



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF HEARING BY COMMISSIONERS

I hereby give notice that a Hearing by Commissioners will be held on:-

DATE: Thursday, 20 March 2008 **TIME:** 9.30 am

VENUE: Waitakere Central, 6 Henderson Valley Road, Henderson, Waitakere

to consider an application for resource consent 82-96 McLeod Road, Te Atatu South and to take any necessary action connected therewith.

11 March 2008

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP (Chairman)
Cr DQ Battersby, QSM, JP
Mr J Childs

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

**AGENDA FOR A HEARING BY COMMISSIONERS TO BE HELD AT WAITAKERE
CENTRAL, 6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE,
ON THURSDAY, 20 MARCH 2008, COMMENCING AT 9.30 AM**

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**1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF
THE RESOURCE MANAGEMENT ACT 1991 BY HY DEVELOPMENTS LTD TO A
MEDIUM DENSITY DEVELOPMENT OF 87 UNITS AT 14 BORDEAUX PARADE, TE
ATATU SOUTH (FORMERLY KNOWN AS 82-96 MCLEOD RD)**

SUB2006-1301 & LUC2006-1300

Ward: Henderson

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:	Sonja Bury
Site Address:	14 Bordeaux Parade, Te Atatu South
Applicant:	HY Developments Limited
Date Received:	18.07.2006
Resource Consent No:	LUC20061300 & SUB20061301
Building Consent No:	Not yet applied for
Ward:	Henderson
Legal Description:	Lot 100 DP369723
Address for Service:	Tse Group Limited PO Box 11119 Ellerslie AUCKLAND 1542 Attention: Rob Watson
Site Area:	3.0437ha
District Plan:	
Human Environment:	Living
Natural Area:	General
Landscape Elements:	N/A
Hazards:	Cultural Heritage (3316) and Contaminated Site
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	20.09.06, 27.09.06, 11.05.07, 14.11.07, 03.12.07, 21.01.08, 01.02.08
Date Received:	29.09.06, 31.10.06, 23.10.07, 23.11.07, 10.12.07, 31.01.08, 07.02.08

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to undertake an 87 unit residential development and subdivision undertaken in three stages.

Stage 1 will involve the proposed development of 18 new residential lots and dwellings, a land swap between Council's Park's Department, Park area at 164 Edmonton Road and the developer, and bulk earthworks to re-contour the site for road, a temporary stormwater detention pond and house platform construction.

Stage 2 will involve the construction of 48 terrace and duplex style residential units which are 2 & 3 storeys in height with common areas for access and stormwater treatment. A unit title subdivision will also be undertaken.

Stage 3 will involve the construction of 21 terrace units which are 3 storeys in height with common areas of access and stormwater treatment. A unit title subdivision will also be undertaken.

1.2 Resource Management Issues Raised

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

The environmental effects of this proposal are limited and primarily related to the amenity values and the effects on the immediately adjoining sites arising from the increase in residential development within the subject site. Such consideration should include stormwater disposal, construction effects, noise, privacy, and on-site amenity.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for **the 87 unit residential; development and subdivision**. It is considered that the environmental effects that may be generated by the activity would be minor or could be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan will be satisfied.

Figure Three – Natural Area Zoning – General Natural Area



3.0 PROPOSAL

The applicant seeks consent to undertake an 87 unit residential development and subdivision undertaken in three stages.

Stage 1 will involve the proposed development of 18 new residential lots and dwellings, a land swap between Council Park at 164 Edmonton Road and the developer, and bulk earthworks to re-contour the site for road, stormwater detention ponds and house platform construction. Two of the underlying titles are the neighbouring reserve land and a land swap is currently in progress by Council for the exchange of land between the recreation reserve and the land owned by the applicant.

The lots created at Stage 1 would be Lots 1 – 18, Lots 100, 101, 102 and two future development lots.

Stage 2 will involve the construction of 48 terrace and duplex style residential units which are 2 & 3 storeys in height with common areas for access and stormwater treatment. This would include the development of Units 19 – 66 over one of the development lots. A unit title subdivision will also be undertaken.

Stage 3 will involve the construction of 21 terrace units which are 3 storeys in height with common areas of access and stormwater treatment, which will include the development of the remaining Units 67-87. A unit title subdivision will also be undertaken.

The proposed works comprise the following:

- construction of 87 units (see Table 1 for lot sizes and housing typology);
- buildings on Open Space zoned land;
- earthworks with a total volume of 7,200m³;
- height to boundary recession plane infringements;
- buildings within 3m front yard.

Two new roads will be developed to provide access to the proposed residential lots (see Table One below).

Table One – List of Housing Types, Lot Sizes and associated infringements

Lot No.	Density	Dwelling Type	Lot No.	Density	Dwelling Type
1	350m ²	4 bedroom, two storey, weatherboard and brick cladding	44	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
2	362m ²	4 bedroom, two storey, weatherboard and brick cladding	45	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
3	361m ² (gross 398m ²)	3 bedroom, two storey, weatherboard and brick cladding	46	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
4	395m ² (gross 430m ²)	3 bedroom, two storey, weatherboard and brick cladding	47	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
5	376m ²	4 bedroom, two storey, weatherboard and brick cladding	48	147m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
6	422m ²	4 bedroom, two storey, weatherboard and brick cladding	49	146m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
7	351m ²	4 bedroom, two storey, brick and weatherboard cladding	50	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
8	354m ² (gross 397m ²)	4 bedroom, two storey, brick and weatherboard cladding	51	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
9	350m ² (gross 404m ²)	3 bedroom, two storey, brick and weatherboard cladding	52	135m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A
10	350m ² (gross 397m ²)	4 bedroom, two storey, brick and weatherboard cladding	53	166m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2A
11	350m ² (gross 392m ²)	3 bedroom, two storey, brick and weatherboard cladding	54	166m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2A
12	350m ²	4 bedroom, two storey, brick and weatherboard cladding	55	166m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2A
13	350m ² (gross 406m ²)	3 bedroom, two storey, brick and weatherboard cladding	56	166m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2A
14	350m ²	4 bedroom, two storey, brick and weatherboard cladding	57	167m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2A

15	367m ²	3 bedroom, two storey, brick and weatherboard cladding	58	216m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 3
16	353m ²	4 bedroom, two storey, brick and weatherboard cladding	59	214m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 3
17	370m ²	4 bedroom, two storey, brick and weatherboard cladding	60	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
18	367m ²	4 bedroom, two storey, brick and weatherboard cladding	61	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
19	199m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4A	62	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
20	118m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	63	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
21	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	64	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
22	136m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	65	161m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
23	135m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	66	191m ²	3 bedroom, two storey, painted concrete panel terrace dwelling – TYPE 2
24	114m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	67	143m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A
25	115m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	68	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
26	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	69	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
27	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	70	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
28	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	71	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
29	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	72	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
30	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	73	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
31	116m ²	3 bedroom, three storey, concrete panel terrace dwelling	74	121m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A

32	116m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	75	121m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A
33	117m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	76	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
34	146m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	77	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
35	158m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4	78	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
36	177m ²	3 bedroom, three storey, concrete panel terrace dwelling – TYPE 4A	79	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
37	192m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A	80	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
38	150m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1	81	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
39	135m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1	82	146m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
40	145m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A	83	153m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
41	135m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A	84	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
42	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1	85	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
43	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1	86	119m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1
44	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1	87	191m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1A
45	120m ²	3 bedroom, three storey, painted concrete panel terrace dwelling – TYPE 1			
100	4,226m ²	Road to vest			
101	4,387m ²	Road to vest			

102	144m ²	Pedestrian Accessway
103	7,014m ²	Local Purpose (Recreation) Reserve
104	316m ²	Recreation Reserve to be Vested as Road in WCC
105	1454m ²	Shared Driveway and Parking Area
106	881m ²	Shared Driveway
107	113m ²	Recreation Reserve to Vest in WCC
108	70m ²	Recreation Reserve to Vest in WCC
109	294m ²	Recreation to Reserve to Vest in WCC
110	1531m ²	Road to Vest in WCC
111	1,396 m ²	Shared Accessway

4.0 REASONS FOR THE APPLICATION

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

Greenfield Subdivision Rules

Discretionary Activity Consent is required for the proposed 84 lot subdivision which creates a density as per LUC2006-1300 (Greenfield Subdivision – Rule 4.2).

Living Environment Rules

Discretionary Activity Consent is required for establishing medium density housing on a site which does not have frontage to a Strategic or Regional Arterial Road, and is not located within a 1,000 metre radius from Henderson or within 500m radius from a train station (Living Environment – Rule 2.3).

Limited Discretionary Activity Consent for a residential density of less than 450m² but greater than 350m² (Living Environment – Rule 2.2).

Discretionary Activity Consent is required for height to boundary recession planes for Lots 8, 9, 10, 11, 13, 14 & 16 (Living Environment – Rule 5.3).

Limited Discretionary Activity Consent is required for yard infringements for Lots 1 & 2 (Living Environment – Rule 6.2).

Open Space Environment Rules

Non-Complying Activity Consent is required for establishing residential dwellings within the Open Space Environment (Open Space – Rule 6.5).

Natural Hazards Rules

Limited Discretionary Activity Consent is required for the development of a site known to Council as being stability sensitive and subject to geotechnical requirements (Natural Hazards – Rule 1.1).

General Natural Area Rules

Discretionary Activity Consent is required for earthworks with a cut volume of 7,200m³, fill volume of 7,248m³ and cut to waste of 22m³ over a total plan area of 3.0437ha (General Natural Area – Rule 3.4).

- 4.1 Overall, the application is considered to be a **Non-Complying Activity**. The proposal complies with all other development controls under the District Plan.
- 4.2 Consent is also required from the Auckland Regional Council for sediment control and stormwater discharge. No other consents are required in respect of this application.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is located on the northern side of Bordeaux Parade, Te Atatu South accessed from the northern side of McLeod Road, Te Atatu South. The site is previously known as 82-96 McLeod Road, and was utilised as a vineyard.

The site extends to the borders of Te Atatu South Park to the north. To the east of the site is established residential housing, predominantly of single storey, brick sausage flats which gain access from Te Atatu Road. To the west of the subject site is a narrow strip of vacant land which is bounded on its western boundary by existing residential housing which are a mixture of weatherboard clad and brick clad dwellings. To the south of the subject site is Stage One of the residential development on 82-96 McLeod Road which incorporates 43 stand-alone, two storey, weatherboard clad dwellings.

The site is currently a vacant residential lot, which has moderate topography falling towards the north-western boundary. The site is covered in grass and has no vegetation located on the site, except for one large pine tree located on the eastern boundary near Te Atatu Road boundary. Large earth bunds from Stage One development of 82-96 McLeod Road have been created on the subject site and will be removed as part of this application.

The surrounding neighbourhood is characterised by residential dwellings of a variety of scales and sizes. The Te Atatu Congregation Church adjoins the eastern boundary of the site while a block of retail shops are located within 5 minutes walking distance along Te Atatu Road.

Photograph One – Subject Site



6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on the 2nd of May 2007. The period for submissions closed on the 30th of May 2007. 41 submissions were received. 1 submission supported the application, and 40 submissions opposed the application.

A228-A229 A map showing the location of the parties notified within the neighbouring area is attached as Appendix Two at pages A228 to A229.

A230-A309 Appendix Three attached at pages A230 to A309 contains full copies of all submissions that were received.

A majority of the submitters were from the local area however a number of submissions were received from further a field (Hillsborough and Auckland City).

6.1 Submissions

A310-A315 A broad summary of submissions is discussed below, however it is noted that a number of submissions in opposition were pro forma, and therefore express the same issues. A summary of individual submissions is attached at the end of this report in Appendix Four attached at pages A310 to A315.

Submission in Support:

Auckland Regional Public Health Services (Private Bag 92605, Symonds Street) supports the proposal on the basis that the proposed residential development seeks to improve, promote and protect the health of people and communities in particular for the Auckland Region.

Submissions in Opposition:

Te Kawerau A Maki Trust **opposes** the proposal as no consultation has been undertaken on the proposal and that there are wāhi tapu issues in and around the proposal that will be affected and they wish to know how these issues can be mitigated.

Mr JL Antunovich (91 Edmonton Road) **opposes** the proposal as the effects on stormwater run-off from the proposed residential development shall flow through their property; along with the proposed Central Park Drive extension and potentially reduce the land developing opportunities for their site.

The Congregational Union of New Zealand (136 Te Atatu Road) **opposes** the proposal as the medium density development is too extensive for the subject site and the Church would have also liked to purchase the open space land adjoining their site.

38 submissions were received in opposition, with the following matters referred to:

- loss of view to ranges;
- change in neighbourhood character and amenity values;
- loss of vegetation;
- encroachment into reserve area.

7.0 STATUTORY REQUIREMENTS

7.1 Non-Complying Activities

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

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

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

However it should be noted that for council to grant consent to a non-complying activity application there should generally be some exceptional or unusual element to the proposal. If such unusual circumstances do not exist, then the proposal would effectively compromise the integrity of the District Plan and public confidence in the consistent administration of the plan may be undermined. It is considered that the proposal would be sufficiently unusual as the proposal seeks to develop a large vacant portion of land located within a residential environment, which in terms of site area are uncommon within a well established residential environment.

Council also has discretion to consider any precedent issues that may arise for a non-complying activity. According to the Court of Appeal decision in *Dye v Rodney District Council*, an adverse precedent effect can arise where the grant of a non-complying consent would influence the approach taken by Council to similar consent applications. Such a precedent effect does not arise here because due to the large size of the site it would be uncommon to locate a similar vacant site within the surrounding area for a similar scale of development.

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 and activity with that effect (Section 104(2)).

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

8.1.1 Water Quality and Quantity

The proposed development would create additional impermeable surface areas, and therefore run-off from the subject sites would be increased.

Council’s drainage engineer, Mr Steve Rankin has assessed the application (refer to Memorandum dated the 22 February 2008). Mr Rankin has stated that the development will install a new public stormwater network which will join onto an existing public stormwater network within 131 Edmonton Road. The existing stormwater network is undersized and will require upgrading to ensure sufficient capacity is available to convey the additional flows resulting from the proposed development. The existing stormwater network discharges into a watercourse before re-entering the primary piped stormwater system which is conveyed by outlet into the Henderson Creek.

Waitakere City Council does not have a comprehensive stormwater discharge consent for Henderson Creek catchment where the site is situated. An Auckland Regional Council Stormwater Diversion and Discharge Consent is required to ensure the correct management of the stormwater in accordance with regional requirements.

The applicant is proposing to construct a wetland to satisfy the stormwater treatment requirement under ARC's TP 10. The wetland will provide temporary treatment for the site until a larger downstream catchment wide stormwater treatment device is constructed by Council. The wetland is located within the proposed alignment of the Central Park extension within proposed Lot 110. Decommissioning of the wetland will be undertaken in conjunction with the future road extension of Central Park Drive, and the establishment of a larger catchment wide device in a five year timeframe by Council. The proposed wetland construction shall be required to be constructed by way of a condition of consent, if granted.

Stormwater quality attenuation is required to protect the aquatic habitat in the existing open channel located between the subject site and Edmonton Road from any adverse effects resulting for the increased stormwater run-off volumes into the natural receiving environment. Auckland Regional Council has required that the first 3.45mm of rainfall be detained and discharged over a period of 24 hours in order to provide habitat protection, and the proposed wetland shall be able to provide this detention. Mr Rankin considers that no further extended detention is required given the capacity of the existing piped public stormwater network and the tidal natural of the Henderson Creek at the stormwater outlet.

Council's records show no history of site flooding or existing defined overland flow paths. The site does not feature any defined gullies or depressions that would concentrate stormwater run-off flows. As the site slopes gently towards the north-western boundary, considering the site existing natural topography, Mr Rankin has stated that the pre-development 1 in 100 year storm event run-offs would sheet flow to the north-western boundary which adjoins the Te Atatu South Park. Mr Rankin also considers that the post-development 1 in 100 year storm event run-offs would be contained and conveyed along the proposed new roading network.

Mr Rankin has also stated that site visits have revealed that the subject site does experience high ground water levels during wet seasons, and special consideration will be given during the engineering design to ensure the proposed stormwater quality treatment pond/wetland does not infiltrate with ground water affecting the pond's treatment efficiency or alternatively lifting the impermeable clay liner. Mr Rankin considers that subsoil drains be utilised to drain the excess ground water into the existing public stormwater network. These recommendations shall be placed as conditions of consent, if granted.

Overall it is concluded that subject to the implementation of these mitigation measures, that the adverse effects on the water quantity and quality would be negligible. It is considered that any additional stormwater concerns can be dealt with at engineering stage.

8.1.2 Earthworks

Earthworks are required over a total plan area of 3.0437ha with a total cut volume of 7,200m³ and a fill volume of 7,248m³ with a cut to waste volume of 22m³. The development requires earthworks to provide suitable building platforms, accessways, road to vest and the stormwater detention pond/wetland. The proposed earthworks have the potential to create significant adverse environmental effects from contributing sediment into receiving waters.

Although there are no waterways within the subject site, the downstream effects of erosion and sedimentation can affect aquatic life in a number of ways. Organisms living at the bottom of water can be smothered by sediment which can also deprive them of habitat by filling up riffle pool areas. In addition, sediment reduces light penetration, clogs

gills and causes a number of adverse side effects. The effects of erosion and sedimentation do not just affect aquatic life but can result in a range of adverse effects including:

- loss of fertile top soil;
- clogged ditches, culverts, and storm sewers that increase flooding;
- muddy or turbid streams;
- damaged plant and animal life;
- filled-in ponds, lakes, and reservoirs;
- damaged aquatic habitats and reduced recreational value and use;
- structural damage to buildings, roads, and other structures.

Conditions of the consent will ensure that the earthworks undertaken on site are carried out with the appropriate erosion and sediment controls in place in accordance with Auckland Regional Council Technical Publication No.90 to protect the life supporting capacity, quality and Mauri of receiving waters and natural waterways. The applicant has proposed silt fences, run-off and contours drains and top soil bunds along the external boundaries ensuring all sediment run-off is directed to the sedimentation pond and away from the neighbouring residential sites.

It is recommended that the applicant arranges a pre-construction meeting with Council's Environmental Monitoring Officers to ensure that the erosion and sediment control measures are adequate. This recommendation shall be placed as a condition of consent, if granted. Subject to the implementation of these measures, it is considered that the proposed earthworks would result in negligible effects on the water quality and would not lead to the degradation of downstream watercourses.

Council's Environmental Monitoring Officer, Jasmine Gray has reviewed the proposal and has recommended that as the development is being undertaken within a residential area, noise issues during construction may arise and therefore it is recommended that all works be undertaken in accordance with the noise limits set out in the District Plan. This recommendation shall be placed as a condition of consent, if granted.

In addition, conditions of consent will ensure that no concrete is deposited into the stormwater by direct application or by washing of any equipment associated with concreting or by rinsing or wetting freshly laid concrete. Lime is a major component of cement and as such is found in all concrete products. It easily dissolves in water to produce a very strongly alkaline solution that quickly burns and kills any fish, insects and plants that come in contact with it, in much the same way as acid does. Any water that comes in contact with unset concrete products or concrete dust quickly increases in alkalinity so as to become very dangerous if it is allowed to enter the environment.

It is considered that the scale of earthworks is appropriate to the development proposed. The earthworks proposed to be undertaken would not adversely affect the potential for restoration or enhancement of the site.

Approximately 4 truckloads of excavated material (22m³ of cut) are proposed to be transported off site to an approved land fill facility. Given the low volume of truck movements generated by the proposed development, it is considered that the removal of the topsoil from the site would result in no more than minor effects on the local roading network. A stabilised entranceway is proposed to be provided within the existing accessway that would ensure minimal spoil is tracked onto the surrounding road network.

The proposed earthworks would result in no more than minor adverse effects on the amenity of the surrounding residential dwellings, as the earthworks activity would be temporary in nature and the effects would be limited to the subject site. Overall, it is considered that the proposed earthworks would result in negligible effects on the environment, subject to the implementation of the proposed conditions of consent.

8.1.3 Native Vegetation, Vegetation and Fauna Habitat

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area, is already modified and it is not proposed to remove any vegetation that is generally protected.

The proposed development does seek to undertake planting as per a proposed landscape concept plan, which seeks to plant street trees along the extension of Central Park Drive, and native planting within the common outdoor space area within the medium density development of Units 37-66. The proposed planting shall add amenity to the common outdoor space area and streetscape.

8.1.4 Land / Soil

The subject site is identified by Council as being previously utilised for horticultural activities. A soil assessment was undertaken under Stage 1 of the development of 82 McLeod Road under SUB20051860. Hot spots of contamination were identified and remediated under SUB20051860 and therefore it is considered that the proposal will have no adverse effects on public health.

The subject site is identified by Council as being stability sensitive, and subject to geotechnical requirements. The applicant consultants, Foundation Engineering Limited have prepared a "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Road, Te Atatu South for HY Development" Ref No 12353 dated the 18th of September 2005. Council's geotechnical consultant, Richard Simmonds from GHD Consultants has reviewed the geotechnical report undertaken by Foundation Engineering Limited.

Mr Simmonds recommended that the subject site is suitable for the proposed residential development subject to proposed conditions of consent, which includes all site works being under the supervision of a Chartered Professional Engineer, all earthworks being undertaken in accordance with NZS 4404:1981 and NZS 4431:1989, a programme of penetration resistance tests being carried out when roads and accessways are being formed to their final levels to confirm the actual CBR values and identify required undercutting, requiring engineering fill, and all stormwater from any new hard surfaces being collected and disposed of to an appropriately reticulated or Council approved system. These recommendations shall be imposed as conditions of consent, if granted.

Subject to works being undertaken as per the recommendations of Richard Simmonds and in accordance with the "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Road, Te Atatu South for HY Development" Ref No 12353 dated the 18th of September 2005 undertaken by Foundation Engineering Ltd, it is considered that the proposal will create negligible adverse effects on the stability of the site.

Air

The heavy machinery on site which will undertake the land re-contouring is likely to result in minor amount of air emissions consistent with what is anticipated on a development of this scale. However as the subject sites are within the urban area, and it is proposed to place conditions of consent in regards to minimising dust emissions, the adverse effects on air quality is considered to be no more than minor.

8.1.6 Ecosystem Stability

The proposed development seeks to incorporate native planting within the common outdoor space area between Units 37-66 and undertake street planting along the proposed roads. The proposed planting shall improve the amenity and habitat links between the subject site and the neighbouring sites, including the Te Atatu South Park, which shall create a positive effect for a site which currently contains only one single Pine Tree.

As the subject sites are within the urban area, and the existing environment is already modified there would be negligible adverse effects on the stability of the ecosystem as a result of this proposal.

8.1.7 Outstanding Natural Features; Landforms, Geological Sites

The subject sites are not identified in the District Plan as being within an area containing "Outstanding Natural Features" within Waitakere City (refer to Maps 3.5D & E of the District Plan). The proposal would not adversely affect any identified outstanding natural features.

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

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

8.1.9 Outstanding Landscapes

The subject sites are not identified in the District Plan as being within an area identified of "Outstanding Landscapes" within Waitakere City (refer to Map 3.6B of the District Plan). The site is within an urban area of the city and the environment is already extensively modified. Therefore the proposed non-residential activity would create no adverse effects on any identified outstanding landscapes.

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

overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy

The proposed residential development involves the construction of 87 residential dwellings. All proposed buildings are under the permitted height of 8m and have at least 1.2m of separation between the external boundaries and habitable rooms.

The following lots have internal height to boundary infringements:

Table Two – Height in Relation to Boundary Infringements

Lot Number	Location of Infringement	Extent of Infringement
8	Western boundary	0.9m height over length of 1m
9	Western boundary	0.8m height over a length of 1.2m
10	Eastern boundary	1m height over a length of 1.4m
11	Eastern boundary	4m height over a length of 0.3m
13	Southern boundary	2m height over a length of 3.3m
14	Southern boundary	1.2m height over a length of 1.8m
16	Western and Southern boundary	Western is 0.4m height over a length of 0.7m Southern is 1.58m height over 2.2m length

The owner of Lots 8, 9, 10, 11, 13, 14 & 16 is the applicant and therefore his consent is explicit in this application. The habitable rooms of the proposed dwellings are proposed to be screened from the internal boundary by 1.6m in height fencing. This will protect both existing and future residential amenities in terms of reducing overlooking potential to levels permitted by the Plan and will be imposed as a condition of consent, if granted.

All dwellings are separated from each other with a minimum separation distance of 1.2m. The proposed dwellings are of a similar two-storey scale to those in the surrounding neighbourhood and therefore will not create dominance upon the surrounding dwellings. The proposed dwellings, notwithstanding density infringements, comply with all other bulk and location requirements associated with the Living Environment.

It is considered that the proposed dwellings would not physically dominate or compromise the privacy of the neighbouring sites, as the proposed internal boundary would be screened to a height of 1.6 metres.

The separation distance between the proposed dwellings and the existing dwellings would ensure that no loss of daylight or sunlight access would occur to these properties, nor would it serve to physically dominate the adjoining properties.

Lots 1 & 2 infringe the front yard requirements of 3m. Lot 1 infringes the front yard by 1m and Lot 2 by 0.2 and 0.5m. The infringement on Lot 1 is on the north-western corner of the dwelling over a length of 2m. The infringement on Lot 2 is south-western corner of the dwelling for a width of 1m, and the southern area of the garage also infringes the yard by 0.2m. These infringements are considered to be minor as there is sufficient yard space for planting, vehicular access and manoeuvring areas.

Within the medium density development, the overlooking has been minimised by the style of housing as the majority all the neighbouring housing is orientated in the same direction.

Units 37 – 40 have a potential to overlook the outdoor space of Unit 66, however to minimise this impact the rear garden of Units 37 – 40 have been increased in length to provide a 7m buffer between the living areas.

Units 60-66 will be screened from overlooking into Units 53-57 by the proposed planting within the communal garden area. All decks associated with the terrace housing will be screened from neighbouring properties by a concrete wing wall and timber screening.

All terraced housing along Central Park Drive extension are proposed to have double glazing installed on the windows facing the road to reduce the impact of noise.

Overall it is considered that with suitable screening conditions imposed that the proposal will create no more than minor adverse effects on privacy between the proposed residential units.

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

The proposed subdivision would result in the creation of an 86 additional lots. It is considered that the proposed development would be in keeping with the character of the existing residential environment, and is a development that could reasonably be expected in the area.

All freehold lots have proposed outdoor living courts that are considered to be a sufficient size, gradient and orientation to accommodate the needs of the future residents, and overall it is considered that there would be negligible adverse effect.

The proposed 69 unit medium density development is located immediately opposite the local shopping centre at the corner of Roberts Road, and Te Atatu Road. The site is within 1.5 km from the Henderson Railway Station and town centre and Te Atatu shops.

The proposed medium density development has been designed to be sympathetic to the adjacent existing residential dwellings, and is therefore located only on the new internal road system. Any proposed residential lots which abut existing development (excluding Stage 1 development of 82 McLeod Road) will be developed as stand alone two storey dwellings on 350m² lots.

All the medium density buildings are under the maximum height limit of 11m (for medium density) with the maximum height of the three storey terrace dwellings being 9.5m.

The setback of the terrace dwellings is relative to the orientation to the sun to allow for greater sunlight orientation for the outdoor living courts and balconies. Units 19 – 36 have a north facing access and therefore a large balcony (19.9m²) has been established on the first floor facing north. Units 37-52 & 67-87 have outdoor space areas on the northern side, which comprise of a lower level front yard and an upper storey balcony accessed from the internal communal living areas. Units 53 – 57 & 60-66 have a front and a back yard which is both east and west orientation and therefore shall receive adequate sunlight. Units 58 & 59 will have northern facing outdoor living courts access from the ground floor.

A communal outdoor space area will be provided in the centre of Stage 2, the medium density development. All medium density/terrace units will have ownership by of a unit entitlement, administered by a Body Corporate.

All residential units will be located within 200m of the southern edge of the Te Atatu South Park, which provides a vast area of open space for the residents of this proposed residential development.

It is therefore concluded that there would be minor adverse effects on visual amenity and neighbourhood character as the proposed development is similar in character to the surrounding environment, and adequate open space would be provided.

- *Landscaping concept*

The proposed development seeks to involve the provision of additional pedestrian access and road frontage to Te Atatu South Park. It is proposed to provide angle parking along the park frontage and between these parking spaces a specimen tree for vegetative amenity shall be provided as per "Landscape Concept Plan" dated 13.07.06 undertaken by Boffa Miskell.

The proposed landscape concept plan also details street trees of Claret Ash and Flowering Cherry. Both these trees have been planted either along Central Park Drive or through Stage 1 of the residential development of 82 McLeod Road, and therefore shall provide street tree consistency and continuity throughout the subdivision.

Council's Planning Consultant for the Parks Department, Jodie Mitchell has reviewed the proposal (refer to Memorandum dated the 6th of November 2006) and has recommended that bollards should be implemented along the frontage of Te Atatu Park South to ensure no vehicle access from the new road into the park. Ms Mitchell has also recommended a bond for maintenance work to ensure that landscaping is undertaken as per the landscape plan with a maintenance period of two years. These recommendations shall be placed as conditions of consent, if granted.

Cabbage trees, kowhai trees, mountain flax, toe toe, turutu are proposed to be planted in the stormwater detention and common outdoor space area within the medium density development, as per "Stormwater Detention Landscape Concept Plan" dated 13.07.06 undertaken by Boffa Miskell.

A381-A387

Council's landscape architect, Mr Gordon Griffin has reviewed the proposal (refer to Memorandum dated the 19.11.2007) attached at pages A381 to A387 as Appendix 10. Mr Griffin recommends that a planting plan and associated landscape treatment plan for the 69 unit medium density housing component be required as a condition of consent to address the location of clotheslines, outside taps, letter boxes, outside lighting, storage areas within the rear yards and the integration of these features with future garden areas. This recommendation shall be placed as a condition of consent.

Overall it is considered subject to conditions of consent, that the proposed residential development shall provide suitable landscaping treatment to improve the amenity of the proposal and provide linkages for the Green Network.

- *infrastructural capacity & availability*

The proposal has been assessed by Council's Ecowater Engineer, Steven Rankin with regard to infrastructural issues, such as stormwater, water supply and wastewater (refer to memorandum dated 22nd of February 2008). Mr Rankin has advised that the site can be adequately serviced by public wastewater, information communications technology (ICT) and water supply. Mr Rankin has recommended that the subject site install public wastewater service lines, upgrade the existing water supply line, provide stormwater detention and treatment measures and ICT network installation is also required. It is concluded that subject to the implementation of these measures, that any adverse effect of the development on the existing public drainage system would be minor.

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

The subject site is located in a vacant lot on the west side of Te Atatu Road opposite Roberts Road. The site is separated from Te Atatu Road by one row of houses.

Access to the proposed development will initially be gained from a local road connecting to McLeod Road. This situation will eventually change when the Central Park Drive extension between Edmonton Road and Te Atatu Road connection is completed by Council. The construction of a portion of Central Park Drive extension forms part of the proposed development.

A362-A366

Council's Principal Transport Engineer, Sam Shumane has reviewed the proposal (refer to Memorandum date the 28th of August 2007) attached as Appendix 7 at pages A362 to A366. Mr Shumane agrees with the Traffic Impact Assessment prepared by Traffic Planning Consultants dated July 2006. The Traffic Impact Assessment states that the development is likely to generate up to 90 vehicle movements per hour and close to 800 daily movements. Mr Shumane has examined the analysis noted in Section 3.2 and agrees with its findings.

Traffic Generation

As stated above the construction of a section of Central Park Drive extension forms part of this proposal. Essentially the proposed extension will terminate at both the eastern and western boundaries of the site. At the eastern boundary Council is currently in the process of acquiring the properties fronting Te Atatu Road. The eastern end of Central Park Drive extension will be formed in these properties providing full signalised access to this development and others further west via the new Te Atatu Road / Roberts Road signalised intersection. Mr Shumane therefore examined the likely effects of the proposal in terms of the short term effects (before full connection to Te Atatu Road) and after the full link.

In regards to the long term road network Mr Shumane does not expect there will be any significant adverse effects. The three new minor T-junctions forming part of this development are likely to have adequate capacity. The additional 90 vehicle movements per hour generated by the development are not expected to have any adverse effects on the operation of the eventual signalised intersection at Te Atatu Road.

Sections 3.4 and 3.5 of the Traffic Impact Assessment prepared by Traffic Planning Consultants dated July 2006 clearly describe the available visibility at all three minor road intersections with Central Park Drive, which Mr Shumane agrees with. Mr Shumane has further examined the capacity of the existing road constructed as part of Stage 1 to McLeod Road, which will provide vehicular access to the development in the short term.

The expected 800 daily movements can be accommodated within this road until Central Park Drive has a signalised intersection with Te Atatu Road. This conclusion is based on modelling undertaken by the applicant's traffic engineer and noted in Section 5.0 of the Traffic Impact Assessment prepared by Traffic Planning Consultants dated July 2006.

The proposed cross section of the main road is shown as 10.5 metre carriageway and 23.0 metre reserve. Mr Shumane notes that the Central Park Drive extension will be classified as a district arterial requiring a carriageway of 12.0 metres and road reserve of 23.0 metres.

In summary Mr Shumane does not consider the traffic effects of the proposal to be adverse but recommends the widening of the carriageway to 12.0 metres with appropriate compensation paid to the applicant to cover the costs of the additional 1.5 metre of pavement. The compensation is usually assessed on the basis that the widening takes place in the centre of road only. This recommendation shall be placed as a condition of consent, if granted.

Internal roads and circulation

The development is serviced by a loop road and two common accesses. Mr Shumane notes that no direct driveway access to Central Park Drive is proposed, which he fully supports.

Mr Shumane examined the cross sections shown in the Tse drawings, and has noted a possible error in the cross sections (Sheet 302/1 Amend. A). The 3.0m wide carriageway in one cross section terminates at the back of kerb and in another it terminates in the centre of the dish channel (which is usually the face of kerb. If not corrected this could lead to a narrower carriageway than acceptable.

Mr Shumane also notes that while it accepts a width of 3.0 metres for each direction (separated by a swale) it does not consider the swale's edge beam a part of the carriageway itself, and if the swale is not constructed then the carriageway shall be a full 6m width. He therefore recommends that the installation of a 3.0 metre carriageway along the full length of the loop road measured between the face of kerb and the inner edge of the swale beam. This width should be widened at bends to accommodate the movement of a single unit truck.

There is a small concern with regard to the swales. Mr Shumane supports the installation of these but points out that should there be an emergency in any section of the loop road one side would be fully blocked. This is not a major issue as the swales are designed in short sections allowing for frequent breaks.

Both common accesses are considered acceptable. Although not noted on the submitted drawings both accesses accommodate one way traffic only, which is an acceptable arrangement.

Parking demand and supply

The proposed development consists of 18 standalone residential dwellings, each having a double garage, and 69 terrace units each having a single garage and adequate length driveway to accommodate a second vehicle clear of the footpath. Mr Shumane considers the parking supply for residents adequate.

Typical visitors' parking demand is one space for every three to four residential units. The southern section of the development consisting of 21 units (units 67 to 87) is provided with a six space on-street parking bay, which Mr Shumane considers adequate. A pedestrian link is proposed between the common access and Central Park Drive at the parking bay providing direct access for visitors.

The northern section of the development consisting of 65 units (unit 2 to 66) is provided with 23 visitors' spaces, distributed evenly along the loop road. Mr Shumane considers this provision adequate although has concerns about the visitors' space immediately outside unit 60. Mr Shumane believes this space may become redundant when the driveway for unit 60 is installed.

Mr Shumane considers the proposed parking provision adequate.

Future work

As part of the overall road infrastructure upgrade in this area Council has plans to widen Te Atatu Road between Roberts Road and McLeod Road. These works will include the signalisation of Roberts Road / Central Park Drive intersection and increasing the capacity at the McLeod Road intersection. Widening along Te Atatu Road will require land acquisition on the western side of the road in the vicinity of units 9 and 10 of the proposed development.

The proposal recommends to utilise Lot 110 road to vest in WCC as a stormwater detention pond/wetland during a five year period while Council constructs a public stormwater treatment pond within the area. It is considered appropriate that a bond for uncompleted works be taken to complete the loop road once the stormwater device is no longer required.

The revised proposal plans show a 3.5 metre set back along the Te Atatu Road frontage of units 9 and 10. Mr Shumane recommends that land acquisition concerning this strip of land be undertaken in a separate process. These recommendations shall be placed as a condition of consent, if granted.

Overall it is considered that the proposed vehicular accessways and parking will create no more than minor effects on the visual amenity and provides a safe vehicular access to the proposed residential units to the existing roading network, subject to conditions of consent.

8.1.11 Heritage

The subject site is identified as containing Pacific Wines Building/Farm (3316) under the Council's Cultural and Heritage Inventory. However the building is not located on 14 Bordeaux Parade, and therefore the proposed residential development will not impact this heritage building.

There would be no adverse effects in respect of heritage items, as the proposed non-residential activity would be located near, or impact on any identified heritage features.

8.1.12 Summary

It is considered that the actual and potential adverse effects of the proposed activity are minor and can be adequately mitigated through appropriate conditions of consent.

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

8.2.1 District Plan Policies and Objectives

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

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

Earthworks (General)

Objectives 1, 2, 3, 5, 7

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

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

Greenfields Subdivision

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

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

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

Subdivision – High Noise Route

Objective 10

Policies 10.4 and 10.15

Also Assessment Criteria 2(b) General Subdivision Rules

Objective 1 (effects on water)

The proposed stormwater pond/wetland within Lot 110 would provide a degree of treatment to minimise contaminants entering the stream network and would allow the Henderson Creek to function naturally (policies 1.10, 1.12 plus policy 8.1).

Objective 3 (effects on land)

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

Objective 4 (effects on air)

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

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

The site would discharge the stormwater run-off via an existing public system into the Henderson Creek, therefore it is considered necessary to provide an “off-line” stormwater treatment pond, which is considered acceptable in terms of protecting natural waterways (policies 7.2 and 7.3). In general (and consistent with Policy 7.1) the subdivision would create minimal encroachment into the part of the Henderson Creek. However, Policy 7.1 also requires consideration of the “big picture” where subdivision is

to be ongoing. In this respect, Council's Ecowater Engineer is satisfied that the level of the impact this subdivision would have on the amenity upstream of this site is minimal as the stormwater detention/treatment pond shall treat the stormwater run-off. Thus while the proposed subdivision is consistent with policy 7.1 in isolation, without some modification it may be contrary to the overall outcomes sought by this policy.

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

All sites are considered large enough to provide for dwellings with ample outdoor space. Council's landscape architect has expressed some misgivings with regards to the proposed landscaping around the medium density development. Conditions have been proposed to improve the landscaping and amenity of these areas and the relationship between the residential development and Te Atatu South Park (Policy 10.7). The proposed residential layout also increased the informal surveillance onto Te Atatu South Park, via the proposed loop road and adjacent parking areas and therefore recreational value is increased (Policies 10.20 and 10.28).

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

Objective 11 (activities within each of the City's Human Environments which is sympathetic to, and protects and enhances, the dominant natural and physical (including building) features which contribute to the amenity value and the neighbourhood character of an area)

The proposed lot sizes within the subdivision would be consistent with those of recent Greenfield subdivisions to the south of the site, within Stage One of the development at 82 McLeods Road (policy 11.1).

While the proposed reserves would have good road frontage (in accordance with aspects of policy 11.5), Council's Parks Planner has expressed that the amenity of Te Atatu South Park shall improve by this proposal as more passive recreation shall occur via increased vehicular and pedestrian access as a result of the road entrance. The Council's Parks Planner is also satisfied with the proposed street planting proposal (policy 11.6).

8.2.2 Rules and Assessment Criteria

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

a) Greenfield Subdivision - Discretionary Activity

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

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

The subdivision will create freehold residential lots of 350m², and medium density lots ranging from 114m² to 216m². Taking into account some limitations on some sites (roading layout) all sites are considered to be capable of containing complying development, with the appropriate infrastructure. Approximately two-thirds of the site would have a north-facing slope, assisting in the ability for future dwellings.

The one stormwater pond/wetland within the subdivision would provide a sense of openness to the subdivision, and with the Te Atatu South Park located along the northern boundary the development would have sufficient access to “active” recreational uses.

The road layout would adequately serve the development and provides for future linkages to the Central Park Drive extension proposed by Council. Access to the proposed development will initially be gained from a local road connecting to McLeod Road. This situation will eventually change when the Central Park Drive between Edmonton Road and Te Atatu Road connection is completed by Council. The construction of a portion of Central Park Drive extension forms part of the proposed development.

Only 61 (approximately) of the 87 residential lots would be serviced by shared driveways, which would be constructed as per the Code of Practice and are therefore considered to be safe.

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

b) Earthworks - Discretionary Activity (General Natural)

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

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

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

c) Density – Discretionary Activity (Living Environment)

The proposal would involve the creation of densities and medium density development that does not meet the standards listed under Rules 2.1, 2.2 or 2.3 (Living Environment) as they are associated with a subdivision that is a Discretionary Activity

The proposed 87 unit residential development seeks to provide a mixture of two and three storey residential dwellings. 18 freehold lots are proposed along the eastern portion of the site to blend in with the existing residential character. The 69 medium density housing will be located in the centre of the site, and has been designed to be sympathetic to the adjacent existing residential dwellings, and is therefore located only on the new internal road system. Any proposed residential lots which abut existing development (excluding Stage 1 development of 82 McLeod Road) will be developed as stand alone two storey dwellings on 350m² lots. It is considered that the proposed development would be in keeping with the character of the existing residential environment, and is a development that could reasonably be expected in the area (a).

All freehold and medium density lots have proposed outdoor living courts that are considered to be a sufficient size, gradient and orientation to accommodate the needs of the future residents, and overall it is considered that there would be negligible adverse effect (b). A communal outdoor space area will be provided in the centre of Stage 2, the medium density development. All medium density/terrace units will have ownership by a unit entitlement, administered by a Body Corporate.

The external boundaries of the proposed dwelling except for the road boundaries are to be screened by suitable fencing to a height of 1.6m, which shall afford privacy between the units and outdoor space areas (c).

The proposed 69 unit medium density development is located immediately opposite the local shopping centre at the corner of Roberts Road, and Te Atatu Road. The site is within 1.5 km from the Henderson Railway Station and town centre and Te Atatu shops.

It is therefore concluded that there would be minor adverse effects on visual amenity and neighbourhood character as the proposed development is similar in character to the surrounding environment, and adequate open space would be provided

d) Height in Relation to Boundary – Discretionary Activity (Living Environment)

The proposal would involve the creation of height to boundary infringements that do not meet the standards listed under Rules 5.1, 5.2 or 5.3 (Living Environment) as they are associated with a subdivision that is a Discretionary Activity.

All proposed buildings are under the permitted height of 8m and have at least 1.2m of separation between the external boundaries and habitable rooms.

Lots 8, 9, 10, 11, 13, 14, & 16 have internal height to boundary infringements: The habitable rooms of the proposed dwellings are proposed to be screened from the internal boundary by 1.6m in height fencing. This will protect both existing and future residential amenities in terms of reducing overlooking potential to levels permitted by the Plan and will be imposed as a condition of consent, if granted (5(c)).

All dwellings are separated from each other with a minimum separation distance of 1.2m. The proposed dwellings are of a similar two-storey scale to those in the surrounding neighbourhood and therefore will not create dominance upon the surrounding dwellings. The separation distance between the proposed dwellings and the existing dwellings would ensure that no loss of daylight or sunlight access would occur to these properties, nor would it serve to physically dominate the adjoining properties (5 (a) & (b)).

e) Yards – Limited Discretionary Activity (Living Environment)

The proposal would involve the creation of yard infringements that would not meet the standards listed under Rules 6.1, or 6.2 (Living Environment) as they are associated with a subdivision that is a Discretionary Activity

Lots 1 & 2 infringe the front yard requirements of 3 metres however the infringements are less than 0.5m. These infringements are considered to be minor as there is sufficient yard space for planting, vehicular access and manoeuvring areas (6(a),(b),(c),(d)).

f) Residential Activity in Open Space – Non-Complying Activity (Open Space Environment)

The proposed residential development seeks to establish residential dwellings on Open Space zoning and therefore does not meet the standards listed under Rule 6.1, 6.2, 6.3 or 6.4 (Open Space Environment) as they are associated with a subdivision that is a Discretionary Activity.

A land swap of 508m² is being undertaken in accordance with Section 15 of the Reserves Act 1977 between Council and the applicant. The land swap increases the road frontage of Te Atatu South Park, while also assisting with the improvement of lot boundaries of the proposed residential development. The land swap has currently been approved by Council and is in the process of being gazetted to the public. A condition of consent, if granted will be imposed stating that Lots 9, 10 & 18 cannot be legally created until the land swap has been completed.

g) Stability Sensitive and Contaminated Site – Limited Discretionary Activity Consent (Natural Hazards)

The proposed residential development seeks to establish residential dwellings on a site which is identified by Council as being stability sensitive and a previous horticultural site and therefore does not meet the standards listed under Rule 1.1 (Natural Hazards) as they are associated with a subdivision that is a Discretionary Activity.

Council's geotechnical consultant, Richard Simmonds from GHD Consultants has reviewed the geotechnical report undertaken by Foundation Engineering Limited. Mr Simmonds recommended that the subject site is suitable for the proposed residential development subject to proposed conditions of consent, which includes all site works being under the supervision of a Chartered Professional Engineer, all earthworks being undertaken in accordance with NZS 4404:1981 and NZS 4431:1989, a programme of penetration resistance tests being carried out when roads and accessways are being formed to their final levels to confirm the actual CBR values and identify required undercutting, requiring engineering fill, and all stormwater from any new hard surfaces being collected and disposed of to an appropriately reticulated or Council approved system.

Subject to works being undertaken as per the recommendations of Richard Simmonds and the "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Road, Te Atatu South for HY Development" Ref No 12353 dated the 18th of September 2005 undertaken by Foundation Engineering Ltd, it is considered that the proposal will create negligible adverse effects on the stability of the site.

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

The Auckland Regional Policy Statement sets out 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 Waitakere City Operative District Plan has been prepared.

As noted in part 8.1.2 of this report, resource consents would be required from the Auckland Regional Council. However, verbal advice indicates the Regional Council would not expect any aspects of the proposal to be contrary to the outcomes sought under the Regional Plan.

For the reasons highlighted in Section 8.1.2 of this report, it is considered that the proposal is consistent with these documents.

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

A land swap of 508m² is being undertaken in accordance with Section 15 of the Reserves Act 1977 between Council and the applicant. The land swap increases the road frontage of Te Atatu South Park, while also assisting with the improvement of lot boundaries of the proposed residential development. The land swap has currently been approved by Council and is in the process of being gazetted to the public. A condition of consent, if granted will be imposed stating that Lots 9, 10, 17 & 18 cannot be legally created until the land swap has been completed.

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

A submitter raised the issue of purchasing land from the Te Atatu South Park. The current situation is that a land swap of equal proportions is being undertaken by Council's Parks Department and the applicant. No sale of the reserve is being proposed.

8.4.2 Bonds/Reserve Contributions/Development Levy/Financial Contributions

Under the Local Government Act 2002, Councils were permitted to take development contributions towards the costs that capital growth imposes on the community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that ten year period. The development contribution estimated for this proposal is \$1,009,775.02 (incl. GST).

The development will also attract a reserve contribution under the Transitional Provisions of the Resource Management Act as the reserves proposed within the subdivision would not meet the recreational requirements of the future residents. 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 6% of the gross realisation value (excluding GST) of Lots 1 – 18 (Stage One) and a reserve

contribution equal to 20m² of land for every third and subsequent unit, being 67 units for Stages 2 & 3 (supplied by a registered valuer), as shown on the plans submitted with the application at the time of 224(c) certificate approval. A condition requiring payment of this contribution is recommended.

8.4.3 Monitoring

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

8.4.4 Any Other Relevant Non-Statutory Documents

No other non-statutory documents are considered relevant in the processing of this application.

8.5 Lapsing of Consent

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

A five year period in which to give effect to this consent is considered appropriate because of the nature and scale of works described and because a number of the conditions are intertwined (i.e. residential development and earthworks. A lapse period of five years is therefore recommended.

9.0 PART II OF THE RESOURCE MANAGEMENT ACT 1991

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

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

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposed residential development will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils.

In regards to Section 6 of the Act, Te Kawerau A Maki Trust have opposed the proposal as no consultation has been undertaken with them, and have identified that there are wāhi tapu issues in and around the proposal that will be affected. The subject site is not located near, and does not contain a watercourse nor any significant vegetation. Only one single Pine tree is located on the eastern boundary of the subject site, and shall be retained. The site is located within an urban area of the City and is surrounded by existing residential environment and has been previously modified. It is not expected that the proposed residential development on the subject site would raise any iwi

issues, however as Te Kawerau A Maki have made a submission in opposition, the hearing process of this application give the opportunity for any wāhi tapu issues that may be potentially affected by this proposal to be discussed.

Through the imposition of appropriate conditions of consent, such as erosion and sediment control, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

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

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

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

11.0 CONCLUSION

The applicant seeks consent to construct 87 residential units *and subdivide at 14 Bordeaux Parade, Te Atatu South (previously known as 82-96 McLeod Road)*. The site is zoned Living Human Environment and General Natural Area under the Operative District Plan.

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **less than minor** and **can** adequately be mitigated through the imposition of appropriate conditions of consent. It is considered that the additions and alterations to the activity **will not** lead to a decline in the amenity values of the area in which it is located.

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

- Maintain and enhance those natural and physical characteristics (amenity values) that contribute to the well being of residents and workers;
- 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;
- Manage the effects of land use on the environment and in particular, avoid, remedy or mitigate effects on the quantity and quality of the cities water resource;
- Protect and enhance the amenity of the urban area through the provision of a range of activities but also maintaining the residential coherence of the neighbourhood;
- Protect the functioning of roads within the roading hierarchy, without detriment to road safety or the free flow of traffic.

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

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

12.0 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 HY Developments Ltd to a 87 residential unit development and subdivision at 14 Bordeaux Parade, Te Atatu South, being Lot 100 DP 369723 for the following reasons:

- (i) The design, scale, height, bulk and massing of the proposed buildings are considered to be sufficiently in keeping with the characteristics of the existing buildings in the area generally so as to maintain the existing neighbourhood character.
- (ii) The sitting of the proposed medium density dwellings are in a cluster within the centre of the site to maintain the maximum amount of open space and contains the built form on site into the southern portion reducing the impact of the built development on the surrounding neighbourhood to acceptable levels.
- (iii) The design and sitting of the proposed dwellings would not adversely affect nearby visual and residential amenities and the proposed use will not cause detriment to road safety.
- (iv) The proposal does not adversely affect the free flow of traffic, detract from matters of road safety, nearby amenities, access/egress of adjoining and nearby properties, or the positioning of either McLeod Road or Te Atatu Road in the roading hierarchy.
- (v) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent
- (vi) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City Operative District Plan and The Regional Policy Statement.
- (vii) The proposal is not contrary to Part II of the Resource Management Act.

Consent shall be subject to the following conditions:

General Conditions:

1. The development shall proceed in accordance with the plans titled:

“Plan of Proposed Land Swap, Drawing 155 Amendment B” dated 06.06 undertaken by Tse Group Limited

“Scheme Plan, Drawing 150 Amendment D” dated the 07/06 undertaken by Tse Group Limited

“Drainage Plan, Sheet 1 of 2, Drawing 400/1, Amendment 1” dated the 01/08 undertaken by Tse Group Limited

- "Drainage Plan, Sheet 2 of 2, Drawing 400/2, Amendment 1" dated the 01/08 undertaken by Tse Group Limited
- "Stormwater Detention Wetland Plan, Drawing 402 Amendment C" dated the 01/08 undertaken by Tse Group Limited
- "Silt Control Plan, Sheet 1 of 2, Drawing 203/1 Amendment C" dated the Jul 06 undertaken by Tse Group Limited
- "Silt Control Plan, Sheet 2 of 2, Drawing 203/2 Amendment C" dated the Jul 06 undertaken by Tse Group Limited
- "McLeod Road Development – Stormwater Detention Landscape Concept Plan, Job 05280B-002, Revision A" dated 13.07.2006 undertaken by Boffa Miskell
- "McLeod Road Development – Stage 2, Landscape Concept Plan, Job No 05280B-001, Revision A" dated the 13.07.2006 undertaken by Boffa Miskell
- "McLeod Road Development – Stage 2, Stormwater Detention Landscape Concept Plan, Revision A" dated the 13.07.2006 undertaken by Boffa Miskell
- "82 McLeod Road Development – Stage 2, Site Plan" dated 15.06.06 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type – 1 (South Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 1 – Typical Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type – 1A (South Entry) Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 1A, Typical Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 2 (East Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type – 2, Typical Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 2A (West Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 2A (West Entry), Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 3 (East/West Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 3, Typical Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 4, Typical Elevations" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 4 (North Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Terraced Houses Type 4A (North Entry), Typical Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 1, Site Plan" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 1, Floor Plans" dated June 2006 undertaken by Tse Group Limited
- "82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 1, Elevations" dated June 2006 undertaken by Tse Group Limited

“82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 17, Elevations” dated June 2006 undertaken by Tse Group Limited

“82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 18, Site Plan” dated June 2006 undertaken by Tse Group Limited

“82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 18, Floor Plan” dated June 2006 undertaken by Tse Group Limited

“82 McLeod Road Development – Stage 2, Proposed Dwelling at Lot 18, Elevations” dated June 2006 undertaken by Tse Group Limited

and all of the information submitted with the application (including further information), all referenced by Council as LUC20061300.

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. All reticulated services, including power and telephone, shall be provided underground.
4. The consent holder is to maintain the site in a clean and tidy order for the duration of construction, all refuse associated with the development is to be accumulated on site in an appropriately sized skip/ or other receptacle located on the property and removed off site and replaced with a fresh skip or other receptacle when full.

Monitoring Conditions:

5. A consent compliance monitoring fee of \$3,510.00 (inclusive of G.S.T.) 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 resource consent holder shall be advised of any further monitoring fees if they are required.

Earthwork Conditions:

6. **Before commencement of any works and until completion of exposed earth siteworks**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan (attached as appendix A to this consent).

Please **advise Council’s Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work. The applicant should book an inspection at least 48 hours prior to the required inspection.**

7. All sediment and erosion control measures proposed shall be constructed as per plans “Silt Control Plan, Sheet 1 of 2, Drawing 203/1 Amendment C” dated the Jul 06 undertaken by Tse Group Limited and “Silt Control Plan, Sheet 2 of 2,

Drawing 203/2 Amendment C" dated July 06 undertaken by Tse Group Limited. Should these measures prove to be ineffective, as deemed by Council's Environmental Monitoring Officer, further measures will have to be implemented to the satisfaction of the Manager: Resource Consents.

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. 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. **No work shall not commence until approval has been gained in writing from the Manager: Resource Consents.**
9. Please provide Council with details of the street sweeping contractor as per Condition 7 prior to any works commencing on site.
10. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager: Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.
11. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:-
Monday to Friday: 7.30 am to 7.00 pm
Saturday 8.00 am to 5.30 pm
Sunday and Public Holidays: No work
12. All development works associated with the proposal are to be carried out in accordance with NZS 6803P: 1984 'The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work'.
13. All earthmoving equipment, vehicles and machinery utilised on the site shall be well maintained and in good repair (particularly exhaust systems where applicable).
14. 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.
15. Prior to work commencing signage shall be placed in appropriate locations to warn traffic about truck movements, to the satisfaction of the Manager: Transport Assets and the Manager: Resource Consents.

16. A Traffic Management Plan shall be submitted to Council's Environmental Monitoring Officers for review prior to any works commencing on site, to the satisfaction of Manager: Resource Consents.
17. All areas of exposed earth shall be top-soiled and regressed as soon as practicable and in a progressive manner as the works are completed but no later than one week following the completion of works.
18. In the event of archaeological features being uncovered (eg. Shell middens, hāngī or ovens, pit depressions, defensive ditches, artefactual material or human bones) work shall cease in the vicinity of the discovery and the area shall be secured. The Manager: Resource Consents, the NZ Historic Places Trust, Auckland Regional Council Archaeologist and the appropriate Iwi authorities shall be contacted so that appropriate action can be taken. This includes such persons being given a reasonable time as to determine by the Council to record and recover archaeological features discovered before work may recommence.
19. A full copy of the Resource Consent Conditions, Approved Plans, including site management 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 Site Management and Erosion and Sediment Control Plans.

Height in Relation to Boundary Conditions:

20. A Registered Surveyor shall set out the foundations of the proposed structures on Lots 8, 9, 10, 11, 13 & 14 and certify to Council in writing prior to work progressing beyond the foundation stage that the building will comply with the extent of Height in Relation to Boundary infringements 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.
21. A Registered Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the buildings on Lots 8, 9, 10, 11, 13 & 14 will comply with the extent of Height in Relation to Boundary infringements 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.

Privacy Conditions:

22. Screening to a height of 1.6 metres (being either a fence, wall or trellis or sufficient planting to provide an effective screen and capable of reaching a minimum height of 1.6 metres) shall be provided along all internal and external boundaries (excluding road boundary) to the satisfaction of the Manager: Resource Consents, within 6 months of the issue of this consent.

Parks Conditions:

23. Landscaping, street and swale planting is to be established within the development to the satisfaction of the Parks Consent Planner and in accordance with landscaping and street tree plan prepared by Boffa Miskell Job No 05280B-001 dated 13.07.2006 Revision A and the Waitakere Park guidelines, subject to the following:
- (i) That the car parking spaces along the frontage with Te Atatu South Park shall be angled parking.
 - (ii) Bollards shall be implemented along the frontage with Te Atatu South Park on the Park to the satisfaction of the Parks Consent Planner and in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development.
 - (iii) To provide for maintenance vehicles and any future public vehicle access removable bollards shall be installed at the proposed northern entry to Te Atatu South Park. The pedestrian pathway shall meet up with the existing sealed area in the reserve. Both the bollards and pathway shall be constructed to the satisfaction of the Parks Consent Planner and in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development.
 - (iv) An entry sign to the reserve adjacent to the road, and pathway shall be erected in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development Standard Design 7.50 to the satisfaction of the Parks Consent Planner.
24. Until such time as the land swap involving the adjacent reserve (Te Atatu South Park) has been approved. Lots 9, 10 & 18 are unable to be legally formed or created.

Landscape Conditions:

25. Provide a landscape treatment plan for the 69 unit medium density development within 3 months of the granting of this consent to the satisfaction of the Manager: Resource Consents.
26. Landscaping is to be established within the development within the first planting season (May to September) following completion of earthworks and associated development works to the satisfaction of the Council's Environmental Monitoring Officer, Resource Consents and Parks Planner.
27. All planting shall be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.

Geotechnical Conditions:

28. All earthworks and development on the subject site shall be undertaken in accordance with the geotechnical report undertaken Foundation Engineering Ltd "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Rd, Te Atatu South for HY Development" Ref No 12353 dated 18th September 2005." or any subsequent amendments as approved by future building consents.
29. A Chartered Professional structural or geotechnical Engineer familiar with the following document prepared by Foundation Engineering Ltd "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Rd, Te Atatu South for HY Development" Ref No 12353 dated 18th September 2005." must specifically design any foundations, piles or retaining walls, and check the local and final overall slope stability at the proposed redevelopment.
30. A Chartered Professional Engineer (with experience of geotechnics) shall inspect any pile holes or footings for retaining walls or foundations and shall provide Council with a Producer Statement Construction Review for this part of the work. Specific requirements (as may be appropriate):
 - Before commencement of any works and until completion of exposed earth site works, temporary sediment and erosion control measures as described in the earthworks and Silt Control Plan Drawing 200 prepared by Tse Group Ltd dated July 2006 shall be undertaken;
 - All site works shall be under the control of a Chartered Professional Engineer (with experience of geotechnics). The site works shall follow the recommendations of the detailed geotechnical report for foundation types, (including depth of foundations required) and earthworks. 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;
 - All vegetation, topsoil and any other unsuitable materials shall be removed from beneath any earthwork area;
 - Any garden and domestic refuse encountered during the earthworks shall be disposed of off site to a Council approved tip;
 - Any earthworks involving filling shall be undertaken in accordance with NZS 4404:1981 and NZS 4431: 1989;
 - Subsoil drains as described in the report prepared by Foundation Engineering Ltd "Geotechnical Investigation Report on Proposed Residential Subdivision at 82 McLeod Rd, Te Atatu South for HY Development" Ref No 12353 dated 18th September 2005" shall be installed if the water table is encountered near ground surface.
 - Any retaining wall, to retain not more than 1.5m depth of ground, nor support any surcharge or any additional load of that ground (such as adjoining building or driveway) unless with Building Consent;
 - Requirements relating to allowable bearing capacities, limited height of allowable cuts and fills shall be dealt with in detail at the time of preparation of the Geotechnical Completion Report;

- A programme of penetration resistance tests shall be carried out when roads and access ways are being formed to their final levels to confirm actual CBR values and to identify areas requiring undercutting;
 - Any imported fill material shall be approved by a Chartered Professional Engineer (with experience of geotechnics) prior to placement;
 - That all temporary excavations (except those in rock), be limited to an open face of not more than 3m (three metres) horizontal distance, at any one time and shall be limited to an unsupported gradient of 1 vertical to 2 horizontal unless designed by a Chartered Professional Engineer to achieve a Factor of Safety against instability of 1.5 under all groundwater conditions;
 - 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;
 - Existing non-engineered fill shall be removed from building platform or earthwork areas and may be re-engineered and compacted to appropriate engineering standards under the supervision a Chartered Professional Engineer (with experience of geotechnics);
 - 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;
 - That a wheel wash, (or if appropriate a stabilised construction entrance with a water pressure wash system), should be constructed and all vehicles exiting the site are required to use this facility.
31. A report undertaken by a Chartered Professional Engineer (with experience of geotechnics) shall provide written confirmation that Condition 28-30 (inclusive) has been met to the satisfaction of the Manager: Resource Consents.

Roading Conditions:

32. The road carriageway shall be 3.0 metres along the full length of the loop road measured between the face of kerb and the inner edge of the swale beam; or a 6 metre carriageway shall be constructed if no swale is undertaken, and this width should be widened at bends to accommodate the movement of a single unit truck.
33. Central Park Drive extension carriageway be widened to 12.0 metres with appropriate compensation paid to the applicant to cover the costs of the additional 1.5 metres of pavement; the compensation should be assessed on the basis that the widening takes place in the centre of road only.
34. The visitors' space outside unit 60 shall be removed.

Ecewater Conditions

35. 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 Subdivision Conditions below for further details.

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 849 0400.
 2. If construction differs from the approved Building Consent Plans, the applicant will supply Council with As-built drawings approved by the supervising engineer for the works prior to applying for the compliance certificate.
 3. 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. Further, any recommendation with regard to works/installation of walls or foundations in the vicinity of this Utility must have written approval and acceptance from the Utility Owner.
- B. That Subdivision Consent Application Plan No SUB2006-1301 being a Discretionary Activity and being a 87 lot subdivision of Lot 100 DP369723 comprised in CT 345951 situated at 14 Bordeaux Parade, Te Atatu South by HY Developments be granted subdivision consent pursuant to Sections 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991, and that:-

1: STAGING REQUIREMENTS

- (a) Consent is hereby given to carry out the subdivision of this property in stages as follows:-
 - Stage 1: Comprising Lots 1 – 18, Lot 100, 110 & 101 (Road to Vest in WCC), Lots 103, 104, 107, 108 & 109 (Recreation Reserves to Vest in WCC, Lot 102 (Pedestrian Access to Vest in WCC) together with two development lots.
 - Stage 2: Comprising Lots 19 – 67, Lots 105 and 106 (access Lots), together with one development lot.
 - Stage 3: Comprising Lots 67-87, Lot 111 (access lot).
- (b) The conditions listed in the Section 223 & 224 Requirements below shall be applied as appropriate to each stage.

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) The Survey Plan shall be in accordance with the plans titled "**Scheme Plan, Drawing 150 Amendment D**" prepared by **Tse Group** and dated **07.06** and all of the information submitted with the application (including further information), all referenced by Council as SUB2006-1301.
- (b) Provide right of way easements over Lots 3 & 4 labelled "A & B" and Lots 8, 9, 10 and 11 labelled "C & D" inclusive 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.
- (c) Provide a right of way (pedestrian) easement in gross over Lot 107 in favour of Council labelled "G" 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.

Advice Note: The application requesting the 223 certification shall be in writing, shall state the LINZ allocated number, shall have attached a cheque for the advertised S223 processing fee, shall address how each of the following conditions have been satisfied. The Land-online documentation shall include the S223 and any other TA Certificates applicable. Note that the TA Ref. is SUB-2006-1301.

Advice Note: 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.

GENERAL

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

- (GL 1) Advise Council of the Land Transfer plan number allocated by Land Information New Zealand.

(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) 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 Councils Code of Practice for City Infrastructure and Land Development.

(GL 4) Liaise with the Electrical Network Operator & Council and install for the subdivision site, an 'extension of the network' to a 'point of supply', acceptable to the Network Operator & Council. Also install the reticulation of electric power to the net areas of all lots by underground methods. Where applicable design and provide each street light and standard necessary at the discretion of Council to serve the subdivision

The completed installation is to be installed in compliance with the requirements of the Electrical Network Operator/Owner and the requirements of the NZ Electrical Supply Regulations.

Within the site, the supply lines, plinths and street lights are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.

Provide to Council a copy of:-

- Electrician's- 'Electrical Certificate of Compliance' for supply lines, stating what work has been carried out and to which lot(s);
- Completion Certificate from the relevant network provider;
- An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.

(GL 5) Install the reticulation of telecommunication services to the net area of all lots by underground methods. The completed installation is to be installed in compliance with the requirements of the Telecommunications Network Operator.

Within the site, the supply lines and plinths are to be contained within the Lot(s) being served and/or located within a service easement referred to in a Memorandum of (service) easements on the survey plan.

Provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Telecommunications Network Operator.

Provide to Council a copy of:-

- Electrician's- 'Electrical Certificate of Compliance' for supply lines confirming where applicable, the installing of telephone lines OR an 'Underground wiring services order receipt' (up to 3 new lots-20mm duct and draw tape- ph.123), plus a 'Telephone Network Provisioning Clearance Certificate' issued by Telecom NZ;
- 'Telephone Network Provisioning Subdivision Sign Off Certificate' issued by Telecom NZ (4 plus new lots –for Telecom network supply lines plus terminals);

- An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.
- (GL 6) Pursuant to Section 125 of the Resource Management Act 1991, if not given effect to earlier, this consent shall lapse five years from the date of granting of this consent.

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

Please contact the Secretary, 836 8000 ext 8248 EcoWater, Development Services to arrange a pre-start meeting with EcoWaters Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.

- (DE 1) Design, provide and install a complete public wastewater reticulation system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide each Lot with a separate public connection at the lowest point within the boundary.
 - (ii) The wastewater lines passing below the constructed wetland are to be 150mm uPVC SN16 pipe and are to be sleeved by concrete pipes to limit infiltration, and provide for future maintenance.
- (DE 2) Design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide each Lot with a separate public connection at the lowest point within the boundary.
 - (ii) Provide in the design of services for the reticulation of the upstream catchment allowing for the future development of the Central Park Drive extension. Specifically ensure sufficient capacity exists in the stormwater line through Te Atatu South Park and 131 Edmonton Road.
 - (iii) Provide an inlet for the existing open drain located in Te Atatu South Park.
 - (iv) Upgrade the existing public stormwater drain located within 131 Edmonton Road to provide the necessary capacity.
 - (v) Upgrade the existing stormwater outlet structure located within 131 Edmonton Road in accordance with Auckland Regional Councils TP10 Chapter 13 "Outlet Protection".
- (DE 3) Design, provide and install a complete stormwater quality treatment system for the site in accordance with the Auckland Regional Council's TP10 'Stormwater Management Devices Design Guideline Manual', and WCC Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the Auckland Regional Council consent conditions, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) The treatment device to be located on Lot 110 (Road reserve)
 - (ii) Store the first 34.5mm of rainfall and discharge over 24 hours.
 - (iii) Provide an impermeable clay liner a minimum of 300mm thick.
 - (iv) Provide subsoil drains with a minimum internal diameter of 150mm to control ground water infiltration and complications.
 - (v) Provide a planting plan, including species list, quantities, and methodology to EcoWater and Parks for approval prior to commencing planting.
 - (vi) Provide a surveyed as-built plan of the device showing all lid and invert levels, permanent water level, and contours at 200mm intervals below water level.
 - (vii) Provide a geotechnical completion report certifying construction of the wetland.
 - (viii) Provide a maintenance manual for the treatment device.
 - (ix) Provide a drainage reserve easement over the entire area occupied by the treatment device, and all areas necessary to access and maintain the treatment device.
- (DE 4) The site will be served by a catchment wide stormwater quality treatment device located at 91 Edmonton Road, therefore the applicant is required to pay a financial contribution pursuant to Section 108(2)(d) towards the provision of this device, at the rate of \$10 per additional impermeable m² (incl GST). The total contribution payable is \$119,450.00 (incl GST), which has been calculated based on 11945m² of additional impermeable area.
- (DE 5) Provide EcoWater with a copy of the Auckland Regional Council consent conditions. It may be necessary to apply for a variation to this Waitakere City Council consent if the documentation or consent conditions approved by Waitakere City Council and Auckland Regional Council are conflicting in any way. After the Quality Assurance Completion Certificate has been issued, and prior to application for 224c, the applicant is required to obtain full signoff from Auckland Regional Council 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 Auckland Regional Council up-to-date. Once this has been achieved, apply to transfer ownership of the Auckland Regional Council discharge consent to Waitakere City Council. Provide copies of relevant documentation from Auckland Regional Council with the application for 224c to demonstrate that this has been completed.
- (DE 6) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) All Lots are to be individually metered at the road reserve boundary. Ducting of private lines is recommended where they cross driveways.
 - (ii) Provide in the design of services for the reticulation of the wider catchment and install such reticulation to the boundary. Make specific allowance for the future Central Park Drive extension.

- (iii) Extend a 6 inch (180PE) line from 104 McLeod Road beneath Te Atatu Road, upgrade the existing 50mm line along McLeod Road and into Bordeaux Parade to provide an adequate water supply.
 - (iv) The provisions of section 6.3.3.6 for servicing medium density developments are to apply.
 - (v) Where the driveway is to be constructed prior to 224c, provide and install a 20mm (25mmOD PE80) private water service pipe to each rear Unit as specified in WCC COP Section 6.3.12 Case 1. The pipe is to be laid in the services easement, from the proposed meter location to 300mm within the body of the Unit, terminating with an AcuFlow Valve. Mark both ends of each pipe with the Unit number it serves.
- (DE 7) Design, provide and install a complete ICT Network for the future provision of ICT services within the development in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 8). Provide engineering plans to Council for approval prior to commencing works.
- (DE 8) **Engineering Approval and Quality Assurance Process:** Public infrastructure works, as conditioned above, 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 Fran Cradock on 836 9848 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 cctv's 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.

TRANSPORT ASSETS CONDITIONS

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

- (TA 1) Before commencement of work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work; and pay the Engineering Approval Fee.
- (TA 2) Pay 2.5% maintenance deposit on the value of the works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period.
- (TA 3) The roads vested to Council (Lots 100, 101, 110) shall be designated as Local road.
- (TA 4) Take note that the road design, street lighting, street furniture and safety features will be finalised through the engineering plan approval process, and this may result in minor amendments to lot boundaries at these locations to accommodate necessary design details.
- (TA 5) Design, form and completely construct the proposed new roads (Lots 100, 101, 110) in accordance to Council's Code of Practice for City Infrastructure and Land Development to the satisfaction of the Council.

Notes:

- (i) Street tree planting shall be carried out (subject to prior approval of a plan showing the location and the species to be used) to the satisfaction of the Service Manager: Parks Green Assets.
 - (ii) Footpaths shall be provided full length on both sides of the road.
- (TA 6) Form and constructs a vehicle crossing for all Lots, using standard detail SD 3.10 Residential Vehicle Crossing (Kerbed Road); and for which a vehicle crossing detail form should be completed and returned to Council. Inspection of the vehicle crossings boxing prior to pouring is required. Contact phone 836 8000 Ext. 8725, at least 48-hours prior to inspection being required.

- (TA 7) Ensure a hard stand area for solid waste bins complies with standard detail SD 3.07 Urban Private Way Details.
- (TA 8) Provide to Council prior to the release of the 224 Certificate, all RAMM as-built data and as-built plans of the new road formed (electronic and compatible with WCC GIS system). This will be inclusive of kerb lines, cesspits, street lighting, footpaths, street furniture, landscaping, vehicle crossings and property boundaries.
- (TA 9) The road carriageway shall be 3.0 metres along the full length of the loop road measured between the face of kerb and the inner edge of the swale beam; or shall be a 6 metre width if no swale is to be constructed and this width should be widened at bends to accommodate the movement of a single unit truck.
- (TA 10) Central Park Drive extension carriageway be widened to 12.0 metres with appropriate compensation paid to the applicant to cover the costs of the additional 1.5 metres of pavement; the compensation should be assessed on the basis that the widening takes place in the centre of road only.
- (TA 11) The visitors' space outside unit 60 shall be removed.

PARKS CONDITIONS

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

- (PK 1) Until such time as the land swap involving the adjacent reserve (Te Atatu South Park) has been approved. Lots 9, 10 & 18 are unable to be legally formed or created.
- (PK 2) Landscaping, street and swale planting is to be established within the development to the satisfaction of the Parks Consent Planner and in accordance with landscaping and street tree plan prepared by Boffa Miskell Job No 05280B-001 dated 13.07.2006 Revision A and the Waitakere Park guidelines, subject to the following:
- (i) That the car parking spaces along the frontage with Te Atatu South Park shall be angled parking.
 - (ii) Bollards shall be implemented along the frontage with Te Atatu South Park on the Park to the satisfaction of the Parks Consent Planner and in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development.
 - (iii) To provide for maintenance vehicles and any future public vehicle access removable bollards shall be installed at the proposed northern entry to Te Atatu South Park. The pedestrian pathway shall meet up with the existing sealed area in the reserve. Both the bollards and pathway shall be constructed to the satisfaction of the Parks Consent Planner and in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development.

- (iv) An entry sign to the reserve adjacent to the road, and pathway shall be erected in accordance with Waitakere City Council Code of Practice for City Infrastructure and Land Development Standard Design 7.50 to the satisfaction of the Parks Consent Planner.
- (PK 3) The landscaping, street tree and swale planting is to be established within the development to the satisfaction of the Parks Consent Planner. All street trees are to be planted in accordance with the WCC parks guidelines. An option exists for the applicant to pay Council the cost of supplying, planting and staking of the street trees as per the plan, to carry out the planting of street trees following the completion of building works. The costs for this would be \$153 plus GST per tree (the current contract price for the supply, planting and staking of a PB 95 tree as at April 2003).
- (PK 4) The developers is to be responsible for the maintenance of all street and reserve landscaping, including street trees and swales for a period of two years (from the date of its certified establishment by Council) including the replacement of any dead or dying vegetation, to the satisfaction of the Parks Consent Planner. A bond, based on \$7 per m² per annum for garden/shrubbery and \$75 per tree per annum will be required to ensure the satisfaction of this condition. The consent applicant is to advise the Parks Consent Planner of a maintenance schedule and the name of a suitably qualified person/company responsible for the planting maintenance. Alternatively, a maintenance cash contribution may be paid and the maintenance will be undertaken by the Council. The contribution will be calculated at a rate of \$75 per tree per annum and \$7 per m² of garden per annum.
- (PK 5) Access shall be provided between Units 74 & 75 at Stage 1 of the subdivision through Lot 102 Local Purpose Reserve (Pedestrian Access ways) as generally shown on the scheme plan. A solicitors undertaking to order and forward the certificate of title to Council will be required.
- (PK 6) The details of the pedestrian access ways between Units 74 & 75 shall be finalised at the Engineering Plan stage to the satisfaction of Parks Consent Planner. Engineering plans for the footpath shall be submitted within 3 months of the issue of the consent. The developer must advise the Parks Consent Planner when work will commence and prior to any works being carried out.
- (PK 7) Ensure that the reserves are left in a condition suitable for maintenance and mowing in accordance with Section 7.2 of the WCC Code of Practice and to the satisfaction of the Parks Consent Planner.
- (PK 8) Provide Council with As-Built drawings of the project showing all services, levels, inverts, features and facilities as per the following requirements:
- (i) A scaled tracing of the construction plan is to be updated showing all finished asset locations and types.
 - (ii) All underground services are to be shown on the plan with sizes, types, depth to invert levels based on the site datum on plan and new assets scheduled on an Assets Sheet.

- (iii) A new scales As Built survey plan of all irrigation systems, and sand silt drainage systems showing all connections, chambers, fixtures, items and assets scheduled on an Asset Sheet.
 - (iv) Any planted areas to be shown to scale on the copy of the construction plan with areas m² of planting, numbers of plants and types and assets schedule on Asset Sheet.
 - (v) All products, fixtures, items and fittings with type, colour, model, manufacturer's names and contact details are to be scheduled on an Asset Sheet.
 - (vi) All paint colours used or graffiti coatings with name of products for graffiti removal are to be scheduled on an Asset Sheet.
 - (vii) Two copies of any special operating manuals for any new systems are to be provided.
 - (viii) Completion and supply of asset data sheets for all new or modified asset components to be provided.
 - (ix) Any special maintenance requirements are to be scheduled and supplied.
- (PK 9) Obtain Council's Parks Approval to undertake works within the Te Atatu South Park.
- (PK 10) Any dividing fence between any reserve and other land vested or administered by the Council shall be of a visually permeable construction in order to ensure good surveillance of the reserve.

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD 1) Take note that Lots 100, 101 & 110 shall vest in the Waitakere City Council as road pursuant to Section 238 of the Act.
- (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.

FEES, BONDS & CONTRIBUTIONS

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

- (FC 1) Pay to Council any engineering, works supervision, monitoring, 224(c) processing and administrative fees as incurred which will be charged at Councils advertised schedule of fees.

- (FC 2) Pay to Council a bond of \$50,000.00 prior to the commencement of work for the decommission of the parking spaces and the construction of the road within Lot 101. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms that the road has been constructed to Council's standards. The inspection is to take place once all work is complete. This work will be required to be completed by the applicant at its cost after completion of the Central Park Drive Extension to Edmonton Road and after the temporary stormwater pond has been removed within Lot 110.
- (FC 3) Pay to Council a bond of \$150,000.00 prior to the commencement of work for the decommission of the stormwater pond and the construction of the road within Lot 110. This bond shall be refunded in full after inspection by Council's Construction Supervisor confirms that the road has been constructed to Council's standards. The inspection is to take place once all work is complete.
- (FC 4) Pursuant to Sections 407 of the Resource Management Act, the following financial contributions have been assessed for the proposed development, and are required to be paid in full prior to issue of the 224c:
- (i) Stormwater Quality Treatment - \$119,450.00 (incl. GST), based on 11945m² impermeable @ \$10.00 (incl. GST) per m².
- (FC 5) Subject to the specific approval of the Senior Drainage Engineer or Senior Water Engineer, Council may contribute towards the cost of the developer constructing public drainage that are above the minimum standard required in the Code of Practice to service their subdivision, and where there are benefits to Council and community beyond the limits of their development. The contribution is limited to the additional cost resulting from the larger diameter pipes being installed in order to service the wider catchment, specifically the stormwater infrastructure from SWMH A3 to SWMH Ex 2 (as detailed on Drainage Plan Sheets 1 and 2 drawing 400/1 400/2 dated 01/08). Council's contribution is limited to the material cost difference between a suitably sized pipe to service the development and the pipe size required for the wider catchment area. The extent of the contribution will be determined through the engineering approval process. The applicant is required to obtain three separate quotes for the approved engineering works, and submit these quotes to Council for approval prior to commencing works. Council reserves the right to specify which quote the applicant is required to accept. Upon issue of the QA Completion Certificate, or application for 224c certificate, the applicant is required to provide copies of all invoices relative to construction of the works that Council has agreed to contribute towards. The final contribution amount will be based on the actual invoiced costs of providing the agreed services, and payments will only be made after issue of the QA Completion Certificate.
- (FC 6) Pursuant to Section 108(2)(b) and Section 108A, the applicant is required to provide a maintenance bond to Council to ensure the performance of Conditions (PK 1 – 8) above. The amount of the bond will be twice the GST inclusive estimated costs of completing or maintaining the works for the maintenance period. The bond will be prepared by Council's solicitor at the applicant's cost and will provide, inter alia, that the liability of the holder of the resource consent will not be limited to the amount of the bond.

- (FC 7) 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. 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 are 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.
- (FC 8) Pay to the Council a financial contribution of 6% of the gross realisation value (excluding GST) of Lots 1 – 18 (Stage One) and a reserve contribution equal to 20m² of land for every third and subsequent unit, being 67 units for Stages 2 & 3 (supplied by a registered valuer), as shown on the plans submitted with the application at the time of 224(c) certificate approval. Pay also the costs for obtaining the valuation, which will be invoiced by Council.

ADVICE NOTES

- (AD 1) A Development Contribution is payable for this subdivision. This Development Contribution must be paid prior to the grant of a Certificate under S.224(c) Resource Management Act. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$1,009,775.02 incl GST
- (AD 2) The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council.

Report prepared by: Sonja Bury, Resource Planner.

