

REPORT



DECISION REPORT NUMBER	2303A
HEARING REPORT NUMBER	1303A
HEARING DATES	2 December 2009
SUBJECT	PROPOSED DISTRICT PLAN 2000 – DECISION REPORT: OREWA WEST SUNNYHEIGHTS LTD
FILE REF	TP/14/2/213

PARTS OF PLAN AFFECTED

Chapter 14 Scheduled Activities
Planning Maps
Orewa West

SUBMISSIONS ADDRESSED IN THIS REPORT

Submission No.	Name	Report Section
1253/4	Fuyala Family Trust	1

Further Submission No.	Name	Report Section
	No Further submissions	

1.1 Submission

Sunnyheights Ltd (formerly Fuyala Family Trust)	1253/4	That a Medium Intensity Residential Zoning be applied over Lots 1-3 DP 170969, Lots 1-2 DP 204866, Lot 1 DP 204868 Waiwera Psh BLK VII Waiwera SD (171 West Hoe Road), or similar relief as the Council considers appropriate.

1.2 Fuyala Family Trust (1253/4)

1.2.1 Decision

- (i) That submission **1253/4** be **accepted in part**.

1.2.2 Reasons for Decision

Background

On 8 March and 24 May 2006 the above submission was heard by the then District Plan Hearing Committee. That Committee never formally adopted or issued a decision on the submission.

The original submitter (Fuyala Family Trust) sought to rezone Lots 1-3 DP 170969, Lots 1-2 DP 204866, and Lot 1 DP 204868 Waiwera Psh BLK VII Waiwera SD (171 West Hoe Road) (See Appendix 1) as Medium Intensity Residential Zone, or similar relief which the Council

considers appropriate. The submission has now been taken over by the successor in title (Sunnyheights Ltd) which own Lots 1-2 DP 204866, Lot 1 DP 204868 and Section 1 SO69481 and Section 2 SO69481. The remaining three lots are in separate individual ownership.

The site is 37ha located on the northern side of Westhoe Heights and Sunnyheights Road with the Nukumea stream to the north and the existing residential development in Roberta Crescent to the west. The site comprises of steeply sloping pasture land with an area of native bush in the middle portion of the site. While the site slopes generally to the valley that contains the Nukumea Stream there are a number of spurs and platforms within the site that contain less steep land.

The land is identified in the Orewa West Structure Plan for a range of residential uses with open space in the steep central gully and along the Nukumea Stream. The land is currently zoned General Rural in the Proposed District Plan, and is subject to a scheduled activity (SA 114) which provides for subdivision to form a number of rural-residential lots.

The site is within the Auckland Regional Council Metropolitan Urban Limits which sets the regional limits for urban growth.

At the 2006 hearings evidence was presented which essentially proposed a Medium Intensity Residential Zone with a development concept overlay that would group the residential capacity that could be achieved under a medium intensity residential zone into clusters to reflect the steep nature of the terrain. The balance of the site would remain in open space. The consultants for the submitter also tabled a document which set out a rule package for a Special Zone as an alternative approach to deal with the revised development concept.

The recommendation in the original hearing report was that the submission should be declined as a number of issues, mainly related to servicing, had not been dealt with.

The land that is the subject of the submission is covered by the Orewa West Structure Plan adopted in December 2001. As the structure plan was adopted after the Proposed Plan was notified there was not the opportunity to incorporate the structure plan into the Proposed Plan at that time.

After the hearing, as a separate exercise, a review of part of the Orewa West Structure Plan was started as well as preparation of a variation to rezone the Orewa West land for urban purposes. Part of this review was to address the servicing issues in Orewa West.

Around the time that the structure plan review was agreed upon, it was proposed to the consultant for the submitter that the Council should await the review of the structure plan, and in particular the addressing of the waste water issues, before releasing a decision on the submission. The submitter agreed with this approach.

Since then the Orewa West Structure Plan review has continued and the servicing issues have been addressed.

The submitter also revised its proposal and in consultation with Council officers, developed an approach to rezone the land recognising its topographical constraints. At this stage the Committee agreed to reconvene the hearing on 2 December 2009 so that the refined proposal could be considered.

There are two reasons why the hearing had to be reconvened rather than have the Committee simply consider a decision report. Firstly, the Committee that heard the previous evidence no longer exists. Secondly, the proposal by the submitter has changed and developed to such an extent that it was appropriate that it be reheard.

Prior to the 2 December 2009 hearing the submitter forwarded additional information in support of the submission. The submitter requested that the land the subject to the submission be zoned Medium Intensity Residential (ResM) with a Restricted Activity overlay. The Restricted Activity overlay would provide an additional layer of control that applies to the land in addition to the provisions of the ResM Zone. The Restricted Activity proposed by the submitter does the following:

- Provides a Site Outline Plan that limits where development on the site may occur;
- The Site Outline Plan also sets out a number of precincts with the maximum number of residential units that may be provided within each precinct. The numbers reflect a distribution over the site of the number of units that could be developed on the site through integrated residential development in the ResM (i.e. 1 unit/ 450m²);
- Requires the preparation of Development Concept Plans that will control development;
- Provides additional standards and assessment criteria for integrated residential developments, subdivision and earthworks on the site;
- Provides for specific roading and other infrastructure to be provided on the site in conjunction with development;
- The protection and covenanting of a large area of native forest (SNA) and the retention of open space on the land.

The Committee understands that the proposed restricted activity would have the effect of limiting development on the site to the identified building platforms with large areas retained as open space. The submitters approach is to restrict development to those parts of the site that can be more readily developed while leaving open space and bush areas clear of development. The actual development will appear to be at reasonably high density but will be consistent with what could be provided under the ResM zone when viewed across the entire site set in large areas of open space.

Water Supply

The submitters provided a report which sets out how the land can be serviced for water supply. This report notes that currently there is a limitation to water supply from the existing public network except for a small area (precinct 3) that could be serviced. However the site will be able to be serviced once stages 2, 3 and 4 of the proposed 'J' route has been completed. 'J' Route is a 4 staged new line running from the Silverdale Parkway to the Maire Road reservoir. This is due to be completed in 2017-2018.

The Committee therefore considers that water supply will be available in the reasonably foreseeable future.

Wastewater

The submitters provided a report which sets out how the land can be serviced for waste-water disposal. This report notes that the site can be serviced via internal gravity reticulation to three pump stations, with a pumped discharge required from the main pump station within the site to the broader Orewa West pressurised wastewater collection (PWC) system south of Westhoe Road. Extension of the PWC system to the site is not able to be completed until the Orewa West Trunk is provided. This is likely to be completed by 2013-2014.

The Committee therefore considers that a suitable wastewater disposal system will be available in the reasonably foreseeable future.

Stormwater Disposal

The site is located within the Nukumea Catchment and is subject to the Nukumea Stream Catchment Management Plan, rev B, March 1994 and ARC comprehensive discharge consent for the Nukumea catchment, No 957826 August 1995.

The submitters provided a report which sets out how the land can be serviced for stormwater disposal. This report notes that:

"The proposed stormwater management system, adopted as best practical approach for this site, includes source control and at source treatment options, such as rain gardens, proprietary units and wet ponds. These area all supported by a piped conveyance system that discharges to the treated and attenuated water at various locations to the receiving environment.

The two proposed ponds will provide treatment and attenuation for the upper and mid sub-catchments of the site. The lower sub-catchments will be independent with respect to stormwater management. A 'treatment train' approach has been adopted with the site by applying at or close to source treatment, such as non-contamination producing roof cladding, swales and/or rain gardens. These stormwater management options are to be coupled with other at-source devices, ponds and detention tanks.

Attenuation of the fully developed catchment is provided within the site to ensure that pre-development levels are achieved and that the receiving environment is protected from increased peak flows and larger than existing frequent flows. Attenuation will occur within the ponds and detention tanks. The upper pond provides additional detention volumes to compensate for the other sub-catchments that cannot achieve the level of attenuation required for large rainfall events, due to volume restrictions.

The system's performance is assessed against the requirement to achieve peak flow reduction to pre-development levels to ensure that hydraulic neutrality is attained at the northern boundary of the site. The proposed stormwater management system meets these required objectives and standards."

The Committee understands that in order for the development to proceed an amendment to the current discharge consent will be required from the ARC and that the submitter has had initial consultations with the ARC over this.

Subject to the obtaining of the relevant consent from the ARC, the Committee considers that stormwater treatment and disposal can be adequately managed.

Geotechnical

The Committee considers that in order for the development platforms shown in the Site Development Plan to be constructed extensive earthworks will be required on the land. In general terms the suitability of the land for such development has been assessed by the applicant's geotechnical engineer. These have been peer reviewed by Opus consultants on behalf of the Council. This report generally agrees with the geotechnical assessments provided by the submitter.

In respect of geotechnical considerations the Opus peer review report notes a number of recommendations for rules governing the development of the land. The report notes that the primary effect of the development is the earthworks and the requirement that a cut/fill balance is achieved through the earthworks. This would need to be achieved whilst protecting the SNA, which is proposed by the developer using in ground retaining walls along the leading edge of fill adjacent to the SNA.

The Committee considers that the appropriate way in which this can be achieved is to include an additional assessment criterion in the assessment of earthworks to address this matter.

The geotechnical report also expresses some concerns with environmental effects resulting from the abandoned landfill on adjoining land. The issues of concern are increased settlement due to the collapse of refuse material and the decaying action of organic material and ensuring the appropriate treatment of leachate before it enters the stormwater ponds.

The Committee considers that these matters can be dealt with through appropriate assessment criteria.

Traffic

The submitter has prepared a transport assessment for the site. This has concluded that:

- The two proposed priority intersections on Sunnyheights and West Hoe Roads are adequate to accommodate the level of traffic likely to be generated by full development of the site;
- The staging proposed in the Restricted Activity rules are sufficient;
- The proposed access locations provide satisfactory sight distances;
- Road gradients are adequate;
- Horizontal geometry is adequate.

Overall the traffic analysis considers that the development is acceptable in traffic terms.

The ITA has been reviewed by Council's traffic consultants who have advised that there were no issues. The Committee accepts this conclusion.

Integration with Orewa West Structure Plan

The land the subject of the submission is contained within the area of the Orewa West structure plan and is located within the Metropolitan Urban Limit (MUL). The structure plan identifies much of the site as being suitable for medium intensity and medium low intensity residential development, however the bush area of the site and the main gully is identified as being suitable for open space. The areas of the site identified for medium low intensity residential development are those areas that are likely to require significant remedial works in order to be suitable for development or have development constraints.

The Committee considers that the submitter's option, being a form of medium intensity development is not inconsistent with this approach. It provides for a form of development that avoids some of the poor land and ensures that where poor land is used, that the geotechnical constraints are removed.

The Committee notes that the Orewa West Structure Plan is currently under review. The development of the reviewed structure plan has taken into consideration the submitter's proposal particularly in respect of overall traffic and servicing arrangements. The layout of roads is generally consistent with that proposed on adjoining sites.

Issues of Detail

While the Committee considers that in general terms (and for the reasons set out above) the submitter's proposal is acceptable there are a number of matters of detail that require amendments to the submitters proposal. The particular matters are as follows.

The Committee considers that there are some minor wording alterations required to the proposed Restricted Activity provided prior to the hearing to make the wording clearer. These are matters of detail and have been included in the Restricted Activity 334 referenced in section 1.2.3 below.

The Council's Urban Design consultant has reviewed the proposed Restricted Activity. He noted that the rules have been developed to allow a particular type of development that is proposed by the submitter. However the Committee considers rules must also be applicable to other development typologies. One area of particular concern was the ability of a developer to propose a large number of small culs-de-sac leading off the main roads shown on the Site Outline Plan. The submitter has proposed an additional assessment criterion to deal with this. The Committee considers that this change, subject to some minor wording changes sufficiently resolves this issue and will provide for a range of development typologies.

The geotechnical report identifies that additional assessment criteria are required to address the issue of a cut/ fill balance and to deal adequately with the appropriate treatment of the old landfill and discharges. Appropriate changes have been included in Restricted Activity 334 referenced in section 1.2.3 below.

The ecological report notes that the proposed building platforms are proposed to intrude into the SNA area. The intrusion of the north-eastern corner of the building platform in Precinct 2 and the southern eastern corner of the building platform in Precinct 1 are likely to have adverse effects on the native bush given the topography of the site despite the submitters offer to replant bush in other parts of the site. The report also recommends that the area of pasture identified as open space at the eastern end of this land is replanted in native bush to assist in the integration of the northern and southern portions of the SNA. The Committee accepts this recommendation and the recommendations have been included in the version of Restricted Activity 334 in section 1.2.3.

The Landfill

The original submission included three sites (171 to 207 West Hoe heights Road, Orewa, Lots 1, 2 and 3 DP 170969). The Committee considers that this land should be zoned Residential Medium density as per the submission but should not be subject to the submitter's proposed restricted activity. This site contains an old unused landfill that would have been included in the restricted activity had these sites remained part of the submitter's land. The Committee considers that it is appropriate, as a consequence of accepting the submission, that a further restricted activity be placed on these sites to ensure that development remains clear of the landfill.

Matters Raised at the Hearing

At the hearing of this submission the Committee heard from Shane Hartley, the planning consultant for the submitter. In his evidence Mr Hartley generally accepted the changes proposed to the Restricted Activity in the Council planner's recommendation. He did however raise a number of concerns. It is appropriate for the Committee to address these concerns.

Mr Hartley raised an issue with the wording of the Rule 5(k) (should be rule 6(k)) that relates to which subdivision activities should be prohibited activities. The Committee considers that the changes requested by Mr Hartley are generally appropriate but that the wording proposed is potentially confusing. An alternative wording for Restricted Activity 334 is referenced in section 1.2.3 below.

Mr Hartley proposed some minor wording changes to now Rule 6(i). The Committee accepts these changes.

Mr Hartley was also concerned that assessment criterion now 8(c) which states that earthworks should result in a cut and fill balance over the area of the Site Outline plan was too restrictive in that an exact cut and fill balance may not be possible. An alternative wording was proposed. The Committee considers that the wording proposed in the officer's report is appropriate as this is an assessment criterion and is not a strict rule. If a strict cut and fill balance was not possible then this could be considered at the time of a resource consent application, but the aim of a cut and fill balance as recommended by the Councils geotech peer review should remain.

Mr Hartley was also concerned that the wording of criterion 8(g) which states that leachate from the old landfill shall not enter the stormwater ponds. Mr Hartley sought that this be amended to require an applicant to take all practicable steps to avoid or at least not increase leachate from the old landfill from entering the stormwater ponds. The Committee considers the submitters wording is not acceptable as the Council may be required to accept a contaminated pond as an asset with all the associated costs and risk that would entail. While there may be a low public health or operational risk, not enough is known about the material disposed of in the landfill, leachate concentrations, how leachate moves through the subsurface or whether regulations will change. Therefore the Committee considers that any less restrictive clause is not warranted.

Mr Hartley also requested that the area of Restricted Activity 334 be amended to include the full extent of the Kakariki Views paper road. The Committee considers that this amendment is appropriate for the reasons put forward by Mr Hartley.

Conclusion

In conclusion, the Committee considers that the proposed set of District Plan provisions for this land are appropriate as set out in the recommended provisions outlined below.

1.2.3 Amendments to the Proposed Plan

- (i) Amend Chapter 14 - Scheduled Activities Rule 14.8.2 Scheduled Activity Table by deleting Scheduled Activity 114 and entering "Not Allocated" in the table.
- (ii) Amend Chapter 14 - Scheduled Activities by removing Appendix 14D "Plan of Subdivision, West Hoe Road, Orewa".

- (iii) Amend Chapter 14 - Scheduled Activities Rule 14.8.3 Restricted Activity Table by adding a new Restricted Activity 338 as set out in Appendix 1 of this report.
- (iv) Amend Chapter 14 - Scheduled Activities Rule 14.8.3 Restricted Activity Table by adding a new Restricted Activity 334 as set out in Appendix 2 of this report.
- (v) Amend Planning Maps 71 and 74 by rezoning from General Rural to Residential M (Medium Intensity) the land shown in the plan in Appendix 3.
- (vi) Amend Planning Maps 71 and 74 by deleting Scheduled Activity 114 and adding Restricted Activity 334 as shown in the attached plan in Appendix 3.
- (vii) Amend Planning Map 74 by adding Restricted Activity 338 as shown in the attached plan in Appendix 3.
- (viii) Amend Chapter 14 - Scheduled Activities by adding a new Appendix 14AA, Sunnyheights - Site Outline Plan as shown in the attached plan in Appendix 4.
- (ix) Amend Chapter 14 - Scheduled Activities by adding a new Appendix 14AB, Sunnyheights - Definitions Specific to Sunnyheights as shown in Appendix 5.

Appendix 1 –

Restricted Activity 338

Restricted Activity Table – Rule 14.8.3

ACTIVITY NUMBER	DETAILS	
338	<p>MAP REFERENCE</p> <p>LOCATION AND LEGAL DESCRIPTION</p> <p>RESTRICTIONS ON THE ACTIVITY / SITE</p>	<p>71 and 74</p> <p>171 to 207 West Hoe heights Road, Orewa Lots 1, 2 and 3 DP 170969.</p> <p><u>Restrictions / Rules</u></p> <ol style="list-style-type: none"> 1. Prior to any subdivision, earthworks or building on the land the location of the landfill on the land shall be identified by a suitably qualified expert. 2. No earthworks or buildings shall be located on or within 5m of the landfill on the land identified in 1 above. <p><u>Explanation and Reasons</u></p> <p><i>The above restrictions are necessary to ensure that development does not result in adverse environment effects and that development is not adversely affected by the existence of the landfill. .</i></p>

Appendix 2 –

Restricted Activity 334

Restricted Activity Table – Rule 14.8.3

ACTIVITY NUMBER	DETAILS	
334	<p>MAP REFERENCE</p> <p>LOCATION AND LEGAL DESCRIPTION</p> <p>RESTRICTIONS ON THE ACTIVITY / SITE</p>	<p>71 and 74</p> <p>Lot 1 DP204866, Lot 2 DP204866, Lot 1 DP204868, Section 1 SO69481, Section 2 SO69481, located off Westhoe Heights Road, Orewa.</p> <p><u>Restrictions / Rules</u></p> <ol style="list-style-type: none"> 1. Earthworks, subdivision and INTEGRATED RESIDENTIAL DEVELOPMENT, provided for as a Restricted Discretionary Activity in Chapters 8 – Residential, and 18 - Urban Land Modification and Vegetation Protection, are subject to the additional standards and conditions, activity status, matters for discretion and assessment criteria specified in Rules 2 to 8 below. 2. Earthworks, subdivision and INTEGRATED RESIDENTIAL DEVELOPMENT complying with the Standards and Conditions in Rule 6 below are a Restricted Discretionary Activity. Applications for earthworks, and subdivision and INTEGRATED RESIDENTIAL DEVELOPMENT where provided for in Rules 8.12.1.6, 8.12.2 and 8.16 - Chapter 8 Residential, need not be notified, and the written approvals of affected parties will not be required; provided that where the requirements of Rule 6 (d) (iv) are not met, the relevant provisions of the RMA shall apply only in respect of determining whether approval of other landowners within the relevant PRECINCT (see definition in Appendix 14AB) is required. 3. Earthworks, subdivision and INTEGRATED RESIDENTIAL DEVELOPMENT which do not comply with the Standards and Conditions in Rule 6 below are a Discretionary Activity, except where Rules 4 or 5 below applies. 4. The following are Non-Complying Activities: <ol style="list-style-type: none"> (a) INTEGRATED RESIDENTIAL DEVELOPMENT that exceeds the total HOUSEHOLD UNITS for the DEVELOPMENT SITE specified in Rule 6 Table 1 below. (b) Any building and building platforms for any activity sited outside of the Development Platforms identified in the SITE OUTLINE PLAN (see Appendices 14AA and 14AB). For the avoidance of doubt, this includes any building and is not limited to buildings associated with an INTEGRATED RESIDENTIAL DEVELOPMENT.

- (c) Subdivision under Rule 8.15.2.4 (a) or (b) for any site other than a FRONT SITE.

- 5. Subdivision applications for sites that do not comply with Rule 6(k) shall be a Prohibited Activity.

Explanation and Reasons

The restrictions in Rules 1 to 4 above are additional to the Rules applying to Integrated Residential Development and subdivision in Chapter 8 - Residential. Those rules continue to have effect unless otherwise restricted by the rules in this Restricted Activity.

Standards and Conditions

- 6. Subdivision and Integrated Residential Development shall comply with the following standards and conditions:

- (a) The Site Outline plan.
- (b) The maximum number and density of household units per precinct, shall be in accordance with Table 1 below other than as provided for in Rule 6(c):

Table 1

PRECINCT	HOUSEHOLD UNITS
1	65
2	151
3	242
4	15
5	40
6	120
7	41
8	162
Total	836

- (c) The quantum of household units within a precinct may be altered by transferring rights from one precinct to another precinct(s) provided that:
 - (i) The quantum of household units within any particular precinct, as shown in Table 1 above, shall not be varied by more than 20%.
 - (ii) An equivalent number of household units must be offset in any other precinct(s) owned or controlled by the applicant.
 - (iii) Appropriate legal mechanisms (e.g. consent notices and covenants on the relevant certificate(s) of titles) be registered to restrict development within the precinct from which rights have been transferred, to ensure development does not exceed the reduced quantum for that precinct.

- (d) DEVELOPMENT CONCEPT PLANS

		<ul style="list-style-type: none">(i) A development concept plan (see definition in Appendix 14AB) for an entire precinct shall be submitted with the first application for any land use activity (other than earthworks) or subdivision within that precinct.(ii) The Development Concept plan submitted with the first land use or subdivision consent shall be the applicable Development Concept Plan for that precinct.(iii) In the event that changes to an applicable Development Concept Plan are required, a revised development concept plan shall be submitted in association with a relevant land use or subdivision consent application.(iv) Where the land included in a development concept plan is not in single ownership, the written agreement of all landowners within the relevant precinct shall accompany the submitted development concept plan.(v) In addition to the general information required for a Development Concept Plan, a submitted revised Development Concept Plan shall identify where it is inconsistent with the current applicable Development Concept Plan, and include the rationale for the amendments.(vi) Upon the granting of consent a revised Development Concept Plan, will be the applicable development concept plan for the precinct. <p>(e) "Road A1 and Road A2" shall be constructed according to the general alignment shown in the Site Outline Plan, in accordance with Council's Standards for Engineering Design and Construction, and shall be vested in Council, provided that:</p> <ul style="list-style-type: none">(i) Only "Road A1", as shown on the Site Outline Plan, shall be required to be constructed in association with any subdivision, or prior to the occupation of any building within, PRECINCTS 1, 2, or 3.(ii) Only "Road A2", as shown in the Site Outline Plan, shall be required to be constructed in association with any subdivision, or prior to the occupation of any buildings, within precincts 5, 6, 7 or 8. <p>(f) All stormwater ponds shown on the Site Outline plan shall be constructed and commissioned:</p> <ul style="list-style-type: none">(i) prior to impervious surfaces being formed within precincts 2 to 7, and(ii) prior to impervious surfaces being created for either Road A1 or Road A2 as shown in the Site Outline plan, and(iii) prior to the issuing of a s224(c) certificate for any subdivision for the creation of a precinct lot, and/or for any subdivision within precincts 2 to 7.
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(g) The "Significant Natural Area" shown on the Site Outline Plan shall be protected by covenant in accordance with the requirements of Rule 7.14.11.1.6 (c), (d) and (e), Chapter 7 - Rural at the time of the first subdivision for the creation of a precinct lot, and/or for any subdivision within a PRECINCT.

(h) Where any Significant Natural Area vegetation outside of the 'Significant Natural Area' defined on the site outline plan, is removed, an equivalent area or greater of native vegetation shall be replanted within the esplanade reserve adjacent to Precinct 1, or within Precinct 1 contiguous to the existing "Significant Natural Area" shown on the Site Outline Plan. Replanting shall be to the standard specified in Rule 7.14.2.4 of Rural - Chapter 7, within 12 months of the completion of earthworks within the relevant area.

(i) The area shown on the Site Outline Plan as open space at the eastern extremity of the spur in Precinct 2 shall be replanted to the standard specified in Rule 7.14.2.4 of Chapter 7 – Rural, within 12 months of the completion of earthworks in Precinct 2.

(j) Earthworks shall not intrude into the "Significant Natural Area" or Esplanade Reserve shown on the Site Outline Plan.

(k) All lots, other than;

- (i) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or
- (ii) sites to be used exclusively for utility services (i.e. – stormwater ponds and pump stations) where no occupation will occur; or
- (iii) roads and access lots;

shall be connected to a public reticulated sewerage scheme.

(l) All lots other than;

- (i) sites for open space or reserve purposes where the open space or reserve status is guaranteed in perpetuity; or
- (ii) sites to be used exclusively for utility services (i.e. – stormwater ponds and pump stations) where no occupation will occur; or
- (iii) roads and access lots;

shall be connected to a public reticulated water supply network.

Additional Matters for Restricted Discretionary Activities

7. In addition to the relevant Matters for Discretion for activities and subdivision in Chapter 8 - Residential, Council will restrict its discretion, as is applicable, to:

- (a) The Site Outline Plan, and specifically with respect to the following elements:
 - Precincts
 - Development platforms
 - “Road A1”/and “Road A2” and other private streets and accessways
 - Significant Natural Area
 - Esplanade Reserve and Open Spaces
 - Stormwater management
 - Earthworks and methods for managing geotechnical restraints.
- (b) The legal mechanisms adopted to achieve the offsets required by Rule 6 (c) (ii) and (iii).
- (c) Retaining walls over 1.5m in height.

Explanation and Reasons

The above matters are additional to those in Rules 8.12 and 8.16 in Chapter 8 – Residential.

Additional Restricted Discretionary Assessment Criteria

8. In addition to the relevant Restricted Discretionary assessment criteria for activities and subdivision in Chapters 8 - Residential and 18 - Urban Land Modification and Vegetation Protection, the Council will have regard to the following criteria in relation to integrated residential development, earthworks and subdivision under Rules 1 to 2 above:
- (a) The location, scale, and external appearance of buildings should achieve integration with roads and other land uses within the development site.
 - (b) The proposed earthworks should be necessary to enable integrated residential development in accordance with the Site Outline Plan, and the Development Concept Plan where one exists.
 - (c) The proposed earthworks should result in a cut/fill balance over the area of the Site Outline Plan.
 - (d) Any potential adverse visual effects of retaining walls over 1.5m in height, in particular extensive and unrelieved blank faces, should be avoided or mitigated, for example by: the location and design of buildings; landscaping; and or the design, orientation and treatment of the walls.
 - (e) Subdivision should be:
 - (i) in accordance with the Development Concept Plan; and

(ii) designed to ensure that sites generally have direct access and frontage to the roads shown on the Site Outline Plan or new through roads, and not to a short cul-de-sac, single or jointly owned "pan-handle" accessway or right of way, other than in very limited circumstances (e.g. where topographical constraints exist). Rear sites shall be avoided.

(f) Earthworks should be in accordance with the Site Outline Plan.

(g) Leachate from any old landfill shall not enter the stormwater ponds.

(h) The stormwater management methods, type, lifecycle and maintenance costs and/or mechanisms for infrastructure should be privately owned and managed.

(i) Any methods for managing geotechnical constraints should be designed to have regard to long term maintenance requirements and avoid this infrastructure being vested or maintained as a public asset.

Explanation and Reasons

The above assessment criteria are additional to those in Rules 8.12 and 8.16 in Chapters 8 - Residential and 18 - Urban Land Modification and Vegetation Protection.

Additional Discretionary Assessment Criteria

9. Without limiting the exercise of its discretion when assessing an application, the Council will have regard to:

(a) The reasons why the proposal does not comply with one or more of the Standards and Conditions in Rule 6 above;

(b) The additional Restricted Discretionary Activity assessment criteria in Rule 8 above; and

(c) Whether the approval of affected persons within other precincts has been obtained where the number of household units within a precinct exceeds the quantum limit allowance in Rule 6 (c).

Explanation and Reasons

The above assessment criteria are additional to those in Rules 8.13 and 8.17 in Chapter 8 - Residential.

Appendix 3 –

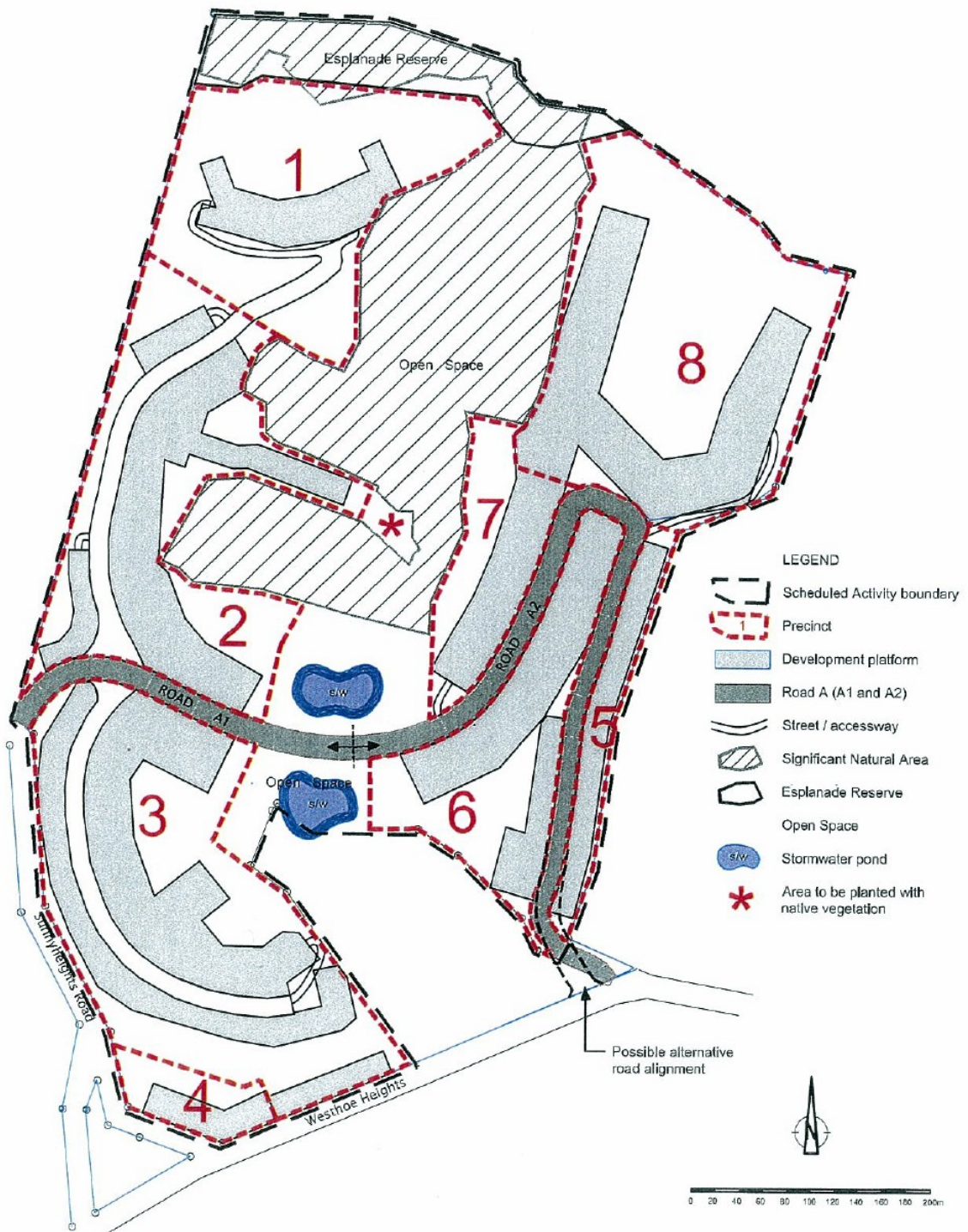
Changes to Planning Maps

Appendix 4

Appendix 14AA, Sunnyheights - Site Outline Plan

APPENDIX 14AA

SUNNYHEIGHTS - SITE OUTLINE PLAN (Restricted Activity 334)



Appendix 5 –

Appendix 14AB, Sunnyheights - Definitions Specific to Sunnyheights

Definitions Specific to Sunnyheights

SITE OUTLINE PLAN: means the plan encompassing the entire DEVELOPMENT SITE, as shown in Appendix 14AA, which outlines the location of key physical elements, including PRECINCTS, development platforms, roads and streets, Significant Natural Area, reserves, open spaces and stormwater ponds.

PRECINCT: means a local area of development within the SITE OUTLINE PLAN.

DEVELOPMENT CONCEPT PLAN: means a plan, or suite of complementary plans, showing how physical integration will be achieved across a PRECINCT, and specifically including consideration of: the finished landform contours; the layout and sectional view of roads and streets; land use activity types; the location, size and form of buildings, retaining walls, reserves, open spaces, utility services networks; and landscaping consistency.