

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD IN THE
CIVIC CENTRE, 6 WAIPAREIRA AVENUE, LINCOLN, WAITAKERE CITY,
ON THURSDAY, 14 APRIL 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 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY WAITAKERE CITY PROPERTIES LTD TO
SUBDIVIDE AND ESTABLISH A 12 UNIT, UNIT TITLE, MEDIUM DENSITY
DEVELOPMENT ON A SITE LESS THAN 2,000M², (BEING 1907M²) AT 312 WEST
COAST ROAD, GLEN EDEN**

NEW LYNN WARD

RMA 20040886

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

APPLICATION DETAILS

Planner:	Gordon Griffin
Site Address:	312 West Coast Road, Glen Eden
Applicant:	Waitakere City Properties Limited
Date Received:	19 April 2004
Resource Consent No:	RMA~20040886 (land use) RMA 20040887 (Sub) SPW 22061
Building Consent No:	Not applied for at 25 January 2005
Legal Description:	Lot 1 DP 83589, CT 40A/176
Address for Service:	C/- Leon Burke Otto Burke & Associates Limited PO Box 91516 AMSC Auckland 1030
Site Area:	1907m ²
Unit Site Area(s):	See Table 1 below:
District Plan:	
Human Environment:	Living 2
Natural Area:	General
Landscape Elements:	Within MDH circle / Road widening
Hazards:	Contaminated Soils
Roading Hierarchy:	District Arterial
Further Information Required:	Yes
Date Requested:	5.7.2004, 16.8.2004, 22.10.2004, 5.11.2004.
Date Received:	9.6.2004, 15.6.2004, 24.6.2004, 22.7.2004, 9.11.2004

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to subdivide and establish a 12 unit, Unit Title, medium density development on a site less than 2,000m² (being 1907m²) that would entail a density of more than one dwelling per every 450m² of net site area, infringement of the height in relation to boundary recession plane (internal to the development only), infringement of the 3m front yard, building coverage exceeding the 35% net site area, (being 36.7%), having the area of outdoor space required separated by a distance less than 6 metres from the site boundary, having outdoor space for some units with an area less than 25m² per bedroom and some not meeting the solar orientation requirement, earthworks outside the building footprints, and removal of protected trees.

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.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that consent be granted to the application to subdivide and establish a 12 unit, Unit Title, medium density development on a site less than 2,000m² (being 1907m²) that would entail earthworks outside the building footprints and removal of protected trees.

It is considered that the adverse environmental effects that would be generated by the activity would be no more than minor and would be adequately avoided, remedied or mitigated by conditions. The units would be located sufficiently far from adjacent sites and would be orientated to minimise any dominance and privacy effects. Under a medium density housing development there would be less green and open space on the site and potentially more protected trees would be lost. On-site amenity as associated with outside space, while smaller than for a complying residential development, would be acceptable for a medium density development.

In addition, the proposed activity is consistent with the relevant objectives and policies of the District Plan.

2.0 LOCATION PLAN



3.0 PROPOSAL

A1-A83

In initially the application was for a 14 unit medium density development, as attached at pages A1 to A83. That number was subsequently reduced to 12 (see Information received after first notification, as attached at pages A1 to A83. The applicant now seeks consent to subdivide the site into 12 unit title sites, with 12 new two-bedroom, medium density style units. Units 1 to 4 would be three storey, with garage floors partly below natural ground level, units 5, 6, 7 and 8, and 9, 10, 11 and 12, would be essentially two-storey, but with garages set lower for units 5, 6, 9 and 10. The units would have curved form, colour steel roofing, Marley palisade weatherboards for the upper level, Monier 70 series bricks for the lower floor and garage/basement level. There would be 1.2m high and 1.8m high timber batten fences and timber retaining walls. Five existing protected trees would be kept, tree 1, a Himalayan cedar, tree 11 a Japanese maple, tree 14 a cabbage tree, tree 15 a downy birch, tree 21, a Kermadec pohutukawa, four protected trees would be removed, tree 3 a downy birch, tree 5 a Kanza cherry, tree 7 a downy birch, and tree 9, a claret ash, along with tree 12, a large pine, and tree 20 a willow (both removable species), and there would be further planting associated with the development. (Tree numbering as per Katsura arborist's report 5 April 2004, as attached at pages A1 to A83.)

The site is within the Glen Eden medium density housing circle on the planning maps being circa 520 metres from the Glen Eden railway station. There is an existing medium density development at 314 West Coast Road adjacent to and south to south-west of the site, a medium density development to the west of the site at 324 West Coast Road, and conventional residential housing to the east of the site. To the north, across West Coast Road the land is working environment with various business enterprises.

The proposed works would comprise the following:

- removal of trees including the four protected trees (a claret ask, kanza cherry, and 2 downy birch), the pine and the willow,
- earthworks comprising 156.8m³ excavated material, to be disposed of off site,
- construction of retaining walls,
- construction of buildings, fences and gates.

4.0 REASONS FOR THE APPLICATION

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

Limited Discretionary Activity consent to subdivide a site where the minimum net site area is in accordance with a net unit area specified in a resource consent as per Table 1 below, involving more than 10 sites. (Rule 4.1 Greenfields Subdivision.)

Table 1

Unit No.	Associated Land Area (m ²)
One	121.97
Two	125.94
Three	116.8
Four	185.27
Five	157.25
Six	155.84
Seven	89.8
Eight	232.92
Nine	163.68
Ten	155.41
Eleven	99.24
Twelve	246.11
Common Area	56.77
Total Area	1907.

Discretionary Activity for a residential development on a site with a net site area less than 2,000m² that involves a density of more than one dwelling for every 450m² of net site area. The site is 1907m² and the proposal is to establish 12 unit title sites, representing an average site size of 158.9m². Rule 2.3 Residential Activities/Density, Living Environment.

Discretionary Activity for buildings projecting beyond the height in relation to boundary (HRB) recession plane. There would be a 750mm infringement of the southern HRB recession plane for unit 4. Given that this development consists of three blocks of attached units, there are technically reciprocal height in relation to boundary infringements for the majority of units. All height in relation to boundary infringements are internal to this site. Rule 5.3, Living Environment.

Limited Discretionary Activity for infringement of the 3m front yard. Unit 1 (entry) would infringe the 3m front yard by 1.2m, unit 2 (entry) by 0.5m, the common entry for units 5, 6 and 7, by 1.4m, and the common entry for units 9, 10 and 11 would infringe the 3m yard by 0.8m. Rule 6.2 Front Yards, Living Environment.

Discretionary Activity for building coverage exceeding 35% of the net site area. Building coverage would be 701.6m² = 36.7% of the net site area. Rule 7.2, Building Coverage, Living Environment.

Discretionary Activity for outdoor space (of area as required under Rule 9) being separated by a distance less than 6 metres from the site boundary (except a road boundary) or unit boundary of adjoining sites. For all units but unit 1, the separation distance to the site boundary (east boundary for units 2, 3, 4, 7, 8 and 12), would be less than 6m, being as follows:

- Unit 2, 4m,
- Unit 3, 3.7m,
- Unit 4, 3.2m,
- Unit 5, 4.5m,
- Unit 6, 4.5m,
- Unit 7, 3.5m,
- Unit 8, 5m and having a paved area off the living area to 2.0m width to the west (and with outside space to the south)
- Unit 9, 4m,
- Unit 10, 5m,
- Unit 11, 4m, (and with a 2.5m deck to the west)
- Unit 12, 5.2m to the west relative to the living room and 5.6m to the east relative to the dining area,

Rule 8.2, Building Location, Privacy/Amenity.

Limited Discretionary Activity under Rule 9.2, Living Environment, for outdoor space with an area less than 25m² per bedroom and orientated so that a horizontal line abutting the required outdoor space is wholly contained within the outdoor space and has a bearing to the north between 135 degrees and 225 degrees (and a maximum slope over 75% of the outdoor space of 20 degrees).

All the units would be two bedroom, for which 50m² of outdoor space would be required.

- Unit 1 would meet the requirement.
- Unit 2 would meet the requirement but would have part of its outside space associated with the area outside the east wall of unit 1.
- Unit 3 would have 40.5m² outdoor space partially to the east of unit 4.
- Unit 4 would have 99.2m² but with circa 56m² of this not meeting the solar orientation requirement, with an indirect connection from the living area to the outdoor space. and with no windows on the south side of the unit's internal living area to provide surveillance of this outdoor space.
- Unit 5 would comply.
- Unit 6 would comply.
- Unit 7 would have 35.1m² of useable outdoor space with a maximum dimension of 2.4m, less than the 3m minimum but with a total of 42.8m² (counting in the 8.7m² of deck).
- Unit 8 would have 65m² east-facing off the dining room, 12.2m² including a deck west-facing off the living room, and a further 60m² of outside living area to the south of the unit.
- Unit 9 would comply. (Having 68.9m² of north-orientated outside space).
- Unit 10 would comply. (Having 69.8m² of north-orientated outside space).
- Unit 11 would have 40m² useable outside space, but to 2.8m width, below the 3m minimum.
- Unit 12 would have 159.3m² of which 64.3m² would be south-facing, 20m² west-facing and connected to the living room, and 75m² to the east of the dining room and directly accessible from it. Unit 13 would have 10.3m² of west facing deck, (mostly behind a wall to its north), and with a 72m² mostly south-facing outdoor living area.

Limited Discretionary Activity for vegetation alteration meeting the Performance Standards contained in Rule 2.3 of the General Natural Area Rules. The proposal would involve removal of the following protected trees: Tree 3, downy birch, *Betula* sp, Tree 5, Kanzan cherry, Tree 7, downy birch, *Betula* sp., Tree 9, claret ash, *Fraxinus oxycarpa* 'Raywoodii'.

Limited Discretionary Activity for earthworks outside an approved building platform and exceeding 50m³. The proposed earthworks would comprise 156.8m³ excavation, with the material taken off site. Rule 3.3 (a) (ii) Earthworks, General Natural Area.

Discretionary activity for development of a site that may be contaminated. The site is listed on Council's Hazards register as maybe having had a former horticultural use with the potential of soil contamination. Rule 2.2 Contaminated Sites.

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

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

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The 1907m², rectangular shaped site is located on the south side of West Coast Road, aligns north-north-east to south-south-west and slopes steadily and relatively steeply down from West Coast Road. Swan Hill Drive runs along the west boundary of the subject site. The foundations of a former building remain but the site is essentially in grass with some trees and shrubs.

The subject site currently has a park-like character and has some large existing trees on the site, nine being protected trees of which the most notable are one Himalayan cedar, one claret ash circa 14 metres high and growing close to Swan Hill Drive, and one Kermadec pohutukawa. The nine protected trees are a Himalayan cedar close to West Coast Road, a claret ash, a Kermadec pohutukawa, a Japanese maple, a Kanzan cherry, a cabbage tree and three downy birches. Also growing on the site there is a large pine, a willow, (both removable species), and various ornamental shrubs including a large *Camellia sasanqua* and a *Hebe diosmifolia*.

There is a medium density development to the south of the site accessed via Swan Hill Drive, which is the proposed access for the development. Some units in that existing development have north-orientated outdoor living courts that face and adjoin the subject site with a timber fence along the boundary with the subject site. There is a timber fence between 310 West Coast Road and the subject site but no fence between 310A West Coast Road and the subject site.

The surrounding environment is residential in nature, with the medium density development south of the site recent in origin, and with longer established, more conventional residential development to the east including two residential sites, 310 and 310A West Coast Drive. There are three residential sites to the west of Swan Hill Road and the subject site, that measure 825m², (316 West Coast Road), 452m² (324B West Coast Rd) and 450m² (324C West Coast Road). Buffer planting along the western margin of Swan Hill Road, separation distance, a planted central island on Swan Hill Drive, and for some sites, land form variation, gives adequate separation and screening from the subject site for the properties to the west of Swan Hill Drive.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A84-A88

The application was publicly notified on 23.11.2004. Notice of this application was served on all identified affected persons (letter sent 19.11.2004). The period for submissions closed on 12.1.2005. Twenty-seven submissions were received. (Appendix) One submission supported the application, and twenty-six submissions opposed the application. A map showing the location of the submitters as attached at pages A84 to A88.

Following the close of submissions additional information was received reducing the number of units from 14 to 12 and altering the profile of the buildings. That information was sent to all persons who had been directly notified on 15 March 2005. The date for those further submissions closed on 1st April. No further submissions were received.

6.1 Submissions

6.2 Summary of Submissions to a notified resource consent

(1) In Support:

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
26	Brenda Sharon Lezaic	310 West Coast Road	Supports the application as a Trustee for the A Lezaic Family Trust.	Grant approval	No

(2) In Opposition

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
1	Gwynneth O Gibson	308 West Coast Road	Development would cause further congestion on road, difficult, time-consuming and dangerous to access on to West Coast Road, insufficient parking and many visitors	Decline	No
2	Mataala Niuatul and Peia Loane Vakafa	310/2 West Coast Road	As above and would lead to removal of protected trees and other native plants.	Decline	No
3 (& 19)*	Alec Lezaic	310 West Coast Road	As for submitter 1, also opposes removal of protected trees, too many buildings for site size, excessive noise, living quarters too small, privacy invasion, not in character with the area, (future slums) insufficient parking especially for visitors.	Decline, Seeks 3 or 4 normal houses with grass, trees and gardens to counter existing 96 units at Verdale and Barnea Circle.	Yes

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
4	Raymond Fifita	3/308A West Coast Road	As for submitter 1.	Decline	No
5	Adel Mohammad	5/308A West Coast Road	Ditto	Decline	No
6	Gareth Turner	8/308A West Coast Road	Ditto	Decline	No
7	William Ashby	6/308A West Coast Road	Ditto	Decline	No
8	Matthew Burne	4/308A West Coast Road	Ditto	Decline	No
9 (and 14)*	John and Diane Davey	310 West Coast Road	ditto and should not remove the protected trees. The land (area) is too small for 14 two-storied units and there should be single storey units only. The units would block light from 310 West Coast Road and there would be insufficient privacy. Parking (and for visitors) would be insufficient. Speeding is a problem with many children in the area and speed bumps needed.	Decline	No
10 (and 12)*	Judy Williams	310A West Coast Road	ditto and opposes erection of 14 units and removal of any protected trees. The land is too small for development of 14 units and would cause overcrowding, would lose light and privacy. There is inadequate provision for children to play already and traffic danger. Seeks fewer units and a proportion of the subject site made into a park/playground. Seeks speed bumps on Swan Hill Drive.	Decline	No
11	Mataala Niuatui	310/2 West Coast Road	Development of 14 units would be excessive, would overcrowd, and would lead to removal of protected trees and other native plants. seeks use of the site as a community park or playground.	Decline	No

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
13	Zane Green	4 Verdale Circle	Loss of privacy and sunlight to house, less (to no) greenery. Seeks speed bumps to protect children playing on the road and leaving the site alone.	Decline	No, (would do a joint submission)
15	Mark Edwards	2 Verdale Circle	Site is too small for 14 units and even if 2,000m ² would be too small for 14 units. Protected trees should be kept. Existing playground is by a boggy marsh so the subject site is used for play. Proposal would block natural light to 2 Verdale Circle for morning to early afternoon. Seeks fewer units, retaining protected trees, and a proportion allocated to a reserve or playground or rejecting any development and keeping area as a play area.	Decline	No
16	Brenda and Bryan Marris	10 Verdale Circle	Oppose removal of protected trees and having 14 units. Privacy would be infringed for residents below and south of the development. Existing neighbourhood is of a high density and proposal would cause further crowding. increased traffic would endanger children who play on streets.	Decline. Perhaps consider approval for single storey dwellings with green areas protecting existing trees.	No
17	Nick Prins	2 Verdale Circle	Too many houses already, more 'grassy areas' needed here. This area separates Barnea and Verdale Circles from West Coast rd and should continue to do so.	Decline, keep area as it is	No
18	Glenda Rodrigues	8 Verdale Circle	Oposes 14 units and removal of protected trees. Playground is often swamped, so subject area serves well for children's play.	Decline, keep area undeveloped	No (would consider a joint submission).

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
20 (and 21, 22, 23, 24 and 25).	G.J and R.H Rouse	8 Verdale Circle	<p>Height and proximity of units 13 and 14 as proposed would interfere with sunlight and light to unit 8 Verdale Circle and adjoining units, reducing the quality of the living environment and quality of life. Unit 14 would form a high, large, bleak, blank and close visual 'eyesore' and barrier from at least 2 levels (main living areas) of 8 Verdale Circle and adjacent sites. Would cause mould growth and dampness.</p> <p>There are already 98 units at 314 West Coast Road, a dense development, proposal would compound overcrowding.</p> <p>Proposal would make renting out of 8 Verdale Circle more difficult.</p> <p>Increased traffic on Swan Hill Drive, already serving 98 properties, a problem. Up to 33 cars would have to reverse into the present traffic flow causing further congestion and danger.</p>	<p>Decline as proposed, ideally keep this area as a green belt between West Coast Rd and the existing development at Verdale Circle. Have a complying development in regard to site sizes for a site less than 2,000m² and with a green belt between existing development at Verdale Circle and West Coast Road.</p> <p>Alternatively, have fewer units, increase the (separation) distance between unit 14 and the adjacent Verdale Circle units, lower the height of the roofs for units 13 and 14.</p>	No

Sub No.	Name	Site Address	Main Points of Submission	Decision Sought from Council	Appearing at Hearing
27	Andrew Peter Williams, and Nicola Noble	12 Verdale Circle	<p>Removal of protected trees is unacceptable.</p> <p>Construction vehicles on Swan Hill Drive may inconvenience residents but also restrict access by emergency services.</p> <p>Families with young children would be disrupted by 'noise risk' posed by construction work and will lead to disruption of 'normal family life'.</p>	<p>Decline.</p> <p>Approve application subject to the following: all protected trees and their root systems are kept, and undamaged. Swan Hill drive is kept clear of all vehicles, buildings, tools and machinery at all times. Construction work is undertaken only between 9.00 am and 5.00 pm Monday to Friday.</p> <p>The construction area is fully fenced off when unattended to prevent access by children.</p>	Yes

6.2 Pre Hearing Meeting

A pre-hearing meeting was held in the Kauri Room at Waitakere City Council on Wednesday, 23 March 2005 from 5.00 pm until 6.10 pm. In attendance were Hamish Anderson, team leader resource consents, Gordon Griffin planner Alec Lezaic (submitter number 3) and Brenda Lezaic (submitter number 26).

Mr Lezaic verbalised his written submission and did not alter his stance in regard to the reduced number of units. Mrs Lezaic continued to support the application as it would provide needed housing.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

A1-A83

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in this report (refer Section 8.2), and the medium density assessment criteria as attached at pages A1 to A83. This should be referred to as the legal framework within which the application should be addressed.

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

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

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

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

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

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

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

8.1.2 Water Quality and Quantity

A157-A161

There would be no more than de minimis adverse effects in relation to water quality/quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream. The site is reticulated through 314 West Coast Road, via a public stormwater system. There would be 898.5m² of impermeable surfaces, being 47.1% of the site's area. Council's EcoWater stormwater engineer, Mr Mark Iszard, has assessed the proposal (EcoWater as attached at pages A157 to A161) and has given approval subject to Section 223 requirements and to conditions of consent that would mitigate the potential impact of the increased stormwater runoff. Accordingly, it is concluded that subject to the implementation of these mitigation measures, that the adverse effect on water quantity and quality would be de minimis.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

A1-A83 There would be no more than minor adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified, five existing protected trees would be kept, trees, 1, 11, 14, 15, and 21, (refer to Katsura arborist report in the submission and to modified and Approved Landscape Treatment & Planting Plan as attached at pages A1 to A83), and those four protected trees that would be removed are exotic species, two of which are Downy birches in moderate condition. Two removable (environmentally damaging) trees would be removed also, a Monterey pine and a willow. There would be some replacement planting to mitigate for trees removed also.

A1-A83 It is also proposed to work within the drip line of the protected trees to remain (see Katsura Tree Consultancy arborist report dated 5 April 2004 and site works plan that shows trees numbered as per the arborist's report, as attached at pages A1 to A83, Application as Notified). There would be works within the drip line of tree 1, Cedrus deodara, Himalayan cedar, tree 11, Acer palmatum, Japanese maple, tree 21, Metrosideros kermadecensis, Kermadec pohutukawa).

Tree 12, a Monterey pine, Pinus radiata is a removable species and would be removed as part of the development, similarly tree 20, a willow is not protected and would be removed. Protected trees that would be kept would be as follow: Tree 1, Cedrus deodara, Himalayan cedar, tree 11, Acer palmatum, Japanese maple, tree 14 a cabbage tree, tree 15 a Downy birch (described however as in poor condition by the arborist), and tree 21, Metrosideros kermadecensis, Kermadec pohutukawa.

Council's arborist, Simon Miller, has assessed the impact of the works on these trees (see Appendix Eight) and has recommended that a number of management measures be implemented to ensure the protection of them. This includes ensuring that equipment, materials, and excavated soil not be placed within the drip line during construction, that any roots disturbed be cleanly pruned, and that the area within the drip line should be mulched after construction is completed. It is concluded that subject to the implementation of these measures, as agreed to by the applicant, that the health of these trees would be protected. Mr Miller suggests that the ash tree is worthy of protection however, given the desired density, protection is not possible. compensatory planting would assist in lessening the loss of trees.

For these reasons it is considered that this development would have no more than minor adverse effects on native vegetation, vegetation and fauna habitat.

8.1.4 Land / Soil

The total excavation outside the building footprints would entail 156.8m³ with this material taken off site. Proposed level changes and associated retaining would be incremental and of an appropriate, human scale with the highest retaining wall to 1.4m, but most retaining being 1m or less in height.

Earthworks would occur over a large area of the site. Should consent be granted, conditions would be imposed requiring control of dust during the construction stage, such as watering of exposed ground, and for prompt ground form modification and re-vegetation.

The scale of earthworks would be small and with no retaining exceeding 1m height in the frontages. Higher retaining, to 1.4m maximum height at the north side for the outdoor courts of units 5 and 6, would be screened by the building, planting and fencing, from adjacent sites. It is considered that subject to conditions of consent associated with prompt removal of excavated material to a suitable off-site disposal location, with protection of the road from damage or deposition, and with prompt construction of retaining following excavation, and with the implementation of Council's standard erosion and sediment control measures, there would be no more than a de minimis adverse effect on land and soil as a result of this proposal for the aforementioned reasons.

A167-A170

Although the site is not stability sensitive, a geotechnical report by Harrison Grierson reference 13.16491.1 March 2004 was received with the application and was reviewed by Garry Law, Law Associates Limited, for Council, as attached at pages A167 to A170. Mr Law concluded that the site is suitable for the proposal, subject to conditions of consent.

Since the lodging of this resource consent the Auckland Regional Council have tagged this site as one that may have been associated with former horticultural activity and has been listed thus on Council's hazards register, as having potential contaminated soil. A condition of consent would require testing of the soil for contamination prior to the undertaking of any earthworks on this site. That report will recommended remediation measures if contamination is found.

For the aforementioned reasons it is considered that any adverse effect from the earthworks or potential contamination would be no more than minor.

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

Visual Amenity and Neighbourhood Character:

- *scale, form, height, streetscape, sense of place, neighbourhood character, amenity values, views.*

The site is within the 750m radius circle from Glen Eden railway station eligible for a medium density development but does not meet the 2,000m² minimum. "Medium density housing means development on a site with a minimum net site area of 2,000m² containing dwellings at a density of more than one dwelling for every 350m² of net site area exclusive of roads, reserves, communally owned driveways, open space and other commonly owned or public facilities". In this case the proposal is for a medium density development on a site measuring 1907m² in area.

For this reason the proposal requires consideration under the living environment rules in addition to the medium density assessment criteria.

As mentioned previously, the application that was initially notified had 14 units in three blocks and that was subsequently reduced to 12 units.

Given that the proposal would involve use of an existing road for access to the units, the effective on-site useable area for the units would be more than may be the case for a medium density development that requires internal access roads but with a complying, 2,000m² net site area. (Swan Hill Drive comprises two single lanes with a central green island between).

The proposed development would be broken down into three blocks of units 1.to 4 covering circa 197.6m², units 5 to 8, circa 252m², units 9 to 12, circa 252m². This break down would help to relate them in scale and form to the residential dwellings to the east and to the medium density development to the south.

The design of the units and the associated planting proposed would provide a streetscape with good amenity.

A171-A176

The proposal would have good street amenity and sense of place and would relate in terms of neighbourhood character to the existing medium density development below the site. The application has been assessed by Peter Joyce, Council's project manager, Urban design, Strategic Planning Department. Mr Joyce is satisfied with the design, as attached at pages A171 to A176.

- *Bulk, Privacy, Shading*

The Living Environment 8m maximum height requirement has been complied with, but with the proposed increased density, the southern-most unit would be between 4.6m and 5.0m from the boundary with the existing medium density units adjacent and to the south. The outside living courts of those existing units adjacent are set down by circa 500mm with retaining and a fence above this at their north boundary adjacent to the subject site. The south wall of unit 12 would be to 6.5m height, (but with building elevation height for the building block, units 9 to 12, being to 8.7m), but there would be no infringement of the height in relation to boundary recession plane. Although there would be south-facing windows for unit 12 on both floors, the living areas would be at the ground floor level, and existing boundary fencing and proposed planting would maintain privacy relative to the units to the south. For these reasons it is considered that the proposal would not dominate the properties to the south. It should be pointed out that a development that complies with the Living Environment rules could establish a similar situation and have a similar effect to that proposed in regard to its relationship with the properties to the south, but would be a permitted activity.

Although the view from 310 and 310A West Coast Road is not accorded official protection in the District Plan, both properties currently have a view to the Waitakere Ranges. It is likely that the proposed development would have some impact on those sites greater than would be the case were it to be of complying density. The site is large enough that four two-storey dwellings could be erected on the site and the bulk of such a development would be similar to the proposal, which involves three building footprints, of 197.6m² and two of 252m². A complying development could have the same blocking effect on any view of the Waitakere Ranges.

The units would be orientated to gain sunlight and views available to the north and west and would therefore not look on to the properties to the east.

Although the dwelling at 310A is close to its west boundary and there is potential for it to be physically dominated by the proposed development, proposed units 5, 6, 7 and 8 (units closest to that dwelling) would comprise two storey buildings, stepped down with the slope, and mostly not greater than 6m relative to rolling height so the height of these units would not be excessive. Unit 6 would be from 5m but up to 7m relative to rolling height. So the height of these units would not be excessive. Potential domination would relate to building coverage and proximity to the east boundary of units 6 and 7 being between 2.2m (storage area for unit 7) and 4m (unit 6) from the east boundary. Unit 8 would however be stepped back and to 5m from the east boundary.

While there is a building coverage infringement it would be only 36.7%, 1.7% above the permitted figure.

With the possible exception of unit 7, the fencing, proposed landscape treatment including the retention of some existing trees, and design of the units would give suitable separation relative to the existing dwellings on the adjacent sites to the east.

For these reasons it is considered that any adverse effect associated with privacy, shading or dominance would be no more than minor, on the properties located to the east.

Buffer planting along the western margin of Swan Hill Drive, separation distance and a planted central island on Swan Hill Drive give adequate separation and screening from the subject site for the properties to the west of Swan Hill Drive. Furthermore the dwellings on those properties are set down from Swan Hill Drive.

The landscape treatment and planting plan as modified by Council's landscape architect, that includes existing trees to be kept in association with the proposed design of the units, and proposed garden areas and planting, would address on-site amenity suitably and would give integration of the development with the adjacent medium density development and with the residential properties to the east.

For the aforementioned reasons it is considered that any adverse effect of this proposal on visual amenity and neighbourhood character would be no more than minor and any adverse effect on adjacent properties to the east and south would be no more than minor.

On-Site Amenity

- *overshadowing, loss of daylight and sunlight, bulk, physical dominance, privacy, adequate open space*

As the proposal is for a medium density development it is less likely to have the on-site amenity associated with a typical residential development in the Living 2 Environment. For that reason consideration of the quality of the outdoor living provision should be measured against the medium density assessment criteria.

Initially the applicants proposed a 14 unit development. Council's urban designer/architect, Peter Joyce, assessed the application and gave a verbal assessment in which he noted certain deficiencies (including the separation of some outside living courts from their associated internal living area and unit) and made certain recommendations, the three following having been adopted, for the 12 unit format now under consideration:

- That there be a pergola associated with the east facing decks for units 2, 3 and 4.
- That Unit 1 have an east facing window for passive solar gain (either opaque or placed high to avoid overlooking the outside court area of unit 2).
- window for east side of unit 1.

Council's Urban designer/architect recommended also that there be a window put under the stairwell of unit 4 to provide some surveillance of the south part of its outside living court from the kitchen/living area.

Although the proposal would not infringe external height in relation to boundary recession planes unit 6 would be close, requiring that a if consent is granted, a surveyor's certificate be provided to certify compliance, and there would be an internal infringement for unit 4, south boundary, and technical reciprocal height in relation to boundary infringements for all the units.

Adequacy of open space: All the units would be two bedroom, for which 50m² of outdoor space with suitable solar orientation, is the suggested minimum for a medium density development. The dimensions of outdoor living spaces mentioned in item 4.0 are given following.

- Unit 1 would be approximately 54m².
- Unit 2 would have 69.58m² but would have part of its outside space against the east wall of unit 1.

Design of unit 1 has now included a high window on its east for its internal living area, thereby providing light entry while maintaining privacy for the outside space of unit 2.

- Unit 3 would have 40.5m² outdoor space, but with some of this to the east of unit 4.
- Unit 4 would have 99.22m² but with circa 56m² of this not meeting the solar orientation requirement and with an indirect connection from the living area to the outdoor space and with no windows on the south side of the unit's internal living area to provide surveillance of this outdoor space.
- Unit 5 would have 60.05m² of outdoor living court, north-orientated and directly accessible to the internal living area but below a retaining wall up to 1.4m high.
- Unit 6 would have 68.05m² north-orientated outdoor space directly connected to the living room.
- Unit 7 would have 34m² of outdoor space but to 2.3m width, so below the 3m minimum dimension, and with a total of 42.7m² (counting the 8.7m² of deck to the west, directly connected to the living room).
- There would be small deficiencies therefore with regard to providing suitably orientated and adequate open space.
- Unit 8 would have a total of 139.2m² of which 6.8m² would be paved court, west-facing off the living room, circa 50m² would be south-facing and 65m² would be to the east and accessible from the dining room.
- Unit 9 would have 68.9m² of north-orientated outside space and directly connected to the internal living area.
- Unit 10 would have 69.8m² of outside space, north orientated and directly connected to the internal living area so would meet the requirements.
- Unit 11 would have 39m² of outdoor space, 2.9m east of the unit wide so below the minimum 3m dimension, and with some of this area against the wall of unit 10, connected via steps to the dining/living room. there would be an 8.75m² deck attached and to the west of the living room, giving a total of 47.75m².
- Unit 12 would have 159.3m² of outdoor space of which 75m² would be east of the dining room and directly accessible from it,(to 5.6m width), 35m² would be south facing, and the remainder would be to the west, directly accessed from the living room and with a 2m by 3.4m paved area outside the living room doors.

In Summary:

Units 1 to 6, 8 to 10 and 12 are of good size and orientation.
Units 7 and 11 are acceptable.

- With regard to open space there would be some deficiencies with regard to meeting the medium density requirements, as outlined above associated with the proposal, with some units having outside spaces adjacent to another unit, and two being less than the 3m minimum width. Units 5 and 6 would be north-orientated but with their outdoor courts below a retaining wall up to 1.4m high. All outside living courts would be directly accessible to internal living areas and there would be surveillance from internal living areas though this could be improved for the south side of unit 4 via a further window below the steps. Units 7 and 11 would have deficiencies that would have a minor adverse effect on the occupants but that are compensated for by the deck adjacent to the living room of each unit.

A177-A181

With the exception of some units not having surveillance of all their outside space, the internal spaces of the units are of good design and supported by Council's urban designer/architect (Architecture and Urban Design Specialist report, as attached at pages A177 to A181).

- *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.*

A162-A166

A traffic impact assessment by Tuohey Consulting Limited, dated 4 March 2004 has been submitted with the application. Council's roading and traffic engineer, as attached at pages A162 to A166 has noted that the driveways would be individually redesigned to Council's standards and has assessed and approved this report and the associated amended application subject to conditions. The initial proposal was for 37 car parks, two of these being parallel to the road. On the basis of Council's Parking and Driveway guideline for medium density housing, the requirement for 12 two-bedroom units is 16 car parks. For the amended proposal and with the on-street, recessed parking bays of the initial proposal deleted as per the roading and traffic engineer's requirements, there would be 25 car parks which would be 9 car parks more than the requirement. Council's roading and traffic engineer has noted that there would be a 5m wide one-way carriageway that would provide for on-street parking, with five car park spaces available on the street also.

This assessment and the parking provisions are for a medium density development. Under the Living Environment rules the minimum lot size would be 450m² for which there could be a maximum of four residential lots. A development of four lots would have a lesser car parking requirement, for four, 1 to 3 bedroom dwellings, the requirement would be 2 per house plus 1 per 3 for visitors = 10 parking spaces, two being visitor spaces.

Submitters have expressed concern in regard to vehicles backing on to Swan Hill Drive and disruptions to other vehicles on Swan Hill Drive. Council's Roading and Traffic engineer has advised that this is an accepted traffic situation, especially at corner sites.

With regard to the above items, it is considered that subject to meeting conditions of consent set by Council's Roading and Traffic engineer, the effect of the proposed development would be de minimis.

- *infrastructural capacity & availability*

A157-A161

The proposal has been assessed by Council's Subdivision Engineer, Mark Iszard with regard to infrastructural issues, such as stormwater, water supply and wastewater, as attached at pages A157 to A161. Mr Iszard supports the density of the proposal subject to Section 223 requirements and S224C requirements/conditions of consent related to meeting Council's 'Code of Practice for City Infrastructure and Land Development'. It is concluded that subject to the implementation of these conditions, that any adverse effect of the development on the existing sanitary sewer system and stormwater system would be de minimis. Should the application have consent granted, the recommended conditions would be applied.

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

Although the site is smaller than the minimum 2,000m² for a medium density development, it would have good amenity, would involve three blocks of units, thereby breaking down the scale and relating to existing residential and medium density development on adjacent sites, would not exceed the 8m maximum height required for the living environment, would incrementally deal with level changes, would have only internal infringements of the height in relation to boundary daylight recession plane, would retain five protected trees, would not affect privacy of the units to the east and south, would have good fencing and planting, would exceed parking requirements and would be within the area identified for medium density development on the Plan.

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

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

8.2.1 District Plan Policies and Objectives

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

Objective 3: To maintain the life-supporting capacity of the City's land resource.

Policy 3.1: Medium density housing should be encouraged around town centres, railway stations and major roads to help provide for the efficient use of land within the urban area.

Objective 4: To manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to maintenance of the atmosphere at a local, national and global level.

Policy 4.2: Medium Density Housing should be encouraged in areas where it will help to reduce emissions from motor vehicles by reducing vehicle trip length and numbers and support public transport, in particular, around main town centres, train stations and major roads'.

Policy 10.8: Land use development and subdivision must recognise the need for a transportation strategy which provides for the safe and efficient movement of people through private and public transport in a way that avoids, remedies or mitigates potential adverse effects on the environment and which does not compromise the needs of future generations, through ensuring the:

- safe movement of pedestrians, cyclists and vehicles around the City;
- recognising and providing for the interdependence between transportation and other activities;
- supporting the creation of an efficient public transport network which provides an integrated system with appropriate levels of convenience and services;
- protection of the transport corridor for public transport purposes, conveyance of goods and communications;
- ensuring that the impact of activities on the capacity and safety of the road system is adequately catered for;
- maintaining amenity values that contribute to the well-being of residents and workers;
- integrating roads with safe and efficient pedestrian cycle routes;
- minimising impacts of noise and traffic movement on the amenity of surrounding sites;
- contributing where required to an upgrading of the transport system, proportionate to the pressures on that system created by the development proposed.

Discussion: The District Plan Strategic Direction promotes medium density housing as an important tool in the District Plan's overall consolidation and City form strategies. The plan concentrates medium density housing around railways and main transport routes as part of a strategy centralising key activities around central nodes and points, as a way of improving viability of passenger transport. It also promotes a high quality urban environment to counter pressures for outward spread of the urban area. Medium density housing also addresses the lack of housing choice. This approach is consistent with the Regional Growth Strategy, as discussed further below. It is considered that the proposed location for the development meets this strategic direction as it would be close to the Glen Eden railway station, to the Glen Eden town centre and to West Coast Road and thereby to public transport and main transport routes.

For these reasons it is considered that this proposal would meet the above objectives and policies.

Objective 11: To achieve a quality of settlement and associated activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area, including maintaining and enhancing:

the quality and character of different patterns of settlement within the City's intensively settled residential areas.

Policy 11.3: Buildings and structures should be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for:

- the overlooking of streets by buildings;
- maintaining characteristic links between private and public space arising from the orientation of houses and the way they face the street;
- the setback of buildings from the road boundary;
- planting of section frontages;

in a way that gives particular regard to variations in amenity values, and neighbourhood character.

Policy 11.27: Where possible, the amenity of the urban area should be enhanced through the provision of a range of opportunities for different housing types, provided that such provision occurs in a way that is consistent with the protection of other amenity values within an area.

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

- designing for visual and aural privacy, safety, sunlight and daylight access, on-site parking and outdoor space in a way that is appropriate to and consistent with the medium density settlement pattern;
- protecting the privacy and amenity of surrounding residential areas;
- integrating the development with any adjacent public open space and road system such that safe use of the areas is ensured;
- integrating the development with the surrounding neighbourhood, and community focal points, so that they are accessible, where possible, on foot.

Discussion: The neighbourhood character includes older residential development on well vegetated sites and the more recent medium density development comprising three storey dwellings in the development south of the subject site. The proposed development would relate in character to the nearby medium density development, but with those existing trees kept establishing some linkage and sense of history that would relate to the older style neighbourhood character.

All the proposed units would be two-bedroom units, with three blocks of units set amongst existing trees and with gardens and lawns. The wider area would include alternative housing styles that would provide a range of housing type opportunities.

The proposal would have a high quality of internal amenity but there would be some deficiencies in regard to the outdoor spaces for units 7 and 11 in regard to their size and being below the 3m minimum width. Proposed decks west of the living rooms for these two units would help to compensate however. Privacy would be maintained relative to adjacent properties and within the development.

For these reasons it is considered that this proposal would meet the above objectives and policies.

Objective 10: To maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well being of residents and workers, including maintaining:

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

Policy 10.4: Wherever possible, buildings should be located on residential sites in a way that provides for an adequate area of outdoor space for recreation and leisure, including providing;

- sufficient outdoor space for the anticipated number of occupants of the dwelling;
- outdoor space which is of a useable shape for recreation;
- sunlight access to the outdoor space area.

Where such outdoor space cannot be provided on-site, the off-setting of consequent adverse effects on public open space that arise from increasing useage may be required. Such an offsetting of effect would be in addition to any other requirement to contribute to the provision of public open space made under Policy 10.7.

Policy 10.5: Structures should be placed to ensure that adequate levels of daylight reach any habitable rooms on-site, and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

Discussion: With regard to Objective 10 and Policies 10.4 and 10.5, refer to item 4.0 preceding regarding outdoor space provisions and to item 8.1.10, 'adequacy of open space' that considers amongst other matters, sunlight orientation. That earlier discussion concluded outdoor living areas would be of an acceptable standard in terms of orientation and proximity to internal living areas and that there would be suitable on-site privacy for the units. In regard to area and width of outdoor space, units 7 and 11 would be deficient but for these units, 8.75m² west-facing decks immediately adjacent to the living rooms would compensate. Unit 3 would have outdoor space of insufficient area but suitable orientation. For these reasons it is considered that the above objectives and policies have been met.

Policy 10.11: Activities should provide for:

- the on-site parking and loading of motor vehicles;
- the location and design of access to car parking and loading areas, including areas for reverse manoeuvring to ensure that the safe and efficient functioning of adjacent roads, according to the positioning of that road in the Roding Hierarchy, is not adversely affected.

Policy 10.16: Driveways, carriageways and parking areas should:

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

Discussion: With regard to Policies 10.8, 10.11, and 10.16, and as noted in item 8.1.10 above, Council's Roading and Traffic engineer has reviewed the application and the traffic impact assessment submitted with it and has supported the application subject to conditions of consent.

Policy 11.2: Activities should be managed in a way that avoids the clearance of or damage to trees and vegetation, to extent that the following characteristics are adversely affected:

- the visual dominance of trees on private property within the neighbourhoods of the Living Environment;
- the remnant native vegetation within the urban Human Environments;
- the remaining native vegetation along riparian margins and coastal edges in the urban area and Foothills Environment;
- the amenity value associated with native vegetation and its relative significance in all parts of the City;
- the historic and cultural value of trees associated with the above characteristics;

provided that nothing in this policy should prevent the removal of species identified in the Environmentally Damaging Plants List.

Discussion: Of the four protected trees to be removed, tree 9, (see landscape plan and Katsura arborist's report) the claret ash imparts considerable visual amenity, being tall, vigorous, close to Swan Hill Drive and enframing views down Swan Hill Drive to the residential development beyond. This tree has some dominance and a strong visual impact and desirably would have been kept, with adequate space around it to ensure its health and safety. The arborist's report submitted discusses the poor structure of this tree which he considers is not viable for the long term. Council's arborist would have liked to see the protection of the claret ash tree but it was considered such protection would have inhibited the development. The trees loss can be compensated for by retention of other existing vegetation and by compensatory planting. Tree 5, the Kanzan cherry is a smaller but vigorous and fine tree, less dominant in the landscape, while the two downy birch trees, tree 3 and tree 7, are of low impact and merit.

The proposed landscaping plan has been modified and improved by Council's landscape Architect.

For these reasons it is considered that the planting proposed to be removed can be compensated for to an extent that the development will meet Policy 11.2.

8.2.2 Rules and Assessment Criteria

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

Living (2) Environment:

LIVING ENVIRONMENT - DENSITY

2(a): The extent to which the development complements amenity values and neighbourhood character.

Given the location of the proposed development between standard residential and medium density developments, it would, in exceeding density and building coverage and requiring removal of trees, reduce green space and views across the site relative to adjacent properties, with an associated loss of amenity and change of neighbourhood character. However, the proposed development would relate to the existing medium density development to the south and with its design coupled with landscaping would have comparable character and amenity to this area.

2(b): The extent to which the development is compatible with the size of the site.

It is acknowledged that this development is denser than that generally associated with such a site and therefore there would be more built form and less green space than for a complying development. Efforts have been made to reduce the number of units (from 14 to 12) and with a design involving three blocks of units, thereby relating to the wider neighbourhood character and being compatible with the size of the site.

2(c): The extent to which the development complements existing development on the site, having regard to:

- **separation distances between dwellings;**
- **the visual impact of access to rear dwellings;**
- **the visual appearance of the development from the road;**
- **privacy between buildings and of outdoor space.**

There is no existing development on the site.

2(d): The extent to which the development has regard to and where possible incorporates natural features on or around the site.

Five protected trees would be kept and four removed. Of the four to be removed, tree 9, a mature claret ash, imparts amenity and character to the neighbourhood but has been rated by the applicant's arborist as of 'poor structure' and thereby not viable for the long-term. (If sufficient space is given around this tree I consider it could and desirably would remain but could not realistically, with this development). Tree 5, also to be removed, a Kanzan cherry, is smaller, with some merit but can be removed. A Himalayan cedar, Japanese maple cabbage tree, a downy birch) in poor health), and a Kermadec pohutukawa would remain, and an existing Agonis juniperina nearby on the adjacent property, 310A West Coast Road would not be affected.

LIVING ENVIRONMENT - HEIGHT IN RELATION TO BOUNDARIES/SEPARATION OF BUILDINGS

5(a): The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to adjoining sites.

See item 8.1.10 preceding. The southern-most unit would be to 5.5m height and would not infringe the height in relation to boundary daylight recession plane. This building would be set back from the boundary with the existing medium density units to the south by between 4.6 and 5 metres. The elevation height for the southern block would be to 9m. The outside living courts of the adjacent units are set down by circa 500mm with retaining and a fence above at this boundary. The proposal would not infringe the southern height in relation to boundary recession plane (HRB).

A1-A83

The dwelling at 310A West Coast Rd is located circa 2.5m to 3m from the boundary with the subject site and would be close to units 10 and 11. These units would be between 4m and 4.4m from the boundary. Unit 10 would be the highest of this block of units with HRB at point J close to the unit but complying, as attached at pages A1 to A83: Site Plan SK1 Rev D and Elevations Drawing SK1 rev D), as noted above.

If consent is granted a surveyor's certificate of compliance would be required however since the southern HRB for unit 12 (and the eastern HRB at point J for unit 10) would be very close to the HRB recession plane to the site's east boundary.

5(b): The extent to which the height, location and design of buildings will allow for reasonable sunlight and daylight access to the proposed building.

5(c): The extent to which each habitable room in a building is located to allow for reasonable daylight access.

An east-facing (high) window has been included for the living room and kitchen of unit 1. East facing windows could be included for the kitchens of units 2, 3, 4, 6 and 10 (though living /dining room of units 6 and 10 have windows to the east, living area adjacent to the kitchen has doors with windows to the east for units 2, 3, 4. Units 1, 5, 6, 9 and 10 would have windows associated with their north-facing living rooms. Units 5 and 9 would have west-facing windows but none east-facing, and units 6 and 10 would have east-facing windows but none west-facing for their living rooms. Internal living rooms for units 2, 3, 4, 7, 8, 11 and 12 would have east facing and west facing windows.

5(d): The extent to which privacy is safeguarded by the provision of planting or screening.

Planting would include *Pittosporum tenuifolium*, kohuhu, along the south boundary which would provide screening relative to the adjacent units to the south without excessive shading of the adjacent units. *Pittosporum tenuifolium* would be included also at intervals along the east boundary and in some of the frontage planting. It is considered that this would give suitable privacy and separation relative to the adjacent sites. See Information received after Initial Notification Appendix for modified and improved Landscape Plan.

LIVING ENVIRONMENT - FRONT YARDS

6(a): The extent to which the setback of a building from the road boundary will create any adverse effects on amenity values and neighbourhood character.

The 1.2m infringement for unit 1, the 0.5m infringement for unit 2, the 1.4m infringement by the common entry for units 5, 6 and 7, and the 0.8m infringement by the common entry for units 9, 10 and 11 would all be associated with the entries to the units only. Having legible frontages with garages set back relative to main entrances is sought for a medium density development. Proposed planting would create suitable amenity, integration and screening of the frontage areas. The proposed front yard infringements would not create adverse effects on amenity values and neighbourhood character.

6(b): The extent to which the setback of a building from the road boundary will maintain opportunities for lawn and tree planting in the front yard.

The front yard infringement would involve the aforementioned entries only. The landscape Plan proposes planting of lawns, gardens and trees with some between the blocks of units and some in the front yards.

6(c): The extent to which the setback of a building from the road boundary will allow for safe traffic movement on and off the road and parking and manoeuvring off the road.

Council's Roading and Traffic engineer has assessed the proposal and traffic impact assessment by Tuohey Consulting Limited submitted with the application and has given approval subject to meeting conditions of consent.

6(d): The extent to which a building closer to the road boundary would offer greater safety through surveillance, to pedestrians and other users of the road.

The entries only would infringe the 3m front yard. The proposal would provide suitably for surveillance of the roadway from internal living areas and from adjacent decks for all units other than units 6 and 10 but without infringement of the 3m front yard.

LIVING ENVIRONMENT - BUILDING COVERAGE

7(a): The extent to which building coverage will create adverse effects on amenity values and neighbourhood character

Building coverage would exceed the 35 % permitted level by only a small amount, being 1.7% = 32.4m². There would be an associated reduction in green space, potentially associated with the removal of protected trees, and with a small reduction in views across the site. Potentially, a complying situation might be associated with greater set-back relative to 310A West Coast Road. Amenity values would thereby be slightly affected. The coverage is associated with a medium density development which would contrast with the conventional Living Environment neighbourhood character to the east, but would relate to the more recent medium density development to the south.

Occupants of adjacent sites could have an expectation that this site would not be developed to this extent given its size, however, the Living Environment rules would allow for 450m² net site areas = 4 sites, and 4 dwelling houses, with a total coverage of 35% = 667.4m², only 33m² less than what is proposed for the medium density development. The proposal would involve three blocks of units, whereas the permitted situation would entail 4 separate dwelling houses to a comparable height to those proposed (8m maximum height) and with a maximum of 667.4m² building coverage, only slightly less than what is proposed. The proposal in terms of built form, building coverage and affects on amenity would only slightly exceed what might occur under the permitted situation. For these reasons potential adverse effects on amenity associated with building coverage exceeding the 35% maximum would be relatively minor.

7(b): The extent to which building coverage will maintain opportunities to provide for the planting of lawns and trees around buildings.

Although reducing opportunities, there would be lawns and planting of some trees around the buildings as per the Landscape Plan provided with the application.

7(c): The extent to which building coverage will maintain opportunities to provide for adequate outdoor space associated with residential activities on the site.

As noted above (item 8.1.10) there would be some deficiencies in regard to the adequacy of outdoor space. It is considered that these deficiencies are associated with having a medium density development on a narrow site.

7(d): The extent to which building coverage will physically dominate adjoining sites.

Refer item 7(a) above. The balance of open space versus built would involve 36.7% of building coverage, and with some associated structures (retaining) and paved areas, that would accentuate the built environment creating a dominance of built relative to open space. The exceeding of building coverage would be small, involving 32.4m² only and with the 8m building height not infringed. It is considered that the building set back and its height relative to the units to the south would not cause domination of these adjacent units, but the proximity and placement of units 9 to 12 relative to the dwelling at 310A West Coast Road could cause some domination relative to this dwelling but significantly, not more than could be created via a complying development.

LIVING ENVIRONMENT - BUILDING LOCATION - PRIVACY/AMENITY

8(a): The extent to which privacy is maintained between the main indoor and outdoor living areas of adjoining sites.

The outdoor living area of unit 2 would include an area east of unit 1. There would be a high window on Unit 1, east wall thereby providing for sunlight entry to the internal living area of unit 1 while maintaining privacy of the outdoor space of unit 2. Privacy would be maintained as proposed for units 1 to 4, 5 to 8 and 9 to 12. The existing fence at the south boundary and proposed planting would address privacy suitably relative to the adjacent units to the south. The adjacent dwelling at 310A West Coast Road would be placed close to the outdoor space for unit 11. The main outdoor space for 310A West Coast Road is however to its north and east, and unit 11 would have a west facing deck attached to the living room. A condition would be needed associated with planting out of the Council-modified landscape plan to ensure that privacy that planting would provide would be achieved.

LIVING ENVIRONMENT - OUTDOOR SPACE

As this is a medium density development it is appropriate to use the medium density assessment criteria for assessment of outdoor living. Refer to Medium Density Design Elements B and F following.

GENERAL NATURAL AREA - VEGETATION ALTERATION

2(a): The extent to which vegetation alteration adversely affects amenity values and neighbourhood character.

A1-A83

(Refer to proposal site works plan Sheet SK1, as attached at pages A1 to A83 when reading this section.)

There would be five protected trees kept, one Himalayan cedar, (tree 1), one Japanese maple, (tree 11), one cabbage tree, (tree 14), one downy birch, (tree 15), and one Kermadec pohutukawa, (tree 21), two removable trees would be removed, a pine and a willow, (trees 12 and 20), and four protected trees would be removed. Of those protected trees to be removed, tree 9, the claret ash is mature, close to Swan Hill Drive, it enframes views down this road into the development beyond, and imparts strong amenity to the site and wider neighbourhood. As noted above however, the applicant's arborist has noted that this tree is of poor structure and that this places its long-term survival in jeopardy. Tree 5 the Kanzan cherry is a vigorous but smaller tree of localized value and is more expendable.

Trees 3 and 7, two downy birch trees, are of low value and described in the arborist's report as 'in moderate condition', while tree 15, the downy birch that would be kept, is described in the arborist's report as 'poor', so would be expendable. Although the arborist's report advises that tree 9, the claret ash, has a poor structure, it acknowledges that this tree is relatively large and in good health. Council's arborist Simon Miller has advised the following:

'I'd like to confirm that despite my initial concurrence with the report provided by the independent arborist regarding 312 West Coast Road, I have a number of reservations about the proposed removal of the Pohutukawa, Ash and Maple located on site. Having revisited my original notes made after the initial site visit, I feel that if a redesign of the proposed development is still possible, then all efforts should be made to retain these trees.

The Ash in particular is considered to provide significant amenity. Any design wishing to incorporate the tree however, would need to provide an adequate clearance from structures.

Both the Maple and Pohutukawa are located close to the site boundary. Perhaps it is possible to include them in one of the communal outdoor areas. If this is not possible for both, then it is considered that the Maple could be retained in one of the living spaces of the proposed dwellings as it is of a size and scale that is manageable in this type of environment. While the Pohutukawa is of a spreading growing habit, it is perfectly feasible to manage this aspect of its growth through judicious pruning every few years or so. Pohutukawas tend to accommodate development better than most tree species (this is borne in developments out all over Auckland).

In summary, it is considered that the retention of these trees would provide ongoing amenity, some screening of the proposed dwellings and would also provide a link to the former land use and vegetation cover'.

Comment: Since this report was received the applicant has modified the proposal to retain the Japanese maple and the Kermadec pohutukawa, but the most visually significant tree of the three, the ash, has not been accommodated. As mentioned previously, while regrettable that the ash tree is removed it is considered necessary for the development and acceptable given the vegetation to remain and compensatory planting.

2(b): The extent to which vegetation alteration will threaten natural ecosystems.

The site has been modified and is not bush covered or close to a riparian margin or restoration natural area. The protected trees to be removed have been planted and are exotic species. For these reasons there would be no effect on natural ecosystems.

2(c): The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.

No adverse effect anticipated.

2(d): The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.

The Katsura arborist's report considered the cedar the most significant tree on the site. This tree has been included within the development. Council's landscape architect and arborist considered the claret ash, tree 9, to be particularly well placed, mature, healthy, and of high amenity value, and that desirably, this tree would be kept. The application was amended to accommodate more of the existing protected trees on site, but keeping the ash tree has not been achieved. On the basis that five protected trees would be kept, it is reasonable to allow the ash tree to be removed. The landscape proposal has included a number of the deciduous lowland ribbonwood, and river birch, and a number of titokis, so that there would be a strong tree planting within the development in the longer term.

2(e): The extent to which the proposed vegetation alteration is necessary:

- to accommodate development otherwise permitted by the Plan;
- to ensure the safety or integrity of existing development on the site;
- for pruning to provide light;
- for pruning to preserve public views.

The Plan permits removal of the pine and willow, but permits a complying development in terms of the Living Environment rules rather than a medium density development. Furthermore, Medium Density Assessment criteria B12 and I2 seek to retain existing trees and 'major existing trees' within a medium density development. Aside from the removable pine, the ash and the cedar are the 'major existing trees' on the site. It would not be possible to achieve the desired density while retaining these trees.

2(f): The extent to which the vegetation alteration adversely affects plant health.

For those protected trees to remain Council's arborist has set conditions of consent to safeguard their health and stability during the construction period and after that time. These conditions would be imposed should consent be granted.

2(j): The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application.

There would be some lowland ribbonwood trees, river birch trees and titokis and smaller scale kohuhu, *Pittosporum tenuifolium* trees included in the landscape treatment. There would be insufficient space and a need to preserve sunlight and daylight to units and outdoor courts so that a replacement tree comparable to the large ash tree would not be provided.

2(k): The extent to which vegetation alteration adversely affects the significance, natural character or landscape value of any natural features.

Removal of the large claret ash, which grows close to Swan Hill Drive and imparts character to the wider neighbourhood would adversely affect the local landscape value and neighbourhood character. This tree at present enframes views down to the residential development below. While it is regrettable that the ash tree would be removed, its questionable long-term survival coupled with the applicant's desire to have a medium density development on site mean keeping other trees and having compensatory planting is acceptable.

HAZARDOUS FACILITIES & CONTAMINATED SITES – CONTAMINATED SITES

2(a): The extent to which any proposal for remediation and restoration of a contaminated site gives regard to:

- the extent to which the site is contaminated
- health and safety standards covering the intended work
- the measures by which the site will be remediated and restored
- safety standards for the intended use of the site
- the means by which any adverse effects on the environment will be avoided or mitigated.

2(b): The extent to which any proposal for the development, redevelopment or use of a contaminated site known to the Council meets the requirements of the “Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites” (NB: this publication is available from the Council).

2(c): The extent to which any proposal for the development, redevelopment or use of a contaminated site known to the Council demonstrates that there will be no more than minor off-site adverse effects and that measures will be taken to ensure the safe operation of the proposal on the contaminated site.

With regard to 2(a), 2(b), and 2(c) above, a condition of consent shall be set requiring that soil contamination tests be conducted and if contamination is found, that appropriate mitigation measures be taken to protect future residents on this site. If deemed to be contaminated to an unacceptable level earth to be removed for the development would be required to be taken to an approved landfill capable of receiving contaminated soil.

MEDIUM DENSITY HOUSING CRITERIA – DESIGN ELEMENTS

As a medium density housing development the proposed development requires assessment against the relevant medium density housing criteria design elements.

DESIGN ELEMENT A - DESIGN AND LOCATION OF STRUCTURE

The proposal has been designed to include an active street frontage and provide surveillance from doors and windows of the road. Main entrances would be legible, and would project relative to the garages, and would comprise shared entries for the lower two blocks of units. Garages would not dominate the road frontage. Units 1 to 4 would be three storey, the remainder two storey or two but with the garage set slightly lower, (see item 3.0 preceding), which would relate well to existing older residential development and to the three storey medium density development to the south. There would be low frontage fencing and suitable planting to enable surveillance of the road from internal living rooms. Landscape treatment would relate to the existing neighbourhood, especially to the area to the south, and would keep five existing trees.

DESIGN ELEMENT B - SITE LAYOUT

All houses would front the roads, outdoor space would be in the road frontages for five units only, and with suitable planting for these spaces to have privacy from the roads.

There would be some problem in regard to overlooking of private space by adjacent units, and in some cases, the outdoor space would not be connected with that unit's internal living areas, and with no visual connection. (Refer item 8.1.10 preceding). There is potential for outdoor spaces of units 2, 3, 4, to be dominated by three storey walls but the design has included on the east side, decks with pergolas to add detail and a human scale. Five existing protected trees would remain, but the large claret ash, the kanzan cherry and two river birches would be removed.

DESIGN ELEMENT C - BUILDING LOCATION

There would be one height in relation to boundary infringement, internal to the development only for units 4, (and technical reciprocal internal height in relation to boundary infringements for all units), and no external HRB infringements.

Because building coverage would be slightly exceeded, views from adjacent sites, particularly those to the east, would be affected potentially, with more building and consequently less green and open space than might occur with a complying development. Planting, fencing and proposed fenestration would offset potential overlooking from internal living rooms, of these properties.

There would be no east-facing window for the kitchen of units 6 and 10, and this would reduce sunlight and daylight into the internal living areas for these units. There would be a living/kitchen east window for unit 1 placed high, providing light while preventing overlooking of unit 2's outdoor space.

Outdoor spaces for all units would have some area suitably orientated for suitable sunlight entry, but although north-facing, units 5 and 6 would have their outside space below a retaining wall up to 1.4m high and units 7 and 11 would have less than the 3m wide minimum for their outdoor space to the east, but with a west facing deck off the living room providing compensation. (See also item 4.0 and 8.1.10 preceding).

Units 9 to 12 would be close to 310A West Coast Road and would have some effects on views towards the ranges from this dwelling but not significantly more than would a complying dwelling.

The dwelling at 310 West Coast Road currently has views to the Waitakere Ranges. This development would be likely to lessen that view but there would be a wide space between the first and second blocks of units that would be likely to preserve part of that view. Again, a complying development could screen the view.

It should be noted that these views of the Waitakere Ranges are not accorded protection under the District Plan.

Internal living areas for units 5 and 6, and 9 and 10 would get either morning sunlight or afternoon, but not both.

DESIGN ELEMENT D - VISUAL AND ACOUSTIC PRIVACY

West Coast Road is considered a District Arterial Road in the District Plan roading hierarchy and therefore also is a high noise route. Dwellings beside such roads require acoustic insulation to protect occupants from excessive noise. A condition of consent associated with attenuating noise will be imposed for unit 1 which is beside West Coast Road.

DESIGN ELEMENT E - CAR PARKING AND VEHICLE ACCESS

See item 8.1.10 preceding in regard to Council's Roding and Traffic engineers assessment of the application including the traffic report by Tuohey Consulting Limited submitted with the application.

DESIGN ELEMENT F - OUTDOOR SPACE

All units would be two bed room for which 50m² of outdoor space is the suggested figure. Item 4.0 preceding discusses outdoor space. Units 1, 2, 5, 6, 8, 9, 10, and 12 would meet the 50m² area requirement, dimension and orientation, (though units 5 and 6 would have their outdoor space below a retaining wall up to 1.4m high, and with those others, (units 3, and 4 would be below the 50m², being 40.5m² and 45m² respectively, but of suitable orientation, units 7 and 11 would have small deficiencies in regard to their outdoor space as outlined previously.

Although some of the outdoor space would be sloping, it would not exceed a 1 in 7 grade except for a small area for unit 3 at 1 in 3.5 grade, exceeding the preferred 1 in 5 maximum grade, and over more than 25% of the outdoor space, being approximately one third of the area. A condition would be needed so that the outdoor space for unit 3 would not exceed a gradient of 1 in 5 over 75% of the outdoor space, with minor retaining and earthworks as necessary.

DESIGN ELEMENT G - DWELLING ENTRY

As noted in *Design Element A* above, dwelling entries would be suitably accentuated and legible from the road. The sense of personal address would be somewhat reduced by the proposed shared entrances, but this is acceptable.

DESIGN ELEMENT H - SITE FACILITIES

The locations for clotheslines have been shown on the landscape plan, while letterboxes, outside lighting and outside taps, have not been shown on the Landscape Plan or the Site Plan. A condition of consent shall be imposed requiring that each unit have its own letter box at the street and that each unit have an outside tap associated with the front of the unit.

The 6m³ outside storage provision would be met in all cases via an area beneath the steps for units 1 to 4, and by a storage area also in the garages, for units 5 to 12.

Rubbish could be collected at the street from each unit, with no need for any shared collection area.

DESIGN ELEMENT I - LANDSCAPE TREATMENT

A206-A207

A landscape plan showing proposed planting, grassed areas and garden areas has been submitted with the application. Council's landscape architect has made some modifications, since it was considered that too many large trees had been proposed and that a better balance between privacy, solar entry and screening was needed, that gardens needed to be differentiated from grassed or paved areas, and a provision was needed for underplanting and for providing a woodchip mulch to garden areas. Attached at pages A206 to A207 for the Council-modified and approved landscape plan. Fencing is shown on the site works plan and with gates indicated but not identified on the key. A condition of consent requires that proposed fencing and gates be as shown on the Site Layout and Site Works Plan SK1 Revision F. and that letter boxes and outside taps be provided for each unit. Retaining walls would be in scale with the human environment and would entail low frontage retaining to 1m height maximum. Retaining would be up to 1.4m maximum height for the north side of units 5 and 6. This would be 3m away from the east boundary however.

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

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

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

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

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

A191 to A205 To be consistent with the Auckland Regional Policy Statement it would be necessary to ensure that elevated levels of sediment do not enter the watercourse as a result of any works. It is noted that measures to control sediment entering the stormwater reticulation and receiving waters during construction are contained in the Erosion and Sediment Control Measures, as attached at pages A191 to A205 in the Waitakere City District Plan. With conditions in place requiring the implementation of the recommendations of this Sediment and Erosion Control Measures, it is considered that the proposal would mitigate adverse effects from development on the natural character and would avoid adverse effects from the sediment discharge to waterways.

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

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

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

There are no other matters relevant to this application.

8.5.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Submissions 10, 11, 12, 15, 17, and 18 mention use of the site as a green area and park. It is a privately owned residential site with the right for residential development and there is no requirement for it to remain undeveloped.

8.5.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

If consent is granted a bond would be set associated with implementation of the landscape component and based on a cost estimate of the materials, plant hire and labour costs plus a 10% figure to cover contingencies, for the revised and Council-approved landscape proposal.

A Preliminary Reserve Contribution levy will be calculated pursuant to Section 293(2a)ii of the Local Government Act 1974/ Section 409 of the Resource Management Act 1991. This allows the council to specify an amount of money that would, in the council's opinion be sufficient to purchase, at the time of the lodgement of the development plan an area determined by the council, being not more than 20 square metres of land for every such household unit after the second new such unit or first additional such unit. The unit title subdivision being carried out will attract a Reserve Contribution levy be calculated at 6% (plus GST) of the value of the new sites created with the above amount credited to the account.

If consent is granted there will be a reserve contribution required. The reserve contribution would be considered in accordance with the Resource Management Act 1991. The sum to be paid in lieu of reserves is equal to 6% (plus GST at 12½%) of Quotable New Zealand's market values to be obtained for Lots 1-14 inclusive, as of the date of issue of this subdivision consent (or as at the date of any subsequent re-approval of subdivision consent or at intervals of not greater than three years) for reserve purposes.

This application was accepted at Council prior to 1 July 2004, therefore it is not subject to Development Contributions under Local Government Act 2002.

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 establishment of the development and including the approved plans and landscape treatment as approved by Council.

8.6 Lapsing of Consent

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

8.6.1 Land Use

In this instance, if consent is granted to the application, a standard five year period in which to give effect to this consent is not considered appropriate because development on the site should occur over a shorter period to limit any potential noise and disruption to the wider neighbourhood associated with construction activities. A three year period is considered appropriate, as the construction of the proposed development and the associated site works could reasonably be expected to require that length of time to be carried out.

8.6.2 Subdivision

In addition, 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. Also the subdivision creates only one further lot, and if granted the proposed conditions do not present any difficulties in achieving. Thus a three year period for the consent is considered appropriate.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

It is considered that the proposal would be generally consistent with Sections 6, and 8 of the Resource Management Act 1991 but that the proposal would not be consistent with Sections 5, and Sections 7(c) the maintenance and enhancement of amenity values, and Section 7(f), the maintenance and enhancement of the quality of the environment.

It is considered that there would be potential adverse effects on amenity values associated with the proposed density of the development, the proximity of block 9 to 12 to the dwelling at 310A West Coast Road, the small outdoor living space for units 7 and 11, the removal of the claret ash, some loss of green space and views, and that the quality of the existing environment would not be maintained and enhanced should the development as proposed, proceed.

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

10.0 RESERVE CONTRIBUTION

The reserve contribution has been considered in accordance with the Resource Management Act 1991. The sum to be paid in lieu of reserves will be computed from the gross realisation of value of 12 units supplied by QV Valuations, as shown on the plans submitted with the application at the time of survey plan approval and with credit given for the existing certificates of title. A condition requiring payment of this contribution is recommended.

11.0 SECTION 224(f) CERTIFICATE

The Building Act 1991 which came into force on 1 July 1992 repealed Section 244 of the Resource Management Act 1991. However, before the District Land Registrar can 'deposit' the survey plan, a certificate pursuant to Section 224(f) of the Resource Management Act now has to be issued by Council. This certificate requires Council to be satisfied that every building (or part of a building) shown on the plan complies (or will comply) with the provisions of the building code specified in Section 46(4) of the Building Act 1991. It is therefore imperative that the applicant be informed whether or not there are any problems with the buildings shown on the plan that would prevent the issue of the certificate. The units would be constructed under a building consent issued in accordance with the Building Act 1991 and therefore compliance with Section 224 (f) would be achieved.

12.0 CONCLUSION

The applicant seeks consent to construct a medium density housing development consisting of 12 units. The subject site is located at 312 West Coast Road, Glen Eden and is located in the Living Human Environment and General Natural Area under the District Plan.

It is considered that the proposal meets the criteria for granting consent as the potential adverse environmental effects are no more than minor and can adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a medium density housing development consisting of 12 units will not lead to a decline in the amenity values of the area in which it seeks to locate.

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

- Manage the effects of land use on the environment and, in particular, avoid, remedy or mitigate effects on the quality and quantity of the City's water resource.
- Manage the effects of land use on the environment and, in particular, to maintain air quality, including contributing to the maintenance of the atmosphere at a local, national and global level.
- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the wellbeing of residents and workers.
- Achieve a quality of settlement which is sympathetic to and protects and enhances the dominant natural and physical features which contribute to the amenity value and the neighbourhood character of an area.
- Enhance the amenity of the urban area through the provision of a range of opportunities for different housing types, in a way that is consistent with the protection of other amenity values within the area.
- Have medium density housing comprehensively designed so that a high quality of internal amenity is provided to the overall development.

For the aforementioned reasons it is considered that the application meets the Resource Management Act 1991 section 105 threshold.

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

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

13.0 LAND USE RECOMMENDATION

That pursuant to Sections 104,104B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be granted to the application by Waitakere Properties Limited to establish a 12 unit, unit title, medium density development on a site less than 2,000m², being 1907m² and being a potentially contaminated site including more than one vehicle crossing at 312 West Coast Road, being Lot 1 DP 83589 for the following reasons:

- (i) Any adverse environmental effects, particularly in relation to potential effects on privacy, loss of daylight, loss of views, and potential domination of the adjacent dwelling from the proposed development would be no more than minor.
- (ii) The design of units and orientation of outdoor space would ensure that on-site amenity would be acceptable.

- (iii) The proposed land use would be consistent with the relevant objectives and policies of the District Plan.
- (iv) The relevant provisions of Part II of the Act can be satisfied and the development would be consistent with the maintenance and enhancement of amenity values and maintenance and enhancement of the quality of the environment as per Section 7(c) and 7(f), Other Matters, of the Resource Management Act 1991.

14.0 SUBDIVISION RECOMMENDATION

That Subdivision Consent Application Plan No. SPW 22061 (RMA 20040887) being a proposed subdivision of Lot 1 Deposited Plan 83589 comprised in CT 40A/176 situated at 312 West Coast Road Glen Eden by Waitakere Properties Limited, being a controlled activity, **be granted** subdivision consent pursuant to Sections 104 and 105 of the Resource Management Act 1991 for the following reasons:

- (i) Any adverse effects of the development have been considered under the land use consent and the subdivision provides separate titles for the units within the development.
- (ii) The unit areas are consistent with those shown on the land use consent.

CONDITIONS

Consent shall be subject to the following conditions:

1. The development shall proceed in accordance with the plans titled (Proposed Medium Density Development 312 West Coast Road Sheet SK1 revision F, Site Plan, Sheet SK2, Revision D, Floor Plans 5-8 & 9-12, SK3 Revision D, Floor Plans Units 1-4, SK4, Revision D, Elevations Units 1-4, SK5, Revision D, Elevations Units 5-8, SK5.1, Revision D, Elevations Units 9-12), prepared by (Ottow Burke & Associates) and dated (SK1 Jan04, SK2 Jan 03, SK3 Jan 03, SK4 Jan 03, SK5 Jan 03, SK5.1 Jan 03, and all dated by Council 14 March 2005) and all referenced by Council as RMA 20040886 (LUC) and RMA 20040887 (SUB) and the information, including further information, submitted with the application. (Note, Landscape treatment shall be as per the Council 'Modified and Approved Landscape Treatment and Planting Plan', SK1.1 Revision F).
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).

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

- A157 to A161*
3. 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 proposed Stormwater and wastewater reticulation required to serve this development as generally shown on the proposed drainage plan by Cato Bolam Consultants, ref V16912, sheet S3, as attached at pages A157 to A161.

4. Design, provide and install a complete wastewater reticulation system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development. Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main sewer. Specific requirements:
 - i. Either grout fill, or remove, the abandoned private drainage under Council's supervision.
 - ii. Under specific engineering approval extend a Public Wastewater system from the existing W/W manhole in the south eastern corner of the site to serve the proposed development. Specific Requirements:
 - iii. Ensure that the lines have sufficient depth to pass under the retaining walls along side boundaries of all Lots and maintain a cover of 750mm to invert.
 - iv. Separate systems are to be provided to the point of connection to the public system/dry chamber.
 - v. To minimise the number of connections to the principal lines provide a dry chamber at the end of each connection and serve 2 Units from these chambers. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
 - vi. A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
 - vii. Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
 - viii. 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.

5. Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirements:
 - i. Either mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the existing dwelling and advise prior to the issue of the 224c certificate that mitigation of wastewater flows will be carried out under future building consents on vacant Lots.
 - ii. All taps over hand basins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
 - iii. All units/dwellings shall have showers.
 - iv. All toilets shall be of 6/3 litre dual flush type.
 - v. No in sink waste disposal units shall be installed.

A Consent Notice is required to be issued and registered on the new titles for all Lots affected requiring the use of low water use devices to limit wastewater flows to Councils satisfaction. Council's Hazards and Special Features Register will be advised of the above requirement.

In addition pay to the Council pursuant to Section 407 of the Act the sum of \$43,924.74 (incl. GST at 12.5%) to further mitigate wastewater flows (main system improvements) necessary to serve the subdivision. Notes: (i) Further reductions may be possible through recycling of grey water or other innovations. (ii) If in-sink waste disposal units are proposed then the sum required will rise to \$47,465.97.

Or pay to Council the sum of \$66,777.48 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity without carrying out any mitigation measures. No Consent Notice is required. Note: The above sums are based on three bedroom units. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater.

6. Design, provide and install a complete stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development. Collect all existing discharge points. Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main stormwater. Specific requirements:
 - i. Separate systems are to be provided from each Unit to the point of connection to the public drain/dry chamber.
 - ii. Under specific engineering approval extend a Public stormwater system from the existing S/W manhole within the south western corner of the site to serve both this development and the upstream catchment (Lot 3 DP 83589, 310A West Coast Road). specific conditions:
 - a. Ensure that the lines have sufficient depth to pass under the retaining walls along side boundaries of all Lots and maintain a cover of 750mm to invert.
 - b. Provide a stormwater quality treatment device to serve the development in accordance with Auckland Regional Council T.P 10 "Stormwater Management Devices".
 - c. Ensure that all subsoil drainage from the retaining walls discharges to a sediment sump/cesspit prior to entering the Public S/W lines.
 - iii. To minimise the number of connections to the principal lines provide a dry chamber at the end of each connection and serve 2 units from these chambers. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
 - iv. A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
 - v. Locate all drainage lines in the shared driveway where possible to provide ease of access for future maintenance requirements.
 - vi. Advice Note: EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

7. Provide stormwater quality treatment to the site in accordance with the Auckland Regional Council's TP10 '*Stormwater Management Devices Design Guideline Manual*'.
 - 1) The proposed use of a sand filter or similar meets this requirement.
8. Under Building Consent for the development provide and install water meters to serve each Unit in compliance with Council's Code of Practice for City Infrastructure and Land Development.
 - i. The provisions of section 6.3.3.6 for servicing medium density developments are to apply.
 - ii. Locate all water connections at the same position as the power and telephone connection to each Lot not in the centre of the Lot
 - iii. All units are to be individually metered at the road reserve boundary.
 - iv. Ducting of private service lines is recommended.

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.

9. Liaise with Council's Customer Field Adviser - Resource Management (extension 8337) regarding any drainage to be laid through bush areas or riparian margins prior to seeking engineering approval for public, or a minor works permit for private, drainage. Advice Note: Drainage may be required to be thrust through bush areas, and resource consent may need to be obtained for drainage to be laid within the drip line of trees protected by the District Plan.
10. Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties. (EW 4)
11. Contact EcoWater's Development Services Secretary (extension 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.
12. Provide an As-Built drainage plan for the property, prepared by a registered drain layer, showing the separate private drains from the existing buildings to the point of connection to the public drains/dry chamber/new Lot(s).
13. 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. Include lid and invert levels in terms of Land Information New Zealand datum, and two boundary offsets to each dry chamber.

GENERAL CONDITIONS

14. Advise Council the name of the Consultant and/or person(s) who will be the developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Council's Code of Practice for City Infrastructure and Land Development.

15. A consent compliance monitoring fee of \$996.00 (being on the basis of \$249 per 3 units), (inclusive of GST), shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The fee shall be paid as part of the resource consent, Olive Grove Proposed Development 312 West Coast Road Glen Eden and the resource consent holder shall be advised of any further monitoring fees if they are required.

16. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of three years after the commencement of the consent.

Roading and Traffic

17. Prior to consent approval the applicant shall ensure the garage finished floor levels suit each driveway vertical grading from the footpath reduced levels. Each driveway requires separate design to comply with SD 3.10 Residential Vehicle Crossing (Kerbed Roads) and Council's Parking and Driveway Guideline Item 7.5 Vertical alignment. Car tracking curves should be shown on the design plans to be provided for approval.

Notes:

- i. Maximum gradient for car private access is 20% or 1 in 5 desired.
 - ii. For cars the critical magnitude for change in gradient is 14% (ie. 8 degrees) to prevent ground scraping from the car underbody.
 - ii. Horizontal driveway design should comply with a Fig B(3) Minimum Turn Path for 90th Percentile Car.
 - iv. Maximum vehicle crossing width at the road boundary is 6m.
 - v. A 2m wide separation should be provided between vehicle crossings (at the footpath).
18. Pay to Council a street damage bond prior to commencement of work. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all works is completed. See (FC 1) below.
19. Form and constructs 12x vehicle crossings using standard detail SD 3.10 Residential Vehicle Crossing (Kerbed Roads) and for which vehicle crossing detail forms shall be completed and returned to Council.
20. Inspection of the boxing prior to concrete pouring is required. Contact phone: 836 8000 Ext. 8725 at least 48 hours prior to inspection being required.

Landscape conditions:

21. Landscape development shall be as shown on the Council 'Modified and Approved Landscape Treatment & Planting Plan' Revision F sheet SK1.1, and with fencing, gates and retaining as shown on the Site Works Plan.

22. All landscape planting shall be implemented before occupation of the units in accordance with the approved landscaping plan. If the development is staged then the landscape development shall be staged accordingly. All planting is to be maintained for a period of three years following the initial planting. Any plant losses within this time are to be replaced the following planting season and to be maintained for a further planting season from the date of replacement, and to a minimum of the three year maintenance period.

Geotechnical Conditions:

23. Earthworks shall be undertaken in accordance with NZS4404 and NZS4431: 1989.
24. Foundations shall either
- (i) be consistent with AS2870:1996 and amendments for class M expansive conditions, or,
 - (ii) be subject to specific design by an experienced geotechnical engineer familiar with the report of Harrison Grierson, reference 13.16491.1, March 2004,
- and shall be founded below any un-engineered fill on the site.
25. Exposed subgrades beneath slabs shall be protected from wetting or drying during construction.
26. Stormwater from roofs and paved areas shall be collected and piped to disposal off-site.
27. Retaining walls shall be designed to the parameters set out in the report of Harrison Grierson, reference 13.16491.1, March 2004. Retaining walls forming part of buildings shall be designed for at rest soil pressures.
28. An experienced geotechnical engineer familiar with the report of Harrison Grierson, reference 13.16491.1, March 2004, and any specific design shall be engaged to inspect the foundations and retaining wall and shall provide the Council with a Producer Statement – Construction Review for this part of the work.

Earthworks Conditions:

29. Prior to commencing development works on site the consent holder shall stabilise the site against erosion so that stabilisation works are carried out in a staged manner immediately following the completion of earthworks on discrete parts of the site in accordance with an approved earthworks management plan which includes the discrete areas proposed for each stage, the proposed sequence of staging and proposed timing. Revegetation is to be completed by 30 April in the year of earthworks construction, in accordance with measures detailed in the Auckland Regional Council Technical Publication No 2 “Erosion and Sediment Control Guidelines for Earthworks” (updated March 1995) and any amendments to this document, unless a later date is approved in writing by the Council’s Senior Subdivision Engineer at least 2 weeks before 30 April.
30. All “clean water” runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion and sediment laden run - off.

31. A stabilised entranceway to the site shall be provided prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entranceway controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents.

32. All construction maintenance demolition and development works on the site shall be undertaken between the following hours only:-

Monday to Friday:	6.30 am to 8.00 pm
Saturday	7.30 am to 6.00 pm
Sunday and Public Holidays:	No work

All noise from such work shall not exceed the levels set out in Table 1 of clause 5.1.1 of NZS 6803P:1984

Measurements to be in accordance with the provisions of NZS 6801:1991 and NZS 6802 :1991

		L ₁₀	L ₉₅	L _{max}
Monday to Friday	6.30 am to 7.30 am	60	45	70
Monday to Friday	7.30 am to 6.00 pm	75	60	90
Monday to Friday	6.00 pm to 8.00 pm	70	55	85
Saturday	7.30 am to 6.00 pm	75	60	90

33. All earthworks, stockpiles of earth and the storage of other construction materials/works shall be excluded from the drip-line of all vegetation to be retained on site and from the riparian margins of streams / the coast. A protective fence shall be erected around the affected area prior to the commencement of any work on the site and shall remain in place until the completion of all works on site.

34. All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks, to an approved disposal location and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in the approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar.

35. All areas of exposed earth shall be top-soiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.

36. No earthworks for the driveway, parking / turning area or the building platform shall be commenced on the site until a building consent is issued for the development. (Or until all the necessary consents and approvals have been obtained - this may include permission for a structure such as a retaining wall within a road reserve which needs permission from Council).
37. The area within the drip lines of trees, bush area, and the Riparian Margin Natural Area shall be protected during construction from fill, parking of vehicles, storage of materials and similar activities to the satisfaction of the Manager Resource Consents.
38. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties; including, but not limited to, the staging of areas of works, the retention of existing shelter belts and hedgerows, the installation and maintenance of wind fences and vegetated strips, watering of all haul roads and manoeuvring areas during dry periods, spraying of load dumping operations, and suspension of all operations if necessitated by the prevailing conditions to the satisfaction of the Manager Resource Consents. The site, or parts thereof as appropriate, shall be re-grassed or otherwise protected from wind erosion immediately on the completion of bulk earthworks whether or not other works are completed.
39. The outdoor space for unit 3 shall have low retaining and re-grading of the ground as necessary, to establish a gradient not exceeding 1 in 5 over 75% of the outdoor space. This may involve some small addition of topsoil, but shall avoid earthworks within 1m of the east boundary.
40. **Prior to undertaking any earthworks on the site the consent holder shall provide a report on the soil quality at the site which details contaminants which may impact on human health or the environment. This report shall:**
 - (a) **Identify where contamination exists and quantify its extent and concentration against local background concentrations of those contaminants, providing copies of laboratory analytical results as reported by the laboratory;**
 - (b) **Provide an assessment of the risk posed by those contaminants to human health and the environment at the site with respect to the proposed site activity (and with respect to activities which are permitted uses of the site in accordance with the Waitakere District Plan 1995) and to any immediately adjacent or immediately downstream or down slope site, and to ground water at the site;**
 - (c) **Outline a remedial works plan proposed to avoid, mitigate or remedy the risks identified both during the development phase and during subsequent use; and,**
 - (d) **Be in accord with the "Australian & New Zealand Guidelines for the Assessment and Management of Contaminated Sites" (1992) ANZECC / NHMRC and the "Health and Safety Guidelines on the Cleanup of Contaminated Sites" (1994) Department of Labour / OSH.**

This report shall be to the satisfaction Manager- Resource Consents prior to any earthworks being undertaken.

Arborist's Conditions:

41. Prior to any development commencing, a protective fence shall be erected around the protected trees to be kept. Council's monitoring officer shall be contacted to approve the protection fencing before any development works shall commence. (The trees to be given protection fencing are Tree 1, the Himalayan cedar, tree 11, the Japanese maple (*Acer palmatum*), tree 14, a cabbage tree, tree 15, a downy birch, and tree 21 a *Metrosideros kermadecensis*. For tree 1, the *Cedrus deodara* (cedar) the protection fence shall be erected at a radius of 5 metres, except along the proposed building line. Here the fence can be reduced to 3 metres provided that there is a special surface such as plywood placed down to protect roots from foot traffic. The protection fencing, for all the protected trees to be kept, (as cited above), must be maintained and shall be kept in place throughout the construction period.
42. No works or storage of materials shall occur within the area fenced off around the protected trees to be kept.
43. That all works beneath the dripline of the subject vegetation are supervised by a qualified and experienced arborist and undertaken in accordance with the best arboricultural practices. A copy of this Resource Consent shall be held on site throughout the work processes. At no time shall the tracking of any machinery, storage of materials, stockpiling of spoil, excessive foot traffic or other contamination occur beneath the drip line of the subject tree.
44. That the pruning of roots shall be undertaken by a qualified and experienced arborist, in accordance with documented arboricultural standards. Following the root pruning, if exposure periods are greater than 24hrs, it shall be the responsibility of the resource consent holder to ensure that the disturbed area is covered with damp hessian sacking. It shall be the responsibility of the resource consent holder to provide evidence in the form of an invoice or similar that the works were undertaken by a suitably qualified and experienced arborist.
45. If any excavation work is required beneath the drip line of protected vegetation the works shall be undertaken in the best interest of the physiological and structural welfare of the protected vegetation and the excavation shall be dug by hand. Any roots which are exposed in the course of excavation works shall be pruned back cleanly using a sharp saw past any point of fracture or damage. It shall be the responsibility of the resource consent holder to contact Council's Customer Field Advisor - Resource Management (Ph: 839 0400) in situations where there is the potential for significant root damage.
46. Where underground services are to be laid within the drip line of protected trees to remain, the excavations shall be dug by hand to minimise damage to the root system. All roots over 50mm in diameter shall be retained and other roots shall be cut cleanly back to the edge of the excavations using a sharp instrument and shall be undertaken by an appropriately qualified and experienced arborist in accordance with modern arboricultural practice.
47. It shall be the responsibility of the resource consent holder to provide evidence of arboricultural supervision to Council's monitoring officer in the form of an invoice or supporting letter confirming supervision.
48. At the conclusion of the construction work an arborist shall be employed to carry out any remedial pruning work considered necessary in the interests of the appearance and health of the protected trees that are to be kept. This may include some form pruning of the cedar.

Noise Attenuation, unit 1:

49. Unit 1 shall be designed and built to an acoustic standard e.g. fitted with acoustic insulation to ensure that the traffic noise as measured within any habitable room does not exceed a level of 45 dBA Leq (24 hours) with the windows closed. Evidence of appropriate design and materials to achieve this e.g. a report from an acoustic engineer to confirm that the design and materials of the building will meet the noise level standard, shall be provided at the time of application for building consent and shall be to the satisfaction of the Manager, Resource Consents. If the unit 1 dwelling does not meet the required standard the dwelling must be modified at the consent holders cost to meet these standards.

Surveyor's Certificates:

50. A Licensed Cadastral Surveyor shall set out the foundations of the proposed structure and certify to Council in writing prior to work progressing beyond the foundation stage that the buildings are located exactly as proposed in the application and will not exceed the degree of infringement applied for in relation to the overall height and height in relation to boundary controls of the District Plan and elsewhere complies with the height in relation to boundary and overall height rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification, to the satisfaction of the Manager Resource Consents.

General:

51. A window shall be placed under the stairwell of unit 4 to provide further surveillance of the outside space for this unit.
52. An outside tap shall be provided by the frontage for each unit.
53. A letterbox shall be provided at the street frontage for each unit.

FEES, BONDS & CONTRIBUTIONS

- (FC1) Pay to Council a street damage bond of \$7,000 prior to commencement of work. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all works is completed.
- (FC2) 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.
- (FC3) Pay to the Council pursuant to Section 409 of the Act the sum of \$21,718.19 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (Twin Streams Catchment) necessary to serve the subdivision. (\$1,670.63 per additional Lot).
- (FC 4) The proposal constitutes a development under the Local Government Act 1974 and is liable for a Preliminary Reserve Contribution pursuant to Section 409 of the Resource Management Act 1991. The contribution will be calculated on the value of the 20m² of the site for the third and subsequent new unit (inclusive of GST). The land value will be based on the current market land value provided by Quotable Value New Zealand. The contribution shall be paid in cash or bank cheque only.

SUBDIVISION CONDITIONS

1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 3 years provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) Provide for water supply easement(s) in gross in favour of Council over the shared driveway areas 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:
 - a. The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (b) That the building and units therein shown on the plan have been completed up to and including the roof and any outside appendages are constructed
- (c) On survey ensure that the accessory units are defined by kerbs and/or dimensions or otherwise clearly marked to enable them to be accurately located.
- (d) Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

2: SECTION 224C REQUIREMENTS

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

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

ECOWATER CONDITIONS

(EW 1) Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirements:

1. Either mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the existing dwelling and advise prior to the issue of the 224c certificate that mitigation of wastewater flows will be carried out under future building consents on vacant Lots:
 - i. All taps over hand basins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
 - ii. All units/dwellings shall have showers.
 - iii. All toilets shall be of 6/3 litre dual flush type.
 - iv. No in sink waste disposal units shall be installed.

A Consent Notice is required to be issued and registered on the new titles for all Lots affected requiring the use of low water use devices to limit wastewater flows to Councils satisfaction.

In addition pay to the Council pursuant to Section 407 of the Act the sum of \$43,924.74 (incl. GST at 12.5%) to further mitigate wastewater flows (main system improvements) necessary to serve the subdivision. Notes: (i) Further reductions may be possible through recycling of grey water or other innovations. (ii) If in-sink waste disposal units are proposed then the sum required will rise to \$47,465.97.

2. Or pay to Council the sum of \$66,777.48 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity without carrying out any mitigation measures. No Consent Notice is required. Note: The above sums are based on three bedroom units. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater.

(EW 2) All infrastructure (including financial contributions) relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be to the satisfaction of Eco-Water. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with this condition. Refer to Land use Conditions 4 and 6-10 above for further details.

FEES, BONDS & CONTRIBUTIONS

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

- (FC 1) Reserve Contribution: Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for 12 units as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act with such amount being reducible by a credit for each of the underlying certificates of title. 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.
- (FC 2) 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.
- (FC 3) Pay to Council a street damage bond of \$2000 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.
- (FC 4) Pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period.

(FC 5 *Landscape treatment bond: To ensure the satisfactory performance of Landscape conditions above (conditions 22 and 23) the consent holder shall pay a performance bond of \$10,000-00 to Council prior to uplifting of the resource consent. Plants and gardens shall be maintained for a period of 3 years from the time of initial planting. The applicant shall provide to Council a copy of the maintenance contract with the applicant's nominated landscape contractor, at the time of building consent.*

A consent notice is required on each title clarifying the Waitakere Properties Ltd or their maintenance representative can enter and maintain the garden and planting areas in accordance with the approved landscape treatment and planting plan and conditions of consent for the maintenance period required. It shall be prepared by Council's solicitor at the cost of the applicant.

The bond shall be a registered bond against the title pursuant to s 108 & 109 of the Resource Management Act 1991.

- i. The bond shall be paid at the time of issue of resource consent and to the satisfaction of the Council solicitor. The consent holder shall meet any costs associated with the preparation of the bond document.
- ii. A partial repayment, up to \$5,000-00 can be repaid after completion of the initial planting and according to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. The remainder of the bond shall be held until, in the opinion of the Manager: Resource Consents, the landscape conditions are satisfied.
- iii. The bond document shall be prepared by the consent holder at their expense and submitted to the Manager: Resource Consents for approval. The consent holder shall meet any costs incurred by Council in preparing, checking assessing and releasing the bond prior to repayment of the bond.

(Advice note the performance bond is to cover the costs of ensuring that the landscape work is set in place and establishes successfully. Cash bonds are acceptable.)

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

(LD 1) The Consent Notices required by Conditions EW 1 (option 1) and FC5 above and the water supply drainage easement required by Condition 1: (a) above, will be prepared by the City Solicitor at the applicants cost when the following information has been received:

All necessary technical information

The Land Transfer plan number allocated by Land Information New Zealand, and

The name and address of the solicitor acting for the owner.

(LD 2) 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.

GENERAL

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

(GL 1) 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.

Note: Waitakere City Council COP requires the developer to appoint a suitably qualified and experienced person for any projects that involve development works for which standards are specified in the COP. On larger projects (those with public roading) a Registered Engineer or Registered Surveyor will be deemed to meet these criteria. The developer's representative shall have insurance liability and indemnity cover as appropriate, and be responsible for the following:

- i. Investigating, designing and obtaining approvals for the works.
- ii. Providing contract administration and engineering supervision of the works.
- iii. Co-ordination of specialist responses e.g. geotechnical, hydrology, structural reporting.
- iv. Certification of the works upon completion.

(GL 2) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.

(GL 3) Take note that on request Council will issue the authenticated certificate as required by Section 224(f) of the Resource Management Act 1991 stating that Council is satisfied on reasonable grounds that every building or part of a building (including any building or part thereof under construction) to which the unit title relates complies with or will comply with the provisions of the building code specified in Section 46(4) of the Building Act 1991, and a certificate authenticated by the territorial authority under section 252 of the Local Government Act 1974 is lodged with the District Land Registrar or Registrar of Deeds, as the case may require.

- i. The Section 5(1)(g) certificate pursuant to the Unit Titles Act 1972 will be signed at the same time as the Section 223 approval.

Report prepared by: Gordon Griffin, Resource Planner.

