



NOTICE OF HEARING

HEARING BY COMMISSIONERS

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

DATE: **Thursday, 27 August 2009** **TIME:** **9.30 am**

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

to consider a Resource Consent application for 140B Hepburn Road, Glendene and to take any necessary action connected therewith.

18 August 2009

Telephone (09) 836 8000 extn 8104

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP
Cr PA Hulse
Cr PG Mitchell

(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,
27 AUGUST 2009, COMMENCING AT 9.30 AM**

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6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY,
27 AUGUST 2009, COMMENCING AT 9.30 AM**

**1 LIMITED NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88
OF THE RESOURCE MANAGEMENT ACT 1991 BY PAUL KO TO UNDERTAKE AN
ELEVEN (11) LOT SUBDIVISION AT 140B HEPBURN ROAD, GLENDENE.**

RMA: LUC 2006-4282 / SUB 2006-4335

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.

APPLICATION DETAILS

Reporting Officer	Belinda Taurua-Hill
Site Address:	140b Hepburn Rd, Kelston
Applicant:	Paul Ko
Date Received:	22 December 2006
Resource Consent No:	LUC 2006-4282 / SUB 2006-4335
Legal Description:	Lot 1 DP 41613 - CT NA1119/166
Address for Service:	Boundary Consultants Ltd PO Box 21-890 Henderson 0650
Site Area:	4957m ²
Unit Site Area(s):	Lot 1 563m ² Lot 2 368m ² Lot 3 369m ² Lot 4 380m ² Lot 5 368m ² Lot 6 355m ² Lot 7 357m ² Lot 8 351m ² Lot 9 351m ² Lot 10 351m ² Lot 11 1144m ² (access)
Building Consent No:	NA
Operative District Plan:	Living
Environment:	Designation for Microwave Transmission Corridor (BCL 2)
Natural Area:	General

Elements:	Landscape	N/A
	Hazards: Roading	Former Horticultural site District Arterial road
Hierarchy: Proposed Plan Changes:		Plan Change 26
Further Information Requested		Yes
Date Requested:		4.01.07; 15.3.07; 21.1.08; 17.03.08; 23.10.08
Date Received:		17.01.07; 12.12.07; 4.03.08; 20.05.08; 21.10.08; 9.12.08
Site Visit:		10.06.09

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to undertake an eleven (11) lot subdivision comprising ten (10) residential lots and one (1) access lot. Resource consent is required for the introduction of (10) residential sites measuring 351m² and 563m² that result in height in relation to boundaries; building coverage; shared driveway; vegetation alteration; and earthworks. The site was formerly used for horticultural purposes.

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.

The proposal is a Discretionary Activity and requires assessment the effects associated with this residential development.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for an eleven (11) lot subdivision comprising ten (10) residential sites and one (1) access way that creates density, building coverage, height to boundaries, earthworks, shared driveway, vegetation alteration and the development of a former horticultural site at 140B Hepburn Road, Glendene.

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

The proposal would not be contrary to Part II of the RMA and any other relevant policy documents including the Regional Policy Statements and other non-regulatory documents considered relevant.

2.0 LOCATION PLAN



Figure one: the subject site as viewed by ortho-photography (2008)

Legal Description:	Lot 1 DP 41613
Human Environment:	Living
Natural Area:	General
Designations / Special Features:	Former Horticultural Site District Arterial Road Microwave corridor (BCL Designation)

3.0 PROPOSAL

The applicant seeks consent to establish an eleven (11) lot subdivision comprising ten (10) residential lots and one (1) jointly owned access lot (JOAL). The proposed subdivision will see the introduction of ten (10) residential sites measuring between 351m² and 563m².

The proposed dwellings on each residential site will be two storey and will have up to four bedrooms, three bathrooms, open plan living / kitchen / dining and contain an integral double garage.

The majority of vegetation on the site will be required to be removed to accommodate the proposed development. The proposal would involve the removal of 60 trees varying in species, size and health, the relocation of one tree and works within the driplines of four trees.

The following trees on site, however, will be retained:

- The Variegated Pohutukawa within the entrance strip;
- The Golden Elm at the entrance to the site;
- The Stenocarpus within proposed Lot 1;
- The Blue Cedar within Lot 1;
- The Beech Tree within Lot 3;
- The Pin Oak Tree within Lot 4;
- The Swamp Cypress within Lot 7;
- The Liquidambar within Lot 6 and Lot 7; and
- The Variegated Elm which would be moved to Lot 1 and Lot 2.

The proposed (physical) works comprise the following:

- Development of a former horticultural site;
- The construction of ten residential dwellings;
- Removal of vegetation; and
- Earthworks over an area of 2000m² comprising 1000m³ in volume to establish building platforms shared driveways and outdoor space areas for each lot.

The application has been supported by a Mitigation Tree Planting Plan prepared by LASF Ltd (Landscape Architects). This planting plan outlines the trees to be planted upon completion of the proposed development and the approximate location of these within the subject site. A design statement was prepared by Simon Ferrick which elaborates on the above mentioned planting plan. An arborist report by Arborlab was prepared by Karl Burgisser addresses the matters of vegetation removal and the retention of vegetation.

A Contamination Report prepared by Environmental and Earth Sciences Ltd has been provided in regards to contaminated soils. The report states that the contaminants in the soil are below the relevant acceptance criteria for residential land use. The report concludes that the site does not pose an unacceptable risk to human health or to the environment.

A185-A222 A copy of the contamination report can be found in attached at pages A205 to A222 as Appendix 7 and the mitigation planting plan can be found attached at pages A185 to A204 as Appendix 6

4.0 REASONS FOR THE APPLICATION

Consent is required for the following reasons:

Operative District Plan

Living Environment

Limited Discretionary Activity for residential activity which involves units with a net unit areas of more than 350m² but less than 400m² (Rule 2.2, Living Environment). The proposal would involve a development containing ten (10) residential dwellings within net unit areas of 368m² (Lot 2), 369m² (Lot 3), 380m² (Lot 4), 368m² (Lot 5), 355m² (Lot 6), 357m² (Lot 8), 351m² (Lots 8, 9 and 10).

Discretionary activity consent for the following internal infringements of the height in relation to boundary recession planes are as follows (Rule 5.3, Living Environment):

- In respect of the recession plane of 2.5m + 55° on the northern boundary of Lot 2 with a maximum height of 0.7m over a horizontal distance of 12.5m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 2 with a maximum height of 1.0m over a horizontal distance of 8.0m;
- In respect of the recession plane of 2.5m + 55° on the northern boundary of Lot 3 with a maximum height of 0.7m over a horizontal distance 7.6m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 3 with a maximum height of 0.3m over a horizontal distance of 7.6m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 4 with a maximum height of 0.1m over a horizontal distance of 9.6m;
- In respect of the recession plane of 2.5m + 45° on the eastern boundary of Lot 5 with a maximum height of 1.1m over a horizontal distance of 5.0m;

- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 5 with a maximum height of 0.2m over a horizontal distance of 7.0m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 6 with a maximum height of 2.1m over a horizontal distance of 12.7m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 7 with a maximum height of 2.1m over a horizontal distance of 14.2m;
- In respect of the recession plane of 2.5m + 55° on the northern boundary of Lot 8 with a maximum height of 0.5m over a horizontal distance of 12.3m;
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 8 with a maximum height of 0.8m over a horizontal distance of 12.6m;
- In respect of the recession plane of 2.5m + 55° on the northern boundary of Lot 9 with a maximum height of 0.3m over a horizontal distance of 12.3m; and
- In respect of the recession plane of 2.5m + 35° on the southern boundary of Lot 9 with a maximum height of 0.4m over a horizontal distance of 8.1m.

Discretionary Activity for development resulting in building coverage exceeding 35% of the net site area (Rule 7.2, Living Environment). The proposed building coverage within Lots 5, 8 and 9 are 35.2%, 35.71% and 35.61% respectively.

Controlled Activity for shared driveways serving more than one dwelling (Rule 12.2, Living Environment). All lots will enjoy access from lot 11, a jointly owned access lot.

General Natural Area

Limited Discretionary Activity for vegetation alteration not meeting the standards in Rule 2.1 and 2.2 of the General Natural area rules. The proposal would involve the removal of 60 trees varying in species, size and health, the relocation of one tree and works within the driplines of four trees.

Limited Discretionary Activity for earthworks not meeting the standards in Rule 3.1 and 3.2 of the General Natural area rules. The proposal would involve earthworks exceeding 50m³ in volume (1000m³ is proposed, 100m² in area (2000m² is proposed) and within 1.0 metre from the boundary (associated with the entrance strip)

Infill Subdivision

Controlled Activity for the subdivision of a site not more than one (1) hectare in area creating no more than nine (9) new sites and net sites area is in accordance with the net unit areas (including size / shape) specified in LUC 2006-4282 and complies with service / access requirements specified in Rule 3.1 (c) - (f).

Plan Changes

Plan Change 26

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

Overall, the application is considered to be a Discretionary Activity.

5.0 SITE AND NEIGHBOURHOOD DESCRIPTION

The subject site is a relatively level rear site with vehicle access from the northern side of Hepburn Road. The site is rectangular in shape with a 10.0 metre wide entrance way which widens to 16.0 metres at the road entrance.

At present, there are no buildings / structures on the site. The site is predominately grassed with varying sizes and types of vegetation. Silver Birch Trees exist on either side of the entrance way in addition to a large Golden Elm tree. A Cedar, She-oak, Blue Cedar and Norfolk Island pine (with heights of up to 20.0 metres).

Near the centre of the site a Beach tree, Ash tree, Pin Oak, Variegated Elm and Swamp Cypresses (with heights of up to 18.0 metres).

Along the north eastern boundary is a 15.0 metre high Gum tree, a Bead tree, a Willow and along the south eastern boundary are a number of Magnolia's, Gum and several Cypresses (with heights of up to 18.0 metres).

In terms of adjacent uses, the southern side of Hepburn Road is commercial in nature. This is reflected in its underlying zoning of Working Environment. The subject site, with the exception of the north-western boundary contains residential dwellings and activities. An existing non-residential activity (Delegat's Wine Estate) lies on the north-western boundary and lies in grass within an undulating landform immediately adjacent to the subject site. This separates the subject site from Glendene Primary School. Residential properties along Hepburn Road and Juliana Way immediately about the subject site. A shared driveway (serving No's 140A - 140G Hepburn Road) adjoins and runs parallel to the entrance strip of the subject site.

The immediate area along the northern edge of Hepburn Road is primarily a well-established residential neighbourhood with residential sites in excess of 450m² and containing an eclectic mix of housing types. However, these contrasts with the medium density development (sites less than 350m²) contained off Juliana Way and about the eastern boundary. Two-storey dwellings lie on Juliana Way, whereas well-established dwellings tend to be single-storey, contain noticeable setbacks from the road boundary and large outdoor living areas and separate vehicle access.

Several bus stops run along Hepburn Road and a bus stop is located to the north east of the vehicle crossing serving 140B Hepburn Road. The nearest main arterial route is Great North Road which is situated to the south west of the subject site and is approximately 1.3km away from the subject site.

6.0 LIMITED NOTIFICATION – SECTION 94(1)

Section 94(1) provides for "limited notification" if the adverse effects of a proposal would be no more than minor but not all adversely affected persons have given their written approval, whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. This application was the subject of limited notification under Section 94(1). A Section 93, 94 and 94A - 94D Determination Assessment was completed on the 25 May 2009

This report concluded the following:

- The adverse effects on the environment will be minor; and
- Written approval has not been obtained from every person who may be adversely affected by the proposal.

A235-A240 This report is attached at pages A235 to A240 as Appendix 10 and identified that thirty three properties would be adversely affected by the proposal. Not all persons identified as being adversely affected gave their written consent to the activity.

As required by Section 94(1) notice of the application was therefore served on all persons who were identified as being adversely affected.

6.1 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

In light of the above, the application was subject to 'limited' notification on the 10 June 2009 on all persons deemed to be adversely affected by the proposal.

The period for submissions closed on 10 July 2009. No submissions were received in support and / or neutral of the application. Four submissions were received, of which one submission falls outside of the notification period. The submission that was received outside of the submission period was that of Mr and Mrs Fortes at 144 Hepburn Road.

Section 37 Assessment

The Hearings Committee needs to resolve whether to accept this submission, pursuant to Section 37 of the Resource Management Act 1991. In making this decision, the Council is required to consider the provisions set out in Section 37A(1), being:

- (a) *The interests of any person who, in its opinion, may be directly affected by the extension or waiver;*
- (b) *The interests of the community in achieving adequate assessment of the effects of any proposal, policy statement, or plan; and*
- (c) *Its duty under Section 21 of the act to avoid unreasonable delay.*

The late submission was received on 21 July 2009 (11 working days inside of the extended 40 day period).

The late submission in opposition raises issues that for the most part have already been covered by other submissions received. The acceptance of the submission will not result in unreasonable delay, and will ensure that the interests of the community are met.

A163-A175 Please refer to pages A163 to A172 as Appendix 2 for copies of the submissions that were received, and pages A173 to A175 as Appendix 3 for a copy of the late submission.

6.1.1 Submissions

Name	Reasons	Recommendations
A L McQuoid 2/140A Hepburn Road Glendene	<ul style="list-style-type: none"> • Density; • Lack of off street parking; • Views; and • Privacy. 	Decline or if approved: <ul style="list-style-type: none"> • Fencing with protection of privacy of the site; • Minimum lot sizes of 450m²; and • Off street parking.
P J Ashwell 1/140A Hepburn Road Glendene	<ul style="list-style-type: none"> • Density; • Excess stormwater run off; • Shared driveways; • Amenity values; and • Vegetation alteration. 	Decline or if approved: <ul style="list-style-type: none"> • Minimum lot sizes of 450m²; • Adequate stormwater mitigation measures; • 3.5metre wide driveway with passing bays / lanes; • On site visitor parking; • Trees exceeding 6.0 metres in height to be retained; and • Maintenance agreement in terms of fauna on site.

Name	Reasons	Recommendations
M D Crawford 142 Hepburn Road Glendene	<ul style="list-style-type: none"> Vegetation - maintenance; and Sunlight access. 	Decline or if approved: <ul style="list-style-type: none"> Planting of smaller vegetation or shrubs along driveway.
Doreen and Derwent Fortes 144 Hepburn Road Glendene	<ul style="list-style-type: none"> Building bulk - privacy; Vegetation removal; and Excess stormwater run-off. 	Decline or if approved: <ul style="list-style-type: none"> Single storey dwellings only; Retention of Silver Dollar Tree; 1.8 metre high fence to be erected between subject site and 144 Hepburn Road; Stormwater run off to be adequately addressed; and Maintenance agreement in terms of property care.



Figure two: location of submissions received (blue lines: late submission, yellow lines: submitters' locations)

6.1.2 Written Approvals

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)). In this instance there have been no written approvals obtained from any affected parties.

6.1.3 Pre-Hearing Meeting

No pre-hearing meeting has been undertaken.

7.0 STATUTORY REQUIREMENTS

7.1 Discretionary Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in pages 19 to 30 of this report. This should be referred to as the legal framework within which the application should be addressed.

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

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 and 104B as relevant, the Fourth Schedule and any other statutory considerations.

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

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

In terms of Section 104(3)(b) of the Resource Management Act it is stated that consent shall not be granted that should have been notified hence the need for limited notification in regards to this proposal.

The proposal is not located within or adjacent to any outstanding natural features or landscapes or the coastal environment.

8.1. Assessment Of Environmental Effects (104(1)(a)): Actual And Potential Effects On The Environment.

8.1.1 Effects Permitted By The Plan

The proposal relates to a residential development that in essence seeks to intensify the use of the site beyond a level permitted by the Plan. The underlying zoning (Living Environment) allows for the establishment of residential sites 450m² or above. The proposal seeks to introduce nine (9) residential sites between 351m² and 449m² that requires consent for a number of aspects which are both introduced / intensified by the density of development sought. Whilst residential activities are permitted by the Plan, the proposal is clearly above those activities permitted under the District Plan.

8.1.2 Receiving Environment

The receiving environment in regards to the subject site and in regards to Section 104 (1)(a) includes existing permitted activities, activities that have existing use rights and existing activities expressly authorised by resource consents.

The adverse effects of the proposed activity will be those effects that are not already impacting upon the receiving environment.

In regards to this application the subject site is zoned for the purposes of residential activity as a Living Environment. The subject site is unusual in that despite its size (4,857m²) the site does not currently contain any residential buildings (and prior to this only one (1) residential unit), and is well-vegetated.

As described in Section 8.1.1, the underlying zoning (Living Environment) allows for the establishment of residential sites 450m² or above as a permitted activity. The existing environment sits well below this benchmark.

The proposal is considered to introduce an activity where the actual and potential effects will be greater than those that impact upon the receiving environment.

There are no known unimplemented resource consents that will noticeably change the environment as it currently exists.

The subject site does not lie within an Outstanding Landscape or immediately adjacent or adjoining a coastal environment or any identified Outstanding Natural Feature.

8.1.3 Water Quality And Quantity

The proposed development by significantly changing the characteristics of the site by introducing buildings, driveways and other paved surfaces encompassed within a residential development places increased pressure on both the receiving environment and reticulated systems.

The proposed development will increase the total impermeable surfaces within the subject site. Each proposed site however has impermeable surface that fall within 60%.

A176-A177 Council's Drainage Engineer: Ravinesh Chand has assessed the proposal (attached at pages A176 to A177 as Appendix 4) and has accepted the proposed stormwater design. Mr Chand is in support of the proposal subject to appropriate conditions of consent.

I agree with this assessment. Both stormwater mitigation and generation were raised in the submissions, and both are considered to be adequately addressed.

There would no more than minor adverse effects in relation to water quality / quantity arising from the proposed activity as it would be located within the urban area of the City and would not be near a water body or stream. The proposal will not place undue pressure on either the receiving environment or on reticulated systems.

8.1.4 Native Vegetation, Vegetation And Fauna Habitat

The proposal involves the removal of some 60 trees from the site. Some of these trees are up to 20m in height, with girths of up to 2.4m and a radius of up to 1.0m. Whilst the body of the subject site is essentially setback from Hepburn Road and other public vantage points, the vegetation given their height are clearly visible and provides amenity to the surrounding neighbourhood.

The proposed development, by its nature, would involve a transformation of the site.

A178-A184 The most notable vegetation as stated in the arboricultural report and concurred with by Council's Arborist: Andrew Richards will be retained. The proposal involves the retention of eight of the more significant trees, including the relocation of the Variegated Elm. Some pruning and crown lifting as well as work within the dripline of most of the trees to be retained would be required. Mr Richards's specialist report is attached at pages A178 to A184 as Appendix 5 to this report.

The residential development has been sited so as to integrate with the most prominent and notable vegetation on the site.

The Silver Dollar Tree referred to on one of the submissions can be removed as of right as a permitted activity under the Operative District Plan as the species are listed in the Removable Vegetation Appendix.

Whilst the vegetation collectively provides amenity, mitigation planting has been proposed at various points within the site to mitigate the loss of vegetation.

A185-A204 The mitigation planting will be in the form of various suitable trees for the site as outlined in the Mitigation Tree Planting Plan submitted with the application and is attached at pages A185 to A204 as Appendix 6 to this report.

Council's Arborist, Andrew Richards, has provided comments as follows:

"The retained trees are those of particular merit and those that shall not be greatly adversely affected by the proposed development. One of the retained trees (a variegated elm - referred to as tree 40) shall be transplanted into a new location within the site.

The application information includes an Arborist Assessment of the proposed works.

This information includes a list of Tree Protection Methodology and Guidelines, a Relocation Methodology (for tree 40) and Aftercare and Maintenance for new trees and existing retained trees.

It is recommended that the works shall be in accordance with the recommendations of this report.

A landscape plan has been submitted that illustrates the type, size and location of new trees that are intended to help offset the loss of existing trees that shall be removed."

Mr Richards concludes as follows:

"The proposed works will require the removal of most of the vegetation that exists within the site. This is supported as much of it is not of any particular merit or can not be retained for one reason or another and because the better trees, which have the greatest potential longer term shall be retained.

This and the replanting as has been proposed shall help maintain the character of the immediate area and amenity values."

Planting on the site and site perimeters mitigates both the loss of the trees, and helps enhance and integrate the proposed residential development both within the site and the wider locality. It is considered that the proposed planting mitigates the overall loss of vegetation.

Proposed planting would complement the development and establish a strong framework of planting in the long term. The proposed planting provides/enhances screening of the development from neighbouring sites. The mitigation planting includes a Grisilinia hedge along the north eastern side of the driveway, several magnolias within most of the proposed sites and Titoki trees lining either side of the access way. The establishment of the above mentioned vegetation would enhance the offsite amenity for those adjoining neighbours concerned with privacy and once established would effectively screen the driveway and associated activities from neighbouring properties.

Subject to these conditions, the environmental effects in relation to vegetation and fauna habitat that includes works to protect existing vegetation and the proposed landscaping scheme would be no more than minor in nature. Effects will noticeably diminish once replacement planting becomes established.

8.1.5 Land / Soil

There would be no more than minor adverse effects on soil / existing landform as a result of the proposed activity as the site is within the urban area and is already modified.

Earthworks would be required for the proposed driveway and parking areas for all lots, as well as some minor excavation around some of the buildings. Earthworks also include excavation for the driveway to create a driveway gradient suitable in order to ensure that stormwater runoff is appropriately managed.

The proposal will only require minor modifications to the existing landform.

The application proposes erosion and sediment control measures in accordance with ARC TP 90 and Waitakere City Council standards.

It is felt necessary, in order to ensure that the environmental effects as a result of the proposed earthworks are contained within the site, and to protect adjoining and nearby residential amenities, that a Management Plan outlining the proposed mitigation procedures to be put in place as part of the works shall be submitted to the Council for its consideration at least two weeks prior to commencement of the works. The management plan would include the expected type, number and duration of heavy vehicles movements and the provision made for drainage and control of silt discharge, etc. The management plan shall incorporate all of the conditions relating to earthworks and sediment control imposed on this consent, including hours of operation, noise and stabilisation methods.

The surrounding neighbourhood has been cleared and modified through residential subdivision and development. The scale of earthworks being undertaken are considered to be consistent with the scale of development on the site and would not detract from the visual amenities associated with the site, with negligible 'visual' adverse effects beyond the site.

It is considered subject to appropriate conditions of consent that the environmental effects as a result of the proposed earthworks are contained within the site and are no more than minor in nature.

A205-A222 A Contamination Report has been prepared by Environmental and Earth Sciences and titled "Residential Soil Investigation of Former Horticultural Land for 140B Hepburn Road, Glendene" concluded that the site posed no risk to human health in terms of contaminants and would not require further testing. A copy of this report is attached at pages A205-A222 as Appendix 7.

8.1.6 Ecosystem Stability

As the site is within the urban area and the existing environment is already modified there would be no more than minor adverse effects on the stability of ecosystems as a result of the proposal.

8.1.7 Amenity Values - Health And Safety, Landscapes, Local Areas And Neighbourhood Character

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

The subject site is bounded by residential development with the only notable exception being commercial activities being undertaken at No.230 Hepburn Road (Delegat's Wine Estate). Whilst commercial activities operate adjacent to and in close proximity of the subject site the area retains prevailing residential characteristics.

As discussed in Section 8.1.4, 60 trees are proposed to be removed as part of the development. The proposal by its nature, would involve a transformation of the site. Built development has been sited so as to integrate with the most prominent and notable vegetation on the site. The retention of vegetation will provide an instant sense of maturing and provide scale to built development.

Planting on the site and site perimeters mitigates both the loss of the trees, and helps enhance and integrate the proposed residential development both within the site and the wider locality. The proposed landscaping is of a size, and scale that would not cause detriment to adjoining residential amenities.

Existing vegetation and the entrance strip provides the only notable presence within the streetscape associated with Hepburn Road. The proposed dwellings would not impose or physically intrude upon the streetscape of Hepburn Road in light of its setback with established dwellings that front onto both Hepburn Road and Juliana Way providing screening. The size, scale, location and design of the proposed residential dwelling both individually and cumulatively would not introduce an incongruous or over-dominant feature into the streetscape.

The driveway, to the built to appropriate standards, will not noticeably detract from the visual amenities associated with the immediate locality.

The proposal will introduce a density of development over and above that which prevails within the immediate locality apart from that associated with development within Juliana Way. The proposal does contrast between established residential types and densities along Hepburn Road, however, the proposed development is considered to provide an appropriate transition between existing / proposed development with changes in building height limited to one storey, and complies with the respective height and 'external' height in relation to boundary controls.

The proposed development introduces further residential units into the surrounding area that are of a size, scale and character compatible with the surrounding neighbourhood.

While the proposal would introduce residential development that is of a higher density, this would not detract from the visual amenities of the locality or the character and appearance of the surrounding residential area to a more than minor extent.

Adjoining / Nearby Residential Amenities

The proposed development lies within an established residential neighbourhood. The proposal would involve a transformation of the site with the introduction of ten residential dwellings. The proposed development, therefore, increases the potential for overlooking, visual intrusion, loss of daylight / sunlight, and privacy.

- **Loss of daylight / sunlight**

The proposed residential dwellings lie within Council's height and height in relation to boundary requirements (as taken from external site boundaries). Certification will be required to this effect. It is acknowledged that there is reduced separation between lots 5, 6, 7 and 10 and its respective residential boundaries. In this regard, the first floor level is further setback to ensure compliance.

The proposal therefore will not detract from adjoining residential amenities in terms of loss of light to an extent greater than that permitted by the Plan.

The proposed siting, size and height of the proposed buildings are considered to allow for continuing reasonable daylight / sunlight opportunities for adjoining residential properties.

- **Overlooking Potential / Loss of Privacy**

In light of the separation distances, although compliant with height and 'external' height in relation to boundary controls will increase overlooking potential and most notably at first floor level. Of particular note are dwellings in lots 6 - 10 at first floor level. Several of the proposed dwellings (lots 2-4, 8-9) retain noticeable setbacks from external boundaries. With regard to dwellings proposed elsewhere. Lots 1, 5, 6, 7, and 10 all contain bedroom and / or bathroom windows at first floor. By their nature, overlooking potential is minimised. Lot 7 contains a family room, however, only a secondary window directly overlooks No146 Hepburn Road. Again, overlooking potential is minimised. Whilst there will be loss of privacy from that currently enjoyed, any effects are no more than minor in nature.

Dwellings within proposed Lots 6 and 7 have been designed with the bedrooms and ensuite on Lot 7 and the family room and bedroom of Lot 6 have been located along the recession plane closest to numbers 146 and 148 Hepburn Road. It can also be noted that these first floor levels have been set back from the building line of the ground floor layout decreasing the physical dominance and privacy effects upon neighbouring properties.

Fencing conditions will be imposed as part of this consent to ensure that there is no loss of privacy between the development and adjoining / neighbouring properties. This fencing will be up to a maximum height of 1.8 metres. It should be noted that submitters from 144 and Unit 2 140A Hepburn Road were specifically concerned with privacy and make reference to fencing along their respective boundaries as part of this consent.

Overlooking potential is reduced through either separation distances proposed, internal layout of proposed dwellings, angled views / orientation, vegetation or a combination of these factors.

It is considered that the proposed development would not adversely affect adjoining residential amenities, subject to conditions of consent, in terms of loss of privacy to no more than a minor extent.

- **Bulk, Physical Domination**

The perception of excessive buildings is one of the principal sources of conflict, as the addition of buildings greater than established residential buildings can result in increased physical dominance and visual intrusion. The proposal introduces buildings in excess of that permitted by the Plan in terms of residential density that is subsequently compounded by 'internal' height in relation to boundary and building coverage controls.

Surrounding residential properties includes a number of single storey buildings. This proposal, by introducing two-storey dwellings of around 7.0 metres in height introduces development of greater bulk, scale and height than its immediate surroundings.

The proposed development is considered to provide an appropriate transition between existing / proposed development with changes in building height limited to one storey.

It is considered that the size, scale, height and bulk of the proposed dwelling, and other dwellings in light of their setback and height would not adversely affect adjoining residential amenities in terms of increased physical dominance or visual intrusion to no more than a minor extent.

- **On-Site Residential Amenities**

Each site is still capable of providing adequate on site outdoor space, on site car parking and appropriate sunlight and daylight access to each lot.

All sites have proposed outdoor living courts that are considered to be of a sufficient size and gradient to accommodate the needs of the future residents.

Two car parking spaces are provided for each residential site, with visitor parking to be required as a condition of consent.

- **Summary**

The proposal is of a scale, intensity and character appropriate to ensure that the proposal did not compromise people's appreciation of the pleasantness, aesthetic, coherence and cultural and recreational attributes of this modified residential environment.

It should be noted that the assessment above considers the effects in isolation; however the definition of *effect* within Section 3(d) of the Act also refers to;

“Any cumulative effect which arises over time or in combination with other effects - regardless of scale, intensity, duration or frequency of the effect...”

The proposal is cumulatively considered to have no more than a minor effect on amenity values and neighbourhood character. It can be considered that the proposal will not detract from residential coherence nor give rise to the perception that the neighbourhood is changing and in decline.

The built form maintains the characteristic components of the surrounding environment and does not introduce development which could be considered to be incongruous within the established neighbourhood fabric.

In summary:

- The development has been designed to allow for adequate sunlight and daylight access to all dwellings;
- Privacy would be provided by internal boundary screening as well as the existing and proposed planting. It is therefore considered that the proposed dwellings would not cause loss of sunlight or daylight to any adjacent property;
- The proposed dwellings set within sites are considered to be of sufficient size and shape and would not adversely affect the residential amenities of adjoining / nearby residential properties;
- The proposed development would not physically dominate or compromise the privacy of neighbouring sites as the proposed buildings are of an appropriate size, scale and design and would be well separated from adjoining dwellings. The proposal would not adversely affect adjoining and nearby residential amenities;
- The proposed development is of an appropriate scale, size, and height to complement the scale of residential roads, and changes in building height between existing and new development;

- The retention of trees and proposed landscaping helps integrate the proposed development into its surroundings and provides an instant sense of maturity and scale; and
- Residential dwellings dominate the surrounding neighbourhood. This provides the predominant characteristic in the locality. The proposed development introduces further residential units into the surrounding area that are of a size, scale and character compatible with the surrounding neighbourhood.

Non-Residential Amenities

- *infrastructural capacity and availability*

Subject to conditions the development will be provided with adequate, appropriate and safe infrastructure, with the density of development within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers. Any adverse effects on the environment are considered to be minor in nature.

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

Proposed Lot 11 will be an access way (jointly owned access lot) that will service the 10 residential sites. At the road this access way has a width of 16.15 metres, narrows to 10.0 metres for the entrance strip and diminishes to 4.0 metre beyond the 90° angle. Trees to be retained have dictated where this access way goes within the subject site at the entrance to the site. A hardstand area will be established near the road and stormwater treatment swales along the northern boundary of the entrance strip to mitigate excess stormwater run off but also provide quality treatment. Permeable paving has been proposed along the last section of the driveway to minimise impermeable surfaces on the site.

The proposal would generate additional traffic movements associated with the introduction of ten residential dwellings on the site. The application has been assessed by Council's Shared Driveway Engineer: Jackson Zhou.

The site is relatively flat, and the proposed driveway is both of a suitable width and gradient to serve the number of dwellings proposed. Subject to being built in accordance with the appropriate Council standards, the application is supported by the relevant specialists.

A223-A226 Shared Driveway Engineer: Jackson Zhou has assessed the proposal and is in support of the proposal subject to appropriate conditions of consent. Mr. Zhou has also recommended that three visitor car parks be provided within the subject site as a condition of consent. A copy of Mr Zhou's report is attached at pages A223 to A226 as Appendix 8 of this report.

Vehicle driveways and, parking spaces have been designed to allow efficient, safe access and manoeuvring by both motor vehicles and pedestrian traffic. All manoeuvring of vehicles would occur within the site and well clear of road frontages.

Hepburn Road is classified as a local road and it is considered that the layout of the parking would provide safe and efficient vehicular access to each site.

Demand associated with the activity will be generally contained within the site. Where all parking cannot be effectively accommodated within the site, overspill parking can occur onto the surrounding road network without detriment to the surrounding road network or to the amenities of neighbouring residential or commercial sites. Such an event is considered to be of low probability with any adverse effects no more than minor in nature. It can be considered that the proposed development will not generate traffic numbers exceeding the capability of Hepburn Road in regards to the roading hierarchy.

It is not considered that the additional sites would result in either significant traffic generation, adversely affecting both nearby residential amenity and the functioning of Hepburn Road in the roading hierarchy. Delegates Winery Estate (230 Hepburn Road), to the north of the subject site is considered to be unaffected by the proposal in terms of traffic generation and car parking as the main entrance to this is located a considerable distance from the access way serving the subject site. The access way will be located immediately adjacent to the shared driveway serving properties 140A - 140G Hepburn Road. It can be considered that the proposed access way will be sufficient to serve the proposed ten residential lots and there will be no need for vehicles to utilise the shared driveway at 140A – 140G Hepburn Road.

Appropriate conditions of consent will be imposed in terms of visitor parking. In terms of Council's Parking Guidelines it is noted that one visitor car park be provided for every three dwellings. To accommodate visitor needs the provision of these car parks will be included as a condition of consent. It can be considered that Hepburn Road can adequately provide extra visitor car parking if and when required.

The driveway will be adequately screened from neighbouring properties, which will be buffered in the body of the site by built development and will physically abut the driveway associated with No.140A-G Hepburn Road. Screening will continue to be provided along No.142 Hepburn Road with planting opportunities along the edge of the formed carriageway. The proposal will not adversely affect the aural amenities associated with these properties, or other residential sites in the vicinity.

8.1.8 Heritage

There are no known heritage features contained within the subject site.

8.1.9 Positive Effects

Urban Intensification needs to maintain and enhance amenity values, and not give rise to conflicts between incompatible land uses.

The proposal maintains the neighbourhood character, and visual amenity of the surrounding area that provides for more intensive settlement in a way that protects the wellbeing of residents and enhances the amenity of these areas.

Adequate provision is made for control for sediment and stormwater discharges, sewage treatment, and protection of water quality. The site is adequately served to be able to accommodate the density of development proposed in terms of stormwater, wastewater and water supply infrastructure required.

The proposal manages growth in such a manner that will ensure the City develops to achieve a sustainable compact form.

8.1.10 Summary

It is considered that the actual and potential adverse effects of the proposed activity are no more than minor, and can be adequately mitigated through appropriate conditions of consent. In summary:

- In terms of density the proposal will allow for a development consisting of residential lots less than 450m². These more intensive lots have been provided with sufficient outdoor space of a usable size, shape and orientation to ensure that the intended occupants' needs are met within each respective site;

- The use of a shared driveway (jointly owned access lot) is the most practical in terms of accessing each lot, and it can be considered that the proposed development will not generate additional traffic movements to the detriment of adjacent amenities and to matters of road safety. Adequate on site parking for intended occupants' has been provided for within each lot and three visitor car parks along the south western side of the driveway be provided. Hepburn Road can adequately provide extra visitor parking without compromising the safety of vehicles, pedestrians and cyclists using Hepburn Road;
- Vegetation to be retained are the most notable and deemed to have the greatest long term potential and have dictated some design aspects of the proposal in order to retain them. Appropriate landscaping has been proposed to mitigate the loss of this vegetation;
- The proposed development will not create any dominance effects upon neighbouring properties given the scale, size and height of the proposed dwellings;
- Given the relatively level nature of the site, the proposed earthworks would not significantly alter the existing landform. The topography of the site would remain consistent with the surrounding area. The earthworks are considered to be of a scale consistent with the development being undertaken;
- The proposed development is considered to provide an appropriate transition between existing / proposed development with changes in building height limited to one storey;
- The proposal would introduce residential development that is of a higher density it would not detract from the visual amenities of the locality or the character and appearance of the surrounding residential area. The proposal would strengthen the residential nature of the area with development compatible with its surroundings; and
- The proposal is provided with safe and efficient infrastructure.

The proposal is cumulatively considered to have no more than a minor effect on amenity values and neighbourhood character. It can be considered that the proposal will not detract from residential coherence nor give rise to the perception that the neighbourhood is changing and in decline.

The built form maintains the characteristic components of the surrounding environment and does not introduce development which could be considered to be incongruous within the established neighbourhood fabric.

8.2 Any Relevant Provisions Of The District Plan 104(1) (b) (IV):

Part Six of the District Plan contains an explanation of the strategic direction of the District Plan. Section 6.2.8 describes 'Subdivision Activities' that have been designed in order to recognise that subdivision is a catalyst for further intensification of settlement and that the layout of a development heavily influences the quality of the natural and built environment and the provision of infrastructure which can generate adverse effects upon the environment. The policies related to strategic direction assist in reinforcing the protection of neighbourhoods from inadequate subdivision and aims to preserve and protect amenity values, neighbourhood character and streetscapes through the use of these policies.

Part Five of the District Plan contains the objectives, policies and methods by which the effects of activities on natural and physical resources are to be managed. The majority of the objectives and policies are focused on managing the effects of activities on the natural environment, including water, vegetation and air. The objectives and policies that relate to the built environment focus on the effects of activities on amenity values. Objectives and policies seek to protect those aspects which can be highly valued by a community but that does not mean that change cannot occur. There are opportunities for flexibility and change that allows an area to grow and evolve and respond to changing circumstances within its immediate and wider environment.

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 assessment criteria, objectives and policies are discussed below under the headings: density, height in relation to boundaries, building coverage, shared driveway, vegetation alteration, earthworks and infill subdivision. Each relevant policy has been addressed under each respective heading below.

8.2.1 District Plan Policies And Objectives

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

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

Residential Density

Objectives: 0, 1, 10 and 11

Policies: 0.7, 1.2, 10.17 and 11.1

Also assessment criteria 2(a) - 2(g) Living Environment Rules

The proposed subdivision will allow for ten residential dwellings to be established within varying lot sizes. The net unit areas of the proposed lots vary between 351m² and 563m².

Policy 0.7

In all new developments, infrastructure should be able to be provided which: minimises the need for water; minimises the generation of and/or the disposal off site of stormwater and wastewater; provides adequately for an interconnected road network and private access and car parking.

The proposal is considered to be consistent with the above policy as the proposed development will have adequate infrastructure designed to cope with the disposal of stormwater and wastewater generated.

The site is relatively flat, and the proposed driveway is both of a suitable width and gradient to serve the number of dwellings proposed.

Parking Demand associated with the activity will be generally contained within the site. Where all parking cannot be effectively accommodated within the site, overspill parking can occur onto the surrounding road network without detriment to the surrounding road network or to the amenities of neighbouring residential or commercial sites.

Policy 1.2

Activities should be located within the urban area in a way that supports the reduction of vehicle trip, length and numbers. Particular regard should be had for the location of intensive housing within and adjacent to central locations and housing at higher than traditional densities in any new urban growth areas.

The proposal is considered to be consistent with the above policy as the proposed development is located along an existing bus route with a bus stop immediately adjacent to the subject site. The close proximity to public transport links has the potential to reduce vehicle trip length and numbers along Hepburn Road.

Policy 10.17

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement, and to provide for the health of all residents, visitors and workers.

The proposal is considered to be consistent with the above policy as the proposal will have adequate infrastructure that will be within the capacity of the water supply, stormwater, wastewater and solid waste infrastructure of the area. The development can safely absorb the effects of the proposal and will provide for the health of all residents, visitors and workers at the proposed density.

Policy 11.1

Settlement shall be of a type and a density that protects amenity values, including neighbourhood character by: providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas.

The Operative District Plan refers to Waitakere City's population is estimated to grow from 170,700 in 2000 to 247,400 in 2021. However, Auckland's Growth Strategy expects Waitakere City's population to double by 2050. Therefore more housing for the City's growing population is essential.

This policy has been adopted to ensure that any pressures for future development in the City are managed in a way that is compatible with amenity values and character. This policy does not seek to keep densities similar to present levels. Rather, the policy manages the quality and rate of change and takes account of cumulative impacts.

The proposal does contrast between established residential types and densities along Hepburn Road, however, the proposed development is considered to provide an appropriate transition between existing / proposed development with changes in building height limited to one storey, and complies with the respective external height in relation to boundary controls.

The proposed development introduces further residential units into the surrounding area that are of a size, scale and character compatible with the surrounding neighbourhood.

While the proposal would introduce residential development that is of a higher density, this would not detract from the visual amenities of the locality or the character and appearance of the surrounding residential area.

The built form maintains the characteristic components of the surrounding environment and does not introduce development which could be considered to be incongruous within the established neighbourhood fabric.

Height in Relation to Boundaries

Objectives: 10 and 11

Policies: 10.5, 10.6, 11.3 and 11.8

Also assessment criteria 5(a) - 5(d) Living Environment Rules

Policy 10.5

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

The proposal is considered to be consistent with the above proposal as the proposed development still allows for adequate levels of daylight to reach habitable rooms within each residential dwelling created, and does not detract from sunlight / daylight opportunities for established residential dwellings.

Policy 10.6

Buildings, storage and parking areas should be designed and placed on site, or screened in a way that maintains the privacy and on site amenity of adjacent residential properties including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensely settled Living Environments.

The proposed buildings and parking areas for the intended occupants are contained within the subject site. Screening has been proposed through planting and internal fencing in addition to a boundary fence around the perimeter of the site. The privacy of outdoor space will not be compromised as a result of the proposal and each proposed lot will have its individual outdoor space for the intended occupants of each dwelling.

Policy 11.3

Buildings and structures shall be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for: the overlooking of streets by buildings, the setback of buildings from the road boundaries where appropriate in a way that gives particular regard to variations in amenity values and neighbourhood character.

The proposed dwellings for each respective lot have been designed to accommodate each site and to provide complying outdoor space areas for the intended occupants. Other design factors have involved the retention of vegetation within some of the proposed lots in order to maintain amenity values.

The proposed development, by its nature, would involve a transformation of the site.

The retention of vegetation and proposed planting would complement the development and establish a strong framework of planting in the long term. The proposed planting also provides/enhances screening of the development from neighbouring sites.

The proposal does contrast between established residential types and densities along Hepburn Road, however, the proposed development is considered to provide an appropriate transition between existing / proposed development with changes in building height limited to one storey, and complies with the respective 'external' height in relation to boundary controls.

The proposal would introduce residential development that is of a higher density, this however would not detract from the visual amenities of the locality or the character and appearance of the surrounding residential area.

Policy 11.8

Structures shall be of a form, height and scale which avoid physical domination of surrounding sites and buildings, which does not adversely affect the landscape character and other amenity values of those areas and which minimises encroachment on views.

The proposed development will involve the establishment of ten residential dwellings which will be of a form, height and scale that will not physically dominate any surrounding sites and buildings. The landscape character of Hepburn Road will not be adversely affected as the subject site is a rear site with no noticeable road frontage with the amenity values of the site will be maintained.

Building Coverage

Objectives: 10 and 11

Policies: 10.4, 10.5, 10.6, 10.17 and 11.3

Also assessment criteria 7(a) - 7(e) Living Environment Rules

Policy 10.4

Residential activities shall provide for an adequate area of outdoor space for recreation and leisure, including providing: sufficient outdoor space for the anticipated number of occupants of the dwelling; outdoor space which is of a usable shape for recreation; and sunlight access to the outdoor space area. Where such outdoor space can not be provided on site, the offsetting of consequent adverse effects on public open spaces that arise from increased usage may be required.

Each residential lot that has been proposed has been designed and located on site to ensure that each lot has complying outdoor space for the intended occupants and that outdoor space is of a usable size and shape for recreation.

Each lot will have access to adequate sunlight and daylight and the outdoor space proposed will not be subject to overshadowing from the proposed dwelling.

Policy 10.5

Structures shall be placed to ensure that adequate levels of daylight reach any habitable rooms on site and allow adequate levels of sunlight and daylight to reach adjacent properties throughout the year.

See comments above.

Policy 10.6

Buildings, storage and parking areas should be designed and placed on site, or screened in a way that maintains the privacy and onsite amenity of adjacent residential properties, including the privacy of outdoor space. Particular regard should be had for the protection of privacy within the more intensely settled Living Environments.

The proposed dwellings for each residential lot has been designed to ensure that buildings, storage and parking areas are contained within each residential lot and will not encroach upon the privacy of neighbouring sites. Appropriate screening and fencing measures have been proposed to ensure that privacy within each proposed lot and that of neighbouring properties is maintained. Outdoor space areas also have the potential to be screened and it is considered that there will be no encroachment of privacy to any neighbouring properties both within and beyond the subject site.

Policy 10.17

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement and to provide for the health of all residents, visitors and workers.

See comments above.

Policy 11.3

Buildings and structures shall be located so that they maintain the neighbourhood character, visual amenity of the surrounding area and the characteristic streetscape of the area, including providing for: the overlooking of streets by buildings; the setback of buildings from the road boundary where appropriate in a way that gives particular regard to variations in amenity values, and neighbourhood character.

See comments above.

Shared Driveway

Objectives: 10 and 11

Policies: 10.11, 10.16 and 11.8

Also assessment criteria 12(a) - 12(d) Living Environment Rules

Policy 10.11

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

The proposed development will provide adequate manoeuvring areas for each proposed lot and easily accessible on site car parking for the intended occupants of each site. Hepburn Road also has adequate space along its road for on-street parking if required without adversely affecting its position in the roading hierarchy.

Shared Driveway Engineer: Jackson Zhou has also recommended as condition of consent that three on site visitor car parks be provided.

The proposal, subject to conditions would ensure the following:

- Safe circulation of vehicles and pedestrians;
- Sufficient design quality to ensure the safe discharge of stormwater;
- Allows safe, ready access to adjoining sites; and
- On-site manoeuvring for vehicles, practical given the positioning of Hepburn Road in the roading hierarchy.

Policy 10.16

Driveways, carriageways and car 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.

See comments above.

Policy 11.8

Structures shall be of a form, height and scale which avoid physical domination of surrounding sites and buildings which does not adversely affect the landscape character and other amenity values of these areas, and which minimises encroachment on views.

The shared driveway will be level in topography and will not adversely affect the landscape character and other amenity values associated with Hepburn Road, nor neighbouring properties. The shared driveway will be of a form, height and scale that will not physically dominate surrounding sites and buildings.

Vegetation Alteration

Objectives: 2, 3, 9 and 11

Policies: 2.12, 3.2, 9.14, 11.2 and 11.7

Also assessment criteria 2(a) - 2(m) General Natural Area rules

Policy 2.12

Infrastructure should be designed and located so that clearance of outstanding native vegetation is avoided, and clearance of significant native vegetation and significant and outstanding fauna habitat is minimised.

An arborist report has been submitted with the application which was prepared by Karl Burgisser which outlined the 60 protected exotic trees to be removed and the eight trees of merit that are to be retained. Council Arborist: Andrew Richards has assessed the proposal and has concluded that the remaining trees on the subject site will not be adversely affected by the infrastructure works required provided that appropriate conditions of consent are adhered to. The removal of vegetation within the site is that of vegetation that is not deemed to have great potential in the long term and replanting has been proposed to mitigate the removal of vegetation.

Policy 3.2

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

The removal of the 60 various trees within the subject site will be carried out in a way that will not expose soil or rock within the subject site. The surrounding topsoil and soil structure will remain unaffected by the removal of the vegetation.

Policy 9.14

Subdivision should be designed in a way that: minimises the intrusion of structures and driveways into the natural landscape, and subsequent effects on landscape character; minimises adverse effects on other natural features including native vegetation.

The proposed subdivision will not intrude upon the natural landscape and as a result of the removal of vegetation. Those trees with long term potential will remain on site (eight in total) and the removal of the trees on site will not generate physical dominance effects as a result of the proposed dwellings being located on cleared land.

Policy 11.2

Activities should be managed in a way that avoids the clearance of or damage to trees and vegetation to the extent that the following characteristics are adversely affected: the visual dominance of trees on private property within the neighbourhoods of the Living Environment; and the remnant native vegetation within the urban Human Environments.

The proposed development will still retain eight significant trees within the site which will not visually or physically dominate any of the proposed dwellings within the site. Some of the proposed dwellings have been designed and located on site in order to retain trees within some of the proposed lots. The remaining vegetation on site is that of the healthier trees with long term potential and those that can provide some form of visual amenity for the intended occupants of the site.

Policy 11.7

Infrastructure should be designed and managed in a way that: will maintain and not adversely affect the amenity values and neighbourhood character of the surrounding area, including streetscape character; minimises disturbance of natural and physical features; and does not physically dominate adjoining sites.

The vegetation removal within the subject site will not adversely affect the amenity values and neighbourhood character of Hepburn Road. An arborist report prepared by Mr. Karl Burgisser has been submitted with the application which outlines the removal of the 60 trees and the mitigation planting that has been proposed. Council Arborist: Andrew Richards has assessed the arborist report and is in general support of the conditions outlined in the report by Mr. Burgisser which will be imposed as conditions of consent.

Earthworks

Objectives: 1, 2 and 3

Policies: 1.7, 1.14, 2.10 and 3.2

Also assessment criteria 3(a) - 3(s) Living Environment Rules

Policy 1.7

Activities should be managed in a way that encourages the absorption of rainfall and surface water runoff on site, avoids the creation or exacerbation of stormwater flooding problems off site and minimises runoff of surface water into stream catchments and waterways.

The earthworks proposed are deemed to be minor in nature and are limited to grading for the driveway and associated swale and building platforms for all lots. The works will be subject to appropriate conditions of consent to ensure that there is no creation or exacerbation of stormwater flooding problems off site. Soil and sediment erosion control measures will be implemented as conditions of consent to ensure no sediment run off enters into stream catchments and waterways.

Policy 2.10

Activities should be carried out in a way that minimises coverage of the root systems of native vegetation.

The earthworks required will not compromise the root coverage of vegetation that is to remain on the site. Once the required vegetation has been removed earthworks will then be carried out subject to appropriate conditions of consent to ensure that any works required within the driplines of retained vegetation will not adversely affect the root systems of these trees.

Policy 3.2

Activities involving the disturbance of soil or rock and exposure of soils should be carried out in a way that avoids, or where unavoidable, remedies or mitigates any adverse effects on the surrounding topsoil and soil structure.

The earthworks proposed are minor in nature and will not generate any adverse effects upon topsoil and soil structure of the site. The works proposed are for grading of the driveway and works to establish the building platforms of each proposed lot. The earthworks proposed will be subject to appropriate conditions of consent to ensure the effects remain at a no more than minor level.

Infill Subdivision

Objectives: 1, 2, 10 and 11

Policies: 1.1, 1.10, 2.1, 2.13, 10.4, 10.16, 10.17, 10.18 and 11.1

Also assessment criteria 3(a) - 3(zh) Infill Subdivision Rules

Policy 1.1

Settlement should be of a type and density that avoids remedies or mitigates adverse impacts on water quality. In particular settlement should not occur in locations where such development will lead to significant adverse impacts on water quality and quantity.

The proposed subdivision will not generate adverse effects upon water quality and quantity. The proposal has been assessed by the Council's Drainage Engineer: Ravinesh Chand who is in support of the proposal subject to appropriate conditions of consent to ensure the effects of the development remains at a no more than minor level.

Policy 1.10

Impermeable surfaces and stormwater infrastructure should be designed and managed in a way that avoids adverse impacts on water quality, including the life supporting quality of water, arising from the discharge of stormwater into the City's watercourses.

The proposed subdivision will be provided with adequate infrastructure to ensure that the water quality is not compromised by the discharge of stormwater generated from the proposal. The Council's Drainage Engineer: Ravinesh Chand has assessed the proposal and is in support of the conditions to ensure the effects of the proposal remain at a no more than minor level.

Policy 1.14

Activities and structures involving the disposal, movement and storage of solid waste and sewage should be designed and managed in a way that avoids, mitigates or remedies any discharge or leakage of contaminants into the City's waterways.

The proposed subdivision will have adequate infrastructure put in place to ensure that sewage and solid waste is appropriately disposed of and to ensure that no contaminants leak into the City's waterways. Appropriate conditions of consent recommended by the Council's Drainage Engineer: Ravinesh Chand will be imposed as conditions of consent to ensure the effects remain at a no more than minor level.

Policy 2.1

Settlement should be of a type and density that avoids or minimises adverse impacts on native vegetation and fauna habitat.

The proposed subdivision has been designed to retain some of the vegetation on the subject site which is deemed to have high amenity value, the removal of 60 generally protected exotic trees from the site is deemed to be necessary and the trees to be removed are seen to not have high value in terms of health and long term potential.

The Council's Arborist: Andrew Richards has assessed the application and is in general support of the removal of the vegetation, the retention of eight existing trees and the proposed mitigation planting that has been proposed by the applicant.

Policy 2.13

Subdivision design should: provide a level of protection of significant and outstanding native vegetation and fauna habitat; minimise adverse effects during the course of establishing the subdivision including those arising from surveying.

The proposed subdivision has been designed in order to retain those trees that are deemed to have most long term potential and the most amenity value for the intended occupants. The remaining vegetation will be protected from the works through appropriate conditions of consent to ensure that the remaining trees are protected from harm throughout the development of the site and the establishment of the proposed ten residential dwellings, associated car parking, infrastructure and driveway construction.

The Council's Arborist: Andrew Richards has assessed the application and has recommended appropriate conditions of consent to ensure that the effects of the works related to the proposed subdivision generate no more than minor adverse effects upon remaining vegetation.

Policy 10.4

Residential activities shall provide for an adequate area of outdoor space for recreation and leisure including providing: sufficient outdoor space for the anticipated number of occupants of the dwelling; outdoor space which is of a usable shape for recreation and; sunlight access to the outdoor space area.

The proposed subdivision provides sufficient outdoor space for each proposed lot which is of a usable shape and size. The proposed dwellings have been designed so that adequate sunlight access can still reach each proposed outdoor space.

Policy 10.16

Driveways, carriageways and car 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; and allow safe and ready access to adjoining sites.

The jointly owned access lot proposed will provide for the safe circulation of vehicles and pedestrians to enter and exit the site. The Council's Shared Driveway Engineer Jackson Zhou has assessed the proposed subdivision and is in support of the proposal subject to appropriate conditions of consent to ensure the effects remain at a no more than minor level and the safety of pedestrians and vehicles entering and exiting the site is not compromised.

Policy 10.17

Settlement in all parts of the City should be at a density that is within the capacity of water supply, stormwater, wastewater and solid waste infrastructure to safely absorb the effects of that settlement and to provide for the health of all residents, visitors and workers.

The subdivision will involve an upgrade and installation of infrastructure to ensure that stormwater, wastewater and solid waste infrastructure on site can adequately cope with the scale of development proposed to ensure that the health of residents, visitors and workers on or in close proximity to the site is not compromised.

Policy 10.18

Subdivision design should be designed and laid out in a way that ensures: sufficient access for any emergency vehicle; adequate provision of necessary infrastructure and; safe movement of pedestrians, motor vehicles and cyclists throughout the area.

The design of the subdivision has been done to ensure emergency vehicles can enter and exit the site efficiently. The Council's Shared Driveway Engineer: Jackson Zhou has assessed the proposal and is in support of the proposal. The proposed subdivision adequately provides for the safe movement of pedestrians and motor cyclists entering and exiting the site and the development will not compromise the safety of the intended users of the site.

Policy 11.1

Settlement shall be of a type and a density that protects amenity values, including neighbourhood character of different parts of the City by: providing for more intensive settlement in other parts of the Living Environment in a way that protects the wellbeing of residents and enhances the amenity of these areas.

The proposed subdivision is of a type and density that is consistent with other developments in close proximity to the subject site and will not detract from any values associated with the neighbourhood character. It can be considered that the proposed subdivision will enhance the amenity value of the subject site and those neighbouring and adjoining the site as the subdivision will be a better use of the site and will enhance the on site amenity.

The wellbeing of the intended occupants of each proposed lot has been adequately provided for in terms of on site car parking, adequate and usable outdoor space and adequate sunlight and daylight access to each proposed lot. It can be considered that the effects of the proposal will remain at a no more than minor level upon completion of the proposed subdivision.

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

8.3 Auckland Regional Policy Statement, Plan Or Proposed Regional Plan (104(1)(b)(iii))

The Auckland Regional Policy Statement became operative in 1999 and (subject to plan changes at various stages in the statutory process) 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 proposed development by reason of its nature, 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 National Policy Statement (104(1)(b)(i)(ii))

The National Policy Statement on Electricity Transmission 2008 has no relevance with regards to this application as the subject site is not located within proximity to any high voltage transmission lines / infrastructure.

8.5 Any Other Matters the Consent Authority Considers Relevant And Reasonably Necessary To Determine The Application (104(1)(c)).

Broadcast Communications Limited Designation (BCL)

The BCL Microwave Transmission Corridor runs through the southern part of the site. The designation specifies that any building, structure, mast, tree or other object which penetrates any part of the Microwave Corridor shall require written consent from Broadcast Communications Ltd prior to carrying out any work. It is calculated from the diagram in the designation information that the minimum height of the microwave corridor would be approximately 150 metres above the level of the site. Consequently neither the proposed buildings nor the existing trees would affect the Microwave Corridor.

8.6 Other Issues Raised By Submitters Not Covered Elsewhere In Report

No further issues raised by submitters have been raised in regards to this proposal.

8.6.1 Bonds/Reserve Contributions/Development Levy/Financial Contributions

The Local Government Act 2002 includes provision for Councils to use development contributions as a funding tool if they wish. This proposal is considered to be a development in terms of the Local Government Act 2002 and will therefore be subject to a development levy. These levies are identified by Waitakere City Council's Long Term Council Community Plan 2003 (LTCCP) as capital expenditure and a calculation of the charge based on the increase in units and impermeable surfaces has been calculated as part of this application.

A Development Contribution of \$215,092.42 has been estimated based on the number of proposed residential dwellings (ten (10) in total) to be constructed as part of this resource consent.

Reserve Contribution

The reserve contribution has been considered in accordance with the Resource Management Act 1991. The sum to be paid in lieu of reserves will be computed from 6% of the market value for Lots 2 - 10 (inclusive). 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 implication of giving effect to the consent.

8.6.2 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 vegetation re-planting and maintenance, construction of the shared driveway in accordance with Waitakere City Council's Code of Practice for Infrastructure and compliance with those infringements as applied for in this consent.

8.7 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 five (5) years after the date of commencement of consent.

There is no known reason to either decrease or increase the timeframe in this instance.

9.0 Part ii Of The Resource Management Act 1991

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

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

Sections 7(c) and 7(f) require that particular regard be had to the maintenance and enhancement of amenity values and the quality of the environment. As discussed extensively in this report it is considered that the proposed development would not adversely affect amenity values associated with the neighbourhood.

It is considered that the granting of this application would not be contrary to the purpose of the Act. The proposal will enable people and communities to provide for their economic, social and cultural wellbeing 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 upon the environment.

The proposal would allow for an eleven (11) lot development (ten (10) residential lots and one (1) jointly owned access lot) that would be appropriate within the environment and neighbourhood. The proposed development would adequately provide for onsite car parking for the intended occupants, adequate and usable outdoor space areas, onsite vehicle manoeuvring and turning within the jointly owned access lot whilst still providing for the privacy of the intended occupants and the privacy of neighbouring and adjoining properties. Through the use of appropriate and recommended conditions of consent from relevant specialists it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects upon the environment.

10.0 CONCLUSION

The applicant seeks consent to undertake an eleven (11) lot subdivision comprising ten (10) residential lots and one (1) access lot. Resource consent is required for the development of a former horticultural site; residential density, as sites measure between 351m² and 563m²; height in relation to boundaries, building coverage, shared driveway, vegetation alteration, and earthworks at 140B Hepburn Road.

The site is within the Living Environment and the General Natural Area and is a site which is screened by existing dwellings which front Hepburn Road. Consent is required for a number of aspects

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

The proposal is considered to be consistent with the objectives and policies of the District Plan which seek to achieve a quality development in terms of the proposed development that has the potential to enhance and positively contribute to the neighbourhood character, amenity values both within the subject site and that of neighbouring properties. The establishment of onsite car parking and adequate outdoor spaces for each proposed lot ensure that the amenity values and privacy of neighbouring properties remains and is not compromised by the proposal. The proposed dwellings will not generate any physically dominating effects upon neighbouring properties and all height to boundary infringements are internal and minor in nature.

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

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

11.0 RECOMMENDATION

A. That pursuant to Section 37 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, the following late submissions be accepted:

- Mr and Mrs. Fortes at 144 Hepburn Road.

As no persons will be prejudiced by the acceptance of the late submission, nor result in unreasonable delay.

- B. That pursuant to Sections 104, and 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 Paul Ko to establish an eleven (11) lot subdivision (ten (10) residential lots and one (1) jointly owned access lot) at 140B Hepburn Road, Kelston, being Lot 1 DP 41613 for the following reasons:
- (i) The proposed development is considered to be of a scale, size, design and layout that will be consistent with the existing residential character of Hepburn Road. Whilst of a higher density, the development would not detract from the visual, landscape and residential amenities of the locality or the character and appearance of the surrounding residential area. The proposal would strengthen the residential nature of the area with development consistent with its surroundings;
 - (ii) The proposed development will not create any dominance effects upon neighbouring properties as the scale, size and nature of the proposed dwellings are considered to be consistent with the scale of development proposed;
 - (iii) The proposed lot sizes are considered to be adequate and can still sufficiently provide for the needs of the intended occupants;
 - (iv) Those lots that are subject to building coverage infringements are minor in nature and these few sites (lots 5, 8 and 9) are still able to provide adequate outdoor space and onsite car parking within the proposed lot;
 - (v) The removal of vegetation to the site is required to accommodate the development and it has been noted that the retention of eight trees is to be done which has guided the design, lot size and location of proposed dwellings within some of the proposed lots;
 - (vi) Mitigation planting and landscaping has been proposed to mitigate and soften the effects of the development where considered to be appropriate;
 - (vii) The earthworks proposed are deemed to be minor in nature and of a size, scale and nature that is considered to be consistent with the scale of development proposed. The majority of the earthworks are required to establish building platforms, the shared driveway and associated car parking areas;
 - (viii) The increase in traffic movement is not considered significant and can be accommodated within the local road network. Safe access to and movement within the site is achievable and may be controlled by conditions of consent. Sufficient onsite car parking has been provided;
 - (ix) The internal layout, design and quality of the units provide sufficient on-site amenity with private, useable outdoor space available for each unit. Areas of outdoor space are orientated to receive acceptable daylight and sunlight;
 - (x) The shared driveway is of a sufficient width, has adequate turning areas for vehicles and will not compromise the safety and roading network of Hepburn Road as result of the proposal;
 - (xi) The proposal has three visitor car parks proposed. In instances where these car parks are not able to accommodate excess visitors to the development, overspill parking can be accommodated along Hepburn Road which will not compromise the safe and efficient functioning of the roading network of Hepburn Road, or to neighbouring amenities;
 - (xii) The proposed development will be adequately serviced in terms of infrastructure (water supply, waste water, storm water and solid waste);
 - (xiii) Any actual or potential effects on the environment by the proposal are considered to be no more than minor and would be adequately avoided, remedied or mitigated by the conditions of consent;

- (xiv) The proposal would be consistent with the relevant objectives and policies of the Waitakere City Council District Plan; and
- (xv) The proposal is consistent with Part II of the Act.

Consent shall be subject to the following conditions:

GENERAL

(GN 1) The development shall proceed in accordance with the plans titled:

- “Proposed Dwellings for Lots 1 - 10” consisting of site plan, ground floor plan, first floor plan and elevations for each lot by Medorn Architecture Associates Ref. 06171 sheets 1 - 46 (inclusive) dated 7 December 2006;
- “Resource Consent Plan of Proposed Subdivision” prepared by Boundary Consultants Ltd Ref. 9495 Sheet RC1 Revision H dated 23 December 2008;
- “Driveway and Engineering Plan” prepared by D. Ball, Ref 9495E Sheet I Revision F and dated 28 February 2008;
- “Earthworks Plan” prepared by D. Ball, Ref 9495E Sheet 4 Revision G and dated 2 December; and
- “Mitigation Tree Planting Plan” prepared by LASF Ltd and dated 27 November 2008.

And all referenced by Council as LUC 2006-4282 and the information including further information submitted with the application.

(GN 2) A Licensed Cadastral Surveyor shall set out the foundations of the proposed structures within lots - 5 and 6 and certify in Council prior to work progressing beyond the foundation stage that the buildings will comply with the ‘external’ height in relation to boundary rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification to the satisfaction of the Manager Resource Consents.

And

A Licensed Cadastral Surveyor shall certify to Council in writing prior to work progressing beyond the pre-lining stage that the buildings within lots 5 and 6 comply with the height in relation to boundary rules of the District Plan if constructed in accordance with the approved consent in terms of levels and position. No work shall proceed beyond this stage until receipt of such certification to the satisfaction of the Manager Resource Consents.

(GN 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, subcontractors and work site supervisory staff who are carrying out any works associated with this consent.**

(GN 4) Fencing of the common boundaries adjoining the JOAL on **all** lots shall be visually permeable and shall be of a height no higher than 1.5 metres in height and contained wholly within each respective lot.

(GN 5) Between the boundaries of proposed lots 6 - 10, fencing is to be established separating the boundaries of these lots from those neighbours at No’s 142, 144, 146 and 148 Hepburn Road. The fence shall be 1.8 metres in height and will not be visually permeable.

(GN 6) Fencing between the boundaries of 140A Hepburn Road along the shared boundary with proposed lot 1 will be 1.8 metres in height and will not be visually permeable.

PRIOR TO WORKS COMMENCING

(PW 1) An Earthworks Management Plan and Sediment Control Plan outlining the proposed mitigation procedures to be put in place as part of the works shall be submitted to the Council for its consideration at **least two weeks prior** to commencement of the works. This management plan shall incorporate the conditions of consent and no works shall commence until written approval to this Management Plan has been obtained from the Manager Resource Consents. The Plan shall have regard to Conditions (EW1) - (EW10) of this consent.

(PW 2) Before the commencement of any work obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.

(PW 3) Prior to any works commencing, the consent holder shall arrange for a pre-commencement meeting to take place on site. Attendees for this shall include the Applicant, the Works Arborist, the Applicant's contractor's Project Manager and Council's Environmental Monitoring Officer (ph 839 0400). The purpose of the pre-commencement meeting will be to confirm the works methodology, identify vegetation to be removed, identify and confirm the location of the work site access and extent of the works site area, including the location of material stock piles etc, identify and confirm the location of temporary tree protection fencing, confirm where and when the Works Arborist shall be on site and to share and record contact details. The applicant shall minute the meeting and these minutes shall be forwarded to Council's Environmental Monitoring Officer within three (3) working days of the meeting.

(PW 4) Prior to works commencing a revised site plan shall be submitted to Council that identifies the provision of three visitor car park spaces as required by (SD 5). All existing and proposed planting is to be shown on this site plan within the access lot. This shall be approved in writing by the Council's Manager: Resource Consents.

EARTHWORKS

(EW 1) **Prior to commencement of any works on site** the consent holder shall organise a pre-start meeting with the Council's Monitoring Officer and Arborist to discuss the conditions of consent on site. The consent holder shall ensure that their representative and all contractors' representatives are present at this meeting.

Inspections must be requested by calling Council's Call Centre (09 839 0400) and requesting a monitoring inspection. Council's response time can be up to five (5) working days.

(EW 2) Before commencement of any works and until completion of exposed earthworks adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer when controls are in place. Work shall not commence until approval has been gained in writing from the Council's Manager: Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with the Erosion and Sediment Control Measures to the Natural Area rules of the Waitakere City Council District Plan.

(EW 3) A stabilised entranceway to the site shall be provided with large, washed aggregate over geotextile cloth prior to the commencement of works and maintained for the duration of works. Additional measures such as wheel wash facilities shall be implemented (as) if deemed necessary by Council's Environmental Monitoring Officer to prevent the deposition of earth or other debris on the surrounding street network by vehicles entering and exiting the site. Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately removed by sweeping and damage shall be immediately repaired at the expense of the consent holder. The consent holder shall notify Council's Monitoring Officer when entrance controls are in place (please call Council's Call Centre on (09) 839 0400 to arrange an inspection). Works shall not commence until approval has been gained in writing from the Council's Manager: Resource Consents.

(EW 4) A stabilised entrance way shall also be provided for each individual building site as detailed above, prior to building work commencing on each site to prevent the deposition of earth or other debris on to the common driveway. The consent holder shall notify Council's Monitoring Officer when entrance controls are in place (please call Council's Call Centre on (09) 839 0400 to arrange an inspection). Works shall not commence until approval has been gained in writing from the Council's Manager: Resource Consents.

(EW 5) All clean water runoff from stabilised surfaces including catchment areas above the site shall be diverted away from the earthworks areas via a stabilised system so as to prevent surface erosion and sediment laden runoff.

(EW 6) All excess or unsuitable excavated material shall be removed from the site before or immediately following the completion of earthworks to the satisfaction of the Council's Manager: Resource Consents.

(EW 7) All areas of exposed earth shall be topsoiled and grassed or otherwise stabilised against erosion as soon as practicable and in a progressive manner as works are complete but no later than one week following the completion of works.

(EW 8) Noise from construction, maintenance and demolition and earthworks on the site shall not exceed the relevant noise levels as specified in NZS6803P:1984 "The Measurement and Assessment of Noise from Construction, Maintenance and Demolition Work". All construction, maintenance, demolition and earthworks on the site shall be undertaken between the following hours only: -

Monday to Friday	7.30 am - 7.00 pm
Saturday	8.00 am - 5.30 pm
Sundays and Public Holidays	No work

(EW 9) All necessary action shall be taken to prevent a dust nuisance to neighbouring properties to the satisfaction of the Council's Manager: Resource Consents. Should these measures not prove satisfactory on any particular occasion due to the prevailing wind and soil conditions the contractor shall cease work until conditions are suitable for the recommencement of works.

(EW 10) Roads, footpaths, berms and kerbs including entry and exit points to the site shall be kept free from damage and clear of mud and debris at all times. Any material deposited on the street shall be immediately repaired at the expense of the consent holder.

CONTAMINATED SOIL

(CT 1) All excavated material, if removed from the site shall be placed at an approved facility licensed to accept such material and familiar with the report by Environmental and Earth Sciences titled "Residential soil investigation of former horticultural land for 140B Hepburn Road, Glendene, Auckland" and dated 25 October 2005. The receipts of disposal shall be provided to the satisfaction of the Council's Manager: Resource Consents within seven (7) days of the material being taken off site.

MONITORING

(MN 1) A consent compliance monitoring fee of \$1,459.00 (inclusive of GST) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If on inspection, all conditions have not been satisfactorily met a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

SHARED DRIVEWAY AND ACCESS CONDITIONS

(SD 1) Form and construct the shared driveway over parts of proposed Lot 11 and provide stormwater controls to the satisfaction of the Council Specific Requirements:

- Inspection of boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required. Contact 836 8000 ext. 8752 at least 48 hours prior to the inspection being required;
- Ensure that the long section of the driveway and the vehicle crossing complies with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15. Provide a long section of the driveway for approval; and
- The minimum width of the carriageway on shared driveways is specified in Councils District Plan (3.5m for 6-10 lots) and the construction details are given in Councils "Code of Practice for City Infrastructure and Land Development" (175mm thick with reinforcing for 5-10 lots).

(SD 2) Provide a passing bay at the road entrance (starting from the road kerb) and along the course of the shared driveway at an interval not exceeding 50 metres (a passing bay is to be located at the bend), in accordance with Councils District Plan. The length and width of the passing bay is to be determined by using the tracking curves of a 90 percentile car. Achieve a minimum 0.5m clearance between vehicles and fences. The minimum construction width is to be no less than 5.0m and 5.3m boundary to boundary. Show the location of letterboxes and hardstanding areas for rubbish bags.

(SD 3) Provide a minimum 0.6m diameter convex mirror on the bend of the driveway to provide for safe vehicle movements to Council's satisfaction.

(SD 4) Form and construct a vehicle crossing for Lot 11 and for which a vehicle crossing detail form needs to be completed and returned to Council (SD 3.10 Residential Kerbed Roads).

(SD 5) Provide three (3) visitors' parking spaces with minimum dimensions of 2m x 6m within the jointly owned access lot, and to be marked clearly as visitors' parking. Ensure the three (3) visitors' parking spaces are separate from the passing bays.

INFRASTRUCTURE

- (DE 1) Design, provide and install a complete public wastewater reticulation system to serve all Units 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 Unit with a separate public connection at the lowest point within the boundary.
- (DE 2) Provide separate private wastewater drainage systems to each Unit, with connection to the public system as specified below:
- (i) Each unit will be provided with a point of connection under engineering approval;
 - (ii) Either grout fill, or remove, the abandoned private drainage under Council's supervision;
 - (iii) Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each Unit to the point of connection to the public drains; and
 - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.
- (DE 3) Where the public wastewater connection cannot be provided at the lowest point on the Lot, specify the minimum floor level in terms of LINZ datum required to achieve gravity drainage (floor level to be a minimum of 1 metre above the invert of the public drain at the connection point). Pursuant to Section 108(2)(d) a covenant is required to be entered into, in favour of Council, to ensure that if the specified minimum floor level is not achieved, then a Council approved domestic sewerage pumping station is installed at building consent stage and fully maintained by the owner, at the owner's expense.
- (DE 4) Design, provide and install a complete public stormwater drainage system to serve all Units in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide each Unit with a separate public connection at the lowest point within the boundary.
- (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 WAITAKERE CITY COUNCIL'S Code of Practice for City Infrastructure and Land Development (refer Section 4). Provide a copy of the ARC consent conditions (see advice note (AV 2)), engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
- (i) Provide a maintenance manual for the treatment device; and
 - (ii) Provide a drainage easement over the entire area occupied by the treatment device, associated maximum flood water levels, and all areas necessary to access and maintain the treatment device.

(DE 6) Provide separate private stormwater drainage systems to each Unit, with connection to the public system as specified below:

- (i) Each Unit will be provided with a point of connection under engineering approval;
- (ii) Either grout fill, or remove, the abandoned private drainage under Council's supervision;
- (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each Lot/Unit to the point of connection to the public drains; and
- (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.

(DE 7) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Units 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 Units are to be individually metered;
- (ii) Locate all water connections at the same position as the power and telephone connection to each lot;
- (iii) **Either** - Provide a fire hydrant within 135m of the furthest point of fire risk (hydrants located within Hepburn Road does not have sufficient cover for the development);
- (iv) 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. (Only required if public extension to the water main proposed);
- (v) **Or** - Where the driveway is to be constructed, where no domestic sprinkler system is required (e.g. Building platform within 135m of hydrant) provide and install a 20mm (25mmOD PE80) private water service pipe to each lot as specified in WAITAKERE CITY COUNCIL'S Code Of Practice Section 6.3.12 Case 1. Where a hydrant is located in excess of 135m from the furthest point of fire risk a domestic sprinkler system will be required to be installed under building consent, provide a suitable sized service pipe designed by a qualified fire engineer. The pipe is to be laid in the services easement, from the proposed meter location to 300mm within the body of the lot, terminating with an AcuFlow Valve. Mark both ends of each pipe with the lot number it serves. Provide an As-Built plan of the water supply service lines.

NOTE: If the installation of the hydrant is not the preferred option, all Units will be required to be metered at the road reserve with individual private lines down the access lot. Those Units greater than 135m from the hydrant will be required to have domestic sprinkler systems installed, as detailed in (DE 7) (v).

(DE 8) Provide a private water supply reticulation system to serve each Unit in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 6). Specific requirements:

- (i) All Units are to be individually metered. Note that meters will be installed when a building consent is applied for; and

- (ii) Any existing water meter serving an existing house must remain the meter serving that house. Pay Council to relocate the water meter to within the new boundary.
- (DE 9) If DE7 (iii) is not adopted - Pursuant to Section 108(2) (d) a covenant is required to be entered into, in favour of Council, to record that reticulated fire coverage is not able to be provided within the urban fire district, therefore the owner is required to install and fully maintain a private fire fighting system to meet the requirements of NZ Fire Service as set out in NZS PAS 4505:2003 'New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.
- (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 the Council's Subdivision Assistant on 836 8000 ext 8248 to arrange a QA Pre-Start Meeting. Allow three 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 Quality Assurance 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-Built's, 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-Built's, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports;
 - (ix) EcoWater's Quality Assurance 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 as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards; and
 - (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, As-Built and CCTV approvals, final inspections, testing and bond management.

VEGETATION

- (VG 1) All works shall proceed in accordance, unless otherwise stated in the conditions below the **Arboricultural Assessment** by **Karl Burgisser** titled **Draft Preliminary Arboricultural Assessment - 140B Hepburn Road** and dated **20 May 2008** all of which is referenced by Waitakere City Council's Consent Services team as part of information submitted for LUC 2006-4282 and SUB 2006-4335. A copy of this Resource Consent shall be held on site for the duration of the works.
- (VG 2) The consent holder shall employ a reputable and suitably experience independent Arborist (Works Arborist) to monitor, direct and supervise all vegetation clearance works, transplanting, works within the root zone / dripline of protected vegetation, planting of new vegetation and maintenance / aftercare of all relocated vegetation and newly planted vegetation for the duration of the works and up to 2 years after completion of the works. The resource consent holder shall provide the Council's Environmental Officer for the project (please call 839 0400 for contact details of Council's Environmental Officer) the name and contact details of the elected Arborist prior to the commencement of any site works.
- (VG 3) On a bi-weekly basis the consent holder via the Works Arborist shall submit to the Council's Environmental Monitoring Officer a brief Construction Activities Report on what works have been carried out to date and a schedule or program of intended works for the following bi-weekly period.

The report information shall include the description and location of the works, where works within the dripline have been undertaken, where and why the Works Arborist has been engaged and any other information considered necessary to allow Council to be informed. It shall also list dates and times of any communications with Council that have taken place regarding the works.

- (VG 4) Prior to any site works the Consent Holder shall erect temporary tree protection fences around the outer driplines of those trees alongside or within the works site that are being retained. In the case of trees that shall be subject to works within their respective driplines, the temporary protective fences shall be erected as far from the stems of these trees as is practically possible.

The temporary tree protection fences can be constructed using orange plastic mesh, but this must be supported by waratahs (or equivalent) placed firmly into the ground at four (4.0) metre centres. The waratahs will have two stands of wire attached to them (top and bottom) and the orange plastic mesh must be fastened to the wires every one (1.0) metre (top and bottom).

- (VG 5) No works, storage of materials, cement / concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of any spoil, trenching or alteration of soil grade, or other contamination shall occur within those areas demarcated by a temporary protective fence. The temporary protective fences shall remain in place throughout the duration of the construction works. The position of the protective fence shall not be altered without the prior consent of the Council's Environmental Monitoring Officer (ph 839 0400).
- (VG 6) The removal of any vegetation shall be undertaken by an experienced Arborist whom is trained and skilled in low impact removal techniques. The vegetation removal shall be done so as not to cause any damage to other protected vegetation being retained.

- (VG 7) The variegated Elm tree (tree 40) shall be relocated as per the information submitted with the application (i.e. to the new position between lot 1 and 2). The relocation / transplanting of the variegated Elm tree (tree 40) shall be undertaken in accordance with the information of the Relocation Methodology and Aftercare and Maintenance sections of the **Arboricultural Assessment** by **Karl Burgisser** titled **Draft Preliminary Arboricultural Assessment - 140B Hepburn Road** and dated **20 May 2008** and generally shall be in accordance with good arboricultural practices.
- (VG 8) All excavation that is required within the dripline of any vegetation protected by rules of the District Plan shall be undertaken using hand held tools only. All roots measuring 35mm or greater in diameter are to be retained, carefully worked around and protected. All roots less than 35mm diameter exposed in the course of excavation works, shall be pruned back cleanly using a sharp saw or a pair of secateurs past any point of fracture or damage. All retained and / or cut roots shall be protected from drying out by a covering of hessian or similar material that is to be kept damp until the excavated area can be backfilled.
- (VG 9) In any instance where the above cannot be met, approval for the removal of tree roots measuring 35mm or greater in diameter located within the dripline of any protected vegetation shall be obtained from an independent and suitably experienced and qualified Arborist (Works Arborist) prior to works commencing or continuing. The Works Arborist may carry out the removal of such roots only when he / she is satisfied that the health and safety of the subject vegetation will not be compromised.
- (VG 10) Where concrete is to be poured in excavation all exposed roots shall be covered with heavy grade polythene sheeting to prevent any contaminants contacting the exposed roots.
- (VG 11) When backfilling around retained roots a layer of at least 100mm of sand or topsoil shall surround all retained roots. All backfilling around retained roots shall be lightly compacted by hand.
- (VG 12) No machinery shall be stored or operated within the dripline / root zone of any protected tree unless it is supported on an existing concrete or asphalt surface.
- (VG 13) If machinery / vehicles are to be operated or stored within the root zone area on an existing load bearing surface the machinery shall not cause any detrimental effect on the tree through compaction, physical damage, spillage of lubricants and fuels or discharge of waste omissions.
- (VG 14) No materials, spoil, fill, soil or equipment will be stored or temporarily placed within the root zone of any protected tree unless it is approved by the Works Arborist and is on an existing hard surface.
- (VG 15) The proposed re-vegetation will be undertaken as per the information submitted in the report by Karl Burgisser and titled "Draft Preliminary Arboricultural Assessment 140B Hepburn Road" dated 20 May 2008 and the Mitigation Tree Planting Plan titled "Tree Planting Plan" and prepared by LASF Ltd and dated 27 November 2008 and shall be undertaken within the planting season (May - September) immediately following the completion of the works and shall be maintained in accordance with good amenity horticultural practices for a minimum of two (2) years from the time of planting.

(VG 16) On completion of the proposed works the consent holder shall submit evidence of the appointment of the Works Arborist by way of an on-site log or producer statement from the Works Arborist that identifies the site attendance and describes what actions were undertaken during the site visits. This evidence shall be forwarded to the Council's Environmental Monitoring Officer for the site (ph 839 0400) within ten (10) working days of completing excavations within the dripline of protected vegetation.

Advice Notes:

1. Where indicated in the conditions it is the consent holders' responsibility to inform the Council's Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. Pursuant to Section 125 of the Resource Management Act 1991 this consent shall lapse after a period of five (5) years after the commencement of this consent.
3. Any arborist requirements regarding works within the driplines of trees shall be met before commencing the construction works outlined in the shared driveways and accessway conditions above.
4. The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of the Council.
5. It is the applicant's responsibility to obtain stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the Auckland Regional Council (ARC), pay all associated costs and comply with any conditions imposed by the ARC. Provide EcoWater with a copy of the ARC consent conditions. It may be necessary to apply for a variation to this Waitakere City Council (WCC) consent if the documentation or consent conditions approved by WCC and ARC are conflicting in any way. The applicant is required to obtain full signoff from ARC stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges from ARC up-to-date. Once this has been achieved, apply to transfer ownership of the ARC discharge consent to WCC. Provide copies of relevant documentation from ARC to demonstrate that this has been completed.

C. SUBDIVISION - SUB 2006-4335

That pursuant to Sections 104,104A, 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 Paul Ko to establish an eleven (11) lot subdivision (ten (10) residential lots and one (1) jointly owned access lot) at 140B Hepburn Road, Kelston, being Lot 1 DP 41613 for the following reasons:

- (i) It is considered that the proposal would have no more than minor adverse effects on the environment as the density of the development is consistent with the neighbourhood character of Hepburn Road;

- (ii) The proposed development is of a scale, design and location that provides for adequate and sufficient outdoor spaces separating the proposed dwellings from those of existing adjoining and adjacent properties;
- (iii) The proposal would not compromise the safety and efficient functioning of Hepburn Road as a result of the proposed subdivision;
- (iv) The proposed subdivision adequately provides safe vehicle access and manoeuvring for each respective lot enabling forward facing vehicle movements throughout the site;
- (v) Adequate water supply, waste water, stormwater and solid waste infrastructure has been proposed and has been deemed capable of absorbing the effects of the proposed subdivision in order to provide for the health and safety of visitors, residents and workers;
- (vi) Any actual or potential effects on the environment by the proposal are considered to be minor and will be adequately avoided, remedied or mitigated by conditions of this consent;
- (vii) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Waitakere City Operative District Plan and the Regional Policy Statement; and
- (viii) The proposal is not contrary to Part II of the Resource Management Act.

Conditions imposed on the consent are as follows:

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 shall be in accordance with the plans titled:

“Resource Consent Plan of Proposed Subdivision” prepared by Boundary Consultants Ltd, Ref 9495 Sheet RC1 Revision H dated 23 November 2008 and all referenced by Council as SUB 2006-4335 and the information submitted with the application including further information.
- (b) Provide for water supply easement(s) in gross favour of Council over Lot 11 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”. Specific requirements:
 - (i) The easement document will be prepared by the Council’s Solicitor at the applicant’s cost; and
 - (ii) Prior to submitting the survey plan for Section 223 certification obtain Ecowater’s approval to the drainage easement.
- (c) Provide easements for the jointly owned access lot over lot 11 in favour of lots 1 - 10 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”. **Ensure the carriageway required by (SD 2) below will be located within the JOAL. Refer to condition (SD 9) below.**
- (d) Pursuant to Section 220 (1)(iv) of the Act provide for the following condition 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 11 hereon (legal access) be held as to ten undivided one tenth shares by the owners of Lots 1- 10 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith”.

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 Section 223 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 2006-4335.

The applicant must ensure that placement of the services and driveway/s occurs entirely within the easement/s 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 the Council Section(s) named below.

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

(DE 1) Design, provide and install a complete public wastewater reticulation system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Provide each lot with a separate public connection at the lowest point within the boundary.

(DE 2) Provide separate private wastewater drainage systems to each Lot, with connection to the public system as specified below:

- (ii) Each lot will be provided with a point of connection under engineering approval;
- (iii) Either grout fill, or remove, the abandoned private drainage under Council's supervision;
- (iv) Construction of private drainage requires a building consent. Provide a copy of the private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each lot to the point of connection to the public drains; and

- (v) Connections to the public system can only be carried out by the Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.

- (DE 3) Where the public wastewater connection cannot be provided at the lowest point on the lot, specify the minimum floor level in terms of LINZ datum required to achieve gravity drainage (floor level to be a minimum of 1 metre above the invert of the public drain at the connection point). Pursuant to Section 221 a consent notice is required to be entered into, in favour of Council, to ensure that if the specified minimum floor level is not achieved, then a Council approved domestic sewerage pumping station is installed at building consent stage and fully maintained by the owner, at the owner's expense.

- (DE 4) Design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with the Council's Code of Practice for City Infrastructure and Land Development (Refer Section 4.0). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
 - (i) Provide each Lot with a separate public connection at the lowest point within the boundary.

- (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 a copy of the ARC consent conditions (refer to advice note (AV 3) engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:
 - (i) Provide a maintenance manual for the treatment device; and
 - (ii) Provide an easement over the entire area occupied by the treatment device, associated maximum flood water levels, and all areas necessary to access and maintain the treatment device.

- (DE 6) Provide separate private stormwater drainage systems to each Lot, with connection to the public system as specified below:
 - (i) Each lot will be provided with a point of connection under engineering approval;
 - (ii) Either grout fill, or remove, the abandoned private drainage under Council's supervision;
 - (iii) Construction of private drainage requires a building consent. Provide a private drainage As-Built plan for the property, prepared by a Registered Drainlayer, showing the separate private drains from each lot to the point of connection to the public drains; and
 - (iv) Connections to the public system can only be carried out by Council's contractor. Apply for new connections at the Council, by completing the application form. Pay all costs associated with providing the new connections.

- (DE 7) 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;

- (ii) Locate all water connections at the same position as the power and telephone connection to each lot;
- (iii) Where the required public system is on private property, easements over the course of such system in favour of Council will be necessary;
- (iv) **Either** - Provide a fire hydrant within 135m of the furthest point of fire risk (hydrants located within Hepburn Road does not have sufficient cover for the development);
- (v) 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. (Only required if public extension to the water main proposed);
- (vi) **Or** - Where the driveway is to be constructed prior to 224C, where no domestic sprinkler system is required (e.g. Building platform within 135m of hydrant) provide and install a 20mm (25mmOD PE80) private water service pipe to each Lot as specified in Waitakere City Council Code Of Practice Section 6.3.12 Case 1. Where a hydrant is located in excess of 135m from the furthest point of fire risk a domestic sprinkler system will be required to be installed under building consent, provide a suitable sized service pipe designed by a qualified fire engineer. The pipe is to be laid in the services easement, from the proposed meter location to 300mm within the body of the lot, terminating with an AcuFlow Valve. Mark both ends of each pipe with the lot number it serves. Provide an As-Built plan of the water supply service lines.

NOTE: If the installation of the hydrant is not the preferred option, all lots will be required to be metered at the road reserve with individual private lines down the access lot. Those lots greater than 135m from the hydrant will be required to have domestic sprinkler systems installed, as detailed in DE 9 (vi).

(DE 8) Provide a private water supply reticulation system to serve each lot in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 6). Specific requirements:

- (i) All lots are to be individually metered. Note that meters will be installed when a building consent is applied for; and
- (ii) Any existing water meter serving an existing house must remain the meter serving that house. Pay the Council to relocate the water meter to within the new boundary.

(DE 9) Required if DE7 (iii) is not adopted - Pursuant to Section 221 a consent notice is required to be entered into, in favour of Council, to record that reticulated fire coverage is not able to be provided within the urban fire district, therefore the owner is required to install and fully maintain a private fire fighting system to meet the requirements of NZ Fire Service as set out in NZS PAS 4505:2003 'New Zealand Fire Service Fire Fighting Water Supplies Code of Practice.

(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 the Council's Code of Practice for City Infrastructure and Land Development:

- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with the 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 Quality Assurance (QA) Pre-Start Meeting. Allow three 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 onsite for inspection;
- (v) EcoWater's Quality Assurance 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-Built, 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 the Council together with As-Built, 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; and
- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, As-Built and CCTV approvals, final inspections, testing and bond management.

SHARED DRIVEWAY AND ACCESS CONDITIONS

- (SD 1) Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.
- (SD 2) Form and construct the shared driveway over parts of lot 11 and provide stormwater control to the satisfaction of the Council. Specific Requirements:
 - (i) Inspection of the boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required; and
 - (ii) The minimum width of the carriageway on shared driveways is specified in the Council's District Plan (3.5m for 6-10 lots) and the construction details are given in Council's "Code of Practice for City Infrastructure and Land Development." (175mm thick with reinforcing for 5-10 lots).

- (SD 3) Provide a passing bay at the road entrance (starting from road kerb) and along the course of the shared driveway at an interval not exceeding 50 metres (a passing bay is to be located at the bend), in accordance with the Council's District Plan. The length and width of the passing bay is to be determined by using the tracking curves of a 90 percentile car. Achieve a minimum 0.5m clearance between vehicles and fences. The minimum construction width is to be no less than 5m and 5.3m boundary to boundary. Show the location of the letterboxes and hardstanding area for rubbish bags.
- (SD 4) Provide a minimum 0.6m diameter convex mirror on the bend of the driveway to provide for safe vehicle movements, to the Council's satisfaction.
- (SD 5) Form and construct a vehicle crossing for Lot 11 and for which a vehicle crossing detail form needs to be completed and returned to Council. (SD 3.10 Residential kerbed roads).
- (SD 6) Provide three (3) visitors' parking spaces with minimum dimensions of 2mx6m, within the jointly owned access lot and to be clearly marked as visitor's parking. Ensure the three (3) visitor's parking spaces are separate from the passing bays.
- (SD 7) Any amendment to the above engineering details is subject to the satisfaction of the Manager: Resource Consents.

ADVICE NOTE: any arborist requirements regarding works within driplines of trees shall be met before commencing the construction works.

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD 1) The Consent Notices if required in accordance with Conditions 2 (DE 3) and (DE 9) above will be prepared by the Council's 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 2) The water supply easement required by Condition 1 (b) above, will be prepared by the Council's Solicitor at the applicants cost when the following information has been received:
- (i) A copy of the Land Transfer plan showing the Deposited Plan and Certificate(s) of Title numbers allocated by Land Information New Zealand, and
 - (ii) The name and address of the solicitor acting for the owner.
- (LD 3) Where any conditions imposed upon this consent to subdivision is to be complied with in 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 and CONTRIBUTIONS

Invoices will be prepared by Consent Services. If paying by personal / company cheque the standard five (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, 224C processing and administrative fees as incurred which will be charged at Council's advertised schedule of fees.

(FC 2) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with the Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$500.00) of the value of works being taken over by Council. This maintenance bond will be held for six (6) months from the date of 224C issue, or until 31 October 2010, whichever is longer. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the Quality Assurance 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 the 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 the 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).

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 the 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 Council's Manager: Resource Consents.
- (GL 5) Liaise with the Electrical Network Operator and Council and install for the subdivision site, an 'extension of the network' to a 'point of supply', acceptable to the Network Operator and Council. . Also install the reticulation of electric power to the body of all lots 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 New Zealand 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; and
 - (iii) An As-Built plan (including any existing / or re-positioned power poles, overhead lines and the proposed lot boundaries/numbers) of the installed reticulation.
- (GL 6) Install the reticulation of telecommunication services to all lots inclusive 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 lots 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; and
- (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 Section 224(c) of the Resource Management Act 1991 or at the grant of the building consent. The development contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$215, 092.42 (including 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 the Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council.
- (AV 3) It is the applicant's responsibility to obtain stormwater discharge consent and all other necessary consents, or evidence of dispensation, from the Auckland Regional Council, pay all associated costs and comply with any conditions imposed by the Auckland Regional Council. Provide EcoWater with a copy of the Auckland Regional Council consent conditions. It may be necessary to apply for a variation to this Waitakere City Council consent if the documentation or consent conditions approved by Waitakere City Council and the Auckland Regional Council are conflicting in any way. After the Quality Assurance Completion Certificate has been issued, and prior to application for 224C, the applicant is required to obtain full signoff from Auckland Regional Council stating that the pipe network, outfall, treatment device and any other items covered by the consent have been established in accordance with the consent conditions, and pay all fees and charges from Auckland Regional Council up-to-date. Once this has been achieved, apply to transfer ownership of the Auckland Regional Council discharge consent to Waitakere City Council. Provide copies of relevant documentation from Auckland Regional Council with the application for 224C to demonstrate that this has been completed.

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