



Waitakere City Council
Te Taiao o Waitakere

NOTICE OF MEETING

HEARING BY COMMISSIONERS

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

DATE: Thursday, 28 August 2008 **TIME:** 9.30 am

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

to consider an application for resource consent at 29, 31 & 33 Parker Avenue, New Lynn and to take any necessary action connected therewith.

22 August 2008

Sharon Simiona
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8820

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP (Chairman)
 Cr LA Cooper, JP
 Cr PA Hulse

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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,
28 AUGUST 2008 COMMENCING AT 9.30 AM**

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Reference: LUC-2006-4044 and SUB-2006-4168

Ward: New Lynn

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.

Planner:	Felicita Dhiwayo
Site Address:	29, 31 & 33 Parker Avenue, New Lynn
Applicant:	Noeline Buchanan
Date Received:	14 November 2006
Resource Consent No:	LUC2006-4044/ SUB2006-4168
Building Consent No:	Not lodged at time of writing report
Ward:	New Lynn
Legal Description:	29 Parker - Lot 5 DP 55017 (CT NA6C/861) 31 Parker - Lot 10 DP 55017 (CT NA6C/1384) 33 Parker - Lot 6 DP 55017 (CT NA21B/444)
Address for Service:	c/o Kylie Brayshaw Cato Bolam Consultants Ltd P O Box 21-355 Waitakere
Site Area:	29 Parker – 1115m ² 31 Parker – 9965m ² 33 Parker – 1090m ² Total area = 12 170m ²
Unit Site Area(s):	Net unit areas vary from 453m ² to 921m ² (see Table 1 below)

District Plan:	
Human Environment:	Living 2
Natural Area:	General, Managed
Landscape Elements:	None known
Hazards:	33 Parker- Flooding 31 Parker – Flooding, Horticultural site 29 Parker- no known hazards
Proposed Plan Changes:	PC 26 & PC 16
Roading Hierarchy:	Local
Further Information Required:	Yes
Date Requested:	28/11/2007, 27/06/2007 & 19/02/2008
Date Received:	7/05/2007, 15/02/2008 & 15/08/2008
Section 37 Applied:	No

INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks subdivision and land use resource consent to subdivide the existing three rear properties at 29, 31 and 33 Parker Avenue into a total of 19 allotments (being 18 residential allotments, and a jointly owned access lot). The proposed residential sites range in size from 453m² to 921m².

The proposal would obtain access over an existing right of way from Parker Avenue, which currently serves a total of eight properties (including the three subject sites). Earthworks of some 6,300m³ (even cut to fill ratio) over 6,319m² would be required to provide level areas on-site, construction of the jointly owned access lot. Permission is also sought for the removal of 74 protected trees. The development would be on a site known to Council to be prone to flooding and instability. Mitigation planting over the greater site and landscaping along the banks of the stream running parallel to the southern side boundary are proposed.

1.2 Resource Management Issues Raised

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

This proposal must be assessed as a Non-Complying Activity, and has the potential to give rise to effects predominantly in terms of density, bulk and visual appearance, traffic and parking, earthworks, and servicing. The subject sites are located within the Living 2 Human Environment and the General/Managed Natural Areas.

1.3 Planner's Recommendation

The Senior 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 subdivision of three residential properties into 18 residential allotments (ranging in size from 453m² to 921m²), and a jointly owned access lot with associated natural hazard, vegetation alteration and earthworks landuse infringements. It is considered that the environmental effects that would be generated by the activity would be no more than minor and can be adequately avoided, remedied or mitigated by the imposition of conditions, and that the relevant objectives and policies of the District Plan would be satisfied.

1.4 Background

A1-A162

The application was lodged on 14/11/2006 on a publicly notified basis. The application documents as notified are attached at pages A1 to A162 as Appendix 1. Several further information requests were made prior to the application being publicly notified. These requests were for amended earthworks plans showing location of retaining walls, area and volume of earthworks proposed within the General and Managed Natural Areas, an arboricultural survey and report, confirmation of maintenance arrangements for the jointly owned access lot, and details of alternative means of detention in the development.

The application was publicly notified on 14/05/2007 with submissions closing on 12/06/2007.

Following the close of submissions, and as a result of issues raised in the submissions, the application was suspended for further information. The information requests related to geotechnical (nominating suitable building platforms on proposed Lots 10-18, details of the retaining wall on proposed Lot 1 etc), minor vegetation (updating the landscape plan to show a cedar tree to be retained) and Transport (investigating the potential of providing a pedestrian link to Seabrook Avenue).

A utility reserve (proposed Lot 20) was initially proposed as it was required to house the proposed stormfilter. This stormfilter would now be located under the jointly owned access lot, hence the utility reserve was no longer required. The boundary between proposed Lots 17 and 18 had to be realigned, further increasing their net site areas as noted below.

A163-A384

The applicant submitted revised plans attached at pages A163 to A384 as Appendix 2 for the development. The plans showed the Lot sizes slightly reconfigured. In particular the following changes were made:

Lot 1 increased in area from 825m² to 921m²;

Lot 2 increased in area from 465m² to 478m²;

Lot 14 reduced in area from 557m² to 545m²;

Lot 16 reduced in area from 566m² to 543m²;

Lot 17 increased in area from 539m² to 547m²;

Lot 18 increased in area from 750m² to 825m²; and

Lot 19 (Jointly Owned Access Lot (JOAL)) reduced in area from 2,415m² to 2,361m².

The proposed earthworks figures were also slightly changed, from a total volume and area of 6,400m³ and 6,900m² to 6,300m³ and 6319m² respectively.

Given the above changes, a revised subdivision plan and landscaping plan were required to be submitted to Council. Council's Drainage Engineers also requested further information relating to the proposed stormwater scheme, use of onsite stormwater dispersal devices, location of the stormwater device and details of proposed underground stormwater detention tanks.

2.0 LOCATION PLAN

Figure 1: Location



Legal description:

Lot 5 DP 55017 (CT NA6C/861)
Lot 6 DP 55017 (CT NA21B/444)
Lot 10 DP 55017 (CT NA6C/1384)

Human Environment:

Living 2

Natural Area:

General and Managed Natural Areas (see Figure 2)

Designations/Special Features:

Horticultural site/contaminated land
Sewer catchment
New Lynn mini catchment
Flooding
On-site storm water devices.

A385-A389 Being located farther than 1km from the centre of New Lynn and 500m from a train station, the site is not located within a medium density housing circle. Existing residential properties immediately adjoining the site to the west, north and east are around 1,000m² in size on average, and the 1999 Poturi Streams Avenue subdivision to the south west incorporates residential properties of around 450m². Immediately to the south of the site are two large sections, being 147 Seabrook Avenue (0.7373ha with access to Seabrook Ave and Armstrong Pl) and 161 Seabrook Avenue (0.7421ha with access to Seabrook Ave and Poturi Streams Ave). A pre-application meeting (LUC-2004-1901) was held in 2004 in relation to potential subdivision of the site at 161 Seabrook Avenue. At this pre-application meeting Council officers identified that any future subdivision of 147 and/or 161 Seabrook Avenue would require the provision of a link road from Poturi Streams Ave to Armstrong Place. It was further stated that "access through to 31 Parker Avenue would not be sought as this would impact on the wetland area which is to be retained" refer to Appendix 3 attached at pages A385 to A389 for the pre-application meeting record.



Photo A The existing driveway

Photo B The end of the existing driveway. Proposed development beyond the cul de sac.

4.0 PROPOSAL

The applicant proposes to subdivide the existing three rear properties at 29, 31 and 33 Parker Avenue into a total of 19 allotments (being 18 residential lots and one jointly owned access lot). Table 1 below provides details of each allotment.

Table 1: Lot details

Lot #	Net size (m ²)	Comments
1	921	Previously 29 Parker Avenue, existing dwelling to remain.
2	478	Vacant residential lot.
3	483	Vacant residential lot.
4	487	Vacant residential lot.
5	453	Vacant residential lot.
6	499	Vacant residential lot.
7	472 (483 gross)	Vacant residential lot.
8	459	Vacant residential lot.
9	459	Vacant residential lot.
10	459 (513 gross)	Vacant residential lot.
11	504	Vacant residential lot.
12	506	Vacant residential lot.
13	546	Vacant residential lot. Easement in gross (right to drain water) present along southern boundary.

Lot #	Net size (m ²)	Comments
14	557	Vacant residential lot. Easement in gross (right to drain water) present along southern boundary.
15	545	Vacant residential lot. Easement in gross (right to drain water) present along southern boundary.
16	543	Vacant residential lot. Easement in gross (right to drain water) present along southern boundary.
17	547	Vacant residential lot. Easement in gross (right to drain water) present along southern boundary.
18	825	Previously 33 Parker Avenue, existing dwelling to remain. Easement in gross (right to drain water) present along southern boundary.
19	2,361	Jointly owned access lot to be held as to eighteen undivided one eighteenth shares by the owners of Lots 1 – 18; with associated rights of way and underground services.

Access to the subdivision is proposed over an existing right of way from Parker Avenue, which currently serves five properties (being 25, 27, 35, 37 and 37A Parker Avenue) over and above the three subject sites. Proposed Lot 19 would form a jointly owned access lot (with rights of way) to service Lots 1–18. This would have a total width of 15m and a formed width of 6m, also incorporating three separate parking bays each capable of accommodating two vehicles. The footpath along the northern side of the existing right of way would be extended some 100m to the west, along the northern side of the proposed access lot.

Earthworks are proposed to facilitate future development and construction of the access lot. Appendix 2 contains Drawing E101 R4, a 'cut to fill' plan identifying the location of proposed works. In addition, a 'split' retaining wall with two sections of a maximum 1.2m in height each, is proposed around the front and western boundaries of proposed Lot 1 (the existing dwelling on which would be retained). A retaining wall with a maximum height of 0.25m is proposed approximately 10m from the stream for stabilising the stream. This retaining wall will be within proposed Lots 13-17. Table 2 below provides further details of the size and scale of proposed earthworks.

Table 2: Earthworks

Unit	General Natural Area		Managed Natural Area	Total
	Cut	Fill	Fill	
Area (m ²)	3,500	2,519	300	6,319m²
Volume (m ³)	3,200	2,970	130	6,300m³

The cut to fill ratio is nearly equal in terms of volume, and therefore almost all material excavated from the site will be reused as fill on the subject site. It is not anticipated that much spoil will leave the property.

During the construction period, sediment control measures are proposed in accordance with Drawing E102 R5 as follows:

- Sediment pond;
- Stabilised entranceway;
- Cleanwater diversion;
- Two decanting bunds; and
- Silt fencing.

With regards to vegetation alteration, the applicant proposes to remove 74 trees and retain 24 existing trees on-site. The application states that 27 trees would be retained, however this includes three trees on neighbouring properties, which do not form part of the subject site.

A163-A384 Seven Nikau Palms are proposed for planting within the access lot (Lot 19) and another 15 trees of various native species would be required within the front boundaries of proposed Lots 1-6, 8, and 12-17 as identified in the submitted landscape planting plan attached at pages A163 to A384 as Appendix 2. Overall, taking into account the proposed replanting, a net loss of 52 trees is proposed. Works within the drip line of retained vegetation would also be required as a result of the proposed earthworks.

A1-A384 In addition to the above vegetation alteration, the applicant also proposes to undertake landscape planting along the banks of the stream in order to facilitate stream bank erosion control. This landscaping is outlined in the Bioreserches Group Ltd report dated April 2007 attached at pages A1 to A162 as Appendix 1 and includes the planting of native shrubbery in a 2–5m wide strip along each side of the length of the stream. Stream bank stabilisation using “Filtrexx Siltsoxx” designed by Hippo Environmental Services is proposed. This information is attached as Appendix 2 at pages A163 to A384 to this consent.

Extended connection to the public wastewater and water supply systems are proposed to service the subdivision, and an additional fire hydrant is proposed. With regards to storm water, underground storage tanks would be provided on all additional allotments (Lots 2 – 17), with an additional tank for the access lot. Storm water treatment would be provided, and easements placed over the overland flow path located along the southern boundary of proposed Lots 13–18.

Underground water, electricity, gas, telecommunications and computer media services would be provided via the easement labelled “T” within the jointly owned access lot.

Future development on the proposed 16 vacant residential sites would be subject to the provisions of the District Plan, and further resource consent required should these provisions be infringed.

A163-A459 31 Parker Avenue is noted on Council’s records as having been used previously for horticultural purposes. The contamination report prepared by Environmental & Earth Sciences attached at pages A163 to A384 as Appendix 2 was submitted with this application. The report concluded that the soil from the site is suitable for the proposed landuse and does not require further investigation. The above report was peer reviewed by Councils Consultant contamination experts, Kingett Mitchell Limited the report is attached at pages A456 to A459 as Appendix 9. This report concurred with the findings of the Environmental & Earth Sciences (EES) report. Copies of these reports will be attached to Council’s Hazard Register and as such the potential contamination of this site will not be addressed as an infringement under this consent.

5.0 REASONS FOR THE APPLICATION

5.1 Operative District Plan

Landuse

Living Environment

Limited Discretionary Activity consent for shared driveways serving more than one dwelling in the Living Environment and not meeting the standards in Rule 12.1 or 12.2, pursuant to Rule 12.3. Proposed Lots 1-18 will obtain access via the existing 5.5m wide right of way and the proposed 6m wide jointly owned access lot.

General/Managed Natural Areas

Limited Discretionary Activity for the clearance of vegetation, under Rule 2.4 of the General Natural Area.

Controlled activity for works within the drip line of protected vegetation, under Rule 2.2 of the General Natural Area.

Discretionary Activity for vegetation alteration associated with a subdivision requiring resource consent under the Greenfields subdivision provisions, under Rule 2.4(b) of the Managed Natural Area.

Discretionary Activity for earthworks in excess of 300m³, under Rule 3.4(a) of the General Natural Area.

Discretionary Activity for earthworks associated with a subdivision requiring resource consent under the Greenfields subdivision provisions, under Rule 3.3(b) of the Managed Natural Area.

City Wide Rules

Limited Discretionary Activity for development of a site potentially subject to subsidence or inundation, under Rule 1.1 of the City-Wide Natural Hazard rules.

Greenfields Subdivision

Non-Complying Activity for subdivision including vehicle access serving greater than 10 sites, in accordance with Rule 4.3 of the Greenfields subdivision rules. The proposal would require an access way serving some 23 sites (being the 18 proposed lots and the five properties currently utilising the existing right of way).

5.1 Proposed Plan Changes

Proposed Plan Change 26

The infringements described above have not altered given the plan change.

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

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

The application was publicly notified on 14 May 2007 and notice was served on neighbouring properties. The period for submissions closed on 12 June 2007, within which time a total of 12 submissions were received. Of these submissions two were in support of the application, eight were in opposition and two were neutral.

A390-A423 A copy of the submissions are attached at pages A390 to A421 as Appendix 4, and a map identifying the location of submitters is attached at pages A422 to A423 as Appendix 5. A summary of submissions is included in Table 3.

Table 3: Summary of Submissions

Name	Address	Owner/ tenant	Support/ oppose/ neutral	Reasons	Report ref #
PH Brown & C Rose	32 Parker Ave	Owner	Support	<ul style="list-style-type: none"> • Infill housing & subdivision of urban areas are preferable to avoid subdivision of sensitive rural/coastal land. 	8.1.9
EJ & B Ulrich	11A Armstrong Place	Owner	Support	<ul style="list-style-type: none"> • Good neighbour. 	
DPA Ward	2/3 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • ROW legal issues, requests access be vested in Council as road. • Insufficient visitor parking on ROW. • Inadequate access & manoeuvring for service & emergency vehicles. • Is there a fire hydrant in close proximity? • Soil stability (historic landslip in West Lynn Road). • Traffic generation. 	8.1.9
G & LL Richardson	37 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • Increased maintenance costs to existing users of ROW through additional traffic. • Will affect levels of quietness and privacy. • Were advised that only a maximum of 10 houses could be built. • Own 1/8 share of existing ROW, question how additional properties can use this without compensation. 	8.1.9 8.2.3
LJ Abra	6 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • High levels of parking on existing ROW. • Only six parking bays for 15 additional dwellings. • 10 dwellings maximum in District Plan. • Questionable arboricultural assessment. • Opposes increase in traffic (noise and speed). • Questions maintenance of roadway. • Site soils are unsuitable for permanent structures. 	8.1.9 8.2.3
MJ McLean	1/3 Parker Ave	-	Oppose	<ul style="list-style-type: none"> • Oppose increased traffic. • Oppose increased on-road parking. • Devalue area with cheap housing. • Increase in crime. • Poor design of Parker Ave/ Titirangi Rd intersection. • Traffic & pedestrian safety. 	8.1.9 8.2.3

Name	Address	Owner/ tenant	Support/ oppose/ neutral	Reasons	Report ref #
FY Zhang	37A Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • Increased traffic & hazards on narrow ROW, safety issues. • Contrary to objectives and policies of District Plan. • Will adversely affect amenity values. • Contrary to development control standards which enhance, preserve and protect residential & amenity values. • Inconsistent with section 5 of the RMA. • Development should be undertaken in conjunction with other undeveloped adjoining land and not in a piecemeal fashion. 	8.1.9
MJ & FL Randle	35 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • Increased traffic & hazards on narrow ROW, safety issues. • Contrary to objectives and policies of District Plan. • Will adversely affect amenity values. • Contrary to development control standards which enhance, preserve and protect residential & amenity values. • Inconsistent with section 5 of the RMA. • Development should be undertaken in conjunction with other undeveloped adjoining land and not in a piecemeal fashion. 	8.1.9
X Ding	25 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • Increased traffic & hazards on narrow ROW, safety issues. • Contrary to objectives and policies of District Plan. • Will adversely affect amenity values. • Contrary to development control standards which enhance, preserve and protect residential & amenity values. • Inconsistent with section 5 of the RMA. • Development should be undertaken in conjunction with other undeveloped adjoining land and not in a piecemeal fashion. 	8.1.9
J Zhang	3/43 Parker Ave	Owner	Oppose	<ul style="list-style-type: none"> • Earthworks and construction effects (noise, dirt and inconvenience). • Adverse traffic generation & parking effects. 	8.1.9

Name	Address	Owner/ tenant	Support/ oppose/ neutral	Reasons	Report ref #
GLP Stone & SC Bull	22 Parker Ave	Owner	Neutral	<ul style="list-style-type: none"> • Do not wish to stop this development. • Request that sections sizes are similar to that of surrounding properties. • Construct speed bumps or yellow lines to allow visibility when exiting the ROW onto Parker Ave. • Restrict housing to ensure good quality design/construction. 	8.1.9 8.2.3
AD Patel	1/15 Parker Ave	Owner	Neutral	<ul style="list-style-type: none"> • No objections to the proposal if Council undertake a full assessment of effects. 	8.2.3

A390 to A421 **Note:** The applicants brought to Council's attention that the ownership of the adjoining property at 27 Parker Avenue had changed. A copy of a letter from the new owners (MD & YJ Duggan) and dated 6/08/2008 supporting the proposed development was submitted to Council. A copy of this letter is attached at pages A390 to A421 as Appendix 4. It is however noted that no submission had been received from the previous owners of 27 Parker Avenue.

7.0 STATUTORY REQUIREMENTS

The relevant policies and criteria applicable to this application under the District Plan and the Resource Management Act 1991 are set out in more detail in Section 8 of this report. This should be referred to as the legal framework within which the application should be addressed.

7.1 Plan Weighting

The Living Environment rules of the District Plan are currently subject to Proposed Plan Change 26. The Plan Change was publicly notified on 12 June 2008 and submissions closed on 10 July 2008. Further submissions were notified on 26/07/2008 and are currently open for submissions until 22/08/2008.

The purpose of the Proposed Plan Change is not to overhaul the Living Environment Rules contained within the Plan, but to provide clearer interpretation of the Rules, provide simplification of the Rules where possible and ultimately to provide enhanced amenity within residential areas, without substantially changing or challenging the Objectives of the Plan.

At this stage of the Plan Change process, little weight has been assigned to the Proposed Living Environment Rules. Significant weight is therefore afforded to the Operative District Plan.

7.3 Non-Complying Activities

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 District Plan. Council may disregard an adverse effect of an activity on the environment if the Plan permits an activity with that effect.

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

In order to make a decision in terms of section 104 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 Plan permits an activity with that effect (section 104(2)).

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

8.1.1 Water Quality and Quantity

As identified in Section 3.0 of this report, a non-riparian stream is located along the southern rear boundaries of proposed Lots 13–18 and an established swamp is located to the south on the adjoining property at 161 Seabrook Avenue.

Therefore the proposed development has the potential to give rise to adverse effects on water quality at two stages; through sediment discharge at the construction/earthworks stage and via storm water run-off once the site has been developed. These factors are addressed as follows:

Sediment discharge

It is possible that given the large volume of earthworks proposed during the construction period, sediment could discharge to the surrounding environment. It is also noted that retaining along the stream with a 10m setback is proposed in-order to stabilise the stream. The applicant has, however, provided an erosion and sediment control plan (Drawing E102 R5) developed in consultation with Council's Environmental Monitoring Officer, which identifies mitigation measures to ensure that all sediment is controlled and contained within the subject site. This includes utilisation of the following measures:

- Sediment pond;
- Stabilised entranceway;
- Cleanwater diversion;
- Two decanting bunds; and
- Silt fencing.

A468-A472 Council's Environmental Monitoring Officer has reviewed these measures the report is attached at pages A468 to A472 as Appendix 11 and is satisfied that subject to conditions, inappropriate sediment discharge to the surrounding environment (and in particular the stream) can be avoided. The relevant conditions are those numbered EWK 1 to EWK 18 in Section 11.0 of this report.

Stormwater run-off

Specific engineering solutions have been designed to ensure that any storm water run-off from the site would be no more than minor. Detention would be provided to maintain predevelopment run-off levels for the two and 10 year flood events, and storm water treatment devices would be installed and serviced. Additionally this would divert the direction of storm water and prevent exacerbated erosion of the stream bank. The open stormwater channels flowing along the western border of the site and lower half of the eastern border will be piped and directed to the stream.

A424-A436 Further, Council's Ecowater Engineer, Ms Leilani Salanguit has assessed the proposal and is satisfied that subject to conditions, future development can be undertaken above the flood level of the stream. Ms Salanguit's report is attached at pages A424 to A436 as Appendix 6 to this consent. Conditions are recommended, should the Commissioners be of a mind to approve the proposal, ensuring compliance with all relevant Ecowater standards.

The subject site is situated in the middle part of the Roturi Stream gully which is a tributary of the Manawa Stream, which flows through the Rewa Rewa catchment. Council's Drainage Engineer confirmed that Council has an existing CMP and ARC Comprehensive Catchment Stormwater Discharge Consent for the Rewa Rewa Catchment.

Ms Salanguit further noted that the consent conditions do not specify maximum density for future developments. However, the impermeable surfaces would be limited to 60% as required by the General Natural Area Rules of the District Plan.

Overall it is considered that the proposed sediment and storm water control measures would adequately mitigate any potential adverse effects on water quality to the extent that any such effects would be no more than minor.

The flooding hazard has also been assessed by Ecowater and it was considered that any adverse effects would be less than minor. Easements over Lots 13-17 would be required to protect the 1 in 100 year flood plain and to prevent building of any structures that could block the flood flows. A consent notice would be imposed on the new titles of Lots 13-17 advising the future owners that the buildings would be required to be constructed to a minimum finished floor level of not less than 500mm above the 1 in 100 year flood level of the stream.

It is noted that further development of the individual sites must be in compliance with District Plan standards (i.e. with regard to impermeable surfaces and building coverage), and further resource consent would be required should these standards not be met.

8.1.2 Native Vegetation, Vegetation and Fauna Habitat

The applicants propose to remove 74 trees and retain 24 trees on the site. The proposed works would also entail works within the dripline of protected trees.

A385-A389 The Arbolab arboricultural assessment report submitted with this application attached at pages A385 to A389 as Appendix 3 noted that the removal of the trees would only affect the amenity of the site and not the amenity of the wider environment. Mitigation measures have been recommended in the form of replacement planting within some of the proposed lots and within the proposed driveway. A landscape plan for the stream bank erosion control has also been recommended.

A446-A455 The application and the above report was peer reviewed by Council's Arborist (now resigned), Mr Stephen Bishop. Mr Bishop concurred with the Arborlab report and considered that the retention of the trees on site and the proposed mitigation planting would reduce any adverse effects in the medium to long term. The replanting of the stream bank would increase the stability of the stream and enhance the biodiversity and ecology of the site. Recommended conditions of consent would require that tree protection measures and replanting as suggested by the applicants are implemented. The payment of a performance bond is recommended to ensure that the replacement trees are planted and maintained for a duration of two years. Council's Arborist report is attached at pages A446 to A455 as Appendix 8 to this consent.

Given the above assessment and the recommended conditions of consent, it is considered that the impact on vegetation on the site would be less than minor. The amenity of the site would be improved over time.

It is also noted that the 15 trees indicated on the landscape planting plan to be located in the front yard of Lots 1-6, 8, and 12-17 are a minimum only, and do not preclude further planting by individual landowners as of right as the lots are further developed.

8.1.3 Land / Soil

Earthworks

Earthworks are proposed to facilitate future development and construction of the access lot. The proposal is for 6,300m³ of earthworks over a 6,319m² area. As noted previously in this report, the cut to fill ratio is almost equal in terms of volume, therefore all material excavated from the site could be reused as fill on the subject site. The application submits that during construction, sediment control measures would be implemented, including a sediment pond, stabilised entranceway, cleanwater diversion, two decanting bunds and silt fencing.

Stability

A1-A162 Council's hazard register had no record of the subject site(s) as being prone to instability. A geotechnical report prepared by Soil & Rock Consultants attached at pages A1 to A162 as Appendix 1 was submitted with the application.

The report stated that, "No signs of deep-seated instability were observed, however the south western part of the site and the southern boundary comprise areas that have been subject to human interference. The land along both banks of the stream is actively eroding. The subsoils over the lower "third" of the subdivision comprise fill and/or Gully Alluvium, both of these materials are unsuitable for the support of permanent structures".

A163-A384 The report concluded that the property is suitable for the proposed development subject to recommended conditions of consent. As noted previously in this report, some submitters queried the stability of the site and noted that the soils on proposed Lots 10-18 were unsuitable for permanent structures. Further information provided following the close of submissions attached at pages A163 to A384 as Appendix 2 identified nominated building platforms on proposed Lots 10-17. It is noted that there is already an existing dwelling on proposed Lot 18. Recommended conditions of consent would require specific foundation design for the dwellings to be contained within the proposed lots. It is also recommended that no cuts or fills in excess of 600mm in height should be made on the slopes unless they are retained by retaining walls designed by a Chartered Professional Engineer familiar with this report. All earthworks are required to be carried out in accordance with the NZ standards.

A446-A455 The above report was peer reviewed by Council's consultant geotechnical engineers, GHD Limited attached at pages A446 to A455 as Appendix 8. The GHD Ltd report concurred with the findings of the Soil & Rock Consultants (SRC) Ltd report that the site is suitable for the proposed development. Recommended conditions of consent would ensure that the proposed development is carried out in accordance with the SRC geotechnical report. The above concerns were confirmed in the SRC geotechnical report and conditions of consent recommended to address the above concerns.

Given the above assessment and recommended conditions of consent, it is considered that the proposed development would result in less than minor adverse effects and would not exacerbate the instability of the site or of neighbouring sites. The SRC geotechnical report would be attached to Council's hazard register.

Retaining walls

A 'split' retaining wall with two sections of a maximum 1.2m in height each, is proposed around the boundary of proposed Lot 1 (the existing dwelling on which would be retained). The retaining walls would be constructed in accordance with the recommendations of the SRC geotechnical report.

A163-A384 An approximately 0.25m high retaining wall setback approximately 10m from the stream is proposed to stabilise the stream. It is proposed to stabilise the stream bank using "Filtrexx Siltsoxx" as shown on the Cato Bolam Consultants Plan dated 29/07/2008 and attached at pages A163 to A384 as Appendix 2. The erosion control system would be engineer designed and the installation/construction of the system would be closely monitored by appropriately qualified personnel.

Contamination

A1-A162 31 Parker Avenue has been historically utilised as a storage nursery for seedlings and plants imported on the site and for the growing of grapes and fruit trees for private use. A contamination report prepared by Environmental & Earth Sciences attached at pages A1 to A162 as Appendix 1 accompanied this application.

The report outlined that one composite sample and two discrete samples were taken from the northern half of the property and one composite sample for the southern half. Discrete samples were also taken from the vegetable garden and an area of exposed fill. The samples were analysed for organochlorine pesticides, copper, arsenic and lead. The report concluded that the soil from the site is suitable for the proposed landuse and does not require further investigation.

A456-A459 The above report was peer reviewed by Councils Consultant contamination experts, Kingett Mitchell Limited the report is attached at pages A456 to A459 as Appendix 9. This report concurred with the findings of the Environmental & Earth Sciences (EES) report and noted that; *the concentrations of arsenic, copper, lead and organochlorine pesticides were below the adopted threshold levels of the protection of human health at residential sites (Ministry for the Environment, 1997, Cavanagh, 2004). The concentrations were also below the Auckland Regional Council adopted environmental criteria (Ministry for the Environment, 1997, and Canadian Environmental Quality Guidelines, 2002).*

The Kingett Mitchell Limited report confirmed that the site is suitable for the proposed residential development and that soil can be retained on site. Given the presence of arsenic, copper, lead and organochlorine pesticides at concentrations below adopted environmental criteria, it is considered that specific controls to minimise the mobilisation of contaminants offsite during the redevelopment are not required.

It is noted that the SRC geotechnical report has noted that the subsoils over the lower "third" of the subdivision comprise fill which is unsuitable for the support of permanent structures. It also recommends that the topsoil and fill within the proposed jointly owned access lot be removed. Given the low levels of the concentrations of arsenic, copper, lead and organochlorine pesticides detected in the soil, any soil can be safely removed from site and does not require remediation. Council's Hazard Register would be updated to reflect the above.

Therefore it is considered that the soil does not pose a health hazard to the future occupants of the proposed development. In the event that spoil is required to be taken off site, a condition of consent is recommended requiring that the unsuitable soil be deposited in an approved location. Sediment and erosion control measures as suggested by the applicant would ensure that any adverse effects are less than minor and limited to the subject site.

8.1.4 Air

The proposal does not involve air emissions of any kind, and therefore would not result in any adverse effects on air quality. Dust control would be a requirement during the construction period and a condition has been recommended accordingly.

8.1.5 Ecosystem Stability

No adverse effects on ecosystem stability are considered likely as a result of the proposed development, as the subject sites do not contribute significantly to established ecosystems within the urban area.

8.1.6 Outstanding Natural Features; Landforms, Geological Sites

The subject sites are located within the urban area and do not contain any outstanding natural features or wilderness qualities. No potential adverse effects on outstanding natural features as a result of the proposed development are therefore anticipated.

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

A non-riparian stream traverses the southern portion of the site, hence sediment could enter the stream. It is noted that the proposed works would be setback approximately 10m from the stream and adequate sediment and erosion controls measures would ensure that sediment entering the stream is minimised. In addition, proposed restoration planting and stream stabilisation measures will restore the natural character of the stream. Therefore any adverse effects on the stream would be less than minor.

8.1.8 Outstanding Landscapes

The site is not located within, or near, an identified area of 'outstanding landscape'. Rather, the proposal is located in the developed, urban area and does not possess any recognised natural landscape qualities nor wilderness character. No adverse effects on outstanding landscapes are therefore anticipated.

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

Amenity

The subject site is surrounded by predominantly residential land use, of a low density (1,000m² average) consistent with previous subdivision patterns when the area was established. More recent subdivision to the south west of the site around Poturi Streams Ave is around 450m² in size, being compatible with the density requirements of the current District Plan.

The proposed lots would have net site areas of at least 450m², which is a type of development anticipated by the District Plan. The proposal meets the density provisions of the Living 2 Environment.

Infill subdivision is expected in this type of environment. One submitter who supported the proposal noted that *infill housing & subdivision of urban areas are preferable to avoid subdivision of sensitive rural/coastal land*. Some submitters have noted that the proposed development would affect levels of quietness and privacy. As noted previously, the density proposed is permitted under the District Plan, therefore any potential noise and privacy effects would be consistent with those that are anticipated in a Living Environment. It is considered that the proposal is consistent with the existing neighbourhood character and amenity. Any adverse effects will be less than minor.

Traffic Generation

A1-A162

The proposed development would result in the creation of 15 additional dwellings, hence traffic generation would be increased. The application was accompanied by a Traffic Impact Assessment report prepared by Traffic Engineering & Management Limited attached at pages A1 to A162 as Appendix 1.

The report noted that the proposed development would generate an additional 135 vehicle movements per day or 11-12 trips during peak hours. The total traffic generated per day would be approximately 207 vehicle trips per day, with flow during the morning and evening peak hours expected to be approximately 17-19 vehicle trips per hour. This report concluded that the traffic generation resulting from the proposed development would have less than minor adverse effects on Parker Avenue and surrounding roads.

Council's Transport Assets Engineer, Mr Sam Shumane has peer reviewed the above report and noted that daily traffic volumes on Parker Avenue are in excess of 4000 daily vehicle movements. He considers that the existing vehicle crossing is adequate to cater for the expected 20-25 vehicle movements per hour that would result from the proposed development. The existing right of way, with a 5.5m carriageway is considered acceptable for use by a total of 25 residential dwellings as a private right of way in terms of traffic movements.

Access

Access to the proposed development would be via an existing right of way currently serving 8 properties, including the 3 subject sites and a proposed jointly owned access lot (JOAL) that will be created at the end of the existing right of way.

The existing right of way is approximately 100m long with a sealed 5.5m wide carriage way. The District Plan requires that the right of way have a carriageway width of 3.5m with passing bays to provide access to a total of 10 dwellings.

Some submitters raised concerns regarding the number of dwellings proposed to obtain access from the existing narrow right of way, and noted that the District Plan only allows a maximum of 10 dwellings to obtain access off the existing right of way.

Mr Shumane stated that, "Transport Assets notes that a standard access place servicing less than 30 dwellings may have a 5.0m formation. Considering that there is a potential for any of the dwellings to create a minor dwelling it is strongly recommended that only single dwelling units be allowed on the new lots with no minor units or granny flats". Mr Shumane has recommended that a covenant be imposed on the new certificates of titles advising the owners and future owners that no minor household units would be permitted on any of the lots with net site areas of 600m² or greater.

The above comments are noted, however, it is also noted that only 2 of the proposed lots (with existing dwellings) have net site areas in excess of 600m², hence the rest would require resource consent to construct any minor household units. It is acknowledged that Rule 12 of the Operative District Plan does not include a minor household unit in the driveway requirements, hence new minor household units that would generate additional traffic would be able to be constructed as of right. It is however noted that Proposed Plan Change 26 seeks to rectify this by requiring that minor household units be included in the number of dwellings considered for a driveway width. It is acknowledged that Plan Change 26 is still in the early stages of notification, and it is not certain whether it will be adopted by Council or not.

Given that Transport Assets accepts a total of 30 dwellings to be serviced by the existing right of way, with a total of 23 dwellings proposed to obtain access from this right of way, it is not considered necessary to impose a covenant on these properties. Any adverse effects would be assessed at the time of application for a minor household unit on any of these lots.

Some submitters raised concerns regarding traffic increase, hazards on narrow right of way and safety issues. Concerns were also raised regarding the adequacy of the access and manoeuvring for service and emergency vehicles. The Traffic Impact Report submitted with the application noted that the proposed *11m radius cul-de-sac head at the end of the jointly owned access lot is considered to be the minimum required to adequately provide sufficient manoeuvring space to allow an 8 metre rigid truck to turn, which is the size of a typical rubbish truck, delivery or emergency vehicle.* Council's Consultant - Principal Engineer, Mr Sam Shumane concurs with the above assessment and is satisfied that the existing right of way and the proposed jointly owned access lot can accommodate the increase in traffic. The existing right of way has a formed width of 5.5m and the proposed jointly owned access lot will have a formed width of 6m, hence vehicle passing vehicles can be accommodated on the driveway. It is therefore considered that the proposal would have less than minor adverse effects on traffic and safety.

A number of submitters have raised concerns regarding the use and maintenance of the existing right of way and have suggested that this be vested in Council as a public road. Mr Shumane has noted that, *in order to designate the access strip as a legal road, a road reserve of 12.5-15.0 metres would be required. TA understands that this could not be achieved without significantly affecting a number of existing residences along the existing access strip. Therefore TA recommends against designating any part of the existing or new right of ways as road reserve unless a minimum road reserve of 12.5 metres can be created along the existing right of way.*

Therefore the existing right of way or the new jointly owned access lot do not meet the required road reserve width in order to be vested in Council as public road. It is however noted that the maintenance of the existing right of way and the proposed jointly owned access lot will be the responsibility of all the users of the access ways and this is clearly outlined under the Property Law Act. In addition, the applicants have stated that the jointly owned access lot would be owned by an incorporated society comprised of Lots 1-18. It is considered that the maintenance of the right of way and the jointly owned access lot will be adequately catered for by the existing legislation. Mr Shumane has recommended the inclusion of a condition of consent requiring that the existing right of way be resealed to current acceptable standards so that it matches the new jointly owned access lot.

Parking

It is considered that adequate parking for the future dwellings would be provided within the proposed lots.

The existing right of way cannot accommodate any visitor car parking spaces. Approximately 6 visitor parking spaces are proposed within the proposed (JOAL). This meets the Parking and Driveway Guideline requirement for 1 visitor car space per 3 units.

A footpath is proposed around the northern half of the JOAL. This will provide pedestrian access from Parker Avenue to the proposed lots via the existing footpath that is adjacent to the existing right of way.

Some submitters have noted that there is insufficient visitor parking on the ROW. Transport Assets considers that the provision of three visitor parking bays accommodating two spaces each is adequate for the proposed development, provided that all lots have no more than one dwelling each.

Given the above, it is considered that adequate visitor parking spaces would be provided and any adverse effects on parking will be less than minor.

8.1.10 Heritage

There are no identified heritage items located on, or in close proximity to, the subject site. No adverse effects in terms of heritage values are therefore anticipated.

8.1.11 Summary

Overall it is considered that any potential adverse effects of the proposed activity are no more than 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 District Plan is “effects-based” in its approach to natural and physical resources and it has been demonstrated in the previous assessment of effects that subject to conditions, any adverse effects arising from the proposal would be no more than minor.

The relevant Objectives and Policies in relation to this proposal are listed below along with a discussion regarding the proposal in relation to them.

Of particular relevance is Policy 1.7, which seeks to ensure that activities avoid the creation or exacerbation of storm water flooding problems off-site and minimise the runoff of surface water into stream catchments and waterways. In this case an appropriate on-site storm water management system (including use of detention tanks) has been formulated, and would avoid storm water discharge to the stream located to the south of the site (and associated erosion of the stream banks). Similarly the proposal is consistent with Policy 1.9 as it does not involve modification of the structure or form of the stream on-site, and would not pipe or culvert this stream.

Policy 1.16 directs that subdivision design provide protection of riparian margins in a way that promotes the survival of riparian vegetation and the retention of existing water courses. Although the stream is non-riparian, the applicants propose to stabilise the stream bank through retaining approximately 10m from the stream. The majority of the larger, existing vegetation along the stream bank would be retained and extensive stream bank planting (to a width of 2 - 5m along the length of the stream) would be planted and retained. This would enhance the stream margin and consequently, the water course.

With regard to vegetation issues, Policy 2.13 states the following:

“Subdivision design should:

- *provide a level of protection of significant and outstanding native vegetation and fauna habitat, and restoration areas, that, where possible avoids clearance of, and damage to, this resource;*
- *minimise adverse effects arising from subsequent placement of structures, roads, and other infrastructure, on the overall resilience, biodiversity and integrity of the Green Network;*
- *minimise adverse effects during the course of establishing the subdivision, including those arising from surveying;*
- *provide for the recognition of the natural values of native vegetation and fauna habitat and linkages between these areas.”*

As stated in Council’s Arboricultural report, the subject site does not contain any significant or outstanding vegetation. Rather, existing trees on-site are relatively young and have limited value as individual specimens. Although the combined amenity value of the vegetation makes an important contribution to the surrounding urban area, the replacement planting proposed is considered to minimise adverse effects on the City’s Green Network and retains natural linkages, particularly along the stream bank.

Policy 3.2 relates to activities involving the disturbance of soil. As discussed in section 8.1.3 of this report, the proposed earthworks are considered to be of an acceptable scale, and necessary to facilitate proposed future development of the subdivision. Further, soil suitability tests indicate that levels of potential contaminants are below adopted environmental criteria and therefore overall, the proposal is consistent with Council’s policy direction with regard to soil suitability.

Further, natural hazard issues such as site stability and potential flooding are addressed in Policy 3.4. This policy directs that activities should be carried out in a way that does not exacerbate such natural hazards and in this case, the proposal meets these criteria. This is because engineering and design of future buildings on the proposed sites can ensure that natural hazard issues are avoided. In addition, the proposed works will be done in accordance with the recommendations of the SRC geotechnical report.

Policy 5.4 of the District Plan states the following:

“Activities (including subdivisions) should be designed, be of a nature and scale, and be located and managed in a way that avoids or minimises adverse effects on the overall resilience, biodiversity and ecological integrity of the Green Network and its constituent parts, and enhances linkages between natural resources in all parts of the City. Particular regard should be had for the design of subdivision and the placement of structures in maintaining the linkages between native vegetation, fauna habitats, natural features, landforms and waterways.”

The proposed subdivision at Parker Avenue is particularly consistent with this policy given that the stream is to be replanted and enhanced, and would improve the overall resilience of the Green Network in this urban context. Linkages to the swamp to the south of the stream would be retained as much as possible given that the swamp is located within a neighbouring site.

In addition, seven nikau palms would be planted within the jointly owned access lot, and native trees would be planted within the front boundaries of the proposed lots. It is considered that proposed mitigation planting will in time reduce any adverse effect on the Green Network to less than minor.

Policy 10.16 states the following;

“Driveways, carriageways and parking areas should:

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

As discussed previously in this report, Council's Principal Traffic Engineer, Mr Sam Shumane, has reviewed the application with respect to the safety of the existing right of way and proposed access lot. He has concluded that the existing right of way and proposed access lot will provide safe and efficient access to the proposed development. An adequate and safe footpath will be provided and the existing footpath will be upgraded to acceptable standards.

Objective 11 and Policy 11.3 relate to development that contributes to the neighbourhood character of an area. As discussed previously, the proposed lots are of a density anticipated by the District Plan. The area currently provides for a mix of housing styles, of old and modern architectural designs. The proposal meets the density provisions of the Living 2 Environment under the District Plan. The properties in the immediate surrounding area generally range in area from 450m² to 1,000m² in size on average, hence the proposed development would be in keeping with the existing neighbourhood character and amenity. All of the proposed lots, except Lots 7 & 10 have frontage to the jointly owned access lot, hence it is anticipated that the future dwellings would be able to overlook the access way. Proposed planting within the front yards of the lots will enhance the amenity of the neighbourhood. The proposed development represents a form of development that is anticipated within the District Plan. It is therefore considered that the proposal is consistent with the above policy.

Overall and for the reasons stated above, it is my opinion that the proposal is not contrary to the objectives and policies of the District Plan.

8.2.3 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:

Shared Driveways – Limited Discretionary Activity

The following assessment criteria is considered to be relevant to this application:

- 12(a) The extent to which driveways provide safe, maintenance-free, adequately drained, efficient, effective and visually attractive vehicular access from the road to buildings.
- 12(b) The extent to which car parking accommodates expected peak demand of an activity, having regard to the position of the site in relation to public transport routes and the parking capacity of adjacent roads, and the road's function in the Roading Hierarchy.
- 12(c) The extent to which driveways and car parking create adverse visual or aural effects on adjoining sites.
- 12(d) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.

The proposed lots will obtain access via the existing driveway and proposed jointly owned access lot. The District Plan provides for the use of a shared driveway by a maximum of 10 dwellings. The existing right of way would serve a total of 23 dwellings whilst the new jointly owned access lot will serve a maximum of 18 dwellings. Given the number of dwellings to be served by the shared driveway, it would be anticipated that a public road provide access to the proposed development.

As outlined earlier in this report, Transport Assets confirmed that the right of way could not be designated as legal road as it does not meet the required minimum road reserve width of 12.5m. The new access lot will be constructed in accordance with Council standards, and the existing right of way will be resealed to meet with Council standards. It is considered that the existing right of way and the proposed jointly owned access lot will be able to accommodate the increased traffic and will have less than minor adverse effects on traffic and safety.

The current access from Parker Avenue is existing, and the proposed access lot will be screened from neighbouring sites by the topography of the site, the vegetation along the boundaries and future buildings to be established within the proposed sites. It is considered that any adverse visual effects would be negligible.

Given the above comments and the recommended conditions of consent, it is considered that the proposal meets the above assessment criteria.

Vegetation Alteration - Limited Discretionary Activity

The following assessment criteria is considered to be relevant to this application;

- 2(a) The extent to which vegetation alteration adversely affects amenity values and neighbourhood character.
- 2(b) The extent to which vegetation alteration will threaten natural ecosystems.
- 2(c) The extent to which vegetation alteration creates, contributes to, or exacerbates stability problems.
- 2(d) The extent to which development is located or can be designed in a way that avoids the need to remove vegetation, and in particular the removal of any trees which are notable examples of their species.
- 2(e) The extent to which the proposed vegetation alteration is necessary:
 - to accommodate development otherwise permitted by the Plan
 - to ensure the safety or integrity of existing development on the site
 - for pruning to provide light.
 - for pruning to preserve public views.
- 2(f) The extent to which the vegetation alteration adversely affects plant health.
- 2(g) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or through payment or provision of a financial contribution.
- 2(i) The extent to which vegetation alteration reduces the ability to create linkages between native vegetation, fauna habitats, or natural features or landforms.
- 2(j) The extent to which vegetation alteration can be offset by restoration or enhancement around and within the area subject to the application.
- 2(k) The extent to which vegetation alteration adversely affects the significance, natural character or landscape value of any natural features.

The proposal would involve the removal of 74 trees and retention of 24 trees on the site. The proposed works would also entail works within the dripline of protected trees.

Council's Arborist has noted that there are no areas of significant or outstanding native vegetation on site. It is noted that some of the vegetation along the stream would be retained.

The applicants propose to plant within the proposed jointly owned access lot and within the front boundaries of the proposed lots. In addition, it is proposed to undertake landscape planting along the stream bank in order to facilitate stream bank erosion control. The proposed lots are of a sufficient size for future owners to have the opportunity to undertake their own landscape planting. Recommended conditions of consent would require that the new trees be maintained for a period of two years from the date of planting to ensure that any tree that dies within this period is replaced.

It is noted that loss of vegetation would result in short term changes to neighbourhood character but would be offset by the proposed planting of the jointly owned access lot, individual properties and the stream bank. Compliance with the proposed conditions of consent and implementation of the landscaping plans would ensure that the amenity of the site is not greatly compromised. Although the development would result in a change from the present relatively treed property, residential transformation of the site has been anticipated by the District Plan zoning and this would be achieved in this proposal with no overall adverse effects on visual amenity, streetscape, neighbourhood character, sense of place or on- and between- site amenity. It is considered that the retention of trees within the site and the proposed mitigation planting would in the medium to long term reduce any adverse effects to less than minor.

The payment of a bond together with various conditions relating to sediment control, protection of vegetation to be retained, and mitigation planting will adequately avoid, remedy or mitigate against any more than minor adverse effects as a result of this activity. It is therefore considered that the proposal meets the above assessment criteria.

Earthworks - Discretionary Activity

The following assessment criterion is considered to be relevant to this application;

- 3(a) The extent to which the scale of earthworks is consistent with the scale of development being undertaken.
- 3(b) The extent to which earthworks adversely affect the potential for restoration or enhancement around the area of earthworks.
- 3(c) The extent to which earthworks reduce the amount, range and linkages between representative vegetation, fauna habitat and natural features.
- 3(d) The extent to which earthworks adversely affect the significance or landscape value or natural character of natural landscape elements or other natural features.
- 3(h) The extent to which earthworks adversely affect the visual amenity of the site or adjoining sites.
- 3(i) The extent to which cut and fill activities involving earthworks are confined to the site rather than being transported off the site.
- 3(j) The extent to which earthworks may harm the health and safety of residents.
- 3(k) The extent to which heavy vehicle traffic generated to the site by earthworks activities creates.
 - physical damage to a road a situation hazardous or unsafe to road users.
- 3(l) The extent to which earthworks are necessary to accommodate development otherwise permitted by the Plan.
- 3(m) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through the provision of works and services on or off the site and/or through payment or provision of a financial contribution.
- 3(n) The extent to which a driveway requiring earthworks is designed to minimise earthworks, particularly by limiting the distance of the driveway on the site.

- 3(o) The extent to which earthworks are avoided.
- 3(p) The extent to which unavoidable earthworks are minimised.
- 3(q) The extent to which the duration of earthworks is minimised.

The proposal is for 6,300m³ (3,200m³ cut and 2,970m³ fill) of earthworks over a 6,319m² area required to facilitate future development and construction of the access lot. Of the 2,970m³ of fill proposed, only 130m³ is proposed within the Managed Natural Area. A 'split' retaining wall with two sections of a maximum 1.2m in height each, is proposed around the boundary of proposed Lot 1. An approximately 0.25m high retaining wall is also proposed along the stream (setback 10m from the stream). The retaining walls would be constructed in accordance with the recommendations of the SRC geotechnical report.

Retaining walls with a maximum height of 0.25m are proposed along the stream (setback 10m from the stream). Earthworks are proposed to facilitate future development and construction of the access lot. As noted previously in this report, the cut to fill ratio is equal in terms of volume, therefore almost all material excavated from the site could be reused as fill on the subject site. The application submits that during construction, sediment control measures would be implemented, including a sediment pond, stabilised entranceway, cleanwater diversion, two decanting bunds and silt fencing.

Given the intensity of the development, the size and topography of the site, it is considered that the scale of the proposed earthworks is consistent with the scale of development being undertaken. Council's Environmental Monitoring Officer, Ms Jasmine Gray has reviewed the application and the proposed sediment control measures. Conditions of consent have been recommended requiring that a pre-start meeting be held with Council's Environmental Monitoring Officers prior to works commencing on site to discuss the requirements for sediment control and to inspect that the controls are in place. In particular, it is vital that sediment and erosion controls are in place to ensure the protection of the non-riparian stream.

The proposed retaining walls will be within the site and would not be clearly visible from adjoining sites. Conditions of this consent would require that a landscape plan be submitted detailing proposed native trees to be planted within proposed Lot 1 in-order to screen the proposed 'split' retaining wall from adjoining properties.

Given the nature and scale of the proposal, dust will be generated from the earthworks on the site. Conditions of consent will be imposed to ensure that water is sprayed on site when dust becomes a problem. In addition the covering of the stockpiles will limit the dust effects from this development. It is also anticipated that noise will be generated during construction, hence the applicants would be required to comply with the principles contained in NZS 6803P. In addition operating hours will also be restricted by way of condition of consent.

It is acknowledged that in the short term, the amenity of the site will be affected. The earthworks will require the removal of vegetation and exposure of vast areas of earth. This will be mitigated by a requirement for the applicant to re-grass the exposed areas within one week of the completion of earthworks. In addition, as discussed previously in this report, the proposed landscaping will, over time, enhance the amenity of the site.

Given that the proposed earthworks have been designed to achieve a cut to fill balance, traffic generated from the site is envisaged to be very low as small amounts of fill may be required to be taken to and from the site. Therefore any adverse traffic effects during construction are considered to be less than minor.

Minimal earthworks are proposed within the Managed Natural Area. The retaining wall to stabilise the stream bank would be setback approximately 10m from the stream. No works are proposed within the stream itself. Replanting of the stream bank is also proposed as an erosion control measure. Given the minor nature of the earthworks together with the sediment control methodology the activity will not exacerbate or contribute to the degradation of the natural watercourse in a manner that would destroy or reduce its ability to be used as a healthy food source; its clarity, water quality or flow. It is considered that the proposal meets the above assessment criteria.

Natural Hazards - Limited Discretionary Activity

The following assessment criterion is considered to be relevant to this application;

- 1(a) The extent to which subdivisions are designed to avoid natural hazards or at least provide for reasonable development, (taking into account the Human Environment applying to the land), on areas of the proposed site not subject to natural hazards.
- 1(b) The extent to which buildings can be located on areas of a site not subject to natural hazards.
- 1(c) The extent to which any subdivision or building:
 - will or may result in damage to property or harm to people;
 - will or may result in more than minor adverse effects on existing landforms or coastlines; and
 - will or may result in more than minor adverse effects on water quality.
- 1(d) The extent to which, in relation to areas subject to inundation, any subdivision or building:
 - will or may result in damage to property or harm to people;
 - will or may result in more than minor adverse effects on existing landforms;
 - will have more than minor adverse effects on the natural qualities of the water system;
 - will have more than minor adverse effects on the ability of the catchment to dispose of water in an efficient manner; and
 - will result in the floor level of any habitable building room being less than 0.5 metres above the 1 in 100 year (1% AEP) (flood level).
- 1(f) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through the provision of works and services on or off the site and/or through payment or provision of a financial contribution.

Further, Council's Ecowater Engineer has assessed the proposal and is satisfied that subject to conditions, future development can be undertaken above the flood level of the stream. Conditions will be recommended, should the Committee be of a mind to approve the proposal, ensuring compliance with all relevant Ecowater standards.

"The SRC geotechnical report submitted with this application concluded that the property is suitable for the proposed development subject to recommended conditions of consent. Nominated building platforms were identified for the future dwellings to be contained within Lots 10, 11, 12, 13, 14, 15, 16 & 17. Conditions of this consent would require that foundations of the dwellings on these properties be designed by a chartered professional structural engineer familiar with the Soil & Rock Consultants geotechnical report. Subject to conditions, it is considered that the effects of the proposed development would be no more than minor."

Greenfields Subdivision – Non Complying Activity

The following assessment criterion is considered to be relevant to this application:

- 4(a) The extent to which the subdivision design and likely future development made possible by the subdivision will adversely affect the overall resilience, biodiversity and integrity of the Green Network.
- 4(b) The extent to which the subdivision design recognises the natural qualities of the land and encourages strong and positive amenity values and neighbourhood character through:
 - responding to landmarks and views
 - providing continuity, coherence and focal points through the use of road and open space networks ,
 - recognising the natural values of streams, vegetation, and fauna habitat, and linkages between these areas.
- 4(e) The extent to which proposed sites enable efficient provision of infrastructure.
- 4(f) The extent to which site orientation and site dimension facilitates the siting and design of 'dwellings' which can maximise use of passive solar energy.
- 4(g) The extent to which the subdivision design minimises necessity for earthworks, avoids development on flood plains and encourages on-site water retention.
- 4(h) The extent to which the design and location of roads and driveways minimises alteration to landform, avoids visible scars on the landscape and takes advantage of natural drainage systems
- 4(i) The extent to which the subdivision design takes account of personal safety concerns.
- 4(j) The extent to which open space is provided in convenient locations, having considered:
 - the accessibility and adequacy of the scale and linkages between open space for intended users
 - having sites and roads facing toward open space rather than backing on to open space
 - the quality of the open space in terms of protecting or linking natural features
 - the quality of the open space for passive or active recreational use
 - the relationship of the open space to the road, such that personal safety, amenity and ease of use is encouraged
 - the ease of maintenance of open space
 - the presence of other open space in the vicinity (ie if there is sufficient open space already a cash contribution rather than land may be preferred)
 - any Parks Strategy adopted by the Council.
- 4(t) The extent to which sufficient lighting is provided to provide light for safety purposes on public pedestrian accessways, open space entrances and pathways, road intersections and road junctions and all roads.
- 4(u) The extent to which provision is made for vehicle turning, particularly on no-through roads.
- 4(v) The extent to which provision is made for retaining existing trees, and incorporation of prominent trees as features within the subdivision.
- 4(ad) The extent to which the design of stormwater systems incorporates measures to reduce runoff rates where there may be damage caused to natural waterway systems.
- 4(ae) The extent to which, where a connection is proposed or required to a public stormwater system, there is sufficient capacity within that system to accommodate the proposed and future planned development.
- 4(af) The extent to which sufficient secondary flow paths are provided to avoid adverse effects from damage in flood conditions, and, if over private land, are protected by appropriate easements and consent notices.
- 4(ag) The extent to which the design and capacity of the wastewater treatment and disposal system give regard to the upstream catchment and effect on the downstream catchment, including likely future development.
- 4(ai) The extent to which gravity systems are utilised to dispose of wastewater.

- 4(a) The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision works and services on or off the site and/ through payment or provision of a financial contribution on-site or, if this is not possible, can be adequately remedied, mitigated offset by a financial contribution off-site.

As discussed previously, the proposed lots will each have a net site area of at least 450m², which is a type of density anticipated by the District Plan in the Living 2 Environment. The surrounding environment is characterised by a variety of lot sizes, ranging in area from 450m² to 1000m². Sixteen of the proposed lots will have frontage to the access lot. Given the size of the proposed lots, it is considered that future dwellings will be able to comply with the bulk and location requirements of the District Plan and that adequate outdoor area would be provided. Therefore the proposed development is considered to be in keeping with existing neighbourhood character and amenity.

The proposed development will be linked to the neighbourhood by the existing right of way and proposed accessway. Although the existing right of way and proposed access lot do not meet the required carriageway width, under the District Plan, Council's Transport Assets Engineer is satisfied that the 5.5m carriageway is sufficient to accommodate the additional traffic generated by the proposed development. Mr Shumane questions the positioning and width of the footpath, but overall supports the proposal subject to conditions of consent. Conditions of this consent would require that the entire right of way be resealed together with the proposed extension using standard AC pavement and the footpath upgraded to acceptable standards. Adequate visitor car parks and footpaths will also be provided within the proposed access lot. Therefore it is considered that there would be no conflict between pedestrians and vehicles and the safety of both within and beyond the site will be assured.

A few submitters noted that development should be undertaken in conjunction with other undeveloped adjoining land and not in a piecemeal fashion. As noted previously in this report, a pre-application meeting (LUC-2004-1901) was held in 2004 in relation to potential subdivision of the site at 161 Seabrook Avenue. This property is yet to be developed. At this pre-application meeting Council officers identified that any future subdivision of 147 and/or 161 Seabrook Avenue would require the provision of a link road from Poturi Streams Avenue to Armstrong Place. It was further stated that "*access through to 31 Parker Avenue would not be sought as this would impact on the wetland area which is to be retained*". This matter was considered under this application, and Council's Transport Assets preferred the provision of a pedestrian link rather than vehicular access.

Infrastructure requirements have been assessed by Council's EcoWater Subdivision Engineer, Ms Leilani Salanguit who is satisfied that the documents submitted with this application demonstrate effectively and appropriately that water related environmental effects have been considered and that 3 WATER infrastructure can be provided to functionally and safely serve the proposed development. The proposal would be required to meet Council's Code of Practice requirements for infrastructure. Conditions have been recommended to ensure all lots can be properly serviced and the impact of existing and future infrastructure is minimised. Financial contributions would also be required to offset the cost of upgrading and/or installing new services and this would become a condition of consent.

One submitter has questioned whether there is a fire hydrant in close proximity to the proposed development. Council's Drainage Engineer has confirmed that there is an existing fire hydrant along the water main on the existing right of way. Conditions of this consent would require that a fire hydrant be provided within 135m of the furthest point on any property, in accordance with the requirements of the District Plan.

The proposal would therefore meet the relevant assessment criteria by providing appropriate amenities, safe exit and entry for pedestrians and vehicles, infrastructure that meets the necessary standards and financial contributions that would offset the cost of providing upgrade or renewal of services.

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

The Auckland Regional Policy Statement (ARPS) became operative in 1999 (subject to plan changes at various stages in the statutory process) and sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared. The Policy statement supports intensification, including infill development, within the urban area.

The ARPS states that such development has the potential to play a greater part in meeting Auckland's future needs for housing, jobs and services, and also to bring about a more varied supply of housing types and densities, thus achieving a better match between housing supply and need. It is however noted that infill and intensification needs to be carefully planned to avoid, remedy or mitigate adverse effects. Policies within the Regional Policy Statement reflect the need to avoid where practical, or remedy or mitigate adverse effects from development on the natural character of areas (contributing to run-off into coastal waters) and to avoid, remedy or mitigate adverse effects from sediment discharge to waterways. Potential adverse effects also include the loss of trees and bush, overloading of utility systems (especially drainage and stormwater), traffic congestion, and reduction of space around buildings.

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

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

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

ARPS is also concerned that expansion of activities beyond the Metropolitan Urban Limits (MUL) does not threaten environmental qualities and thresholds (Urban Growth Management) and is not exploiting cheaper land costs. The subject site(s) is located within the MUL and is a type of development that is anticipated by the District Plan. As discussed throughout this report, any adverse effects resulting from this development will be less than minor.

The proposed development by reason of its size and scale and matters discussed elsewhere in this report is not considered to be contrary to the Regional Policy Statement, or any Proposed Plan Change associated with this document.

8.4 Proposed Plan Change 16

Proposed Plan Change 16 was notified by Council on 31 March 2005. The District Plan Change is part of Waitakere City Council's Growth and Transportation Integration Programme and a response to the Local Government (Auckland) Amendment Act 2004.

Plan Change 16 amends the Objects and Policies of the District Plan to address issues relating to managing City growth, including the following:

- Accommodating the majority (at least 70%) of the City's population growth within metropolitan urban limit boundaries as existed in 2004;
- Provision for adequate employment land within the City to allow 60% of a significant proportion of the City's residents to work locally;
- Opportunities for intensive residential and mixed use development focused in town centres;
- Certainty that the opportunities provided for intensive residential and mixed use activities will be established when land is developed/redeveloped;
- Providing adequately for housing which is affordable, and suitable for a range of social and cultural needs;
- Managing peripheral expansion of the urban area in a way that the Auckland Regional Growth Strategy and this District Plan's emphasis on urban consolidation is respected, and any newly developed areas maintain a compact urban form;
- Ensuring that newly developed or redeveloped areas are adequately supported by community services, business activities, infrastructure and transport networks;
- Ensuring that the Waitakere Ranges, including the and foothills, remain permanently rural (excluding land that falls within the Metropolitan Urban Limits and any land that is identified as Foothills Environment that falls outside the Waitakere Ranges Heritage Area);
- Managing other rural areas so that they remain rural, without compromising future potential for alternative use, including future urban use;
- Identifying land for urban growth in the NorSGA Corridor of the City, which can be well-serviced and connected to transport networks, and to provide for appropriate opportunities for employment, community services, business and retail; and
- Ensuring adequate provision for transport networks, including public transport routes, public transport interchanges and nodes, a primary arterial road network and well-connected secondary road networks.

As stated throughout this report, the subject site is within the metropolitan urban limit and the proposed development complies with the density requirements of the District Plan. The site is not located within the medium density circle as it is located farther than 1km from the centre of New Lynn and 500m from a train station. The proposed development is considered to be consistent with the above policies and objectives because it provides for the density that is anticipated by the District plan and is in keeping with the existing neighbourhood character and amenity.

8.5 National Policy Statement (104(1)(b)(i))

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

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

8.6.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Property Values

Through the submission process the potential issue of detriment to property values as a result of the proposal were raised. The Resource Management Act and the associated resource consent process deals with the environmental effects of the development and therefore does not consider property values as such. However, it is considered that property values are often reflected to a certain degree by the visual amenity of a development and/or subject site and the surrounding environment. The visual amenity of the proposed development has been addressed throughout this report and it is considered that the development would have a reasonable fit with the existing neighbourhood character and visual amenity. The conclusion could therefore be drawn that property values would not necessarily be adversely affected by the development. Furthermore case law on the effects that such a development would have on property values, has been clear that economic value of property cannot be considered as an environmental adverse effect.

Social Effects

One submitter raised the concern that the proposed development would result in an increase in crime. It is noted that the proposed development is a type of development characteristic of the Living 2 Environment and is anticipated by the District Plan. The issues of crime would be dealt with by Council and Central Government under other legislative requirements.

8.6.2 Bonds/Reserve Contributions/Development Contributions/Financial Contributions

- **Bonds**

To ensure adequate maintenance and completion of works taken over by Council, the applicants would be required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council pursuant to Section 108(2)(b) and Section 108A, of the Resource Management Act and in accordance with Council's Code of Practice for City Infrastructure and Land Development. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer.

To ensure adequate maintenance and establishment of the proposed planting the applicant would be required to pay a bond to the Council under section 108(2)(b) of the Resource Management Act. Council's Arborist, in consultation with Parks Planners has provided guidelines for the financial contributions payable. The bond is based on the following;

- Supply and plant 19 x trees = \$2850
- Supply and plant stream banks = \$2000
- Total cost for replanting = \$4850
- 25% of \$4850 = \$1212.50
- Total plus 25%= \$6062.50

- **Reserve Contributions**

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 market value for Lots 4-18. Council will obtain the valuation at the time an application is made for approval under section 223 of the Resource Management Act. A condition requiring payment of this contribution is recommended.

***Note:** That the granting of the consent, and the vesting of land, works and services in the Council pursuant to the consent, may give rise to taxable supplies under the Goods and Services Tax Act 1986. We recommend that the applicant take advice as to the GST implications of giving effect to the consent.*

- **Financial Contribution/ Twin Streams**

In 1999/2000 Council initiated studies with Landcare Research to address stormwater effects in the Oratia and Opanuku catchments. This resulted in a work programme to identify solutions to avoid, remedy and mitigate effects, and the creation of Project Twin Streams which has the following objectives:

- to address flooding issues in the Oratia and Opanuku Streams;
- to provide a framework for the resolution of stormwater issues in the Oratia Structure Plan area;
- to provide for ongoing development in the Oratia and Opanuku catchments; and
- to improve stream ecology and water quality.

As a consequence the establishment of a 18 residential allotment subdivision is required to pay a Financial Contribution as prescribed in the Policy. This contribution will be a s224(c) requirement of SUB 2006-4168 and is separate from any financial policy approved under the Long Term Council Community Plan.

- **Long Term Council Community Plan**

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 \$ 176,123.53 (incl. GST).

8.6.3 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 earthworks, planting and landscaping, and design of accessways.

8.6.4 Lapsing of Consent

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent. A consent period of 5 years is appropriate and recommended for both the Land use and Subdivision (S223c) consent.

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 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 enables communities to provide for their social, economic and cultural well-being while avoiding, remedying or mitigating adverse effects on the environment. Furthermore, the Resource Management Act 1991 requires that amenity values and the quality of the environment shall be maintained and enhanced.

It is considered that the proposed development is consistent with sustainable resource management principles. In particular, the proposal promotes the efficient use of the Living 2 Environment. The proposal will enable people and communities to provide for their economic, social and cultural well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

The proposal is not considered to adversely affect any matters of national importance nor affect Council's obligations under the Treaty of Waitangi. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment of resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 8 of this report. Subject to conditions such as sediment and erosion controls, mitigation planting, geotechnical requirements, it is considered that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would be maintained.

Overall the proposed development is therefore considered to be consistent with purpose and principles of Part II of the Act.

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

The threshold test in s104D of the Act 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 s104D, in that subject to appropriate conditions of consent requiring mitigation the adverse effects on the environment of the proposal will be no more than minor. In addition, the proposal is not contrary to the relevant objectives and policies of the Operative District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

The applicant seeks consent to undertake a 18 residential allotment subdivision (15 additional residential allotments averaging between 453m² and 921m²), and a jointly owned access lot in the Living 2 Environment; with associated natural hazard, vegetation alteration and earthworks land use infringements.

It is considered that overall, the proposal meets the criteria for granting consent as any potential adverse effects of the activity on the surrounding environment would be no more than minor and can be mitigated through the imposition of appropriate conditions of consent. The proposal is of a density that is permitted by the District Plan and is consistent with the existing neighbourhood character and amenity. Proposed access to the site is considered to be adequately provided by the existing right of way and proposed jointly owned access lot. Adequate landscaping and car parking can be provided on-site, and all services can be provided without detriment to surrounding properties.

As such, the proposal is also considered to be consistent with the objectives and policies of the District Plan which seek to ensure development protects and maintains neighbourhood character.

Further, the proposed development is in accordance with regional strategies and initiatives for sustainable regional growth, and as recognised in the submissions in support of the application, provides for infill housing and subdivision of urban land. Subsequently the proposal is also consistent with Part II of the Resource Management Act, by virtue of providing for the well-being of the wider community.

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 for the above reasons, the application merits consent in accordance with Section 104 of the Resource Management Act 1991.

12 RECOMMENDATION

That pursuant to Sections 104, 104B, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be granted to the application by Noeline Buchanan to subdivide three properties into a total of 18 residential allotments (15 additional residential allotments averaging between 453m² and 921m²) and a jointly owned access lot in the Living 2 Environment; with associated natural hazard, vegetation alteration and earthworks land use infringements; at 29, 31 and 33 Parker Avenue, New Lynn, being Lot 5 DP 55017, Lot 10 DP 55017, and Lot 6 DP 55017 for the following reasons:

- (i) The proposed density of development is permitted under the District Plan. The proposal is considered to be in keeping with existing neighbourhood character and amenity.
- (ii) The proposed earthworks are considered to be consistent with the scale of the proposed development. Conditions of this consent would ensure that sediment and erosion control measures are employed and that any adverse effects on the waterbodies and surrounding properties are less than minor.
- (iii) Some trees would be retained on site to ensure that the amenity of the site is not greatly compromised. The proposed mitigation planting and the planting along the stream bank would enhance the amenity of the site and the surrounding environment.
- (iv) The proposed works would be carried out in accordance with the recommendations of the SRC geotechnical report.

- (v) The future dwellings would be located above the 1 in 100 year flood level. Conditions of this consent would require that buildings be constructed to a finished floor level of not less than 500mm above the 1 in 100 year flood level of the stream.
- (vi) It is considered that the existing right of way and proposed jointly owned access lot will adequately serve the proposed development.
- (vii) The proposal is not contrary to the objectives and policies of the District Plan.
- (viii) The proposal is consistent with local and regional urban intensification strategies, and with Part II of the Resource Management Act 1991.

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the following plans titled;
 - “Proposed Subdivision of Lot 5, 6 & 10 DP 55017” Revision 9, Sheet No. S1, Job No. W/19450, prepared by Cato Bolam Consultants Ltd and dated 19/09/06.
 - “Planting Plan”, Revision 2 prepared by LASF Ltd and dated 23/01/2008.
 - “Proposed Earthworks Plan”, Revision 4, Sheet No. E100, Job No. W19450, prepared by Cato Bolam Consultants, and dated October 2006.
 - “Cut to Fill Plan”, Revision 4, Sheet No. E101, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.
 - “Erosion & Sediment Control Plan”, Revision 5, Sheet No. E102, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.
 - “Sediment Pond Details”, Revision 2, Sheet No. E104, Job No. W19450, prepared by Cato Bolam Consultants and dated March 2007.
 - “Stream Bank Stabilisation”, Sheet No E407, Job No. W19450, prepared by Cato Bolam Consultants and dated 29/07/08.
 - “Proposed Sewer Layout”, Sheet No E300, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.
 - “Proposed Drainage Layout”, Revision R6, Sheet No E401, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.
 - “Roading Plan”, Revision R5, Sheet No E200, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.
 - “Proposed Sewer Layout”, Sheet No E401, Job No. W19450, prepared by Cato Bolam Consultants and dated October 2006.

and all referenced by Council as **LUC-2006-4044** and the information, including further information, submitted with the application.

2. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
3. A copy of this Resource Consent shall be held on site throughout the period of work. Prior to works commencing, it shall be the responsibility of the consent holder to **explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project.**

MONITORING

- (MN 1) A consent compliance monitoring fee of \$1,415.00 (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 reinspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

INFRASTRUCTURE

- (EC 1) 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 (DE 1) – (DE 10), (LD 1) – (LD 2), (FC 1) – (FC – 5) (inclusive) of SUB 2006-4168 below for further details.

PRE-START MEETINGS

- 1 Prior to the commencement of any site works a pre-start meeting shall be held at least with the following but not limited to;
- Consent holder's Arborist;
 - Consent holder's Landscape Architect; and
 - Council's Environmental Monitoring Officer.

The attendance of an Environmental Monitoring Officer must be requested by telephoning (839 0400) and giving at least five working days notice.

EARTHWORKS

- (EWK 1) A pre - commencement meeting shall be held between the applicant's contractor and Council's Environmental Monitoring Officer to discuss the location of the stockpile, stream diversion, sediment and erosion controls and works methodology.

The consent holder shall contact Council's Monitoring Officer – Resource Management (ph 8390400) to request a meeting at least five days prior to the meeting being required.

Work shall not commence until approval has been gained from the Manager Resource Consents.

- (EWK 2) All sediment laden runoff from the site shall be treated by sediment control measures in accordance with the Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guideline for Earthworks" (updated March 1999).

These measures shall be constructed in accordance with best practice, be operational before earthworks commence, and be maintained until approval has been gained from an Environmental Monitoring Officer to remove them.

- (EWK 3) All sediment and erosion control measures shall be inspected daily and a log kept of all inspections. This log shall be made available to Council's Environmental Monitoring Officer at any time.

- (EWK 4) A stabilised entranceway to the site shall be provided if deemed necessary by Council's Environmental Monitoring Officer. Any material deposited on the street shall be immediately removed by sweeping and any damage caused shall be immediately repaired (to the satisfaction of Council) at the expense of the consent holder.
- (EWK 5) 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 damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.
- (EWK 6) Should the proposed sediment control measures prove to be inadequate additional measures shall be implemented as deemed necessary by Council's Environmental Monitoring Officer.
- (EWK 7) Any stockpiling on site must first be approved by Council's Environmental Monitoring Officer.
- (EWK 8) Any stockpile shall be surrounded by a silt fence in accordance with Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guideline for Earthworks, to the satisfaction of Council's Environmental Monitoring Officers.
- (EWK 9) Any stockpile shall be covered by either polythene or 200 millimeters of mulch, to the satisfaction of Council's Environmental Monitoring Officers.
- (EWK 10) All "cleanwater" runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthwork areas via a stabilised system, so as to prevent surface erosion and sediment laden run - off.
- (EWK 11) All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks and disposed of to the satisfaction of the Manager Resource Consents. Written evidence demonstrating that the excavated fill has been deposited in an approved location, should be submitted to the Manager Resource Consents in the form of producer statement, certification or similar.
- (EWK 12) In the event of archaeological features being uncovered (e.g. shell middens, hangi 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 New Zealand 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 determined by the Council to record and recover archaeological features discovered before work may recommence.
- *Advice Note:** for advice as to the appropriate Iwi authorities contact the Maori Issues Manager.
- (EWK 13) 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/Public Holidays	No Works

Noise from the site shall be managed in accordance with NZS 6803P: 1984 'The Measurements and Assessments of Noise from Construction, Maintenance, Demolition Work'.

- (EWK 14) The site shall be progressively stabilised. Exposed areas shall be re-grassed within one week of the completion of earthworks to the satisfaction of Council's Environmental Monitoring Officer.
- (EWK 15) 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. Additional measures shall be implemented if deemed necessary by Council's Environmental Monitoring Officer.
- (EWK 16) Prior to the commencement of works on site a landscaping plan shall be submitted to Council for the area between the two southern boundary retaining walls on proposed lot one. These plants shall be native and able to reach a height that will screen the second retaining wall; in addition native creeper shall be included in the design that are able to grow down over the first retaining wall.
- (EWK 17) The native vegetation planted, in accordance with conditions EWK15, shall be of good quality nursery stock and maintained indefinitely to the satisfaction of Council. Any plants which die shall be replaced and maintained in accordance with condition EWK 16.
- (EWK 18) 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.

GEOTECHNICAL

- (GT 1) A Chartered Professional Structural or Geotechnical Engineer familiar with the Soil & Rock Consultants (SRC) geotechnical report titled, "Geotechnical Investigation for Proposed Subdivision at 31 Parker Avenue, New Lynn," dated September 2006 and Letter Report titled, "Section 92 Queries- Proposed Subdivision at 31 Parker Avenue, New Lynn", dated September 2007, must specifically design the foundations for dwellings on proposed Unit Areas 10-18, any retaining walls for cuts deeper than 0.6m and fills greater than 0.6m on slopes, and check the local and final overall global slope stability at the proposed development.
- (GT 2) 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 work.
- (GT 3) The consent holder shall implement sediment control measures prior to and during all earthworks to ensure that all stormwater runoff from the site is managed and controlled to ensure that no silt, sediment or water containing silt or sediment is discharged into stormwater pipes, drains, channels or soakage systems in accordance with Auckland Regional Council Technical Publication No. 90 and the District Plan criteria.

- (GT 4) 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 SRC Geotechnical Report dated September 2006 and SRC Letter Report, dated September 2007 for foundation types, (including depth of foundations required) and earthworks. This will include supervision of excavations for the foundations and retention measures. Provision must be made for over deepening of any foundations where soft or weak soils are encountered.
- (GT 5) The foundations for dwellings on proposed Units Areas 2, 3, 4, 5, 6, 7, 8, & 9 shall be designed in accordance with NZS 3604:1999, provided that the foundations are embedded a minimum of 300mm into stiff natural ground or 600mm below final ground level, whichever is deeper.
- (GT 6) All vegetation, top soil and any other unsuitable materials shall be removed from beneath any earthwork area.
- (GT 7) All temporary excavations (except those in rock), shall 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.
- (GT 8) 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 weather, which needs to be removed.
- (GT 9) Existing non-engineered fill shall be removed from building platform or earthworks areas and may be re-engineered and compacted to appropriate engineering standards under the supervision of a Chartered Professional Engineer (with experience of geotechnics). Any unsuitable fill materials shall be removed from site to a Council approved tip.
- (GT 10) No fill shall be deposited within 10m of the nearest stream bank on the site.
- (GT 11) All filling shall be undertaken in accordance with NZS 4404:2004 and NZS 4431:1989.
- (GT 12) Any imported fill material shall be approved by a Chartered Professional Engineer (with experience of geotechnics) prior to replacement.
- (GT 13) 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. No stormwater discharge shall be allowed to run onto or over the slopes or saturate the ground so as to adversely affect slope stability or foundation conditions.
- (GT 14) All fill and topsoil from the construction of the proposed jointly owned access lot, (Lot 19), shall be removed to a minimum depth of 400mm.
- (GT 15) A conservative equivalent unsoaked CBR percentage of 3% should be adopted in the initial pavement design for the jointly owned access lot (Lot 19). 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.

- (GT 16) Any building over or adjacent to public drains need 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.
- (GT 17) A Geotechnical Completion Report shall be supplied to the Council on completion of the work. This report shall include an assessment and confirmation of those Lots, if any requiring Building Limitation Zones.
- (GT 18) Further conditions may be applied by consent notice on receipt of the Geotechnical Completion Report.

VEGETATION AND LANDSCAPING

- (VEG 1) No vegetation clearance or pruning shall occur until all relevant building and planning consents have been issued. It is the responsibility of the resource consent holder to provide evidence of this to the contractor undertaking the works.
- (VEG 2) The consent holder shall appoint a suitably qualified and experienced Works Arborist to supervise all arboricultural works in accordance with the conditions of consent and recommendations of the arboricultural report by Karl Burgisser of Arborlab dated 19th February 2007. The consent holder must submit evidence of the appointment by way of an Arborists on-site log or report that identifies site attendance at stages a – e. This evidence must be sent to the Consents Manager, Consents Services, Waitakere City Council, Private Bag 93109, Henderson, Waitakere City.
- (a) Erection of protective fencing.
 - (b) Site meeting with a Council Environmental Monitoring Officer (EMO) prior to the commencement of any works on site to confirm the location and specification of the protective fencing. The attendance of an EMO must be requested by telephoning (839 0400) and giving at least 48 hours notice.
 - (c) Site meeting with contractors responsible for the pruning or removal of vegetation to ensure adherence to good arboricultural practice.
 - (d) Site meeting with construction personnel to ensure their familiarity with working practices close to protected vegetation and any other conditions of consent.
 - (e) Any works within the dripline of protected vegetation.
- (VEG 3) The removal / pruning of the protected vegetation identified in the report shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside.
- (VEG 4) Protective fencing shall be erected around the dripline of all retained protected vegetation prior to the commencement of works. The specification of the fencing must be no less than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until all construction works are completed or until authorised by the Works Arborist.

- (VEG 5) The area within the temporary protected fencing must be considered a total exclusion zone unless authorised by the Works Arborist. There shall be:
- (a) No fill associated with building and laying of foundations (including that fill generated by any post hole borers for pole foundations) deposited within the driplines of remaining vegetation. All excess excavated material not able to be incorporated appropriately within the site shall be removed immediately following the completion of earthworks and disposed of appropriately.
 - (b) No storage of materials, building waste, cement/concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of spoil, or other contamination within the drip lines of retained vegetation on this site or on adjacent land.
- (VEG 6) Any new excavations within the dripline of protected vegetation shall be carried out by hand. The use of mechanical excavators is strictly prohibited within the dripline of any protected vegetation. Every attempt must be made to retain significant roots (>35mm in diameter). Following exploratory excavations to establish the location of significant roots, structures / utilities that can be feasibly relocated, should be to avoid significant roots. All significant roots exposed during the works shall be kept moist and covered from direct sunlight by a suitable material such as Geotextile fabric, Hessian or shade cloth until backfilling with topsoil can occur. Where significant roots cannot be successfully retained the consent holder should consult an experienced arborist. Roots below 35mm in diameter, which require removal, shall only be severed using a sharp pruning tool to leave a clean cut surface at the excavation face.
- (VEG 7) Following the completion of site works, the consent holder shall carry out replacement vegetation planting as per the landscape plan by Simon Ferrick dated 30 March 2007 within the first planting season (April – September). Four (4) Nikau Palms of PB95 for planting within the access lot (Lot 19) and another 15 trees four (4) Titoki – *Alectryon excelsus* of PB 150, three (3) Sweet gum – *Liquidambar styraciflua* PB 150, five (5) Ash – *Fraxinus excelsior* PB 150, three (3) Pohutukawa – *Metrosideros excelsa* PB 150 and four (4) Nikau – *Rhopalostylis sapida* within the front boundaries of proposed Lots 1 – 6, 8, and 12 – 17.
- The new planting pits shall be adequately drained prior to planting. The soil to be back filled around the new trees shall be a mix of that excavated from the planting pit and a quality topsoil/compost mix.
 - All cut / damaged roots shall be trimmed back cleanly beyond any point of fracture before the new tree is back filled in the new position. The back filled soil shall be 'firmed' into place as it is placed around the root ball.
 - The new trees shall be staked immediately after planting. The stakes must be a minimum of 40x40x1800mm hardwood (eucalyptus) or equivalent and placed (driven into the ground until able to adequately support the tree) either side of the tree approximately 400mm from the stem of the trees. The trees will be tied to the stakes using chemical free Hessian material or equivalent.
 - Once planted the area surrounding the new trees (approximately 1metre diameter) shall have a layer of well-composted organic mulch spread over it to a depth of at least 75mm. This mulch layer shall be maintained from the time of planting.

- The planting and maintenance shall be carried out to the satisfaction of Council's Environmental Monitoring Officers for a period of TWO years from the date of planting. If the new tree dies within this period a new tree of PB Grade 95 shall be planted as a replacement and maintained as per the stated conditions.
- Evidence of compliance with this replanting condition, by way of purchase or planting receipt, must be sent to the Consents Manager, Consents Services, Waitakere City Council, Private Bag 93109, Henderson, Waitakere City.

(VEG 8) In the first planting season after the completion of site works, a planting strip, a minimum of 3m wide, on each side of the stream shall be planted using a varied selection of the following plants.

Cabbage tree - *Cordyline australis*

Mahoe - *Meliccytus ramiflorus*

Karamu - *Coprosma robusta*

Kohuhu - *Pittosporum tenuifolium*

Kanuka – *Leptospermum ericoides*

Mapou – *Myrsine australis*

Lacebark – *Hoheria populnea*

Toetoe – *Cortaderia fulvida*

The plants shall be planted as either root trainer or PB3 grade minimum at a planting density of 1m² in planting holes 50cm deep with imported top soil. On the northern stream bank a line of Flax – *Phormium tenax* shall be planted on the outer edge of the planting strip.

The plants shall be maintained, with plants watered as necessary in the first summer following initial planting and with weeds removed, for the first two years following planting to the satisfaction of Council's Environmental Monitoring Officer, Resource Consents. Replacement planting shall be carried out the following planting season to replace any losses if deemed necessary by Council's Environmental Monitoring Officer, Resource Consents and maintained for a further two years.

(VEG 9) To ensure the performance of Condition(s) VEG 7 & VEG 8 above the consent holder shall pay a performance bond of \$6062.50 to Council. The bond shall be a registered bond against the title pursuant to s108 & 109 of the Resource Management Act 1991.

- (i) The bond shall be paid at the time of issue of resource consent to the satisfaction of the Council Solicitor. The consent holder shall meet any costs associated with the preparation of the bond document.
- (ii) If during implementation of this consent, as a result of negligence or a deliberate action on the part of the consent holder or someone acting on the consent holder's behalf, the tree(s) (as marked on the Planting Plan titled "Parker Avenue Subdivision" and dated 23/01/08) to which the bond relates, are damaged in any way, Council may direct an appropriately qualified and experienced arborist to undertake remedial work on the tree(s). The cost of these works shall be deducted from the bond.

- (iii) If during implementation of this consent, as a result of negligence or a deliberate action on the part of the consent holder or someone acting on the consent holder's behalf, the tree(s) (as marked on the Planting Plan titled "Parker Avenue Subdivision" and dated 23/01/08) to which the bond relates, are removed or die, Council may undertake the removal of the dead tree(s) and plant a replacement tree(s). The cost of these works would be deducted from the bond. The cost of maintenance of the replacement tree(s) for a period of 24 months shall also be deducted from the bond.
- (iv) Subject to the Clauses (ii) and (iii) above the full amount of the bond shall be held for a minimum period of 24 months. The bond shall be released when in the opinion of the Manager, Resource Consents, Condition(s) VEG 7 & VEG 8 have been satisfied.
- (v) The bond document shall be prepared by the consent holder at their expense and submitted to the Manager, Resource Consents for approval. The consent holder shall meet any cost incurred by Council in preparing, checking, assessing and releasing the bond, prior to repayment of the bond.

Note: Council prefers a cash bond rather than a bank guarantee.

TRANSPORT

- (TA 1) Prior to the commencement of any construction work, the applicant shall 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) Prior to the commencement of any construction work, the applicant shall pay the Works Supervision Fee for Transport Assets component; additional work supervision fees may be required over and above the deposit fee paid by the applicant, which will be based on Council's current rates;
- (TA 3) Following completion of all construction works the full length of the existing right of way and footpath be resealed to current acceptable standards forming a continuation to the new right of way at the rear of the site; the carriageway within the old right of way shall be no less than 5.0 metres between kerbs; the vehicle crossing to Parker Avenue shall be reconstructed to current standards if deemed necessary upon inspection by Transport Assets following completion of all works;
- (TA 4) The applicant shall provide final design construction drawings and specification documents for upgrading of the existing right of way and vehicle crossing, with storm water controls in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council at the detailed design stage;
- (TA 5) Form the shared right of way and construct thereon a carriageway with storm water controls, in accordance to Council's Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council;

Notes:

- Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required; contact phone 836-8000 ext. 8725, at least 48-hours prior to the inspection being required;
- The existing right of way is to be further inspected after the subdivision works have been completed and any further damage to the carriageway is to be repaired or replaced to Council's satisfaction;
- Ensure that the longitudinal section of the right of way and vehicle crossings complies with Council's Code of Practice for City

- Infrastructure and Land Development standard detail SD 3.15 Maximum Vehicle Crossing Profile;
- The minimum width of the carriageway on shared driveways is specified in Council's District Plan and the construction details are given in Council's Code of Practice for City Infrastructure and Land Development;
- (TA 6) The applicant is to ensure that the hard stand area for solid waste bins for the newly created lots comply with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.7 Urban Private Way Details or as arranged with Council's Dick Fong, Team Leader Waste Minimisation Officer, Phone 836 8506; or by commercial waste management contract.
- (TA 7) Pay a bond of \$5,000 be prior to commencement of any reconstruction work on the vehicle crossing to Parker Avenue refundable once Council is satisfied that its assets have not sustained any damage during construction.

Advice notes:

- TA advises the applicant to clearly mark the boundaries of the right of way and easements along the full length between Parker Avenue and the new turning head.
- Amalgamating all right of ways and easements into a single title or two titles (covering the existing and proposed right of ways) is advisable.
- Maintenance of the existing right of way between the Parker Avenue street boundary and eastern boundary of Lot 1 shall be equally shared between all lots and maintenance of the new right of way between the eastern boundary of Lot 1 and the new turning head shall be equally shared by Lots 1 through to 18.

B SUBDIVISION CONSENT - SUB 2006-4168

That Subdivision Consent Application (**SUB2006-4168**) being a Non- Complying Activity and being a 18 Lot subdivision of Lot 5 DP 55017 (CT NA6C/861), Lot 10 DP 55017 (CT NA 6C/1384), & Lot 6 DP 55017 (CT NA21B/444) situated at 29, 31 & 33 Parker Avenue, New Lynn by Noeline Buchanan be granted subdivision consent pursuant to Sections 93, 94, 94D, 104, 104B, 104D, 108 and 220 of the Resource Management Act 1991.

1 SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act 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 to be in accordance with the plan titled, "Proposed Subdivision of Lot 5, 6 & 10 DP 55017", Revision No. R9, Sheet No. S1, Job No. W/19450, prepared by Cato Bolam Consultants Ltd and dated 19/09/06.
- (b) Provide a right of way over the jointly owned access lot (Lot 19) in favour of Council to enable Council to manage and maintain the stormwater treatment device and the public detention tank as required by conditions (DE 5 & DE 6) below. The easement document is to record that Waitakere City Council is not liable for any maintenance cost of the right of way.
- (c) Define the 1 in 100 year floodplain of the Stream as required by condition (DE1) below, and provide drainage easements over Lots 13-17 in gross in favour of Council in a Memorandum of Easements endorsed on the survey plan. Include on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Specific requirements:

- (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
 - (ii) The easement document shall advise the owner of their responsibility to maintain the overland flowpath in its approved state, and to keep it unobstructed by buildings, earthworks, solid walls or fences, or any other impediments to the free flow of water through the easement area.
- (d) Provide a 2.5m / 3.0m drainage easement(s) in gross in favour of Council adjacent to the northern boundary of Lots 3-6 to provide for future drainage extensions in a Memorandum of Easements endorsed on the survey plan. Include on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (e) Provide for water supply easement(s) in gross in favour of Council over Lot 19 in a Memorandum of Easements endorsed on the survey plan. Include on the survey plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." The easement document will be prepared by Council's Solicitor at the applicant's cost.
- (f) Provide right-of-way and other service easements over Lot 19 in favour of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18 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.
- (g) Pursuant to Section 220(1)(b) of the Act, provide for the following conditions of amalgamation to be shown in the Section 223 approval on the survey plan:
- "Subject to the amalgamation condition set out hereon"*
- And provide for the following to be endorsed on the plan:-
- "That Lot 19 hereon (legal access) be held as to eighteen undivided one-eighteenth shares by the owners of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 & 18 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith." (LINZ ref A634859).
- (f) As required by Condition (GT 1) below, define and letter Land Covenant areas showing any restricted areas identified in the geotechnical report on any affected lots which will be subject to a Consent Notice pursuant to Section 221 of the Act.

Advice Notes

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.

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 Landonline documentation shall include the S223 and any other TA Certificates applicable. Note that the TA Ref. is SUB 2006-4168.

The applicant must ensure that placement of the services and driveway/s occurs entirely within the easement/s and/or lot boundaries as shown.

2: SECTION 224C REQUIREMENTS

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

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

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

(DE 1) All buildings are required to be located entirely outside the 1 in 100 year floodplain, and with a finished floor level, being:

- (i) Not less than 500mm above the 1 in 100 year flood level of the Stream.

Pursuant to Section 221 a consent notice is to be entered into, in favour of Council, to record the requirement for Lots (Lot 13-17) within the subdivision that are adjacent to flooding to be constructed to a minimum finished floor level of not less than 500mm above the 1 in 100 year flood level of the Stream to provide the required freeboard for protection against flooding.

(DE 2) To ensure the unobstructed flow of flood waters during the 1 in 100 year storm event, the owner(s) of the property are required to comply with the following restrictions on an ongoing basis:

- (i) Open boarded fencing on any boundary within the flooding easement, to a height equivalent to 100 year flood level.
- (ii) Do not change the ground levels within the flood area as shown on the plan by Cato Bolam Consultants Limited.
- (iii) Do not obstruct the free flow of flood water through the property with any object, landscaping, building, or structure.

The above will be monitored by Council to assess the ongoing compliance with this condition. Pursuant to Section 221 a consent notice is required to be entered into, in favour of Council, to record and advise any future owners of the need to comply with this condition on an ongoing basis.

(DE 3) 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) Relay the existing public wastewater line originating from the manhole (WWMHLL37.70) at Lot 10 to a new manhole on Lot 18 to provide adequate building platform for Lots 11- 17.
- (iii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties, specifically 158B Titirangi Road (Lot 4 DP45013) and provide a 3.0m wide easement through Lots 3-6 adjacent to the full extent of its northern boundaries to allow for future extension of services to the boundary of these properties.

- (DE 4) Design, provide and install a complete stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). **Provide engineering plans and calculations to Council for approval prior to commencing works.** Specific requirements:
- (i) Provide Lots (Lot 18, 1-10 & 17) with a separate public connection at the lowest point within the boundary. Provide Lots 11-16 with individual private outfall to the stream as recommended by Soil And Rock Engineering in their letter dated 18 July 2008, with small wing-wall or other suitable long-life mechanism to prevent erosion & scour at the outlet.
 - (ii) Provide in the design of services for the reticulation of the upstream catchment and install such reticulation to the boundary of the upstream properties, specifically 158B Titirangi Road (Lot 4 DP45013) and provide a 2.5/3.0m wide easement through Lots 3-6 adjacent to the northern boundary to allow for future extension of services to the boundary of these properties.
- (DE 5) 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 engineering plans and calculations to Council for approval prior to commencing works.** Specific requirements:
- (i) Provide a maintenance manual for the treatment device.
 - (ii) Provide a right of way over the private road/accessway in favour of Council to enable Council to manage and maintain the stormwater treatment device.
- (DE 6) Design, provide and install a detention tank to provide attenuation of the stormwater runoff flows from the road/accessway to pre-development levels for the 2 and 10 year storm event to mitigate against adverse effects on the environment, increased downstream flooding and increased stream channel erosion. **Provide engineering plans and calculations to Council for approval prior to commencing works.** Specific requirements:
- (i) Provide a maintenance manual for the detention tank.
 - (ii) Provide a right of way over the private road/accessway in favour of Council to enable Council to manage and maintain public detention tank.
- (DE 7) Design, provide and install individual detention tank for all Lots, to mitigate against adverse effects on the environment, increased downstream flooding and increased stream channel erosion. Specific Requirements:
- (i) Maintain stormwater runoff flows to pre-development levels for the 2 and 10 year storm event.
 - (ii) Lots 11-16 should have individual discharge point to the stream, as recommended by Soil and Rock Engineering in their letter dated 18 July 2008, with each pipe termination fixed in-place using a small wing-wall or other suitable long-life mechanism that prevents erosion of the stream bank.
 - (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Chartered Professional, showing the stormwater management device(s) for each Lot to the point of discharge.

- (DE 8) Pursuant to Section 221 a consent notice is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding and increased stream channel erosion, on-site stormwater management systems are required on a on-going basis to comply with Stormwater Solutions for Residential Sites, and meet the following specific requirements:
- (i) Maintain stormwater runoff flows, to pre-development levels for the 2 & 10 year storm event.
 - (ii) Lots 11-16 should have an individual discharge point to the stream, as recommended by Soil and Rock Engineering in their letter dated 18 July 2008, with each pipe termination fixed in-place using a small wing-wall or other suitable long-life mechanism that prevents erosion of the stream bank.
 - (iii) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a Chartered Professional Engineer or Registered Drainlayer demonstrating that the stormwater management system, including mitigation measures, outlets and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.
 - (iv) **Note:** Council's Hazards and Special Features Register will be advised of the above requirements.
- (DE 9) 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. Ducting of private lines is recommended where they cross driveways.
 - (ii) Locate all water connections at the same position as the power and telephone connection to each Lot.
 - (iii) Pay to the Council the cost of supervising the shut down of Council's water supply mains. This service includes Council providing written advice to all affected property owners and tenants.
 - (iv) Provide fire hydrants within 135m of the furthest point on any property, and within 65m of the end of a cul-de-sac.
 - (v) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary.
- (DE 10) **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 Council's Call Centre on 839 0400 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start Meeting to be booked.
- (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection.
- (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process.
- (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
- (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the 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.

GEOTECHNICAL CONDITIONS

- (GT 1) A Consent Notice pursuant to Section 221 of the Act will be required to be issued and registered on the new titles for Lots 10, 11, 12, 13, 14, 15, 16 & 17 advising that;
Any future development on Lots 10, 11, 12, 13, 14, 15, 16 & 17 shall be undertaken within the nominated buildings platforms and in accordance with the geotechnical report undertaken by Soil and Rock Consultants Engineers, dated September 2006 and Letter Report titled, "Section 92 Queries- 31 Parker Avenue New Lynn", and dated September 2007.
- (GT 2) Provide an earthworks completion report. Arising from that report, further foundation design conditions may be applicable. A consent notice pursuant to Section 221 of the Act may be required to be issued and registered on the new titles to be issued for any affected lots.

TRANSPORT ASSETS CONDITIONS

Please contact the Transportation Engineer on 836-8000 (extension 8793) to book an inspection.

- (TA 1) Prior to the commencement of any construction work, the applicant shall 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) Prior to the commencement of any construction work, the applicant shall pay the Works Supervision Fee for Transport Assets component; additional work supervision fees may be required over and above the deposit fee paid by the applicant, which will be based on Council's current rates.
- (TA 3) Following completion of all construction works the full length of the existing right of way and footpath be resealed to current acceptable standards forming a continuation to the new right of way at the rear of the site; the carriageway within the old right of way shall be no less than 5.0 metres between kerbs; the vehicle crossing to Parker Avenue shall be reconstructed to current standards if deemed necessary upon inspection by Transport Assets following completion of all works.
- (TA 4) The applicant shall provide final design construction drawings and specification documents for upgrading of the existing right of way and vehicle crossing, with storm water controls in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council at the detailed design stage.
- (TA 5) Form the shared right of way and construct thereon a carriageway with storm water controls, in accordance to Council's Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council.

Notes:

- Inspection of the boxing prior to concrete pouring (or the sub-grade prior to pavement construction) is required; contact phone 836-8000 ext. 8725, at least 48-hours prior to the inspection being required;
 - The existing right of way is to be further inspected after the subdivision works have been completed and any further damage to the carriageway is to be repaired or replaced to Council's satisfaction;
 - Ensure that the longitudinal section of the right of way and vehicle crossings complies with Council's Code of Practice for City Infrastructure and Land Development standard detail SD 3.15 Maximum Vehicle Crossing Profile; and
 - The minimum width of the carriageway on shared driveways is specified in Council's District Plan and the construction details are given in Council's Code of Practice for City Infrastructure and Land Development.
- (TA 6) The applicant is to ensure that the hard stand area for solid waste bins for the newly created lots comply with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.7 Urban Private Way Details or as arranged with Council's Dick Fong, Team Leader Waste Minimisation Officer, Phone 836 8506; or by commercial waste management contract;

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD 1) The consent notices required by Conditions (DE 1), (DE 2), (DE 8), (GT 1) and if required (GT 2) above will be prepared by the City Solicitor at the applicants cost when the following information has been received: and
- (i) All necessary technical information.
 - (ii) A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
 - (iii) The name and address of the solicitor acting for the owner.
- (LD 2) The drainage easements in gross required by Condition 1(c) & 1(d) and the water easements required by condition 1(e) above; will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- (i) All necessary technical information.
 - (ii) A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
 - (iii) The name and address of the solicitor acting for the owner.
- (LD 3) 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) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. Pursuant to Section 109(1) this bond is required to be registered on the relevant property title(s) until such time as Council releases the developer from the bond. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets 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 3) Pay a reserve fund contribution equal to 6% of the market value, assessed at the date of s223 approval, of the additional allotments created by the subdivision.
- (Note: The market value(s) will be assessed by a registered valuer engaged by the Council at the applicant's expense. At the time of application for valuation, the applicant must specify the allotment(s) to which any underlying reserve fund credits are to be applied. If the applicant proposes to lodge applications for s223 approval and the s224(c) certificate contemporaneously the valuation process may delay issue of the s224(c) certificate and the applicant should consider that possibility when considering the timing of the valuation request. Payment of reserve fund contribution, and the costs of the valuation, must be made prior to the issue of the s224(c) certificate.)*
- (FC 4) *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, water supply or stormwater treatment devices 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 cost sharing will be sorted out during 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 5) Pay a bond of \$5,000 prior to commencement of any reconstruction work on the vehicle crossing to Parker Avenue (if required), refundable once Council is satisfied that its assets have not sustained any damage during construction.

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 developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 4) Provide confirmation from a Licensed Cadastral Surveyor that all services and driveways have been located entirely within easement/s and/or lot boundaries to the satisfaction of the Manager: Resource Consents.
- (GL 5) 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 body of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, & 17 by underground methods.

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 and plinths are to be contained within the Lot 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:-

- (i) Electrician's- 'Electrical Certificate of Compliance' for supply lines, stating what work has been carried out and to which lot(s).
 - (ii) Network Operator Certification, e.g. United Networks – 'Take-over and completion certificate' (United Networks – for new connections quote's – ph 0800 948 100 option 4), or a "224C Letter Completion Certificate" from Siemens, or certification from any other recognised Electricity Network Owner.
 - (iii) An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation. An as-built plan (including any existing / or re-positioned power poles, overhead lines and the proposed lot boundaries/numbers) of the installed reticulation, and that any overhead power supply to Lots 1 and 18 comply with the safety clearance requirements.
- (GL 6) Install the reticulation of telecommunication services to the body of Lots 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, & 17 by underground methods. The completed installation is to be installed in compliance with the requirements of the Telecommunications Network Owner.

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 Owner.

Provide to Council a copy of:-

- (i) 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.
 - (ii) Telephone Network Provisioning Subdivision Sign Off Certificate' issued by Telecom NZ (4 plus new lots – for Telecom network supply lines plus terminals) OR certification from any other recognised Telecommunications Network Owner.
 - (iii) An as-built plan (including any existing power poles, overhead lines and the proposed Lot boundaries/numbers), of the installed reticulation.
- (GL 7) Pursuant to Section 125 of the Resource Management Act 1991 this consent shall lapse five (5) years after the grant date of the consent, if not given effect to earlier.

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

ADVICE NOTES

- (AV 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 \$ 176,123.53 (incl. GST).
- (AV 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 DE 1- DE 10 above are required to be in place to the satisfaction of Council.

Report prepared by Felicitas Dhliwayo, Senior Resource Planner.

Report peer reviewed by Rachel Dimery, Team Leader: Resource Consents.

