i), (l) - (r) are similar to those discussed under the "General" and "Restoration" headings above.

The earthworks would be minimal (less than 30m<sup>3</sup>) and with the appropriate sediment and erosion controls in place it is unlikely there would be any short term or long term effect on the stream. Also the overall effect once the subdivision is completed would be to enhance the quality of the stream through the removal of livestock and restoration planting (a)(b)(c)(g)(j)(s)(t).

It may have been possible to align the sewer pipe outside that part of the stream with no riparian status. However, given the minimal potential effects discussed above and the use of the bridge to "hide" the pipe from general view it is considered that the proposal would not detract from the amenity provided by the riparian/drainage reserves (k)(s)(t)(u).

**e) Buildings - Limited Discretionary Activity (Restoration Natural Area)**

The proposal would involve buildings within a Restoration Natural Area that would increase the amount of building coverage. A retaining wall that would fall within the definition of a "building" would be constructed within the Restoration Natural Area.

With respect to the assessment criteria 6(a) - 6(c) contained in Rule 6 of the Restoration Natural Area, the following is noted:

The retaining wall would be on the edge of the Restoration "boundary" and would not affect the ability of the Restoration Area to maintain the ecological linkage nor would it prevent further planting of native vegetation (a)(b).

The retaining wall is part of the proposed stormwater pond (located immediately to the south of the restoration area). While stormwater ponds are constructed to perform a "mechanical" function of stormwater treatment, they also provide a degree of amenity to the area that would compliment the restoration planting in the area (c).

**f) Buildings - Limited Discretionary Activity (Riparian Margin)**

The proposal would involve the erection of a bridge (including a sewer pipe) over a Riparian Margin.

With respect to the assessment criteria 7(a) - 7(o) contained in Rule 7 of the Riparian Margin / Coastal Edge Natural Area, it is noted that these are similar to those addressed in item 0 above and is considered the bridge would also be consistent the assessment criteria in Rule 7.

**g) General Subdivision - Noise - Controlled Activity**

The subdivision would create proposed sites adjacent to a High Noise Route where the application for subdivision consent is accompanied by an assessment showing that the subdivision is set out in a manner which ensures that the potential effects of traffic noise on future residential developments are avoided or substantially mitigated.

With respect to the assessment criteria 2(b) contained in Rule 2 of the General Subdivision Rules, the following is noted:

There would be 12 lots that would be adjacent to State-Highway 16. All of these sites would exceed the "permitted" 450m<sup>2</sup> and are sites with reasonable "depth". Therefore it is considered the sites would be able to accommodate the proposed earth bund (similar to that in place on Ruze Vida Drive on the opposite side of the motorway) without compromising the ability to develop the sites. Future buildings would still need to demonstrate they comply with Rule 1.2 of the general noise standards.

**h) Greenfield Subdivision - Discretionary Activity**

The application involves a proposed subdivision over a site greater than 3ha in area. With respect to the assessment criteria 4(a) - (an) contained in Rule 4 of the Greenfield Subdivision Rules, the following is noted:

All residential lots would be outside the "Green Network" elements within the site, and as discussed in the items above, any associated work within the Green Network would not create adverse effects on these elements.

The subdivision has a good variation of site sizes, generally in the order of 450m<sup>2</sup> - 550m<sup>2</sup>, with some larger sites. While a few sites have required larger areas (underneath the high tension power lines), the varying site areas are reasonably scattered throughout the development. Taking into account some limitations on some sites (noise bunds and power lines) all sites are considered to be capable of containing complying development, with the appropriate infrastructure. Approximately two-thirds of the site would have a north-facing slope, assisting in the ability for future dwellings to make use of solar energy.

The two stormwater ponds within the subdivision would provide a sense of openness to the subdivision, but the reserve areas around them would have limited "active" recreational uses.

The road layout would adequately serve the development and does provide linkages into adjoining sites. It is noted by Council's Principal Transport Engineer that while it is intended that the "main" road through this subdivision should be a secondary link from Royal Road to the Westgate Shopping Centre, it would carry more traffic should the northern balance of the site be subdivided before development occurs on the adjoining site to the west. There is also concern that the road layout, particularly the northern link into the adjoining site, would compromise desirable roading and reserve design in the adjoining site. It may be possible, without altering any residential lots (except Lots 65 and 66) to realign and lower the entrance into the adjoining site, if this could reduce / eliminate the future retaining alongside the stream likely within that site.

Only 20 (approximately) of the 125 residential lots would be rear lots and the construction of the shared driveways serving these lots would be subject to the Code of Practice and are considered to be safe.

Infrastructure (sewer, stormwater and water) have been considered by EcoWater, and conditions have been recommended should consent be granted. Resource Consent may also be required from the Auckland Regional Council.

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

As noted in part 4.3 of this report, resource consents would be required from the Auckland Regional Council. However, verbal advice indicates the Regional Council would not expect any aspects of the proposal to be contrary to the outcomes sought under the Regional Plan.

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

No other matters are considered to be relevant.

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

Two submissions demonstrate differing opinions as to the amenity the current use and the proposed subdivision would provide to the area. The current situation has been described both as an “eyesore” and a “rural outlook” in different submissions. However, it should be noted that the site has been zoned for urban uses in the District Plan (part of site, not subject to this application is zoned “Working” Environment), therefore development within this site would have been anticipated.

Neighbours of the proposed road entrance and the possible road entrance on the adjoining site have expressed concerns as to the loss of amenity to their sites. While no road has been designated under the District Plan, there are “splays” in the entrances to these, indicating the likely use for road intersections. The proposal does include the adjoining site (102 Royal Road) as part of the entrance, placing the road closer to the neighbour at 104 Royal Road. With respects to their particular concerns, Council’s Parks Planner has made some comment about the spacings between trees that may result in less dense planting and it is considered any loss of privacy/amenity would be similar to the construction of a complying 2 level dwelling on this site.

An issue was raised as to potentially contaminating activities occurring on the site in the past. The previous owners have detailed their operation, and Council is satisfied the risk of contamination is low. Nevertheless, the balanced cut to fill earthworks and sediment and dust control measures should ensure soil is kept within the site.

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

The application was lodged prior to 1 July 2004, therefore the subdivision would not attract a development contribution under the Long Term Council Community Plan, however the development does warrant sewer and stormwater upgrade contributions to mitigate the effects of the subdivision. It is noted that EcoWater will contribute to the construction of the stormwater ponds as it is intended that they will also serve properties outside the site.

The development will also attract a reserve contribution under the Transitional Provisions of the Resource Management Act as the reserves proposed within the subdivision would not meet the recreational requirements of the future residents.

#### **8.5.3 Monitoring**

The performance of the activities under this consent will be subject to Council’s standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis. In particular, attention is likely to be directed toward the implementation of conditions relating to preventing sediment or debris entering the stream system or the roading network.

## **8.6 Lapsing of Consent**

### **Land Use**

This is a large scale subdivision, thus a standard five year period in which to give effect to the consent is considered appropriate because the consent and conditions of the consent (if granted) would be for the purpose of completing the staged subdivision and a five year period would be consistent with the subdivision time frame as detailed below.

### **Subdivision**

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. The applicant has indicated stage 2 would commence directly after the completion of stage 1, therefore supplying a survey plan for each stage would ensure the consent would remain current until it can be given effect.

## **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. The subdivision is considered to provide this through the provision of residential sites within an established urban area, with community facilities nearby (schools, parks, shopping centres), and while work will be required near/over the Tihema Stream, the restoration of the stream associated with the subdivision would improve the quality of the stream.

## **10.0 CONCLUSION**

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment of the 125 residential lots and associated infrastructure will not lead to a decline in the amenity values of the area provided the earthworks required to establish the development are controlled to prevent off-site effects.

The proposal is considered to be generally consistent with the objectives and policies of the District Plan which seek to provide residential development in appropriate locations while preserving/improving natural elements such as streams. However, there is concern that the road layout would lead to reduced amenity along the stream in the adjoining property when it is developed.

It is considered that the issues raised by the submitters can in most instances be adequately addressed through the imposition of appropriate conditions, or have already been addressed in the amendments made to the proposal.

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

### LAND USE

**A:** That pursuant to Sections 104,104B, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, **consent be granted** to the application by Neon Limited & Boron Limited for works associated with a 125 Residential Lot Subdivision, that under the Rules of the District Plans (as more accurately defined in Sections 3 and 4 of this report) requires resource consent for;

- Earthworks (70,000m<sup>3</sup> over 2 stages) in the General Natural Area, with minor works within the Riparian Margin and the Restoration Natural Area.
- The construction of a retaining wall in the Restoration Natural Area and the construction of a sewer pipe and pedestrian bridge within a Riparian Margin.
- The removal of exotic and native vegetation.

At 102A Royal Road, Massey being Lot 1 DP205681 & Lot 2 DP 320466 for the following reasons:

- (i) The earthworks are proposed to be of equal cut and fill, reducing the off-site effects of heavy vehicles entering and leaving the site, with other effects (sediment and dust controlled by conditions of the consent).
- (ii) The overall impact on the stream network would be positive through the removal of stock and restoration planting.
- (iii) The site is zoned for residential use, and the scale of development would be no greater than that anticipated under the Rules of the District Plan.
- (iv) For the reasons outlined above, the proposal is considered to be consistent with the relevant assessment criteria for Discretionary Activities and is generally consistent with the objectives and policies of the District Plan and Part II of the Resource Management Act.

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the following plans prepared by Harrison Grierson Consultants Limited and all of the information submitted with the application (including further information), all referenced by Council as RMA20041672;
  - "Plan of Subdivision - Revision D (dated 01/08/05);
  - Earthworks Plans;
    - Overall Earthworks Plan
    - Earthworks Cut - Fill Plan
    - Stage 1 Earthworks Plan
    - Earthworks Plan Stage 2
  - "Landscape Concept Plan - dated June 2004 (with modifications resulting from amended subdivision plan and conditions of this consent);
  - Pond Cross-Sections & Retaining Wall Longsections, Revision A dated 17/2/05.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be designed and completed to the satisfaction of Council's Drainage Assets Engineer. (Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition).

3. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.

Note: The above time frame is separate to those provided under the subdivision consent below and is not extended by the application and approval of the survey plan pursuant to Section 223 of the Act. Should the time period lapse/expire prior to the completion of works under the subdivision consent that are dependent on this land use consent, then a new consent will be required before such work may (re)commence."

4. A consent compliance monitoring fee of \$2070 (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.
5. Before commencement of any earthworks and major ground disturbance sediment and erosion control measures shall be implemented in accordance with the current version of Auckland Regional Council TP90 in the location shown on the approved plan (page no and reference not known). Council's Environmental Monitoring Officer shall be contacted for a pre-start of earthworks meeting to discuss methodology and details of implementation of sediment and erosion control. Within reason, Council's Environmental Monitoring Officer shall be entitled to call for changes of the implemented sediment and erosion control measures if the desired environmental outcomes are not achieved.
6. Site 'entrances' and exits' shall be clearly separated and marked. All site entrances and exits shall be stabilised with 'clean' gravel with geotextile underlay provided for at least the initial 12m of any site exit. A wheel-wash facility shall be provided and operated for all exits to avoid dirt being carried onto surrounding roads. The sediment-laden runoff from the wheel wash facility shall be diverted into the sediment pond or behind the earth bunds/sediment fences.
7. Any dirt being carried onto the surrounding roads as a result of the development carried out under Resource Management Act 20041672/20041673 shall be cleaned up by method of sweeping at the cost of the applicant on a daily basis.
8. The applicant shall nominate a road sweeping contractor and Council's Environmental Monitoring Officer shall be entitled to engage the services of the nominated contractor at the applicants cost in case of repeated non-compliance with condition 7 above.
9. All affected cesspits on the surrounding roads next to the site exits shall be protected by sausage-roll type sandbags or protected with geotextile fabric and covered by washed gravel (please contact Council's Environmental Monitoring Officer for advice if required).
10. All machinery and mobile plant must maintain a minimum clearance distance of 4 metres from the transmission line conductors at all times.
11. Any earthworks carried out within "Stage 2" (including infrastructure and to maintain the cut/fill balance) during the development of "Stage 1" shall be grass hydro-seeded immediately on the completion of those earthworks within Stage 2

**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.
  
- B. *That Subdivision Consent Application Plan No [SPW22175amended \(RMA20041673\)](#) being a [Discretionary](#) activity and being a [125 Lot Subdivision of Lot 1 DP205681 & Lot 2 DP 320466](#) comprised in [CT 81208](#) situated at [102A Royal Rd, Massey](#) by [Neon Limited & Boron Limited](#) be granted subdivision consent pursuant to Sections 104, 104B, 108 and 220 of the Resource Management Act 1991, and that:-*

Pursuant to Section 113 of the Resource Management Act, the reasons for granting consent are as follows;

- 1) The subdivision is of a scale that would be anticipated under the District Plan, in accordance with the zoning.
  
- 2) The proposal has been considered in terms of the relevant assessment criteria, meets the relevant policies and objectives of the District Plan, and would create no more than minor adverse effects on the environment.

**1: STAGING REQUIREMENTS**

- (a) Consent is hereby given to carry out the subdivision of this property in stages as follows:  
  
Stage 1: Comprising Lots 1 - 54, Lot 129 (access Lot), Lots 131, 132 and 133 (access way and reserves) together with a balance lot.  
Stage 2: Comprising Lots 55 - 125, Lots 130 and 139 (access Lots) and Lots 134 and 135 (reserves).
  
- (b) The conditions listed in the Section 223 & 224 Requirements below shall be applied as appropriate to each stage. The value of the reserve Lot 133 shall be deducted from the Stage 1 reserve contribution.

Note: While stage 1 is progressing, it is recommended that on-going discussions take place to achieve the best outcome for the northern road into the "Thompson Block" in terms of a road alignment / level that would eliminate/reduce retaining along the Tihema Stream within the adjoining "Thompson Block". Any changes as a result of any discussion will be considered to be in terms of this consent.

**2: 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.

- (a) As required by Condition (EW 5) below, define the 1 in 100 year floodplain of the Tihema Stream and tributary, and all stormwater treatment pond areas, and provide separate Lots to vest in Council as drainage reserves.
  - (i) Prior to submitting the survey plan for Section 223 certification, obtain EcoWater's approval to the drainage reserve.

- (b) As required by Condition (EW 6) below, define the 1 in 100 year overland flow paths through the site and provide drainage easements in gross in favour of Council 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." Notes:
- (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
  - (ii) Prior to submitting the survey plan for Section 223 certification, obtain EcoWater's approval to the drainage easement.
- (c) Provide for water supply easement(s) in gross in favour of Council over any private Lots 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". Notes:
- (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
  - (ii) Prior to submitting the survey plan for Section 223 certification, obtain EcoWater's approval to the drainage easement.
- (d) Take note that the street intersection geometry, street furniture and safety features will be finalised through the engineering plan approval process, and this may result in minor amendments to Lot boundaries at these locations to accommodate necessary design details.
- (e) That pursuant to Section 319(j) of the Local Government Act 1974 the name "Westgate Drive" be formally adopted for the new road 1 shown on the plan of Stage 2. Note, through possible changes in the road alignment, road 2 will potentially also be named "Westgate Drive".
- (f) Obtain the prior approval of Council to the name of the new roads 2 - 7 and, after obtaining NZ Post approval in writing, include such name on the survey plan. Notes:
- 1. Suggested names must avoid any duplication in the Auckland Region; culs-de-sac shall comprise single names only; and both shall include a recognised suffix.
  - 2. Names will not be allocated to any shared driveway or private way.
  - 3. The applicant shall demonstrate consultation with the owner of Pt Lot 2 DP 25100 (the Thompson Block) over the naming of Road 5.
- (g) 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 plans:
- "Subject to the amalgamation conditions set out hereon"
- and provide for the following to be endorsed on the Plan:
- "That Lot 129 hereon (legal access) be held as to four undivided one-quarter shares by the owners of Lots 43 - 46 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.*
- That Lot 130 hereon (legal access) be held as to four undivided one-quarter shares by the owners of Lots 77 - 80 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.*

*That Lot 139 hereon (legal access) be held as to four undivided one-quarter shares by the owners of Lots 115 – 118 (inclusive) hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.*

See CSN:A634859"

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.

### **3: 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)**

(EW1) 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 the infrastructure works required to serve this subdivision.

(EW2) Design, provide and install a complete public wastewater reticulation system to serve all residential Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Specific requirements:

- i. Locate and relay the existing private drainage serving the existing dwellings on Lot 42 to connect to the proposed Public wastewater line.
  1. Either grout fill, or remove, the abandoned private drainage including any septic tanks under Council's supervision.
  2. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve Lot 42 (existing dwelling) if not covered by a building consent.
- ii. Under specific engineering approval extend a Public wastewater system from the existing wastewater manhole within Lot 1 DP 177892 (Rush Creek Reserve) on the adjacent Parks reserve to the west of the site to serve the proposed development. Specific requirements.
  1. Submit full engineering plans in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0) for approval.
  2. Separate systems are to be provided from each Lot to the point of connection to the public system.
  3. Ensure that all Lots are serviced through a gravity connection to the proposed Public Wastewater reticulation system.
- iii. Serve the upstream properties by extending the public wastewater system to the southern boundary of Lot 66. This shall be located in a position that allows for the future development of the eastern area of PT 2 DP 25100 (76 Royal Road).

- iv. Obtain the written consent of Waitakere City Council, Parks Department as the owners of Lot 1 DP 177892 (Rush Creek Reserve) prior to the commencement of work.
    - 1. Obtain written evidence of their satisfaction with the restoration.
  - v. Advice Note: EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions maintenance contractor. Wastewater manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.
- (EW3) If required a consent notice pursuant to Section 221 of the Act may be required to be issued and registered on the new titles restricting the siting of any residential building on the said land except as will allow only for gravitational flow of sanitary sewage from the said building to the existing sewer main, unless, in the alternative, a Council approved domestic sewerage pumping station is installed.
- (ii) At the stage of 224c application specify the minimum floor level required to achieve gravity drainage on any Lots that may have marginal floor levels.
- (EW4) Design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Specific requirements:
- i. Locate and relay the existing private drainage serving the existing dwellings on Lot 42 to connect to the proposed Public stormwater line.
    - 1. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
    - 2. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve Lot 42 if not covered by a building consent.
  - ii. Separate systems are to be provided from each Lot to the point of connection to the public drain.
  - iii. Under specific engineering approval provide a complete Public stormwater system from the proposed stormwater ponds to serve the proposed development and upstream catchment. Specific requirements:
    - 1. Submit full engineering plans in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 4.0) for approval.
    - 2. Serve the upstream properties by extending the public stormwater system to the upper boundaries of Lots 1, 44, 51 & 66. *These Lots have been determined to be the low points that serve the respective upstream catchments, any changes to the final proposed earthworks that alter these low points will therefore alter the Lots that the Public stormwater system is required to be extended through.*
    - 3. The pipe network to serve the upstream catchment is to be sized to allow for the maximum probable development using an impermeable 'C' factor of 0.65.

- iv. This stormwater system shall provide for the upgrading of the private stormwater drains located, at the date of this notice, along the southern boundary of the site. *For the purpose of clarification, such upgrading is, without limitation, to meet public standards and is to provide connections for all dwellings currently served by the said existing private stormwater drainage system.*
  - v. Collect all existing discharge points. The system shall include connection to down pipes or drainage from any existing buildings/paved areas.
  - vi. Separate systems are to be provided from each Lot to the point of connection to the public drain/dry chamber.
  - vii. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve the proposed development if not covered by a building consent.
  - viii. If required a Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
- (EW5) Calculate and provide a plan showing the effect of the 1 in 100 year flood frequency level of the Tihema Stream on all Lots adjacent thereto and show that buildings can reasonably be sited according to the District Plan with a floor level not less than one-half metre above this determined flood line to the satisfaction of Council.
- i. 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 affected Lots stipulating the minimum floor levels.
- (EW6) Provide a catchment analysis, define and form the 1 in 100 year overland flow path, and take note that a drainage easement in gross in favour of Council will be required to be issued and registered on the new titles to be issued for affected Lots precluding placement of fill or the erection of solid walls or fences or other impediments within that flow path, and providing for a minimum freeboard of one-half metre above the 1 in 100 year overland flow path for the floor levels of residential/commercial buildings.
- i. If necessary, a consent notice pursuant to Section 221 of the Act will also be required to be issued and registered on any adjacent affected Lots requiring a minimum freeboard of one-half metre above the 1 in 100 year overland flow path for the floor levels of residential buildings.
  - ii. Provide an As Built plan of the overland flow path showing a long section and cross section for inclusion in Council's Hazards and Special Features Register.
- (EW7) Provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*', and Waitakere City Council Code of Practice for City Infrastructure and Land Development (refer Section 4).
- i. Size the treatment devices to allow for the upstream catchment to be captured passed through these devices.
    - 1. Council will contribute towards the cost of constructing the Stormwater Quality Treatment Devices required to serve the upstream catchment. The contribution amount shall be agreed to by both Waitakere City Council and the applicant at the stage of Engineering Approval. (See FC 5)

- ii. Provide engineering plans and calculations to EcoWater for approval prior to commencing works. Include the following details;
    - 1. Mass blocks retaining walls;
    - 2. Erosion protection at all outlets;
    - 3. Discharge all outfalls into the subject site and not onto Transit Land;
    - 4. Access for cleaning and maintenance.
  - iii. Provide a planting plan, including species list, quantities, and methodology to EcoWater and Parks for approval prior to commencing planting.
  - iv. Provide a surveyed as-built plan of the device showing all lid and invert levels, permanent water level, and contours at 200mm intervals below water level.
  - v. Provide a geotechnical completion report certifying construction of the pond.
  - vi. Provide a maintenance manual for the treatment device.
- (EW8) Advice Note: It is the applicant's responsibility to 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.
- i. Prior to applying for Engineering Approval from Waitakere City Council the applicant is required to provide to Waitakere City Council copies of all Auckland Regional Council consents and conditions including but not limited to; Stormwater discharge and Earthworks consents.
    - 1. Any variations to this consent that is required to meet the conditions of the Auckland Regional Councils Consents shall be applied for in writing to the Manager, Resource Consents, Waitakere City Council.
- (EW9) 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. Under specific Engineering Approval extend a dual reticulated Public water supply from Royal Rd along all proposed public roads.
    - 1. Submit full engineering plans in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 4.0) for approval.
    - 2. Provide and install fire hydrants located 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.
    - 3. 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.
    - 4. Provide a detail showing the proposed connection to the existing Council water mains. 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).

- ii. Design, provide and install individual 25mm PE80 private water supply lines to serve all rear Lots that area served off a shared access way 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 road reserve boundary and each line shall identify which Lot it will serve. The individual private lines are required to be installed under the subdivision consent. Take note that water meters will be installed in the services berm in the ROW adjacent to the road reserve boundary under the future building consents for Lots affected. Specific requirements:
    - 1. Where 4 or more Lots are to be accessed off a single shared access Lot provide a water connection manifold as per Waitakere City Council S.D. 6.06 to serve these Lots.
    - 2. Provide an As-Built plan of the water supply service lines to EcoWater.
  - iii. Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
  - iv. Liaise with the Water Assets Engineer regarding the location of the existing water meter and arrange for its relocation or substitution and pay all fees applicable. Note: Council require that an existing water meter serving an existing house remain the meter serving that house.
  - 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. All Lots are to be individually metered at the road reserve boundary.
  - vii. Ducting of private service lines is recommended.
- (EW10) Design, provide and install a complete ICT Ducting Network for the future provision of ICT services within the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 8). The ducting shall be established to the satisfaction of the Group Manager - Asset Management Group. Specific requirements:
- i. Under specific Engineering Approval submit to Council, Engineering Plans in accordance with Section 8 of Council's Code of Practice for City Infrastructure and Land Development showing the design and location of the ICT Network required to serve this development.
    - 1. An ICT Chamber shall be provided as per CoP S.D. 8.01 at intersections of multiple ducts, directional changes, and at intervals of 200m on straight runs.
  - ii. Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
  - iii. At the completion of the physical works and prior to signoff the applicant is required to submit As-Built plans of the ICT Ducting Network from a Registered Surveyor in accordance with the Quality and Release section of Council's Code of Practice for City Infrastructure and Land Development.

- iv. The ducting will be accepted as a Council asset once the Council has confirmed that it has been installed and established in accordance with the requirements of section 8 of the Code of Practice and the approved engineering plans.
    - 1. The ownership of the ICT ducting and chambers shall be deemed to have been vested in Council at the stage of As-Built plans being provided and the Developers Tax Invoice being received.
- (EW11) 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 Resource Consent from Waitakere City 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.
- (EW12) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties. (See EW 2 and 3)
- (EW13) Where drainage work is required to be carried out on land outside the subdivision, obtain the written consent of the owner(s) of that land prior to the approval of the drainage plans.
- i. After construction and prior to Section 224 release, obtain the written acknowledgement of the owner(s) that the property has been satisfactorily reinstated.
- (EW14) Contact EcoWater's Development Services Assistant on 836 8000 ext 8248 (to arrange a pre-start meeting. With Councils Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
- (EW15) Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the existing buildings/new Lot to the point of connection to the public drains.
- (EW16) 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.
- (EW17) 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.

## PARKS CONDITIONS

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

- (PK1) Carry out the removal of environmentally damaging plants from all lots, as listed in the Waitakere City Council Proposed District Plan. Submit a Weed Control Programme within 2 months of the issue of this consent for the Revegetation Areas marked on the Landscape Plan (dated November 2003). This Weed Control Programme shall be implemented on the site within 6 months of the date of issue of this resource consent and shall be ongoing for a minimum period of 2 years, to the satisfaction of the Manager: Resource Consents. The programme needs to include:
- an inventory of the weed species to be removed;
  - removal techniques to be utilised; weed disposal methods;
  - time frames for work and whether the weed removal needs to be staged (particularly relevant for sensitive areas such as coastal edges or riparian margins);
  - any re-vegetation programme required to prevent re infestation of weeds;
  - an assessment of any ecological issues around the removal of vegetation;
  - methods for addressing stability and erosion and sediment control methods.
- (PK2) Enter into a registerable fencing agreement with Council in regard to Lots 13, 67, 89, 120, 121, 124 and 125 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. Furthermore, that any fences facing the reserve shall be of visually permeable construction, in order to ensure good surveillance of the adjacent reserve, and to reduce the chance of graffiti. The property titles for lots 13, 67, 89, 120, 121, 124 and 125 shall include a covenant that prohibits the installation of closed, solid fences on the boundary with the adjacent reserve.
- (PK3) Take note that Lot 133 shall vest in Waitakere City Council, as Recreation Reserve pursuant to Section 239 of the Act and the owner shall supply Council with a Certificate of Title for the reserve. A solicitors undertaking to order and forward the certificate of title to Council will be required.
- (PK4) Take note that Lot 131 shall vest in the Waitakere City Council as Local Purpose (Access way) Reserve pursuant to Section 239 of the Act and the owner shall supply Council with a Certificate of Title for the reserve. A solicitors undertaking to order and forward the certificate of title to Council will be required.
- (PK5) 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.
- (PK6) Street tree planting is to be established within the development to the satisfaction of the Parks Consent Planner and as proposed in the Landscape Concept Plan. A detailed street tree plan prepared by a qualified Landscape Architect in accordance with the Waitakere City Council Code of Practice is to be submitted at Engineering Plan stage. Included in this plan are to be details on berm width, location of underground services and footpaths. Tree planting shall be planted in single plantings, not pairs as proposed in the Landscape Concept Plan.

- (PK7) Landscaping for the proposed stormwater ponds is to be established to the satisfaction of the Parks Consent Planner. Stormwater Pond planting plans are to be submitted at Engineering Approval stage to the Parks Consent Planner for approval by Parks. The landscaping of the Stormwater Ponds are to be in accordance with the Waitakere City Council Stormwater Detention Pond Planting Guidelines. The planting shall provide links with the adjacent revegetation areas. The landscaping shall be designed to sufficiently screen the retaining walls and to mitigate for the impacts of the stormwater ponds.
- (PK8) The developer is to be responsible for the maintenance of all street and reserve landscaping and street trees for a period of two years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner. A bond, based on \$7 per sq metre per annum for gardens/shrubbery, and \$75 per tree per annum, will be required to ensure the satisfaction of this condition. The consent applicant is to advise the Parks Consent Planner of a maintenance schedule and the name of the qualified person/company responsible for the planting maintenance.
- (PK9) Lot 133 shall be developed to neighbourhood reserve standard with all works complying with the Waitakere City Council Code of Practice for City Infrastructure and Land Development. Engineering plan details shall be provided at Engineering Plan stage for the following:
- Barrier fencing or bollards along the road frontage;
  - A playground for age group 3-12 years constructed and designed to New Zealand playgrounds standards;
  - An exposed aggregate concrete path around and across the reserves; path to be 1.5 metres wide exposed aggregate in accordance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development;
  - Seats and picnic tables;
  - A Parks Sign as per Parks Standard, name of the reserve to be Mcwhirter Park;
  - Amenity tree and shrub planting consistent with the Parks Tree Planting Strategy and the Landscape Concept Plan dated June 2004;

Costs of these works shall be agreed upon prior to any works being carried out and prior to the release of a 224c. The developer must advise the Parks Consent Planner of when work will commence. The cost shall be agreed upon prior to the works being carried out and may reduce the value of the reserve contribution.

- (PK10) Lot 135 shall be developed to neighbourhood reserve standard with all works complying with the Waitakere City Council Code of Practice for City Infrastructure and Land Development. Engineering plan details shall be provided at Engineering Plan stage for the following:
- A pedestrian bridge as marked on the Landscape Concept Plan;
  - Barrier fencing or bollards along the road frontage;
  - An exposed aggregate concrete path across the reserve; path to be 1.5 metres wide exposed aggregate in accordance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development;
  - Seats and picnic tables;
  - A Parks Sign as per Parks Standard, name of the reserve to be Park;
  - Amenity tree and shrub planting consistent with the Parks Tree Planting Strategy and the Landscape Concept Plan dated June 2004;

Costs of these works shall be agreed upon prior to any works being carried out and prior to the release of a 224c. The developer must advise the Parks Consent Planner of when work will commence. The cost shall be agreed upon prior to the works being carried out and may reduce the value of the reserve contribution.

(PK11) Provide Council with As Built drawings of project showing all services, levels, inverts, features and facilities as per the following requirements:

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

#### **TRANSPORT ASSETS CONDITIONS**

Note that a traffic review is being undertaken in light of concerns raised by Transit NZ. While preliminary findings would support the proposal, the final review may require amendments to the conditions below.

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

- (TA1) Before commencement of 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; and pay the Engineering Approval Fee. This is to include any alteration to Royal Road at the intersection.
- (TA2) Before commencement of work, pay the Works Supervision Fee for the Transport Assets component. Additional work supervision fees may be required over and above the deposit paid by the applicant, and will be based at a \$ per hour rate.
- (TA3) Design, form and completely construct the proposed new roads in accordance to the Code of Practice for City Infrastructure and Land Development to the satisfaction of the Council. Notes:
- a. Street tree planting shall be carried out (subject to prior approval of a plan showing the location and the species to be used) to the satisfaction of the Service Manager: Parks Green Assets.
  - b. Footpaths shall be provided full length on both sides of the road.
- (TA4) Ensure, where practicable, that not less than a 150mm deep layer of topsoil free of deleterious material is replaced on the road berms to the satisfaction of the Council.

- (TA5) Install the reticulation of electric power and telephone services through the roads, 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 Utility Network Operators (including the requirements of the Operator of the network to which the subdivision network is to be connected). Note: The positioning of the streetlights shall take into consideration the location of street tree planting.
- (TA6) Provide to Council prior to the release of the 224 Certificate, all RAMM as built data and as built plans of the new roads formed (electronic and compatible with Waitakere City Council GIS system). This will be inclusive of kerb lines, cesspits, street lighting, footpaths, parking bays, intersection control devices, signs, street furniture, landscaping, vehicle crossings, and property boundaries.
- (TA7) The roads vested to Council shall be designated as a Local Road, except Road 1 and possibly Road 2, which may be designated as Collector Roads

### SHARED DRIVEWAY & ON-SITE PARKING CONDITIONS

Please contact the Field Advisor on 836-8000 (extension 8725) to book an inspection (At least 48 hours prior to the inspection being required).

- (SD1) Form the shared driveways over Lots 129, 130 and 139 and construct thereon carriageways 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:

- a. The construction shall include the vehicle crossings using standard detail SD 3.10 Residential Vehicle Crossing (Kerbed Roads).
- b. 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.
- c. Ensure that the long section of the shared driveways and the vehicle crossings complies with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15 Maximum Vehicle Crossing Profile.
- d. All bends shall have a minimum inside turning radius of not less than 6.5m.
- e. The minimum width of the carriageway on the private way is specified in Councils District Plan and the construction details are given in Councils "Code of Practice for City Infrastructure & Land Development."
- f. Notes: Provide a carriageway width for
  - i. 1-2 lots, 2.5m wide with 0.7m services strip
  - ii. 3-5 lots, 2.7m with and 1.3m services stripAll to be to the satisfaction of Council.  
Ensure hard stand areas for solid waste bins complies with Council's "Code of Practice for City Infrastructure & Land Development" standard detail SD 3.7 Urban Private Way Details.

- (SD2) Form and construct vehicle crossings for Lots 4, 40, 56, 86 and 89 and for which a vehicle crossing detail form needs to be completed and returned to Council. Note;

Section 3 (Transportation) of Councils Code of Practice requires the crossing to be as specified by SD 3.10 or SD 3.14 and the vehicle crossing profile specified by SD 3.15, or any standard specifically approved by Transport Assets.

## GEOTECHNICAL CONDITIONS

- (GT1) Earthworks shall be undertaken in accordance with NZS4404:1981 and NZS4431:1989 and the Council provided with a Geotechnical Completion Report which shall advise on the slope stability safety factors achieved, deal with the presence of expansive soils and any areas of weaker soils and make foundation treatment recommendations.
- (GT2) Further conditions may be applied by consent notice on receipt of the geotechnical completion report.
- (GT3) Retaining walls built as part of the earthworks shall be subject to specific design by an experienced geotechnical engineer familiar with the report of Jackson Clapperton, ref 2247, June 2004.

## LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD1) A consent notice pursuant to section 221 of the Resource Management Act 1991 shall be registered against the certificates of title of Lots 37 and 38 advising that no earthworks are to be undertaken without prior consultation with Transpower to ensure any proposed works will not undermine the pylon within the road reserve adjoining these lots. The owners of these lots shall also consult Transpower before undertaking any tree planting under or near the power lines.
- (LD2) A consent notice pursuant to section 221 of the Resource Management Act 1991 shall be registered against the certificates of title of Lots 39, 41, 50 and 51 advising that buildings shall be constructed below the high tension lines without prior consultation with Transpower to ensure any proposed buildings meet the required safety distances from those lines. The owners of these lots shall also consult Transpower before undertaking any tree planting under or near the power lines.
- (LD3) In accordance with section 108(2)(b) a bond shall be required prior to the release by Parks of the Section 224(c) compliance certificate for any uncompleted works or maintenance required to ensure the performance of conditions (PK1), (PK6), (PK7), (PK8), (PK9) and (PK10). The liability of the holder of the resource consent shall not be limited to the amount of the bond. The amount of the bond may be varied or cancelled or renewed at any time by agreement between the holder and the consent authority.
- (LD4) The Consent Notice required by Condition 0, 0, 0, 0, 0 and 0above will be prepared by the City Solicitor at the applicants cost when the following information has been received:
  - a. All necessary technical information.
  - b. A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
  - c. The name and address of the solicitor acting for the owner.
- (LD5) The easements in gross required by Condition 2:0, 0 and 0 above, will be prepared by the City Solicitor at the applicants cost when the following information has been received:
  - a. A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
  - b. The name and address of the solicitor acting for the owner.

- (LD6) The fencing agreement and covenant required by Condition (PK 2) above, will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- a. A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
  - b. The name and address of the solicitor acting for the owner.
- (LD7) 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.

### **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.

- (FC1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.
- (FC2) Pay to Council a street damage bond of \$500/1000 prior to the commencement of work. This bond shall be refunded in full after inspection by Councils Construction Supervisor confirms that the conditions of the Street Damage Deposit Application have been met. The inspection is to take place once all work is complete.
- (FC3) 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.
- (FC4) Pay to the Council pursuant to Section 407 of the Act the sum of \$35,015.00 (incl. GST at 12.5%) towards the cost of upgrading the sanitary sewer reticulation (main system improvements) necessary to serve the subdivision. (\$280.12 per additional Lot).
- (FC5) Pay to the Council pursuant to Section 407 of the Act the sum of \$141,852.50 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Manutewhau Stream, Massey West Catchment main system improvements) necessary to serve the subdivision. (\$1,134.82 per additional Lot).
- (FC6) Council will contribute towards the cost of constructing the Stormwater Quality Treatment Devices required to serve the upstream catchment. The contribution amount shall be agreed to by both Waitakere City Council and the applicant at the stage of Engineering Approval. (See EW 7)
- i. This amount is payable at the stage of 224c and shall be requested in writing by the applicant.

- (FC7) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for Lots 1 - 125 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act for the allotments shown on the plan, such amount being reducible by a credit for the value of Lot 133 and the agreed value of works undertaken on Lot 133 with the exception of earthworks, top soiling, drainage and grassing.. Council will obtain the valuation from Quotable Value New Zealand Limited (QV) at the time an application is made for survey plan approval under section 223 of the Resource Management Act. Pay also QV costs for obtaining the valuation, which will be invoiced by Council.

## GENERAL

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

- (GL1) 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.
- (GL2) 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.
- (GL3) Obtain the reticulation of electric power to Lots 43 - 46, 77 - 80, 115 - 118 by underground methods 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).
- (GL4) Obtain the reticulation of telephone services to Lots 43 - 46, 77 - 80, 115 - 118 by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Network Operator.
- (GL5) Provide confirmation that the relevant network utility operators are satisfied with the electric power and telephone availability to all other residential allotments; or, if necessary, carry out any remedial work required.
- (GL6) Either remove the building straddling Lots 40 - 43 or relocate it to a complying position to the satisfaction of the Council.
- (GL7) Before commencement of any works, adequate sediment and erosion measures shall be constructed and maintained in accordance with the conditions of the Land Use Consent above.
- (GL8) Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of three (3) years after the commencement of the consent

Note: The above time frame would be extended by the application and approval of the survey plan pursuant to Section 223 of the Act. However, work required for the completion of the subdivision that is subject to the land use consent above is subject to the timeframe specified in that consent. Should that time period lapse/expire prior to the completion of such works, then a new consent will be required before such work may (re)commence."

Report prepared by: Chris Gorman, Resource Planner: Subdivisions.