

**NOTE: THIS IS A LIVE DOCUMENT THAT CHANGES, PLEASE ENSURE YOU DOWNLOAD THE MOST UP TO DATE VERSION PRIOR TO MAKING AN OFFER OR ATTENDING AN AUCTION.**

**INTEREST: DURING MARKETING CAMPAIGNS DATES AND TIMEFRAMES SOMETIMES CHANGE. PLEASE REGISTER YOUR INTEREST WITH US AS EARLY AS POSSIBLE SO YOU DON'T MISS OUT ON PURCHASING THE PROPERTY.**

7 March 2023

**Re: 227 Huia Road, Titirangi**

Thank you for your interest in the above property currently listed with us and for sale by **DEADLINE SALE**.

We have made available to you the following:

- Certificate of Title
- LIM
- Rates information from Auckland Council
- School Zones
- REA Code of Conduct
- REA Guide to Selling and Buying
- Sale & Purchase Agreement

227 Huia Road, Titirangi - 4447m<sup>2</sup> Lot 3 DP 429542. Zoning: Residential – Large Lot Zone

**THINGS WE WANT TO DRAW YOUR ATTENTION TO, please refer to the LIM for more detailed information:**

**Land Information Memorandum (LIM)**

<b>Wind Zones</b> for this property	Low wind speed of 32 m/s
<b>Pest/Plant control</b>	The Auckland Council is undertaking weed control on rare but potentially very damaging environmental weeds (Total Control Pest Plants) on this site.
<b>Watercourse</b>	This site has a watercourse passing through or beside it, as shown on the attached public drainage and water services map. Watercourses are generally the responsibility of the occupier(s)/owner(s) of the land they pass through or alongside of.

<b>Reported incidents of flooding/stormwater</b>	10/10/2013 Site - not buildings flooded "The site is potentially at risk of flooding during heavy rainfall events. An indication of the extent of this flooding is available on Auckland Council GIS Viewer - Catchment and Hydrology Flood Plane, Flood Prone and Flood Sensitive Layers.
<b>Flood Plain</b>	This site (property parcel) spatially intersects with a Flood Plain
<b>Overland Flow Path</b>	This site (property parcel) spatially intersects with one or more Overland Flow Paths
<b>Exposure Zone</b>	High – Coastal areas with high risk of wind-blown sea-spray salt deposits.
<b>Special Features</b>	03/09/2010 Fencing  03/09/2010 Miscellaneous feature 1. Livestock restriction 2. Private Bridge
<b>Private &amp; Public Stormwater Drainage</b>	03/09/2010 On-site stormwater management device The Owner shall not carry out any development, nor place, erect, construct or permit to remain any buildings on any part of the land unless stormwater mitigation measures are being carried out to the satisfaction of the Auckland Council.
<b>Planning</b>	LUC 2006-1651 - Land Use Consent Subdivision Area 2 requiring earthworks, vegetation alteration and shared driveways within the Managed Natural Area and Proposed 9-bush-lot residential subdivision with sites ranging from 0.4 - 1.0 hectare in the Waitakere Ranges Titirangi-Laingholm Granted 09/01/2008  LUC-2012-849 Land Use Consent Proposed new dwelling - earthworks, yard, vegetation, impermeable surface Granted 19/10/2012
<b>Subdivisions</b>	SUB-2006-1652 Subdivision Consent 9 Lot Sub - Note: Combo Refer RMA 20061651 For LUC Granted 08/11/2006
<b>Building</b>	ABA-2012-1258 RBW RES 1: New split level dwelling, 4 bedroom,1 study, internal access three car garage Sean Cooke 19/10/2012 CCC Issued 27/05/2013
<b>Protected Trees</b>	03/09/2010 Trees / bush protection
<b>Waitakere Ranges Heritage Area</b>	This property is located within the Waitākere Ranges Heritage Area as defined in the Waitākere Ranges Heritage Area Act 2008.



**Bronwyn Scott-Woods**  
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**PREMIER**  
MEMBER 22 - 23



**Stacey Smith**  
021 022 34502  
stacey.smith@raywhite.com

**PREMIER**  
MEMBER 21 - 22

Austar Realty Ltd Licensed (REAA 2008) | 423 Titirangi Road, Titirangi 0604

**Settlement Date on Offer:** Discuss with the agent.

**Disclosures:**

- An aerial photo has been provided. This is an indicative boundary. The only way to accurately determine the boundary of a property is by obtaining a survey.
- The single garage door works intermittently and so has been disconnected.
- The dishwasher is excluded as the vendor will be taking it with them.
- The vendor believes the burglar alarm is in working order but doesn't know how to reprogramme it to confirm. It is being sold as it is.

We recommend that you get a building inspection report. We also recommend that when purchasing a property, you seek legal advice, complete due diligence and arrange your finance.

This information has been supplied to us by a third party. Accordingly, the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited, or reviewed records or documents and therefore to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its' salespersons or employees accept any responsibility for the accuracy of the materials. Intending purchasers are advised to conduct their own investigation

Regards

Bronwyn Scott-Woods & Stacey Smith



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021 613 632  
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**PREMIER**  
MEMBER 22 - 23



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**STATEMENT OF PASSING OVER INFORMATION:**

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Austar Realty Ltd  
PO Box 151098  
New Lynn  
AUCKLAND 0640



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<b>Applicant</b>	Austar Realty Ltd
<b>LIM address</b>	227 Huia Road Titirangi
<b>Application number</b>	8270437186
<b>Customer Reference</b>	RAY WHITE TITIRANGI
<b>Date issued</b>	1-Mar-2023
<b>Legal Description</b>	LOT 3 DP 429542
<b>Certificates of title</b>	515505

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### Disclaimer

This Land Information Memorandum (LIM) has been prepared for the applicant for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987.

The LIM includes information which:

- Must be included pursuant to section 44A of the Local Government Official Information and Meetings Act 1987
- Council at its discretion considers should be included because it relates to land
- Is considered to be relevant and reliable

This LIM does not include other information:

- Held by council that is not required to be included
- Relating to the land which is unknown to the council
- Held by other organisations which also hold land information

Council has not carried out an inspection of the land and/or buildings for the purpose of preparing this LIM. Council records may not show illegal or unauthorised building or works on the land.

The applicant is solely responsible for ensuring that the land or any building on the land is suitable for a particular purpose and for sourcing other information held by the council or other bodies. In addition, the applicant should check the Certificate of Title as it might also contain obligations relating to the land.

The text and attachments of this document should be considered together.

This Land Information Memorandum is valid as at the date of issue only.

## s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

### Site Contamination

No land contamination data are available in Council's regulatory records.

### Wind Zones

Wind Zone(s) for this property: Low wind speed of 32 m/s

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

### Soil Issues

The Auckland Council is not aware of any soil issues in relation to this land. If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre or via the property file product services.

### Pest/Plant Control

The Auckland Council is undertaking weed control on rare but potentially very damaging environmental weeds (Total Control Pest Plants) on this site. The site **MUST NOT BE TOUCHED OR ALTERED** (e.g. weed work, soil removal, building works, works requiring a building consent or resource consent etc.) without notifying the Auckland Council Biosecurity team in case this work disturbs the site and makes the weed situation worse.

### Watercourses

This site has a watercourse passing through or beside it, as shown on the attached public drainage and water services map. Watercourses are generally the responsibility of the occupier(s)/owner(s) of the land they pass through or alongside of.

### Reported incidents of flooding/stormwater

Effective Date	Description	Details
10/10/2013	Site - not buildings flooded	"The site is potentially at risk of flooding during heavy rainfall events. An indication of the extent of this flooding is available on Auckland Council GIS Viewer - Catchment and Hydrology Flood Plane, Flood Prone and Flood Sensitive Layers. Any proposed development on this site may require a detailed flood risk report to be completed by a qualified drainage engineer. This will confirm the extent of the flood risk and action required.

		Proposed development must have regard for established flood levels and the need to ensure that flood plains and flow paths are not impeded This information is provided pursuant to s.44A (2)(a) Local Government Official Information and Meetings Act 1987."
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**Flooding**

This statement entitled "Flooding" appears on all LIMs.

Known flooding information is displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

The information shown in the "Special Land Features - Natural Hazards - Flooding" map is also shown on the Auckland Council online map viewer (Geomaps), at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz), which is updated from time to time.

Any proposed development may require a flooding assessment to be provided by the applicant.

The absence of flooding on the "Special Land Features - Natural Hazards - Flooding" map does not exclude the possibility of the site flooding, particularly from Overland Flow Paths which may be on other properties.

**Flood Plain**

This site (property parcel) spatially intersects with a Flood Plain, as displayed on the map attached to this LIM entitled "Special Land Features - Natural Hazards - Flooding", and may flood during significant rainfall events.

Flood Plains represent the predicted area of land inundated by runoff from a 1% Annual Exceedance Probability (AEP) magnitude event, often referred to as a '1 in 100-year event'.

Flood Plains are generally determined by computer based hydrological and hydraulic modelling.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Flood Plains.

Note: The terms "Flood Plain" and "Floodplain" are used interchangeably.

**Overland Flow Path**

This site (property parcel) spatially intersects with one or more Overland Flow Paths, as displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

Overland Flow Paths are lines representing the predicted route of overland flow, based on analysis of a Digital Terrain Model (derived from aerial laser survey). Overland Flow Paths do not show the width or extent of flow.

Overland Flow Paths are based solely on the terrain and are indicative only.

Overland Flow Paths may flood depending on the amount of rain.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Overland Flow Paths.

Note: The terms "Flow Path" and "Flowpath" are used interchangeably.

## Exposure Zones

New Zealand Standard 3604:2011 classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Zone D

High — Coastal areas with high risk of wind-blown sea-spray salt deposits. This is defined as within 500m of the sea including harbours, or 100m from tidal estuaries and sheltered inlets. The coastal area also includes all offshore islands including Waiheke Island, Great Barrier Island. Within each of the zones there are different environmental locations that require fittings and fixtures appropriate to its designation as outlined Tables 4.1 to 4.3 in NZS 3604:2011 being either "closed", "sheltered" or "exposed". For further information refer to NZS 3604:2011 Section 4 — Durability.

## Coastal Erosion

This explanation appears on all LIMs, not just sites that may be susceptible to coastal erosion.

The map entitled "Natural Hazards - Coastal Erosion" shows information on potential coastal erosion and resulting land instability, if any, in relation to this site.

Coastal erosion is the wearing away of land due to coastal processes such as waves and currents. Coastal instability is the movement of land (typically as a landslide) resulting from the loss of support caused by coastal erosion.

Where applicable, the map shows lines that indicate areas susceptible to coastal instability and erosion (ASCIE) within the next 100 years. The lines do not show the future position of the coast. Rather, they show the landward edge of the area that might become unstable as a result of coastal erosion. The area between this line and the sea is considered to be potentially susceptible to erosion, or instability caused by erosion.

The lines represent three timescales, and take into account projected sea level rise based on carbon emission scenarios known as representative concentration pathways (RCP):

- 2050 (0.28 m of sea level rise; RCP 8.5)
- 2080 (0.55 m of sea level rise; RCP 8.5)
- 2130 (1.18 m of sea level rise; RCP 8.5)
- 2130 (1.52 m of sea level rise; RCP 8.5+)

The RCP projections are from the Intergovernmental Panel on Climate Change fifth assessment report (2015), and the related sea level rise values align with Ministry for the Environment Coastal Hazards and Climate Change Guidance for Local Government (2017).

The lines are based on data from a regional study ("Predicting Auckland's Exposure to Coastal Instability and Erosion", available on the Council website). The lines may not take into account local variability, and are not intended for site-specific use.

Development on sites affected by potential coastal erosion may be subject to Auckland Unitary Plan activity controls and may require a detailed coastal hazard assessment report to be completed by a qualified expert.

## Special Features - General

Effective Date	Description	Details
03/09/2010	Fencing	The Owner of the land will not erect any fence along the boundary of Lots 3 and 5 facing the Tangiwai Reserve or in the vicinity of the boundaries of the existing adjacent Tangiwai Reserve other than a fence which is open and visually permeable. The Owner will maintain any fence so erected so that visual permeability is not impaired by the growth of the creepers or other vegetation over the fence. This condition does not require that a fence is erected and will only apply if a fence is proposed to be erected or where the Owner erects a fence. A guide of permeable fencing and possible design options is available from the Parks Consent Planner at Council.
03/09/2010	Miscellaneous feature	1.... livestock restriction - The Owner shall not bring onto or permit to remain on any part of the land any livestock of any nature including but not limited to horses and goats, unless those parts of the land marked "DD", "DG", "DH", "IB", "IC" and "J" on Deposited Plan 429542 are adequately fenced with stock proofing fencing that: (a), Ensures that all livestock remains outside the areas marked "DD", "DG", "DH", "IB", "IC" and "J" on Deposited Plan 429542; and (b),,Complies with one of Clauses 6, 7 or 8 of the Fencing Act 1978; and (c),,Is constructed around the perimeter of those parts of the land marked "DD", "DG", "DH", "IB", "IC" and "J" on Deposited Plan 429542 ; and (d),,All fencing is maintained, repaired and/or renewed by the Owner at the Owner's expense; and (e),,All such fencing is constructed to the satisfaction of the Auckland Council. 2.... Private Bridge - The Owners shall manage, maintain and keep in proper working order the privately owned bridge crossing located on the land. It is acknowledged that the obligations of all of the Owners of the land are joint and several.,,

### s44A(2)(b) Information on private and public stormwater and sewerage drains

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

Effective Date	Description	Details
03/09/2010	On-site stormwater management device	The Owner shall not carry out any development, nor place, erect, construct or permit to remain any buildings on any part of the land unless stormwater mitigation measures are being carried out to the satisfaction of the Auckland Council which must include, but are not limited to the following: ,a.,either: ,,, ,,,(i),,maintain stormwater runoff flows, volumes and timing to



		<p>predevelopment levels for the two year storm event to provide stream channel erosion protection; or ,,,, (ii),,store the first 34.5 mm of rainfall and discharge over 24 hours; and , , ,b.,,collect and re-use rainwater runoff from the proposed dwellings/additions for non potable re-use, such as toilet, laundry and exterior water taps and install tanks of suitable capacity for stormwater reuse and attenuation; and , ,c.,,ensure all stormwater discharge and overflow runoff mimics natural runoff patterns and does not directly discharge to any open drain or piped system; and , , ,d.,,ensure on-site stormwater device design takes into consideration the Geotechnical Report and Investigation for the property completed by Engineering Geology Limited, Ref 5950a, dated 6 July 2006 (held in Council's records under RMA20061652) ("the Engineering Geology Report") and the applicable recommendations of the Engineering Geology Report are acknowledged in the said design; and , ,e.,,the Owner shall provide to the Auckland Council at two yearly intervals from 3rd September 2008, a report from a suitably qualified person demonstrating that: , ,(i),,The measures required to mitigate stormwater runoff are in working order as per their approved design including, but not limited to, any measures and devices installed as a condition of any future building consent for the proposed buildings; and ,,,, (ii),,The Owner shall ensure that any deficiencies in the operation of the stormwater mitigation devices/ measures are remedied to the satisfaction of the Auckland Council and left in a suitable condition to remain in service for a further two years.</p>
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**s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956**

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

**s44A(2)(bb) Information Council holds regarding drinking water supply to the land**

For metered water information, please contact **Watercare (09) 442 2222** for services provided to this property.

**s44A(2)(c) Information relating to any rates owing in relation to the land**

<b>Billing Number/ Rate Account:</b>	12341509317
<b>Rates levied for the Year 2022/2023 :</b>	\$3,357.49
<b>Total rates to clear for the current year (including any arrears and postponed rates):</b>	\$1,681.11

The rates figures are provided as at 8 a.m. 01/03/2023. It is strongly advised these are not used for

settlement purposes.

s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

### Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

### Resource Management

#### Planning

227 Huia Road Titirangi

Application No.	Description	Decision	Decision Date
LUC-2006-1651	Land Use Consent Subdivision Area 2 requiring earthworks, vegetation alteration and shared driveways within the Managed Natural Area and Proposed 9-bush-lot residential subdivision with sites ranging from 0.4 - 1.0 hectare in the Waitakere Ranges Titirangi-Laingholm	Granted	09/01/2008
LUC-2012-849	Land Use Consent Proposed new dwelling - earthworks, yard, vegetation, impermeable surface	Granted	19/10/2012

#### Subdivisions

227 Huia Road Titirangi

Application No.	Description	Decision	Decision Date
SUB-2006-1652	Subdivision Consent 9 Lot Sub - Note: Combo Refer RMA 20061651 For LUC	Granted	08/11/2006

## Engineering Approvals

There are **NO** Engineering approvals recorded.

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

## Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

## Building

227 Huia Road Titirangi

Application No.	Description	Issue Date	Status
ABA-2012-1258	RBW RES 1: New split level dwelling, 4 bedroom, 1 study, internal access three car garage Sean Cooke	19/10/2012	CCC Issued 27/05/2013 (See Note 2)

Note	Description
2	Code Compliance Certificate (CCC) for this consent was issued.

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

## Compliance Schedules (Building Warrant of Fitness)

The Council has no record of a Compliance Schedule for this property/building.

If it is evident that any specified systems such as lifts or commercial fire alarms are present in the building, the owner must ensure there is a current compliance schedule or building warrant of fitness.

## Swimming/Spa Pool Barriers

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004.

Pool barrier information is available for viewing at <http://www.aucklandcouncil.govt.nz>

## Licences

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There are NO current licences recorded

### s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

### s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

#### **Auckland Unitary Plan - Operative in Part (AUP:OP)**

The **Auckland Unitary Plan - Operative in part(AUP:OP)** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. Those parts of the Auckland Unitary Plan that are operative replace the corresponding parts of legacy regional and district plans. However, certain parts of the AUP:OP are the subject of appeals and have not become operative. If a property is subject to an appeal this will be identified on the attached Unitary Plan Property Summary Report. Where this is the case, both the Auckland Unitary Plan Decisions version and the legacy regional and district plans will need to be considered.

The AUP:OP zones, controls, overlays, precincts, and designations that apply to this property are set out in the Property Summary Report, which is attached to this memorandum.

The AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplan>

The legacy regional and district plans can be viewed here:

<https://www.aucklandcouncil.govt.nz/districtplans>

<https://www.aucklandcouncil.govt.nz/regionalplans>

The appeals to the AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

#### **Auckland Council District Plan - Hauraki Gulf Islands Section (Operative 2013) (DP:HGI)**

While the regional provisions in the AUP:OP apply to the Hauraki Gulf Islands, and are set out in the Property Summary Report attached to this memorandum, the AUP:OP does not contain any district provisions for the Hauraki Gulf Islands. If the Property Summary Report attached to this memorandum lists its zone as "Hauraki Gulf Islands", the district provisions that apply are in the Auckland Council District Plan Hauraki Gulf Islands Section (Operative 2013) (**DP:HGI**).

The relevant maps of the DP:HGI are attached to this memorandum, if applicable. The text of the DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/haurakigulfislands>

## Plan Changes and Notices of Requirement

Changes to the AUP:OP and DP:HGI may be proposed from time to time. These proposed plan changes may relate to either the maps or the text of those plans. Any proposed changes to the AUP:OP relevant to this property will be listed as a modification in the Property Summary Report attached to this memorandum. However, proposed changes to the DP:HGI will not appear on the Property Summary report. That information can be found on the Auckland Council website.

Please refer to the AUP:OP for information on any proposed Plan Changes or see the Auckland Council modifications website at:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Information relating to any proposed Plan Changes to DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/haurakigulfislands>

From time to time a requiring authority, such as a Ministry of the Crown or a council controlled organisation, may notify Auckland Council that they require certain land to be designated for a certain purpose. If this property is the subject of such a notice of requirement, that notice may have implications for how this property can be developed or used from the date it is received by Council.

If this property is not on the Hauraki Gulf Islands, any notices of requirement applicable will be listed as a modification in the Property Summary Report attached to this memorandum.

If this property is on the Hauraki Gulf Islands, any notice of requirement will be available on the Auckland Council Website.

Information on all current notices of requirement can be found on the modifications page here:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

## Protected Tree(s)

Effective Date	Description	Details
03/09/2010	Trees / bush protection	1.... Protected Trees - The Owner shall preserve in perpetuity and use the owner's best endeavours to ensure that others preserve in perpetuity all bush, shrubs and trees growing from time to time in the revegetation area on those parts of the land marked "DD", "DG", "DH", "IB", "IC" and "J" on Deposited Plan 429542 in their natural state and without limiting the generality of the foregoing, the owner shall not cut down, trim, burn, maim or do any act which may prejudice the preservation of such bush, shrubs and trees in the revegetation area or permit others to cut down, trim, maim, burn or do any act which may prejudice the preservation of such bush, shrubs or trees in the revegetation area without first obtaining the consent of the Auckland Council which may be withheld for any reason at the total discretion of the Auckland Council and if conditions are imposed on any such consent, then strictly in accordance with those conditions. 2.... The Owner shall preserve in perpetuity and use the owner's best endeavours

		to ensure that others preserve in perpetuity all native bush, shrubs and trees growing from time to time on those parts of the land marked "ZA", "ZB", "ZC", "XB", "XC" on Deposited Plan 429542 in their natural state and without limiting the generality of the foregoing, the owner shall not cut down, trim, burn, maim or do any act which may prejudice the preservation of such native bush, shrubs and trees or permit others to cut down, trim, maim, burn or do any act which may prejudice the preservation of such native bush, shrubs or trees without first obtaining the consent of the Auckland Council which may be withheld for any reason at the total discretion of the Auckland Council and if conditions are imposed on any such consent, then strictly in accordance with those conditions.
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The site contains a notable tree or group of trees. Restrictions apply to this site; please refer to the District Plan.

### **Auckland Unitary Plan**

Please note that the Auckland Unitary Plan (Operative in part) applies to this property. The Unitary Plan should be carefully reviewed and considered, as it may have implications for how this property can be developed or used. Parts of the Unitary Plan that are relevant to this property relating to zones, overlays, controls, designations and other restrictions are identified in the Property Summary Report attached to this LIM.

The Unitary Plan can be accessed at Council service centres and libraries and can be found on the following internet page:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

### **Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant**

For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

**s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation**

### **Waitākere Ranges Heritage Area**

This property is located within the Waitākere Ranges Heritage Area as defined in the Waitākere Ranges Heritage Area Act 2008. A link to the Act and further information on the heritage area can be found on the council's website at:

<https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage-walks-places/Pages/waitakere-ranges-heritage-area.aspx>

**s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004**

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage

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and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

## Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

---

- Auckland Unitary Plan Property Summary Report
- Auckland Unitary Plan - Operative in part Maps and Map Legend
- Auckland Council District Plan - Hauraki Gulf Islands Section (if applicable)
- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- Consent Conditions : LUC-2012-849
- Consent Conditions : LUC-2006-1651
- As Built Drainage Plan : ABA-2012-1258



## Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

### Address

227 Huia Road Titirangi

### Legal Description

LOT 3 DP 429542

### Appeals

### Modifications

Plan Changes - Plan Change 78 - Intensification - Multiple Layers - [View PDF](#) - Proposed - 18/08/2022

### Zones

Residential - Large Lot Zone

### Precinct

### Controls

Controls: Macroinvertebrate Community Index - Exotic

Controls: Macroinvertebrate Community Index - Native

Controls: Stormwater Management Area Control - TITIRANGI / LAINGHOLM 1 - Flow 1

### Overlays

Natural Heritage: Ridgeline Protection Overlay - Natural

Natural Heritage: Waitakere Ranges Heritage Area Overlay - Extent of Overlay

Natural Heritage: Waitakere Ranges Heritage Area Overlay - WRHA\_06 - Subdivision Schedule

Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_5539 - Terrestrial

### Designations

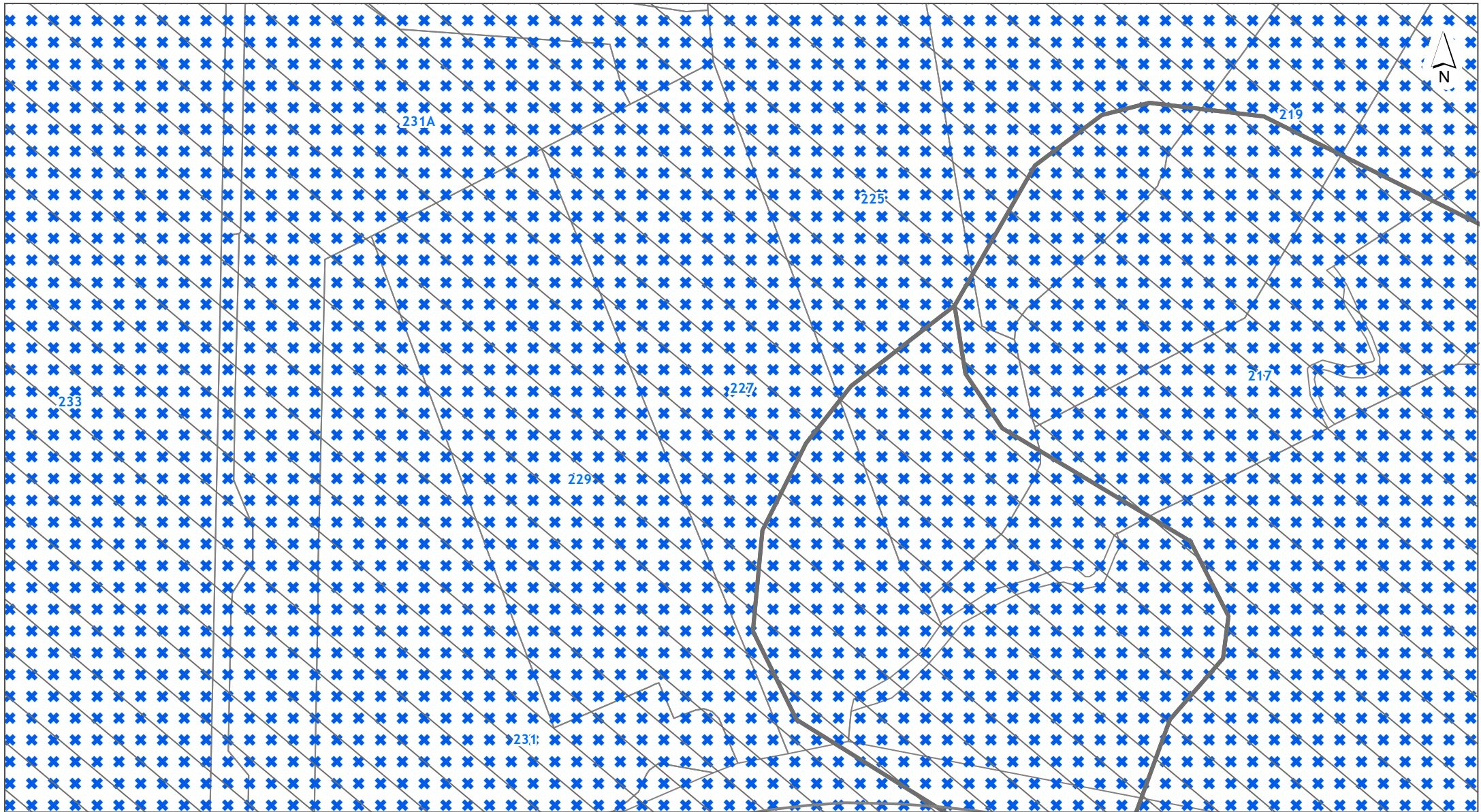


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**Built Environment**  
**227 Huia Road Titirangi**  
**LOT 3 DP 429542**

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Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
1/03/2023



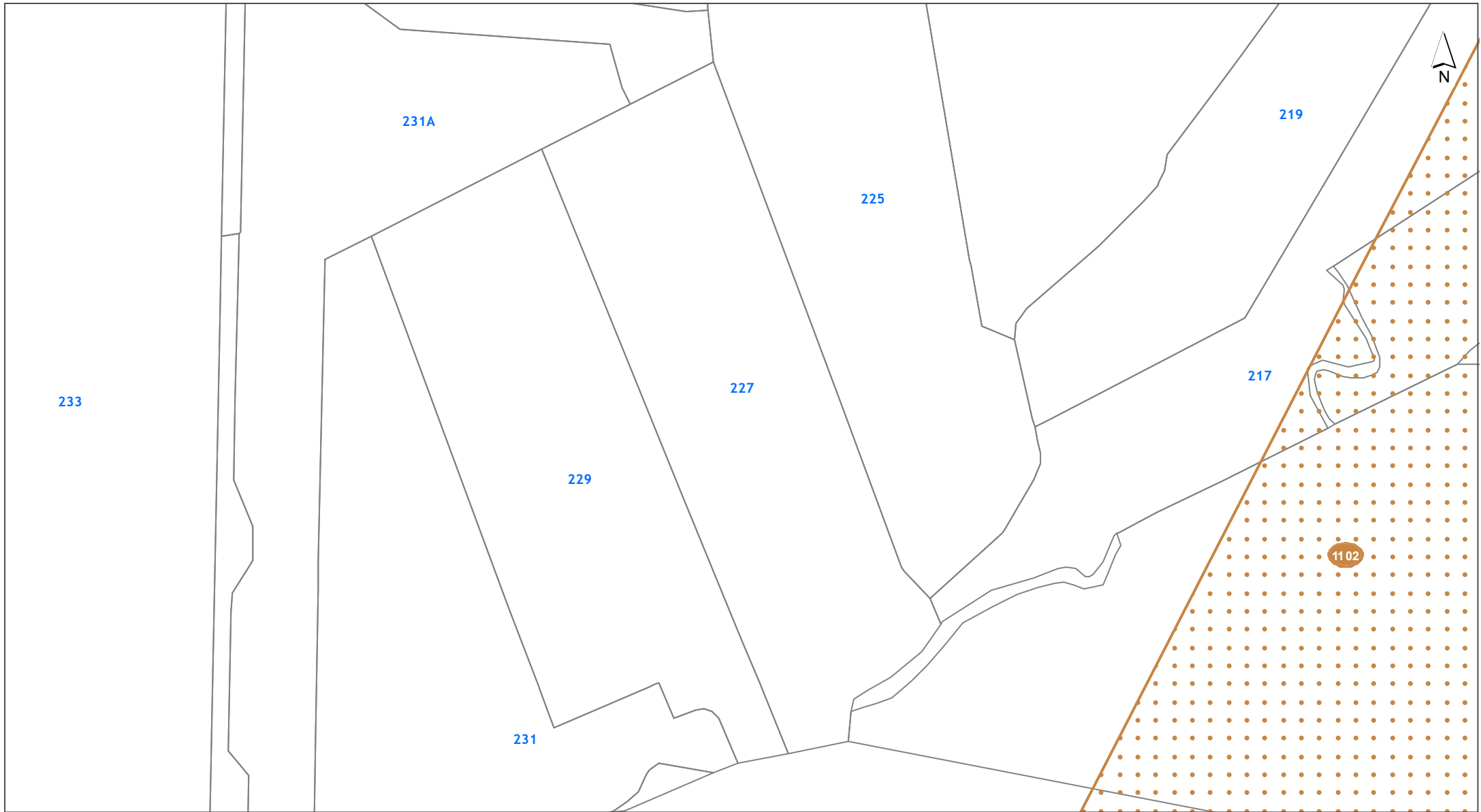


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**Controls**  
**227 Huia Road Titirangi**  
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**Designations**  
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Historic Heritage and Special Character

227 Huia Road Titirangi

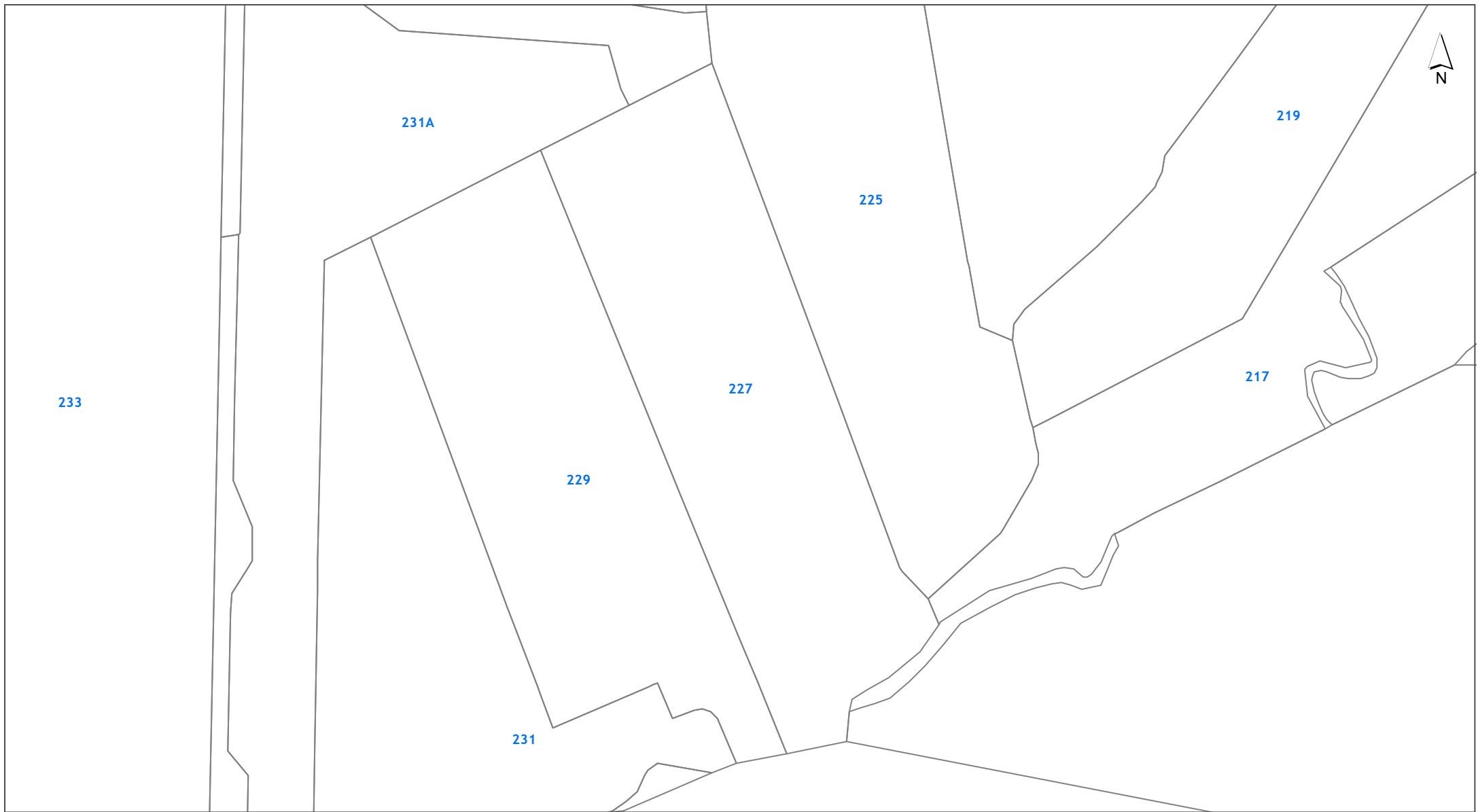
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**Infrastructure**  
**227 Huia Road Titirangi**  
**LOT 3 DP 429542**

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Meters  
Scale @ A4  
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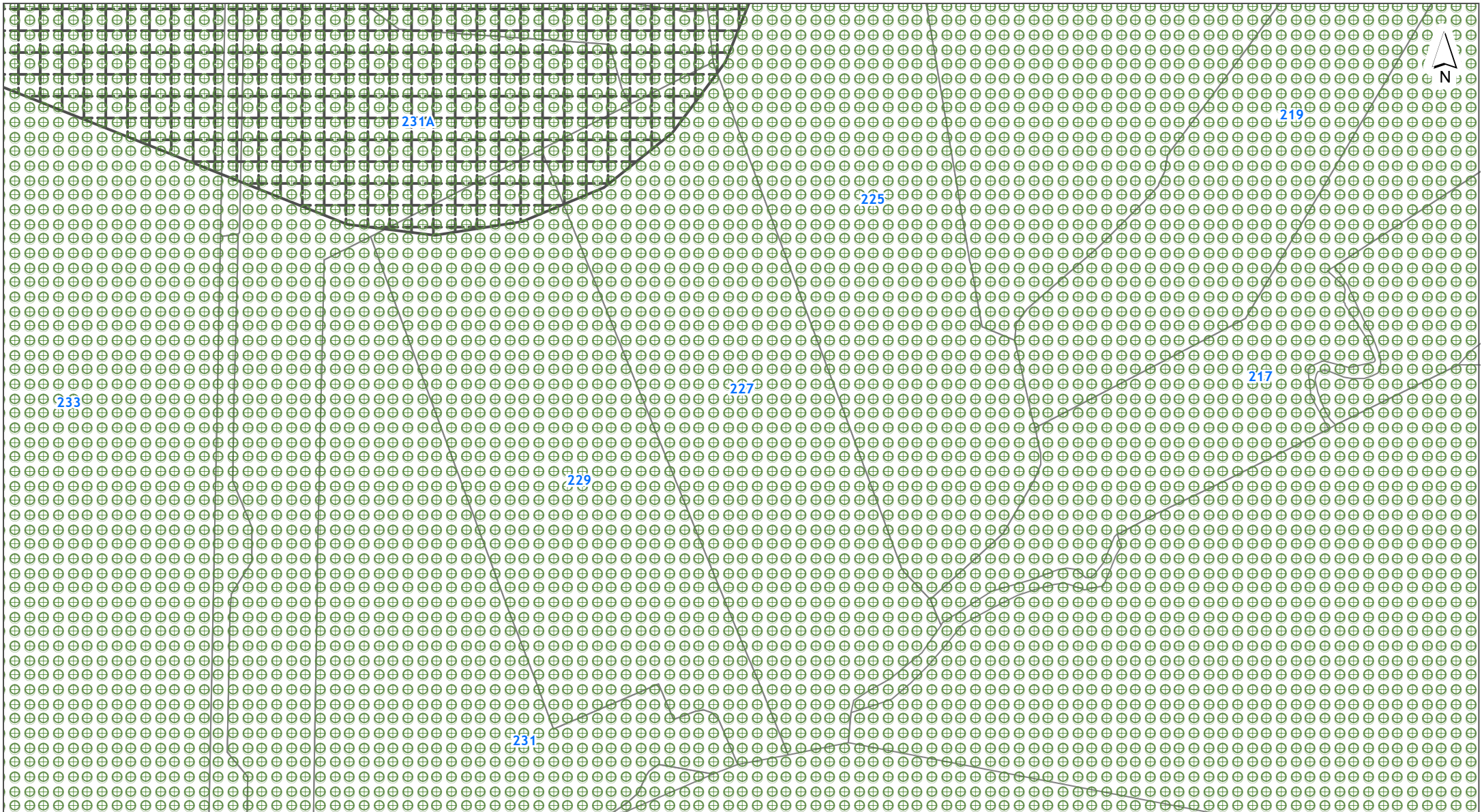


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Mana Whenua  
227 Huia Road Titirangi  
LOT 3 DP 429542

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Meters  
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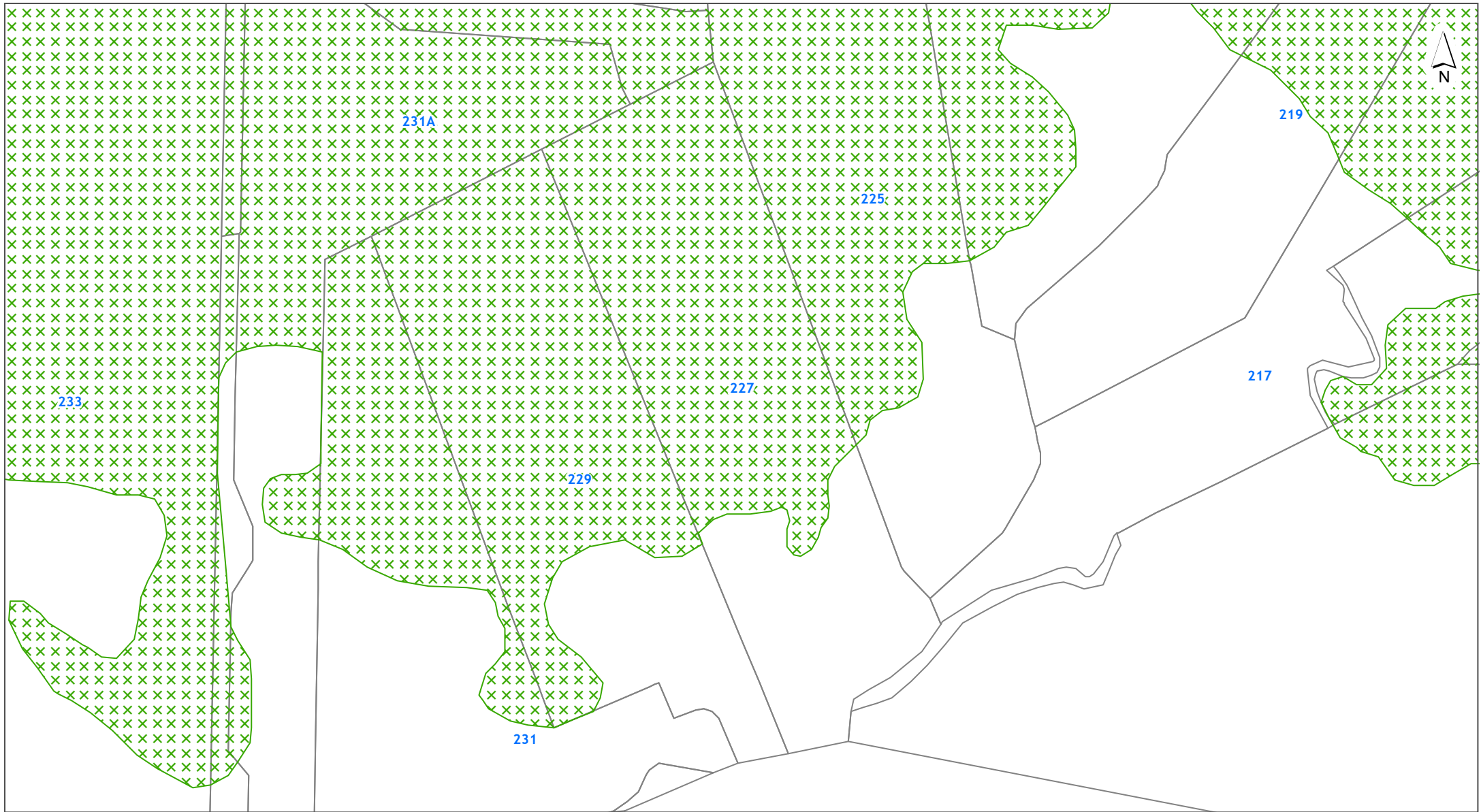
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Natural Heritage  
227 Huia Road Titirangi  
LOT 3 DP 429542

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Meters  
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**Natural Resources**  
**227 Huia Road Titirangi**  
**LOT 3 DP 429542**

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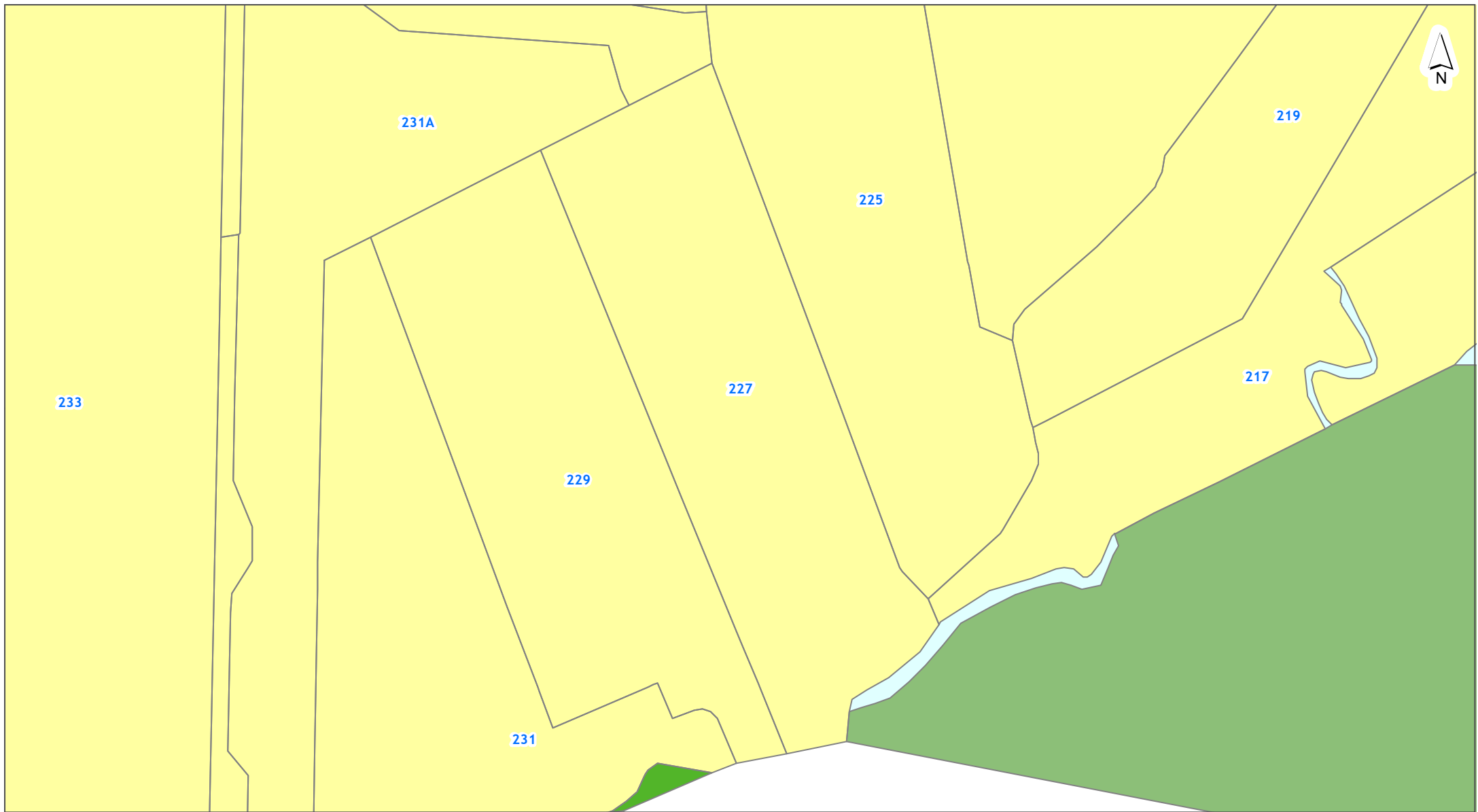


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**Precincts**  
**227 Huia Road Titirangi**  
**LOT 3 DP 429542**

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**Zones and Rural Urban Boundary**  
**227 Huia Road Titirangi**  
**LOT 3 DP 429542**

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Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
1/03/2023




## NOTATIONS

### Appeals to the Proposed Plan

 Appeals seeking changes to zones or management layers

### Proposed Modifications

 Notice of Requirements

 Plan Changes

 Future Coastal Hazards Plan Change

### Tagging of Provisions:

[ i ] = Information only

[ rp ] = Regional Plan






[ rcp ] = Regional Coastal Plan

[ rps ] = Regional Policy Statement

[ dp ] = District Plan (only noted when dual provisions apply)

## ZONING

### Residential

-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone








### Business

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

### Open space

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone
-  Water [i]



### Rural

-  Rural - Rural Production Zone
-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone
-  Rural - Rural Conservation Zone
-  Rural - Countryside Living Zone
-  Rural - Waitakere Foothills Zone
-  Rural - Waitakere Ranges Zone

### Future Urban

-  Future Urban Zone
-  Green Infrastructure Corridor (Operative in some Special Housing Areas)

### Infrastructure

-  Special Purpose Zone - Airports & Airfields  
Cemetery  
Quarry  
Healthcare Facility & Hospital  
Tertiary Education  
Māori Purpose  
Major Recreation Facility  
School
-  Strategic Transport Corridor Zone

### Coastal

-  Coastal - General Coastal Marine Zone [rcp]
-  Coastal - Marina Zone [rcp/dp]
-  Coastal - Mooring Zone [rcp]
-  Coastal - Minor Port Zone [rcp/dp]
-  Coastal - Ferry Terminal Zone [rcp/dp]
-  Coastal - Defence Zone [rcp]
-  Coastal - Coastal Transition Zone



Precincts

--- Rural Urban Boundary

--- Indicative Coastline [i]

# Overlays

## Natural Resources

- Terrestrial [rp/dp]
  - Marine 1 [rcp]
  - Marine 2 [rcp]
  - Water Supply Management Areas Overlay [rp]
  - Natural Stream Management Areas Overlay [rp]
  - High-Use Stream Management Areas Overlay [rp]
  - Natural
  - Urban
  - High-Use Aquifer Management Areas Overlay [rp]
  - Quality-Sensitive Aquifer Management Areas Overlay [rp]
  - Wetland Management Areas Overlay [rp]
- } Significant Ecological Areas Overlay

## Natural Heritage

- Verified position of tree
  - Unverified position of tree
  - Group of Trees
  - Outstanding Natural Features Overlay [rcp/dp]
  - Outstanding Natural Landscapes Overlay [rcp/dp]
  - Outstanding Natural Character Overlay [rcp/dp]
  - High Natural Character Overlay [rcp/dp]
  - Viewshafts
  - Height Sensitive Areas
  - Regionally Significant Volcanic Viewshafts Overlay Contours [i]
  - Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
  - Locally Significant Volcanic Viewshafts Overlay Contours [i]
  - Modified
  - Natural
  - Local Public Views Overlay [rcp/dp]
  - Extent of Overlay
  - Subdivision Schedule
- } Notable Trees Overlay
- } Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]
- } Waitakere Ranges Heritage Area Overlay

## Infrastructure

- Airport Approach Surface Overlay
  - Aircraft Noise Overlay
  - City Centre Port Noise Overlay [rcp / dp]
  - Quarry Buffer Area Overlay
  - National Grid Subdivision Corridor
  - National Grid Substation Corridor
  - National Grid Yard Compromised
  - National Grid Yard Uncompromised
- } National Grid Corridor Overlay

## Historic Heritage & Special Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [i]
- Stockade Hill Viewshaft Overlay – 8m height area
- Stockade Hill Viewshaft [i]

## Mana Whenua

- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

## Built Environment

- Identified Growth Corridor Overlay

# Controls

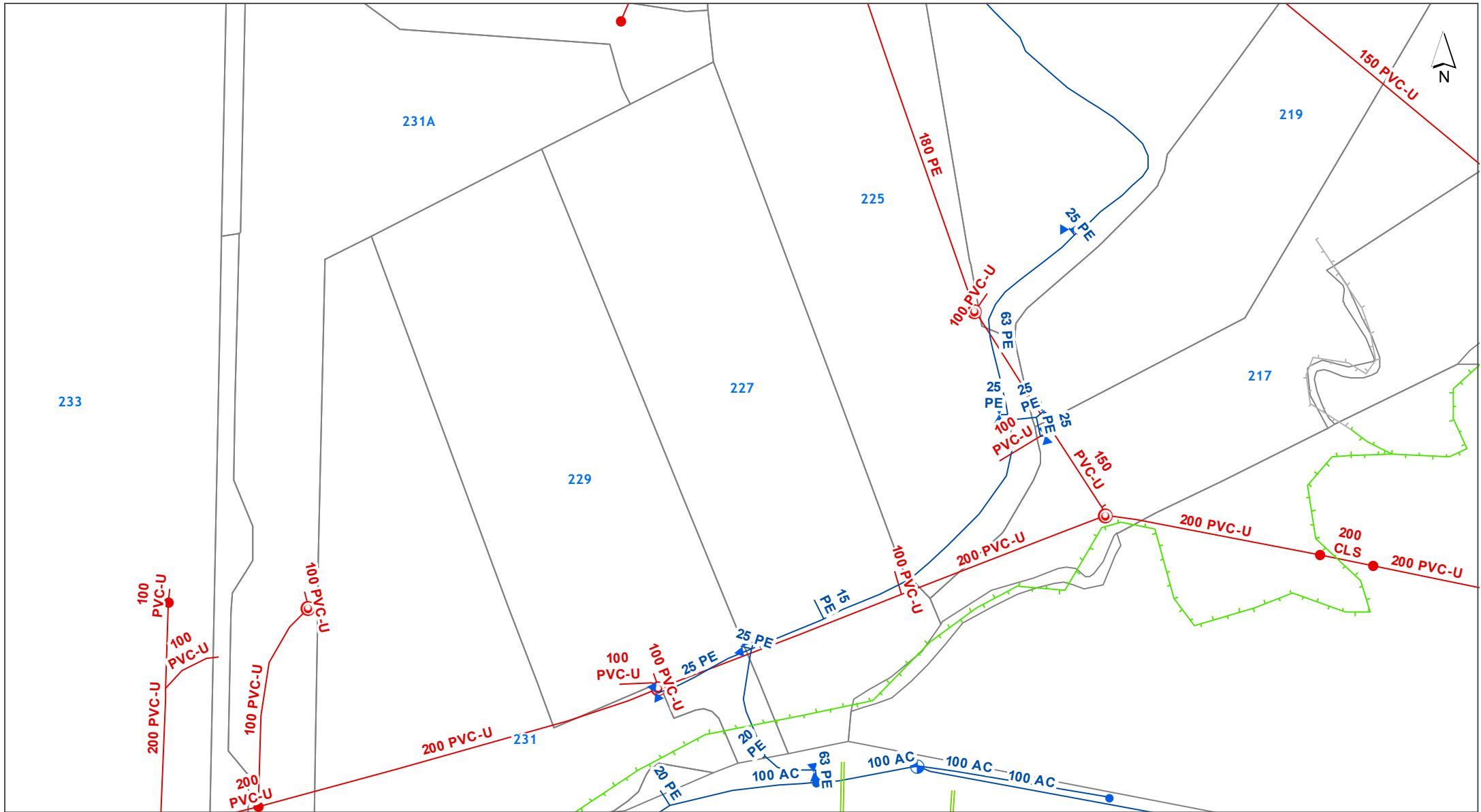
- Key Retail Frontage
  - General Commercial Frontage
  - Adjacent to Level Crossings
  - General
  - Motorway Interchange Control
  - Centre Fringe Office Control
  - Height Variation Control
  - Parking Variation Control
  - Level Crossings With Sightlines Control
  - Arterial Roads
  - Business Park Zone Office Control
- } Building Frontage Control
- } Vehicle Access Restriction Control

- Hazardous Facilities
  - Infrastructure
  - Macroinvertebrate Community Index
  - Flow 1 [rp]
  - Flow 2 [rp]
  - Subdivision Variation Control
  - Indigenous Vegetation 749.7 ha
  - Freshwater Wetland 14.6 ha
  - Surf Breaks [rcp]
  - Cable Protection Areas Control [rcp]
  - Coastal Inundation 1 per cent AEP Plus 1m Control
- } Emergency Management Area Control
- } Stormwater Management Area Control
- } Kawau Island Rural Subdivision SEAs Control

# Designations

- Designations

- Airspace Restriction Designations



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**Underground Services**  
 227 Huia Road Titirangi  
 LOT 3 DP 429542

0 7 14 21  
 Meters  
 Scale @ A4  
 = 1:1,000  
 Date Printed:  
 1/03/2023



Stormwater

Note: Unless otherwise specified in the text below, the *colour* of a Stormwater symbol is determined by the ownership or usage status, using the following colour scheme:

**Public**, **Private** or **Abandoned**

- |  |                               |  |   |
|--|-------------------------------|--|---|
|  | Treatment Device              |  | Overland Flowpath (Public)                |
|  | Septic Tank                   |  | Overland Flowpath (Private)               |
|  | Septic Tank (Hi-Tech)         |  | Forebay (Public)                          |
|  | Soakage System                |  | Forebay (Private)                         |
|  | Inspection Chamber            |  | Treatment Facility (Public)               |
|  | Manhole (Standard / Custom)   |  | Treatment Facility (Private)              |
|  | Inlet & Outlet Structure      |  | Pump Station                              |
|  | Inlet & Outlet (No Structure) |  | Planting                                  |
|  | Catchpit                      |  | Embankment                                |
|  | Spillway                      |  | Viewing Platform                          |
|  | Safety Benching               |  | Bridge                                    |
|  | Culvert / Tunnel              |  | Erosion & Flood Control (Other Structure) |
|  | Subsoil Drain                 |  | Erosion & Flood Control (Wall Structure)  |
|  | Gravity Main                  |  |   |
|  | Rising Main                   |  |   |
|  | Connection                    |  |   |
|  | Fence                         |  |   |
|  | Lined Channel                 |  |   |
|  | Watercourse                   |  |   |

Water

- |  |  |
|--|--|
|  | Valve                                      |
|  | Hydrant                                    |
|  | Fitting                                    |
|  | Other Watercare Point Asset                |
|  | Other Watercare Linear Asset               |
|  | Local Pipe (Operational-NonPotable)        |
|  | Local Pipe (Operational-Potable)           |
|  | Local Pipe (Operational Not Vested)        |
|  | Local Pipe (Abandoned / Not Operational)   |
|  | Transmission Pipe (Operational-NonPotable) |
|  | Transmission Pipe (Operational-Potable)    |
|  | Transmission Pipe (Not Operational)        |
|  | Transmission Pipe (Proposed)               |
|  | Pump Station                               |
|  | Reservoir                                  |
|  | Other Structure (Local)                    |
|  | Chamber (Transmission)                     |
|  | Water Source (Transmission)                |
|  | Other Watercare Structures and Areas       |

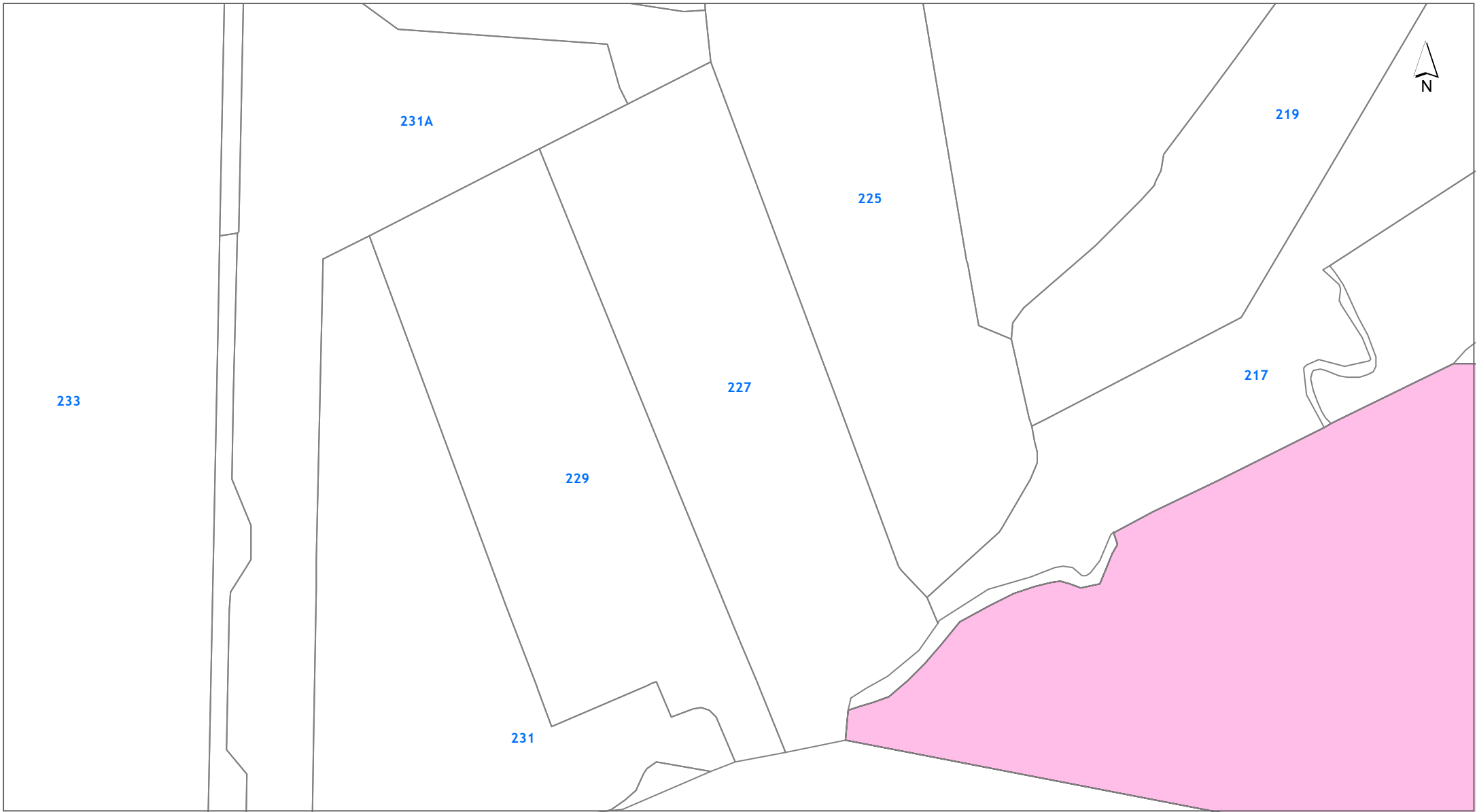
Wastewater

- |  |  |
|--|--|
|  | Fitting                                  |
|  | Fitting (Non Watercare)                  |
|  | Manhole                                  |
|  | Pipe (Non Watercare)                     |
|  | Local Pipe (Operational)                 |
|  | Local Pipe (Operational Not Vested)      |
|  | Local Pipe (Abandoned / Not Operational) |
|  | Transmission Pipe (Operational)          |
|  | Transmission Pipe (Not Operational)      |
|  | Transmission Pipe (Proposed)             |
|  | Chamber                                  |
|  | Structure (Non Watercare)                |
|  | Pump Station                             |
|  | Wastewater Catchment                     |

Utilities

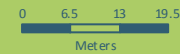
- |  |   |
|--|---|
|  | Transpower Site                         |
|  | Pylon (Transpower)                      |
|  | 110 kv - Electricity Transmission       |
|  | 220 kv - Electricity Transmission       |
|  | 400 kv - Electricity Transmission       |
|  | Aviation Jet A1 Fuel Pipeline           |
|  | Liquid Fuels Pipeline [Marsden to Wiri] |
|  | Gas Transmission Pipeline               |
|  | High-Pressure Gas Pipeline              |
|  | Medium-Pressure Gas Pipeline            |
|  | Indicative Steel Mill Slurry Pipeline   |
|  | Indicative Steel Mill Water Pipeline    |
|  | Fibre Optic Cable (ARTA)                |
|  | Contour Interval                        |

Legend updated: 21/09/2020



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**Hazards**  
227 Huia Road Titirangi  
LOT 3 DP 429542



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Date Printed:  
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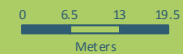


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**Natural Hazards - Coastal Erosion ASCIE**

**227 Huia Road Titirangi**

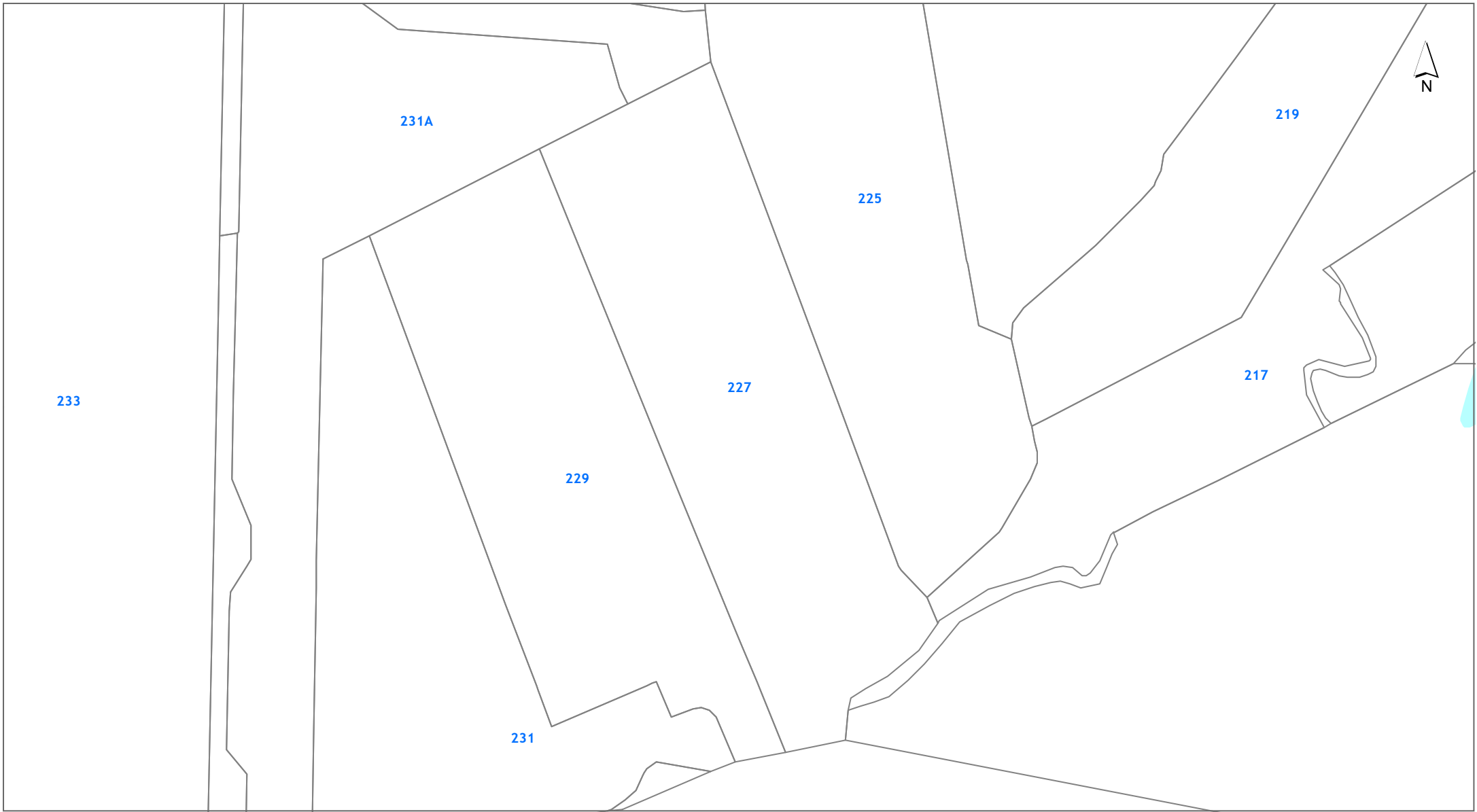
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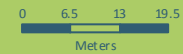


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**Natural Hazards - Coastal Inundation**

**227 Huia Road Titirangi**

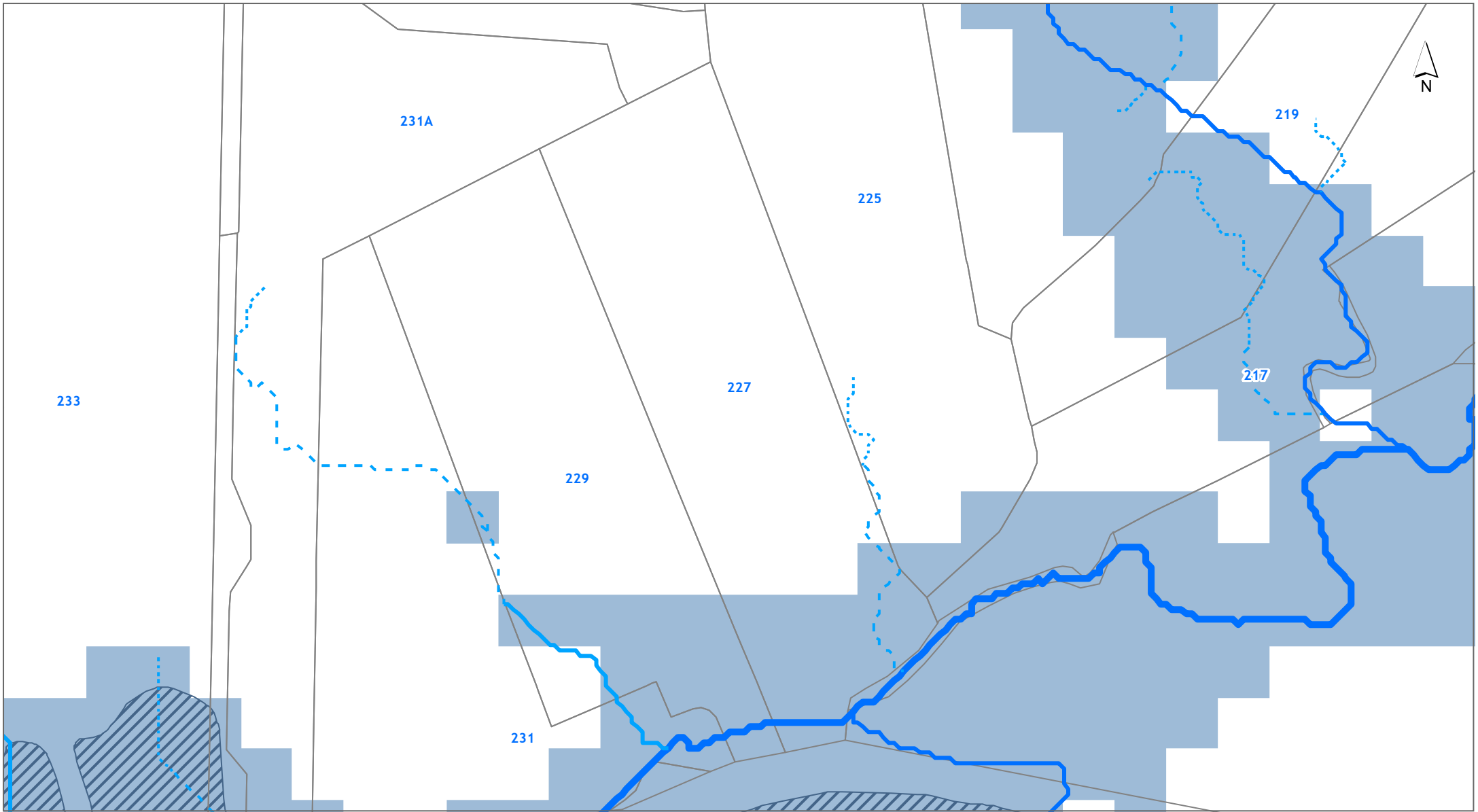
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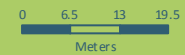


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Natural Hazards - Flooding

227 Huia Road Tiritangi

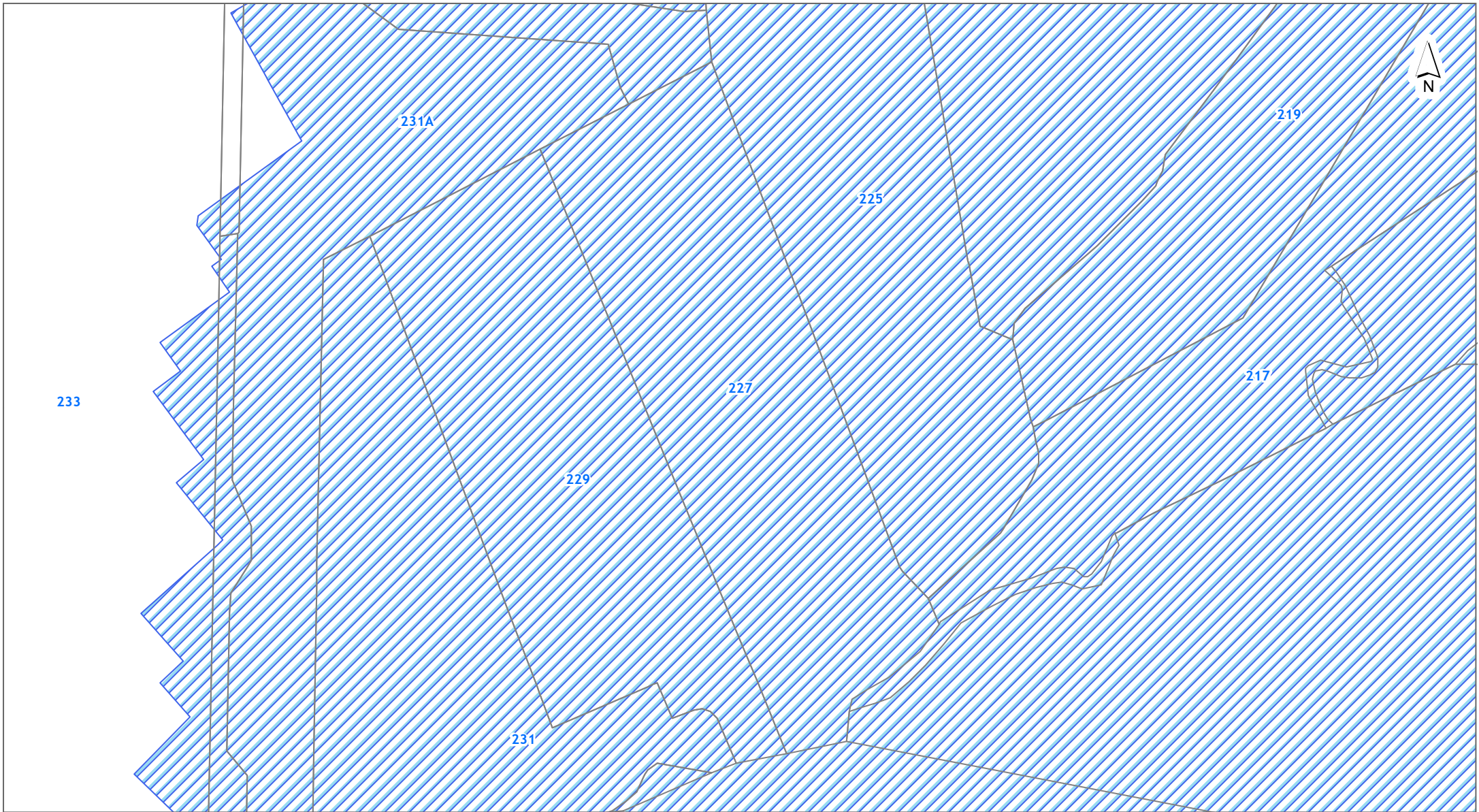
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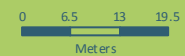


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**Natural Hazards - Sea Spray**

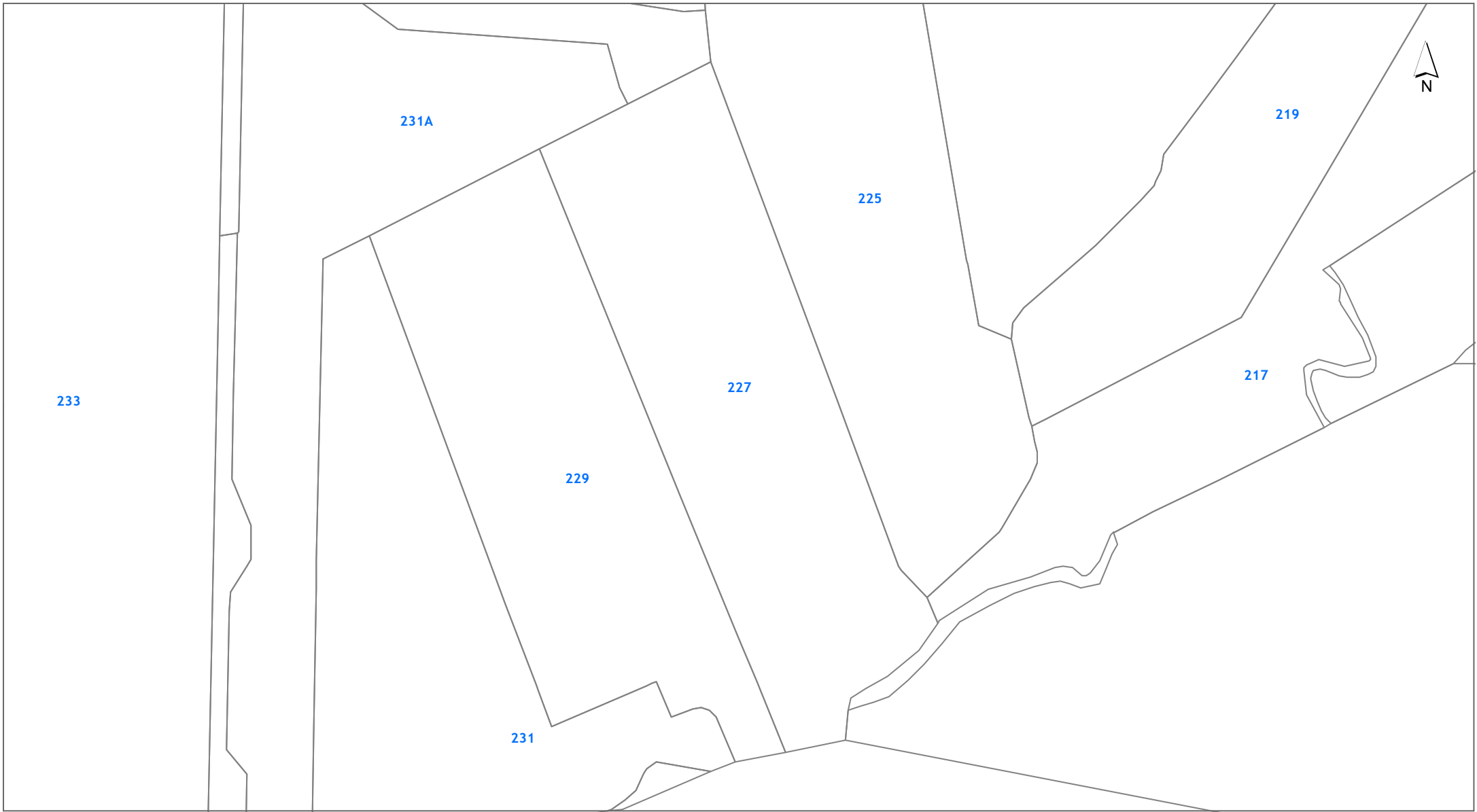
**227 Huia Road Titirangi**

**LOT 3 DP 429542**



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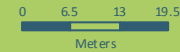


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**Natural Hazards - Volcanic Cones**

**227 Huia Road Titirangi**

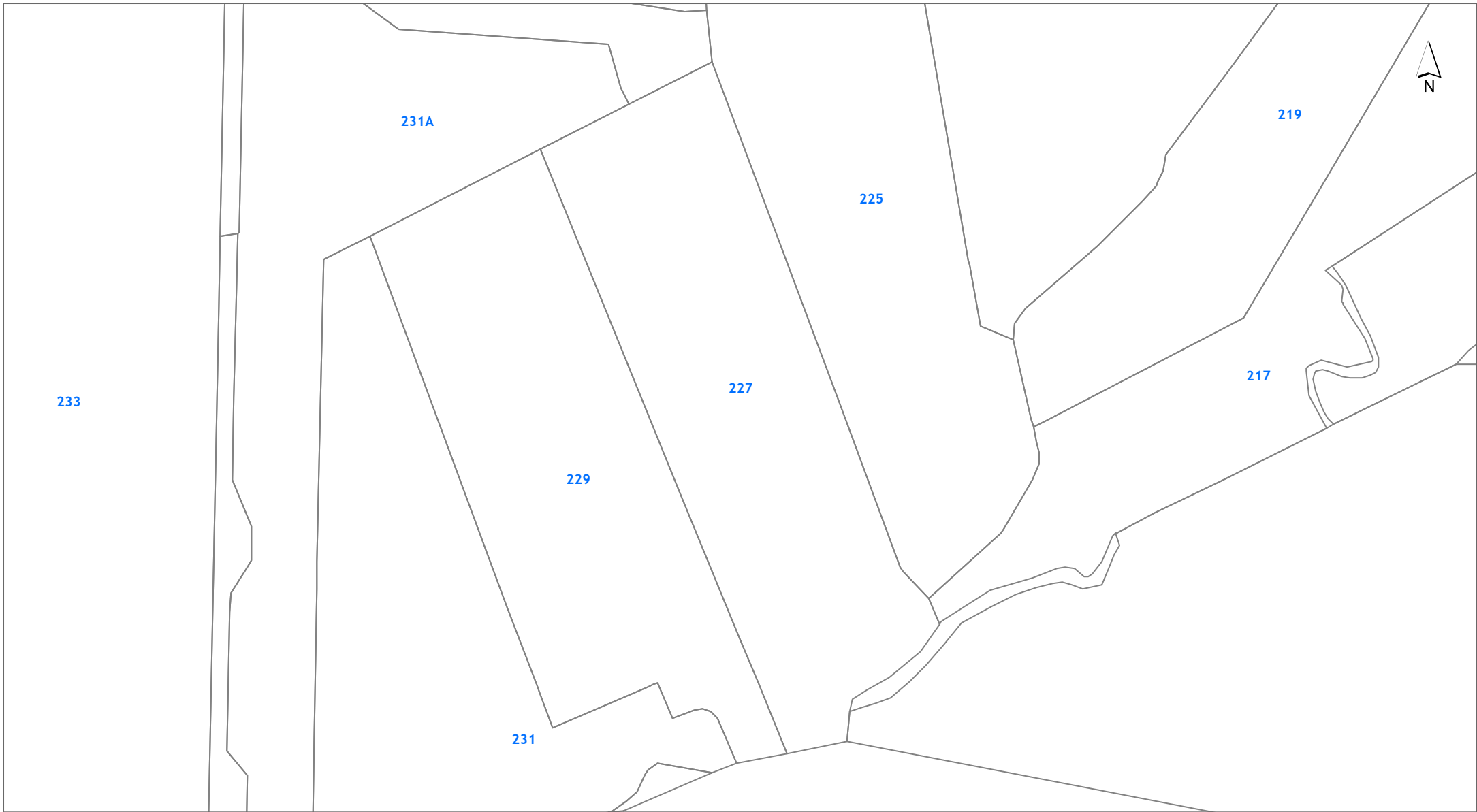
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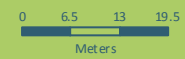
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**Other**  
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Hazards

Soil Warning Area

-  Fill (Franklin District only)
-  Advisory (Franklin District only)
-  Contamination (Franklin District only)
-  Erosion (Franklin District only)
-  Hazardous Activities & Industries List (HAIL) (Franklin District only)
-  Inundation (Franklin District only)
-  Rainfall Event (Franklin District only)
-  Slippage (Franklin District only)
-  Subsidence (Franklin District only)
-  Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
-  Uncertified Fill (Auckland City and Papakura District only)
-  Organic Soil (Auckland City and Papakura District only)
-  Filled / Weak Ground (Auckland City and Papakura District only)
-  Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
-  Unstable / Suspected Ground (Auckland City and Papakura District only)
-  Allochthon Waitemata (Rodney District only)
-  Motatau Complex (Rodney District only)
-  Puriri Mudstone (Rodney District only)
-  Mahurangi Limestone (Rodney District only)
-  Mangakahia Complex (Rodney District only)
-  Hukerenui Mudstone (Rodney District only)
-  Whangai Formation (Rodney District only)
-  Tangihua Complex (Rodney District only)
-  within 150m of Northland Allochthon (Rodney District only)











Hazards

Soil Warning Area continued









-  Soil D (Rodney District only)
-  within 150m of Soil D (Rodney District only)
-  Soil C (Rodney District only)
-  within 150m of Soil C (Rodney District only)
-  Soil B (Rodney District only)
-  within 150m of Soil B (Rodney District only)
-  Soil A (Rodney District only)
-  Gas Main Pipeline
-  Petroleum Pipeline
-  Closed Landfill (Auckland Council owned)
-  Closed Landfill (Privately owned)
-  Air Discharge (Franklin District only)
-  No Soakage (Franklin District only)
-  Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
-  Indicative Steel Mill Water Line 20m Buffer (Franklin District only)

Natural Hazards

Overland Flow Path








-  Catchment area 100 Ha and above
-  Catchment area 3 Ha to 100 Ha
-  Catchment area 1 Ha and 3 Ha
-  Catchment area 4000 m<sup>2</sup> to 1 Ha
-  Catchment area 2000 m<sup>2</sup> to 4000 m<sup>2</sup>
-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

Coastal Inundation

-  1% AEP
  -  1% AEP plus 1m sea level rise
  -  1% AEP plus 2m sea level rise
- Areas Susceptible to Coastal Instability and Erosion (ASCIE)**
-  ASCIE 2050 (RCP8.5)
  -  ASCIE 2080 (RCP8.5)
  -  ASCIE 2130 (RCP8.5)
  -  ASCIE 2130 (RCP8.5+)
  -  Marine Area (Based on MHWs10, from Unitary Plan)

Other

Cultural Heritage Index

-  Archaeological Site
-  Hayward and Diamond
-  Historic Botanical Site
-  Historic Structure
-  Maori Heritage Area
-  Maritime Site
-  Reported Historic Site

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

Legend updated: 22/07/2021

# Notification determination and resource consent decision report for a discretionary activity resource consent application

Under the Resource Management Act 1991



## 1.0 APPLICATION DESCRIPTION

It is proposed to construct a new single storey dwelling with double garage on ribraft foundation on the vacant site at 227 Huia Road.

### 1.1 Application and Property Details

<b>Consent Application Number(s):</b>	LUC 2012-849
<b>Reporting Officer:</b>	Kate Lawson
<b>Site Address:</b>	227 Huia Road, Titirangi
<b>Applicant's Name:</b>	Andy Gray Stonewood Homes West Auckland Ltd
<b>Lodgement Date:</b>	1 October 2012
<b>Legal Description:</b>	Lot 3, DP 429542
<b>Site Area:</b>	4447m <sup>2</sup>
<b>Operative District Plan</b>	<b>Auckland Council (Waitakere Section)</b>
<b>Human Environment:</b>	Waitakere Ranges
<b>Natural Area(s):</b>	Managed Natural Area
<b>Landscape Elements:</b>	Outstanding(Natural Character) Coastal Area (Map 3.5C) Natural Landscape Elements (Map 3.6A) Riparian Margin (10m)
<b>Hazards:</b>	Overland Flow Path



Roading Hierarchy:	District Arterial	
Other Relevant Acts :	Waitakere Ranges Heritage Act	
Date of Site Visit:	27 September 2012	
Section 92 request dates:	Date Requested	Date Received
	N/A	N/A

## 1.2 Locality Plan



Figure 1: Aerial view of subject site

## 1.3 Application Documents (Plans and Reference Documents)

The following information has been provided:

- Application Form,
- Assessment of Environmental Effects prepared by Andy Gray of Stonewood Homes and dated 18<sup>th</sup> Aug 2012 - revised
- Drawings prepared by Stonewood Homes for S & R McLean at 227 Huia Road, titled:
  - Site and Drainage, sheet 1, version 05, dated 31 Aug 2012;
  - Earthwork Volumes, sheet 2a, version 06, dated 31 Aug 2012;
  - Elevations, sheet 4, version 05, dated 06 Aug 2012;
  - Elevations, sheet 5, version 05, dated 06 Aug 2012.
- Earthworks Completion Report titled Residential Subdivision – Stage1, Lots 1 to 6 231 Huia Road, Titirangi, prepared by Engineering Geology Ltd and dated 3 June 2010.
- Stormwater Report, titled Proposed New Dwelling at 227 Huia Road, prepared by P&P Consulting Engineers Ltd and dated 6 August 2012.
- Noise Report titled 227 Huia Road, Titirangi – Road traffic noise break-in to proposed residential dwelling, prepared by Styles Group and dated 10 September 2012.

The information has been reviewed and assessed by the following person(s):

- Zeke Fiske, Council Arborist
- Ravi Chand, Development Engineer
- John Carroll, Transport Engineer

## **2.0 THE PROPOSAL, SITE AND LOCALITY DESCRIPTION**

### **2.1 Proposal**

It is proposed to construct a new single storey dwelling with double garage on ribraft foundation on the vacant site at 227 Huia Road. The proposed dwelling will be located within the 10 metre eastern side yard and will also involve earthworks and vegetation alteration on a site subject to a natural hazard.

### **2.2 Site, Locality, Catchment and Environs Description**

The subject site is located on the northern side of Huia Road but is accessed by a long private right of way (ROW) driveway, which is connected to the road via a bridge on the site at 231 Huia Road. The ROW easement passes through the front of the site adjacent to the stream that runs along the front boundary and provides access to approximately seven further sites. The site measures 4447m<sup>2</sup> and is an irregular shaped rectangle created as part of a recent subdivision of 231 Huia Road. The currently vacant site slopes gently towards the north and contains a large area of bush covenant with a number of protected trees located outside of this covenant. The surrounding area is characterised by large bush covered residential sites with a large reserve located to the east.

### **2.3 Background**

The subject site was created as part of stage two of a publicly notified subdivision and landuse consent (SUB2006-1652/LUC2006-1651) which was approved by Commissioner on 9 January 2008. This resource consent was granted subject to a number of conditions. Originally the proposal had been for the creation of a total of 13 lots; however this was later reduced to 8 lots. Stage 1 of the subdivision involved the creation of Lot 1 which contained an existing dwelling plus a balance Lot; Stage 2 involved the creation of Lots 2 – 6, plus a balance Lot; and Stage 3 created Lots 7 and 8.

The subdivision/landuse consent required the establishment of bush protection areas, easements, stormwater mitigation and required weed management and subsequent replanting. It is noted that the S224C Certificate has been issued for the all stages of the subdivision and has resulted in the creation of numbers 217, 219, 221, 225, 227, 229 and 231 Huia Road.

### **2.4 Waitakere Ranges Heritage Area Heritage Features (s7)**

The heritage area is of national significance and the heritage features described below, individually or collectively, contribute to its significance.

The heritage features of the heritage area are

- (a) its terrestrial and aquatic ecosystems of prominent indigenous character that—
  - (i) include large continuous areas of primary and regenerating lowland and coastal rainforest, wetland, and dune systems with intact ecological sequences:
  - (ii) have intrinsic value:

- (iii) provide a diversity of habitats for indigenous flora and fauna:
- (iv) collect, store, and produce high quality water:
- (v) provide opportunities for ecological restoration:
- (vi) are of cultural, scientific, or educational interest:
- (vii) have landscape qualities of regional and national significance:
- (viii) have natural scenic beauty:
- (b) the different classes of natural landforms and landscape within the area that contrast and connect with each other, and which collectively give the area its distinctive character:
- (d) the naturally functioning streams that rise in the eastern foothills and contribute positively to downstream urban character, stormwater management, and flood protection:
- (f) the dramatic landform of the Ranges and foothills, which is the visual backdrop to metropolitan Auckland, forming its western skyline:
- (g) the opportunities that the area provides for wilderness experiences, recreation, and relaxation in close proximity to metropolitan Auckland:
- (h) the eastern foothills, which—
  - (i) act as a buffer between metropolitan Auckland and the forested ranges and coasts; and
  - (ii) provide a transition from metropolitan Auckland to the forested ranges and coast:
- (j) the historical, traditional, and cultural relationships of people, communities, and tangata whenua with the area and their exercise of kaitiakitanga and stewardship:

### 3.0 REASONS FOR THE APPLICATION

Resource consent is required under the provisions of the Auckland Council District Plan (Waitakere Section) for the following:

#### 3.1 Operative District Plan

##### **Waitakere Ranges Environment**

###### Rule 5.2 Yards

Limited Discretionary Activity consent is required for building within the 10m side yard. The proposed dwelling will be a minimum of 3.8m from the eastern side yard.

##### **Managed Natural Area**

###### Rule 2.4 Vegetation Alteration

Discretionary activity consent is required for increasing the cleared area of the site. Vegetation including a large Kanuka is to be removed to establish the proposed building platform which will increase the cleared area of the site to 415m<sup>2</sup>.

###### Rule 3.3 Earthworks

Discretionary Activity consent is required for earthworks outside the building platform of not more than 100m<sup>3</sup>. The proposal will involve 92m<sup>3</sup> of cut and fill to construct the driveway and level areas around the dwelling.

##### **City Wide Rules**

###### Natural Hazards Rule 1.1

Limited Discretionary consent for building on land known to Council to be subject to inundation as the site contains an overland flow path.

#### 3.2 Status of the application

3.2.1 Overall, the application is considered to be a **discretionary** activity

## 4.0 NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C-95D)

### 4.1 Public Notification Assessment

#### 4.1.1 Statutory Considerations

A consent authority has the discretion whether to publicly notify an application unless a rule or NES precludes public notification (in which case the consent authority must not publicly notify) or section 95A(2) applies, which states that an application **must be** publicly notified if:

- (a) the activity will have, or is likely to have, adverse effects on the environment that are more than minor;
- (b) the applicant requests public notification of the application; or
- (c) a rule in a plan or a national environment standard requires public notification.

Section 95D requires that in determining whether an activity will have, or is likely to have, adverse effects on the environment that are more than minor, the consent authority must disregard the following matters:

- Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land.
- Any effect on a person who has given written approval to the application.
- Trade competition and the effects of trade competition.

The consent authority may also disregard an adverse effect of the activity on the environment if a rule or NES permits an activity with that effect.

Notwithstanding all the above, including whether a rule or NES precludes public notification or the applicant has not requested notification, a consent authority has the discretion to publicly notify an application if it decides there are special circumstances in relation to the application.

An application must also be publicly notified if the consent authority has not made a determination in regards to either limited or full notification and information requested under section 92 has not been provided within the statutory and/or agreed timeframe or the applicant has refused to provide the information.

The following is noted in the notification assessment.:

- The applicant has not requested that the application be publicly notified.
- There are no rules in the Auckland Council District Plan (Waitakere Section) which either preclude or require public notification of the application.

## 5.0 ADVERSE EFFECTS ON THE ENVIRONMENT (Section 95A Assessment)

### 5.1 Effects that must be disregarded

- A) Effects on persons who own and occupy the land in, on or over which the application relates, or land adjacent to that land

In this case, it is considered that adjacent land includes the following properties because they adjoin the application site. The effects on these owners and occupiers have been disregarded.

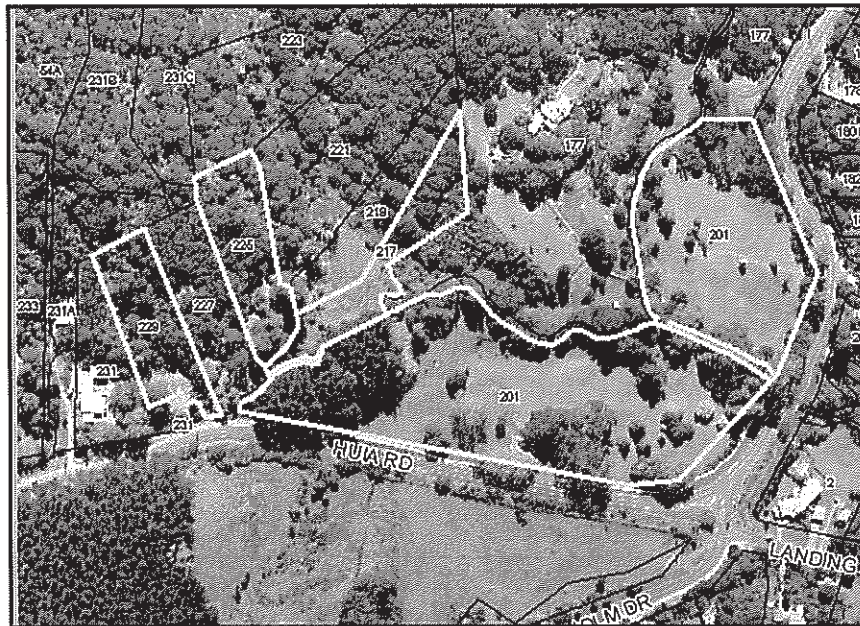


Figure 2: shows adjoining sites - 201, 217, 225, 227 Huia Road.

B) Any effect on a person who has given written approval to the application

No written approvals accompany the application.

**5.2 Effects that may be disregarded if a Rule/s or NES permits that effect**

In this case the type and or complexity of effects associated with the proposed activity are such that the permitted baseline does not provide a useful comparison for the purpose of discounting effects.

**5.3 Adverse Effects Assessment**

Having regard to the above and after an analysis of the application, including any proposed mitigation measures and specialist reports, the following assessment addresses the adverse effects of the activity on the environment. As a discretionary activity the full range of adverse effects must be considered.

**5.3.1 Water Quality and Quantity**

Water Quality

The proposed development involves earthworks equating to approx 92m<sup>3</sup> to construct the driveway and batter the sloping areas around the building platform. As the subject site is located in close proximity to a watercourse, the proposed earthworks could potentially affect the quality of water entering the stream. In this regard it is noted that the scale of earthworks is consistent with the scale of development overall. In addition, the applicant has proposed to provide a sediment and erosion control plan which will control how sediment will be retained on site. I consider that subject to the implementation of these measures, which have been proposed for inclusion as consent conditions, any adverse effects on the quality of water entering the receiving environment will be less than minor.

## Water Quantity

It is noted that the proposal involves the establishment of 585.43m<sup>2</sup> of impermeable surfaces (dwelling and driveway) and the applicant proposes to install a 25,000 litre water tank on the western side of the dwelling which will capture stormwater generated by the proposed dwelling.

It is also acknowledged that Consent Notices (7941220.2) have been registered on the Title which requires the implementation of stormwater mitigation measures. Council's Development (Drainage) Engineer, Mr Ravinesh Chand, has reviewed the proposal and is satisfied that the development is in accordance with the Consent Notices registered on the Title.

Therefore, I consider that any adverse effects of the proposed development on water quality and quantity will be less than minor.

### **5.3.2 Native Vegetation, Vegetation and Fauna Habitat**

The proposed development involves the removal of a further 50m<sup>2</sup> of vegetation over the 365m<sup>2</sup> of clearance approved under the subdivision consent. The proposed removal and works within the dripline of protected vegetation are required to facilitate the construction of the dwelling and driveway.

Council's Arborist, Mr Zeke Fiske, has reviewed the application in terms of the vegetation removal and the works within the dripline of the Kanuka and has made the following comments:

"The Kanuka tree highlighted for retention is situated on the very edge of the proposed dwelling and will have significant works next to the trunk. If during the works the tree cannot be retained viably, as directed by the works Arborist, then an extra specimen tree will be required for mitigation purposes.

The eastern boundary has been highlighted for mitigation plantings for screening purpose. This is considered appropriate while specimen trees can be planted on the western boundary.

As the removals are contained within the site the surrounding bush limits the profile of all the subject trees; as such the amenity values and neighbourhood character will not be affected in a more than minor manner.

Appropriate tree protection measures and working methodologies contained within the suggested conditions of consent will keep the effects to no more than minor on existing retained vegetation and trees."

I am satisfied with the comments Mr Fiske has made with regard to the proposed development and I consider that subject to the imposition of Mr Fiske's recommended consent conditions, any adverse effects on vegetation, would be no more than minor and would have no effects on properties beyond the adjoining sites.

### **5.3.3 Land / Soil**

The proposal would involve earthworks of approximately 92m<sup>3</sup> outside of the building platform associated with the establishment of the proposed driveway and dwelling. The excavation required for the proposed development is of a scale consistent with this type of development on a slightly sloping site. A significant amount of the proposed filling is for the formation of the

driveway to a complying gradient, it would not lead to a large change to the landform of the subject site. The remainder of the works are to batter the slope from the filling involved with the formation of the building platform. In this regard, the applicant has proposed a sediment control plan which detail measures to be implemented in order to avoid sediment from entering the receiving environment.

In terms of geotechnical constraints, the proposed dwelling is within the building platform identified in the Geotechnical Report prepared by Engineering Geology as part of the original subdivision consent which identified stable building platforms. Further checks will be carried out at building consent stage to ensure the proposed dwelling is in accordance with any required specifications and recommendations contained within the Geotechnical Report prepared by Engineering Geology Ltd, dated 6 July 2006.

For the reasons stated above, I consider that the proposed development would not have adverse effects in terms of the landform or stability of the site, subject to the imposition of consent conditions. In addition, I consider that the development would have no adverse effects on properties which lie beyond the adjoining sites.

### **5.3.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands**

A stream runs adjacent to the front boundary of the property, it is noted that as part of the works required for the original subdivision, the subject site and surrounding area have already been modified to some extent.

Although no works are proposed in close proximity to the stream, the earthworks proposed could potentially affect the natural character of the stream. In this regard, the applicant has proposed to provide a sediment control plan which will detail the silt and sediment control measures to be implemented whilst the development is being undertaken. Furthermore, there will be no vegetation removal within close proximity to the stream thereby maintaining the existing riparian planting which has already been undertaken on either side of the stream. Implementation of stormwater mitigation measures will also ensure that the quantity of water entering the watercourse will, as far as is practicable be maintained to the pre-development levels.

Therefore, for the reasons stated above, I consider that the proposed development would not detract from the natural character or adversely affect the quality of the stream environment, subject to the imposition of the recommended consent conditions.

### **5.3.9 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character**

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

The proposed dwelling would generally be a single storey brick and tile dwelling with attached double garage. The majority of the encroachment within the 10m side yard is caused by the proposed garage, as it is a single storey garage with no windows over looking the adjoining site the proposal will not result in adverse dominance, bulk or privacy effects on properties beyond the adjoining sites. It is also noted that apart from the side yard infringement, the dwelling complies with the other bulk and location requirements of the Plan.

Visual amenity, streetscape, sense of place, neighbourhood character, amenity values

The proposed dwelling would be constructed in an area that has recently been subdivided; therefore there is an expectation that a dwelling would be constructed upon the subject site. The proposed dwelling has been designed so as to sit within the subject site, without dominating natural features such as the vegetation and general topography of the site. Parts of the dwelling will be visible from the road; however the implementation of planting will mean that the dwelling would not be a visually dominant part of the neighbourhood.

The proposed dwelling would be consistent with other dwellings that have been constructed (or are under construction) within the subdivision. Whilst the dwelling maybe viewed from the road, views would be temporary or fleeting and as the dwelling would be located down an access way the immediate streetscape of Huia Road would not be affected.

In summary, having assessed the adverse effects of the activity on the environment (inclusive of any identified heritage features within the Waitakere Ranges Heritage Area); it is considered that the activity will have no more than minor adverse effects on the environment.

Noise

The site at 227 Huia Road is located on a High Noise Route and is required to meet General Noise Standards Rule 1.2 (City Wide Rules). An acoustic report has been prepared by Christian Vossart of Styles Group Ltd and submitted as part of the application. Mr Vossart confirms the proposed dwelling can achieve the internal noise levels set out in Rule 1.2 of the District Plan provided double glazing is used in the construction of the dwelling. Mr Vossart's recommendation will be included as a condition of consent to ensure there are no adverse effects from road noise on the occupants of the proposed dwelling.

Infrastructural capacity & availability

The proposal has been assessed by Mr Chand, Council's Development Drainage Engineer, who is satisfied that the dwelling will be adequately serviced in terms of water, wastewater and stormwater. Mr Chand has not recommended consent conditions, as the installation of infrastructure will be addressed at the Building Consent stage.

I am satisfied with the comments Mr Chand has made with respect to the proposed development and I consider that the proposed development will have no adverse effects in terms of infrastructure capacity and availability.

Traffic generation, access and driveway manoeuvring, driveway width & gradient

The proposed development involves the creation of a driveway which would extend off the existing access way which serves the subdivision. The development also involves the establishment of a double garage at lower finished floor level than the dwelling. In this regard, Council's Development (Transport) Engineer, Mr John Carroll, has reviewed the proposal and supports the application with no conditions.

### **5.3.10 Heritage**

When assessing the proposed development against the relevant Heritage Features the following comments are made:



- The applicant proposes to create a total cleared area on the site of approximately 415m<sup>2</sup> which would necessitate the removal of several trees from the interior of the subject site.
- Although some vegetation clearance will be required, a much larger proportion of the existing vegetation is to be retained on site, most notably all the vegetation located to the north of the subject site. It is noted that the southern side of the building platform is bordered by the existing access way which serves the site and surrounding properties.
- The character and scale of the proposed dwelling is consistent with other dwellings within the area.
- Some excavation outside of the building platform is required in order to establish the driveway and to batter the slope from the building platform.
- Existing and proposed vegetation would assist in screening the proposed development from the road.
- The proposed development would maintain the dominance of natural features over built features, and would enable the retention of higher quality native vegetation to the east and north of the site (which are protected via covenant).
- The proposed dwelling would not be prominent within the landscape and it would not be visible above the ridgeline or from a public place and any views from the road would be temporary.

For the reasons stated above, I consider that the proposed development does not compromise the integrity of the Waitakere Ranges Heritage Area Act, subject to the imposition of appropriate consent conditions.

#### **5.4 Special Circumstances (Section 95A(4))**

Section 95A(4) states that a council may publicly notify an application for resource consent if it considers that special circumstances exist, notwithstanding that a rule or NES precludes notification and the application has not requested notification.

“Special circumstances” have been defined by the Court of Appeal as those that are unusual or exceptional, but they may be less than extraordinary or unique (*Peninsula Watchdog Group (Inc) v Minister of Energy* [1996] 2 NZLR 529). With regards to what may constitute an unusual or exceptional circumstance, Salmon J commented in *Bayley v Manukau CC* [1998] NZRMA 396 that if the district plan specifically envisages what is proposed, it cannot be described as being out of the ordinary and giving rise to special circumstances.

In *Murray v Whakatane DC* [1997] NZRMA 433, Elias J stated that circumstances which are “special” will be those which make notification desirable, notwithstanding the general provisions excluding the need for notification. In determining what may amount to “special circumstances” it is necessary to consider the matters relevant to the merits of the application as a whole, not merely those considerations stipulated in the tests for notification and service.

There are no special circumstances surrounding this application.

#### **5.5 Public Notification Assessment Conclusion**

It is considered that this application can be processed without public notification for the following reasons:

- The adverse effects on the environment (inclusive of any identified heritage features within the Waitakere Ranges Heritage Area) of the activity for which consent is sought will be no more than minor because of the reasons expressed in Section 5 of this report.

- There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).

## **6.0 LIMITED NOTIFICATION ASSESSMENT (Sections 95B, 95E-95F)**

### **6.1 Statutory Considerations**

As concluded above the application does not need to be publicly notified. The consent authority must decide if there are any affected persons in relation to the proposed activity.

A person is considered to be an affected person if the adverse effects of the activity on the person are minor or more than minor (but are not less than minor).

In considering whether a person is an affected person in relation to an activity, the consent authority in its assessment:

- may disregard an adverse effect on a person if a rule or NES permits an activity with that effect;
- must have regard to every statutory acknowledgement made in accordance with the RMA specified in Schedule 11;
- must disregard those persons who have provided their written approval (and this has not been withdrawn in writing at the point of this decision); and
- must disregard persons, if it is unreasonable in the circumstances to seek that person's written approval.

If the consent authority decides that there are affected persons in relation to the proposed activity, then the application requires limited notification to those affected persons unless a rule or NES precludes limited notification of the application.

### **6.2 Requirements of a Rule or National Environmental Standard**

There are no rules in the Auckland Council District Plan (Waitakere Section) that would preclude limited notification of the application.

### **6.3 Limited Notification / Adversely Affected Persons Assessment**

No persons are considered to be adversely affected by the activity because:

- (i) Although the proposed dwelling would encroach into the eastern side yard, it is still a minimum of 3.8m from the boundary and would not lead to adverse bulk, dominance or shading effects onto the adjoining property at 225 Huia Road, further it is proposed to plant vegetation along the boundary to provide screening and privacy.
- (ii) The proposed dwelling otherwise complies with the bulk and location requirements of the Plan.
- (iii) The proposed dwelling would be screened from the adjoining site at 225 Huia Road by proposed vegetation.
- (iv) Although the proposed dwelling would be visible from 229 Huia Road, it would largely be a partial view and would be further reduced by intervening vegetation and separation distances.

- (v) The proposed dwelling would be constructed to a scale the would blend with the surrounding natural features so as not to form a visually dominant part of the neighbourhood.
- (vi) The earthworks proposed are of a scale consistent with the development, would be temporary in nature and would be appropriately controlled by the implementation of silt and sediment control measures.
- (vii) Large separation distances from the properties at 217 and 201 Huia Road would reduce the visual impact of the dwelling from these properties.
- (viii) Any effects associated with construction would be localised and temporary in nature and would be adequately mitigated by appropriate conditions of consent.
- (ix) The proposed development would not exacerbate or lead to the flooding of adjoining properties due to the implementation of appropriate stormwater mitigation measures.
- (x) Conditions of consent will ensure that any adverse effects are avoided, remedied or mitigated.

**6.4 Limited Notification Assessment Conclusion**

It is considered that this application may be processed without limited notification because there are no adversely affected persons.

**7.0 NOTIFICATION RECOMMENDATION**

**Non –Notification**

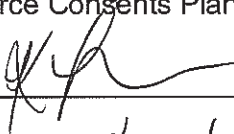
Pursuant to section 95A of the RMA, this application may be processed without public notification because the activity will have adverse effects on the environment (inclusive of any identified heritage features within the Waitakere Ranges Heritage Area) that are no more than minor.

There are no persons considered to be adversely affected by the activity as discussed in section 6 of this report.

There are no special circumstances that would act as a basis for Council to exercise its discretion under section 95A(4).

Report Prepared by: Kate Lawson  
 Title: Resource Consents Planner

Signed:

  
 \_\_\_\_\_

Date:

18/10/12  
 \_\_\_\_\_

**8.0 SECTION 95A AND 95B NOTIFICATION DETERMINATION**

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, this application shall be processed on a non-notified basis.

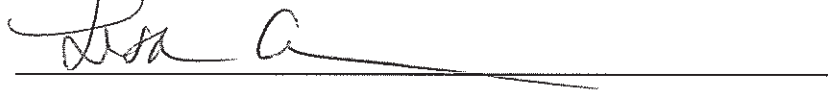
Team Leader:

LISA CAMERON

Title:

Team Leader- Resource Consents

Signed:



Date:

18/10/2012

## WAITAKERE CITY COUNCIL

### DECISION ON AN APPLICATION FOR RESOURCE CONSENT TO UNDERTAKE A 9-LOT SUBDIVISION AT 231 HUIA ROAD, TITIRANGI

APPLICANT: HUIA ROAD DEVELOPMENTS LTD

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#### INTRODUCTION:

##### The Site and Proposal

The 5.6656ha application site is located at 231 Huia Road, in the Titirangi/ Laingholm area. The site lies on the north side of the road adjacent to the Tangiwai Reserve.

The land contour is gentle in the front part of the site, which is substantially an open, grassed area, becoming steeper to the rear part of the site, which is substantially bush-covered. The lowland area contains two streams, being the Waituna Stream, which traverses west to east along the south boundary, and the Armstrong Gully Stream, which passes centrally through the valley north to south. Both stream areas are flanked by coarse grass, raupo and swamp grasses, exotic and native trees, with the lower parts of some of the stream reaches heavily grown with invasive weeds and blackberries. The lower south eastern and grassy plain areas are clearly flood affected areas.

It is proposed to undertake a 9 lot low density residential subdivision, with sites ranging from 0.4ha – 1.0ha. Ms Ibrahim, Council's reporting planner, described the proposed works in her report as follows:-

- *Construction of a second vehicle crossing, requiring bridging of the Waituna Stream;*
- *Construction of a shared driveway and a crossing over Armstrong Gully to service the proposed lots;*
- *Earthworks within a Riparian Margin Natural Area and within a Managed Natural Area. This has been estimated assuming a driveway width of 3m and amounts to approximately 276m<sup>3</sup> over a plan area of 1792m<sup>2</sup>. Amounts will vary according to driveway width and passing bays and is a larger value than that provided by the applicant.*
- *Vegetation alteration within Managed and Riparian Margin Natural Areas. Proposed lots 8, 12 and 13 lie entirely within bush covered areas and assuming a clearance level up to Limited Discretionary Activity status of 300m<sup>2</sup> this would result in bush clearance of 900m<sup>2</sup> over the site. This would be in addition to the removal of 'removable' species such as fruit trees and Macrocarpa, of at least 500m<sup>2</sup> (the upper 'Permitted Activity' level for such clearance). A further 600m<sup>2</sup> of clearance has been estimated to be required for driveway construction; thus total vegetation clearance would amount to a minimum of 2000m<sup>2</sup> over and above existing cleared areas on the site.*
- *Wastewater, storm water and water supply drainage would also be required for each site.*

### **The Hearing**

The commissioner who heard the application, and who has made this decision is:-

**COMMISSIONER PETER REABURN**

A site inspection was carried out by the Commissioner on 1 October 2007.

The hearing was held on 2 October 2007 at Waitakere Trusts Stadium, Waitakere.

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### **THE RELEVANT STATUTORY PROVISIONS THAT WERE CONSIDERED: (Section 113(1)(AA))**

Overall this application was assessed as a non-complying activity and was considered in terms of sections 104, 104B, 104D and Part 2 of the Act.

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### **OTHER RELEVANT PROVISIONS THAT WERE CONSIDERED: (Section 113(1)(ab))**

#### **Auckland Regional Policy Statement**

- Chapter 2, Policies 2.3.2 and 2.6.4
- Chapter 8, Policy 8.4.7.3
- Plan Change 8

#### **Waitakere District Plan**

##### **Rules (and associated assessment criteria)**

- Subdivision – Titirangi/Laingholm Subdivision Area 2 – Rule 10A.2
- City-wide General Rules – Rule 1.1 Natural Hazards
- Managed Natural Area - Rule 2.5 Vegetation Alteration
- Riparian Margins Natural Area - Rule 2.4 Vegetation Alteration
- Managed Natural Area – Rule 3.4
- Riparian Margins Natural Area – Rule 7.2 Buildings
- Waitakere Ranges Environment – Rule 9.2
- Transport Environment – Rule 7.2

### Objectives and Policies

- Objective 1 - Effects on Water Quality and Quantity, and Policies 1.1, 1.5, 1.6, 1.7, 1.9, 1.10, 1.11, 1.12, 1.14, 1.15 and 1.16
- Objective 2 - Effects on Native Vegetation and Fauna Habitat, and Policies 2.1, 2.3, 2.4, 2.5, 2.6, 2.7, 2.10 and 2.13
- Objective 3 - Effects on Land, and Policies 3.2, 3.4 and 3.5
- Objective 4 - Effects on Air Quality – Atmospheric Quality, and Policies 4.3 and 4.5
- Objective 5 - Effects on Ecosystems Stability, and Policies 5.2 and 5.4
- Objective 7 - Effects on Natural Character of the Coast and Margins of Lakes, Rivers and Wetlands, and Policies 7.1, 7.2, 7.3 and 7.4
- Objective 8 - Effects on the Spiritual Dimension (Mauri), and Policies 8.1, 8.2, 8.3 and 8.5
- Objective 9 - Effects on Outstanding Landscapes, and Policies 9.3, 9.4, 9.6, 9.7, 9.9 and 9.14
- Objective 10 - Effects on Amenity Values – Health and Safety, and Policies 10.4, 10.7, 10.8, 10.9, 10.15, 10.16, 10.17, 10.18 and 10.22
- Objective 11 - Effects on Amenity Values – Landscapes, Local Areas and Neighbourhood Character, and Policies 11.1, 11.2, 11.4, 11.5, 11.6, 11.9, 11.13 and 11.15
- Objective 12 - Effects on Heritage, and Policies 12.1, 12.4 and 12.8

### Other Legislation

No other legislation was considered to be relevant.

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### **LATE SUBMISSIONS**

The following late submissions were received.

A D Strothers  
Te Kawerau A Maki  
P A Blakemore  
C A Blakemore  
F Hamilton

These submissions did not introduce any matters not already raised by other submitters. Due to the passage of time, the applicant had sufficient time to consider these matters and address them in the further information provided, and again at the hearing. Therefore, it is considered that the applicant was not disadvantaged or the application prejudiced by allowing the late submissions to stand. Further, it is in the best interests of the community that all parties be represented in this process so a full understanding of the issues may be obtained by those determining the application.

**The late submissions are accordingly accepted pursuant to Section 37 of the Act.**

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**THE PRINCIPLE ISSUES THAT WERE IN CONTENTION:  
(Section 113(1)(ac))**

The principle issues that were in contention were:

1. Accuracy of the Planning Maps, particularly in relation to cleared areas of the site.
  2. Rules to be applied/ density of development anticipated by the district plan.
  3. Effects of clearing of native vegetation/ proposed rehabilitation and enhancement.
  4. Effects on streams.
  5. Landscape effects.
  6. Flooding/ Land stability effects.
  7. Positive effects.
  8. Precedent/ cumulative effects and integrity of planning instruments (district plan and regional policy statement).
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**SUMMARY OF EVIDENCE HEARD  
(Section 113(1)(ad))**

**Council Officers**

A comprehensive Resource Management Assessment Report was prepared by Council Officer, **Ms Jeanette Ibrahim**, and circulated before the hearing. The report was assisted by specialist reports from **Brett Disley** - EcoWater (infrastructure issues), **Gordon Griffin** (landscape), **Ruth Andrews-Bidois** (ecology), **Stephen Bishop** - Arborist (vegetation), **Jenny Fuller/Mark Toilemache/Kyle Balderston** (strategic policy), and **URS (New Zealand) Ltd** (geotechnical).

With regard to District Plan mapping, Council staff identified the site as being mainly within the Managed Natural Area, with General Natural Areas associated with the



existing dwelling, and to the south-east (the latter with an overlay as Ecological Linkage Opportunity).

Council staff acknowledged that part of the area identified as Managed Natural Area, in the south part of the site, was in fact a relatively clear area. Mr Griffin made the following comment in his report:-

*"The case to reconsider natural area classification to assign from Managed Natural Area to General Natural Area status some of the semi-pastoral valley floor area by the Waituna Stream (which has some orchard trees, macrocarpas, but also native trees, kanuka and nikau and others), and lower section of the Armstrong Gully has been made."*

Staff acknowledged the area of the site that was subject to flooding – in the area of the streams – but concluded that appropriate engineering solutions had been offered to ensure that buildings would be constructed to take into account this issue.

With regard to rules interpretation, Ms Ibrahim expressed her view that Rule 10A.1(d)(i) allowed for one lot of 4,000m<sup>2</sup> around an existing dwelling. Rule 10A.1(d)(ii) would allow for a further 5 lots, at an average of 1 hectare each, making a total of six lots (allowing 0.2656ha for access).

Ms Ibrahim noted in her report that the applicant had not made a specific case for incorrect zoning (in respect of the cleared area within the managed natural area). In any case, it was her view that, while Rule 10A.1(c) provides for corrections of a Natural Areas map, the mechanism to do that – Managed Natural Area Rule 2.3, did not allow the opportunity to make that correction.

Ms Ibrahim identified other resource consents required in Section 4.0 of her report. She concluded that non-complying activity consent was required in respect of vegetation alteration and earthworks in both Managed Natural Area and Riparian Margins Natural Area parts of the subject site.

Gordon Griffin, Stephen Bishop and Ruth Andrews-Bidois all raised concern regarding the clearance required to provide for development of proposed Lots 8, 12 and 13.

Ms Andrews-Bidois summarised her concerns as being:-

- *Immediate disturbance to peripheral trees and bush as a result of the building process;*
- *Ongoing pressure as a result of development;*
- *Edge effects (wind, light, rain shadow);*
- *Introduction of pest species (both animal and plant);*
- *Constant pressure of incremental bush clearance to allow increased outdoor living space, light and sun to dwelling houses;*
- *Reduction in and interruption to fauna habitat (disruption in linkages).*

In summary, Council advisors considered that development should be entirely restricted to existing cleared areas on the site.

With regard to proposed rehabilitation/replanting, Mr Griffin raised concerns in his report regarding the lack of detail given in the application material, including proposed grades for the replanting, and planting density.

With regard to the streams, Ms Andrews-Bidois noted "some concerns about the position of the accessway in relation to the stream". Mr Bishop raised concerns regarding the need to remove native vegetation within the 20 metre riparian margin. Mr Griffin stated that:-

*"Proposed access across the wetland valley area and within the north-east 20 metre riparian margin to reach these sites would be highly disruptive visually, functionally and ecologically and should not occur."*

Mr Disley expressed general satisfaction with the proposals for bridge crossings, although expressed a preference for a bridge (rather than culvert) crossing of the Armstrong Gully Stream.

Mr Disley further stated that riparian margins would need to be managed to conserve or ameliorate the present buffer for stream erosion in the Waituna Stream and Armstrong Valley tributary.

With regard to landscape effects, Mr Griffin stated as follows:-

*"The site cannot accommodate the dwelling sites and access as proposed without major visual and landscape (and ecological and functional) impacts. It should be recognised that the location falls within the area identified on Map 3.5(c) Outstanding (Natural Character) Coastal Area, as being within the Outstanding Coastal Area. The application should be amended to have fewer dwelling sites, (and fewer developable lots), without sites 12 and 13, preferably without site 8, (though this is a more visually discrete site), and without any access across or within the 20m riparian valley system. The dwelling site 8 should be removed, possibly in favour of a site between proposed dwelling sites 3 and 5. If a dwelling north-west of site 6 is considered, it should be closer to the edge of the bush area and to dwelling site 6 and desirably with access outside the 20m riparian margin."*

*If the proposal in a modified format is approved, a native framework and screen planting Plan is needed to maintain the bush character within the developed area and privacy of dwelling sites."*

With regard to the viewing audience, Mr Griffin stated that "much of the site is viewed predominantly from within the site". Mr Griffin identified the areas most vulnerable to change as being the vegetated hill slope to the north-east of the 20 metre Armstrong Gully riparian valley (the area of proposed sites 12 and 13), and the flood plains/water courses.

With regard to flooding, Mr Disley stated that:-

*"...flooding of the property is a localised problem to lots noted, but it does contribute to the longer term problems associated with land stability and stream"*

*erosion in Little Muddy Creek catchment which will be avoided or managed accordingly."*

With regard to land stability, the Council engaged a review report from URS (New Zealand Ltd), which confirmed the sufficiency of the Engineering Geology Ltd report submitted by the Applicant, subject to recommended Conditions Of Consent.

With regard to the Auckland Regional Policy Statement, Ms Ibrahim raised a concern that the proposed covenanting of remaining bush did not mitigate the effect the intended bush clearance, and in her view *"such clearance would have the affect of detracting from this outstanding natural landscape value and undermining the intent of Plan Change 8"*.

With regard to the Regional Growth Strategy and Regional Land Transport Strategy, Ms Ibrahim considered that this area is poorly served by public transport, and that it was not desirable to intensify development in areas where there is high reliance on motor vehicles as the only viable form of reliable transport both for commuting and recreation.

With regard to Part 2 of the Resource Management Act, Ms Ibrahim considered that the proposal would be inconsistent with Sections 5, 6, 7 and 8.

Ms Ibrahim recommended that the application be declined, for the following reasons.

- (i) The adverse effects on the environment from the proposal would be more than minor and cannot be adequately avoided, remedied or mitigated through conditions of consent. This is because:
  - clearance of riparian vegetation may alter riparian edges and increase erosion effects on stream banks;
  - clearance of vegetation within the bush covered slopes of the site will lead to increased light penetration, edge effects, introduction of pest species and incremental encroachment into forest areas leading to fragmentation and disruption of existing ecology and linkages;
  - changes to stormwater discharges have the potential to increase loading on the existing stream flows and introduce additional pollutants into the streams.
- (ii) The proposal is contrary to the objectives and policies of the District Plan as has been demonstrated in the preceding discussion in section 8.2.1. and is also contrary to the Auckland Regional Policy Statement.
- (iii) The proposal is not consistent with Part II of the Resource Management Act, in seeking to establish in an area of known heritage significance to iwi with a development that is not considered to be a sustainable use of the land.

### **Applicant**

Dean Coutts is a Director of 231 Huia Road Developments Ltd. He is also a qualified Civil Engineer, and was responsible for reporting on some of the infrastructure proposals. Mr Coutts presented evidence in relation to the proposed access ways,

earthworks, erosion and sediment control, stormwater, wastewater and water supply/other services.

Mr Coutts confirmed that the proposal was now to construct the Armstrong Gully Stream crossing using a timber bridge, thereby minimising the earthworks required in relation that crossing.

Mr Coutts concluded that no Auckland Regional Council consents were required for the proposed development. He considered that the infrastructure proposed for the subdivision could *"be constructed in a sustainable manner and any adverse affects will be minor in nature, limited to the site and will be managed by appropriate conditions"*.

Mr Coutts also presented an analysis of vegetation clearance and proposed planting. He had calculated the existing cleared area as being 8720m<sup>2</sup>. A further 1491m<sup>2</sup> vegetation clearance would be required for driveways, services and building platforms. The total replanted area would amount to 770m<sup>2</sup>. The net extra clearance would therefore be 721m<sup>2</sup>, or 1.5% of the total native vegetation area on the site.

Dr Nigel Clunie, a qualified ecologist, gave evidence on ecological matters.

Dr Clunie described the ecology of the site, including by reference to other reports that have been prepared by Bioresearches Group Ltd and Arbor Solutions Ltd. Dr Clunie made the following statements:-

*"The level of native bio-diversity is low, given the range of habitats and the age of secondary cover on the site. The understory and forest floor in the old kanuka stands is characterised by a low diversity of species. In particular, there is a notable paucity of native long-lived tree species, and those present are mostly seedlings and in small populations.*

*Factors that likely have contributed to the low level of bio-diversity in the regenerating cover include inadequacy of nearby seed sources of a broad range and diversity of forest species which would have characterised the original forest cover of the land but have long since been displaced. There is also a paucity or lack of food sources in the regenerated cover to attract or sustain large seed-dispersal vectors such as wood pigeons. (Livestock may also have had access to the area and browsed the establishing regeneration for many years?).*

*There is good potential to substantially increase native bio-diversity and habitat diversity by planting many native species, which have long since been displaced from the original forest vegetation of the area."*

Dr Clunie made recommendations in respect of the proposed access roading, in particular recommending a 2.7 metre access road, with no batters back from the road, and (preferably) services located under the access driveway.

Dr Clunie made comprehensive recommendations with regard to weed control and management and "enrichment planting". He proposed planting on the southern, cleared part of the property, largely in green belts between the proposed lots and on the tributary flood plain.

In response to a question, Dr Clunie confirmed his view that degraded parts of the site would not, if left, naturally regenerate. He considered that active management was necessary. The conclusion he reached in his evidence was that *"there are substantial limitations impeding natural regeneration to species-rich and sustainable native cover"*. He further noted that:-

*"The proposal provides for substantial remediation, notably in relation to weed control and planting/tending to re-establish increased native bio-diversity, improved habitats and enhanced visual amenity. The methods proposed to enhance the natural environment will more than mitigate potential adverse effects of the development."*

With regard to effects, Dr Clunie stated in his conclusion:-

*"The house sites in the secondary "bush" had been selected at locations where the tall kanuka canopy is broken or absent and very few big kanuka will be cleared, either on the marked house sites or on the approaches for driveways from the access road. The proposed clearance will be localised and only very marginal in the perspective of the secondary forest cover on the property. It is unlikely to have substantial or ongoing adverse effects on ecological processes or the quality of natural habitats beyond the perimeter of the cleared area."*

**Shane Potter** gave evidence on arboriculture matters. Mr Potter acknowledged that the proposed development would result in a loss of some trees, and impact on other trees, but considered that the proposed mitigation measures, including replanting, would ensure any adverse effects were minor. He also considered that there were substantial positive effects on the subject environment in terms of removing a number of unhealthy exotic trees and weed species, and that these works would maintain "this highly valued area".

**Vaughan Wharton** is a Director of 231 Huia Road Developments Ltd. Mr Wharton gave evidence on other developments he had been associated with in the Titirangi-Laingholm area. He considered that they were high quality developments, and that the proposed development was consistent with that quality standard. He further considered that the proposal was consistent with various Council documents including the Long Term Council Community Plan.

**Keren Bennett** is a qualified freshwater ecologist. Her evidence covered the ecological characteristics of the Waituna Stream and Armstrong Gully Stream, and also wildlife within the site. Ms Bennett supported the bridged crossing of streams. She considered that the effects of the development on the population of native birds in the wider valley would be no more than minor. She considered that, subject to adequate erosion and sediment control measures, any adverse effects of the site development on the existing downstream biota would be short-term and recovery would be rapid once sediment input returned to normal.

**Sally Peake**, a qualified Landscape Architect, gave evidence on landscape matters. Ms Peake was of the view that the proposed development within the grassy valley area would not result in unacceptable change to the landscape environment.

With regard to proposed Lots 12 and 13, Ms Peake's assessment was that houses on these lots would not be visible from outside the site, provided bush removal was limited. She acknowledged that this was partly dependent on the retention of trees within the stream and reserve areas, but considered that "as this area is in Council control it is not considered that this area would be cleared permanently". Ms Peake acknowledged Mr Griffin's view that Lot 8 was visually discrete. Ms Peak made the following statements:-

*"In my opinion, although the proposed cluster of houses will result in some change to the landscape, effects on the natural character values of the site and area will not be diminished significantly. The ridge line and upper areas of bush cover will be protected, and the houses will not be visible from the coastline. The clustering of houses ensures the improvement and planting of existing grassy weed infested areas, and the currently degraded riparian and flood plain areas will be rehabilitated. Buildings will generally be subservient within the landscape and will not be out of character with surrounding development patterns. The scale of development is relatively small in comparison with other subdivisions in the area.*

*In relation to landscape effects, I agree that effects would be avoided/minimised by deleting Lots 8, 12 and 13, but do not consider that the application is inappropriate or that effects cannot be managed to an acceptable level."*

In response to questions, Ms Peake confirmed that parts of the development would be visible if pine trees within the Tangiwai Reserve were removed. However, she did not think it necessary to have any particular building controls on development of the proposed lots.

Simon Yates is a qualified planner, and gave planning evidence. He acknowledged that the status of the application was non-complying, by reference to the subdivision density rules and the earthworks rules. He considered that:-

*"Having regard for the historical patterns of subdivision and settlement, the plan has been developed to provide for additional subdivision in the TLA2 because it is located within the MUL. This provision for subdivision is in order to alleviate pressure for lots within the nearby "outstanding landscape" – that is located to the west of the site (on Plan Map 3.6B)."*

Mr Yates noted the inconsistency between the Managed Natural Area zoning under the District Planning Maps and the cleared area of the subject site. He stated that the proposed "pasture" Lots 2, 3, 5, 6 and 9 have been designed around 4,000m<sup>2</sup> average: which he considered to be complementary to that of other subdivisions of cleared areas in the TLA2.

With regard to the bush Lots 8, 12 and 13, Mr Yates stated that:-

*"The plan provides for subdivision in the MNA as a discretionary activity from one hectare in size with 500m<sup>2</sup> of vegetation clearance provided for each platform and drive. The three proposed bush lots comply with the 1 hectare minimum standard for the MNA as detailed in the plan control."*

In conclusion, Mr Yates stated that:-

*"The proposal, in my view, gives rise to a positive effect – that is a suitable, sustainable and complementary use of the site and creates social, cultural and economic benefits. For these reasons I am of the opinion that this application has overall positive effects as it avoids and mitigates any adverse ecological, landscape and engineering effects."*

### **Submitters**

**Tieke Horring** gave verbal evidence in support of the application. Mrs Horring has lived across the road from the subject site for 33 years. She recalled that, in about 1967/68, there were cattle grazing in the paddocks on the subject site. She said that the former owner of the property "did not have the energy to object to the incorrect General Natural Area identification of the site".

**Ed Greensmith** gave evidence regarding the architectural quality of the dwelling house on the subject site.

**Monique Faulkner** gave written evidence on behalf of the **Waitakere Ranges Protection Society**. Ms Faulkner agreed with the analysis and recommendation to decline the application contained within the Council staff report. She stated that the primary concern was the effects of proposed Lots 8, 12 and 13. She said that the Society did not oppose subdivision of the site provided that all development was restricted to the largely cleared area of the valley floor. She was concerned that:-

*"The potential exists for the identified values of Waitakere Range Environment to be eroded by poorly conceived and inappropriate subdivisions, the intended purpose of the zone would be diminished and the integrity of the District Plan further reduced. The cumulative adverse effects of such subdivision would be further extended by the potential to establish a precedent for other similar applications within the area."*

Ms Faulkner considered that applicant had failed to demonstrate how the proposal avoided, remedied or mitigated adverse environment effects in relation to vegetation removal/alteration, landscape and natural character, amenity values and neighbourhood character, and riparian areas and potential effects on water quality.

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## **THE MAIN FINDINGS**

The main findings that have led to the decision and the reasons for decision are as follows:

### **1. Accuracy of the Planning Maps**

Ms Ibrahim helpfully provided an overlay of the proposed development on the Natural Areas Map from the operative District Plan. I attach that plan as Annexure A to this decision.

The plan shows a General Natural Area in the area of the existing house, and a further General Natural Area (GNA) in the south-eastern corner of the site. The latter GNA has an overlay of "Ecological Linkage Opportunities". That GNA is also modified by the presence of a Riparian Margins Natural Area – 20 metres in respect of the Armstrong Gully Stream and 10 metres in respect of the Waituna Stream.

There is a further area between these two areas that is substantially cleared. The applicants provided me with a copy of a clearance plan (attached as Annexure B to this decision) which indicated a total cleared area of 8720m<sup>2</sup>. It appeared that there was no debate amongst those present at the hearing that this was a "cleared area", although all acknowledged that there were trees, being a combination of natives and exotics, within that area.

I am satisfied that there is an error on the planning maps. The area shown marked yellow on the Annexure B plan has the characteristics of the General Natural Area, apart from the riparian margin areas which are correctly identified as Riparian Margins Natural Area.

The District Plan acknowledges that there may be errors on the planning maps, by allowing an opportunity for such inconsistencies to be rectified through an application for resource consent. Rather than do that, the applicant took the approach of simply identifying the issue, and utilising the cleared area for five of the proposed eight new allotments proposed in the Application.

## **2. Rules to be Applied/ Density of Development Anticipated by the District Plan**

I concur with Ms Ibrahim's interpretation of Rule 10A.1, contained within Part 8.5.2 of the Officer's report. That rule provides for a maximum of six lots on the subject site, subject to Discretionary Activity resource consent approval.

There are a number of District Plan policies that refer to the district plan subdivision thresholds. For instance, Policy 2.1 includes the following statement:-

*"Having regard to the historical patterns of subdivision and settlement, limited further settlement may occur in that part of the Titirangi-Laingholm area which is inside the metropolitan urban limit. In this area, densities that may be applied for are set out in the thresholds for discretionary activities in the subdivision rules. These provisions are designed to ensure that site-generated and cumulative adverse effects on native vegetation and fauna habitat are avoided or can be mitigated...."*

The Explanation under this policy contains the following statement:-

*"...as this area contains a unique environment which includes substantial areas of native vegetation, further development will not be allowed beyond that site density provided for as a discretionary activity limit in the subdivision rules. Those rules have been carefully prepared to ensure local and cumulative impacts of settlement on native vegetation and fauna habitat are avoided."*

Part 6 – Explanations of the Strategic Direction: Policies and Methods – contains the following statement (6.1.1)



*"Thresholds in terms of particular aspects of the environment are dealt with in the objectives, policies and methods – see, for example, Policies 1.1, 2.1, 3.1, 5.4, 9.1 and 9.9. Thresholds set by those objectives, policies and methods, and the rules which follow from them, recognise that there may be justification for some development, but within strict limits which recognise the potential for adverse effects, including cumulative effects, on finite natural resources. It cannot be assumed that the maximum development possibilities under the rules thresholds can necessarily be achieved."*

These provisions make it clear that the District Plan intends that a conservative approach be taken to the assessment of subdivision, with considerable reliance placed on the thresholds set within the District Plan rules.

The applicants acknowledge that the application exceeds the District Plan development thresholds, presumably by reference to Rule 10A.1(d). However, having regard to the *intent* of the District Plan, the matter does not rest there.

As has been noted above, it appears to have been acknowledged by all parties that the District Planning maps contain an error in respect of identification of the full extent of cleared area on the site as General Natural Area. Certainly, I am satisfied that such an error exists.

I note that Rule 10A.1(c) allows (as a discretionary activity) for subdivision where the entire nominated development area is located in a General Natural Area, on the basis of the average net site of all proposed sites being a minimum of 4,000m<sup>2</sup>, with at least 1,000m<sup>2</sup> located within the General Natural Area. Any area within the (4,000m<sup>2</sup>) site that is identified as Managed Natural Area must be covenanted.

The plan in Annexure B shows proposed sites 1, 2, 3, 5, 6 and 9 with nominated development areas within cleared areas of the site, with the cleared areas being no less than 1,000m<sup>2</sup> on each of those sites. Further, those sites have a minimum area of 4,000m<sup>2</sup>.

This appears to meet the *intent* of Rule 10A.1(c).

Rule 10A.1(d)(ii) then provides for subdivision as follows:

*(ii) After allowing for any subdivision provided for by Rule 10A.1(c) and Rule 10A.1(d)(i) there shall be an average net site area of no less than 1 hectare for each additional site created....".*

The plan at Annexure B shows Lots 8, 12 and 13 having a minimum net site area of no less than one hectare.

My conclusion to the above is that, if the cleared area on the subject site had been correctly identified as General Natural Area, then it may have been possible for the development as proposed to have been applied for within the thresholds stipulated by the plan for a discretionary activity.

### **3. Effects on Native Vegetation**

The District Plan envisages that there will be subdivision proposals that involve the clearance of native vegetation. Limited subdivision is provided for in the Managed Natural Area. The standard appearing in Rule 10A.1(d)(iii) is that:-

*"Native vegetation alteration required for any nominated development area and driveway shall not exceed 500m<sup>2</sup> for every additional site created....."*

The information provided by the Applicant is that vegetation clearance required for Lot 8 would total 661m<sup>2</sup> (including the access to that site which lies outside the proposed site itself), and for Lots 12 and 13, 420m<sup>2</sup> each. The schedule presented by Mr Coutts indicated that the clearance in respect of Lot 8 could be reduced further by locating the Lot 8 boarding platform closer to boundary with Lot 6.

While the development proposed may be able to be amended to fit within the district plan thresholds, it still requires assessment. In this respect the general tenor of the district plan policies relating to native vegetation, which reflect relevant RMA provisions in Part 2 of the Act, require a careful analysis of the effects of the proposed development (including positive effects) on the local ecosystem.

I am inclined to accept the assessment made by Dr Clunie of existing vegetation on the site. The subject site contains a mixture of vegetation. The overall level of native biodiversity is low.

I also accept Dr Clunie's conclusions that there is limited potential for natural regeneration, and that considerable improvements could be achieved through an appropriate weed management plan and replanting. I note that Dr Clunie emphasised the flood plain and riparian margins areas as being worthy of rehabilitation, although he appeared to accept that the access to Lots 12 and 13 in particular would pass entirely through and across the riparian margin associated with the Armstrong Gully Stream. I consider that adverse effects on the stream margins and native vegetation on that part of the site are more than minor. Development in that area requires not only a crossing of the floodplain and stream, but also fragmentation of vegetation in a discrete part of the site on the northern side of that stream.

The potential positive effects of potential replanting/rehabilitation were not canvassed at any length in the staff reports. This may be understandable, considering the lack of a detailed planting plan in the application. The further information provided at the hearing, particularly in Dr Clunie's evidence, was of greater assistance, although a detailed planting plan was still not presented.

### **4. Effects on Streams**

There is an existing crossing of the Waituna Stream gaining access to the site. This will be replaced by an improved bridge access, which appeared to be acceptable by Council advisors and witnesses at the hearing.

With regard to the Armstrong Gully Stream crossing, the applicants have accepted a proposal for a bridge rather than a culvert. However, in that case, the access across the stream will pass entirely through the riparian margin and flood plain.

I am satisfied with evidence of Ms Bennett, not substantially opposed by Council advisors, that effects on streams themselves from the development will be temporary, and minor. However, for reasons outlined above, I consider the cumulative effects of a stream crossing, crossing of a floodplain, crossing of riparian margins and vegetation clearance to be significantly adverse, and not able to be sufficiently mitigated by even substantial planting within the Riparian Margins Natural Area.

#### **5. Landscape Effects**

I give little weight to Plan Change 8 of the Auckland Regional Policy Statement, which, as I understand it, is still awaiting decisions on submissions. I note that the subject area is not identified as Outstanding Landscape on Map 3.6(b) in the District Plan.

I accept the evidence of Ms Peake that landscape effects will primarily be internal to the site. However, I also accept Mr Griffin's view that future development on Lots 12 and 13 will be the most prominent parts of the subject proposal. In particular, they will disturb what is currently an undisturbed native backdrop on that hill slope.

I am less concerned about amenity planting within the subdivision than adequate amenity screening of development from views beyond the site. Particular attention will need to be given to screen planting around the site entrance from Huia Road.

#### **6. Flooding/ Land Stability Effects**

I am satisfied that adequate measures have been made to identify and mitigate any effects in relation to flooding and land stability issues.

#### **7. Positive Effects**

I acknowledge and agree with a number of points made in Mr Brabant's reply, relating to the positive effects of this proposal. In particular:-

- There is potential for significant improvements in bio-diversity through weed control and re-planting/rehabilitation works. In particular, there is potential for enhanced ecological corridors along the streams and their margins;
- The cleared area on the site provides opportunity for development in an attractive bush environment;
- Subject to appropriate conditions, it can be expected, including by reference to previous developments carried out by the applicants, that a high standard of overall development can be established.

## **8. Precedent, Cumulative Effects, and Integrity of Planning Instruments**

Mr Brabant referred to Decision W020/2007 *A D Wilson and K H Smith v Whangarei District Council and another* (Thompson, J) that contained the following statement regarding "plan integrity":-

*This is an argument that is, to be blunt, over-used and it can rarely withstand scrutiny when measured against the provisions of RMA. Considered as a non-complying activity it needs to be recalled that the Act specifically provides that if a proposal is not contrary to the Objectives and Policies of the Plan, or has adverse effects that are no more than minor, then it can be considered on its merits. If there should still be another application waiting in the wings in (the district) .... which still is to be regarded as non-complying then it will stand or fall on its own merits. Under the proposed plan, a proposal similar to this would be discretionary. Again the Act specifically provides for the consideration of such a proposal. It may well be that there will be future applications for broadly similar proposals. If so, they can and should be dealt with on their merits."*

I have reached the conclusion that this application is able to be assessed on its merits. It exhibits sufficient characteristics to distinguish it from other applications Council may receive in future.

## **9. Conclusion**

In response to a question, Mr Yates confirmed his view that the primary "unusual circumstance" in this application was the presence of a cleared area that extended beyond the General Natural Area identification in the District Plan. I accept that unusual circumstance. As noted earlier in this decision, a correct identification of General Natural Area on this land could have lead to this application being assessed as a discretionary activity, rather than a non-complying activity.

Notwithstanding that, even as a discretionary activity the application requires careful assessment. In that respect, while acknowledging the District Plan does envisage the possibility of development in bush areas, and the fact that some native vegetation on this site is of questionable quality, there are proposals to establish development within, and adjoining, stream corridors and riparian margins. The proposal in respect of Lot 8 also (effectively) exceeds the 500m<sup>2</sup> vegetation clearance guideline. In addition, I consider there are adverse landscape effects in respect of Lots 12 and 13.

I consider that there is considerable scope for mitigation through weed management and planting/rehabilitation focused on the stream corridor/riparian margins. However, that mitigation would be compromised, in particular by the access and stream crossing associated with the development of Lots 12 and 13. I consider that development in that part of the site should be avoided.

On the matter of an alternative subdivision layout, I was alerted in principle to possibilities, and I understand that some had been discussed with Council, although not provided in detail to me. In raising this with Mr Brabant at the end of the hearing, Mr Brabant invited me to consider what alternatives may be acceptable. I proceed to do that.

My conclusion is that adverse effects have the potential to be at a level that is no more than minor, and that objectives and policies of the District Plan can be satisfactorily met, if that part of the development involving Lots 12 and 13 is not pursued, Lot 8 is relocated closer to the proposed dwelling site within Lot 6, so that clearance in respect of (or leading to) Lot 8 does not exceed 500m<sup>2</sup>, and that a further lot is established in a satisfactory position in the already cleared area, possibly between proposed Lots 3 and 5.

The net result of the above is a development involving one lot less than proposed in the application.

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## THE DECISION

Pursuant to Sections 34, 104, 104B, 104D, 106 and 108 of the Resource Management Act 1991, the notified application by Huia Road Developments Ltd to undertake a 9-lot subdivision at 231 Huia Road, Titirangi is **granted consent**. The consent is to be subject to conditions, including the net reduction in the number of sites from 9 to 8.

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## REASONS FOR THE DECISION

Pursuant to Section 113 of the Resource Management Act 1991 ("the Act"), the reasons for this decision are as follows:

Subject to amendments in accordance with appropriate Conditions of Consent,

- (1) the subdivision limits the amount of vegetation and earthworks required to a level that is consistent with the need to avoid vegetation clearance within sensitive parts of the site, and in particular the streams/riparian margins;
  - (2) the bulk of the development is confined to existing cleared areas on the site;
  - (3) the proposed vegetation clearance and other development is adequately mitigated by the substantial programme required for weed management and planting/rehabilitation, focussed within the stream corridors/riparian margins;
  - (4) the development is able to avoid or adequately mitigate any issue relating to flooding and land stability;
  - (5) appropriate infrastructure is or can be provided;
  - (6) the proposal is able to substantially internalise any issue relating to landscape effects, and other effects can be further mitigated through screen planting;
  - (7) the development is able to satisfactorily provide an opportunity for an attractive living environment within a bush setting.
-

## CONDITIONS

A draft set of conditions was not provided at the hearing. However, a guide to possible conditions was given in the various staff reports and URS geotechnical review. Further recommendations were given in the evidence of the applicant, and in particular, the evidence of Dr Clunie.

This decision shall remain "interim" until appropriate conditions have been drafted. I expect that conditions will be drawn from the above reports, together with other conditions Council imposes as a standard on subdivisions of this type.

I expect that the conditions will include a requirement for a detailed weed management and planting/rehabilitation plan. The planting plan should include provision for planting over the entire area identified as Riparian Margins Natural Area (apart from that which may still be necessary for access to the amended Lot 8), and should include appropriate provision for screening along or near the site frontage around and to the east of the proposed site entry point.

The conditions shall include the required deletion of Lots 12 and 13, the replacement of Lot 8 closer to the nominated development area for Lot 6 (including any alteration to lot boundaries that may be required). A further Lot 4 may be provided between proposed Lots 3 and 5. As far as possible, the lots associated with the cleared areas should have a minimum site area of 4,000m<sup>2</sup>, with at least 1,000m<sup>2</sup> within a cleared area, but if that is not possible I do not impose it as an absolute requirement.

There shall be no native vegetation clearance on any lot other than Lot 8. The entire area of remaining native vegetation shall be suitably covenanted.

The process for completion of conditions shall be for the applicant to prepare a revised subdivision plan, reflecting the above. That plan is to be provided to the Council together with any suggestions the applicant may wish to make in respect of conditions of consent.

Council staff shall then prepare a full set of draft conditions in accordance with the revised plan.

Should there be agreement between the Council and the applicant regarding conditions, then those agreed conditions will be incorporated in the final decision. Should there be any dispute over conditions, I leave the opportunity open for my determination on any issue that may arise. If Council staff and the applicant agree, I am prepared for any dispute to be relayed to me by way of written submission. Alternatively, the opportunity will remain available for a reconvened hearing so that parties may present evidence on any remaining issue in dispute.

At the conclusion to that exercise I will finalise and date the final decision.

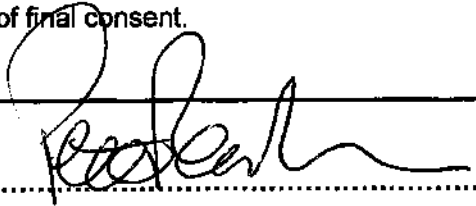
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**LAPSING OF CONSENT**

The consent shall lapse 5 years from the date of final consent.

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**COMMISSIONER PETER REABURN**



**DATE (INTERIM)**

13 November 2007

**DATE (FINAL)**

9 January 2008

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## **WAITAKERE CITY COUNCIL**

### **DECISION ON AN APPLICATION FOR RESOURCE CONSENT TO UNDERTAKE A 9-LOT SUBDIVISION AT 231 HUIA ROAD, TITIRANGI**

**APPLICANT: HUIA ROAD DEVELOPMENTS LTD**

### **FINAL DECISION INCORPORATING CONDITIONS**

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#### **INTRODUCTION**

This final decision follows an Interim Decision made on 13 November 2007.

The Interim Decision granted consent to the proposal subject to conditions, including the net reduction in the number of sites from 9 to 8 and a rearrangement of lot positionings.

A draft set of conditions was not provided at the hearing. The decision therefore remained "interim" until appropriate conditions had been drafted.

The Interim Decision recorded the expectation that conditions would be drawn from the reports submitted with the application and at the hearing, together with other conditions Council imposed as a standard on subdivisions of this type.

It was further expected that the conditions were to include a requirement for a detailed weed management and planting/rehabilitation plan. The planting plan was to include provision for planting over the entire area identified as Riparian Margins Natural Area (apart from that which may still be necessary for access to the amended Lot 8), and further include appropriate provision for screening along or near the site frontage around and to the east of the proposed site entry point.

The amended proposal was to provide for deletion of Lots 12 and 13, and the replacement of Lot 8 closer to the nominated development area for Lot 6 (including any alteration to lot boundaries that may be required). Opportunity was given for a further Lot 4 to be provided between proposed Lots 3 and 5. As far as possible, the lots associated with the cleared areas were to have a minimum site area of 4,000m<sup>2</sup>, with at least 1,000m<sup>2</sup> within a cleared area.

No native vegetation clearance was to occur on any lot other than Lot 8. The entire area of remaining native vegetation was to be suitably covenanted.

The process for completion of conditions was for the applicant to prepare a revised subdivision plan, reflecting the above. That plan was to be provided to the Council together with any suggestions the applicant may wish to make in respect of conditions of consent.

Council staff were then to prepare a full set of draft conditions in accordance with the revised plan.



The Interim Decision provided that, should there be agreement between the Council and the applicant regarding conditions, then those agreed conditions would be incorporated in the final decision. Should there be any dispute over conditions, the opportunity was left open for the Commissioner's determination on any issue that may arise prior to releasing the final decision.

Various subsequent correspondence is attached to this Decision.

The applicant provided by email a draft revised scheme plan and draft conditions to Council staff on 4 December 2007. The applicant further advised that *"...we are in agreement with the outcome of the hearing subject to what we have proposed above and as always we are keen to work with Council in order to achieve an appropriate outcome for the development of the site. I would note, however, that will all be for nothing if the final decision is appealed by a third party, and if this happens, we reserve our right to also appeal the decision and revert back to an earlier and more aggressive scheme plan"*.

On 12 December 2007 the applicant provided by email two versions of a scheme plan and requested the Commissioner's advice regarding the preferred version. Version "B" accorded with the Interim Decision, and this advice was given to the applicant on 17 December 2007. An updated Scheme Plan (B1) was provided by the applicant on 20 December 2007.

The applicant and Council staff achieved agreement on many conditions, but there were outstanding issues and I was asked to provide guidance on a possible final form of conditions. This guidance was provided to the applicant and Council staff on 21 December 2007 with a request that those parties discuss and identify any outstanding concerns.

The applicant responded by email on 2 January 2008 advising that agreement had been reached on all matters except the following:-

- 1) The extent of the required riparian planting. The applicant (Mr Coutts), apparently with advice from Dr Clunie, regarded planting of the full extent of the riparian margin impractical.
- 2) Bonds associated with bush protection and weed removal. While the applicants agreed that there should be a bond to ensure that the weed removal and planting plan was completed and maintained, there was disagreement on the value of such a bond, which Council staff had proposed at \$50,000 bond per new lot.
- 3) Start of works. The applicants sought approval for works to construct the sewer connections for the new lots could be constructed once the Earthworks Management Plan has been approved.

These outstanding issues are addressed below.

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## OUTSTANDING ISSUES

### Riparian Planting

The Interim Decision made the Commissioner's expectation clear, that "The planting plan was to include provision for planting over the entire area identified as Riparian Margins Natural Area (apart from that which may still be necessary for access to the amended Lot 8)." That was a finding and conclusion based on consideration of the information and evidence presented at the hearing. I note Dr Clunie's evidence specifically referred to planting in the Riparian Margins area. While the extent of planting now required may not have been envisaged, I do not see the extra area as being "impractical". After further consideration I am not persuaded by the applicant's concern that this is not an appropriate condition. I regard it as necessary mitigation for the adverse effects of the subdivision. Contrary to the applicant's assertions, those adverse effects extend beyond the vegetation clearance that is proposed. They include, for instance, the introduction of greater human and associated activity into a natural area. That is to be expected and is provided for in the district plan provisions, but it is also expected that reasonable efforts will be made to enhance the natural environment. In that respect it is relevant to note that most if not all of the area to be replanted is already identified on the District Plan maps as an "Ecological Linkage Opportunity".

It is appropriate that a condition detail more precisely what is required - see Condition 8(b). The manner by which this is to be achieved will be confirmed within the Planting/Rehabilitation Plan required by Condition 8. I expect, although it is not necessarily required, that the applicants may utilise the services of Dr Clunie in advising them and the Council on the design and methodology of planting works and that seems to me to be appropriate.

### Bonds

While I appreciate Council's concern that it is very important that weed management, planting and rehabilitation works be put in place and maintained, I have difficulty in relating Council staff's proposal to require a \$50,000 bond in respect of each proposed lot to the works required by conditions of consent covering planting, rehabilitation and weed management.

Similarly, I find the applicants reference to other subdivisions to be unhelpful in respect of this proposal. The imposition of bonds should relate to the works required in each particular case.

No such works are required for Stage 1 of the subdivision, and a bond need not be imposed on that Stage.

In respect of Stages 2 and 3, Condition 27 of the consent requires -

27. Work shall proceed in full accordance with the approved Planting/Rehabilitation Plan and Weed Management Plan and shall be completed or bonded for (see Conditions FC5 and FC6) prior to the issue of the s224(c) certificate in respect of Stage 2 of the subdivision.

The requirements of the Planting/Rehabilitation Plan and Weed Management Plan can be divided into two "stages". The first stage is that involving any weed removal, the preparation for planting, and the planting project itself. The second stage occurs after planting is complete and involves replacement of any plants that die and general maintenance including, for instance, watering and weed removal.

The second stage will extend beyond the completion of the subdivision and, very likely, the sale of lots. It is therefore appropriate that stage be the subject of suitable bonding. I consider a total figure of \$14,000 or \$2,000 per lot (Lots 2 – 8) to be sufficient to bond for the maintenance component of the Planting/Rehabilitation Plan and Weed Management Plan.

This is reflected in Condition FC5.

If the first stage including all works associated with planting is implemented prior to the issue of the s224(c) certificate in respect of Stage 2 of the subdivision then the issue of bonding does not arise. However, the opportunity should be provided to allow for the bonding of uncompleted works. If the applicant wishes to request this opportunity, then the applicant would need to provide, and the Council approve, a schedule and costing of proposed works to be bonded. In accordance with common practice, the bond should be no less than two times the value of proposed works.

In all cases, the bond would be refunded in part or in full once works have been part completed or fully completed in accordance with approved plans or specifications.

This is reflected in Condition FC6.

#### Start of Works

The request by the applicant that works be able to commence for providing sewer connections to the site is reasonable, and is provided for by the Advice Note appearing under Condition 9.

#### Further Comment on Plans

The plans currently provided are less than satisfactory. Amongst other concerns, they are a mixture of plans that have been produced throughout the application process. It is to the applicants' benefit as well as the Council's that clear and appropriate plans be produced. Condition 1 a) refers to the current draft scheme plan (Option B1) only. The pre-start conditions require a comprehensive set of new plans, prepared by appropriate experts.

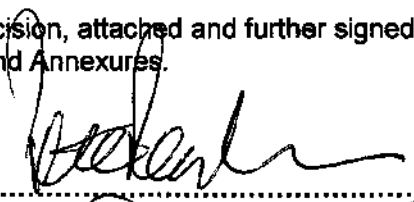
#### Further Comment on Monitoring

This proposal requires substantial review of amended plans and information and of on-site mitigation works and construction implementation. Adequate monitoring by Council staff will be essential. In this respect, I consider a fee in the amount of \$5,000 to reflect what I consider would be the likely checking/ monitoring responsibilities.

**FINAL DECISION**

The Final Decision comprises the Interim Decision, attached and further signed, together with this Decision with attached Conditions and Annexures.

**PETER REABURN  
COMMISSIONER**



.....  
9 January 2008  
.....

**DATE (FINAL)**

In accordance with the interim decision of the Commissioner Peter Reaburn, dated 13 November 2007, conditions imposed on the consent are as follows:

#### GENERAL

1. The development shall only proceed in accordance with:-
  - a) the draft scheme plan appended at **Annexure A** to these conditions, amended as required and approved by Condition 6;
  - b) the information, including further information, submitted with the application, and as revised at the hearing or by other conditions of this consent;
  - c) all further plans and information as required by conditions of this consent;
2. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five (5) years from date of issue of the consent
3. All personnel working on the site shall be made aware of, and have access to the contents of this consent document and the associated Erosion and Sediment Control Plans and methodology, the weed control plan and the planting/rehabilitation plan.

#### STAGING

4. The proposal shall be staged as follows:

**Stage 1:** Lot 1 (existing dwelling) plus Balance Lot (= Proposed Lots 2 – 8)

**Stage 2:** Lots 2 – 6 plus Balance Lot (= proposed Lots 7 & 8)

**Stage 3:** Lots 7 and 8

#### INFRASTRUCTURE

5. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be accepted by Eco-Water. Compliance with the Waitakere City Council Code of Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition. For further details refer to the conditions listed under SUB-2006-1652 ECOWATER CONDITIONS (223 and 224) below

#### PRE-START REQUIREMENTS

6. Prior to the commencement of any works a revised scheme plan of subdivision is to be submitted, based on the "Option B1" plan provided by the applicant on 20 December 2007. The plan is to be at a scale no less than 1:1000 and is to be prepared by a registered surveyor. The plan is to be revised so that the Access Lot in Stage 2 (referred to as Stage 1 on the Option B1 Plan) is to be renumbered Lot 4 and the Access Lot for Stage 3 (referred to as Stage 2 on the Option B1 Plan) is to be renumbered Lot 10. If Access Lots are to be replaced with Rights of Way, lot numbers are to be amended accordingly. All plans referred to in the following conditions are to be based on this revised Scheme Plan. Appropriate amendments to the Scheme Plan (provided the plan remains in general accordance with the Option B1 plan and does not increase the number of buildable lots) may be approved at the sole discretion of the Manager. Resource Consents.
7. Prior to commencement of any earthworks, an Earthworks Management Plan shall be provided to Council and approved by the Manager Resource Consents and shall include the following:

- a plan of the site showing the area over which earthworks will take place;
  - temporary topsoil sites and shall be located as far as practicable from the stream/s
  - the means by which the land will be stabilised (Sediment Control Plan);
  - the provision which will be made for drainage and control of silt discharge;
  - the manner in which the land will be re-contoured, top soiled and re-vegetated or grassed;
  - the approximate type and quantity of material to be removed or deposited;
8. Prior to the start of **Stage 2**, a "Planting /Rehabilitation Plan" is to be provided to Council and approved by the Manager Resource Consents. The Planting/Rehabilitation Plan shall be prepared by Dr Clunie or an alternative qualified ecologist or landscape architect and shall include provision for the following:
- (a) details of areas of vegetation to be cleared as part of the establishment works for the subdivision, and any rehabilitation works proposed in association with that clearing-

Notes:

- (i) clearance within proposed Lot 8 is limited to a total of 500m<sup>2</sup> for driveway and building platform, and only minor clearance is expected on proposed Lot 7.
  - (ii) The extent of native vegetation requiring removal shall be minimised by identifying timber extraction routes which are less populated by native vegetation, vegetation that is dead, has significant defects and or is the most direct route to existing areas of hard-standing and the machinery exit points of the site and with regard to item 'Protective Measures and Procedures' paragraphs 30 – 42, of the Statement of Evidence of Nigel Clunie submitted at the Council Hearing.
  - (iii) Where possible native vegetation should be pruned rather than removed.
  - (iv) Any areas not cleared as part of the establishment works for the subdivision are to be the subject of a separate resource consent;
- (b) planting of the currently cleared areas within the site that adjoin the Armstrong Gully and Waituna Streams and that are within the area identified as Riparian Margins Natural Area on the District Plan Planning Maps, provided that the planted area may exclude that area identified and approved as being required for access to the proposed Lots;
- (c) rehabilitation, including new planting as required, of the bush-clad areas within the site that adjoin the Armstrong Gully Stream and that are within the area identified as Riparian Margins Natural Area on the District Plan Planning Maps (see also Condition 9 that may cover this area);
- (d) appropriate screen planting of future development on building sites that may be viewable from Huia Road, and in particular in the vicinity of the road entrance to the site;
- (e) for all areas of planting, utilisation of a range of native species selected from Council's re-vegetation manual, 'a guide to planting and restoring the nature of Waitakere City', for ecosystem four, 'warm lowlands ecosystem', and/ or selected from the lists provided in paragraphs 58-65 of the Statement of Evidence of Nigel Clunie submitted at the Council Hearing for the subject site;
- (f) a planting schedule detailing proposed plants of good quality nursery stock and including grade and planting density for new planting areas. (Pb3 grade minimum is expected for re-vegetation areas, and with a planting density of 1 plant per 1m<sup>2</sup>, i.e. 1 m spacing between plants).

- (g) details of the proposed planting methodology (to cover site preparation, planting, slow release fertiliser)
- (h) separate information (species, number, years of proposed planting, grade, area) in regard to proposed enrichment planting within existing bush areas.
- (i) Provision for planting to take place within the first planting season (typically May to September) following six months of the completion of the works.
- (j) Provision for all new planting to be maintained with plants kept weed free and watered as necessary to facilitate their establishment for two years following the initial planting. Any plant that is removed, dies or otherwise fails to establish shall be replaced the following planting season and maintained for a further two years.
- (k) a plan showing separate identification of the bush-clad areas of the site to be left untouched, the isolated pockets of existing vegetation in the cleared areas to be retained, the cleared areas to be planted, areas of restoration planting, such as those areas either side of the newly formed driveway and the areas of weeds to be rehabilitated with new planting;

*Advice Note: Implementation of the Planting /Rehabilitation Plan is or may be the subject of a performance bond pursuant to Section 108 of the Resource Management Act – see Conditions 27, FC5 and FC6.*

9. Prior to the start of **Stage 2** a "Weed Management Plan" is to be provided to Council and approved by the Manager Resource Consents. The plan shall be prepared by Dr Clunie or an alternative qualified ecologist or landscape architect and shall have regard to Dr Clunie's report and the Auckland Regional Councils Pest Management Strategy 2002-2007 and comprise of a plan showing all areas to be subject to weed management and appropriate methodologies for weed removal and management, and shall:-
- (a) Result in the removal of all environmentally damaging plants (as listed in the Environmentally Damaging Plants Appendix of Council's District Plan) from within the site;
  - (b) Have regard to the information provided in Appendix 3 and item, 'Measures and Procedures to enhance the Natural Environment', 'Weed Control and Management', and paragraphs 43-51 of the Statement of Evidence of Nigel Clunie submitted at the Council Hearing for the subject site;
  - (c) Outline the methods for weed removal including avoiding, mitigating and if necessary rehabilitating damage to existing native vegetation;
  - (d) Provide for restoration planting within those areas of the site that have had weed plant species removed from and result in an area of cleared land that exceeds 8m<sup>2</sup>. The restoration planting shall be in general accordance with the following parameters:
    - (i) Plant species shall be as recommended by Dr Clunies report submitted as evidence and attached as **Annexure B** to these conditions;
    - (ii) The use of cultivars, varieties, and hybrid versions of such species is inappropriate and shall not be used;
    - (iii) Plants shall be of a mix, size and spacing determined by Dr Clunie, but as a guide should include an equal mix of grade sizes between root trainer and PB 12, and shall be spaced no greater than one metre apart or as appropriate to the grade, species type and specific location within the site being planted;
  - (e) Show how weed management will be co-ordinated with native re-vegetation of disturbed ground within the bush areas or areas proposed for native planting and with preparation, sowing and maintenance of any grass areas;

- (f) Provide details of the proposed weed management methodology including follow-up maintenance for no less than a two year period after weed removal and restoration planting.
- (g) Provide for a start date for weed removal being no later than the start date for works associated with **Stage 2** of the subdivision.

*Advice Note: Implementation of the Weed Management Plan is or may be the subject of a performance bond pursuant to Section 108 of the Resource Management Act – see Conditions 27, FC5 and FC6.*

*Advice Note: Nothing in the above Pre Start Conditions shall prevent commencement of works, subject to Council approval, associated with the provision of sewer connections to the site.*

## **EARTHWORKS**

- 10. Erosion and sediment control measures shall be carried out in accordance with those referred to in the approved Earthworks Management Plan and the Sediment Control Plan, submitted as part of this application and prepared by the applicant (appended as **Annexure C** to these conditions), and having regard to Auckland Regional Council's Technical Publication No. 90, 1999 and ARC conditions of consent (if applicable).
- 11. All sediment laden runoff from the site shall be treated by sediment control measures having regard to Auckland Regional Council Technical Publication No 90 "Erosion and Sediment Control Guidelines for Earthworks". These structures are to be constructed in accordance with best practice, be operational before earthworks commence, and be maintained to perform at full operation capacity until the site has been adequately secured against erosion.

*Advice Note: With regard to Conditions 10 and 11 above, it is acknowledged that Dr. Clunie's evidence noted that Erosion and Sediment Control fences shall be avoided in the drip lines of existing trees and this includes for all works to provide the access to Lot 8 and that a suitable alternative means of erosion and sediment control should be placed in these areas.*

- 12. Council's Environmental Monitoring Officer (Phone 839 0400) is to be contacted prior to any bulk earthworks commencing, to inspect the sediment control measures constructed, and then again before the erosion and sediment control measures are removed.
- 13. Roads, footpaths and access to the site, are to be kept clear of mud and debris at all times, to the satisfaction of Council's Monitoring Officer. Any mud/site debris (from the site and associated site activities) deposited on the road reserve will be removed immediately at the expense of the consent holder and in a manner that prevents environmental or infrastructure degradation.
- 14. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from the earthworks area via a stabilised system, so as to prevent surface erosion.
- 15. The applicant is responsible for ensuring the site is stabilised against erosion as soon as practicable and in a progressive manner as earthworks are finished over various areas of the sites. Re-vegetation/stabilisation of all earth-worked areas is to be completed in the first planting season following the completion in accordance with measures detailed in the ARC Technical Publication No. 90, 1999.
- 16. Regular inspection and ongoing maintenance of all sediment control measures are to be undertaken. Any problems identified are to be rectified immediately.



17. At the conclusion of earthworks or sections of earthworks if earthworks are staged, the ground shall be manually graded (raked) to meld with adjacent undisturbed ground or with adjacent hard surfaces and with grass sown in any areas proposed for grass as shown on the approved re-vegetation plan, to the satisfaction of Council's Environmental Monitoring Officer resource Consents.
18. All necessary action shall be taken to prevent a dust nuisance to neighbouring properties. Should this action not prove satisfactory, the contractor shall cease the work until conditions are suitable for the recommencement of the works.
19. Provide to Council, an earthworks completion report prepared by a Registered Engineer, which will include details of fill location and depth; the final depth of topsoil on all allotments; and areas requiring special design (see Conditions 22 – 25 below).
20. Prior to the commencement of works, the applicant shall obtain all consents, permits and authorisations for the work as may be required by the Auckland Regional Council.
21. The consent holder shall implement use and maintain a suitable wheel wash facility to prevent the deposition of earth or other site material on the surrounding streets from vehicles entering or leaving the site to the satisfaction of the Manager, Resource Consents.
22. All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:

Monday to Friday	7.30am – 7.00pm
Saturday	8.00am – 5.30pm
Sunday and Public Holidays	NO WORK

#### **GEOTECHNICAL**

23. All recommendations contained within the Engineering Geology Ltd Geotechnical report shall be adhered to (Ref: 5905a, dated July 2006).
24. Detailed design and recommendations for the proposed subdivisional works shall be undertaken by a Chartered Professional Engineer familiar with the contents of the Engineering Geology Ltd, Geotechnical Report Ref: 5905a, dated 6 July 2006.
25. All earthworks shall be undertaken in accordance with NZS 4431:1989 'Code of Practice for Earthfills for Residential Development' and NZS 4404: 2004 'Code of Practice for Urban Land Subdivision'.
26. All earthworks and subdivisional works shall be inspected and tested by a Chartered Professional Engineer. On completion of subdivisional works the supervising engineer shall issue a geotechnical Completion Report including a 'Statement of professional opinion as to the suitability of the site for residential developments'. This report shall include the final recommendations for each lot, confirming adequate factors of safety, as-built records of earthworks and drainage.

**Note:** Further conditions may be required to be complied with on an ongoing basis resulting from the Geotechnical Completion Report in which case a Consent Notice pursuant to Section 221 of the Resource Management Act 1991 will be required for the affected lots.

## VEGETATION ALTERATION

27. Work shall proceed in full accordance with the approved Planting/Rehabilitation Plan and Weed Management Plan and shall be completed or bonded for (see Conditions FC5 and FC6) prior to the issue of the s224(c) certificate in respect of **Stage 2** of the subdivision.
28. The consent holder shall appoint a suitably qualified and experienced Works Arborist to supervise all arboricultural works in accordance with the conditions of this consent. The consent holder must submit evidence of the appointment by way of an Arborists on-site log or report that identifies site attendance. This evidence must be sent to the Consents Manager, Consents Services, Waitakere City Council, Private Bag 93109, Henderson, Waitakere City. The Works Arborist shall also supervise and attend meetings as follows:-
  - (1) Erection of protective fencing.
  - (2) Site meeting with a Council Environmental Monitoring Officer (EMO) prior to the commencement of any works on site to confirm the location and specification of the protective fencing. The attendance of an EMO must be requested by telephoning (839 0400) and giving at least 48 hours notice.
  - (3) Site meeting with contractors responsible for the pruning or removal of vegetation to ensure adherence to good arboricultural practice.
  - (4) Site meeting with construction personnel to ensure their familiarity with working practices close to protected vegetation and any other conditions of consent.
  - (5) Any works within the dripline of protected vegetation.
29. The removal/pruning of the protected vegetation identified in the Planting/Rehabilitation Plan shall be undertaken by appropriately trained and skilled persons in accordance with modern arboricultural practices so as not to cause damage to/or death of other 'protected' vegetation growing beneath or alongside.
30. Where possible the same extraction points (by way of winch or similar method) through native vegetation shall be used to minimise damage to root systems or the need for pruning or removal of native vegetation.
31. Protective fencing shall be erected around the dripline of all retained protected vegetation prior to the commencement of works. The specification of the fencing must be no less than orange plastic mesh supported by waratahs placed firmly in the ground at 4m centres. This fencing must remain in place until all construction works are completed or until authorised by the Works Arborist.
32. The installation of underground services within the dripline of any native vegetation must be by way of thrusting or directional drilling. Entry and exit pits must be excavated outside of the dripline of any native vegetation where possible. The thrusting shall occur at a minimum depth of 600mm within the driplines of the subject vegetation. Should the directional drilling head become stuck underground whilst work is progressing within the dripline of the subject vegetation, all attempts at retrieval by way of excavation shall be carried out by hand and under the direction and supervision of the appointed Works Arborist.
33. The area within the temporary protected fencing must be considered a total exclusion zone unless authorised by the Works Arborist. There shall be:
  - No fill associated with building and laying of foundations (including that fill generated by any post hole borers for pole foundations) deposited within the driplines of remaining vegetation. All excess excavated material not able to be incorporated appropriately within the site shall be removed immediately following the completion of earthworks and disposed of appropriately.

- No storage of materials, building waste, cement/concrete washings and leaching of chemicals, tracking of any machinery, stockpiling of spoil, or other contamination within the drip lines of retained vegetation on this site or on adjacent land.
- 36 Care shall be taken during the weed eradication programme not to damage any of the existing native vegetation within the site. If methods of control include the use of herbicides then this shall be done in accordance with the recommendations of Dr. Clunie. Any weed removal that exposes an area of 5m<sup>2</sup> or greater shall provide adequate sediment and erosion measures to be maintained in accordance with Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan to protect the watercourse. All weed material shall be disposed of off site to a sanitary landfill or alternative appropriate disposal site, to the satisfaction of the Council's Consent Services Environmental Monitoring Officers.
37. The consent holder shall implement an ongoing pest control programme prior to commencement of any works for **Stage 2** of the subdivision. The ongoing pest control program shall target any known animal pests identified within the site and listed in the Auckland Regional Councils Pest Management Strategy 2002-2007. The methods of control shall be appropriate for the area and managed so no injurious affect results to persons or non targeted animals.
38. The large macrocarpa located in the cleared areas must be removed by an experienced aboricultural contractor experienced in felling large specimens and in particular have regard to protection of the smaller native vegetation where possible.
39. All planted areas shall be inspected for approval by a Council Environmental Monitoring Officer (phone 839 0400) within one month of completion.

#### **MONITORING**

40. A consent compliance monitoring fee of \$5,000 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection, all conditions have not been satisfactorily met, a re-inspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

The monitoring fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

#### **Advice Notes**

1. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer at least 5 working days before inspection is required. Inspections can be requested through the Call Centre on 839 0400.
2. When any approved site clearing is being carried out, no fires are permitted unless consent has been obtained from Council under the appropriate By Law.
3. Further foundation design conditions may be required by consent notice imposed on new certificates of title upon receipt of the earthworks completion report.
4. Weed management of all environmentally damaging species within the subject site including those areas not required for re-vegetation shall be carried out on an ongoing basis as per the covenants established on the title.
5. The District Plan's objectives for the Waitakere Ranges Environment and for the Managed Natural Area seek to protect and maintain the natural bush covered

environment and natural landscape character associated with the bush-clad ranges. Use of exotic species and native bush clearance is therefore inappropriate in this area.

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## SECTION 223 REQUIREMENTS (SUB-2006-1652)

41. The development is proposed to be completed in 3 stages and all the following conditions are applicable as appropriate for each stage. A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 5 years provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council. If not complied with, the survey plan will be declined pursuant to Section 223 (1A) of the Act.
- (a) Define the 1 in 100 year floodplain of the Waituna Stream and Armstrong Gully and provide a drainage easements in gross in favour of Council in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Specific requirements:
    - (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
    - (ii) The easement document shall advise the owner of their responsibility to maintain the area in the approved state, and to keep it unobstructed from buildings, earthworks, solid walls or fences, or any other impediments to the free flow of water through the easement area other than those consented by Council.
    - (iii) Prior to submitting the survey plan for Section 223 certification, obtain EcoWater's approval to the drainage easement.
  - (b) Provide for water supply easement(s) in gross in favour of Council over the Lots applicable in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon." Specific requirements:
    - (i) The easement document will be prepared by Council's Solicitor at the applicant's cost.
    - (ii) Prior to submitting the survey plan for Section 223 certification, obtain EcoWater's approval to the drainage easement.
  - (c) If required by Condition (GT 1) below, define and letter Land Covenant areas showing any restricted areas identified in the final geotechnical report on any affected lots which will be subject to a consent notice pursuant to Section 221 of the Act.
  - (d) As required by Condition (LD 3) below, define and letter Land Covenant areas showing the native bush which is required to be preserved and which is to be the subject of the performance bond(s) required by Conditions FC5 and (if relevant) FC6.
  - (e) Provide services easements through Lots 1 - 8 in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting of or reserving of the easement(s) set out in the Memorandum hereon".
  - (f) Provide for reciprocal right-of-way easements over Lots 1 - 8 in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon".

Take note that in order for a certificate of title to be provided for Lot 1 a separate survey plan will require approval and deposit that includes Lot 1 and a balance lot for future subdivision. This plan must include the bush protection area for Lot 1, easements for services if required and separate access if this is to be maintained or right of way arrangements for access.

Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

#### **SECTION 224C REQUIREMENTS (SUB-2006-1652)**

42. The development is proposed to be completed in 3 stages and all the following conditions are applicable as appropriate for each stage. Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council:-

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

#### **ECOWATER CONDITIONS (PUBLIC DRAINAGE)**

- (EW 1) Before the commencement of any public infrastructure works. Obtain the approval of Council by EcoWater where applicable for all engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" (WCC COP) detailing the nature and extent of any proposed work.

The application is proposed to be completed in three stages. This will be defined and conditioned at engineering approval stage by Council (EcoWater) to accurately describe the 224C Stage One and Stage Two limits, and enable Certificate of Title for Lot 1 to be issued prior to remaining Lots to be serviced with wastewater and water supply services.

- (EW 2) Demonstrate the proposed bridge crossing the Waituna Stream allows unrestricted free flow of water in the channel. Bridge structures should be designed and constructed in such a way that surface water generated by a 1 in 10 year storm event can safely pass under the bridge; and water generated by a 1 in 100 year flood event can safely pass the bridge by overland flow, without causing risk, flooding or nuisance to neighbouring property and providing allowance for upstream future development. Provide engineering plans for approval prior to construction.

Pursuant to Section 221 a consent notice is to be entered into, in favour of Council, to record that the bridge crossing remains privately owned, and is the full responsibility and liability of all owners to manage and maintain in proper working order.

It is noted by Council (EcoWater) the proposed bridge design and finished level crossing the Waituna Stream represents a significant improvement to the current access in terms of obstruction and water flow without overtopping.

- (EW 3) All buildings are required to be located entirely outside any 1 in 100 year floodplain area achieving a minimum finished floor level (in terms of LINZ datum), being not

less than 500 mm (0.5 m) above the 1 in 100 year flood level of the Waituna Stream, and/or the Armstrong Gully. Which ever is higher and adjacent to the relevant building platform of any affected Allotment.

Pursuant to Section 221 a consent notice is to be entered into, in favour of Council, to record the requirement for Lots directly affected by, or Lots within the subdivision that are adjacent to, flooding / overland flow to be constructed to a minimum finished floor level that will provide the required freeboard for protection against flooding.

If considered necessary, additional flood report information to more accurately define the flood levels at the lower end of the site may be requested by EcoWater. The levels provided in the application reports and flood analysis may demonstrate an unnecessarily conservative freeboard to be achieved if a further cross section analysis is completed for the confluence (downstream) of the Waituna and Armstrong Gully streams. This will allow consideration of potential storage volume within the flood plain of the Tangiwai Reserve. This final Flood Report may be registered as part of the Consent Notice applicable.

(EW 4) Design, provide and install a complete public wastewater reticulation system to serve all Lots in compliance with Councils Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Provide engineering plans and calculations to Council for approval prior to commencing works.

- (i) Provide standard public wastewater connections to the existing network as required and not subject to engineering approval.
- (ii) If applicable provide easements as necessary to protect any private drains where they pass through adjacent private properties.

(EW 5) Design and install a suitable Low Impact stormwater mitigation drainage system for the main proposed common access Lot or right-of-way, for example: vegetated filter strip; bio retention system; riparian restoration or similar. This must prevent erosion and scour occurring on the riparian embankment of the Waituna Stream and not have a point source discharge. Provide engineering plans and methodology for the proposed drainage system to Council for approval prior to commencing works.

(EW 6) Pursuant to Section 221 a consent notice is to be entered into, in favour of Council, to record that to mitigate against adverse effects on the environment, increased downstream flooding, increased stream channel erosion, individual Lots are required to have on-site stormwater management systems that on an on-going basis generally comply with EcoWater's Countryside and Foothills Stormwater Management Code of Practice and meet the following specific requirements:

- (i) Maintain stormwater runoff flows to pre-development levels for the 2 year storm event to provide stream channel erosion protection; or alternatively store the first 34.5 mm of rainfall and discharge over 24 hours.
- (ii) Rainwater runoff from the proposed dwellings must be collected and reused for non potable re-use i.e. toilet, laundry and exterior water taps. Tanks of suitable capacity are to be provided for stormwater reuse and attenuation.

WCC assumes that providing non potable domestic re-use mitigates 50% of the roof area captured. The basic interpretation of this is a maximum of 100 m<sup>2</sup> can be credited (capturing 200 m<sup>2</sup> roof area) however with large size tanks this may be extended based on a satisfactory engineering design and dwelling occupancy. Currently TP10 allows a credit against the extended detention volume 2, 10 and assumed 34.5 mm, this credit being the smaller of 7.5 days average use or 50% volume of tank storage for use.

- (iii) Stormwater discharge and overflow is to mimic natural runoff patterns, and not discharge directly to a watercourse, open drain or piped system.

- (iv) All on-site stormwater device design must take into consideration the Geotechnical Report and Investigation for the property completed by Engineering Geology Ltd, Ref 5950a, dated 6th July 2006, and acknowledge any recommendations applicable.
- (v) At two yearly intervals individual Lot owners, at their expense, must provide to Council confirmation, from a suitably qualified person, that the stormwater management system, including mitigation measures and devices installed as the condition of this consent or as a condition of any future building consent for the proposed buildings, are functioning in accordance with their intended purpose.
- (vi) Council's Hazards and Special Features Register will be advised of the above requirements.

(EW 7) Design, provide and install a complete public water supply reticulation system and fire fighting services to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 6). Provide engineering plans and calculations to Council for approval prior to commencing works. Specific requirements:

- (i) All Lots are to be individually metered at the main R.O.W. boundary.
- (ii) Locate all water connections at the same position as other utility services to each Lot.
- (iii) Provide a Fire Hydrant within 270 metres of the farthest point of any dwelling.
- (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.
- (v) Where any required public system is on private property, easements over the course of such system in favour of Council will be necessary.
- (vi) Any existing water meter serving an existing dwelling must remain the meter for the new Lot created.
- (vii) Where any driveway is to be constructed prior to 224c, provide and install a 20 mm (25 mm OD PE80) private water service pipe to each rear Lot as specified in WCC COP. The pipe is to be laid in the services easement, from the proposed meter location to 300 mm within the body of the Lot, terminating with an AcuFlow Valve. Mark both ends of each pipe with the Lot number it serves. Provide an As-Built plan of the water supply service lines. Ducting of private lines is recommended should they cross driveways.

(EW 8) Public infrastructure works, as conditioned above, require approval by Council (EcoWater) for 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, and relevant ARC Technical Publications to Council (EcoWater) 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 Development Services administrator on 836 8000 extension 8248 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 complete site inspections throughout the construction process.

- (vi) Upon completion of construction the applicant's surveyor is required to prepare As-Built plans in accordance with the Code of Practice, and CCTV inspection of the drains are to be carried out.
- (vii) The developer's representative is required to fully inspect the drainage including overseeing the drainage tests, view the cctv's and check against the as-builts, and ensure that any remedial works are completed.
- (viii) When the developer's representative is satisfied that all works meet Council standards, they are required to complete the 'QA Final Inspection Request Form' and lodge this at Council together with As-Builts, CCTV (all footage on one DVD), log sheets, chlorination certificate for watermains, and inspection reports.
- (ix) EcoWater's QA Supervisor will check all information against the approved design and Code of Practice, then undertake a field check and testing of the new drainage systems in conjunction with Council's approved maintenance contractor.
- (x) When all public works and documentation are completed to Council's satisfaction the QA Completion Certificate will be issued to the applicant.
- (xi) Submit a copy of the QA Completion Certificate with the application for s224c Certificate as evidence of compliance with the conditions of consent requiring construction of infrastructure to public standards.
- (xii) Pay all of Council's engineering fees and costs associated with engineering approvals, quality assurance site inspections, as-built & CCTV approvals, final inspections, testing and bond management.

#### **ECOWATER NOTATIONS**

Water Supply Meters and Drainage Service Connections to the existing public system can only be carried out by Council's approved contractor. Apply for new connections as required at the Council, by completing the application form and paying the associated fee for providing the new connections.

It remains the applicant's full responsibility to obtain if necessary, any resource consent from the ARC. Should any related stormwater consent be obtained from the ARC, provide Council (EcoWater) with all copies of all consent documentation and conditions. It may be necessary to apply for variations to consent if the documentation or consent conditions approved by ARC are conflicting in any way with that of WCC EcoWater. The applicant is required to obtain full approval from ARC stating that all items conditioned by any stormwater consent have achieved objectives accordingly.

#### **SHARED DRIVEWAYS & VEHICLE CROSSING**

- (SD 1) Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.
- (SD 2) Form and construct the shared driveway over parts of Lots 1 - 8 and provide stormwater control to the satisfaction of the Council. Specific Requirements:
  - (i) Inspection of the boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
  - (ii) Ensure that the long section of the driveway and the vehicle crossing complies with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15. Provide a long section of the driveway for approval.
  - (iii) All bends shall have a minimum inside turning radius of not less than 6.5m.



- (iv) The minimum width of the carriageway on shared driveways is specified in Councils District Plan (2.5m for up to 2 lots; 2.7m plus passing bays for 3 – 5 lots; and 3.5m plus passing bays for more than 5 lots) and the construction details are given in Councils "Code of Practice for City Infrastructure & Land Development." (150mm thick up to 4 lots, 175mm thick with reinforcing for 5 plus lots). Retain as necessary. Obtain a building consent for any retaining wall surcharge by traffic loads, sloping ground or over 1.2m in height.
- (v) Provide certification from an engineer that the subgrade is satisfactory to provide for the longterm integrity of the driveway.
- (vi) The proposed bridge must provide for a minimum 8 tonne truck. Obtain a building consent. Meet EcoWater requirements with regard to deck level and 1 in 100 year flood. Provide a sign at the bridge to Councils satisfaction stating maximum weight limit.
- (vii) Comply with all arborist requirements regarding work within the dripline of trees.
- (viii) To ensure the safety of vehicular and foot traffic into and out of the site from the road passing bays are required at each end of the bridge over the Waituna Stream, in accordance with the standards specified in (SD 3) below.

(SD 3) Provide passing bays along the course of the shared driveway at an interval not exceeding 50 metres and at all bends, in accordance with Councils District Plan. The length and width of the passing bay is to be determined by using the tracking curves of a 90 percentile car. Achieve a minimum 0.5m clearance between vehicles and fences. The minimum construction width is to be no less than 5m and 5.3m boundary to boundary. Passing bays are required on stage 2 west alignment.

(SD 4) Form and construct a vehicle crossing and for which a vehicle crossing detail form needs to be completed and returned to Council. (SD 3.13 Light Commercial Vehicle Crossing).

(SD 5) Obtain complete and return all documentation from Council to permit a structure (part of bridge) to be erected on the road reserve (if required). Pay all associated fees. An encumbrance is required to be registered on the Title at the applicants expense.

#### **PARKS AND GREEN ASSETS CONDITIONS**

(PK 1) In the event that fencing is required along the common boundary between the subject site and Tangiwai Reserve, 195 Hui Road, such fencing shall be visually permeable construction.

#### **GEOTECHNICAL CONDITIONS**

(GT 1) Arising from GEOTECHNICAL CONDITIONS 22 - 25 above, further foundation design conditions may be applicable on receipt of the earthworks completion report. A consent notice pursuant to Section 221 of the Act may be required to be issued and registered on the new titles to be issued for any affected lots.

#### **LEGAL DOCUMENTATION**

These conditions will be signed off by Consent Services. If you are required to obtain a geotechnical report as a condition of consent, please provide your account manager with a copy so that we can initiate legal documentation and hasten the Section 224C procedure.

(LD 1) Provide for the following documents:

- The Consent Notice required by Conditions (EW 2), (EW 3), (EW 6), (GT 1) above and (LD 3) below; and
- Proposed easements in gross;

These will be prepared by the City Solicitor at the applicants cost when the following information has been received:

- (i) All necessary technical information
- (ii) The Land Transfer plan number allocated by Land Information New Zealand, and
- (iii) The name and address of the solicitor acting for the owner.

(LD 2) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner or where a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.

(LD 3) The areas of native vegetation and the re-vegetation areas on Lots 1 - 8 which are required to be preserved shall be suitably defined on the survey plan and shall be subject to the following specific requirements:-

- (i) The perimeter of the bush protection area shall be fenced with stock proof fencing as specified under one of Clauses 6, 7 or 8 of the Second Schedule of the fencing Act 1978;
- (ii) Prior to the release of the Section 224(c) Certificate for any of the lots, all environmentally damaging weed species shall be completely removed from the site to the satisfaction of the Manager: Resource Consents. Prior to the release of any bonds which relate to weed management an inspection by Council's Monitoring Officer shall be carried out to ensure compliance with this condition.
- (iii) The site shall be kept free of noxious weeds and animal pests from this date.
- (iv) A management plan outlining procedures and responsibilities for weed and pest control shall be provided for each lot as part of the associated Consent Notice documentation.

(LD 4) A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new titles to be issued for the affected lots recording the obligations under the approved Planting/Rehabilitation Plan and Weed Management Plan.

## **FEES, BONDS & CONTRIBUTIONS**

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

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

(FC 2) Pay to Council a street damage bond of \$5,000 prior to the commencement of work. This bond shall be refunded in full after inspection by Councils Construction Supervisor confirms no damage to Council's roading assets has occurred. The inspection is to take place once all work is completed.

- (FC 3) Pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council which is refundable upon final acceptance of the works at the end of the maintenance period.
- (FC 4) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of market values of the 600m<sup>2</sup> residential component to be obtained for Lots 2 – 8 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act for the allotments shown on the plan. Pay also the costs for obtaining the valuation.
- (FC 5) Pursuant to Section 108 (1)(b) of the Act, performance bonds will be required to ensure maintenance of completed planted/ rehabilitated areas in accordance with the approved Planting/Rehabilitation Plan and Weed Management Plan.
- Stage 1** – No performance bond required.
- Stages 2/3** (to be provided at **Stage 2**) – \$14,000 or \$2,000 per lot.
- (FC 6) The Council will consider bonding other works required by conditions of this consent subject to the applicant providing, and Council approving, a schedule and costing of proposed works. The bond shall be no less than two times the value of proposed works and shall be refunded in part if works have been part completed or in full once works have been fully completed, all in accordance with approved plans or specifications.

#### GENERAL

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

- (GL 1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.
- (GL 2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 3) Obtain the reticulation of electric power to Lots 2 - 8 by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Electrical Network Operator (including the requirements of the Operator of the network to which the subdivision network is to be connected).
- (GL 5) Obtain the reticulation of telephone services to Lots 2 - 8 by underground methods and provide to Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Network Operator.
- (GL 6) Pursuant to section 125 of the Act this consent shall lapse five (5) years after the date of issue of the consent.

#### Advice Notes:

1. 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.

2. A Development Contribution is payable for this subdivision. This Development Contribution must be paid prior to the grant of a Certificate under S.224(c) Resource Management Act. The Development Contribution will be assessed at the time of payment. The estimate of the amount payable at the date of this consent is \$82,190.96 incl GST

As Built Drainage Plan

Owners name: SAR McLEON

Drainlayers Name: M. GANDY

Consent Number: 2012-1258

Site Address: 227 HUIA ROAD, THIRONGI

Drainlayer Address: REG.# 22932

Inspected by:

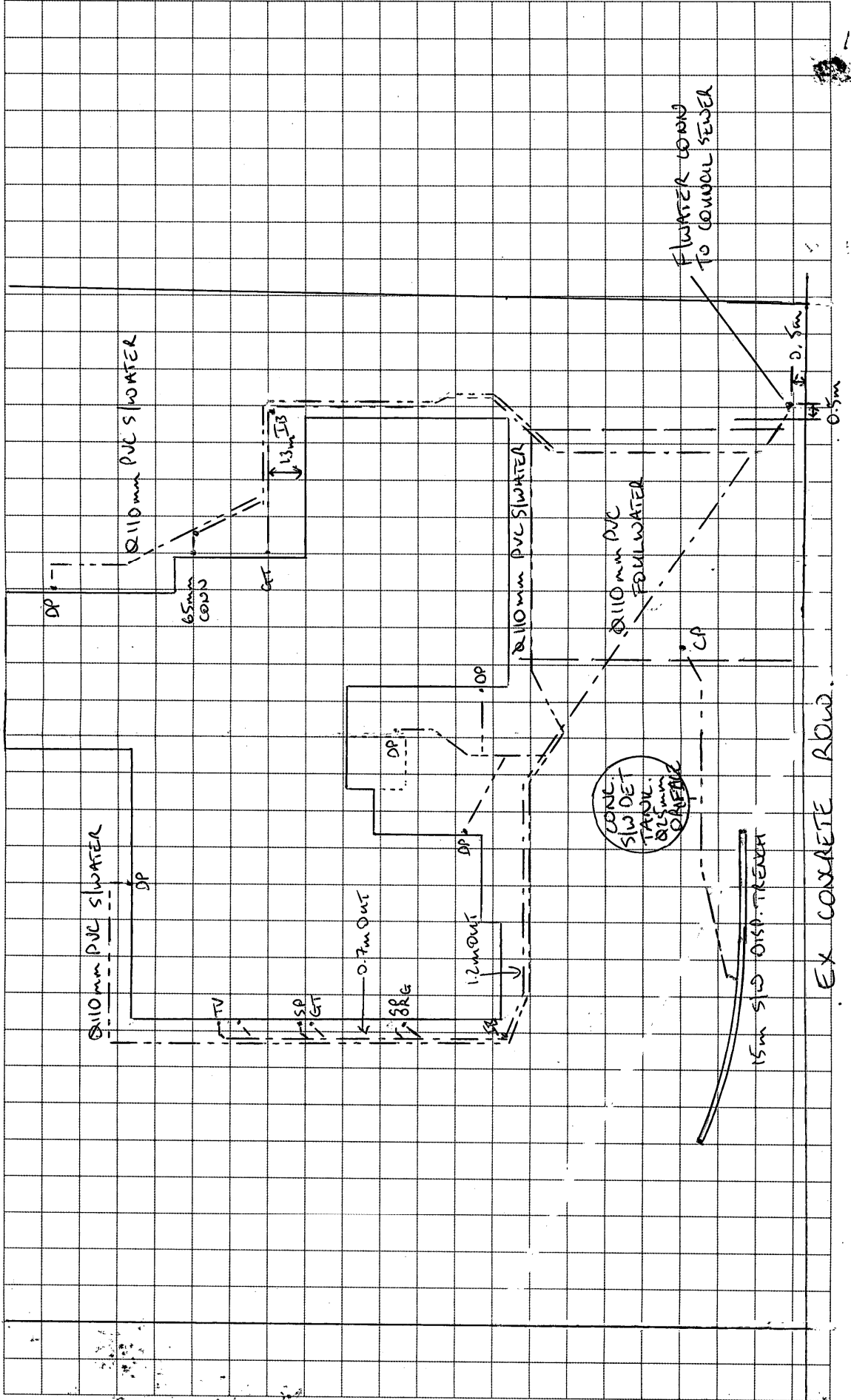
Legal Description: DP: 5988 Lot 3

Date Inspected:



**Auckland Council**  
Te Kaitiaki o Tāmaki Mākarau

PLEASE INDICATE ON PLAN THE FRONT BOUNDARY



20/3/2017  
PK: 332668