
To: Hearings Panel **Ref:** SP/0028/21 & LU/0040/21

From: Tim Wilson - Consultant Planner

Date: 20 September 2021

Subject: **BOUNDARY TREATMENT OPTIONS AND UPDATED DRAFT CONSENT CONDITIONS**

1. In response to questions raised by the Hearings Panel during the hearing, the purpose of this memo is to advise on the discussions between the Applicant and submitters in relation to possible boundary treatment options. This memo also includes as Appendix A, a revised set of consent conditions.
2. During the hearing, the Hearings Panel requested that myself, the Applicant, the submitters, and Mr. Sam Foster (Council's Urban Design Consultant), to consider possible boundary treatment options for the internal boundaries with 107 and 111 Taylor Street (i.e., the two submitters' common boundaries with the subject site).
3. I understand that both submitters did not change their position in terms of their submission and request to decline the application. However, the following provides a summary of the discussion around boundary treatment options, in the event the application was granted.
 - a) The Applicant's architect, Mr. Christopher Beer, suggested a possible solution for the boundary of 107 Taylor Street, was to retain the 1.8m impermeable fence as proposed, and to include additional landscaping within the subject site (109 Taylor Street), to obscure views from the proposed dwellings into the windowed areas of the dwelling at 107 Taylor Street. Mr. Christopher James agreed to this suggestion.
 - b) The Applicant's suggestion in relation to the internal boundary with 111 Taylor Street, was to establish landscaping in accordance with the landscape plan submitted in response to the s92(1) request for further information and included as Appendix 3 to the s42A report.
 - c) Questions were raised by Adrienne and Murray Olsen as to how this landscaping would be maintained. The Applicant and I commented that consent notices would be registered against the titles of the new dwellings requiring that the landscaping be maintained.
 - d) Adrienne and Murray Olsen agreed to this suggestion and requested to be involved in the planting of the landscaping treatment proposed, specifically the "*Magnolia 'Little Gem'*" species.
4. Accordingly, Mr Gareth Moran suggested that a revised landscaping plan be prepared and provided to the Hearings Panel, submitters, and Council processing team for consideration.
5. As raised in the evidence of Mr Moran, and addressed by Mr Budd, the Draft Conditions of Consent (Appendix 6 to the s42A Report) contained errors in referencing. Accordingly, please

see attached conditions with the references corrected. I note that conditions 3 and 4 of LU/00402/21 may require amending to reference the landscaping plan and agreed fencing outcomes to be provided as per Point 4 above.

Yours sincerely



Tim Wilson
CONSULTANT PLANNER

Schedule 1

Draft Conditions of Consent

Resource Consent No: LU/0040/21

General

- 1 The proposal shall proceed in general accordance with the information and plans submitted with the application on 1 March 2021, and the revised information provided through the further information request and response, and through the hearing process, except where another condition of this consent must be complied with. This information is entered into Council records as SP/0028/21 & LU/0040/21. A copy of the approved plans are attached.
- 2 The completed compact housing development shall consist of no more than five dwelling units.

Landscaping

- 3 The site shall be landscaped and fenced in accordance with the approved 'Planting Plan' by Line & Design Ltd dated 6 April 2021, attached to this decision. The landscaping shall be implemented within the next planting season following the issue of Code of Compliance Certificate under the Building Act to the acceptance of Council's Consents Team Leader.
- 4 The consent holder shall construct a 1.8m high impermeable fence along the internal boundaries of the site, up to the road boundary.

Construction

- 5 At least one week prior to the commencement of construction works on site, the consent holder must provide the owner and occupier of each adjoining property, with a letter describing the works to be undertaken on site. The letter must set out the expected duration of the works and contact details for the site manager or consent holder in the event that there are concerns with the works.
- 6 That construction on site must be restricted to the hours of 7.30am to 6.00pm Monday to Saturday. No works must be undertaken on Sundays or public holidays.
- 7 All noise associated with the proposed works must comply with the requirements for construction noise set out in New Zealand Standard NZS 6803:1999 – Acoustics - Construction Noise.
- 8 The consent holder must ensure that the construction activities are managed in a manner to ensure that there are no dust emissions occurring beyond the boundary of the site that are objectionable or offensive.

Monitoring

- 9 The consent holder must notify the Waipa District Council enforcement team in writing two weeks prior to the commencement of activities associated with this consent.

Note: This advice should be emailed to: consentmonitoring@waipadc.govt.nz.

- 10 Should the consent holder not proceed with subdivision of the site, Conditions 4, 5, and 7 to 13 inclusive, in addition to Conditions 1 to 8 above must be complied with.

Note: This consent has been approved on the basis the landuse and subdivision proceed concurrently, however there is the opportunity for the consent holder to proceed with the landuse without undertaking subdivision of the development. In order to ensure necessary infrastructure is provided to each dwelling, design and construction of infrastructure as outlined in the abovementioned conditions is required.

Schedule 2

Draft Conditions of Consent

Resource Consent No: SP/0028/21

General

- 1 Land Transfer Plan to give effect to this subdivision consent must be in general accordance with the approved plans prepared by RAD Surveying Limited, reference 20202, dated May 21 submitted with application SP/0028/21 and LU/0040/21, unless otherwise altered by the consent conditions. A copy of the approved plans are attached.

Easements

- 2 At the time of Section 223 certification, the following easements must be expressed on the survey plan as follows:
 - a The Right of Way shown as 'Access Lot 6 and Lot 7' on the scheme plan of subdivision SP/0028/21 be created and duly granted or reserved.
 - b The easements to drain water (private), convey water, drain sewer (private) shown as 'Access Lot 6 and Lot 7' on the scheme plan of subdivision SP/0028/21, be created and duly granted or reserved.

Amalgamation

- 3 The following amalgamation condition must be expressed on the survey plan as follows:
 - a That Lot 6 hereon (legal access) be held as to five undivided one-fifth shares by the owners of Lots 1 - 5 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. See CSN Request # 1710714.
 - b That Lot 7 hereon (legal access) be held as to three undivided one-third shares by the owners of Lots 3 - 5 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith. See CSN Request # 1710714.

Power

- 4 The consent holder must arrange with a local network electricity operator for the underground reticulation of electricity to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the local network operator that satisfactory arrangements have been made for the reticulation of the service to all lots in the subdivision. This is to include if necessary the resisting, repositioning or removal of any electric power lines which exist on the land being subdivided.
 - 5 Where electric power lines are crossing the boundary of any lots registered easements must be created for such services.
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Telecommunications

- 6 The consent holder must arrange with a telecommunications company for the underground reticulation of telecommunication or fibre optic cables to serve all lots and pay all costs attributable to such work. The consent holder must submit to the Council written confirmation from the telecommunications provider that the reticulation of the service to all lots in the subdivision has been provided. This is to include if necessary, the resiting, repositioning or removal of any telecommunication cables which exist on the land being subdivided. All work must be undertaken at the consent holders expense.
- 7 Where telecommunication or fibre optic cables serving any lot are required to cross the boundary of any other lot or lots registered easements must be created for such services.

Consent Notices

- 8 The following conditions shall be complied with on a continuing basis by the subdividing owner and subsequent owners:
 - a That for subsequent development of Lot 5, a suitably qualified and experienced Engineer will be required to inspect the site and submit to Council for approval, at the time of building consent, design details on the proposed on-site stormwater disposal system.

Reasons: The above condition is required to ensure that the proximity of the foundation for Lot 5 is to comply with RITS 5.2.9 in relation to the pipe zone of influence.

- b That the current and future owners of Lots 1 to 5 must maintain the landscape planting required as part of Condition 3 of land use consent (LU/0040/21) in perpetuity. All dead or dying plants must be removed and replaced as soon as practical.

Reason: The above condition is required to ensure landscaping is maintained pursuant to the approved consent.

- 9 Before the deposit of the survey plan the Council shall issue a consent notice pursuant to Section 221 of the Resource Management Act 1991 specifying the above condition. Such consent notice shall be either prepared or checked at the cost of the subdividing owner by the Council's solicitors and shall be registered against the relevant titles.

Entrance closure

- 10 The existing entrance to Lot 2 DPS 947 shall be permanently closed to vehicular traffic, permanently fenced, and the drainage and berm reinstated to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Construct entrance

- 11 The consent holder shall construct a vehicle crossing to Lot 6. All work is to be completed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. All work shall be completed by a Council certified contractor.
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Reasons: Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.

Separate water connections

- 12 The consent holder shall arrange for Council to install separate water connections to Lots 2 to 5, at the consent holder's expense.

Services – wastewater

Submit private gravity wastewater reticulation design

- 13 The consent holder shall submit Design/Construction plans for the private gravity wastewater reticulation system to supply the proposed lots and existing receiving network shown on scheme plan SP/0028/21. The Design/Construction plans shall be submitted to Council for acceptance prior to carrying out any construction work required by this consent. This system shall be designed to the acceptance of Council's Team Leader – Development Engineering, and shall be at the consent holder's expense. The submitted plans shall include, but is not limited to:

- a Flow direction and grades;
- b Pipe sizing and material;
- c Bedding details;
- d Manhole sizing and details;
- e Longitudinal sections; and
- f Connections to service Lots 1 to 5.

Construct private gravity reticulation

- 14 The consent holder shall construct private wastewater gravity reticulation as per the design/construction submitted under Condition 10 (Submit private gravity wastewater reticulation design) and to the acceptance of Council's Team Leader – Development Engineering at the consent holder's expense.

Quality assurance certificates

- 15 Following completion of the wastewater gravity reticulation required under Condition 11 (construct private gravity reticulation), Quality Assurance Certificates from a suitably qualified and experienced professional shall be completed, signed and submitted to Council's Team Leader – Development Engineering for acceptance.

Submit As-built plans

- 16 As-built plans and information of all wastewater infrastructure assets, which are to be vested in Council, shall be provided to the acceptance of Council's Team Leader – Development Engineering and shall be at the consent holder's expense.
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Schedule 2

Draft Advisory Notes

Resource Consent No: SP/0028/21 & LU/0040/21

- 1 This consent is granted by the Council subject to the Council's officers and/or agents being permitted access to the property at all reasonable times for the purposes of carrying out inspections, surveys, investigations, tests, measurements or taking samples.
 - 2 Building consent is required from Waipa District Council for the construction of the dwellings.
 - 3 Pursuant to Section 36 of the Resource Management Act 1991 the consent holder will be required to pay the actual and reasonable costs incurred by the Waipa District Council when monitoring the conditions of this consent.
 - 4 The crossing standards are set out in the Regional Infrastructure and Technical Specification (RITS).
 - 5 For both upgrading of the entrance to the site, a Vehicle Crossing Application will need to be submitted to Council. There is no administration fee for the application to upgrade the entrance.
 - 6 All contractors or persons undertaking work in the road corridor, for which reinstatement work will be necessary, are required to make a Corridor Access Request (CAR) via the Submitica web site (www.submitica.co.nz). A Traffic Management Plan for the works will need to be submitted with the CAR.
 - 7 Once the Section 224C completion certificate has been issued by Council for this subdivision, Council will advise the consent holder of property number(s). Entrances are required to be accurately numbered in accordance with the Rural and urban addressing standard, AS/NZS4819:2011. To conform to the above standard, the existing property numbering may need to change.
 - 8 The location of the water connections will need to comply with all aspects of Waipa District Council Water Supply Bylaw 2013.
 - 9 Draft As-built plans and information of all infrastructure assets, which are to be vested in Council, will need to be provided prior to the final inspection followed by a final set for 224 sign off. This information is a statutory requirement. The Regional Infrastructure and Technical Specification (RITS) has an acceptable standard for the recording of all council assets.
 - 10 This consent does not absolve any responsibility of the consent holder to comply with the provisions of the Wastewater Drainage Bylaw 2011 and Water Supply Bylaw 2013.
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