

NOTICE OF HEARING

HEARING BY COMMISSIONERS

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

DATE: Thursday, 17 December 2009 **TIME:** 9.30 am

RESERVE Tuesday, 22 December 2009 9.30 am
DATE:

MEETING
ROOM: Council Chamber

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

to consider a Resource Consent application for 297 - 301 Lincoln Road and 156 Central Park Drive, Henderson and to take any necessary action connected therewith.

8 December 2009



Maea Petherick
COMMITTEE SECRETARY

Telephone (09) 836 8000 extn 8104

MEMBERSHIP:

Commissioners: Cr VS Neeson, JP
Cr DQ Battersby, QSM, JP
Cr LA Cooper

(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, 17
DECEMBER 2009, COMMENCING AT 9.30 AM**

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6 HENDERSON VALLEY ROAD, HENDERSON, WAITAKERE, ON THURSDAY, 17
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- 1 NOTIFIED APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE
RESOURCE MANAGEMENT ACT 1991 BY MAGSONS HARDWARE LTD TO
CONSTRUCT AND OPERATE A MITRE 10 MEGA RETAIL OUTLET AT 297 – 309
LINCOLN ROAD AND 156 CENTRAL PARK DRIVE, HENDERSON.**

RMA 2009-1096

Henderson Ward

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

APPLICATION DETAILS

Planner:	Sarah Glen
Site Address:	297-309 Lincoln Road and 156 Central Park Drive, HENDERSON
Applicant:	Magsons Hardware Ltd
Date Received:	10 September 2009
Resource Consent No:	LUC 2009-1096
Legal Description:	Lot 2 DP 131804 & Lot 1 DP 125187
Address for Service:	Vinod Kumar c/o CPG NZ Ltd PO Box 11-119 Ellerslie Auckland 1542
Site Area:	3.15ha
District Plan:	
Human Environment:	Working Environment (Lincoln)
Natural Area:	General Natural Area
Landscape Elements:	N/A
Hazards:	None known
Roading Hierarchy:	Lincoln Road – District Arterial Central Park Road - Collector
Heritage:	None known
Proposed Plan Changes:	Plan Change 16 (Waitakeres Growth and Transportation Integration Programme) Plan Change 18 (City Wide Urban Design)
Further Information Requested	Public Drainage Infrastructure (Ecowater)
Date Requested:	21 September 2009
Date Received:	12 November 2009

1.0 INTRODUCTION AND RECOMMENDATION

1.1 Nature of the Application

The applicant seeks consent to relocate the existing Mitre 10 Mega outlet from 186-198 Lincoln Road, Henderson to 297-309 Lincoln Road and 156 Central Park Drive, Henderson.

The existing Mitre 10 Mega has a total floor area of 13,201m², and provides 257 on site car parks.

The purpose of relocating the Mitre 10 Mega is that a larger premise is required. It is proposed to provide a total floor area of 26,821m², and 8000m² of office space, therefore approximately doubling the size of the existing Mitre 10 Mega. It is proposed to provide 686 onsite car parks including a provision of 22 disabled spaces. It is proposed to employ approximately 200 persons at site for the Mitre 10 Mega outlet. The 8000m² of office space provides scope for further persons to be employed at the site.

Due to the proposed floor area of 'Retail Use' within the Working Environment (Lincoln) the application is a Non-Complying Activity.

The framework of this report is such that it explores the proposal in a statutory context and assesses compliance against the relevant statutory documents. This proposal represents a bold departure from what currently exists on this site and unquestionably changes the dynamic of the site, from a generally open landscape to a built form. The effects of the proposal in terms of landscape and urban design are very subjective and will vary from person to person. The site is identified as Working Environment (Lincoln) and therefore large scale development of some form is envisaged by the District Plan.

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 significant resource management issues raised through this application refer to:

- Traffic generation and parking effects;
- Large scale retail and yard-based activity within the Working Environment; and
- Effects on Public Drainage Infrastructure.

1.3 Planner's Recommendation

The planner who has prepared this report recommends that, subject to any contrary or additional evidence submitted at the Hearing, **consent be granted** to the application for the construction and operation of a Mitre 10 Mega, incorporating parking, café, garden centre, a show home, and offices. It is considered that the environmental effects that may be generated by the activity would be minor but 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.

2.0 LOCATION PLAN



Figure 1 - Aerial Photograph of Site 297 - 309, and 156 Central Park Drive.

3.0 PROPOSAL

There are currently three resource consents being processed for the subject site:

- LUC 2009-0969 - For bulk earthworks, tree removal, contamination;
- Combined SUB 2009-847 and LUC 2009-849 - For four lot subdivision, including road to vest (proposed Lot 4); and
- The application in question is LUC 2009-1096 - For a Mitre 10 Mega Outlet.

It is proposed to replace the existing Mitre 10 Mega from 186-198 Lincoln Road, with larger premises at 297 - 309 Lincoln Road, and 156 Central Park Drive, Henderson.

The applicant is seeking consent for a two staged development. The first stage will entail the construction of a Mitre 10 Mega retail outlet and stage two will entail the construction of an office building.

This application is primarily confined to proposed Lot 2 (3.15ha), the Mitre 10 Mega and associated garden centre, the provision for additional office space on the roof top and also a show home.

The proposal is also interdependent on the proposed link road (proposed lot 4) and the stormwater device at the northern end of proposed Lot 3.

All other development on the submitted master plan shown on proposed Lots 1 and 3 are indicative and for guidance purposes only, it therefore does not formally form part of this application.

3.1 STAGE ONE OF PROPOSAL

Mitre 10 Mega Building

The main building to be constructed that would house the Mitre 10 Mega outlet has the following features:

Ground Floor Level

- 8973m² of Bulk retail area;
- 3517m² Drive through trade area;
- 3195m² Garden Centre;
- 200m² Café;
- 2208m² Covered delivery and inwards goods area;
- 252m² Offices and utility areas;
- 400m² Vestibule; and
- 230m² Water Tanks (under ramp to roof).

Mezzanine Levels (M1 and M2)

- 223m² Staffroom and staff facilities (M1);
- 6773m² Bulk retail area (M2); and
- 850m² Offices and utility areas (M2).

Total Floor Area of Mitre 10 Mega building: 26,821m²

Showhome

It is proposed to provide a show home on the site, directly to the north of the proposed Mitre 10 Mega building. This is proposed to occupy an area of approximately 800m² of which 575m² will be landscaped garden.

Parking /Loading

Overall it is proposed to provide 686 car parks at the subject site of which 22 will be disabled car parks.

Access to the Site

As part of the overall development, a road running north/south and parallel to Lincoln Road, Henderson intersecting with Central Park Drive, Henderson is intended to be extended through the application site.

Primary access to the site is to be provided off the new proposed link road from Central Park Drive, Henderson. Four access points are proposed to serve the development (two customer / two service), with the main access off the new link road from Central Park Drive, Henderson. The intersection of the new link road and Central Park Drive, Henderson is proposed to be signalised.

Customer traffic generated by the proposal, as calculated by the applicants traffic consultants (Traffic Planning Consultants Ltd (TPC)), measures 760 vehicles per hour for a weekday and 1177 vehicles per hour for a Saturday (at peak times).

Landscaping

10.12% or 3188m² of landscaping is proposed to be provided throughout the site.

Infrastructure - Stormwater Device

The proposal includes a Stormwater360 device at the northern end of proposed Lot 3. This will serve the subject sites and also the wider Central Park Drive, Henderson stormwater catchment.

3.2 STAGE TWO OF PROPOSAL

Stage Two of the development is proposed to provide commercial floor space located above the Mitre 10 Mega structure comprising of the following:

- Level 1 4000m²;and
- Level 2 4000m².

Total Floor Area of Office Development: 8000m²

4.0 REASONS FOR THE APPLICATION

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

City Wide Rules - Hazardous Facilities and Contaminated Sites

Rule 2 - Contaminated Sites

- (1) Pursuant to rule 2.2 any activity involving development, redevelopment or use of a contaminated site known to Council requires **Discretionary Activity** consent. The subject site has been historically used for horticultural and viticultural uses; tests show localised areas of contamination.

Working Environment (Lincoln)

Rule 4 - Landscape Treatment

- (2) Pursuant to rule 4.2 Development of a site over 2000m² where the development incorporates at least 10% of the net site area as Landscaping requires **Controlled Activity** consent. The proposal includes 10.04% of landscaping or 3188m² on a site which has an area of 3.15ha.

Rule 5 - Retailing

- (3) Pursuant to rule 5.3 retail floorspace in excess of 6750m² within a 500m radius of the centre of the site subject to any proposal, excluding permitted retail activity requires **Non-Complying Activity** consent. The proposal includes 19,141m² of retail floorspace within the Working Environment (Lincoln).

Rule 9 - Parking, Loading and Driveway Access

- (4) Pursuant to Rule 9.2 any activity not meeting the performance standards in rule 9.1 - Permitted Activities, requires **Limited Discretionary Activity** consent. The proposed development requires 1398 car parking spaces under Rule 9.1 and the proposal includes the provision of 686 car parks in association with the development, resulting in a car parking shortfall of 712 car parking spaces.

Rule 10 - Odour, Glare, Vibration

- (5) Pursuant to Rule 10.3 any activity and temporary activities which do not meet the standards of Rules 10.1(a) require **Discretionary Activity** consent.

The applicant has stated that due to the depth and nature of the required piled foundations, exact vibration effects can not be ascertained until the piling is underway, therefore it is considered expedient at this stage to proceed on the assumption that District Plan performance standards for vibration may be exceeded.

Rule 11 - Signs

- (6) Pursuant to Rule 11.2 any signs above a veranda (canopy) or freestanding signs require **Limited Discretionary Activity** consent. The proposal includes signage located above the veranda on the Mitre 10 Mega Building, and signage comprises of freestanding signs around the subject site and at the intersection of Central Park Drive, Henderson and the proposed link road.

Transport Environment

Rule 7 - Vehicle Crossings

- (7) Pursuant to rule 7.3 vehicle crossings where there is more than one vehicle crossing to the site require **Limited Discretionary Activity** consent. The proposal includes 4 vehicle crossings along the proposed link road for ingress and egress from the subject site, and for access to the loading docks.

4.1 Proposed Plan Changes

Plan Change 18 was notified on the 31 March 2005. Submissions closed on the 31 May 2005 with further submissions closing on the 16 December 2005. A decision was made by the Joint Hearings Panel on the 31 July 2007. This decision has been appealed to the Environment Court.

Proposed City-Wide Urban Design Rule 2.0

General Performance Standards. The following performance standards shall apply to Site Analysis.

2.1 Standards for Site:

- (a) All applications for medium density housing, apartments, mixed use and retail development involving the construction of new buildings and additions over 100m² gross floor area must be accompanied by the following:
- (i) A detailed site and neighbourhood analysis of the area within a 400m radius of the site which documents identified future desirable character of the site and surrounding neighbourhood; and
 - (ii) A design response which explains how the design of the proposed development has responded to the existing and proposed neighbourhood character and satisfies the site analysis and policies and objectives of the District Plan.

The applicant has submitted comment with regard to proposed Rule 2.

4.2 Overall, the application is considered to be a **Non-Complying Activity**.

The proposal complies with all other development controls under the District Plan.

4.3 Other resource consents that are required by the applicant include:

- LUC 2009 - 0969 for preliminary site works including earthworks, vegetation removal and use of a contaminated site;
- SUB 2009 - 847 and LUC 2009 - 849 for a four lot subdivision, including road to vest; and
- Consent is also required from the Auckland Regional Council for earthworks and stormwater discharge, Auckland Regional Council ref: 37240 and 37239.

5.0 THE SITE AND NEIGHBOURHOOD DESCRIPTION

The site is located within the Working Environment (Lincoln) as specified by the Operative District Plan. The address of the site is 297 - 309 Lincoln Road and 156 Central Park Drive, Henderson. The site is the disused Collards Winery and Vineyard.

The area of the site subject to this proposal, is located centrally on the site, and is referred to as proposed Lot 2; proposed Lot 2 is 3.15ha in size.

The site is predominately in grass. The site is undulating but falls to a low point in the north eastern corner.

Access to the site is currently from an existing vehicle crossing off Lincoln Road.

There are the existing Collards Winery buildings to the west of proposed Lot 2. These are proposed to be removed.

The area immediately to the south of the site has been used for a variety of industrial and commercial purposes.

The site is separated from the North Western Motorway (State Highway 16) to the north by an approximately 500m wide area of commercial activity.

The area to the western side of Lincoln Road is an area of residential housing. The dwellings that front onto Lincoln Road and directly face the development are located at a slightly lower level than Lincoln Road.

The area to the east of the site has been developed for a variety of industrial and commercial purposes.

To the west of the site is Lincoln Road, a regional arterial route that runs from the North Western Motorway to the intersection of Swanson Road and Great North Road (Henderson). Lincoln Road is the busiest road in Waitakere City and provides an important strategic link for the City. The current design of the Lincoln Road motorway interchange and the Lincoln Road carriageway results in high volumes of traffic becoming congested in this area, affecting the access to and amenity of the dwellings and businesses on this road and connector roads that link to it. Various proposals have been put forward to upgrade the interchange between Lincoln Road and the North Western Motorway, therefore this aspect of the surrounding roading environment is expected to change significantly within the next 5 -10 years.

Whilst there are still pockets of viticulture and horticulture uses and undeveloped land in the surrounding area; it is now dominated by business uses, including 'big box' retail, health services, educational offices, and office and light industrial uses.

6.0 ISSUES IDENTIFIED THROUGH THE SUBMISSION PROCESS

A432-A460 The application was publicly notified on 14 October 2009. The period for submissions closed on 12 November 2009, nine submissions were received. Two submissions supported the application, and seven submissions opposed the application. A copy of submissions received is attached at pages A432 to A460 as Appendix 3.

6.1 Submissions

The following persons have submitted on the proposal:

Submitter	Address	Support / Oppose
Steven Lloyd from New Zealand Transport Agency	Level 13, Qantas House, 191 Queen Street, Auckland	Oppose
Vicki Toan from Glaister Ennor on behalf of Canam Corporate Holdings Ltd and Whitby Trusts	Canam Corporate Holdings Limited 285-295 Lincoln Road and Whitby Trusts at 19 Soljan Drive. Address for service: Glaister Ennor DX CX 10236 Auckland	Oppose
Michael Alan Haw	Unit C, 5-7 Collard Place, Henderson.	Oppose
Gary Fowles from Radio New Zealand Ltd	PO Box 123, Wellington	Oppose
Laidlaw College Inc C/- Russell Barlett	PO Box 4338 Auckland	Oppose
New Zealand Retail Property Group	PO Box 84001 Westgate	Oppose
Ross Parker	81 Garton Drive, Massey	Neutral
Branko Florida Vela	313 Lincoln Road, Henderson	Support
Dion and Marie Vela	8 Earnoch Avenue, Takapuna	Support

6.1.1 Summary of Submissions

6.1.1.1 Support

- Bringing more opportunities for business and employment in the area;
- Provide a positive inspiration for the business community; and
- Supplying West Aucklanders with jobs and providing service supplies to West Auckland people.

6.1.1.2 Oppose

Traffic Generation and Traffic Safety Effects

- Adverse effect on local roads and the State Highway network;
- Impact on Lincoln Road interchange;
- Lack of mitigation measures proposed to address traffic effects;
- The Lincoln Road interchange with the Northwestern Motorway is an old piece of motorway and cannot handle current traffic volumes, the proposal will further magnify this problem;
- Car parking shortfall is unacceptable; and
- Concern about big trucks slowing the flow of traffic in the area.

Design

- The proposal is inappropriate for the site;
- Development is too big with respect to the bulk;
- The building will not be in keeping with the existing surrounding two storey buildings; and
- The building does not meet urban design objectives.

Telecommunication and Radio Communication Facilities

- Reverse sensitivity - television, broadband, burglar alarms and intercom units at the proposed site may be affected; and
- Radio New Zealand is concerned that future occupiers/users of the proposed development will seek to restrict Radio New Zealand activities.

Contamination/Health and Safety

- Three childcare facilities near the proposal may be at risk from dust and chemicals from building work; and
- Temperature change from air flow across grassy fields to glaring heat from concreted buildings car parks etc.

General

- Inconsistent with the Resource Management Act 1991;
- Inconsistent with the objectives and policies of the Operative District Plan, the draft Waitakere Growth Strategy, the Auckland Regional Growth Strategy, and the Auckland Regional Policy Statement; and
- Not appropriate to decide on application as a resource consent, and should be considered in the context of a plan change.

7.0 STATUTORY REQUIREMENTS

7.1 INTRODUCTION

Matters to be considered by the Council when assessing an application for resource consent under section 104 of the Resource Management Act 1991 include, (subject to Part II), any actual and potential effects on the environment and any relevant objectives, policies, rules or other provisions of a Plan or Proposed Plan.

As part of the assessment process when considering an application for a non-complying activity, the consent authority shall be satisfied that the threshold tests outlined in section 105(2A) of the Resource Management Act 1991 will be fulfilled, and that all the relevant matters have been considered under section 104.

Section 105(2A) states that:

“A consent authority must not grant a resource consent for a non-complying activity unless it is satisfied that:

- (a) The adverse effects on the environment (other than any effect to which section 104(6) applies) will be minor; or*
- (b) The application is for an activity which will not be contrary to the objectives and policies of,-*
 - (i) Where there is only a relevant plan, the relevant plan; or*
 - (ii) Where there is only a relevant proposed plan, the relevant proposed plan; or*
 - (iii) Where there is a relevant plan and a relevant proposed plan, either the relevant plan or the relevant proposed plan.”*

The proposal is therefore considered against the above requirements in section 8 of this report, following an assessment of the proposal in terms of its actual and potential effects on the environment and in terms of the objectives and policies of the Proposed Plan.

7.2 Non-Complying Activities

The relevant policies and criteria which apply under the District Plan and the Resource Management Act 1991 are set out in more detail in paragraph 8.2.1 of this report. This should be referred to as the legal framework within which the application should be addressed.

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

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

The District Plan has been prepared with an “effects based” emphasis, in keeping with the Resource Management Act 1991. As such, consideration of the application in relation to each of the assessment criteria relating to the various infringements would ensure that all the relevant matters contained in Section 104 of the Resource Management Act 1991 would have been addressed.

In addition, a brief summary is presented below of the main effects on the environment generated by the application, namely:

- Traffic Generation and parking; and
- Retail activity within the Working Environment (Lincoln).

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

In order to make a decision in terms of Section 104B of the Resource Management Act 1991 it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in Sections 104, 104A - 104D as relevant, the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Resource Management Act 1991 requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

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

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

8.1.1 Effects Permitted by the Plan

In order to assess the effects of the proposal in terms of amenity values it is necessary to compare the proposed development with that of a hypothetical, but realistic, permitted development on this site. A relevant hypothetical comparison must be 'non-fanciful' development that could be established on this site and operate within the context of the surrounding landuse.

Within the Working Environment (Lincoln), there are no bulk and location controls when adjoining other Working Environment sites. Therefore, the provision of the Mitre 10 Mega building, and offices with the provision of the required 1398 car parks for such a development could be considered to be within the parameters of the permitted baseline for the subject site, if the use was purely offices and an industrial business.

The surrounding Working Environment is characterised as having large 1-2 and multi-storey buildings, large lots, and few natural features. A complexity of activities occurs, often being noisy and busy, and having an industrial character.

To assist in the following assessment specialist advice was obtained from:

- Sri Pulla - Subdivisions and Consents Engineer;
- Shelley Wharton - Manager Development Services;
- Sam Shumane - Principal Engineer Transport Assets;
- Mark Tansley - Economic and Retail Development;
- Melanie MacKelvie - Urban Design Strategy; and
- Paul Tyler - Environmental Monitoring Officer.

A464-A512 The specialist reports are attached at pages A464 to A512 as Appendices 5, 6, 7, 8 and 9.

8.1.2 Water Quality and Quantity

The proposed development introduces approximately 90% impermeable surfaces, where 100% impermeable surfaces are permitted within the Working Environment (Lincoln).

It is proposed to install new stormwater and wastewater infrastructure for the development and the associated subdivision.

New stormwater infrastructure involves the provision of a Stormwater360 device, which will be a catchment wide treatment device, serving the application site and the wider Central Park Drive catchment. This will become a Council asset on completion of the development.

The proposal has been assessed by Councils Subdivision and Consents Engineer: Sri Pulla. Mr Pulla supports the proposal in principle subject to conditions, and detailed designs of the proposed stormwater mitigation devices and water supply mains, which will be addressed at the engineering approval stage.

A464-A470 Mr Pulla has assessed the development in regards to wastewater, stormwater, 1 in 100 year flow, water supply and fire coverage. Mr Pulla supports the application subject to appropriate conditions. I accept Mr Pulla's assessment which is attached at pages A464 to A470 as Appendix 5.

The application is supported by an Erosion and Sediment Control Plan. The imposition of such methods, subject to condition would ensure that the proposed minor earthworks are contained within the site and would not adversely affect water quality/quantity.

Overall, it is considered that with appropriate conditions in place the proposal will have a no more than minor effect on water quality/quantity and would not place additional pressure on the receiving environment, or result in flooding of adjoining properties.

8.1.3 Traffic Effects/Parking

The applicant has submitted an Integrated Transport Assessment from Traffic Planning Consultants Ltd (TPC), in support of the development. The proposed development and Integrated Transport Assessment has been reviewed by Council's Principal Transport Engineer - Transport Assets: Sam Shumane.

8.1.3.1 Parking

The District Plan parking requirements for the Mitre 10 Mega outlet and the office development is 1,398 car parking spaces in total. The Waitakere City Council Code of Practice recommends 601 car parking spaces for the Mitre 10 Mega outlet, and 229 car parking spaces for the office development, a total of 830 car parking spaces.

It is proposed to provide 686 car parking spaces on site.

Mr Shumane has reviewed the parking demand for the site and has stated that for the Mitre 10 Mega retail component of the development, there will be a parking demand of 400 spaces on a weekday and 630 spaces on a Saturday.

For the office development there will be an increased demand of a further 200 car parking spaces on a weekday, and a further demand of 50 car parking spaces on a Saturday. This would result in an overall demand of 600 spaces during weekdays and 680 spaces on a Saturday. Mr Shumane has stated that the provision of 686 car parking sites is expected to meet demand.

Mr Shumane has suggested a review of conditions be imposed on the consent if granted, allowing Council to re-assess the parking demand and supply two years following the commencement of the Mitre 10 Mega outlet.

Mr Shumane has suggested conditions in regards to the design of the parking areas, to ensure parking areas are designed appropriately to also include cycle racks for sustainable travel options.

Overall, it is considered that the proposal provides adequate car parking. Potential adverse parking effects will be no more than minor, and can be mitigated by way of condition of consent.

8.1.3.2 Access Design and Operation

It is proposed to access the site from a new link road, off Central Park Drive. It is proposed to provide four vehicle crossings on the proposed link road, as follows:

- One vehicle crossing for general public entry and exit;
- Two vehicle crossings for public exit of the site (one from the trade pick up area); and
- One vehicle crossing for the access to the loading yard and inwards goods loading space.

It has been proposed to signalise the new Central Park Drive intersection to accommodate the traffic that will be associated with the development. Localised road widening to upgrade this part of Central Park Drive is also proposed in order to provide two through lanes in each direction at the new traffic signal controlled intersection.

Mr Shumane has stated that the intersection is in an appropriate location and it is the most appropriate control. Mr Shumane has concerns about the provision of a slip lane at this intersection, and has suggested that the slip lane be replaced with a standard left turn lane.

Overall, it is considered that the proposal would provide appropriate access design and operation. Potential adverse parking effects will be no more than minor, and can be remedied by way of condition of consent.

8.1.3.3 Traffic Flow/Traffic Generation/Network Operation

It has been acknowledged in the traffic assessment that the receiving environment Lincoln Road, Central Park Drive and the State Highway 16 interchange, currently experience congestion, delays and queues during various peak times throughout the week.

The proposal will add to this congestion. On viewing the PARAMICS model, which is described in the submitted Integrated Transport Assessment from Traffic Planning Consultants Ltd, there is evidence to suggest that this predicted congestion will be most substantial during the peak Saturday period, and will be slightly worse on the surrounding road network during the weekday afternoon peak period.

Mr Shumane has noted that there is an ongoing need for upgrading and expansion of the road network in this area. Both the Council and the New Zealand Transport Agency have been considering proposals for improving the road network through upgrading of the current motorway interchange and local road network. The anticipated upgrades will alleviate the existing congestion and that anticipated from natural growth.

As a specific date for the upgrading of the roading network has not yet been finalised, the proposal will put further pressure on an existing congested roading network which may have a more than minor adverse effect.

To mitigate the potentially more than minor adverse traffic effects of the proposal, it was suggested to the applicant to stage the development. Stage One being the Mitre 10 Mega development, and Stage Two being the office development. It has been suggested that Stage Two of the development be undertaken approximately 2 years from the opening of the Mitre 10 Mega development.

Discussions with Mr Shumane has concluded that the proposed staging of the development will alleviate the potential adverse traffic effects. Mr Shumane has recommended a review condition be placed on the consent if granted, to require a traffic impact assessment to be submitted to Council two years from the opening of the Mitre 10 Mega.

On balance, it is accepted that the proposal will cause traffic generation effects to an already congested roading network, which is due to be upgraded. The anticipated traffic generation effects can be considered to be short term in nature, and will be most noticeable until such time as the roading network is upgraded. In the short term, separating the development into two stages will avoid or remedy the potential adverse traffic effects.

Overall, it is considered that there will be adverse traffic impact effects, which will be mitigated by the staging of the development. Subject to the appropriate conditions the potential adverse traffic effects will be minor.

8.1.3.4 Construction Traffic

Details of construction traffic have been submitted within section 7.9 of the Integrated Traffic Assessment. The construction traffic effects have been assessed the Council's Principal Engineer - Transport Assets: Sam Shumane,

Mr Shumane has recommended that the proposed signalised intersection on Central Park Drive be completed before construction at the site commences. Mr Shumane has stated that Transport Assets is satisfied that a successful traffic management plan can be implemented to minimise the effects on the immediate road network.

Subject to conditions in regards to a comprehensive traffic management plan, the proposal is considered to generate a no more than minor construction traffic effect.

A471-A481 Mr Shumane's full report is attached as pages A471 to A481 as Appendix 6.

8.1.4 Native Vegetation, Vegetation and Fauna Habitat

The 3.15ha site is currently in grass, and the proposed development does not involve the removal of any protected vegetation. The development involves 3188m² of landscaping. It is considered that the landscaping is acceptable for the development, and would contribute to the establishment of a strong framework of planting in the long term.

Overall, there will be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the site is within the urban area/is already modified and it is not proposed to remove any vegetation or work within the dripline of any vegetation. Further, landscaping and planting are proposed as part of the consent.

8.1.5 Land / Soil

Bulk earthworks are not required for this application, the preliminary bulk earthworks have been applied for within a previous consent LUC 2009-969, which involved recontouring the site to create a flat building platform. Only minor earthworks will be required for this development associated with the building platform and landscaping.

The applicant has submitted an erosion and sediment Control Plan. Measures to be implemented include silt fences, and contour drains. Runoff from the site would be directed to a sediment pond.

As the site has been historically used for viticulture purposes it is regarded as a potentially contaminated site. Once the development has been established 90% of the site will be covered in impervious surfaces, which will confine and seal off any remnant contaminants. Conditions of consent will be recommended to ensure possible adverse contamination effects are less than minor.

It is considered that subject to appropriate conditions of consent that the environmental effects of the result of the proposed minor earthworks will be no more than minor.

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

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

As has been stated above, there are no bulk and location controls within the Working Environment (Lincoln), where the site does not adjoin a Living Environment or Open Space Environment. As such the built form can be considered a permitted activity, and an assessment as such is not required. For completeness I make the following comment.

The bulk of the proposed structure is to be located along the southern and western boundaries of the proposed Lot 2. The structure has building coverage of 19,954m² or 63.6%, and including the car parking would be 23,472m² the development would cover 74.8% of site.

The lower structure housing the Mitre 10 Mega would be located on the boundary where it abuts proposed Lot 1 and proposed Lot 4 (road to west) and 2.5m from the boundary running along the southern boundary. The height of the lower structure (Mitre 10 Mega) will be 12m including the parapet, with the roof deck to be at RL 10.75. The upper structure, office development, would be positioned centrally on top of the lower structure (Mitre 10 Mega), with lower floor level at 10.75m above ground level. The office development is to be two stories high, and will have a total height of 20.5m.

The lower structure (Mitre 10 Mega) will be 180m in length running from west to east, 146m in width from north to south (along the western elevation) and 90m from north to south along the eastern elevation. As there is no maximum height requirement or height in relation to boundary applicable to the application site these aspects of the proposal are permitted and could be expected with any development on the application site.

Given the lack of bulk and location building performance standards further discussion of any affects to adjoining properties is considered unnecessary.

It is clear that the zoning allows for such effects to occur and anticipates that they can be appropriately absorbed by the neighbouring properties. Therefore any effects generated by the bulk and location of the development are considered to be less than minor and would be appropriate within the context of the surrounding zoning.

- visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views

The development will alter the existing character and amenity of the subject site and surrounding area. The livery associated with the Mitre 10 Mega has the potential to create adverse visual effects on the surrounding environment due to the orange colour and the large scale of the building.

The draft Waitakere City Growth Strategy describes the character of the area as:

'Lincoln Road is the busiest road in Waitakere City and functions as a key corridor between Henderson and the North Western Motorway and also connects the city with the newer Westgate town centre in the north. The high volume of traffic and some large vacant sites has made it an attractive site for 'big box' retailing. There are also a wide range of other services and activities located along the road such as health services including the Waitakere Hospital, medical services, churches, crèches, kindergartens, winegrowers, supermarket and light industrial activities.'

The livery associated with the Mitre 10 Mega brand is distinctive and well known. The proposed structure is to be painted with the Mitre 10 Mega Orange (CC 601) and black, as can be seen at the existing Lincoln Road store and other stores around Auckland. The orange coloursteel makes up the bulk of the facade with the Mitre 10 Mega signage and slogan to provide signage on the building. The orange livery on such a large structure will be highly visible within the surrounding environment but this is not considered to be out of keeping due to the zoning of the site and much of the surrounding area.

Generally the Mitre 10 Mega development will not adversely affect the character of the area. Nevertheless the proposal will result in a large structure that will in overall terms change the visual amenity of the area. As mentioned above the zoning of the application site and the surrounding properties are zoned Working Environment (Lincoln), and the development controls for this site allow for such a large scale development to occur as of right. It is therefore considered that the proposed structure is able to fit within the urban fabric of this environment without creating adverse visual or character effects that are more than minor.

The use of landscaping to soften the site and provide for aspects such as stormwater management would provide a respite from the large structures and impervious areas. The more established the vegetation and landscaping becomes the greater the level of mitigation this will provide for people visiting the site and the directly adjoining neighbours.

Overall, any adverse effects on visual amenity, streetscape, sense of place, neighbourhood character, amenity values, and views from the development are considered to be less than minor and would be appropriate within the context of the surrounding zoning.

- connectivity, accessibility, safety, public access, signage, lighting

Pedestrian access has been designed into the proposed car parking areas, and for access to and from the site. The layout of the parking area provides for dedicated pedestrian walkways, with slightly raised crossings over the vehicle aisles. The anticipated low speed environment created within the site, through the raised crossings and the treatment of the car park will ensure that the safety of pedestrians will not be adversely affected.

Access to the site is to be off the proposed link road (proposed Lot 4) which will form an intersection onto Central Park Drive. Four access points have been designed and so positioned to maximise separation distances and maintain legible, efficient and safe vehicle circulation to, from and within the site. Vehicle accesses are proposed to be designed in accordance with Waitakere City Council roading standards, to ensure safe access to the site for both vehicles and pedestrians. Conditions of consent will be recommended to ensure accesses comply with Council standards. Pedestrian Safety and Accessibility conditions have been recommended by Council's Strategic Urban Design Advisor: Melanie McKelvie, to ensure that pedestrian safety is maintained.

Signage and lighting have been proposed to provide further legibility for the site. A free standing sign is to be located on the corner of the proposed link road and Central Park Drive. Additionally signage is to be placed internally throughout the site to provide directions for customers and ensuring that movement through the site can be undertaken with ease. It is considered that the proposed signage would be consistent with the proposed activity and would fit in with the context of the surrounding properties. Other identification signage can be readily seen along both Central Park Drive and Lincoln Road to identify activities and services operating from these sites. It is considered that the proposed signage would be consistent with the existing signage in the area and would not generate any adverse effects that are more than minor.

Lighting is to be provided on the subject site in order to illuminate the signage for the site, provide lighting for the car park and to provide security lighting after hours. The lighting is proposed to be inward facing and comply with the maximum lux levels at the boundary, therefore avoiding any light spill onto the road or adjacent properties. A condition of consent is recommended to ensure the proposed lighting complies with the District Plan standards. Overall, it is considered that the proposed lighting would not create any adverse effects in terms of amenity on the surrounding properties or the surrounding environment.

Overall, potential adverse effects on connectivity, accessibility, safety, public access, signage, and lighting will be no more than minor and can be mitigated by way of condition of consent.

- Noise, vibration

The development has the potential to generate noise and vibration effects during the construction phase of the development, particularly as a large number of heavy vehicles and machines will be required at the site in order to carry out site works. Due to the design of the structure and the piling for foundations required to future proof the building to allow for the stage two office development, it is proposed that in some instances the construction will generate noise and vibration above that permitted by the District Plan. If excess noise and vibration were to occur they will be temporary construction effects and limited to the hours of construction only.

It is anticipated that the general day to day operation of the Mitre 10 Mega and the office development would not generate noise above that permitted within the Working Environment as specified by the District Plan. The primary noise emitted from the site is expected to be related to the vehicle movements from customers and service vehicles and such activities are expected within the District Plan. In addition the nearest residential Living Environment is located to the west of Lincoln Road, a regional arterial road which has the highest traffic volume of Waitakere City. Any noise generated from the site will be absorbed by the noise of the traffic along Lincoln Road and will not generate further adverse effects on the Living Environment properties.

Overall, potential noise or vibration effects will be no more than minor, subject to appropriate conditions of consent.

8.1.7 Retailing and Town Centres

The proposed Mitre 10 Mega has the potential to generate adverse effects on the economic and social wellbeing of the existing town centres in Waitakere City.

The relocated Mitre 10 Mega would be approximately 650m to the north of the existing Mitre 10 Mega store. The new location within the same major arterial road transport corridor will ensure that an entirely new destination area would not be created.

The sheer bulk of the building required to house Mitre 10 Mega has a large impact on its location and how it potentially affects the centres and local retailing. To expand the existing Lincoln Road Mitre 10 Mega, a larger building is required together with a large area of land to house the building and the related car parking activities. Due to the large area of land required, it is not considered appropriate to locate this type of land use within a town centre. A development such as this may break up the pedestrian friendly nature of a town centre, and it is considered to be an inefficient use of town centre land of which is limited. It is considered that a development of this form may adversely affect a local Waitakere City town centre.

A1-A429 A Retail Impact Assessment from Derek Foy of Market Economics has been submitted with the application, attached as Appendix VI within the application. The application is attached at pages A1 to A429 as Appendix 1. The Retail Impact Assessment has found that the impacts of the relocated Mitre 10 Mega and the additional floorspace will have adverse effects that are no more than minor on centres, quantified as being around 0.9%.

The submitted Retail Impact Assessment has been peer reviewed for Council by M G Tansley, report titled 'Peer Review of the Assessment of Social and Economic Effects', dated 24 September 2009. Mr Tansley's peer review has concluded that the submitted Derek Foy assessment, overstates the potential adverse effects. Overall, Mr Tansley supports the application and considers the application will have a limited adverse effect on the economic and social wellbeing within the local town centres and retailing locations in the City, and that any such effects would be no more than minor.

A482-A487 Mr Tansley's report has been attached at pages A482 to A487 as Appendix 7.

It is considered that a bulk retail activity such as the Mitre 10 Mega is best located on the periphery of the town centre, within close proximity to a transport corridor. The proposed location of the relocated Mitre 10 Mega within the area of commercial, light industrial and service industry ensures that complimentary activities are located in close proximity.

Overall, it is considered that the proposed development will have a no more than minor adverse effect on Retailing and Town Centres.

8.1.8 Summary

A summary of the effects of the proposal are as follows:

- The proposal will allow for the growth of the existing Lincoln Road Mitre 10 business;
- The proposal will provide for economic and social wellbeing;
- The proposal will not detract from existing Waitakere City town centres;
- The bulk and location of the building and associated parking will have a no more than minor effects; and
- The proposal will generate minor adverse traffic generation effects.

Overall, the proposal will have minor adverse effects. The actual and potential adverse effects of the proposed activity can be adequately remedied or mitigated through appropriate conditions of consent.

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

8.2.1 District Plan Policies and Objectives

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

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

Contamination

Objective 1, 2, 3, 10

Policies 1.13, 2.9, 3.3, 10.1, 10.13, 10.19, 10.27

As noted the bulk earthworks for the site is being undertaken within a previous consent, LUC 2009-969, which includes stringent conditions to ensure potential adverse contamination effects are less than minor.

On completion of the development, the site will be covered in 90% impermeable surface, thereby effectively confining residue contaminants.

Overall, it is considered that coupled with the appropriate conditions of consent, the proposed development is consistent with the assessment criteria and the objectives and policies for use or development of a contaminated site.

Landscaping Working Environment

Objective 10, 11

Policies 10.6,10.27,11.3,11.10,11.14,11.15

For any site greater than 2000m², 10% of the site area is to be landscaped with controlled activity consent being required. As noted above the proposal includes landscape treatment over 3188m² of the site and with respect to assessment criteria, policies and objectives identified above the following is noted.

A landscape treatment plan has been provided which includes details such as planting location, species and number. The landscape treatment plan seeks to screen and break up the visual impact of the parking areas and built form. The plan includes the use of trees appropriate to the context of the site and development, as well as low growing species.

Overall, it is considered that subject to adherence to conditions of consent, the proposed development is consistent with the assessment criteria and the objectives and policies for the provision of landscaping within the Working Environment.

Retailing Working Environment

Objective 1, 11

Policies 1.2, 1.3, 4.1, 11.17

The proposal seeks to establish an additional retail activity on the site which will exceed the 6750m² performance standard relating to retail floor area, within 500m² of the subject site. The proposal involves 5,563m² of retail floor space and other retail activities are located nearby.

With respect to assessment criteria, policies and objectives identified above the following is noted:

It is well established that the Operative District Plan promotes a “centres-plus” approach in respect of retail activities. Part 6 of the Operative District Plan (Explanation of the Strategic Direction: Policies and Methods) provides further explanation of this policy response. Sections 6.1.2 and 6.2.4 are particularly relevant. These sections identify that the District Plan seeks to counter the dispersal of retail activities and to promote a sequential approach when assessing new retail development. This approach favours town centres followed by locations alongside town centres or on major roads. It is noted that Proposed Plan Change 16 only introduces minor changes to Section 6.2.4 to include reference to the importance of land for employment growth.

The most relevant policy is 11.17 which states:

Retail activities should be managed to enable people and communities to provide for their social and economic wellbeing in a way that sustains and enhances the quality of commercial and community facilities and services, amenity values and general vibrancy of the City's town centres, having particular regard to the following:

- *supporting urban consolidation and mixed use development in locations which are accessible by private and public transport modes, and discouraging development which could be better located in respect of accessibility;*
- *promoting the pedestrian orientated amenity values of town centres including pedestrian precincts, pathways and parks, landscaping, street furniture and shop display frontages;*
- *encouraging, where appropriate, the integration of new retail activity with existing retail and other community resources and activities in the same area, and in particular in town centres including site and building design integration and pedestrian and road linkages;*
- *establishing and enhancing the quality and design of buildings;*
- *recognising the importance that arises from the role of town centres as community nodes in the City;*
- *recognising that the development of inappropriate retail activity can create adverse effects on the function served by, and the amenity values of, town centres;*
- *ensuring that the development of new retail activity does not result in adverse social and economic effects by causing a significant decline in amenity in town centres of the positive contribution made by town centres to the social and economic wellbeing of people and communities in the city; and*

- *enabling potentially incompatible retail activities, including those which will compromise pedestrian-orientated amenity values or residential amenities, to establish in locations where adverse effects can be remedied or mitigated; and*
- *enabling competition between retailers and types of retailing.*

*A sequential approach to the location of retail activity is adopted which favours locations in town centres (particularly major town centres) where retailing is generally a permitted activity. **There is only limited provision for permitted retail activity outside town centres. However proposals for retail activity in working environments at the edge of town centres and on major roads would require it to be shown that a town centre location would not better serve the Plan's objectives and policies.***

In this instance, the subject site is situated alongside a major transport corridor - Lincoln Road, is close to the Lincoln North Special Area and is located on the periphery of Henderson Town Centre. A distinction should also be made, on the nature of the retail activity.

The Mitre 10 Mega activity is not consistent with the typical type of retail development anticipated within town centres by the District Plan. The Mitre 10 Mega activity falls under the retail definition as building improvement centre or nurseries, which are not provided for in the District Plan, specifically within anticipated activities of the Community Environment zoning which is synonymous with town centres within Waitakere City.

On this basis, the big box nature of the activity is more suitably located out of town centres due to the large sites required for development, the large utilitarian buildings that are associated with the activity and the trade nature of the activity that necessitates large vehicles and trailers accessing the site. Therefore the proposed development on a site which is not in a town centre is considered appropriate. It is not considered that the location of the Mitre 10 Mega development will lead to unplanned peripheral expansion of the City. Particularly as the site is within the Lincoln Road corridor which has been earmarked for intensification within the Auckland Regional Policy Statement.

As discussed above in Section 5.2.5 any adverse social or economic effects generated by the proposal on centres would be no more than minor.

Overall, it is considered that the proposal will not detract from any existing or future town centre. Given the nature of the retail activity, the Working Environment location in this instance is considered appropriate. The proposal is not inconsistent with either the existing or proposed District Plan policy framework, and would address City concerns relating to retail and employment leakage by providing approximately 200 fulltime equivalent jobs, associated with the Stage 1 Mitre 10 Mega development, with further provision associated with the proposed Stage 2 office development.

Parking Loading and Driveway Access – Working Environment

Assessment Criteria: 9(a) - 9(l);

Objectives: 10, 11;

Policies: 10.11, 10.16, 10.27, 11.3, 11.10, 11.14, 11.15, 11.24

Vehicle Crossings – Transport Environment

Assessment Criteria: 7(a) - 7(d);

Objectives: 5, 11;

Policies: 5.2, 11.4, 11.15

Policy 10.14 states; *“Activities should be of a scale and located and managed in a way that the safe and efficient functioning of the road network is not adversely affected”*.

As noted above the proposal will not meet District Plan performance standards with respect to car parking and requires the establishment of additional vehicle crossings to serve the development. This aspect of the proposal has been considered by the Council’s Traffic Engineer: Sam Shumane who has recommended conditions of consent, if the application is to be granted.

With respect to car parking provision, as has been stated above in section 8.1.3.1 it is considered that the provision of parking can adequately meet the demands of the proposed activity and traffic effects beyond the site will be adequately managed. Furthermore, it should be noted that with respect to the *Waitakere City Council Parking and Driveway Guideline (1997)* the proposal provides a surplus of 6 car parking spaces.

As has been stated above, the existing road network in close proximity to the subject site needs to be upgraded and is subject to proposals by the Council and the NZTA. These upgrades may include widening the Lincoln Road overpass to four lanes. NZTA is yet to set a specific timeframe at this stage. Discussions with the Councils Traffic Engineers and NZTA would indicate that the proposed upgrades may be occurring within the next 5 years.

The application details estimates and modelling information using other Mitre 10 stores located across New Zealand. This approach to determining traffic generation has been accepted by Mr Shumane and the Traffic Impact Assessment (TIA) notes *“[f]or a development of this size, these are comparatively low volumes, as weekday volumes for department stores, large specialty stores or supermarkets generate around twice this volume of trips. In addition, the weekday flows are similar to those of an office development, which is comparable to uses intended in the ‘Working Environment’ as defined by the District Plan.”*

Mr Shumane has stated:

“In summary the results of modelling indicate that the surrounding road network will experience significant increases in delay times, queue lengths, and decreases in the LoS at all intersections during the busiest mid-day peak period on Saturdays. With the proposed development conditions of the road network are slightly worse than current during the weekday afternoon peak period.”

Mr Shumane has also stated that, *“Whilst the proposed access road (ultimately connecting with Paramount Drive, Henderson) and its signalised intersection with Central Park Drive, Henderson, are the most appropriate design (local treatment), the effects of the development at large will be adverse, in particular during the Saturday mid-day peak periods.”*

Overall, the traffic modelling and assessment by Mr Shumane are consistent, in particular that the traffic generation effects in the worst case scenario will be most noticeable on a Saturday during 12-2pm. To remedy this potential adverse Saturday traffic effect, and the weekday impact it has been proposed to stage the development, thereby introducing the total amount of new traffic into the surrounding road network slowly, this will also allow some bridging time between the inception of the development and the future upgrades of Lincoln Road and the State Highway 16 interchange.

Subject to the appropriate conditions of consent, the development is considered to be consistent with the objectives and policies relating to parking/traffic generation and impacts on the roading network.

Vibration/Noise Effects
Objective 10, 11
Policies 10.1, 10.10, 10.27, 11.24

The proposal has the potential to generate noise and vibration effects during the construction phase of the development.

Policy 10.10 states; *“Any activity that generates vibration should be carried out in a way that does not cause a nuisance, or otherwise have an adverse effect on the health of occupants of adjacent properties”.*

The development has the potential to generate noise and vibration effects during the construction phase of the development, particularly as a large number of heavy vehicles and machines will be required at the site in order to carry out site works. Due to the design of the structure and the piling for foundations required to future proof the building to allow for the stage two office development, it is proposed that in some instances the construction may generate noise and vibration above that of permitted by the District Plan. If excess noise and vibration were to occur they will be temporary construction effects and limited to the hours of construction only. It is not anticipated that excess noise and vibration effects would be experienced on or at the boundary of any living environment.

It is anticipated that the general day to day operation of the Mitre 10 Mega and the office development would not generate noise above that permitted within the Working Environment as specified by the District Plan. The primary noise emitted from the site is expected to be related to the vehicle movements from customers and service vehicles and such activities are expected within the District Plan.

In addition the nearest residential Living Environment is located to the west of Lincoln Road, a regional arterial road which has the highest traffic volume of Waitakere City. Any noise generated from the site will be absorbed by the noise of the traffic along Lincoln Road and will not generate further adverse effects on the Living Environment properties.

Overall the proposal is considered to be consistent with the objectives and policies for noise and vibration.

Signs
Objective 10, 11
Policies 10.3, 10.27, 11.10, 11.14, 11.24

Policy 10.3 states; *“Activities shall be managed in a way that any associated artificial lighting of roads, driveways, signs and sites and the exterior of buildings do not detract from the ability of occupants of surrounding buildings to achieve uninterrupted and adequate levels of sleep.”*

The proposal development includes the provision of signage associated with the Mitre 10 branding, and also directional signage to the site and within the site. Signage internal to the site is generally required to provide operational and directional information to customers. None of the signs will be flashing, and lighting is proposed to be low level lighting after hours.

The proposed signage at the site is what could be expected to be found associated with a commercial development in the Working Environment (Lincoln).

Overall the proposal is considered to be consistent with the objectives and policies for signage.

Effects on Water Quality and Quantity

Objective 1, Policies 1.2, 1.10, 1.14, 1.15 and 1.18

Policy 1.10 states; *“impermeable surfaces and stormwater infrastructure shall be designed and managed in a way that avoids adverse impacts on water quality, including life-supporting quality of water, arising from the discharge of stormwater into the City’s watercourses.”*

The proposed development involves an increase in impermeable surfaces on the site, and subsequent stormwater runoff. The engineering devices that are proposed would adequately mitigate the effects of stormwater on site.

Water from the roof areas is proposed to be re-used within the proposed garden centre. Runoff from car parking areas would be directed to detention ponds where it would be held and discharged after the peak event. This stormwater would also be treated to remove contaminants. The water that is discharged into the receiving environment would not adversely affect the quality of water downstream and by gradual discharge would not contribute to down stream flooding. The proposal is considered consistent with the above policies for Water Quality and Quantity.

8.2.2 Rules and Assessment Criteria

The District Plan Assessment Criteria have been developed to address the issues covered in the objectives and policies and are a useful guide in assessing the effect of an activity. The proposal has been assessed comprehensively against the relevant objectives and policies as discussed in section 8.2.1 are considered to be consistent. The proposal is therefore considered to be consistent with the District Plan assessment criteria.

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

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

The replacement of the existing Mitre 10 Mega outlet, with a larger outlet may better serve the growing population and add to the economic base of the region. The site is within the Metropolitan Urban Limits, and is located within close proximity to a residential workforce and commercial support services including roading and motorway access.

The ARPS recognises that a density for public transport corridors should be 150 employees per hectare. The first stage of the proposal is proposed to provide approximately 200 employees within 3.15 hectares, which will fall short of this strategy. The anticipated future development of proposed Lots 1 and 3, and the stage 2 office development above the Mitre 10 structure, will help to achieve the higher levels of employment on the site.

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

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

8.4.1 Other Issues Raised by Submitters Not Covered Elsewhere in Report

Radio New Zealand Limited has raised the issue that the proposed development may be adversely affected by existing radio frequencies. The applicant has been made aware of Radio New Zealand Limited's concern. The applicant has chosen to proceed with the development.

8.4.2 Development Contribution

Long Term Council Community Plan

Under the Local Government Act 2002, Councils are permitted to take development contributions towards the cost of capital growth imposed on the Community. The financial contribution policy of the Waitakere City Council's Long Term Council Community Plan incorporates a development contribution based on the City's capital expenditure for infrastructure and community facilities for that 10 year period. The development contribution estimated for this proposal is **\$1,127,759.56** (incl. GST).

The development contribution will be calculated at the time of payment and will be payable upon issue of building consent.

8.4.3 Monitoring

The performance of the activities under this consent will be subject to Council's standard monitoring procedures. These procedures include scheduled inspections to ascertain compliance with conditions of consent, together with periodic inspections as and when required to establish whether conditions are being complied with on an ongoing basis.

8.4.4 Any Other Relevant Non-Statutory Documents

- Auckland Regional Growth Strategy (ARGS);
- Waitakere City Growth Management Strategy (Draft); and
- Sustaining the Auckland Region Together (START).

Lincoln Road is an identified area for future intensification due to being a major transport corridor. The stage one of the proposal will provide for approximately 200 jobs, with the potential for more jobs being accommodated within the site associated with the stage two office development. Whilst the inception of stage one of the proposal will fall under the target of 150 persons per hectare, there is potential for this target to be achieved over time.

Overall, the development is located within one of the identified growth corridors of Waitakere City as identified within the above documents. The proposed development is an intensive one and is considered to be generally aligned with meeting the expectations of the various growth strategies.

8.5 Lapsing of Consent

Under Section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent if not date is specified, 5 years after the date of commencement of the consent.

The applicant has requested a 10 year resource consent. Due to the nature of the development, and the potential traffic effects it is not considered appropriate to extend the length of time to greater than that of 5 years. The applicant would have the option of applying for an extension of time under Section 125 of the Act.

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.

9.1 SECTION 5

Section 5 in Part II of the Resource Management Act 1991 identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Working Environment in such a way as to enable social and sustainable economic development in Waitakere City.

9.2 SECTION 6

In addition, the proposal is not considered to adversely affect any matters of national importance. It is considered that any adverse effects arising from the proposal are limited in significance to the surrounding environment.

9.3 SECTION 7

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

It is considered that there are no other matters considered relevant to this application for resource consent.

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 well-being and their health and safety without significantly compromising the needs of future generations or the life supporting capacity of natural resources such as air, water and soils. Through the imposition of appropriate conditions of consent, it is considered that the proposed activity can sufficiently avoid, remedy or mitigate any adverse effects on the environment.

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

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

The proposal represents a significant change to the site and introduces a large and bold building on to a prominent site

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

It is considered that the threshold test for a non-complying activity has been met as the proposal satisfies section 104D. Potential adverse traffic generation effects may be more than minor, but subject to appropriate conditions of consent adverse effects will be remedied or mitigated. The proposal is not contrary to the relevant objectives and policies of the District Plan. Jurisdiction to grant consent has therefore been established.

11.0 CONCLUSION

It is considered that the proposal **meets** the criteria for granting consent as the potential adverse environmental effects are **minor** subject to adequate remediation or mitigation through the imposition of appropriate conditions of consent. It is considered that the establishment and operation of a Mitre 10 Mega outlet **will not** lead to a decline in the amenity values of the area in which it seeks to locate. The proposal is considered to be consistent with the objectives and policies of the District Plan.

Many of the issues raised by submitters cannot be addressed through the imposition of conditions as they relate to design based assessments which can be subjective such as scale and visual appearance. Any environmental effects associated with the building can be adequately mitigated by way of condition.

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

12.0 RECOMMENDATION

That pursuant to Sections 104, 1047B, 104D, 108 and 113 of the Resource Management Act 1991, and subject to additional or contrary information being presented at the hearing, consent be **granted** to the application by Magsons Hardware Ltd to construct a Mitre 10 Mega outlet on a site located with the Working Environment. The proposal will infringe controls relating to Landscape Treatment; Retailing; Parking, Loading and Driveway Access; Contamination, Vehicle Crossings (as more accurately defined in sections 3 and 4 of this report) at 297-309 Lincoln Road and 156 Central Park Drive, being Lot 2 DP 131804 and Lot 1 DP 125187 for the following reasons:

- (i) The proposed development would not detract from the visual or landscape amenities of the site or cause detriment to nearby residential or commercial amenity in terms of loss of privacy, daylight, traffic noise, glare, or increased visual intrusion over and above that permitted by the Plan.

- (ii) The proposed development is of a scale, design and location consistent and compatible with the scale and detailing of other commercial buildings located on adjoining and nearby Working Environment Land.
- (iii) The proposed landscape treatment would integrate built form and car parking areas breaking-up, softening development as viewed from the street and nearby properties.
- (iv) The proposed development whilst being a retail activity located on employment land, given its nature and scale would not detract from the integrity of nearby town centres, established or future despite its location; and, in addition provides additional employment opportunities in the City.
- (v) Adequate on-site parking and manoeuvring is provided and access to the site would not detract from matters of road safety. The existing road network, subject to road improvements would be of sufficient capacity to accommodate the additional traffic movements without detriment to the road's function or safety in the road hierarchy.
- (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 the conditions of consent.
- (vii) The proposal satisfies the relevant objectives, policies, rules and other provisions of the Operative and Proposed Waitakere City District Plan

Consent shall be subject to the following conditions:

GENERAL

1. The development shall proceed in accordance with the plans titled:
 - Plans prepared by CPG NZ Ltd and dated August 2009;
 - Masterplan drawing SK-01, dated 14 August 2009, job no. 554803.
 - Site Plan drawing SK-02, dated 14 August 2009, job no. 554803.
 - Ground Floor Plan SK-03, dated 14 August 2009, job no. 554803.
 - Mezzanine Floor Plans SK-03A, dated 14 August 2009, job no. 554803.
 - Roof Plan SK-04, dated 14 August 2009, job no. 554803.
 - Elevations SK-05, dated 14 August 2009, job no. 554803.
 - Cross Section and Signage, dated 14 August 2009, job no. 554803.
 - Landscape Site Cover Plan, dated 14 August 2009, job no. 554803.

and all referenced by Council as RMA 2009-1096 and the information, including further information, submitted with the application.

2. Pursuant to Section 125 of the Resource Management Act 1991, this consent shall lapse after a period of 5 years after the commencement of the consent.
3. A consent compliance monitoring fee of \$728.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the reinspection is carried out.

PRE-START CONDITIONS

4. **Prior to works commencing**, organise a Pre-Start meeting onsite with Council's Environmental Monitoring Officer (EMO) (Phone Council's Call Centre 839 0400 to arrange an inspection) to discuss the following:
- The conditions of Resource Consent;
 - The final location and design of the sediment and erosion controls;
 - Provide the name, phone number and signed confirmation that a road sweeping contractor has been engaged to sweep the roads on an as-needed basis to ensure storm water quality is not affected;
 - Designated site entry and stabilisation requirements;
 - Stockpile locations;
 - Earthworks Methodology;
 - Location of tree protection fencing; and
 - Any other matters arising.

The Consent Holder's representative and chief site works Contractors are to be present. The Consent Holder's representative shall minute the meeting and circulate those minutes to all in attendance including the Council's EMO.

5. **Prior to works commencing**, a Traffic Management Plan (TMP) shall be submitted to Council's Roading Officers for approval. The TMP must be prepared by a qualified and experienced Site Traffic Management Supervisor (STMS) and shall be approved in writing prior to works commencing.
6. **Before commencement of any works** and until completion of exposed site works, adequate sediment and erosion control measures in accordance with the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guideline for Earthworks" (latest edition) shall be constructed and maintained by the consent holder. The consent holder shall notify Council's Monitoring Officer - Resource Management (ph 839 0400) when controls are in place. Work shall not commence until approval has been gained in writing from the Manager Resource Consents. The control measures must be maintained until the site has been adequately stabilised against erosion and sediment-laden run off
7. **Prior to works commencing**, the soils on site shall be sampled and tested for arsenic, copper, lead and organo-chlorines to the standards set out in the Auckland Regional Council (2002) Draft Soil Sampling Protocol for Horticultural Sites, to show that the remaining soil on site meets ARC criteria for human health and discharge requirements as per the ARC Permitted Activity Criteria. The production of an approved Site Validation Report (SVR), as required by LUC-2009-969, shall be deemed to satisfy this requirement.

CONSTRUCTION REQUIREMENTS

8. All dirt tracked onto the surrounding roads as a result of the development covered by this consent shall be cleaned by sweeping on a daily basis at the expense of the applicant. The applicant shall also nominate a road sweeping contractor and provide Council's EMO with the contact details. In the case of repeated non-compliance the road sweeping contractor maybe engaged by Council's EMO at the applicants cost. Wheel wash facilities must also be employed by the applicant if deemed necessary by Council at the time. At no time shall any dirt on the roads be washed down with water.

9. Footpaths, berms and kerbs shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder and at the direction of Council.

PUBLIC DRAINAGE INFRASTRUCTURE

(DE 1) Design, provide and install a complete public wastewater reticulation system to serve the site 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 the site with a separate public connection at the lowest point within the boundary; and
- (ii) Route public drains outside building platforms and large commercial buildings.

(DE 2) Design, provide and install a complete public stormwater drainage system to serve the site 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 the site with a separate public connection at the lowest point within the boundary;
- (ii) The abandoned drainage must be either removed or grout filled under a structural engineer. If removed, provide certification from Geotech engineer for trench filling. In case of grout filling, certification must be provided by chartered professional engineer for that;
- (iii) Drainage may be required to be thrust through bush areas; and
- (iv) Reroute public drains outside building platforms, particularly medium density, apartments, and large commercial buildings.

(DE 3) Design, provide and install a complete public stormwater quality treatment system for the catchment 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, engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) Provide in the design of the catchment wide device (Stormwater 360 - Storm filter) for treatment of a fully developed upstream catchment;
- (ii) Provide a surveyed as-built plan of the device;
- (iii) Provide a maintenance manual for the treatment device; and
- (iv) Provide a drainage easement in favour of the Council over the entire area occupied by the catchment wide treatment device and all areas necessary to access and maintain the treatment device, unless already vested to Council as a utility reserve under the subdivision consent, SUB-2009-849.

- (DE4) It is the applicant's responsibility to obtain a 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 Auckland Regional Council. 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, if the consent is for the entire site as existing at the time of the consent (LOT 1 DP 125187 and LOT 2 DP 131804). Provide copies of relevant documentation from ARC to demonstrate that this has been completed.
- (DE 5) Design, provide and install on-site stormwater management devices as proposed in the report titled 'Magsons Hardware Limited - Resource Consent Application to provide an outlet for the sale of home supplies and related supporting facilities', dated September 2009, by CPG New Zealand Limited, to mitigate against adverse effects on the environment, increased downstream flooding, adverse effects on public infrastructure systems. Specific Requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 100 year storm event;
 - (ii) Construct the wetland and swales under an engineering approval;
 - (iii) Rainwater runoff from the proposed building must be collected in 8 x 25,000 litre tanks, and reused for toilet, and garden centre use. Tanks of suitable capacity are to be provided for stormwater detention and to enable reuse; and
 - (iv) Construction of private drainage requires a building consent. Provide a private drainage as-built plan for the property, prepared by a chartered professional, showing the stormwater management device(s) for each site to the point of discharge.
- (DE 6) Pursuant to Section 108(2)(d) a covenant is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, or adverse effects on public infrastructure systems, on-site stormwater management systems are required on a on-going basis, and meet the following specific requirements:
- (i) Maintain stormwater runoff flows, volumes, and timing to pre-development levels for the 100 year storm event(s);
 - (ii) Rainwater runoff from the proposed building must be collected and reused for toilet, and garden centre use;
 - (iii) As the stormwater mitigation measures are only for impermeable surfaces of 90% of the site area, the site must not have impermeable surfaces more than 90% of site area; and
 - (iv) On the second anniversary of the date of this consent, and at two yearly intervals thereafter, the owner (at the owner's expense) must provide to the Council a report from a chartered professional engineer or registered drainlayer demonstrating that the stormwater management system, including mitigation measures and devices installed as the condition of this consent (DE 5) for the proposed buildings, are functioning in accordance with their intended purpose.

Note: Council's Hazards and Special Features Register will be advised of the above requirements.

(DE 7) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve the site 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) Construct 1800D water mains both sides of the proposed public road, to allow connection to the mains in Soljan Drive, Henderson and also construct a road crossing at the dead end of the proposed public road at Soljan Drive's side. Install new Fire Hydrants within the proposed road to service the proposed development;
- (ii) The water meter must be located at the road reserve boundary;
- (iii) Locate water connections at the same position as the power and telephone connections; and
- (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.

(DE 8) **Engineering Approval and Quality Assurance Process:** Public infrastructure works, as conditioned above, require Council's approval of engineering plans and specifications prepared by the applicant's engineer in accordance with Council's Code of Practice for City Infrastructure and Land Development.

- (i) Submit full engineering plans, long sections and calculations, prepared in accordance with Council's Code of Practice, to Council for approval;
- (ii) Advise the name of the appointed developer's representative fulfilling engineering responsibilities as detailed in section 1.4.1 of the Code of Practice;
- (iii) After engineering approval has been given and prior to commencing construction, contact Council's Subdivisions Assistant on 836 9848 to arrange a QA Pre-Start Meeting. Allow 3 working days for the QA Pre-Start meeting to be booked;
- (iv) The applicant is required to ensure that the contracted drainlayer and developer's representative attend the QA Pre-Start Meeting, and that construction materials are on-site for inspection;
- (v) EcoWater's QA Supervisor will then undertake random site inspections throughout the construction process;
- (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and cctv inspection of the drains are to be carried out;
- (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed;
- (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with as-builts, cctv (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports;
- (ix) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor;

- (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant;
- (xi) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards; 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.

FEES, BONDS AND CONTRIBUTIONS - PUBLIC DRAINAGE INFRASTRUCTURE

- (FC 1) Subject to the specific approval of the Senior Drainage Engineer and Senior Water Engineer, Council may contribute towards the cost of the developer constructing catchment wide stormwater treatment devices and one of the 180dia water mains that are above the minimum standard required in the Code of Practice to service their subdivision, and where there are benefits to Council and community beyond the limits of their development. Based on the information submitted with the application, Council will contribute 60.7% of the construction cost towards the catchment-wide treatment device and 50% of the construction cost (not on the design etc) 180dia water main on one side of the road (On the side of proposed Lot 3 on the Water Supply Plan (sheet: 600; Rev: B, dated October 09, by CPG New Zealand Ltd)), of providing the works specified in the conditions (DE 3) and (DE 7), above. The applicant is required to obtain three separate quotes for the approved engineering works, and submit these quotes to Council for approval prior to commencing works. Council reserves the right to specify which quote the applicant is required to accept. Upon issue of the QA Completion Certificate, or application for 224c certificate, the applicant is required to provide copies of all invoices relative to construction of the works that Council has agreed to contribute towards. The final contribution amount will be based on the actual invoiced costs of providing the agreed services, and payments will only be made after issue of the QA Completion Certificate.
- (FC 2) Pursuant to Section 108(2)(b) and Section 108A, and in accordance with Council's Code of Practice for City Infrastructure and Land Development, the applicant is required to provide a maintenance bond to Council, equivalent to 2½% (minimum \$2,500.00) of the value of works being taken over by Council. The bond may be varied or cancelled or renewed at any time by agreement between the holder and Council. This maintenance bond will be held for six months from the date of 224c issue, or until 31 October, whichever is longer. Maintenance of these assets is the responsibility of the developer during the maintenance period. At the end of the maintenance period the QA Supervisor will undertake a maintenance inspection to ascertain whether the assets are still in satisfactory condition and if so, will instruct the bond to be released, and Council will take over maintenance responsibilities from that time forward. Where defects occur during the developer's maintenance liability period, the costs of repairing such defects are the full responsibility of the developer. Where the developer does not repair the defects, Council will retain the bond monies for use in repairing the defects, and refund any residual monies held to the developer. The developer's liability is not limited to the amount of the maintenance bond, and any additional costs will be invoiced to the developer and will become a debt due to the Council.

TRAFFIC/PARKING

- (T 1) Pursuant to Section 128 the Council will review the parking demands generated by the retail activity two years after commencing the retail activity part of the development (Mitre 10 Mega). Methods of calculating the demands shall be determined by the Council, and all costs shall be borne by the consent holder.

- (T 2) The proposed signalised intersection at Central Park Drive, Henderson be installed prior to commencement of any construction activities on site but shall be designed to accommodate the development's expected traffic movements; the following shall apply:
- (i) The detailed design of the intersection shall be safety audited by an independent safety auditor as well as the TMU and shall conform to all relevant standards of the day;
 - (ii) The left turn slip lane shall be replaced with a typical signalised left turn lane;
 - (iii) The design of phasing and controller personality shall take into account communication protocols with SCATS;
 - (iv) Details of the City's current cycleway project shall be incorporated in the detailed design of the intersection; and
 - (v) Costs of design, reviews and installation of the traffic signals and all civil works shall be borne by the consent holder.
- (T 3) Detailed design of the proposed road shall conform to the requirements of Waitakere City's Code of Practice and all relevant guidelines of the day; costs of design, reviews and construction of the access shall be borne by the consent holder.
- (T 4) The following modifications, alterations and additions to the car parking areas are required, details are to be submitted to Transport Assets for approval:
- (i) The area of the main driveway closest to the trade vehicles entry point be redesigned to include a raised paved area using different pavement texture;
 - (ii) Eliminate access to the aisle closest to the access road from the part of the main driveway closest to the trade vehicles entry point and replace with a two-way access between the first two aisles (easternmost aisles);
 - (iii) All ramps shall have gradients no steeper than 1:8 with 1:20 transitions at both ends; minimum head clearances are to comply with the relevant design guidelines of the day and the NZ Building Code;
 - (iv) Adequate vertical movement provisions for mobility card holders shall be provided to at least the roof parking area;
 - (v) Cycle racks shall be provided; location and numbers are at the discretion of the consent holder; and
 - (vi) Redesign the manoeuvring space into the loading bay at the northern wall to negate the need for trucks to use the ramp while reversing into the loading bay.
- (T 5) A detailed and comprehensive traffic management plan be provided for review and approval by the City prior to commencement of construction activities on site.

LANDSCAPING

- (LN 1) Landscape planting shall be undertaken in accordance with the approved landscaping plan attached as Appendix A, to the satisfaction of the Manager, Resource Consents. This planting shall be completed within the first planting season (May to September) following completion of construction. All planting shall be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from date of replacement.

Advice Notes:

1. The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions below are required to be in place to the satisfaction of Council.

2. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400.

Report prepared by: Sarah Glen, Senior Resource Planner and peer reviewed by Jeannette Ibrahim, Team Leader: Resource Consents.

