

**AGENDA FOR A MEETING OF THE HEARINGS COMMITTEE TO BE HELD AT
WAITAKERE CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON,
WAITAKERE, ON THURSDAY, 27 SEPTEMBER 2007
COMMENCING AT 9.20 AM**

TABLE OF CONTENTS

<u>ITEM</u>		<u>PAGE NO.</u>
1	APOLOGIES	1
2	RECORD OF LUC 2006/4196 7 CLARK STREET AND 2, 4-6 CROWN LYNN PLACE NEW LYNN RESOURCE CONSENT HEARING DECISION.	1

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1 APOLOGIES



**2 RECORD OF LUC 2006/4196 7 CLARK STREET AND 2, 4-6 CROWN LYNN PLACE
NEW LYNN RESOURCE CONSENT HEARING DECISION.**

GLOSSARY

Local Government Act 2002 (LGA 02)
Resource Management Act 1991 (RMA)

PURPOSE OF THE REPORT

The purpose of the report is to seek, for the avoidance of doubt, from the Hearings Committee as constituted in this notice of meeting, endorsement of the decision that was formally conveyed by the Chairman on the Committee's behalf but not recorded in the minutes of the Committee's meeting of 22 June 2007, and also therefore not ratified in the usual manner at the next subsequent meeting.

BACKGROUND

Hearings are conducted under two Acts, the Local Government Act 2002 (LGA 02) for the meeting procedure and the Resource Management Act 1991 (RMA) for the hearing process. On three occasions recently the decisions taken by the Committee have inadvertently been recorded after that particular meeting had been closed.

The process used by the Hearings Committee on these occasions was the same process that a Commissioner conducting a hearing on behalf of the Council would undertake. Commissioners are only required to conduct Hearings under the RMA. Reserving the decision and closing the hearing is standard practice. By contrast the Hearings Committee is required to come to a decision, and resolve accordingly with the outcome recorded in the minutes of the actual meeting.

ISSUES

As there is no official record of the decision in the minutes of the meeting held on 22 June 2007 it is prudent that the Hearings Committee as then constituted for the avoidance of doubt in a court of law now formally record the signed final decision for resource consent application LUC 2006/4196, 7 Clark Street and 2,4-6 Crown Lynn Place, New Lynn decided on that occasion as part of the minute record of this further meeting.

RESOURCES

No resources are required.

CONCLUSION

For the avoidance of doubt, the final decision reached by the Hearings Committee that was not included in the minutes of the particular meeting now needs to be recorded by resolution as part of the minute record of this meeting.

RECOMMENDATIONS

- 1 That the Record of LUC 2006/4196, 7 Clark Street and 2,4-6 Crown Lynn Place, New Lynn Resource Consent Hearing Decision report be received.
- 2 That the decision of the hearing of the LUC 2006/4196, 7 Clark Street and 2,4-6 Crown Lynn Place, New Lynn application now be formally recorded as follows:

A. **"DECISION ON LATE SUBMISIONS:**

*That pursuant to Section 37 of the Resource Management Act 1991, it is **resolved** to take into account the late submissions of Ms Caroline Green and Repco Limited, for the reasons outlined in section 6.2 of the reporting planner's report.*

B. **DECISION ON THE APPLICATION:**

*That pursuant to Sections 104, 104B, 104D, 105, 108 and 113 of the Resource Management Act 1991, **consent is granted** to the non-complying activity land use consent application by the National Trading Company of New Zealand Limited to construct and operate a supermarket at 7 Clark Street and 2, 4, 6 Crown Lynn Place, New Lynn (being Lots 1, 3 and 4 DP 159266 and Lot 1 DP 130538).*

C. **REASONS FOR THE DECISION:**

1. *Any actual or potential effects on the environment by the proposal, including noise, amenity and health and safety, are considered to be no more than minor and will be sufficiently avoided, remedied or mitigated by the conditions of consent.*
2. *Adequate on-site parking and manoeuvring would be provided. Subject to the proposed road improvements, the additional traffic movements associated with the proposed development could be accommodated without impacting adversely on function or safety of the road network.*
3. *The proposed development would not adversely affect or compromise the provision of future roading proposals in the area.*
4. *The earthworks result in the re-contouring of the land and would not significantly alter the existing landform. Furthermore, the earthworks are considered to be of a scale consistent with the development being undertaken.*
5. *The establishment of the activity would be appropriate to the environment in which it is to locate and would support town centre activities. Any retail distributional effects of this retail activity would be no more than minor.*
6. *The scale, form and design of the proposed building would maintain and enhance the current urban form of the environment in which it would be located. The proposal is an enhancement over what could be established under the Working Environment rules of the Operative District Plan.*
7. *The proposed activity satisfies the sequential approach to retail development set out in the Operative District Plan, as it would be located on a major road alongside the existing town centre. Furthermore, the activity would act as a catalyst for expansion of the town centre.*

8. *The proposal would not be contrary to the provisions of the Operative District Plan or the Auckland Regional Policy Statement. While the proposal is contrary to some of the policies of Proposed Plan Changes 17 and 18 to the District Plan and Proposed Plan Change 6 to the Auckland Regional Policy Statement, it would achieve some of the outcomes sought by the proposed plan changes, which at this point in time are of a lesser weight than the operative planning documents.*
9. *The proposal would promote the sustainable management of natural and physical resources. In particular, the proposal would enable people and the community to better provide for their economic wellbeing, through enhanced choice and access to food shopping opportunities.*

D. THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED:

*Overall, this application was considered to be a **non-complying** activity and was considered in terms of sections 104, 104B, 104D and Part II of the Act.*

E. THE RELEVANT STATUTORY PLAN PROVISIONS THAT WERE CONSIDERED:

The provisions of the District Plan, Proposed Plan Changes 16, 17 and 18 to the District Plan, the Regional Policy Statement and Proposed Plan Change 6 to the Regional Policy Statement were considered by the Hearings Committee in reaching this decision.

F. THE PRINCIPAL ISSUES THAT WERE IN CONTENTION:

The principal issues that were in contention as a result of the application are set out in sections 1.2 and 6 of the reporting planner's report. In summary, the principal issues related to matters of urban design; plan weighting; the threshold test set out in s104D of the Act; and the quantum of car parking proposed.

G. SUMMARY OF EVIDENCE HEARD:

Evidence on behalf of the applicant (The National Trading Company of New Zealand Limited) was given by:

- *Mr Daniel Clay of DLA Phillips Fox presented legal submissions. Mr Clay submitted that the proposal would have no more than minor adverse effects and would not be contrary to the relevant objectives and policies. Mr Clay's submissions also traversed a number of other issues including those of plan weighting and the threshold test set out in s104D of the Act. Mr Clay submitted that little weight should be given to the proposed plan changes to the Operative District Plan and Auckland Regional Policy Statement.*
- *Mr Vaughan Smith, Planning Consultant presented two statements of evidence. The first statement described the key elements of the proposal and identified the potential effects. The second statement considered the potential effects on the environment and analysed the relevant planning provisions of the statutory planning documents and the Act. Mr Smith also commented on the planner's report and supporting specialist reports, as well as matters raised by submitters. Mr Smith concluded that the proposal would not be contrary to the relevant objectives and policies of either the Operative Plan or Proposed Plan Changes 16, 17 and 18. It was Mr Smith's opinion that the proposal satisfied the relevant statutory tests and was worthy of consent.*
- *Mr Tony Catton, Property Development Executive for Foodstuffs (Auckland) Limited, gave evidence in respect of the nature and requirements of supermarket operations and site acquisition matters. Mr Catton was of the view that the proposed supermarket would have considerable benefits for the New Lynn community and further, that the proposed site configuration is a response to operational and commercial factors.*

- *Mr Michael McCracken, Director of Foresight Partners Pty Limited, presented evidence on the potential effects of the proposed supermarket on the retail network. His evidence included forecasts of the turnover of the proposed supermarket, trade competition effects and potential distributional effects on existing retail and commercial centres. Mr McCracken concluded that the proposal would not lead to the failure of any centre's major supermarket or other anchor tenant and that the proposal would have positive outcomes for the community.*
- *Mr John Burgess, Director of Traffic Planning Consultants Limited, presented evidence in respect of the key traffic and parking matters relevant to the application. In particular, Mr Burgess identified the key reasons for the proposed design and layout of the supermarket. Mr Burgess was of the opinion that the proposed layout and design of the development would not compromise the delivery of future roading proposals in the vicinity of the site and further, that the design have no more than minor effects on the traffic environment.*
- *Sue Roff, Landscape Architect appeared before the Hearings Committee to provide clarification on the details of the proposed Landscape Planting Scheme.*
- *Mr Barry Rae, a consultant urban designer / planner / architect, gave evidence on urban design matters and the statutory context, including consideration of proposed plan changes 16, 17 and 18. Mr Rae concluded that the proposed supermarket represents an appropriate first stage development on the periphery of the town centre that would be appropriate from an urban design perspective.*
- *Mr Vern Warren, Principal of Planning Network Services Limited, presented evidence in respect of the weighting of the provisions of Proposed Plan Changes 16, 17 and 18 and the Operative District Plan; the relevant objectives and policies; a summary of the applicant's submissions on the proposed plan changes; the threshold test in s104D; and urban design. Mr Warren concluded that on balance, having regard to the statutory framework, the application is of merit and that consent should be granted.*

Evidence on behalf of the submitters was given by:

Auckland Regional Council

- *Mr Hugh Jarvis appeared before the Hearings Committee and tabled the Statement of Evidence of Mr Duane Burt, Manager of the North and West Policy Implementation Group. Mr Burt's statement addressed a number of matters including New Lynn's role in terms of the implementation of the Regional Growth Strategy; the relevant statutory planning provisions; issues of plan weighting; and adverse effects arising from urban design and car parking provision. Mr Burt's statement concluded that the proposed plan changes should be given significant weight and that the proposal would not support a high quality, pedestrian oriented urban environment. On this basis, it was Mr Burt's opinion that consent be refused.*

AMP Capital Investors (New Zealand) Limited

- *Ms Jennifer Carvill, Senior Planner of Golder Kingett Mitchell, tabled a statement in support of the submission by AMP. This statement confirmed that the submission and relief sought by AMP remained unchanged and provided comments on the reporting planner's report. In particular, it was asserted that there is no discretionary permitted baseline that may be applied when assessing the proposal under s104(2) of the Act.*

Progressive Enterprises Limited

- *Mr James Gardner-Hopkins and Kristen Gunnell presented legal submissions and tabled a letter dated 13 June 2007 for the consideration of the Hearings Committee. The legal submissions and letter addressed a number of issues including those of plan weighting; urban design; and the relevant statutory planning instruments. In particular, it was submitted that the proposal fails to pass either of the threshold tests for non-complying activities and further, that substantial weight should be given to the proposed plan changes promulgated under the LG(A)AA. It was concluded that consent should be refused.*

- A written statement was presented by Ms Cherie Lane of Lane Associates Limited, which addressed resource management and statutory planning issues and concluded that consent should be refused to the application in its current form.
- A Statement of Evidence of Karl Cooper, Senior Urban Designer at JASMAX, was tabled before the Hearings Committee. This statement contained an analysis of the urban design issues and consideration of the proposal in the existing and future context of the New Lynn town centre. It was concluded that the proposal would undermine the aim of Proposed Plan Changes 17 and 18, as it would not result in a good design outcome as it would create inactive street frontages.

H. THE MAIN FINDINGS OF FACT:

The main findings of fact, as determined by the Hearings Committee, are summarised in the reasons for granting consent. The Hearings Committee reached its decision after considering the application; visiting the site; considering the evidence and submissions heard at the hearing; considering the report prepared by the reporting planner; evaluating the relevant statutory and planning provisions; and giving careful consideration to the principal issues that were in contention.

The majority of the Hearings Committee found that the proposal would promote sustainable management by enabling people and the community to better provide for their social and economic wellbeing, while avoiding or mitigating any adverse effects to the extent that they are no more than minor. In particular, it was found that the proposed supermarket would be appropriate at the location proposed and would have positive effects in that it would act as a catalyst for the expansion of the town centre. It was also considered that the establishment of the supermarket would not foreclose the opportunity for further development to occur on the site.

The Hearings Committee determined that the Operative District Plan and the Operative Auckland Regional Policy Statement are the dominant statutory planning documents. Accordingly, lesser weight was afforded to Proposed Plan Changes 16, 17 and 18 to the District Plan and Proposed Plan Change 6 to the Regional Policy Statement.

I. CONDITIONS OF CONSENT:

Pursuant to Section 108 of the Resource Management Act 1991, this consent is subject to the following conditions:

1. The development shall proceed in accordance with the plans, drawings and elevations titled and dated as follows:
 - Proposed Site Plan 10-(02)/A, prepared by JCY dated 07/2006;
 - Elevations 13-(01) Revision A and 13-(02) Revision A, prepared by JCY dated 24/10/2006;
 - Perspective 20-(01) Revision A, prepared by JCY dated 24/10/2006;
 - Typical Section 12-(01) Revision A, prepared by JCY dated 24/10/2006;
 - Materials 24-(01) Revision A, prepared by JCY dated 24/10/2006;
 - Design Vernacular 24-(02) Revision A, prepared by JCY dated 24/10/2006;
 - Landscape Planting Scheme L01, prepared by Sue J Roff dated January 2007, except as modified by the plan prepared by Traffic Planning Consultants Limited titled "Proposed New World Supermarket New Lynn" dated 27.9.06 and referenced as TP-02132-14-B, which shows the pedestrian link to Crown Lynn Place;

and all referenced by Council as LUC 2006-4196 and the information, including further information, submitted with the application.

2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.

3. *A consent compliance monitoring fee of \$1308.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.*

PRIOR TO THE COMMENCEMENT OF WORKS

4. *The applicant shall, prior to the commencement of any site works, amalgamate into a single certificate of title the land currently comprised in Lot 1 DP 159266, CT NA95D/252; Lot 3 DP 159266, CT NA 95D/254; Lot 4 DP 159266, CT NA95D/255; and Lot 1 DP 130538 CT NA76D/279, being the land known as 7 Clark Street and 2, 4, 6 Crown Lynn Place, New Lynn.*
5. *Prior to commencement of any works on site, the consent holder shall organise a pre-start meeting with Council's Monitoring Officer to discuss the conditions of consent onsite. The consent holder shall ensure that their representative and all contractors' representatives are present at this meeting.*

Inspections must be booked by calling Council's Call Centre (09 839 0400) and requesting a monitoring inspection at least 48 hours before the inspection is needed.

Advice note: If a pre-construction meeting is required by any ARC consent, this should be timed to coincide with that meeting as well for convenience.

6. ***Prior to works beginning on site***, the consent holder shall submit a sediment and erosion control plan to Council for approval. No work shall commence on site until approval has been gained for the plan from the Manager, Resource Consents.
7. ***Prior to commencement of any works and until completion of exposed site works***, adequate sediment and erosion control measures in accordance with the approved sediment control plan referred to in condition 5 shall be constructed and maintained by the consent holder. The consent holder shall organise an inspection of the controls by Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Manager, Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off.

Note: Inspections must be booked by calling Council's Call Centre (09 839 0400) and requesting a monitoring inspection at least 48 hours before the inspection is needed.

8. 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.*
 - ***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.

DURING CONSTRUCTION WORKS

9. *All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. In case of repeated non-compliance with this condition, Council may engage the road cleaning contractor nominated by the applicant to carry out the road cleaning. Council's Environmental Monitoring Officer (EMO) may engage the road sweeping contractor to carry out road cleaning if it is the EMO's opinion that the dirt on roads and/or footpath is creating an adverse effect on the environment. The road cleaning contractor shall be engaged at the cost of the applicant.*
10. *All sediment laden runoff from the site shall be treated by sediment control measures in accordance with the latest version of Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guideline for Earthworks".*
11. *A full copy of the Resource Consent Conditions, Approved Plans and Erosion and Sediment Control Plans shall be kept on the site at all times. All personnel working on the site shall be made aware of and have access to the contents of this consent document and the associated Erosion and Sediment Control Plan.*
12. *All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Manager Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind or soil conditions, the contractor shall cease the work until conditions are suitable for the recommencement of the works.*
13. *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

		<i>L₁₀</i>	<i>L₉₅</i>	<i>L_{max}</i>
<i>Mon to Fri</i>	<i>6.30 am to 7.30 am</i>	<i>60</i>	<i>45</i>	<i>70</i>
<i>Mon to Fri</i>	<i>7.30 am to 6.00 pm</i>	<i>75</i>	<i>60</i>	<i>90</i>
<i>Mon to Fri</i>	<i>6.00 pm to 8.00 pm</i>	<i>70</i>	<i>55</i>	<i>85</i>
<i>Saturday</i>	<i>7.30 am to 6.00 pm</i>	<i>75</i>	<i>60</i>	<i>90</i>

CONTAMINATION

14. *The recommendations of the Remedial Action Plan shall be implemented before any work may commence on the site.*
15. *Soil to be exported from the site must be sampled and tested prior to being exported from the site. If testing identifies that the soil does not meet Ministry for the Environment criteria for cleanfill, then the soil must be disposed of to a landfill registered to dispose of contaminated soil of the levels found. Copies of the laboratory analysis results shall be provided to Council. If the results indicate the cleanfill criteria are not met, receipts/manifests shall be provided to Council detailing the volume of soil exported and its disposal address/location.*

GEOTECHNICAL

16. *A Chartered Professional Structural or Geotechnical Engineer familiar with the following document prepared by URS New Zealand Ltd "Geotechnical Report for 2, 4, and 6 Crown Lynn Place and 7 Clark Street, New Lynn" Ref No 42046934/R002 dated 10th October 2006; must specifically design any foundations, piles or retaining walls, and check the local and final overall slope stability at the proposed redevelopment.*
17. *All site works shall be under the control of a Chartered Professional Engineer (with experience of geotechnics). This will include supervision of excavations for the foundations, retention measures and floor slabs. Provision must be made for over deepening of any foundations where soft or weak soils are encountered.*
18. *All earthworks activities should be carried out in accordance with Auckland Regional Councils' "Erosion and Sediment Control Guidelines for Land Disturbing Activities" (Technical Publication No. 90) in particular and any O.S.H requirements.*
19. *Prior to commencement of any works on the site, the consent holder shall provide to the Council, a site management plan that shall include specific details relating to the construction and management of all works associated with this development.*
20. *A Chartered Professional Engineer (with experience of geotechnics) shall inspect all foundation excavations and prove adequacy of the bearing capacity to the depth of influence. This shall be documented and the Engineer shall provide Council with a Producer Statement Construction Review for this part of the work.*
21. *All foundations shall be installed at a minimum of 1.3 m below existing ground level.*
22. *Effective foundation loading under dead load conditions shall be limited to 100 kPa [Allowable bearing pressure 100 kPa (working stress methods)].*
23. *A Chartered Professional Engineer shall complete specific pavement design for the loading bay area.*
24. *Test pitting shall be undertaken at the time of site development to confirm the suitability of any non-engineered fill in car park areas to support the traffic loading.*
25. *Any building over or adjacent to public drains needs to be constructed to council standards and may include piling to at least the invert level of the drain. Unless specific preventive measures are undertaken the foundations must not lie within the zone of influence (taken to be 45 degrees out from the invert level of the sewer to the ground level) of this utility.*
26. *Existing non-engineered fill shall be removed from building platform and earthwork areas. This material is to be replaced with suitable material prior to the construction of any foundations. Either imported granular fill or cohesive material may be utilised for this purpose and should be compacted in accordance with NZS4404:2004 to provide the required bearing capacity. This is to be completed under the supervision a Chartered Professional Engineer (with experience of geotechnics).*
27. *All contaminated fill shall be removed from the proposed site and disposed of off site prior to any construction work.*
28. *All vegetation, topsoil and any other unsuitable materials shall be removed from beneath any earthwork area.*
29. *A Chartered Professional Engineer (with experience of geotechnics) shall approve any imported fill material prior to placement.*
30. *Excavations in exposed ground shall be protected from the detrimental effects of weathering e.g. by the use of polythene, base course or other similar methods. Alternatively provision should be made for a Chartered Professional Engineer (with experience of geotechnics), to determine the depth of material that has become damaged due to the weather, that needs to be removed;*

31. *All stormwater from any new hard surfaces (roofs, patios, driveways etc), and any groundwater collected from behind retaining walls, will be collected and disposed of to an appropriate reticulated or otherwise council approved system.*

TRAFFIC

32. *The vehicle crossing to the service area located at the south-western corner of the site shall be designated as entry only, and the vehicle crossing to the service area in the south-eastern corner of the site shall be designated as exit only.*
33. *All parking spaces, aisles, driveways and vehicle crossings shall be designed and constructed to the standards set out in Waitakere City Council's Code of Practice.*
34. *The signalisation of the Hetana Street / Clark Street intersection and all associated works shall be fully undertaken and paid for by the applicant. The design of works shall be submitted to the Manager, Transport Assets – Design for review and approval, prior to commencement of construction. All works shall be to the satisfaction of the Manager, Transport Assets – Design.*

PUBLIC DRAINAGE INFRASTRUCTURE – ECOWATER CONDITIONS

35. *Provide a public, and/or private to public standard, stormwater drainage system with connection to the public network as generally specified in: Section 1.3 Services - Storm Water, of the submitted Maunsell Aecom engineering assessment, Ref CLP44, Dated November 2006: Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:*
- (i) If required, locate and relay the existing private drainage serving the existing dwelling to a position clear of the proposed building platform.*
 - (ii) Either, grout fill, or remove, all abandoned private drainage under Council's supervision.*
 - (iii) Connections to the public system can only be carried out by Council's contractor. Pay all costs associated with providing the new connections if applicable.*
 - (iii) Provide a surveyed As-Built plan prepared by a Licensed Cadastral Surveyor, showing lid and invert levels in terms of LINZ datum, of all new public (where extended) and private to public standard drainage chambers, manholes and devices.*
36. *Design, provide and install private wastewater drainage with connection to the public system as specified below: Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:*
- (i) Reroute public drains outside building platforms if required.*
 - (ii) Either, grout fill, or remove, all abandoned private drainage under Council's supervision.*
 - (iii) Connections to the public system can only be carried out by Council's contractor. Pay all costs associated with providing the new connections if applicable.*
 - (iv) Any specific wastewater device(s) as specified in: Section 1.4 Services - Waste Water, of the submitted Maunsell Aecom engineering assessment, Ref CLP44, Dated November 2006. Will require approval from Council and comply with, or obtain, any necessary discharge consents for Trade Waste.*
 - (v) Provide a surveyed As-Built plan prepared by a Licensed Cadastral Surveyor, showing lid and invert levels in terms of LINZ datum, of all new public (if extended) and private to public standard drainage chambers, manholes and devices.*

- (vi) Provide specific engineering design(s) as part of the Engineering Approval, addressing the building proximity infringement to public stormwater infrastructure, i.e. the 750 mm, 600 mm pipes and associated manholes, located parallel to Crown Lynn Place on the western property boundary and proposed building footprint. This will require a drainage inspection condition report and CCTV to determine the works required and/or acceptable. This will require consultation and approval from Council to provide an acceptable design to both parties. The design will be subject to approval from Council and must satisfy the EcoWater Asset Operations Engineer. Any buildings on this property which span the public drainage line are required to be built with a minimum finished floor level as defined in engineering designs and drawings to be submitted (in terms of LINZ datum). The applicant is required to pay Council the cost of raising or lowering manhole lids to the new finished ground level.
37. Design, provide and install a complete stormwater quality treatment system for the site in accordance with the Auckland Regional Council's technical publications and WCC Code of Practice for City Infrastructure and Land Development. As generally specified in: Section 1.3 Services - Storm Water, of the submitted Maunsell Aecom engineering assessment, Ref CLP44, Dated November 2006. Provide a copy of the ARC consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide a maintenance manual for the treatment device.
38. Provide a private water supply reticulation system in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Specific requirements:
- (i) The Unit(s) is/are to be individually metered at the road reserve boundary.

FEES, BONDS & CONTRIBUTIONS

39. Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. Pursuant to Section 109(1) this bond is required to be registered on the relevant property title(s) until such time as Council releases the developer from the bond. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

LANDSCAPE TREATMENT

40. Landscape Treatment including mounding, location of garden areas, grassed areas, planting, outside lighting standards and fencing, shall be as per the 'Landscape Planting Scheme Proposed New World Supermarket New Lynn', Drawing L01 dated January 2007 by Sue J Roff Landscape Architect, and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.

41. *Landscape development including preparation of grass areas, garden areas and the proposed mounds shall be carried out within six weeks from the time of instatement of hard surfacing and prior to use of the building. Garden areas shall be good quality, friable topsoil or garden mix (50:50 compost and topsoil), free of weeds and debris, and to 250mm to 300mm minimum depth, with a wood chip or bark chip mulch to 60mm depth and shall be to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Grass areas shall be good quality topsoil to 150mm minimum depth and shall be manually graded at the final stage of preparation to meld with adjacent hard surfaces and with grass seed planted or 'Readilawn' laid down at this time, to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.*
42. *Planting shall be carried out as per the Landscape Planting Scheme dated January 2007 by Sue J Roff Landscape Architect, in the first planting season (May until 7th September) following preparation of the grass areas and garden areas. The planting shall be undertaken to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.*
43. *The landscape areas including grass areas and planting shall be maintained for two years following the initial planting, with gardens kept weed free and grass areas and garden areas watered as necessary to facilitate establishment of the plants to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Any plant that dies, is removed or otherwise fails to establish shall be replaced the following year and maintained for a further two years to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents.*
44. *Landscape Planting Scheme L01, prepared by Sue J Roff dated January 2007, shall be modified to incorporate the pedestrian access link through the site from Crown Lynn Place, as indicated in the plan prepared by Traffic Planning Consultants Limited titled "Proposed New World Supermarket New Lynn" dated 27.9.06 and referenced as TP-02132-14-B.*

NOISE

45. *The operation of the supermarket shall be in accordance with the recommendations of the Noise Assessment undertaken by URS New Zealand Ltd and the further information submitted on 30 January 2007.*
46. *The consent holder shall provide to Council a report from an Acoustic Engineer confirming that the recommendations in the Noise Assessment and further information submitted on 30 January 2007 and the conditions on the resource consent which relate to noise have been complied with. This report shall be provided to Council within six months of the commencement of the operation of the supermarket on site.*

ADVICE NOTES:

1. *Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.*
2. *Shallow perched ground water was encountered in hand augers undertaken by Engineering Geology Ltd in 1994 and in boreholes undertaken by Foundation Engineering Ltd in 1999 on the northern part of the site. Consequently, the possibility of ground water inflows into foundation excavations cannot be precluded and it would be pertinent to establish on site the appropriate contingency measures.*
3. *Transport Assets suggests that the design of traffic signals be reviewed and audited by the Traffic Management Unit (TMU) prior to submission to Council to ensure compliance with the national standards and to confirm adequacy of all SCATS communications.*
4. *Prior to the commencement of works the resource consent holder shall obtain all consents, permits and authorisations for the work as may be required by the Auckland Regional Council.*

5. *It is the applicant's responsibility to obtain stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the Auckland Regional Council. A copy of the ARC consent should be provided to EcoWater. It may be necessary to apply for a variation to this WCC consent if the documentation or consent conditions approved by WCC and ARC are conflicting in any way. The applicant is required to obtain full signoff from ARC stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges from ARC. Once this has been achieved, the applicant shall apply to transfer ownership of the ARC discharge consent to Waitakere City Council. Copies of relevant documentation from ARC shall be provided to Ecowater to demonstrate that this has been completed.*
6. **Engineering Approval and Quality Assurance Process:** *Public infrastructure works, as conditioned by this consent, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.*
- (i) *Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval.*
 - (ii) *Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice.*
 - (iii) *After engineering approval has been given and prior to commencing construction, contact Council's Call Centre on 839 0400 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.*
 - (iv) *The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.*
 - (v) *EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process.*
 - (vi) *Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.*
 - (vii) *The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the CCTVs and check against the as-builts, and ensure that any remedial works are completed.*
 - (viii) *When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports.*
 - (ix) *EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.*
 - (x) *When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.*
 - (xi) *Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.*
 - (xii) *Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & CCTV approvals, final inspections, testing and bond management.*
7. *Pursuant to Section 120 and 121 of the Resource Management Act 1991 the consent holder and submitters have 15 working days from the date of receiving notification of this decision to lodge an appeal with the Environment Court*

CARRIED

