

Decisions following the hearing of concurrent applications for a Variation to the Proposed Auckland Unitary Plan and a Qualifying Development under the Housing Accords and Special Housing Areas Act 2013

Subject

- A. Application for a variation (Plan Variation 20) to the Proposed Auckland Unitary Plan under section 61, and an application for a qualifying development resource consent under section 25, of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) by Motleon Ltd for the approved Bellfield Special Housing Area at 29 Bellfield Road (Pt Allot 66 DP 84109 & Lot 49 DP 91417) un-numbered land on Bellfield Road (Lot 65 DP 84109, Pt Allot 23 DP 66983 & Lot 2 DP 98457), 15 Hazeldene Place (Lot 16 DP 65956 ha), 117 Opaheke Road (Lot 2 DP 65192), I21Z Opaheke Road (Pt Lots 1 & 2 DP 65192, Pt Lot 3 DP 25726 & Pt Allot 52 SO 49899 Opaheke Parish) and Opaheke Park 165 Opaheke Road (Pt Lot 1 DP 65192, Pt Allots 17, 52 Opaheke Parish)
- B. The Qualifying Development by Motleon Ltd for subdivision of 91 residential lots, (including 27 vacant residential lots), four private access lots, one lot for future commercial development, one area of road reserve, an esplanade reserve and a local purpose reserve (stormwater) and a balance lot; land use consent for 64 dwellings; the provision of an esplanade reserve, drainage reserve, with associated vegetation clearance, earthworks, retaining walls, stream works, stream diversions, stream reclamation, pedestrian bridges, roads, infrastructure, landscaping, redevelopment of Opaheke Park (including park infrastructure).

The hearing was held 14 November 2016 at Manukau and closed 25 November 2016.

Pursuant to Section 61 of the Housing Accords and Special Housing Areas Act 2013, Proposed Plan Variation 20 to the Proposed Auckland Unitary Plan is APPROVED SUBJECT TO MODIFICATIONS.

Pursuant to Section 25 of the Housing Accords and Special Housing Areas Act 2013, resource consent for the qualifying development application (Council references R/JSL/2016/3333, R/REG/2016/4238 and R/REG/2016/4593 is GRANTED.

The full decisions are set out below.

Accord Territorial Authority (ATA) Panel of Independent Hearing Commissioners:

Barry Kaye (Chair)

David Hill

Murray Kay

Council Officers and Technical Advisers

Michele Perwick – Lead Project Planner for PV20

Jarette Wickham – Lead Project Planner for QD

Chris Butler – Principal Urban Design

Rue Statham – Ecologist

Mark Iszard – Stormwater Specialist

For the Applicant – Motleon Limited

Asher Davidson– Counsel

Alistair White – Development Management

Alex van Son – Planning

Dr Andrew Hunter – Civil engineering

Jon Rix – Flooding

Bronwyn Rhynd – Stormwater

Don McKenzie – Traffic

Richard Montgomerie – Ecology

Apology for absence recorded for Sir Noel Robinson – Director, Motleon Limited

For Submitters

Barbara Bates – 16 Alderton Place

- Dr Trevor Matuschka – Geotechnical engineering (witness for Barbara Bates)
- James Kelly (witness for Barbara Bates)

Margaret Paton – 29 Coulthard Terrace

Decisions of the ATA Panel

Introduction

Auckland Council, acting as an Accord Territorial Authority, appointed independent hearings commissioners Mr Barry Kaye (Chair), Mr David Hill and Mr Murray Kay as the ATA panel, pursuant to s89 and s90 HASHAA, to hear and decide the concurrent applications by Motleon Limited.

These decisions follow a public hearing of concurrent applications made on behalf of Motleon Ltd under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for a variation to the Proposed Auckland Unitary Plan (PAUP) and a qualifying development (QD) resource consents to facilitate the Bellfield Special Housing Area (SHA) at Opaheke, Papakura. Ultimately this development will provide for approximately 500 dwellings, with 64 dwellings proposed for the qualifying development and 27 vacant lots.

The Bellfield SHA was approved as part of the Auckland Council's tranche 4 special housing areas and formally established by Order in Council¹ dated 13 October 2014.

¹ Housing Accords and Special Housing Areas (Auckland – New September 2014 Areas) Order 2014
Approved Plan Variation 20 and Qualifying Development Belfield Road SHA

The applications under consideration in these decisions relate to the approved SHA site and neighbouring Opaheke Park.

The proposed Plan Variation (PV) 20 seeks to re-zone approximately 27ha of land from Future Urban Zone to a combination of Mixed Housing Urban, Mixed Housing Suburban, Neighbourhood Centre and Open Space: Conservation zones and establish the Opaheke1 Precinct.

The associated QD application is made under section 25 of the HASHAA and relies on approval of the PV. Both applications satisfy the Schedule 4A Part 2 HASHAA criteria for “qualifying developments” – which states as follows:

Maximum number of storeys that buildings may have:	6
Maximum calculated height that buildings must not exceed:	27 metres
Minimum number of dwellings to be built:	50, for developments on land zoned Future Urban in the proposed Auckland combined plan; or
Percentage of dwellings that must be affordable dwellings:	For developments relating to 15 or more dwellings only — (a) 10%, according to criteria A; or (b) 5%, according to criteria B.

The application is made under Criteria (a) for the QD. There is no dispute that the QD satisfies the application criterion.

Section 71 of the HASHAA requires that when a PV and concurrent QD resource consent applications are considered together, a decision on the variation must be made before any decision on the resource consent is made (since it is those provisions, amended as necessary, that then apply). We confirm that is the process we have followed both in making our decisions and in the recording of them.

After the introductory and descriptive sections, which are common to both applications, this decision document is then generally divided into two parts: first the discussion and decision relating to the PV followed by consideration of and a decision on the QD consent applications. As the applications are interconnected, with the QD consent aspects being wholly reliant on the variation being approved, it is appropriate to issue one comprehensive decision covering both. This format will also avoid duplication.

In the same manner the Council planners’ report prepared by Ms Perwick and Ms Wickham of the Development Project Office (DPO) addressed the applications with, where appropriate, a combined commentary and assessment of relevant issues. For convenience we refer to their combined document as “the Council’s report”.

The request and applications, along with the reasons for them, were described in considerable detail in the application materials and again in some depth in the Council’s report. As a result it is not necessary to repeat much of that detail except to the extent that it relates directly to an issue in contention or under discussion.

A Network Discharge Consent (NDC) has been sought but is the subject of a separate hearing and was not before the present Panel for determination.

An existing encumbrance on the title, registered when the former Council sold the land to the Papakura Golf Course Limited, limits the use of the land to a public golf course. A 2014 Agreement² between Council and the applicant provides for the discharging of that encumbrance once necessary planning approvals are obtained for a minimum number of lots and upon exchange of an encumbrance payment³. We understand that the PV and concurrent QD satisfies that threshold (the minimum having been revised by agreement from the original 150 standalone residential unit threshold).

We record that the Panel did not require the following applicant witnesses to appear but took their evidence as read and had no further questions of them:

Dr Gary Bramley – Terrestrial ecology

Dr Rodney Clough – Archaeology

Mr James Lord – Urban design

Mr Tony Reynolds – Hydrogeology

Mr David Robotham – Contaminated soil

The site and surrounding area

Chapter 2.6 of the Council's report helpfully describes the general locality and area of the site as follows (which description was not disputed by the applicant and we adopt it accordingly):

The 27ha Bellfield SHA applies to the former golf course on Bellfield Road, Papakura and neighbouring pastoral land at 117 Opaheke Road. It is located on the urban fringe of Papakura.

The site is an irregular shaped block bounded by Opaheke Road and rural properties to the east and southwest, Slippery Creek to the south and residential properties to the north and west, including a small underdeveloped neighbourhood reserve on Keryn Place. The existing residential neighbourhood consists of predominately standalone detached dwellings.

Beyond Slippery Creek is Opaheke Park. The only public access to the Park is from Opaheke Road. The southern portion of the park contains sportfields and parking. The northern portion is in grass and is used informally by the Papakura Pony Club. The pony season runs from September to April and comprises weekly rallies, one training night a month and four to five events a year. No horses are grazed on the park and the area is considered to be a shared space when not in use by the Pony Club. A Local Board resolution (PPK/2016/169) requires the Pony Club to vacate the park by 31 December 2016.

The SHA site is largely unused. All existing buildings have been removed, apart from one dwelling and ancillary buildings at 117 Opaheke Road. There is no physical infrastructure on the site.

² Annexure A to White, EIC, dated 29 August 2014

³ Being \$1.75M (GST incl) per Agreement

Vehicle access is provided from 25 Bellfield Road and 117 Opaheke Road to serve the development. The site also has unformed road frontage to the no-exit ends of Bellfield Road and Keryn Place.

Bellfield is a local road providing property access, distribution and connections to Great South Road, an arterial road. Opaheke Road caters primarily for through moving traffic. The roading pattern in surrounding residential areas is characterised by a fragmented roading layout with many culs de sac causing poor vehicle and pedestrian movement connections.

Narrow existing 2 or 4m wide walkways connect into the site from the surrounding culs de sac on Coulthard Place, Lorelei Place and Hazeldene Place. Existing schools are within 650m or eight minutes' walk and the Papakura town centre is some 1.8km north or 20 minutes' walk away. This centre provides a hub for high frequency and rail services.

In terms of future growth for the Opaheke area, the PAUP Decision version (DV) zones substantial areas of rural land to the east and south of the SHA as Future Urban.

There are no recorded or known archaeological or historic heritage sites on the site.

The site is located in the Opaheke catchment and is low-lying with a series of farm drains intermittent streams and permanent streams, running through it. The area drains into Slippery Creek and ultimately Pahurehure Inlet, in the upper reaches of the Manukau Harbour. A single stream runs through Opaheke Park.

Slippery Creek is a deeply incised watercourse and has been modified to form a straight channel, parts of which have become naturalised over time. The Stream Ecological Evaluation for this creek adjacent to the site indicated moderate –low ecological value, as did the SEV score for Tributary C stream. The remaining watercourses within the site generally showed poor ecological values, particularly Tributary D and E. A single watercourse occurs within Opaheke Park.

Residential land to the west is also low-lying. Residential land to the north rises above the subject site, forming a natural amphitheatre. The SHA site and Opaheke Park sits largely within the 100 year flood plain together with rural land to the west and southwest and act as the overland flow path for existing developments

Vegetation on the site comprises mainly exotic grass and trees (either isolated or in rows or groves). Council has not scheduled any trees in the SHA for protection.

All birds recorded at the site by the applicant were exotic or common native species.

Hazardous activities that have taken place on the site include potential pesticide application, fuel and oil storage and residual ash from a historic structural fire. Sampling and assessment show soil contamination levels below the human health criteria in the National Environment Standard for assessing and managing contaminants in soil to protect human health. However, small amounts of non-naturally occurring contaminants and heavy metals above back ground levels were recorded.

The proposals

Plan Variation 20(PV)

The proposed Plan Variation seeks to re-zone approximately 27ha of land from Future Urban Zone to a combination of Mixed Housing Urban, Mixed Housing Suburban, Neighbourhood Centre and Open Space – Conservation zones and establish the Opaheke 1 Precinct.

It was proposed to vary the underlying PAUP zones as follows:

- a. Minor edits across the precinct to ensure consistency with the PAUP (DV) precinct style and formatting, including changes to numbering, headings, new notification section, and new introductions to sections,
- b. Amendments to the objectives to
 - combine Objectives, 1, 7 and 9 into a new objective 1, which recognises the integrated nature of the development and the provision of a range of housing densities, typologies and price options;
 - delete Objective 2 as the precinct can now rely on the PAUP(DV) provisions;
 - add a new Objective 2 to describe the built character and amenity envisaged for the area;
 - amend Objective 3 by simplifying wording;
 - amend Objective 4 by removing references which are addressed elsewhere and adding in missing functions and desired outcomes; and
 - amend Objective 5 to strengthen the delivery of indigenous biodiversity.
- c. Amendments to policies:
 - add subheadings to make section more user friendly;
 - amend Policy 1 to remove references matters addressed by other policies;
 - delete policy 2 as the precinct can rely on the PAUP DC subdivision provisions;
 - combine Policy 11 and 12 (to then be removed) into a new policy;
 - amend Policy 4 to clarify the type of network sought and to add missing transport elements;
 - amend Policy 5 by adding a ‘ high quality’ road environment is required;
 - delete Policy 6 as it repeats the guidance to be found in Policy 4; and

- add new policies to require a design response to the :
 - Urban form.
 - Introducing integrated land use activity.
 - Design and landscaping of rear lanes.
 - location and design of stormwater management devices.
 - residential built form.
 - Maximum impervious areas.
- d. Amend the activity tables to:
- clarify provision of dwellings located in and outside the Detached Dwelling Buffer Zone overlay;
 - add a new restricted discretionary activity 'Comprehensive Residential Development' to provide for integrated subdivision and development;
 - provide for show homes as a permitted activity; and
 - amend the activity status for activities not in accordance with the precinct plan from discretionary to non-complying, to recognise the importance of providing the various elements of the precinct plan and to align with status of activities 'not complying with the Detached Dwelling Buffer Zone', the proposed new rule on roading improvements and Comprehensive Residential Developments.
- e. Within the new notification section provide for 'comprehensive residential development' to be considered without notification to encourage integrated development within the precinct subject to compliance with the relevant standards.
- f. Delete the Land use controls as density is no longer required by the underlying residential zones. The affordable housing provisions are retained in a separate section.
- g. Add a new section which combines all standards common to both residential zones including
- add a new rule to establish the qualifying requirements for Comprehensive Residential Developments;
 - add a new rule to ensure dwellings on Opaheke Road front the road. This standard aligns with the vehicle access restriction element shown on the precinct plan;
 - add new on-site stormwater management standards to implement the stormwater management approach adopted by the Stormwater Management Plan (SMP);
 - amend the fencing standard to control fences in jointly owned access lots and for all other side and rear yards; and
 - add a rule to manage retaining walls over 1.2m in height to ensure neighbourhood and site amenity is maintained.

h. Within the residential zone standards:

- remove the height in relation to boundary control in both the MHS and MHU zones, and yard standards in the MHS zone, as modification of the zone standards can be addressed as part of a 'Comprehensive Residential Developments' proposal;
- clarify that yard standards in the MHS zone apply unless otherwise stated;
- amend the Maximum Impervious Surface standards to provide greater certainty and to reflect the approach adopted by the SMP; and
- amend the Maximum Building Coverage and Landscaped Area standards as a consequence of changes to the Maximum Impervious Area standard.

i. Within the Subdivision section:

- amend the Minimum Subdivision rule to align with the land use activity table;
- add a new rule on riparian margins to reflect the approach adopted in the applicant's Ecological Assessment;
- add a new rule on roading construction standards with figures showing road cross sections; and
- add a new rule on roading improvements to align essential roading improvements with the staging of subdivision and development.

j. The matters for discretion and assessment criteria have been amended to:

- clarify that any infringements to standards not specifically listed in the precinct will default to the general matters of discretion and assessment criteria and the relevant assessment matters in the zones;
- revise the assessment matters to generally reflect the reference to policies as adopted in the PAUP (DV);
- add specific matters of discretion and assessment criteria for new buildings and comprehensive residential developments;
- amend the assessment criteria for stormwater to address impervious surfaces and communal stormwater devices;
- amend the assessment criteria for transport to cover all roading improvements and provide for consideration of street lighting and landscaping;
- replace the building form and density assessment criteria with more specific criteria; and
- remove the criteria for show homes.

- k. Add new information requirements for landscaping and riparian planting on roads, Joint owned access lots, comprehensive residential developments and public open space and green corridors.
- l. Add new section on definitions specific to this precinct.
- m. Amend the precinct plans by:
 - Combining precinct plans 1 and 2.
 - Amending the legend as follows: “Detached Dwelling Buffer Zone Area control”.
 - Identifying key roads.
 - Amend legend for roads to be consistent with cross section.

Affordable housing provisions are introduced that “carry across” the HASHAA provisions and are intended to apply to qualifying developments / resource consents made after the HASHAA expires.

PV20 also introduces specific development standards that apply only to this precinct.

Qualifying Development (QD)

A description of the proposed works is set out in full in Chapter 3.2 of the Council's report.

The proposed QD application for land use, subdivision and a discharge consent at 29 Bellfield Road (Pt Allot 66 DP 84109 & Lot 49 DP 91417) un-numbered land on Bellfield Road (Lot 65 DP 84109, Pt Allot 23 DP 66983 & Lot 2 DP 98457), 15 Hazeldene Place (Lot 16 DP 65956 ha), 117 Opaheke Road (Lot 2 DP 65192) 117 Opaheke Road (Lot 2 DP 65192) I21Z Opaheke Road (Pt Lots 1 & 2 DP 65192, Pt Lot 3 DP 25726 & Pt Allot 52 SO 49899 Opaheke Parish) and Opaheke Park 165 Opaheke Road (Pt Lot 1 DP 65192, Pt Allots 17, 52 Opaheke Parish) seeks the following activities:

- subdivision of 117 Opaheke Road Drury (Lot 2 DP 65192) to create 91 residential lots, (including 27 vacant residential lots); 4 private access lots; 1 lot for future commercial development; 1 area of road reserve; an esplanade reserve and a local purpose reserve (stormwater); and a balance lot of 6.0221 hectares;
- land use consent for 64 dwellings (39 detached dwellings and 25 terraced houses), of which 9 terrace houses are affordable dwellings clustered around a local loop road and private laneways;
- construction of retaining walls and all associated wastewater, water supply and stormwater infrastructure, and a stormwater mitigation strategy involving raising the ground level of the whole Special Housing Area land above the floodplain by relocating fill from the adjacent Opaheke Park and modifying the area of the park already affected by flooding, to assist in containing and managing storm events on both sites;
- bulk earthworks over an area of 48.9 hectares, including topsoil stripping, of approximately 430,000m³ cut to fill, which covers the whole of the Bellfield Special Housing Area and the northern part of Opaheke Park (excluding the sportsfields);
- vegetation clearance including within the riparian margins of streams;

- channel clearance of Tributary C including ecological revegetation and restoration works;
- stream diversion of Slippery Creek and the stream within Opaheke Park and the associated ecological revegetation and restoration works within these two streams;
- reclamation of stream tributaries A, B, D and E (with A being artificial);
- construction of two temporary bridges over Slippery Creek;
- provision of esplanade reserves, riparian margins, public roads, walkways and cycle lanes, road widening of Opakahe Road, and intersection upgrade with the proposed internal 'park' road;
- the redevelopment of the northern portion of Opaheke Park insofar as the proposed works (including pedestrian walkways and a pedestrian bridge and parks infrastructure) are permitted activities. These works form part of the application, and are subject to a separate developer agreement between Council and the applicant; and
- soil disturbance works under Regulation 10 of the NES over a portion of the site which may have exceedances of some contaminant concentrations above Auckland regional background levels.

Notification and Submissions

Limited notification of proposals under the HASHAA is required by each of sections 67 and 29. The proposal (both PV and QD) was limited notified on 1 August 2016 and submissions closed on 1 September 2016.

At the close of the initial submission period, a total of 13 submissions were received. Two submissions are deemed invalid as those persons were not notified and therefore have no right of submissions under s29(3) HASHAA. Of the eleven valid submissions, five supported and four opposed the PV, and seven supported and three opposed the QD. These are summarised in Chapter 4.2.1 of the Council's report.

There were no late submissions and no requests were made to expand the area subject to the PV.

The key issues raised in submissions are summarised in the Council's report at section 4.2.1, and relate to density, amenity effects, affordable housing, noise effects, transport effects, stormwater and flooding, earthworks, ecology, open space, construction effects, property values, and consultation and documentation.

Council's Report – Remaining Issues Identified

Ms Perwick identified in the Council's report a number of amendments to the PV. We understood those amendments to be generally accepted by the applicant, together with additional amendments tabled at the hearing, with the exception of the following three issues:

1. The special information requirement under section I4.xx.11.1(a)(i) for Pb (Plastic Bag) sizes to be provided at resource consent stage for landscaping plans associated with roads, Jointly Owned Assess Lots, Comprehensive Residential Developments, and for riparian planting and wetland planting.
2. Identification of a new local road on the precinct plan.

3. Extension of the Detached Dwelling Buffer Area to Area 1 on the precinct plan.

Ms Wickham identified three issues in contention for the QD, namely:

1. The location of the offset planting required for the realignment of Slippery Creek and the reclamation of Tributaries A, B, D and E (i.e. either a 603m length 15m either side of Slippery Creek - as sought by the applicant - or a 1206m length along the southern side of Slippery Creek outside of the Plan Variation area.
2. An amendment to condition 12(b) so that the requirement to capture and relocate fish only relates to the Opaheke watercourse and Tributaries A, B, C, D and E, as opposed to all streams proposed to be modified within the development site.
3. Council seeks a footpath and curb and channel upgrade from Opaheke Road to Lorelei Place in order to create a pedestrian connection. The applicant seeks to only upgrade their frontage.

Applicant's Reply

At the end of the hearing in written Reply, Ms Davidson noted the following as the outstanding issues in relation to the PV:

- (a) Activity statuses in the Neighbourhood Centre;
- (b) Wording of I4xx.8.2(1), which relates to where riparian margins should be measured from;
- (c) Whether Pb sizes are referenced in I4.xx.11.1(1)(a)(i);
- (d) The extent of Area 1 to which the Detached Dwelling Buffer Area should apply (the Council seeks from Opaheke Road through to the western site connection with Bellfield Road but not around Keryn Reserve; the applicant seeks its terminus at the eastern site connection with Bellfield Road);
- (e) Whether the Precinct Plan should include an indicative road between Park Road and Bellfield road extension (Council's preference), or not at all (applicant's preference).

In respect of the QD, Ms Davidson noted that all matters were agreed with Council except for:

- (a) The extent of ecological mitigation required.

Preliminary matter

Before turning to substantive matters we note one preliminary matter that concerned us.

Both the PV and the QD rely upon a large volume of earthworks from outside the SHA; specifically, from works to be undertaken exclusively in the adjacent Opaheke Park. In total estimated⁴ at some 482,000m³ of fill over 48.8ha.

The applicant confirmed that the application included the necessary earthworks consent covering Opaheke Park, which lies beyond the gazetted boundary of the SHA.

As a consequence, Commissioners, under their delegation as a HASHAA Territorial Accord Hearing Panel, were concerned to establish their jurisdiction to hear and decide those related consents and sought Ms Davidson's counsel on the matter.

Two related questions were posed:

1. Does the Panel have jurisdiction to decide applications for activities on land entirely outside the SHA; and
2. Does the Panel have jurisdiction to impose conditions that require the applicant to undertake works on Opaheke Park, where the Applicant does not own that land.

Ms Davidson provided an initial opinion in oral reply but sought to supplement that more formally in her written reply. We are grateful to Ms Davidson for that response.

In her reply submissions Ms Davidson drew our attention to a number of HASHAA provisions in light of the Interpretation Act 1999's direction as to ascertaining meaning. In broad terms she noted that HASHAA places no specific geographical limits on the ambit of jurisdiction. That is, the qualifying convention of limiting activities or considerations to "within a special housing area" does not appear in the text of relevant sections 19, 20 or 25.

Furthermore, no explicit procedure is provided for those circumstances where application is necessary across the SHA boundary – such as connections to underground services beyond the SHA boundary, earthworks consents, or in relation to a stream that crossed the boundary of the SHA for instance – which would otherwise make the integrated process cumbersome and arguably frustrate the s4 purpose of HASHAA.

Turning to the Select Committee report, Ms Davidson observes that the intention of the legislature was "*clearly to provide a streamlined mechanism for delivering housing*", and concludes at paragraph [15] that:

The HASHAA provides jurisdiction to grant whatever consents are required to enable that proposal to proceed, particularly to put in place infrastructure required to service the development. There is no support, either in the text, the purpose or the background material, for a more restrictive interpretation.

⁴ Van Son, EIC, para 11(b)(i)

On the second question, Ms Davidson reframed the concern as being that conditions may then be unenforceable against the consent holder such that conditions designed to mitigate adverse effects could not be delivered.

In this instance Ms Davidson noted that there a formal development agreement with the owner of the Park, which has consented to the works necessary to comply with any conditions requiring works within the Park. Copies of relevant local board resolutions and the Infrastructure Funding Agreement were made available to the Panel.

Having received that reply, Commissioners also sought a response from Council. That response was provided by Mr Mike Moodie, Senior Solicitor, dated 16 November 2016. Mr Moodie generally agreed with Ms Davidson's approach to the matter, noting that s19(1) HASHAA appears to limit such related consents to "those necessary to provide the infrastructure associated with the qualifying development". Furthermore, he advised at paragraph 2.2(f) that:

... the question of whether a particular resource consent that is applied for relates to a qualifying development (and provides infrastructural support to the qualifying development) is a matter of fact.

The Panel then sought further clarification from Mr Moodie as to whether "off-site" earthworks to be used to raise the land above the floodplain in the SHA area constitutes "infrastructural support" for the qualifying development in question.

In email response dated 21 November 2016, Mr Moodie reviewed the scope of the meaning of "infrastructure" as used in HASHAA, noting that it was not as restricted as under the RMA (which is there limited to the s30 strategic integration of infrastructure function of regional councils). Mr Moodie advised that, in the context of a QD application under HASHAA, a reasonable and broad approach should be taken to "infrastructure". He concludes:

Clearly, roads, power supply, and fresh and wastewater systems will fit within that definition. In my view enabling works such as land stabilisation, and protection (including flood protection and drainage/stormwater works of various types) could also fall within the definition. Whether they do is a matter of fact to be determined by the decision makers.

Discussion

The first issue for us, therefore, is to answer the broad question as to what is reasonably considered "infrastructure" for SHAs under HASHAA.

In terms of its ordinary meaning the Oxford dictionary, for example, defines *infrastructure* as:

The basic physical and organizational structures and facilities (e.g. buildings, roads, power supplies) needed for the operation of a society or enterprise.

And Merriam-Webster includes:

- 1: *the underlying foundation or basic framework (as of a system or organization);*
- 2: *the permanent installations required for military purposes;*
- 3: *the system of public works of a country, state, or region; also: the resources (as personnel, buildings, or equipment) required for an activity.*

The inclusion of earthworks as *infrastructure* being a structural element without which the activity of facilitating house provision (the purpose of HASHAA) could not be pursued on this site, therefore falls squarely within those more general definitions.

In case we are found to be in error on that account, we considered the question as to what harm would otherwise arise in that the alternative would be to seek resource consent under the RMA.

Recognising that the Council as Park land owner has formalized an agreement⁵ with the applicant for these works, including cost parameters; that the works in Opaheke Park are necessary to achieve the Opaheke Park Concept Plan that was publicly notified for submissions and confirmed by the Papakura Local Board⁶ following that process; and that we were advised that all persons adjacent to the Park had been included in the notification of the present application; we are satisfied on the basis of our experience as RMA commissioners that, barring wider public notification (which could not be assumed in any event), all necessary steps are satisfied as *if* the application was made under the RMA.

The second question we considered is whether this creates an adverse precedent in that earthworks are not normally considered *infrastructure* – on which point we note that the Auckland Unitary Plan expands the RMA definition to include a number of other “facilities” but under which earthworks would not qualify. Furthermore, as Mr Moodie submitted, this is a matter of fact to be determined in each case on its merits. Accordingly we cannot see that a precedent is created by recognising earthworks as infrastructure in this instance – especially since the HASHAA, and applications under it, has a limited life.

We also note for the record that certain other infrastructure, of the more traditional kind, is required beyond the SHA. This includes upgrading of Opaheke Road and the intersection of Great North Road and Bellfield Road, and new trunk water line and wastewater rising main up Opaheke Road as identified in section 2 of the Council’s report.

Finding

The application for earthworks on the adjacent land at Opaheke Park falls within our HASHAA jurisdiction to consider.

⁵ *Development Agreement – Bellfield Road SHA* dated 30 September 2016, Annexure B to White, EIC

⁶ Resolution number PPK/2016/169

The requested Variation to the PAUP

Section 61 provides a framework for consideration of a PV in the context of the HASHAA. Under sub-section (4) these considerations, in order of priority, are:

- (a) the purpose of the Housing Accords and Special Housing Areas Act 2013;
- (b) Part 2 of the Resource Management Act;
- (c) the matters in section 74 (2)(a) of the RMA (namely: any proposed regional policy statement (“RPS”), any proposed regional plan with respect to any matter of national significance, any management plans and strategies prepared under other statutes, any relevant entry in the Historic Places register, and the extent to which the district plan needs to be consistent with plans or proposed plans of adjacent territorial authorities);
- (d) other matters set out in sections 74 to 77D of the RMA (with some exceptions); then
- (e) any other relevant provision or relevant statute.

The purpose of the HAASHA is to enhance housing affordability by facilitating an increase in land and housing supply in those regions or districts listed in Schedule 1 to that Act, identified as having housing supply and affordability issues. That purpose is broadly satisfied by the fact that the Opaheke SHA has been approved and the application for the PV has been made.

In terms of that specific purpose, we are satisfied on the evidence that the proposed Mixed Housing Urban, Mixed Housing Suburban, Neighbourhood Centre and Open Space - Conservation zoning is appropriate for the location, and will provide for a variety of housing forms, including higher density development around key roads, Opaheke Park and green corridors, and which will markedly increase the potential dwelling yield of this land compared with its operative zoning. Consequently it is not necessary for us to discuss section 4 further.

Part 2 of the RMA encompasses the sustainable management purpose and principles. Section 5 sets out the Act’s purpose, namely the promotion of sustainable management as that expression is defined in section 5(2). Section 6 requires that all persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources are to recognise and provide for seven matters of national importance, which are listed.

In the context of the HASHAA’s purpose we find that requirement satisfied by the PV (and its concurrent QD application) in that those make express provision for riparian and stream enhancement and management, and generally avoid or provide offset for development that would adversely affect those values. Furthermore, provision is made for pedestrian and cycle (i.e. public) access to and along them.

In section 7 other matters ‘particular regard’ is to be had and these include: 7(b) the efficient use and development of natural and physical resources; 7(c) maintenance and enhancement of amenity values; 7(d) the intrinsic values of ecosystems; 7(e) maintenance of the quality of the environment; and 7(g) any finite characteristics of natural and physical resources. We confirm that we have had particular regard to those matters in reaching our decision.

Section 8 requires that the principles of the Treaty of Waitangi are to be taken into account. Cultural Impact Assessments were provided with the applications. No issues were raised in those assessments that would preclude consideration of the applications or result in a finding that they should be declined.

Principal issues in contention

Our approach to the hearing of these applications has been to focus on and determine the issues in contention between the applicant and Council’s specialist reporting staff, or between the applicant and submitters. To that end we have reviewed the application materials, Council reporting, submissions and evidence to satisfy ourselves that no relevant matters have been overlooked.

Where the technical evidence was not contested and accepted we have relied on and adopted that evidence.

Accordingly, it is the unresolved issues in contention, and the evidence in relation to them, that we focus on and determine in the body of this decision – a helpful summary of agreements and clarifications with Council’s report is included in Mr van Son’s evidence at paragraph 15. Except where there remains a disagreement, we do not discuss those agreements further but accept and adopt them. Similarly where, in our assessment, non-significant amendments to conditions are proposed to clarify intent and wording, we consider it unnecessary to discuss those but simply accept and adopt them unless otherwise indicated.

From our review of the submissions, representations and evidence, we have identified the outstanding matters of contention in relation to the PV as follows:

Special information requirements - landscaping plan

Council’s proposed Rule 14.xx.11.1(a)(i) requires as part of the landscaping plan that Pb (Plastic Bag) sizes are provided at resource consent stage for landscaping plans associated with roads, Jointly Owned Assess Lots, Comprehensive Residential Developments and for riparian planting and wetland planting.

The applicant disagreed⁷ with the need for such specificity, submitting that a concept landscape plan, as is required, was sufficient at that stage.

While on the face of it the applicant’s objection appears reasonable, no explanation for that position is provided. On that basis we decline to remove that requirement since the implication of not doing so (or doing so) is unclear to us, and we do not consider that requirement a significant imposition.

⁷ van Son EiC, para 15(e)(i), page 11

Identification of a new local road on the precinct plan

Council initially sought the inclusion on the Precinct plan of a new road between Park Road and the Bellfield Road extension, both to provide better east-west connectivity and to help shape land-use outcomes in the centre of the site.

The applicant opposed that, preferring to show that as a pedestrian connection only at this stage.

Council's response at the hearing was that if no road is to be shown it preferred there to be no indication of a link (although maintaining its preference for an indicative road). The applicant supported that latter position and proposes no east-west link being indicated on the Precinct plan. Ms Davidson submitted⁸ that such is most appropriately determined at resource consent stage where appropriate matters of discretion / assessment criteria require consideration of the roading network.

We agree with that submission and do not require the link to be shown on the Precinct plan.

Extension of the Detached Dwelling Buffer Area (DDBA) to Area 1 on the precinct plan

Council sought an extension of the Detached Buffer Dwelling Area to Area 1 on the Precinct plan – being to the western site connection with Bellfield Road but exempting Keryn Reserve – thereby reclassifying the activity status to non-complying.

The applicant disagreed⁹, noting that higher density is appropriate for entrances to the development, and that this area is close to both the Keryn Reserve extension and the retained area of Tributary C, both of which are new open space area that would benefit from and support higher density. Such would also be consistent with the underlying MHS zone.

Council subsequently indicated that it agreed that the area in the immediate vicinity of Keryn Reserve should not be included.

We agree with the applicant that the assessment matters for comprehensive residential development are sufficient to allow the matters of concern - i.e. effects on existing neighbouring properties – to be properly addressed at the resource consent time.

We do not agree that an extension of the DDBA to Area 1 is necessary and decline to impose it.

The location of the offset planting

We deal with this matter below with respect to the QD – although we acknowledge that it has some bearing on the PV and should be read accordingly.

⁸ Davidson, Reply submissions, para 33

⁹ van Son, EiC, para 16, pages 12-13

Geotechnical matters – liquefaction, earthworks and stormwater

A number of geotechnical matters were brought to our attention by Dr Trevor Matuschka, a geotechnical engineer and expert witness for submitter Ms Barbara Bates. Dr Matuschka was concerned that insufficient investigative work has been undertaken to establish the site's liquefaction potential – acknowledging that the site is in an area of low seismic hazard – and therefore the potential for differential and lateral settlement. He recommended that additional resilience be incorporated into the design to minimise such consequences; that stockpile and drying areas be relocated to the Park away from residential areas; and allowance be made in the stormwater system design for diminishing device performance over time.

In response from both the applicant and council (and particularly Mr Lander in relation to confinement) it was noted that these matters would be dealt with specifically at development resource consent stage; that there was nothing of such moment that needed to be resolved at PV stage; but that these were essentially matters for conditions and final engineering design and standard pre-works testing (and which requirements can be – and have been - included).

We agree that these matters are not determinative for the PV, accepting that they bring to our attention a necessary caution that should be addressed at the appropriate consent stage.

General submitter concerns

The concerns raised by Barbara Bates and Margaret Paton, relating to such matters as health (dust / odour), noise (double glazing), vibration, boundary fencing, security, car parking, intersection traffic lighting, and overall consultation and communication, were responded to both by the applicant and by Council.

In the main these are matters that can be managed through consent conditions where explicit provision has not been made in the PV – and we have borne that in mind for the QD subsequently (although noting that the QD we are determining is not in close proximity to those submitters' properties).

Regarding the criticism about the lack of community consultation, Mr White responded with some detail about this and Ms Davidson confirmed¹⁰ that the Opaheke Park Concept Plan had been subject to a public submission process to which some 276 submissions had been lodged prior to the Papakura Local Board considering that plan at its meeting on 17 August 2016. Without having the detail of the notification and submission process before us, that would ordinarily have commenced well before the 1 August 2016 date on which Ms Bates indicates she received her Bellfield SHA package. That suggests that the community must have been aware of at least the intention for significant earthworks between the two sites even if the expectation of specific consultation on the details was less than satisfied (and we make no finding on the evidence to that extent). However, it is a fact that under the HASHAA the statutory process is deliberately streamlined, with tight deadlines, and in-depth consultation is a recognised and necessary casualty.

¹⁰ Davidson, Reply submissions, para 47

Neighbourhood Centre Zone

The Panel queried the location of the 1223m² Neighbourhood Centre Zone (NCZ), being off Opaheke Road rather than more centrally placed within the subdivision. The applicant responded that this location better served as the gateway entrance to the subdivision, while also accessible to passing traffic. We accept that rationale.

The Panel also noted that under the PAUP (DV) the range of permitted activities for the NCZ was quite broad and questioned whether this had been intended. The applicant confirmed that this was not the case and sought leave to modify the standard activity list as a precinct provision. We have subsequently received that modification and agree that is more appropriate.

Furthermore, the applicant disagrees with Council regarding the supermarket provisions for the NCZ. Both applicant and Council agree that the standard underlying zone provisions should not apply – because otherwise the entire zone could be utilised for a standalone supermarket - but Council seeks a non-complying activity status for all supermarkets, while the applicant seeks a permitted activity status for up to 300m² and non-complying above.

Noting that the permitted activity standard provision for supermarkets in the NCZ is up to 450m² GFA, we agree with the applicant that a 300m² permitted activity threshold, above which a non-complying activity status applies, is appropriate in this instance.

Riparian Margins-method of determining stream edge

The applicant and the Council disagreed over the method of determining the bank or edge of the stream. The applicant preferred that the PV text state as follows.

(24) Riparian margins identified on the Opaheke 1 Precinct Plan must be planted on either side of the banks of a permanent or intermittent stream to a minimum width of 10m measured from the bank of the stream or the edge of the watercourse under normal flow conditions where the bank of the stream cannot be defined. This rule does not apply to crossings of streams

The Council considered that the following provision was more appropriate and referred to case law (Whitby Coastal estates Ltd vs Porirua City Council Decision No. W 61 /200S; September 2008) as the basis for their position.

- 1. Riparian margins identified on the Opaheke 1 Precinct Plan must be planted on either side of the banks of a permanent or intermittent stream to a minimum width of 10m measured from the bank of the stream or the edge of the stream determined by the extent of the 2.3 year Mean Annual Flood (MAF) Event. This rule does not apply to crossings of streams.*

We favour the approach set out in the Case law and rule accordingly.

Purpose of the HASHAA and Part 2 of the Resource Management Act

We find that the purpose of the HASHAA is satisfied by the Plan Variation provisions as modified by Ms Perwick and Mr van Son and with the further amendments made by us.

In reaching that finding we have taken account of and appropriately weighed Part 2 RMA. Overall we find that the proposed Precinct provides for the sustainable use of the land and enables a net environmental benefit in terms of riparian and stream protection and enhancement. Open space areas have been planned as an integral part of the development, and of neighbouring Opaheke Park, and will benefit the health and wellbeing of the new community of users. While not currently served to any appreciable direct extent by public transport, access to those services on Great South Road is available¹¹, and walking and cycling are promoted by the provisions. The views of tangata whenua have been incorporated, particularly in the stormwater management and water design provisions (but not limited to those).

Decision on the plan variation application

Application for Variation 20 to the Proposed Auckland Unitary Plan

Acting under delegated authority per s90 HASHAA, the application to vary the Proposed Auckland Unitary Plan by Motleon Ltd within the Bellfield SHA, made under section 61 of the Housing Accords and Special Housing Areas Act 2013, is **APPROVED WITH MODIFICATIONS** pursuant to section 70(3)(b) HASHAA.

Pursuant to section 73 HASHAA, the Plan provisions shall be deemed operative on the date of public notice of this decision for the land identified in Appendix 2 of the PV application as follows:

Property address	Legal description
29 Bellfield Road	Pt Allot 66 DP 84109 & Lot 49 DP 91417
Belfield Road	Lot 65 DP 84109, Pt Allot 23 DP 66983 & Lot 2 DP 98457
15 Hazeldene Place	Lot 16 DP 65956
117 Opaheke Road	Lot 2 DP 65192
121Z Opaheke Road	Pt Lots 1 & 2 DP 65192, Pt Lot 3 DP 25726 & Pt Allot 52 SO 49899 Opaheke Parish

The modified variation text (PV20) is attached to this decision (clean version) as Attachment 1.

The submissions lodged on the variation are accepted, rejected or accepted in part as set out in Attachment 2.

¹¹ Most of the western half of the site is within a 400m arc of the existing bus stops on Great South Road.
Approved Plan Variation 20 and Qualifying Development Belfield Road SHA

The reasons for this decision are:

- (a) Overall the proposed PV supports an efficient use of land within the RUB, and the structure planning that has occurred for this Special Housing Area indicates that if the site is re-zoned it will enable a mix of housing, including affordable housing, to be developed. The re-zoning fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and housing supply.
- (b) The PV provides for net benefits in the context of Part 2 of the RMA in terms of creating parks, some employment in the local centre, additional residential land, and restoring and enhancing stream margins and habitat. The cultural impact assessments did not raise any significant issues in relation to the proposed provisions, and no items of historic heritage have been identified for protection. The changes made to the Precinct and zoning diagrams will provide for better land use and transport integration.
- (c) Relevant section 74 - 77D RMA matters have been taken into account in reaching this decision.
- (d) Other matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan, and the Variation incorporates only those matters considered necessary or appropriate to tailor solutions for this site - such as additional access and transport provisions, provisions governing overhead transmission lines, and changes to aid interpretation.

The Qualifying Development Application

An Assessment of Environmental Effects (AEE) was prepared pursuant to section 27 of the HASHAA and submitted with the QD application. Plan Variation 20 was required in order to rezone the land to enable development of the sort sought to occur. As we have approved the Plan Variation with modifications (as reflected in the above decision and the attached PAUP variation text) we have jurisdiction to consider the QD applications in terms of the new zonings approved PV20 applies.

The QD has been described above.

Notification and submissions on the QD application

As noted earlier, this application was limited notified to the same parties as the Plan Variation application.

The key issues raised in submissions on the QD specifically (many of those raised on the PV are also relevant and were not particularised) are summarised in the Council's report at section 4.2.2 and relate to construction effects, earthworks, consultation and process, and development opportunity.

The principal issues in contention for the QD applications

Section 6.0 of the Council's report¹² reviews matters relating to the QD. In summary the Council's report concludes that there are no significant issues that are not able to be managed through appropriate conditions - either as proposed by the applicant, the Council or as amended by us. We have reviewed that material, along with the evidence presented by the applicant, and, for brevity, adopt the conclusions arrived at in that section of the report on the identified issues.

As noted above, by the close of the hearing the principal issue over which there was disagreement with Council related to Condition 14 concerning the extent of ecological mitigation required. In particular 14(a), which the Council proposed as follows:

- a) The ecological mitigation plan relates to the following areas:
 - i. Riparian Planting of the south and eastern sides of Slippery Creek for a minimum length of 1206m and 15m in width on one side (within Opaheke Park).

The applicant's preferred condition, submitted by Ms Davidson in Reply is:

Riparian Planting of both sides of Slippery Creek for a minimum length of 603m and 15m in width on both sides measured from the bank of the stream or the edge of the watercourse under normal flow conditions where the bank of the stream cannot be defined, post earthworks being carried out.

This version also closes off the question as to the point from which any esplanade reserve or strip is to be measured.

The nub of the difference lies in the manner in which "mitigation" and "offsetting" are factored.

It was Ms Davidson's submission¹³ that Council, through the evidence of Mr Statham, had conflated these two aspects, not recognising the stream and riparian enhancement works proposed on Tributary C and Slippery Creek as mitigation (at least in substantial part) for the reclaimed streams B, D and E (setting aside Mr Montgomerie's conclusion that Tributary D is not a stream as defined by the PAUP) but seeking additional offset – thereby effectively double-counting the work to be undertaken.

Ms Davidson submitted that what Council sought went well beyond that necessary to address the adverse effects associated with the loss of what seemed to be agreed to be low-quality tributaries.

Mr Statham maintained his position that in fact it was the applicant who had double-counted the enhancement planting of the northern side of Slippery Creek as this was not "additional" (as required by section E3 and Appendix 8 PAUP) but expected.

¹² Hearing Agenda, pages 81 - 113

¹³ Davidson, Legal submissions, para 26

Discussion

In reading the relevant E3 and Appendix 8 PAUP provisions, (i.e. objective 3 and policy 4 in particular), we agree there is ambiguity. Offsetting can be read both as applying to the particular (as Mr Statham appears to have done) or as the sum residual as the applicant has (i.e. applying only to the overall residual taking into account all mitigation above the baseline equivalence).

What is however clearer is that offsetting applies to a *significant* adverse effect. We tend to agree with Ms Davidson (and Mr Montgomerie) that the loss of the said tributaries – based on apparently agreed SEV scores – strains to reach a level of significance except, perhaps, on a lineal loss measure. While Mr Statham included some unspecified hydrological value, this was neither quantified nor assessed in detail sufficient to enable verification.

In this instance then, and given the SEV scores of the “streams” reclaimed, we are inclined to favour an approach that takes a summative perspective and conclude that it is the overall effect that is relevant to the offset calculation – i.e. giving credit for mitigation that is “additional” to that strictly required to balance the loss regardless of precisely where that occurs on the site. In that regard we prefer Mr Montgomerie’s opinion¹⁴ that the net effect of what is proposed on-site, being a significant enhancement, does not require the extended offset length sought by Council, and that the 603m south bank riparian planting of Slippery Creek is sufficient offset.

Finding

The alternate condition 14 proposed by the applicant in Reply is an appropriate and sufficient offset condition, and satisfies the requirements of E3 and Appendix 8 PAUP in this instance.

Upgrading Opaheke Road up to Lorelei Place,

Council sought a requirement that the applicant upgrade Opaheke Road as far as as Lorelei Place. The applicant submitted that this was inappropriate and it should only be required to upgrade the immediate frontage to its site along Opaheke Road. We concur with the applicant on this matter.

Condition 14(b)

Condition 14 relates to the Ecological Mitigation Plan, and the particular point at issue was whether fish capture and relocation was necessary with respect to Slippery Creek prior to the recontouring of stream banks or installation of woody debris. Mr Montgomerie’s proposed amended wording, specifically identifying the Opaheke watercourse and relevant tributaries was accepted by Council at the hearing.

¹⁴ Montgomerie, EIC, para14

S34 HASHAA

Section 34 of the HASHAA states the following matters:

34. Consideration of applications

- (1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
 - (a) the purpose of this Act:
 - (b) the matters in Part 2 of the Resource Management Act 1991:
 - (c) any relevant proposed plan:
 - (d) the other matters that would arise for consideration under—
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):
 - (e) the key urban design qualities expressed in the Ministry for the Environment's New Zealand Urban Design Protocol (2005) and any subsequent editions of that document.
- (2) An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.
- (3) For the purposes of subsection (2), in order to be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development, the matters that the authorized agency must take into account, without limitation, are —
 - (a) compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and
 - (b) compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and
 - (c) the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.

We confirm that we have given due consideration to the matters required of us by section 34 of HASHAA, and the explicit priority hierarchy therein – noting that on this occasion we saw no need to examine closer the matter of relative weighting of those elements because we found no significant tension between them. Furthermore, no infrastructural issues of significance were raised for our consideration (other than the matter of earthworks, which we have discussed above in the PV decision) and we are satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development (and conditions are imposed to that effect)

RELEVANT PLANNING INSTRUMENTS

The most relevant planning instrument for present purposes is the PAUP as amended by our decision on Plan Variation 20 because that contains the most recent provisions for this land. We are satisfied that those provisions are met and present no obstacle to a grant of consent.

The Auckland Housing Accord, which is a relevant matter for the purposes of section 104(1)(c) of the RMA, states that SHAs are not subject to the operative Regional Policy Statement or any other operative district plan. While the provisions of a district plan are technically a matter to which regard must be had under section 34(1)(d) of the HASHAA, the status of development activities in this area has been changed substantially by the approved Plan Variation 20 to the PAUP, and the district plan provisions now have little weight as a result.

The National Policy Statement for Freshwater Management 2011 (“NPSFM”) is also relevant to this application. The PAUP provides for adoption of the directions of the NPSFM in the Water section of that plan, and appropriate riparian mitigation planting is required as part of the consent conditions proposed and imposed.

Finally we note that the on-going involvement of iwi in the development process will ensure that appropriate consideration is had, and provision made, for tangata whenua roles and interests.

RESOURCE CONSENT REQUIREMENTS

The QDs requires resource consent as outlined in section 3.2 of the officer’s report.

Resource Consents for the Qualifying Development (QD)

Overall the QD is a non-complying activity under the relevant plan, being the PAUP (DV) as modified by PV 20, and therefore must pass one of the two s104D RMA gateway tests by either being not contrary to the objectives and policies of the relevant plan, or its adverse effects being minor. Through PV20 it is self-evident that the application is not contrary to those objectives and policies (and thereby the wider plan). Furthermore, while adverse effects are generated by the QD, once mitigation is taken into consideration, along with other conditions imposed and positive benefits accrued, and taking into account the purpose of the new precinct, the overall adverse effect is minor.

Accordingly we find that the QD is able to pass both gateway tests and can proceed to be assessed more broadly under s104 RMA.

PART 2 OF THE RMA

The future provision of affordable housing and comprehensive development of a residential community will contribute to and enable the social, economic, and cultural wellbeing of people and communities. We have found that any adverse effects of the developments will be adequately avoided, remedied, or mitigated. Overall the proposals are consistent with the purpose of the RMA.

The relevant matters of national importance provided in section 6 of the RMA as they relate to this application are appropriately provided for, particularly the protection of riparian stream margins including the avoidance of any inappropriate development.

Regard has been had to the relevant 'other matters' set out in section 7 of the RMA and in particular the amenity values of this area will be maintained, the proposal is consistent with the efficient use and development of the site, and no ecosystems will be adversely affected by the proposed subdivision – indeed enhancement is the intended outcome.

The proposal is consistent with the principles of the Treaty of Waitangi because it has taken account of iwi values and there are no identified waahi tapu affected as a result of the subdivision. Consultation with iwi has occurred and the applicable iwi management plan has been taken into account in determining the application.

Accordingly, the QD can be granted consent.

DECISIONS ON THE QD APPLICATION

Pursuant to sections 34 to 38 HASHAA and also, as referred to in those sections, sections 104, 104D, 105, 106, 107, 108 and 220 of the RMA, consent is **granted** to the non-complying activity application by Motleon Limited to authorise resource consent to subdivide 91 residential lots, (including 27 vacant residential lots), 4 private access lots, 1 lot for future commercial development, 1 area of road reserve, an esplanade reserve and a local purpose reserve (stormwater) and a balance lot; land use consent for 64 dwellings; the provision of an esplanade reserve, drainage reserve, with associated vegetation clearance, earthworks, retaining walls, stream works, stream diversions, stream reclamation, pedestrian bridges, roads, infrastructure, landscaping, and redevelopment of Opaheke Park (including park infrastructure) at 29 Bellfield Road (Pt Allot 66 DP 84109 & Lot 49 DP 91417) un-numbered land on Bellfield Road (Lot 65 DP 84109, Pt Allot 23 DP 66983 & Lot 2 DP 98457), 15 Hazeldene Place (Lot 16 DP 65956 ha), 117 Opaheke Road (Lot 2 DP 65192), 117 Opaheke Road (Lot 2 DP 65192), I21Z Opaheke Road (Pt Lots 1 & 2 DP 65192, Pt Lot 3 DP 25726 & Pt Allot 52 SO 49899 Opaheke Parish) and Opaheke Park 165 Opaheke Road (Pt Lot 1 DP 65192, Pt Allots 17, 52 Opaheke Parish)

The reasons for these decisions are:

The proposals are consistent with the purpose of HASHAA and also with the intent of Part 2 of the RMA, in that;

- the proposals are consistent with the objectives and policies of the Opaheke 1 Precinct (Plan Variation 20 to the Proposed Auckland Unitary Plan) and these particular applications will cause no more than minor adverse effects on the environment;
- the proposals are generally consistent with the outcomes sought by the Proposed Auckland Unitary Plan and the approved Precinct Provisions;
- the infrastructure required for these developments is feasible, and the development can be serviced adequately to meet the requirement for a qualifying development application;

- the proposal satisfies the matters identified in the NZ Urban Design Protocol;
- no issues arise for the purpose of satisfying sections 105, 106 and/or 107 of the Resource Management Act 1991; and
- granting consent to the QD will promote the sustainable management of the resources in terms of enhancing housing affordability by facilitating an increase in land and housing supply, being the express purpose of the HASHAA.

CONDITIONS OF CONSENT

Under sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 108 and 220 of the Resource Management Act 1991, consents are granted for the application, subject to the conditions included as Attachment 3.

Barry Kaye

A handwritten signature in black ink, appearing to read 'Barry Kaye', with a stylized flourish at the end.

Chairperson

Sitting with Commissioners D Hill and M Kay

15TH December 2016

Attachment 1 – Opaheke 1 precinct provisions

I4.xx Opaheke 1 Precinct

I4xx.1 Precinct Description

The Opaheke 1 precinct comprises some 27 hectares of land between Bellfield Road and Opaheke Park, approximately 1.5km south of the Papakura Metropolitan Centre.

The purpose of the precinct is to provide for comprehensive and integrated development of the site, making efficient use of land resources and infrastructure, and increasing the supply of housing in the Papakura area. Development within the precinct is envisaged to provide approximately 500 new dwellings comprising a mixture of attached and detached typologies.

The development of the precinct will be integrated with Opaheke Park through the alignment of proposed roads, pedestrian linkages, and the enhancement of specified green corridors.

The zoning of land within the precinct is Mixed Housing Urban, Mixed Housing Suburban, Neighbourhood Centre, and Open Space: Conservation. Refer to the planning maps for the location and extent of the precinct.

I4.xx.2 Objectives

The underlying zones and Auckland-wide objectives apply in this precinct, in addition to those specified below.

- (1) Opaheke 1 precinct is subdivided and developed in a comprehensive and integrated way, providing a mix of housing densities, typologies and affordable price options and incorporating opportunities for a neighbourhood centre.
- (2) A high quality built form and landscaped streetscape has developed, reflecting an urban character and amenity.
- (3) A safe, efficient and integrated road network provides strategic connections and improvements, encourages walking and cycling and the use of public transport, and provides strong legible connections to and through the precinct.
- (4) A high quality and safe public-open space and green corridor network that integrates stormwater management, ecological amenity and recreational functions.
- (5) Indigenous biodiversity is maintained and enhanced through riparian margin re-planting at the time of development, building set-backs and landscaping.
- (6) Stormwater runoff is managed to respect natural processes, minimise flood risk and implement water sensitive design.
- (7) Housing affordability is enhanced by facilitating the efficient use of land for residential development.

- (8) To ensure that affordable housing provided in any residential development is distributed throughout the precinct.
- (9) To promote availability of affordable housing to first home buyers and/or Community Housing Providers.

I4xx.3 Policies

The underlying zones and Auckland-wide policies apply in this precinct, in addition to those specified below.

Subdivision and development

- (1) Require that the design of any subdivision and development within the precinct is undertaken in general accordance with the Opaheke 1 precinct plan.
- (2) Require a built urban form and character that transitions from a reasonably high density (typically attached dwellings) around key roads, public open space and green corridors to progressively lower densities (detached dwellings) within the central areas of the precinct and adjacent to established neighbouring development.
- (3) Ensure a network of high quality landscaped public open spaces and green corridors, predominately edged by roads and served by walkways and cycleways and /or appropriately addressed by adjoining residential development.
- (4) Enable the expansion of, and improved access to Keryn Reserve.
- (5) Encourage the establishment of land use activities or development within the residential areas to ensure that the precinct is developed in a coordinated, integrated and comprehensive manner.

Built form

- (6) Require new buildings to be located and designed so that they:
 - a. contribute to the streetscape and sense of place by responding to the planned future form and character of the surrounding area.
 - b. complement the character of adjoining buildings and development
 - c. provide clearly defined public fronts that positively contribute to the amenity and pedestrian safety of streets and public open spaces;
 - d. maximise outlook onto streets and public open spaces
 - e. avoid long unrelieved frontages and excessive bulk when viewed from streets and public open spaces;
 - f. create visual interest through massing, articulation, roof form, materials and colour;
 - g. provide clearly defined semi-private and private areas, including outdoor living space within the site;
 - h. address both street frontages for corner lots. This can be achieved by:
 - i. placement of windows, massing, materials or articulated elements on both frontages;
 - ii. eliminating blank walls facing the street;

- iii.
 - i. avoid carports and garages being the dominant feature of the streetscape
 - j. screen exterior rubbish storage areas from public view or incorporate them into the design of the building
- (7) Require residential development to:
 - a. be of a scale and form that is complementary to the character of adjacent or planned development;
 - b. maintains adequate sunlight access to adjoining residential sites;
 - c. minimises bulk and dominance effects;
 - d. avoids rear lots
 - e. provides privacy; and
 - f. have usable and accessible outdoor living space
- (8) Require retaining walls to be a positive site or landscaping feature through building design and site landscaping.

Infrastructure

- (9) Require a safe and interconnected road network which provides for:
 - a. improvements to Opaheke Road where it adjoins the precinct;
 - b. restricted vehicle access for new lots fronting Opaheke Road, to increase the safety and efficiency of Opaheke Road;
 - c. signalisation of the intersection of Bellfield Road, Great South Road and Taonui Road to ensure the effective and safe movement of vehicles and pedestrians;
 - d. road connections to Bellfield Road and Keryn Place;
 - e. future road connections to the south; and
 - f. pedestrian and cycle linkages to and through the precinct, including two pedestrian bridges to Opaheke Park and walkways to Opaheke Road and Coulthard Place.
- (10) Require the internal road network, to be consistent with the precinct specific road cross sections to achieve an appropriate balance between movement and sense of place functions and to maintain a high quality, safe, slow speed environment.
- (11) Require rear lanes to be designed to address safety, lighting, landscaping and visual amenity.

Streams and wetlands

- (12) Require subdivision and development to provide for the restoration and enhancement of the riparian margins of streams and wetlands, as shown on the Opaheke 1 precinct plan to:
 - a. achieve a natural appearance through planting using eco-sourced native species;
 - b. provide walkways these areas adjacent to riparian margins along both sides of streams, and boardwalks through wetlands where appropriate.

Stormwater

- (13) Integrate the precinct's stormwater management network, with the surrounding development by providing for values such as pedestrian movement, amenity, open space and ecology.
- (14) Maintain the existing catchment hydrology through management of stormwater onsite and employing water sensitive design principles prior to the discharge of stormwater.
- (15) Require subdivision and development to achieve SMAF1 mitigation through the use of a single device or combination of devices and generally accord with any relevant approved Network Discharge Consent and Stormwater Management Plan.
- (16) Restrict maximum impervious area on a site to ensure that the overall maximum impervious area for the Opaheke Precinct does not exceed 70 per cent excluding roads and green corridors.
- (17) Ensure stormwater management devices (including outlet structures on land zoned Open Space are located and designed to complement the context, character and the natural, ecological and landscape values of the area.

Affordable Housing

- (18) New residential developments containing 15 or more dwellings, or involving the creation of 15 or more vacant sites, require either:
 - a. 10 per cent of new dwellings to be relative affordable, with the purchase price to be set relative to the median house price in the Auckland region and sold to first home buyers; or
 - b. 5 per cent to be retained affordable, with the purchase price to be set relative to the median household income in the Auckland region and sold to Community Housing providers or the Housing New Zealand Corporation and owned for long term retention.
- (19) New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the precinct.

I4xx.4 Activity table

- (1) The provisions in any relevant zone and Auckland-wide provisions apply in this precinct unless otherwise specified below. A blank table cell with no activity status specified means that the underlying zone provisions apply.

Tables I4xx.4.1 and I4.xx.4.2 Activity table specifies the activity status of development and subdivision activities in the Opaheke 1 Precinct pursuant to sections 9(3) and 11 of the Resource Management Act 1991.

Table I4xx.4.1 Activity table – Residential and Neighbourhood centre_zones

Activity	Activity status		
	Mixed Housing Suburban	Mixed Housing Urban	Neighbourhood Centre
Residential			
(A1) One dwelling per site of 320m ² or greater	P		
(A2) One dwelling per site on sites 319m ² or less outside of the Detached Dwelling Buffer Area as shown on the Opaheke 1 precinct plan	D		
(A3) Two or more dwellings per site in the Detached Dwelling Buffer Area as shown on the Opaheke 1 precinct plan	NC	NC	
(A4) Comprehensive Residential Development on sites outside the Detached Dwelling Buffer Area as shown on Opaheke 1 precinct plan	RD	RD	
(A5) Comprehensive Residential Development on sites within the Detached dwelling buffer area as shown on Opaheke 1 precinct plan	NC	NC	
Supported residential care			<u>D</u>
Visitor accommodation and boarding houses			<u>D</u>
Commerce			
(A6) Show homes	P	P	<u>P</u>
Drive through restaurants			NC
Supermarkets greater than 300m ² gross floor area per tenancy			NC
Offices at ground level			D

Service stations	NC	NC	NC
Community			
Emergency services			NC
Industry			
Repair and maintenance services			NC

Table I4xx.4.2 Activity table - Subdivision – All zones

Activity	Activity status
Subdivision	
(A1) Subdivision in accordance with the Opaheke 1 precinct plan	RD
(A2) Subdivision not in accordance with the Opaheke 1 precinct plan	NC

I4xx.5 Notification

- (1) Any application for resource consent for a restricted discretionary activity for comprehensive residential development on sites listed in activity table I4xx.4.1 above, will be considered without public notification subject to meeting the standards of I4xx.7.1.1.
- (2) Any application for resource consent for an activity listed in activity tables I4xx.4.1 and I4.xx.4.2 and not listed in I4xx.5(1) will be subject to the normal tests for notification under the relevant sections of the Resource Management Act 1991.
- (3) When deciding who is an affected person in relation to any activity for the purposes of section 95E of the Resource Management Act 1991 the Council will give specific consideration to those persons listed in Rule C1.13(4).

I4.xx6. Affordable housing controls

I4.xx.6.1. General Controls

Purpose: To ensure that this precinct contains affordable housing to help address Auckland's housing affordability needs.

- (1) New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/vacant sites that are either relative affordable or retained affordable that will meet the requirements of clauses 2-7 below.
- (2) All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of relative and/or retained affordable dwellings/vacant sites.
- (3) Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.

- (4) For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with clause 3 above.
- (5) For apartments, no more than one-third of the total number of identified affordable dwellings must be located on a single building level/storey, unless the development is two levels, in which case no more than half of the identified affordable dwellings must be located on a single level.
- (6) If the calculation of the percentage of dwellings (and/or vacant sites) that must be affordable dwellings (and/or vacant sites) results in a fractional dwellings (or vacant site) or one-half or more, that fraction is counted as 1 dwelling (or vacant sites) and any lesser fraction may be disregarded.
- (7) Affordable housing that does not comply with clauses 1-6 above is a discretionary activity.

I4xx.6.2 Number of relative affordable dwellings or sites

Purpose: To ensure that this precinct contains price relative affordable housing available to first home buyers to help address Auckland's housing affordability needs.

- (1) For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 10% of the total number of dwellings/vacant sites must be relative affordable and meet the following criteria:
 - a. The price at which a dwelling may be sold does not exceed 75 per cent of the Auckland region median house price (calculated as an average of 3 calendar months previous to the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) that is published by the Real Estate Institute of New Zealand.
 - b. If the application is for a subdivision consent, the applicant must identify the sites of the subdivision allocated for the building of relative affordable dwellings and must specify the mechanism (consent notice for example) to ensure that the combined value of the building and the land on completion will meet that criterion or is a building associated with such a dwelling.
 - c. Any dwellings built on vacant sites identified for affordable housing must be sold to first home buyers who must reside in the dwelling from the date of transfer. Any dwellings built on vacant sites identified for affordable housing must be sold to first home buyers who must reside in the dwelling and retain ownership for three years from the date of transfer.
- (2) Relative affordable housing that does not comply with clause 1 above is a discretionary activity.

I4xx.6.3 Eligibility for relative affordable housing

Purpose: To ensure relative affordable housing is purchased by appropriate persons

- (1) Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites identified for affordable dwellings), the consent holder must provide the Council with a statutory declaration that confirms the sale complies with the following eligibility requirements:

- a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date the sale and purchase agreement becomes unconditional;
 - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent, and storage) at a price which is not more than that defined by the 75 per cent median price in accordance with Rule 14.xx.6.32(1)(a) above;
 - c. the purchaser is a first home buyer and has never owned any other real property;
 - d. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
- (2) Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser shall be made aware of the consent notice mechanism required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in Rule 14.xx.6.2(1)(a) above or is a building associated with such a dwelling.
- (3) Prior to the transfer of a vacant site identified for an affordable dwelling to a purchaser that intends to develop, own and occupy the affordable dwelling themselves, the consent holder shall provide the Council with a statutory declaration executed by the intended purchaser that confirms the sale complies with the following eligibility requirements:
- a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date of the sale and purchase agreement became unconditional;
 - b. Any development of the site shall be such that the combined value of the dwelling and the land upon completion, as confirmed by a registered valuation, shall be no more than that defined by the 75 per cent median price in accordance with Rule 14xx.2.1(a) above;
 - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase;
 - d. the purchase is a first home buyer and has never owned any other real property;
 - e. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
- (4) A consent notice shall be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria to be met for 3 years from the date of transfer to the first eligible purchaser.
- (5) Relative affordable housing that does not comply with clauses 1-3 above is a discretionary activity.

I4xx.6.4 Eligibility for retained affordable housing

Purpose: To ensure that this precinct contains income related retained affordable housing to help address Auckland's housing affordability needs and to ensure retained housing is appropriately managed by Community Housing Providers to achieve ongoing provision and availability where required.

- (1) Purchasers in respect of retained affordable housing must be a registered community housing provider or the Housing New Zealand Corporation.
- (2) Retained affordable housing that does not comply with clause 1 above is a discretionary activity.

I4xx.6.5 Number of retained affordable dwellings or sites

Purpose: To ensure that this precinct contains price relative retained affordable housing available to first home buyers to help address Auckland's housing affordability needs.

- (1) For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 5% of the total number of dwellings, or vacant sites, in any development must be retained affordable and meet the following criteria:
 - a. The price at which a dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter before the date the application for resource consent application or any appeals to the decision on that application are finally resolved, whichever is the later) would not exceed 30 per cent of the household's gross monthly income, based on the assumptions that:
 - i. The dwelling is purchased with a 10 per cent deposit; and
 - ii. The balance of the purchase price is financed by a 30-year reducing loan, secured by a single mortgage over the property, at a mortgage interest rate equal to the most recent average two-year fixed rate. The interest rate used is that published most recently by the Reserve Bank of New Zealand, in relation to the date application for resource consent is made.
- (2) As part of the resource consent application evidence shall be provided to demonstrate a Community Housing Provider will purchase the dwellings/sites. Prior to transfer of the retained affordable dwellings/sites a Council approved statutory declaration must be returned by the consent holder to demonstrate the dwellings/sites are sold at the price point outlined in clause 1 above.
- (3) Retained affordable housing that does not comply with clauses 1-2 above is a discretionary activity.

I4xx.7 Standards

The standards applicable to the Residential - Mixed Housing Urban, Mixed Housing Suburban and Business – Neighbourhood Centre and Open Space – Conservation zones, and Auckland-wide provisions apply in this precinct except for the following:

Standard H4.6.7 Yards

Standards H4.6.14 and H5.6.15 Front, side and rear fences and walls

Standards H4.6.8 and H5.6.9 Maximum impervious area

Standards H4.6.9 and H5.6.10 Building coverage

Standards H4.6.10 and H5.6.11 Landscaped Area

All permitted and restricted discretionary activities listed in Tables I4.xx.4.1 and I4.xx.4.2 must comply with the following activity standards unless otherwise specified:

I4.xx.7.1.1 Comprehensive Residential Developments

Purpose: To encourage integrated and comprehensively designed developments by enabling efficient use of the site and providing for design flexibility while maintaining a reasonable level of sunlight access and minimising visual dominance effects to immediate neighbours.

(1) A Comprehensive Residential Development must:

- a. have a minimum site size of 1,000m²
- b. have road frontage of at least 37.5m
- c. be outside of the Detached Dwelling Buffer Area

(2) The height in relation to boundary and yards development standards do not apply to internal site boundaries within the application area.

(3) Development that does not comply with clause 1 above is a non-complying activity.

(4) Development must comply with the following standards: H4.6.4 and H5.6.4 Building height, I4xx.7.1.3 On site stormwater management, - new impervious surfaces, I4xx.7.1.4 Front, side and rear fences and walls and Standard I4xx.7.1.5 Retaining walls,

(5) Development that does not comply with clause 4 above is a restricted discretionary activity.

I4xx.7.1.2 Dwellings fronting Opaheke Road

Purpose: To ensure that dwellings front and have direct pedestrian access from Opaheke Road to provide for passive surveillance of the street and contribute to streetscape amenity.

(1) The front facade of any dwelling on a site that adjoins Opaheke Road must contain:

- a. glazing to habitable rooms that is cumulatively at least 20% of the area of the front facade; and
- b. a main entrance door that is visible and accessible from the street.

I4.xx.7.1.3 On-site stormwater management – new impervious area

Purpose: To manage stormwater runoff from the development of impervious areas onsite to mitigate adverse effects on catchment hydrology.

(1) A Development of new impervious areas greater than 50m² is a permitted activity provided that:

- a. stormwater from the total site impervious area must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff plus detention (temporary storage) of 19.4mm of runoff with a draw down period of 24 hours.

- b. stormwater runoff may be directed to one or more on-site device to achieve the volume requirements in Table I4xx.7.1.3.1 where:
 - i. the retention volume must be achieved; and
 - ii. where the total volume requirement is met then a greater retention volume and a corresponding decrease in detention volume can be provided.
- c. any stormwater management device or system is built generally in accordance with design specifications by a suitably qualified service provider and is fully operational prior to use of the impervious area.
- d. 'as built' plans for any stormwater management device or system are provided to council within three months of practical completion of the works.
- e. the stormwater device/s: any stormwater management device or system is operated and maintained in accordance with best practice for the device or system.

Table I4xx.7.1.3.1 Retention and detention volume requirements			
m²	Retention (m³)	Detention (m³)	Combined total to be provided (m³)
1	0.005	0.0194	0.0244

I4.xx.7.1.4 Front, side and rear fences and walls

Purpose: Enable fences and walls to be constructed within yards to a height sufficient to:

- provide privacy for dwellings while enabling opportunities for passive surveillance of the street, green corridors and public open space,
 - minimise visual dominance effects to immediate neighbours and the street and maintain the open character of front yards.
- (1) Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:
- a. within the front yard or any yard adjoining a green corridor or public open space: 1.2m in height
 - b. within any yard adjoining a Jointly owned access lot: 1.8m in height where the fence is at least 25 per cent visually open
 - c. for all other side and rear yards: 2m in height

I4.xx.7.1.5 Retaining walls

Purpose: To avoid visual dominance or overshadowing effects as viewed from the street or the boundary of the precinct.

- (1) Any retaining walls within 3m of a precinct boundary or site boundary must not exceed 1.2m in height, as measured by the vertical distance from the top to the bottom of the wall.

I4.xx.7.2 Mixed Housing Suburban zone

I4.xx.7.2.1 Yards

- (1) The purpose and yard controls for the Mixed Housing Suburban zone apply in the precinct unless otherwise specified below:
 - (a) Front yard: 2.5m

I4xx.7.2.2 Maximum Impervious Area

Purpose: manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks, support the functioning of riparian yards and stream water quality and ecology and accommodate integrated development that will make efficient use of the site

- (1) Maximum impervious area must not exceed:
 - a. 60 per cent of the site area for sites 320m² or greater; or
 - b. 70 per cent of the site area for sites 319m² or less
- (2) Maximum impervious area within a riparian yard: 10 per cent.

I4xx.7.2.3 Building coverage

Purpose: manage the extent of buildings on a site to achieve the planned built character of buildings anticipated within the Opaheke 1 precinct.

Maximum building coverage 50 per cent of net site area.

I4xx.7.2.4 Landscaped area

Purpose: provide for high quality living environments consistent with the planned built character of buildings anticipated within the Opaheke 1 precinct and maintain the landscaped character of the streetscape within the zone.

- (1) Minimum landscaped area: 30 per cent of net site area
- (2) At least 50% of the front yard must comprise landscaped area.

I4.xx.7.3 Mixed Housing Urban zone

I4.xx.7.3.1 Maximum Impervious Area

Purpose: manage the amount of stormwater runoff generated by a development, particularly in relation to the capacity of the stormwater network and potential flood risks, support the functioning of riparian yards and stream water quality and ecology and accommodate integrated development that will make efficient use of the site

- (1) Maximum impervious area must not exceed:
 - a. 60 per cent of the site area for sites 320m² or greater; or
 - b. 70 per cent of the site area for sites between 319m² and 200m²
 - c. 85% of the site area for sites less than 200m²
- (2) Maximum impervious area within a riparian yard: 10 per cent.

I4xx.7.3.2 Building coverage

Purpose: manage the extent of buildings on a site to achieve the planned urban built character of buildings anticipated within the Opaheke 1 precinct.

- (1) Maximum building coverage must not exceed 60 per cent of net site area for attached dwellings; or.
- (2) The maximum building coverage must not exceed 50 per cent for the net site area for detached dwellings.

I4xx.7.3.3 Landscaped area

Purpose: provide for high quality living environments consistent with the planned urban built character of buildings while recognising the proximity of Opaheke Park and to contribute to the landscaped character of the streetscape within the zone.

- (1) Minimum landscaped area: 15 per cent of net site area
- (2) At least 50% of the front yard must comprise landscaped area.

I4xx.8 Subdivision Standards – All zones

I4xx.8.1 Minimum Net Site area

- (1) All proposed sites must comply with the following minimum net site areas for vacant lot subdivision as set out in Table I4xx.8.1.1:

Table I 4.xx.8.1.1

Zone	Minimum Net Site Area
Mixed Housing Suburban	320m ²
Mixed Housing Urban	Refer Rule E38.8.3.1

- (2) Subdivision that does not comply with clause 1 above is a discretionary activity except in the Detached Dwelling Buffer Area.
- (3) Subdivision in the Detached Dwelling Buffer Area that does not comply with clause 1 above is Non-complying activity.

I4xx.8.2 Riparian margins

Purpose: Riparian yards ensure development is adequately set back from the open space and stream network within the precinct to provide protection from natural hazards and to maintain a sense of open space.

- (1) Riparian margins identified on the Opaheke 1 Precinct Plan must be planted on either side of the banks of a permanent or intermittent stream to a minimum width of 10m measured from the bank of the stream or the edge of the stream determined by the extent of the 2.3 year Mean Annual Flood (MAF) Event. This rule does not apply to crossings of streams.

- (2) Riparian margins identified on the Opaheke 1 Precinct Plan must be planted and maintained in accordance with a council approved landscape plan and must use eco-sourced native plants, be consistent with local biodiversity and planted at a density of 10,000 plants per hectare.
- (3) Pedestrian/cycle paths must be located adjacent to and not within the 10m planted strip.
- (4) Riparian margins identified in clause 1 above must be offered to Council for vesting.
- (5) Where the esplanade provisions apply in clause 1 above, 15m of the full esplanade reserve must be planted in accordance with clause 1 above.
- (6) Subdivision that does not comply with clauses 1 to 5 above is a discretionary activity.

I4xx.8.3 Roading Construction Standards

Purpose: to provide a safe and legible street network

- (1) All roads within the precinct must be located in general accordance with the Opaheke 1 Precinct Plan.
- (2) All road provided within the precinct must be constructed to the standards contained within Table I4.xx.8. 3.1: Road Construction Standards within the Opaheke 1 Precinct and cross-section diagrams in Figures 1 to 7 below or, where not contained in Table I4xx.8.3.1 below, the relevant Auckland-wide rules apply.

Table I4.xx.8.3.1: Road Construction Standards – Opaheke 1 Precinct

Road typology	Road Width	Carriageway	Footpath Width	Cycle Lane	Shared Cycle Lane / Footpath	Median
Park Road A	24.2m	3.0 per lane	1.8m	1.8m	3.0m	1.8m
Park Road B	23.0m	3.0 per lane	1.8m	1.8m	N/A	2.8m
Typical Road	16.0m	2.7m per lane	1.8m	N/A	N/A	N/A
Bellfield Road	11.3m	3.0m per lane	1.8m	N/A	N/A	N/A
Wetland Road	10.7m	2.7m per lane	1.8m	N/A	N/A	N/A
Laneway	8.0m	5.4m	N/A	N/A	N/A	N/A
East-West Laneway	8.0m	4.9m	1.8m	N/A	N/A	N/A
Pedestrian walkways	N/A	N/A	N/A	N/A	8m	N/A

- (3) Subdivision that does not comply with clauses 1 and 2 above is a discretionary activity.
- (4) Cul de sac roads are a non-complying activity. This rule does not apply to staged road construction as part of a staged subdivision or balance site.

Figure I4xx.8.3.1 : Park Road A

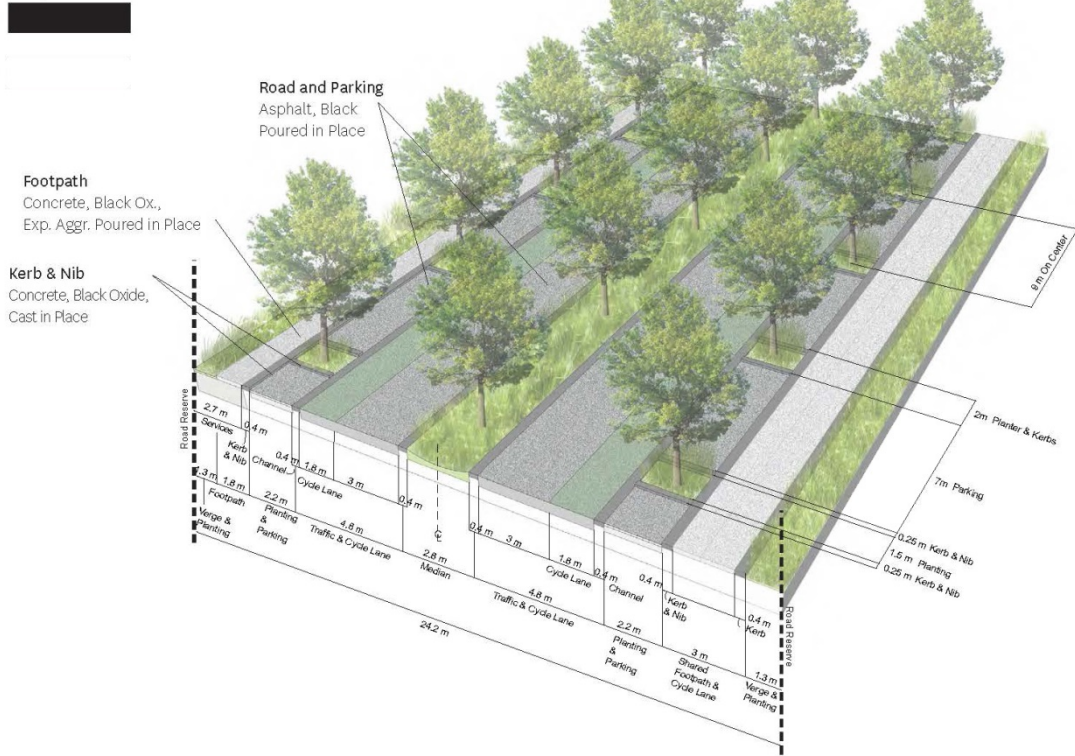


Figure I4xx.8.3.2 : Park Road B

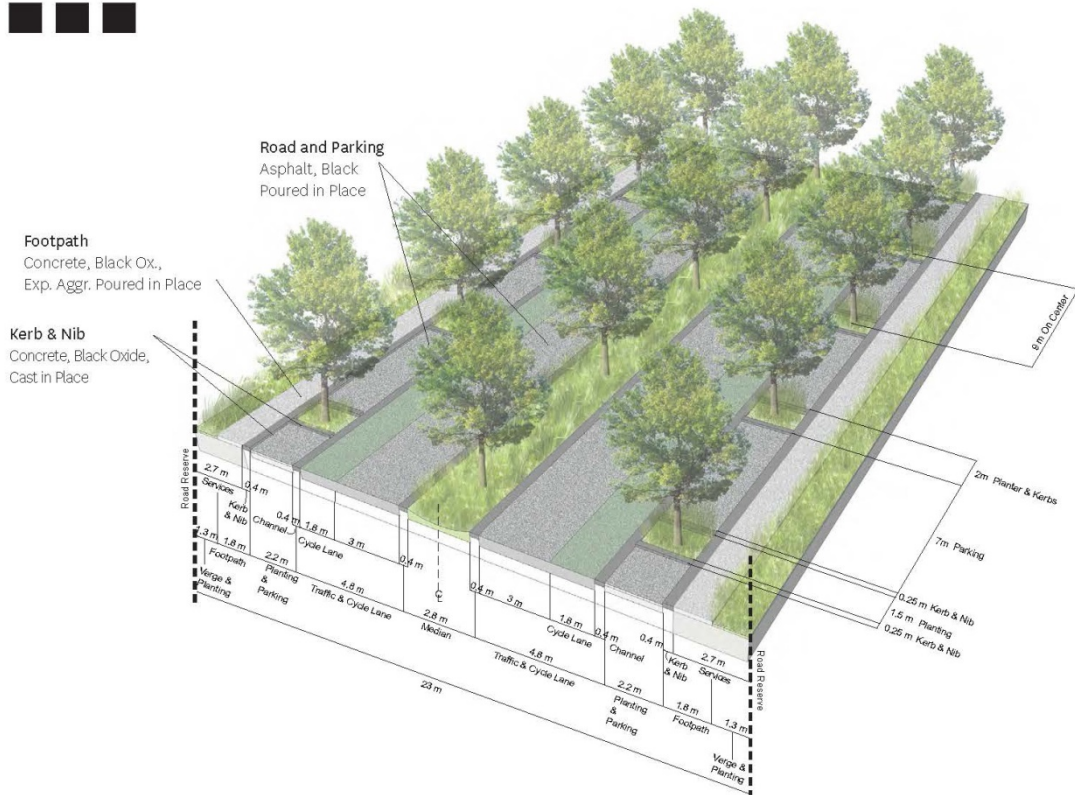


Figure I4xx.8.3.3 : Typical Road

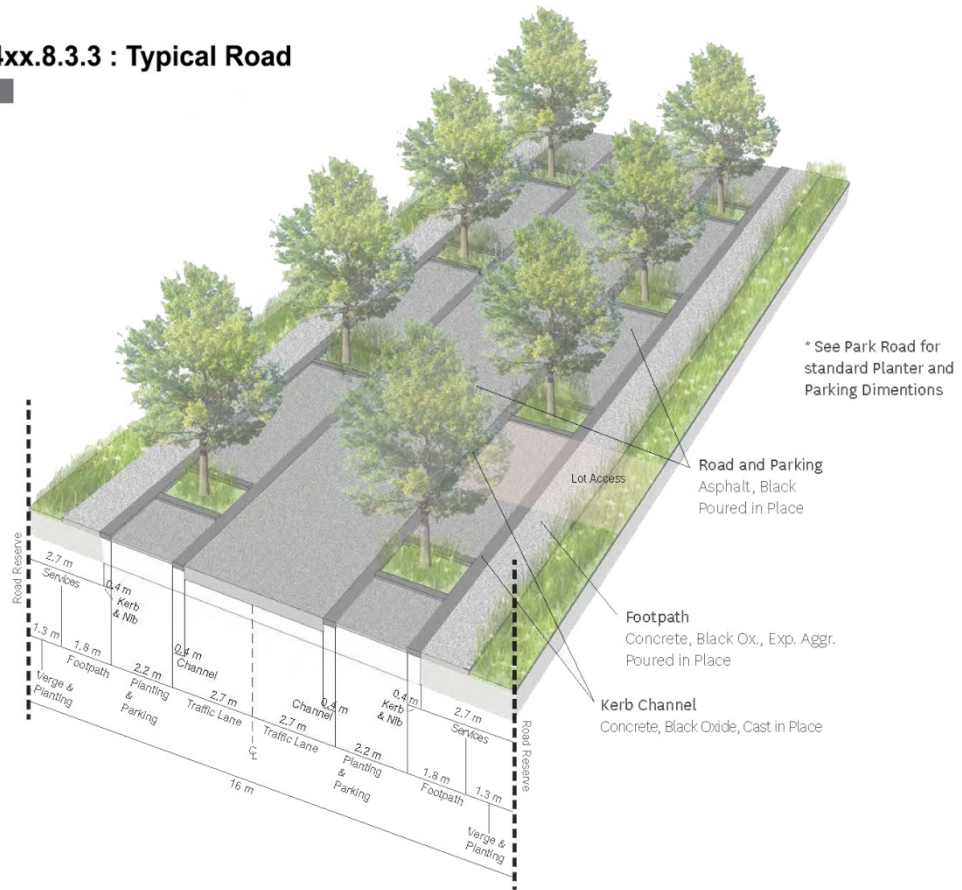


Figure I4xx.8.3.4 : Belfield Road

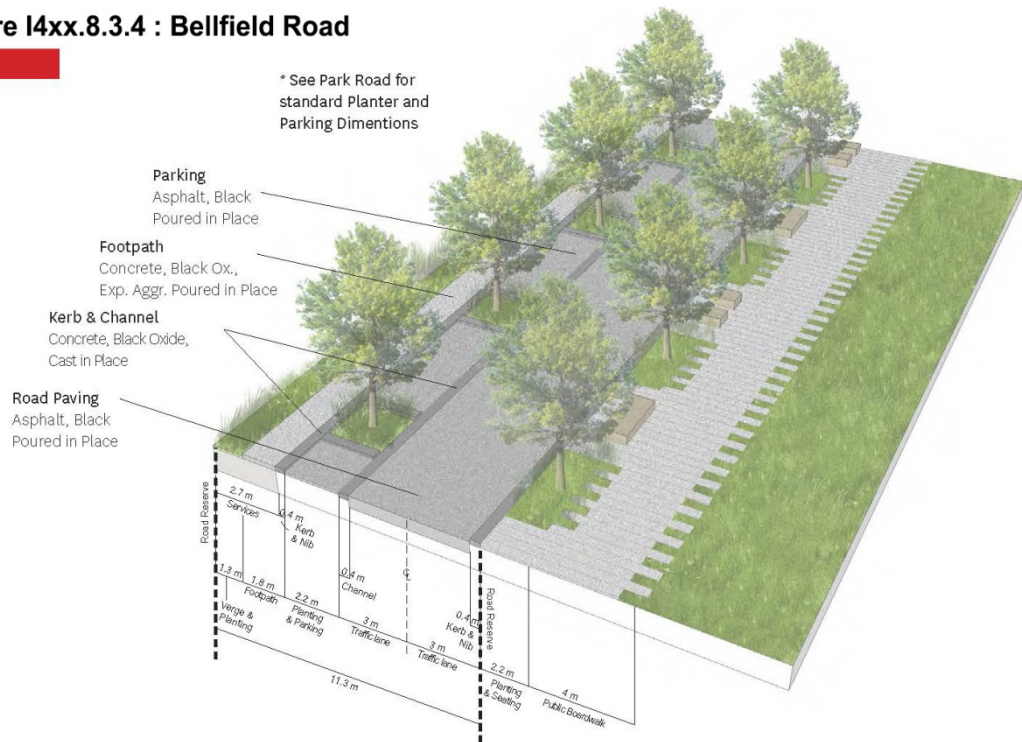


Figure I4xx.8.3.5 : Wetland Road

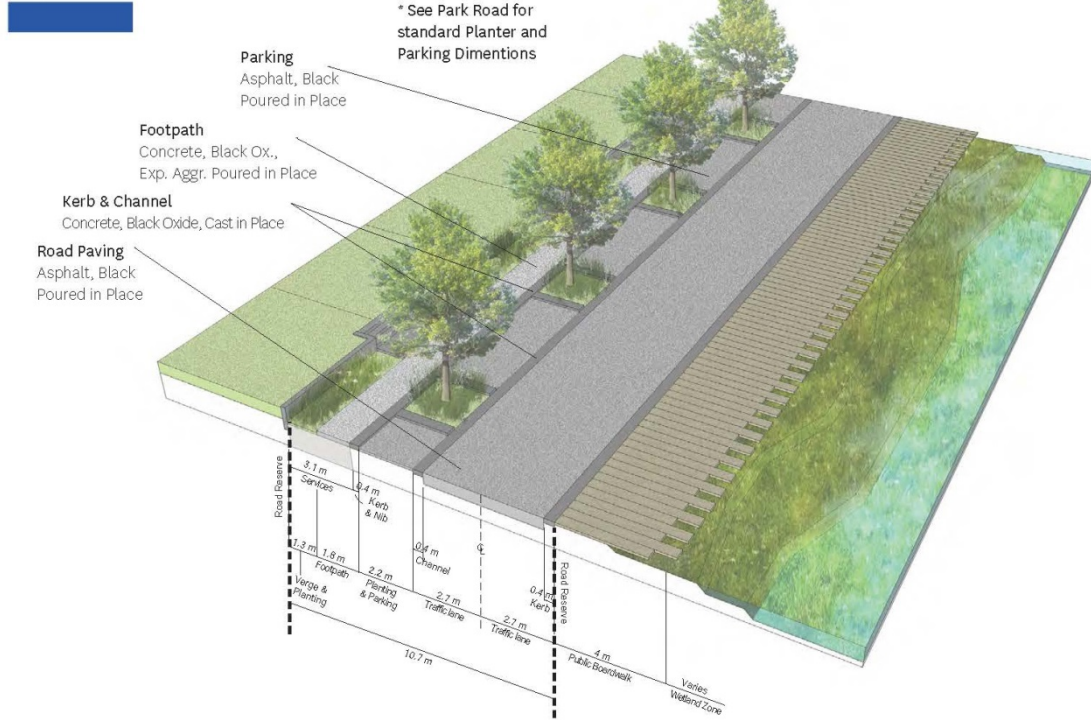


Figure I4xx.8.3.6 : Laneway

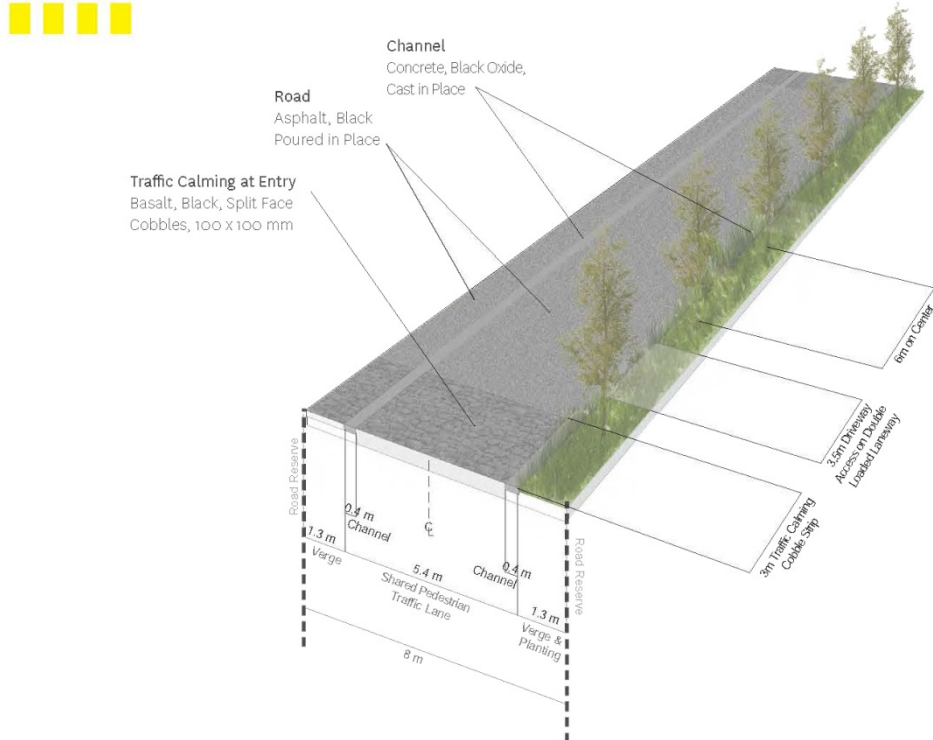
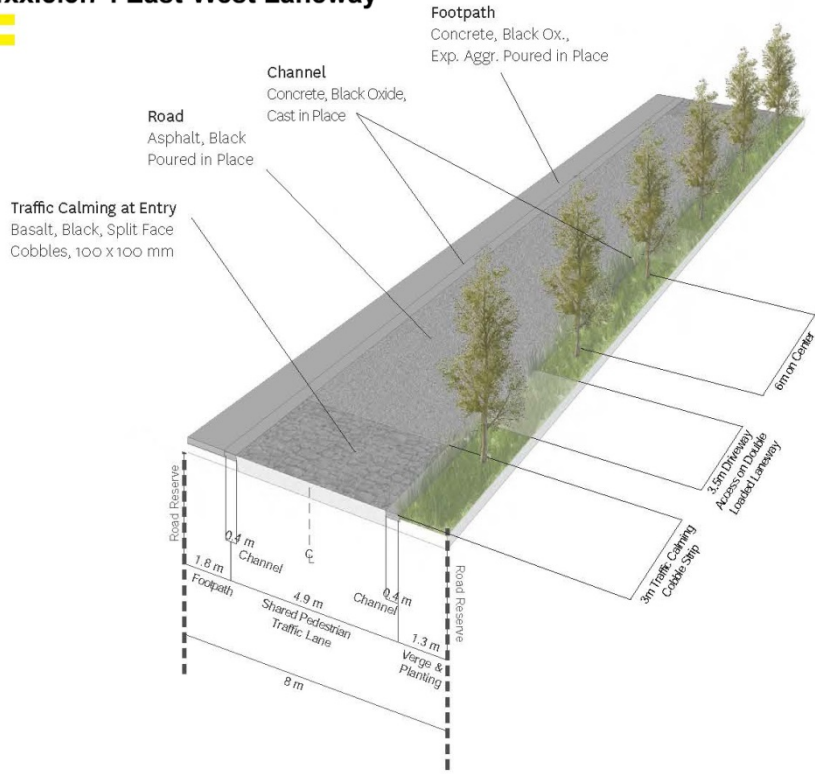


Figure I4xx.8.3.7 : East-West Laneway



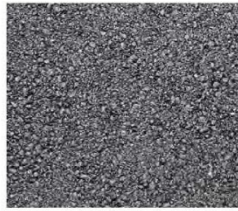
Legend : Road materials



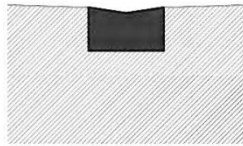
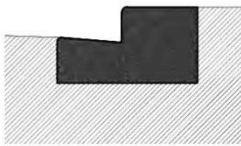
Parking
Concrete, Black Ox., Exp. Aggr.
Poured in Place



Parking Pavers
Basalt, Black, Split Face
Cobbles, 100 x 100 mm



Road Paving
Asphalt, Black
Poured in Place



I4.xx.8.4 Rooding improvements

Purpose: To ensure an interconnected rooding network is provided in a coordinated and timely manner.

- (1) Subdivision within Area A, as shown on the Opaheke 1 precinct plan, must provide rooding connections to Bellfield Road and Keryn Place, unless those connections have already been provided.
- (2) The signalisation of the Great South Road, Bellfield Road and Taonui Place intersection must be provided prior to or at the same time of the construction of any new road connection to Bellfield Road or Keryn Place.
- (3) Subdivision not in accordance with clauses 1 or 2 above is a non-complying activity.

I4xx.9 Assessment – controlled activities

There are no controlled activities in this precinct.

I4xx.10 Assessment – Restricted discretionary activities

I4xx.10.1 Matters of discretion

The council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application, in addition to the matters specified for the relevant restricted discretionary activities in the zones or Auckland-wide provisions:

- (1) Subdivision and development
 - a. Consistency with the Opaheke 1 precinct plan
 - b. Stormwater
 - c. Transport
 - d. Design and appearance, location and integration
- (2) New residential buildings and Comprehensive Residential Development
 - a. Design and appearance, location and integration
 - b. In addition, Comprehensive Residential Developments should assess:
 - i. consistency with the Opaheke 1 precinct plan
 - ii. in the Mixed Housing Suburban zone the matters listed under H4.8.1(2)(a) and (c) and in the Mixed Housing Urban zone the matters listed in H5.8.1(2)(a) and (c) [for three or more dwellings per site]
 - iii. all of the following relevant standards:
 - Standards I4.xx.7.2.2 and 7.3.1 Maximum impervious areas;
 - Standards I4.xx.7.2.3 and 7.3.2 Building coverage;
 - Standards I4.xx.7.2.4 and 7.3.3 Landscaped area;
 - Standards H4.6.11 and H5.6.12 Outlook space;
 - Standards H4.6.12 and H5.6.13 Daylight;
 - Standards H4.6.13 and H5.6.14 Outdoor living space;
 - Standards H4.6.15 and H4.6.16 Minimum dwelling size.
 - iv. design of landscaping
- (3) For development that does not comply with precinct standards the Council will restrict its discretion to all of the following matters when assessing a restricted discretionary resource consent application:
 - a. the matters listed under C1.9(3);
 - b. for buildings that do not comply with Standard I4.xx.7.1.4 Front, side and rear fences and walls, Standard I4.xx.7.2.1 Yards; Standards I4.xx.7.2.3 and 7.3.2 Building coverage; Standards I4.xx.7.2.4 and 7.3.3 Landscaped area;
 - i. in the Mixed Housing Suburban zone the matters listed under H4.8.1(4)(a) to (c) and (e) to (i) and in the Mixed Housing Urban zone the matters listed under H5.8.1(4)(a) to (c) and (e) to (i); and

- c. for Standard I4.xx.7.1.2 Dwellings fronting Opaheke Road, the matters listed under:
 - i. design and appearance of buildings
 - ii. E27.8.1(11)(a) and (b).
- d. for Standard I4.xx.7.1.3 on-site stormwater management – new impervious areas the matters listed under E10.8.1(1)(a) – (d) [Stormwater Management – Flow]
- e. for Standard I4.xx.7.1.5 Retaining walls, the purpose of the control
- f. for Standards I4.xx.7.2.1 or I4.xx7.3.1 Maximum impervious areas:
 - i. stormwater runoff
 - ii. maximum impervious areas
 - iii. housing typology

I4xx.10.2 Assessment criteria

The Council will consider the relevant assessment criteria below for restricted discretionary activities in addition to the assessment criteria specified for the relevant restricted discretionary activities in the zones or Auckland-wide provisions.

I4xx. 10.2.1 Consistency with the Opaheke 1 Precinct Plan

- (1) All subdivision and development should implement and be in general accordance with the Opaheke 1 Precinct Plan;
- (2) Refer to Policy I4xx.3(1);
- (3) Refer to Policy I4.xx.3(2);
- (4) Refer to Policy I4.xx.3(3);
- (5) Refer to Policy I4.xx.3(4);
- (6) Refer to Policy 14.xx.3(5);
- (7) New neighbourhood parks should be located and configured so that they are:
 - a. highly visible and accessible
 - b. bounded by at least two street frontages; and
 - c. integrated with surrounding development and, where practical, existing parks;
- (8) Refer to Policy I4.xx.3(12); and
- (9) Refer to Policy I4.xx.3(13)

I4.xx.10.2.2 Stormwater

- (1) Stormwater management infrastructure required by any Network Discharge Consent (and associated Stormwater Management Plan) and shown on the Opaheke 1 Precinct plans is provided in accordance with the creation of impervious surfaces within the corresponding stormwater catchment.
- (2) The approach to stormwater management for roads and future lots should take into account the recommendations of any Network Discharge Consent (and associated Stormwater Management Plan) and should provide sufficient space to achieve hydrology mitigation at-source.

Note: *Consent Notices may be required on the titles of all new lots to ensure compliance with the onsite stormwater management requirements of this precinct.*

- (3) Refer to Policy I4.xx.3(13)
- (4) Refer to Policy I4.xx.3(14)
- (5) For communal stormwater devices:
 - a. the extent to which the devices to be invested with council can be accommodated within the green corridors identified on the Opaheke 1 precinct plan to allow efficient operation and maintenance;
 - b. the extent to which the devices integrate with the amenity, ecological, recreational and pedestrian movement values of the green corridors
 - c. the extent to which adequate provision is made for efficient operation and maintenance of devices not vested to council; and
 - d. whether the use of communal devices achieves the best practicable option to manage stormwater runoff.
 - e. Refer to Policy I4.xx.3.(17)

I4.xx.10.2.3 Transport

- (1) Refer to Policy I4.xx.3.(1)
- (2) Refer to Policy I4.xx.3.(3)
- (3) Refer to Policy I4.xx.3.(9)
- (4) Refer to Policy I4.xx.3.(10)
- (5) Refer to Policy I4.xx.3.(11)
- (6) Refer to Policy I4.xx.3(13)
- (7) An integrated street lighting and landscaping theme should be implemented which is consistent with the overall environmental context.
- (8) Landscape treatment of roads should maintain and enhance views into Opaheke Park (where practical).

I4xx.10.2 4 Design, Location and Integration

- (1) Refer to Policy I4.xx.3(1)
- (2) Refer to Policy I4.xx.3(2)
- (3) Refer to Policy I4.xx.3(3)
- (4) Refer to Policy I4.xx.3(5)
- (5) Refer to Policy I4.xx.3(6)
- (6) Refer to Policy I4.xx.3(7)
- (7) Refer to Policy I4.xx.3.(8)
- (8) Refer to Policy I4.xx.3(11)

I4.xx.10.2.5 Development Standard infringements

- (1) The standard of Rule C1.9
- (2) For buildings that do not comply with Standard I4.xx.7.1.4 Front, side and rear fences and walls, Standard I4.xx.7.2.1 Yards; Standard I4.xx.7.2.3 or 7.3.2 Building coverage; Standard I4.xx.7.2.4 or 7.3.3 Landscaped area:
 - a. Refer to Policy I4.xx3(2);
 - b. Refer to Policy I4.xx.2(6); and
 - c. Refer to Policy I4.xx.2(7)
- (3) For infringement of standard I4.xx.7.1.2 Dwelling fronting Opaheke Road:
 - a. Access should be provided by way of a rear access, Jointly Owned Access Lot or from an alternative road boundary;
 - b. The assessment criteria of E27.8.2(11)(a)(i); and
 - c. Refer to Policy I4.xx.3(9)(b)
 - d. Refer to Policy I4.xx3(6)(a) to (d)
- (4) For infringement of standard I4xx.7.1.3 On-site stormwater management:
 - a. The assessment criteria E10.8.2_1(a) and (b) [Stormwater Management Area – Flow 1 and Flow 2]
 - b. Where the non-compliance occurs on sites/lots where space for on-site devices is constrained, whether runoff from the impervious surfaces can be accommodated on-site for retention and within the public stormwater system/network for detention; or
 - c. Refer to Policy I4.xx.3(15)
- (5) For infringement of Standard I4.xx.7.1.5 Retaining walls:
 - a. The degree of overshadowing or adverse visual amenity effects from the retaining walls on on-site amenity and on neighbouring properties; and
 - b. The degree to which the retaining visible to the neighbours, is attractively designed and incorporates modulation, landscaping and quality materials.
 - c. Refer to Policy I4.xx.(6)
 - d. Refer to Policy I4.xx.(7)
 - e. Refer to Policy I4.xx(8)
- (6) For infringement of standards I4.xx.7.2.2 or I4.xx.7.3.1 Maximum impervious area
 - a. Subdivision and development should restrict maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.
 - b. The extent to which subdivision and development restricts maximum impervious area to 70 per cent for the application area (excluding roads and green infrastructure corridors) where there are multiple dwelling typologies.
 - c. Whether adequate provision for on-site stormwater management is provided for within Terrace Housing typologies consistent with the Network Discharge Consent (and associated Stormwater Management Plan).
 - d. Refer to Policy I4.xx.3(15)

I4.xx.10.2.6 Comprehensive Residential Developments

- (1) In addition to I4.xx.10.2.4, the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:
 - a. In the Mixed Housing Suburban Zone:
 - i. Standard I4.xx.7.2.2 Maximum impervious areas;
 - ii. Standard I4.xx.7.2.3 Building coverage;
 - iii. Standard I4.xx.7.2.4 Landscaped area;
 - i. Standards H4.6.11 Outlook space;
 - ii. Standards H4.6.12 Daylight;
 - iii. Standards H4.6.13 Outdoor living space;
 - iv. Standards H4.6.15 Minimum dwelling size.
 - b. In the Mixed Housing Urban zone:
 - i. Standard I4.xx.7.3.1 Maximum impervious areas;
 - ii. Standard I4.xx.7.3.2 Building coverage;
 - iii. Standard I4.xx.7.3.3 Landscaped area;
 - i. Standard H5.6.12 Outlook space;
 - ii. Standard H5.6.13 Daylight;
 - iii. Standard H5.6.14 Outdoor living space;
 - iv. Standard H4.6.16 Minimum dwelling size.

E4.xx.11 Special information requirements

I4.xx.11.1 Landscaping plan for roads, private laneways, private lots, comprehensive residential development, and riparian and wetland planting

- (1) Any application for subdivision or development creating roads, private laneways, private lots, comprehensive residential developments, and riparian and wetland planting must provide a concept landscaping plan, which includes the following key elements:
 - a. for roads, Jointly Owned Access Lots, Comprehensive Residential Development, and the planting of riparian, wetland and green corridors:
 - i. species, Pb sizes, planting density;
 - b. for riparian and wetland planting only
 - i. the depth of planting within riparian margins,
 - ii. cross sections of planting within riparian margins
 - iii. details on how eco-sourcing planting will be achieved; and
 - iv. integration into the landscape of infrastructure including stormwater outfall devices
 - c. for comprehensive residential developments only:
 - i. the proposed landscaping within front yards; and
 - ii. retaining wall and fencing details, boundary treatment, the location of bollards, cycle parking design, bin enclosures and letterboxes;
 - d. for roads to vest and proposed Jointly Owned Access Lots only
 - i. pavement plan, detailing materiality and colour, and identifying surface treatments to slow traffic and promote pedestrian movement throughout the development site and at key intersections of the Jointly Owned Access Lots with the public road;
 - ii. a 'way finding' signage plan for pedestrian connections from Opaheke Road through the development and to Opaheke Park; and
 - iii. a lighting plan for Jointly Owned Access Lots

I4.xx.12 Definitions specific to Opaheke 1 precinct

Attached housing

Attached housing is a self-contained dwelling that adjoins another dwelling, sharing walls and/or intermediate floors. All ground floor dwellings has direct street access.

Community Housing Provider

means a housing provider (other than Housing New Zealand Corporation) that has, as one of its objectives, the provision of one or both of the following types of housing:

- a) social rental housing:
- b) affordable rental housin

Detached dwellings

Detached housing is a free standing dwelling that does not share walls with another dwelling. The ground floor plan shape may or may not have one edge on a side boundary known as a zero lot condition. The zero lot setback typically occurs in the southern or eastern quarters giving a more efficient use of private open space to the opposing side and capitalising on good solar orientation to the north and west. Parking and servicing is from the street or a rear lane and can be integrated with the house or be detached.

Household Income

Household income must include all taxable income as defined by the New Zealand Inland Revenue Department.

Relative Affordable

Housing that is:

- a) bought by first home buyers with the intention to remain in the same ownership for three years from the date of first transfer, where the purchaser has a gross household income that does not exceed 120 per cent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
- b) sold at a price that does not exceed 75 per cent of the Auckland region median house price published by the Real Estate Institute of New Zealand and calculated as an average of 3 calendar months previous to the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later

Retained affordable

Housing that is:

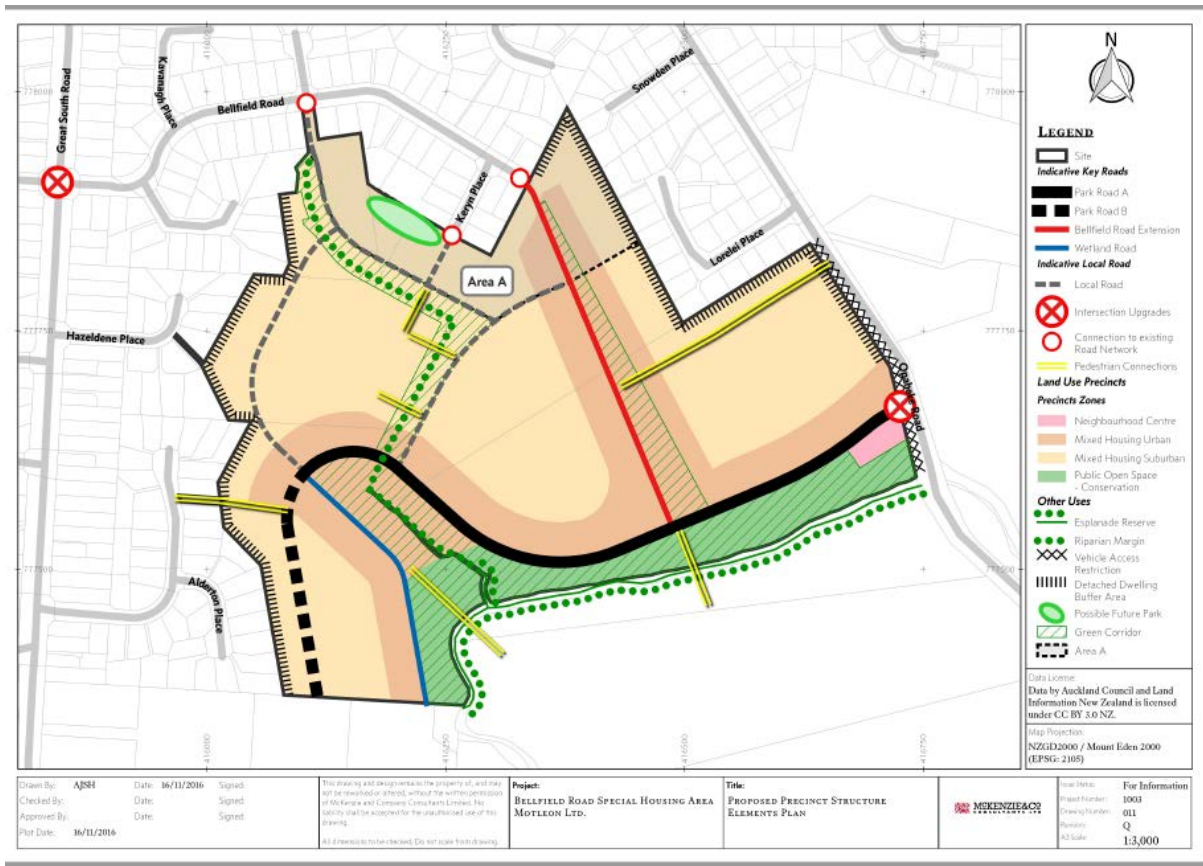
- a) built by a registered community housing provider or Housing New Zealand Corporation; or
- b) sold to a registered community housing provider or Housing New Zealand Corporation; and
- c) sold at a price defined by the Auckland median household income as published by Statistics New Zealand for the most recent June quarter before the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the latter.

Show home

A house on a newly built subdivision which is furnished and decorated to be shown to prospective buyers

14.xx.13 Precinct plan

14.xx.13.1 Opaheke 1 precinct plan



Attachment 2: Decisions on submissions received on the Plan Variation (by issue/topic)

Further to the decision made above, the following decisions have been made in respect of submissions received on the plan variation.

Plan Variation

For the reasons outlined in the decision above, those parts of submissions that seek acceptance of the plan variation are accepted (submissions 3, 6, 7, 8 and 9).

Density

Submission points 4-1 and 4-3 seeking to reduce the density of the proposed development are declined on the basis that the development provides for the efficient use of land, the necessary infrastructure can be provided and it meets the purpose of HASHAA by facilitating land and housing supply.

Amenity

Submissions 4-2, 10-18 10-19 and 12-9 are concerned with the loss of amenity associated with the development of this land. These submissions are accepted in part to the extent that the precinct provisions have been strengthened to recognise the importance of urban design as a matter that contributes to the development's overall amenity. Additional policies, rules and assessment criteria have also introduced to manage building design (including retaining walls) and to achieve integrated development, particularly where smaller sites are proposed.

Construction effects and operational noise effects

Submissions 4-4, 10-12 to 10-6, 12-4 and 12-6 raise concerns over construction effects and are accepted in part. The Qualifying Development conditions of consent will appropriately mitigate the submitters concerns about adverse construction effects. With regard to operational noise, any activities will need to comply with the relevant noise limits in the Auckland Unitary Plan (operative in part).

Transport effects

Submissions 4-5, 5-2, 10-22 and 12-11 raise concerns about traffic congestion. These submissions are accepted in part on the basis that the Plan Variation recognises that upgraded road infrastructure is necessary for the wider network and incorporates a requirement for intersection improvements of Great South Road/Bellfield Road and Taonui Place. The conditions of consent to the Qualifying Development will address potential concerns at the Opaheke Road intersection.

Submissions 10-21, 5-2 and 10-20 are declined as the matters of overflow parking from Opaheke Park and security on existing walkways are not matters for determination by this decision.

Stormwater, flooding and earthworks

Submissions concerned with adverse effects arising from stormwater management, building in flood plains and earthworks are accepted in part (submissions 5-1, 10-1, 10-2, 10-6, 10-10, 10-11, 12-4, 12-7, 12-13). The applicant's proposal and the conditions of consent should mitigate any adverse effects on managing stormwater, flooding and earthworks.

Ecology

Concern by submissions 4-6 and 10-18 regarding adverse ecological effects, including the loss of habitat for flora and fauna, are accepted in part to the extent that the Precinct provisions have been amended to quantify how riparian and green corridor planting is provided. Significant planting of riparian margins and green corridors, together with additional street tree planting, will provide a suitable basis for a range of new terrestrial and freshwater habitats, mitigating the submitters concerns.

Open Space

Submission 10-8 raises issues regarding the extent of open space being made available to the community. This submission is accepted in part as the Precinct's open space policy framework has been amended to provide additional guidance on the provision and management of open space.

Submissions 10-7, 10-9, 12-1, and 12-3 are declined as the matters raised are outside the scope of this decision.

Property values and consultation and engagement

Submissions 5-4, 10-3 to 10-5 and 12-10 are declined. We are satisfied that the level of consultation undertaken and the information provided by the applicant meets the requirements of HASHAA. We also consider that the notification of the proposal was undertaken in accordance with HASHAA. As the Court has often observed, property values are a derivative effect and are generally not a matter for consideration.. That is, the primary effects of amenity, streetscape, landscape etc, which directly influence property values, are the proper focus.

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QD Conditions

Under section 37 and s38 of the Housing Accords and Special Housing Area Act 2013, this consent is subject to the following conditions:

1. GENERAL CONDITIONS

General Conditions- Applicable to both Land Use and Subdivision

The qualifying development shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent numbers R-JSL-2016-3333 (Land use and subdivision), R/REG/2016/4238 (Stream Works) and R/REG/2016/4593 (Earthworks) as modified by the following conditions of consent:

Application Form, and Assessment of Environmental Effects and appendices by Alex Van Son, titled Concurrent Qualifying Development Application by Motleon Limited in the Bellfield Special Housing Area, Referenced 618 and dated July 2016;

Drawings and specialist reports detailed below for the proposed development for Motleon Limited at 29 Bellfield Road, Bellfield Road, 15 Hazeldene Place and 117 Opaheke Road, legally described as Lot 16 DP 65956, Pt Allot. 23 DP 66983, Lot 2 DP 98457, Lot 49 DP 91417 & Pt Allot. 66 DP 84109, Lot 65 DP 84109, Lot 1 DP 65192, Lot 2 DP 65192 and Part Allot. 52, Parish of Opaheke and Pt Lots 1 2 DP 65192, Pt Lot 3 DP25726, Pt Allot. 52 SO 49899 Parish of Opaheke; and Opaheke Park, legally described as Lot 1 DP 65192 and Pt Allot. 17, 52 Parish of Opaheke.

General Documents

Reference	Rev	Title	Prepared by	Date
		Application Coversheet	Planning Focus Limited	July 2016
Annexure A		Form AA – Application for resource consent for a Qualifying Development (QD) in an approved Special Housing Area (SHA)	Planning Focus Limited	July 2016
Annexure B		Certificates of Title		

Reports

Assessment of Environmental Effects				
Annexure C		Application for a Concurrent Qualifying Development and Regional Consent	Planning Focus Limited	July 2016
Engineering Report				
Annexure G		Civil Report - Qualifying Development and Enabling Works at 29 Bellfield Road and 117 Opaheke Road, Papakura	McKenzie and Co Consultants Limited	August 2016

Annexure G Appendix 2		Geotechnical Investigation for Preliminary Geotechnical Assessments at 165 Opaheke Road, Papakura	Lander Geotechnical Consultants Limited	February 2016
		Geotechnical Investigation for Proposed Subdivision at 29 Bellfield Road and 117 Opaheke Road, Papakura	Lander Geotechnical Consultants Limited	23 June 2016
		Lander Geotechnical Preliminary Report (2016)	Lander Geotechnical Consultants Limited	March 2016
		Preliminary Geotechnical Investigation Report at 29 Bellfield Road and 117 Opaheke Road, Papakura	Coffey Geotechnics (NZ) Limited	February 2014
Annexure G – Appendix 3		Bellfield Road SHA Hydrogeological Services	Tonkin and Taylor	May 2016
Annexure G – Appendix 4		Updated USLE Calculations		10 June 2016
		TP 90 Earth Bund Sizing – Deb Pond Calc template RevA	McKenzie and Co Consultants Ltd	July 2016
		TP 90 Earth Bund Sizing – Sed Pond Calc template RevA	McKenzie and Co Consultants Ltd	July 2016
Annexure G – Appendix 5	12799 – N1A Sheet No. 3 of 3 Rev A	Access Design 8m Truck Tracking	TDG	June 2016
	12799A1A sk2	Car Tracking	TDG	June 2016
	12799A1B sk1	8m Truck Tracking	TDG	June 2016
	12799A1B sk2	11.5m Truck Tracking	TDG	June 2016
Additional information	12799A4A	Opaheke Road SHA Residential LRT Tracking Plan	TDG	24/08/2016
Annexure G – Appendix 6		Environmental Site Investigation	ENGEO	June 2016
Annexure G – Appendix 7		Stormwater Calculations Riprap Protection Sizing – C4 Culvert Riprap sizing RevA	McKenzie and Co Consultants Ltd	June 2016
		Raingarden Calculations	McKenzie and Co Consultants Ltd	
		Stormwater network – 12D Output	McKenzie and Co Consultants Ltd	July 2016
		Swale and Culvert Calculations	Bentley Systems Inc	July 2016
Annexure G – Appendix 8		Wastewater Calculations	McKenzie and Co Consultants Ltd	May 2016
		Watercare Services Limited Wastewater Flow Calculations	McKenzie and Co Consultants Ltd	July 2016

		Watercare Services Limited Wastewater Flow Calculations	McKenzie and Co Consultants Ltd	June 2016
Annexure G Appendix 9		Flocculation Management Plan (Draft) Qualifying Development and Enabling Works at 29 Bellfield Road and 117 Opaheke Road, Papakura	McKenzie and Co Consultants Limited	August 2016
Additional information		Concept Infrastructure Report for Plan Variation	McKenzie and Co Consultants Limited	August 2016
Additional information	J00213	Updated Geotechnical Memo	Lander Geotechnical Consultants Limited	25 August 2016
Additional information		Geotechnical Memo – Slope Stability Assessment for Proposed Development	Lander Geotechnical Consultants Ltd	August 2016
Stormwater Management Plan				
Annexure H		Stormwater Management Plan Opaheke Special Housing Area	Stormwater Solutions Consulting Limited (CKL)	30 August 2016
Additional information		Letter - Bellfield SHA- Response to DPO Healthy Waters unit issues	Stormwater Solutions Consulting Limited (CKL)	30 August 2016
Ecology Report relevant to R/REG/2016/4593 (Earthworks) and Conditions R/REG/2016/4238 and (Stream Works) R/JSL/2016/3333 (Land-use)				
Annexure N of the PV reports		Bellfield Road SHA and Opaheke Park Ecological Assessment and Restoration Report	FreshWater Solutions Limited	June 2016
Additional information		Ecological Correspondence – Bellfield and Opaheke Park Ecology S92 Response	FreshWater Solutions Limited	31 August 2016
Additional information		Opaheke Park Watercourse Restoration	FreshWater Solutions Limited	4 October 2016
Transportation report				
Annexure S of the PV reports		Integrated Transportation Assessment Report	TDG	September 2016
Archaeological Report				
Annexure I of the PV reports		117 Opaheke Road and 29 Bellfield Road, Opaheke Papakura Auckland Archaeological Assessment	Clough & Associates Ltd.	March 2014
Cultural Impact Statements				
Annexure J of the PV reports		Cultural impact assessment by Te Ākitai Waiohua for Bellfield Road Special Housing Area		

Annexure K of the PV reports		Ngāti Tamaoho Cultural Impact Assessment	Ngāti Tamaoho Trust	June 2016
Contamination				
Annexure M of the PV reports		Contaminated Land Assessment, 29 Bellfield Road and 117 Opaheke Road, Papakura	Coffey	20 February 2016

Plans:

Reference	Rev/Reference	Title	Prepared by	Date
Architectural Plans				
Annexure D	1556 Sheet No. RC-001 Rev A	Site Plan	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-002 Rev C	Retaining Plan part 1	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-003 Rev C	Retaining Plan part 2	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-004 Rev C	Fencing Plan part 1	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-005 Rev C	Fencing Plan part 2	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-006 Rev A	Overall Street Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-007 Rev B	Park Road Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-008 Rev B	Street Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-009 Rev B	Street Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-010 Rev B	Street Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-011 Rev B	Street Elevations	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-020 Rev A	Sections	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-101 Rev B	Type A3 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-102 Rev B	Type B4 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-103 Rev B	Type C4 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-104 Rev B	Type D2 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-105 Rev B	Type E3 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-106 Rev B	Type F4 Floor Plans	Brewer Davidson Limited	1 July 2016
	1556 Sheet No. RC-107 Rev B	Type G3 Floor Plans	Brewer Davidson Limited	1 July 2016
Annexure E		Opaheke Park Concept Design		10 August 2016
Engineering Drawings				
Annexure G – Appendix 1	1003 Drawing No. 010 Rev D	Proposed Precinct Plan	McKenzie and Co Consultants Limited	30/08/2016

Reference	Rev/Reference	Title	Prepared by	Date
	1003 Drawing No. 011 Rev I	Proposed Precinct Structure Elements Plan	McKenzie and Co Consultants Limited	30/08/2016
	1003 Drawing No. 012 Rev E	Stormwater management Plan	McKenzie and Co Consultants Limited	25/08/2016
	1003 Drawing No. 1003-013 Rev B	Asset Ownership Plan	McKenzie and Co Consultants Limited	25/08/2016
	1003 Drawing No. 1003-014 Rev A	Site Plan	McKenzie and Co Consultants Limited	25/08/2016
	1003 Drawing No. 1003-015 Rev A	Site Plan & Opahehe Deed 41	McKenzie and Co Consultants Limited	26/08/2016
	1003 Drawing No. 1003-016 Rev A	Indicative Stream Outlets	McKenzie and Co Consultants Limited	29/08/2016
	1003 Drawing No. 1003-020 Rev A	Keryn Reserve Section Plan	McKenzie and Co Consultants Limited	31/05/2016
	1003 Drawing No. 1003-021 Rev A	Keryn Reserve Cross Section A	McKenzie and Co Consultants Limited	31/05/2016
	1003 Drawing No. 1003-022 Rev A	Keryn Reserve Cross Section B	McKenzie and Co Consultants Limited	31/05/2016
	1003 Drawing No. 1003-023 Rev B	Keryn Reserve Cross Section C	McKenzie and Co Consultants Limited	31/05/2016
Scheme Plans (updated)				
	1003 Drawing No. 1003-100 Rev E	Lots 1-92, 100-107 and 1000 Being a Subdivision of Lot 2 DP 65192 & Part Lot 23 DP 66983 Sheet 1 of 5	McKenzie and Co Consultants Limited	12/05/2016
	1003 Drawing No. 1003-101 Rev E	Lots 1-92, 100-107 and 1000 Being a Subdivision of Lot 2 DP 65192 & Part Lot 23 DP 66983 Sheet 2 of 5	McKenzie and Co Consultants Limited	12/05/2016
	1003 Drawing No. 1003-102 Rev C	Lots 1-92, 100-107 and 1000 Being a Subdivision of Lot 2 DP 65192 & Part Lot 23 DP 66983 Sheet 3 of 5	McKenzie and Co Consultants Limited	12/05/2016
	1003 Drawing No. 1003-103 Rev A	Lots 1-92, 100-107 and 1000 Being a Subdivision of Lot 2 DP 65192 & Part Lot 23 DP 66983 Sheet 4 of 5	McKenzie and Co Consultants Limited	21/06/2016
	1003 Drawing No. 1003-103 Rev A	Lots 1-92, 100-107 and 1000 Being a Subdivision of Lot 2 DP 65192 & Part Lot 23 DP 66983 Sheet 4 of 5	McKenzie and Co Consultants Limited	21/06/2016
Earthworks Plans (staging plan to be provided) Relevant to R/REG/2016/4593 (Earthworks) and Conditions R/REG/2016/4238 (Stream Works)				
	1003 Drawing No. 1003-200 Rev E	Overall Earthworks Plan	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-201 Rev E	Earthworks Plan Sheet 1 of 4	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-202 Rev E	Earthworks Plan Sheet 2 of 4	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-203 Rev E	Earthworks Plan Sheet 3 of 4	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-204 Rev B	Earthworks Plan Sheet 4 of 4	McKenzie and Co Consultants Limited	21/10/2016
	1003 Drawing No. 1003-210 Rev G	Overall Earthworks Cut and Fill Plan	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No.	Earthworks Cut and Fill Plan	McKenzie and Co	26/10/2016

Reference	Rev/Reference	Title	Prepared by	Date
	1003-211 Rev G	Sheet 1 of 3	Consultants Limited	
	1003 Drawing No. 1003-212 Rev G	Earthworks Plan Sheet 2 of 3	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-213 Rev G	Earthworks Plan Sheet 3 of 3	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-220 Rev A	Overall Erosion and Sediment Control Plan	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-221 Rev B	Erosion and Sediment Control Plan Sheet 1 of 3	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-222 Rev A	Erosion and Sediment Control Plan Sheet 2 of 3	McKenzie and Co Consultants Limited	15/09/2016
	1003 Drawing No. 1003-223 Rev A	Erosion and Sediment Control Plan Sheet 3 of 3	McKenzie and Co Consultants Limited	15/09/2016
	1003 Drawing No. 1003-224 Rev A	Overall Earthworks Staging Plan	McKenzie and Co Consultants Limited	20/10/2016
	1003 Drawing No. 1003-225 Rev A	Earthworks Stage 1 Staging Plan	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-226 Rev A	Earthworks Stage 2 Staging Plan	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-227 Rev A	Earthworks Stage 3 Staging Plan	McKenzie and Co Consultants Limited	26/10/2016
	1003 Drawing No. 1003-230 Rev A	Earthworks Retaining Wall Long Section Sheet 1 of 2	McKenzie and Co Consultants Limited	25/10/2016
	1003 Drawing No. 1003-231 Rev A	Earthworks Retaining Wall Long Section Sheet 2 of 2	McKenzie and Co Consultants Limited	04/07/2016
	1003 Drawing No. 1003-235 Rev A	Typical Retaining Wall Section	McKenzie and Co Consultants Limited	19/09/2016
	1003 Drawing No. 1003-290 Rev A	Erosion and Sediment Control Details Sheet 1 of 3	McKenzie and Co Consultants Limited	23/06/2016
	1003 Drawing No. 1003-291 Rev A	Erosion and Sediment Control Details Sheet 2 of 3	McKenzie and Co Consultants Limited	23/06/2016
	1003 Drawing No. 1003-292 Rev A	Erosion and Sediment Control Details Sheet 3 of 3	McKenzie and Co Consultants Limited	24/06/2016
Roading Plans				
	1003 Drawing No. 1003-300 Rev C	Overall Road Layout Plan	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-301 Rev B	QD Road Layout Plan	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-302 Rev A	QD Opaheke Road Widening Plan	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-303 Rev A	QD Opaheke Road Widening Plan	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-305 Rev A	QD Opaheke Road Layout Parking Bay Plan	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-306 Rev A	QD Opaheke Road Rubbish Collection Plan	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-310 Rev C	Road Longsections	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-360 Rev F	Typical Road Cross Sections Sheet 1 of 3	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-361 Rev D	Typical Road Cross Sections Sheet 2 of 3	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-362 Rev B	Typical Road Cross Sections Sheet 3 of 3	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-390 Rev A	Auckland Transport Standard Details Sheet 1 of 5	McKenzie and Co Consultants Limited	June 2016

Reference	Rev/Reference	Title	Prepared by	Date
	1003 Drawing No. 1003-391 Rev A	Auckland Transport Standard Details Sheet 2 of 5	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-392 Rev A	Auckland Transport Standard Details Sheet 3 of 5	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-393 Rev A	Auckland Transport Standard Details Sheet 4 of 5	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-394 Rev A	Auckland Transport Standard Details Sheet 5 of 5	McKenzie and Co Consultants Limited	June 2016
Additional information		Amended Bellfield Road cross section	Surfacedesign Inc	22 June 2016
Additional information	1003-370 Rev A	Proposed Subdivision of Bellfield – Opaheke Special Housing Area – Vehicle Tracking for 95% car	McKenzie and Co Consultants Limited	19/10/2016
Stormwater Plans				
	1003 Drawing No. 1003-400 Rev C	Overall Stormwater Layout Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-410 Rev A	Stormwater Long Section Sheet 1 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-411 Rev A	Stormwater Long Section Sheet 2 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-412 Rev A	Stormwater Long Section Sheet 3 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-413 Rev A	Stormwater Long Section Sheet 4 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-414 Rev A	Stormwater Long Section Sheet 5 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-415 Rev A	Stormwater Long Section Sheet 6 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-416 Rev A	Stormwater Long Section Sheet 7 of 7	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-420 Rev A	Q100 Stormwater Overland Flow Path Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-440 Rev B	Bellfield Stormwater Flood Mitigation Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-441 Rev A	Pre – Post Development Flood Extent	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-442 Rev A	Bellfield Typical Sections B & C Plan	McKenzie and Co Consultants Limited	May 2016
Additional information	1003 Drawing No. 1003-443 Rev A	Bellfield Intersection Detail	McKenzie and Co Consultants Limited	06/10/2016
	1003 Drawing No. 1003-450 Rev A	Typical Stepped Raingarden Details	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-451 Rev A	Typical Bioretention Details and Sections Sheet 1	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-452 Rev A	Typical Bioretention Details and Sections Sheet 2	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-453 Rev B	Raingarden S9/1 Details and Sections	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-461 Rev C	Drainage Slippery Creek Plan	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-462 Rev C	Drainage Slippery Creek Plan	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-463 Rev B	Long Section Tributary C	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-464 Rev B	Long Section Slippery Creek	McKenzie and Co Consultants Limited	August 2016

Reference	Rev/Reference	Title	Prepared by	Date
	1003 Drawing No. 1003-465 Rev C	Cross Section A Slippery Creek	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-466 Rev C	Cross Section B Slippery Creek	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-467 Rev C	Cross Section C Slippery Creek	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-468 Rev C	Cross Section D Slippery Creek	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-469 Rev C	Cross Section E Tributary C	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-470 Rev C	Cross Section F Tributary C	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-471 Rev B	Cross Section G Greenland Swale	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-472 Rev B	Cross Section H Greenland Swale	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-473 Rev B	Cross Section I Greenland Swale	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-475 Rev A	Drainage Slippery Creek & Trib C Plan	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-476 Rev A	Cross Section J Tributary C	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-477 Rev A	Cross Section K	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-478 Rev A	Cross Section L	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-479 Rev A	Cross Section M	McKenzie and Co Consultants Limited	August 2016
	1003 Drawing No. 1003-490 Rev A	Stormwater Standard Details Sheet 1 of 3	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-491 Rev B	Stormwater Standard Details Sheet 2 of 3	McKenzie and Co Consultants Limited	June 2016
	1003 Drawing No. 1003-492 Rev A	Stormwater Standard Details Sheet 3 of 3	McKenzie and Co Consultants Limited	June 2016
Additional information	1003 Drawing No. 1003-025 Rev A	Slippery Creek Weir Location	McKenzie and Co Consultants Limited	05/10/2016
Additional information		Worksheet for Broad Crested Weir - 1	McKenzie and Co Consultants Limited	05/10/2016
Additional information		Worksheet for Broad Crested Weir - 2	McKenzie and Co Consultants Limited	05/10/2016
Additional information		Worksheet for Broad Crested Weir - 3	McKenzie and Co Consultants Limited	05/10/2016
Additional information	ENV1485 Drawing No. 450 Rev 00	Schematic Water Depth	CKL Consultants	
Wastewater Plans				
	1003 Drawing No. 1003-501 Rev D	QD Wastewater Layout Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-502 Rev C	Wastewater Trunk AA Layout Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-510 Rev D	Wastewater Long Section Sheet 1 of 3	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-511 Rev D	Waterwater Long Section Sheet 2 of 3	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-512 Rev B	Wastewater Long Section Sheet 3 of 3	McKenzie and Co Consultants Limited	May 2016

Reference	Rev/Reference	Title	Prepared by	Date
	1003 Drawing No. 1003-520 Rev A	Wastewater Pumping Station Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-590 Rev A	Watercare Services Ltd Standard Details Sheet 1 of 2	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-591 Rev A	Watercare Services Ltd Standard Details Sheet 2 of 2	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-600 Rev B	Overall Bulk Water Reticulation Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-601 Rev C	Water Reticulation QD Plan	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-690 Rev A	Watercare Services Ltd Standard Details Sheet 1 of 4	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-691 Rev A	Watercare Services Ltd Standard Details Sheet 2 of 4	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-692 Rev A	Watercare Services Ltd Standard Details Sheet 3 of 4	McKenzie and Co Consultants Limited	May 2016
	1003 Drawing No. 1003-693 Rev A	Watercare Services Ltd Standard Details Sheet 4 of 4	McKenzie and Co Consultants Limited	May 2016

S28 Further Information

		Further Information Request Opus	Opus	August 2016
		Further Information Request 12082016 combined		
		Planning Focus Cover Letter – Response to Request for Further Information Under s28 and s64 of HASHAA	Planning Focus	September 2016
		Request for Further Info – Response Matrix	Planning Focus	September 2016
Updated QD Landscape Plan		Bellfield QD Landscape Plan	Surface Design Inc	October 2016
Updated QD Laneway Plan		Bellfield Road SHA – Road Typology – Laneway and east west laneway	Surface Design Inc	June 2016

In the event of any inconsistency between the approved drawings and supplementary documentation, the approved drawings will prevail.

Advice Note:

All engineering plans referenced in condition 1 are indicative and are subject to Engineering Plan Approval.

Lapse of Consents R/JSL/2016/3333 (Subdivision & Land Use)

- Under section 51(a)(iii) of the Housing Accords and Special Housing Area Act (HASHAA) 2013, this consent lapses 3 years after the date it is granted, unless given effect-to prior to this date or the Council extends the period after which the consent lapses.

MONITORING CHARGES

3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

Advice Note:

The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.

Consent Duration R/REG/2016/4238 (Stream Works) and R/REG/2016/4593 (Earthworks)

4. Under section 50 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 and section 123 of the RMA the earthworks and stream works for permit R/REG/2016/4238 and R/REG/2016/4238 shall expire 6 years after the date of commencement unless it has lapsed, been surrendered or been cancelled at an earlier date.

PRE-DEVELOPMENT CONDITIONS

Construction Management Plan

5. Prior to the commencement of any works, construction or any earthworks activity, a finalised Construction Management Plan (CMP) shall be submitted to the Team Leader Compliance and Monitoring – South in liaison with the Parks Department. No construction activity is permitted to commence until the CTMP for the work has been approved by the Council (Team Leader Compliance and Monitoring – South) and all construction traffic shall be managed in accordance with the approved CTMP.

The purpose of the CMP is to avoid, remedy or mitigate all temporary effects of site works and construction activity. The Construction Management Plan should contain specific details relating to the removal of demolition materials, the delivery of construction materials to the site, and the management of all building construction to address the following matters:

- Vehicle parking requirements for site staff, contractors and sub-contractors;
- Areas for refuelling and lubrication of machinery shall be identified and located well away from any streams or overland flow paths.
- Site or project manager contact details (phone, email, postal address);
- Material storage and stockpile containment measures;
- Measures proposed to manage the tracking of mud, dirt and debris on to surrounding roads and to keep roads clean and tidy;
- Construction waste management;
- Traffic movements;
- Protection of established streetscape planting, grass berms, tree pits and stormwater swales during works;
- Measures to contain and remove contaminants such as concrete and masonry

- saw runoff to prevent it entering the stormwater system;
- Measures to be adopted to ensure that pedestrian access past the works is provided where practicable and that such access is safe;
- Management of roof rain-water during construction phase prior to connection to the public stormwater system for the prevention of erosion on site;
- Hours of operation and days of the week for construction activities; and
- Proposed Erosion and Sediment Control Plan for the building construction phase of the development.
- Measure to be adopted to ensure protection of the sportsfields, carparking and main accessway within Opaheke Park
- All work on the site, including demolition, excavation and construction shall be carried out in accordance with the Council approved CMP

Advice Note

To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve*
- *A new driveway.*

Construction Traffic Management Plan

6. The consent holder shall submit to the Council (Team Leader Compliance and Monitoring – South), prior to any works commencing, a Construction Traffic Management Plan (CTMP) prepared in accordance with the Council’s requirements for CTMPs and New Zealand Transport Authority’s Code of Practice for Temporary Traffic Management. No construction activity is permitted to commence until the CTMP for the work has been approved by the Council (Team Leader Compliance and Monitoring – South) and all construction traffic shall be managed in accordance with the approved CTMP.

Advice Note:

It is the responsibility of the consent holder to seek approval for the Construction Traffic Management Plan from Auckland Transport. Please contact Auckland Transport on (09) 355 3553 and review www.beforeudig.co.nz before you begin works.

Corridor Access Requests

7. It will be the responsibility of the applicant to determine the presence of any underground services that may be affected by the applicants work in the road reserve. Should any services exist, the applicant shall contact the owners of those and agree on the service owner’s future access for maintenance and upgrades. Services information may be obtained from <http://www.beforeudig.co.nz/>

Advice note

All work in the road reserve shall be carried out in accordance with the general requirements of The National Code of Practice for Utility Operators' Access to Transport Corridors <http://nzuag.org.nz/national-code/ApprovedNationalCodeFeb13.pdf> and Auckland Transport's Code of Practice <https://at.govt.nz/about-us/auckland-transport-code-of-practice/>

Prior to carrying out any work in the road corridor, the applicant shall submit to Auckland Transport a Corridor Access Request (CAR) and temporary traffic management plan (TMP), the latter prepared by an NZ Transport Agency qualified person and work shall not commence until such time as the applicant has approval in the form of a Works Access Permit (WAP). The application may be made through <http://www.beforeudig.co.nz/> and 15 working days should be allowed for approval

Chemical Treatment Plan

8. Prior to the commencement of bulk earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader Compliance and Monitoring – South. The plan shall include as a minimum:
 - a) Specific design details of the chemical treatment system based on a rainfall activated methodology (excluding flocculant socks) for all sediment retention ponds and batch dosing for any decanting earth bunds;
 - b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
 - c) Details of optimum dosage (including assumptions);
 - d) Results of initial chemical treatment trial;
 - e) A spill contingency plan; and
 - f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note:

In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 52 of the HASHAA (section 127 of the RMA). Any minor amendments should be provided to the Team Leader Southern Monitoring, Compliance, Auckland Council prior to implementation to confirm that they are within the scope of this consent.

9. Chemical Treatment of all sediment retention ponds and decanting earth bunds shall be applied in accordance with the Chemical Treatment Management Plan (CTMP) approved in Condition 8 above.
10. The sediment and erosion controls at the site of the works shall be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forwarded to the Team Leader Compliance and Monitoring – South on request.

Settlement Monitoring Procedure

11. Prior to earthworks commencing the consent holder shall provide a settlement monitoring and contingency plan to ensure earthworks are suitably monitored for the duration of works and mitigation if ground conditions differ to the geotechnical reporting.

Contamination - Requirement for asbestos survey

12. Prior to earthworks commencing onsite an asbestos survey of the building onsite shall be carried out by a suitably qualified and experienced professional and based on this assessment if required an Asbestos Management Plan shall be prepared and asbestos removal shall be carried out under the supervision of a person holding a Work-Safe NZ certificate of competence for restricted works.

Advice Note:

If any asbestos containing material is found removal and demolition shall meet the requirements of the Health & Safety at Work (Asbestos) Regulations 2016. Additional information can be found on www.worksafe.govt.nz.

Contamination Monitoring and Management Plan

13. Prior to earthworks commencing a Contamination Monitoring and Management Plan shall be prepared to the approval of the Team Leader Compliance and Monitoring - South, and any variations to the approved Contamination Monitoring and Management Plan shall be approved in writing by the Team Leader Compliance and Monitoring, Southern Resource Consenting and Compliance, Auckland Council.

Ecological Mitigation Plan

14. Prior to earthworks commencing, a finalised Ecological Mitigation Plan, in accordance with the ecological report and additional information referenced in Condition 1, shall be provided to Council for approval in conjunction with the Engineering Plan Approval.

a) The ecological mitigation plan relates to the following areas:

- i. Riparian Planting of both sides of Slippery Creek for a minimum length of ~~4206603~~4206603m and 15m in width, with the consent holder's site side measured from the bank of the stream or the edge of the stream as determined by the extent of the 2.3 year Mean Annual Flood (MAF) Event prior to earthworks commencing, and the Opaheke Park side from the bank of the stream or the edge of the stream as determined by the extent of the 2.3 year Mean Annual Flood (MAF) Event as measured after the earthworks have been completed.
- ii. The planting up of the full length of the final stream channel within Opaheke Park, approximately 825m in length and 10m in width on both sides.

b) The Ecological Mitigation Plan should specifically provide for:

- i. final species and planting sizes, details of ecosourcing and planting methodology and the maintenance programmes of the planting (for a minimum of 5 years, or until such time the canopy closure has been achieved).
- ii. Staging of earthworks, where applicable, and as necessary, and locations;
- iii. Details to ensure appropriate earthwork area closure and stream bank remediation / stabilizations; all necessary prior to winter works shutdown

- iv. A programme of establishment and post establishment protection and maintenance (fertilising, weed removal/spraying, replacement of dead/poorly performing plants, watering to maintain soil moisture, length of maintenance programme).
- v. Fish capture and relocations, for the Opaheke watercourse and Tributaries A, B, C, D and E;
- vi. Details of fish passage, in both the Development site and the Opaheke Reserve stream; including cross-section(s) of the Opaheke Stream reinstatement at the confluence of Slippery Creek.
- vii. Any intervention(s) proposed to reduce erosion potential within mitigation sites.
- viii. Weed and pest animal control provisions.
- ix. The ecological mitigation plan shall be implemented in the first planting season following completion of earthworks, in each stage, where appropriate.
- x. The stabilisation of the river banks of all other riparian areas at the conclusion of earthworks in accordance with Conditions 45 and 48.
- xi. Calculations of any further environmental compensation requirements for the loss/diversion of the Opaheke Park stream loss, consistent with the methodology recommended in Auckland Council Technical Report 2011/009: "Stream Ecological Valuation (SEV): a method for assessing the ecological functions of Auckland Streams". Calculations should be based on site-specific assessment of the affected streams.
- xii. Location of the mitigation site.

Lizard Management Plan

15. Prior to the commencement of any vegetation removal works the Consent Holder shall present, to the Team Leader Compliance and Monitoring – South, information (based on industry best practice survey methods), from a suitably qualified and experienced ecologist/herpetologist employed by the consent holder and who has been approved by the council, that identifies whether there are sufficient numbers of native lizards, geckos or skinks (or both) present on site to trigger a requirement that a Lizard Management Plan (LMP) be prepared, certified and implemented.

16. A LMP will need to be prepared if the survey results in the detection of:

- a) 1 or more individuals of a threatened native lizard species or;
- b) 3 or more individuals of a common native lizard species.

17. If the survey in Condition 15 above, detects native lizards in sufficient numbers to trigger the need for a LMP, the Consent Holder shall, prior to the commencement of any vegetation removal works, submit and have certified by the Team Leader Compliance and Monitoring - South, a Lizard Management Plan (LMP) prepared by a suitably qualified and experienced ecologist/herpetologist. The LMP Plan shall be designed so as to achieve the following two objectives:

- a) The population of each species of native lizard present on the site at which vegetation clearance is to occur shall be maintained or enhanced, either on the same site or at an appropriate alternative site; and

- b) The habitat(s) that lizards are transferred to (either on site or at an alternative site, as the case may be) will support viable native lizard populations for all species present pre-development.

The LMP shall address the following (where relevant):

- a) Credentials and contact details of the ecologist/herpetologist who will implement the plan.
- b) Timing of the implementation of the LMP.
- c) A description of methodology for survey, trapping and relocation of lizards rescued including but not limited to: salvage protocols, relocation protocols (including method used to identify suitable relocation site(s)), nocturnal and diurnal capture protocols, supervised habitat clearance/transfer protocols, artificial cover object protocols, and opportunistic relocation protocols.
- d) A description of the relocation site(s); including discussion of:
 - provision for additional refugia, if required e.g. depositing salvaged logs, wood or debris for newly released native skinks that have been rescued;
 - any protection mechanisms (if required) to ensure the relocation site is maintained (e.g.) covenants, consent notices etc;
 - any weed and pest management to ensure the relocation site is maintained as appropriate habitat.
- e) Monitoring methods, including but not limited to: baseline surveying within the site; baseline surveys outside the site to identify potential release sites for salvaged lizard populations and lizard monitoring sites; ongoing annual surveys to evaluate translocation success; pre and post – translocation surveys; and monitoring of effectiveness of pest control and/or any potential adverse effects on lizards associated with pest control;
- f) A post-vegetation clearance search for remaining lizards.

Advice note:

Please note that it is recommended that the lizard rescue plan is undertaken in conjunction with the vegetation clearance operations (and contractor) for an integrated approach (on the same day), to enable the physical search for gecko's following felling of trees and shrubs and to rescue any skinks from ground cover vegetation and terrestrial retreats.

PRE-COMMENCEMENT CONDITIONS

18. Prior to the commencement of any construction or earthworks (including any stream works) the consent holder shall hold a pre-construction meeting that:

- a. is located on the subject site,
- b. is scheduled **not less than 5 days** before the anticipated commencement of the construction, vegetation removal works or earthworks,
- c. includes Team Leader Compliance and Monitoring – South, Resource Consenting and Compliance, Auckland Council
- d. includes the Project Manager and the applicant's nominated representative,
- e. includes representation from the contractors who will undertake the works,
- f. includes the Council's Team Leader South Biodiversity and,
- g. includes the Council's Parks Consent Team Leader or any other necessary specialists; and

- The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and to ensure all relevant parties are aware of and familiar with the conditions of this consent.
- The meeting will also discuss the proposed temporary stream crossings proposed as part of the earthworks which will enable fill material to be moved from Opaheke Park to the Bellfield SHA area.

The following information shall be made available at the pre-construction meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Construction Management Plan (required Condition 5)
- Construction Traffic Management Plan (Condition 6)
- Final approved Corridor Access Request (incorporating traffic management plans – if required) (required by Condition 7)
- Chemical Treatment Management Plan (required by Condition 8)
- Settlement Monitoring Procedure (required by Condition 11)
- Asbestos Survey (required in Condition 12)
- Contamination Monitoring and Management Plan (Condition 13)
- Ecological Mitigation Plan (required by Condition 14)
- Lizard Management Plan (required by Condition 15)
- Finalised Site Specific Erosion and Sediment Control Plan for all earthworks; including all methodologies for the proposed streamworks in Slippery Creek and the Opaheke Park Stream, and the locations of any stream crossings (required by Condition 40).
- Final Landscape Plans (required by Conditions 20 and 66)

A pre-start meeting must be held prior to the commencement of the earthworks activity in each period between October 1 and April 30 that this consent is exercised.

Advice Note:

To arrange the pre-construction meeting required by Condition 18 above please contact the Council's Manager, Resource Consenting and Compliance (monitoring@aucklandcouncil.govt.nz).

The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

ENGINEERING PLAN APPROVAL

19. Prior to the commencement of any works, construction or any earthworks activity, or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to Council's Principal Development Engineer – South, Resource Consenting and Compliance. Details of the chartered professional engineer or registered professional surveyor who shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval.

The engineering plans shall include but not be limited to the information regarding the following engineering works:

- Earthworks and any retaining walls in accordance with the Lander Geotechnical Consultants Geotechnical Investigation Reports referenced in Condition 1;
- Settlement and monitoring procedure as per the geotechnical report by Lander Geotechnical Consultants referenced in Condition 1;
- Design and location of any counterfort and/or subsoil land drainage required and the proposed ownership and maintenance of the counterfort and/or subsoil land drainage;
- Finalised Construction Management Plan / Traffic Construction Management Plan as per Conditions 5 and 6;
- Methodology of stream works required for Slippery Creek and the Opaheke Park Stream;
- Detailed design of all roads to be vested in Council including intersections, bus bays, parking, traffic lights, roundabout, cycling routes, pedestrian crossings and footpaths. All roads shall be designed in accordance with the Auckland Transport Code of Practice;
- Detailed design of all street lighting, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (Lot 104) (including, traffic calm devices and safety measurements, marking and street sign etc.) shall be designed in accordance with the Auckland Transport Code of Practice;
- Visibility assessment of all proposed roads; in particular the visibility at intersections and forward visibility around bends must meet design standards;
- Design of the shared accessways or jointly owned access lots (Lots 100-103) (including lighting details) and vehicle crossings;
- Detailed Landscape Planting Plans and Ecological Mitigation Plan (in accordance with Conditions 14, 20, 66) including maintenance programmes for the following:
 - Streetscape landscaping on the proposed road (Lot 104)
 - Reserve Planting on the proposed esplanade and stormwater management reserves (Lots 105 and 106)
 - Landscape Planting Plan for the proposed pump station (Lot 107)
- Details of any services to be laid including pipes and other ancillary equipment to be vested in Council for water supply and wastewater disposal systems (including the pump station). The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision
- Details of any proposed upgrades of the existing water supply, stormwater and wastewater systems and approval from the relevant utility owner of the asset(s)
- Detailed design of the Stormwater system and devices for the management of both quantity and quality of the stormwater runoff from the contributing development and upstream catchment as detailed in the approved Stormwater Management Plan (SMP) by Stormwater Solutions Consulting Limited (including treatment devices and all ancillary equipment/structure etc.). The stormwater system and devices shall be designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater; in particular:

- The proposed stormwater system shall be designed to identify health and safety risk during the life of the asset and shall ensure safety to the public, property and to operating personnel, contractor and Council employee
- The proposed stormwater system shall have an asset life of a minimum of 100 years
 - Where components have a design life of less than 100yrs the applicant shall identify these and provide an assessment against other components that could achieve the same requirements. The cost of these assets and their replacement frequency shall also be included for review.
- Show compliance with the bio retention in the road reserve (as per advice note)
- Details of overland flow paths and secondary flow
- The principles of Water-Sensitive Design and “Best Management Practices” to minimise stormwater run-off volumes and peak flow rates and to improve the quality of stormwater run-off entering the receiving environment shall be utilised for the design of the proposed stormwater system
- The network shall cater for stormwater run-off from the application site being developed together with any run-off from upstream catchments in accordance with TP108 “Guidelines for Stormwater Runoff Modelling in the Auckland Region 1999” and allowances for climate changes. The upstream catchment shall be considered for the Maximum Probable Development (MPD) scenario (full development to the extent defined in the Proposed Auckland Unitary Plan). In the event that the upstream catchment includes areas outside the Rural Urban Boundary, the MPD shall be agreed with Council
- Mitigation measures as required by the approved Stormwater Management Plan (SMP) by Stormwater Solutions Consulting Limited (e.g. peak flow attenuations and/or velocity control) to mitigate the downstream effects shall be taken into account during the design of the stormwater system.
- Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.
- Details of the proposed drainage reserve and esplanade reserve (Lot 105 and 106) including the post development contour, walkways, sign board, lighting and reserve furniture (e.g. seating and rubbish disposal bin etc. in accordance with Conditions 20 and 66.
- Approval from both the Council’s Healthy Waters Department and Veolia for any structure located within two metres of an existing pipe or manhole.
- Information relating to gas, electrical or telecommunication reticulation including ancillary equipment.

As part of the application for Engineering Plan Approval, a registered engineer shall:

- Certify that all public roads and associated structures/facilities or accessways have been designed in accordance with the Auckland Transport Code of Practice
- Certify that the proposed stormwater system or devices proposed have been designed in accordance with the Council’s Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater

- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited (WSL).
- Engineering approval in matters relating to water and wastewater will be issued directly by Veolia in the form of its Construction / Connection of New Works Agreement following receipt of and Veolia approval of finalised (detailed design) engineering plans in accordance with Veolia requirements and the current version of the Watercare Code of Practice.

Advice Note: *A minimum of 2 metres clearance from any stormwater and wastewater lines and manholes is necessary at all times other than for approved works which connect to these services. Where the minimum clearance cannot be provided, the consent holder shall contact Council's Healthy Waters Team and Veolia, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.*

A number of specific considerations are required to be addressed in the detailed stormwater design submitted as part of the Engineering Plan Approval which includes:

Bellfield Road Flood Mitigation Network Design

The design of the Bellfield Road Flood Mitigation Network Design in-letting arrangement shall achieve a minimum 7.5m³/s inletting capacity assuming a 12.5% blockage of the inlets. This shall include:

- *4 Mega-pits plus 4 Scruffy dome 1200mm MHs at Bellfield Rd*
- *2 additional Mega-pits within the entry Rd and No Parking Lines in the area subject to flood extent.*

The detailed design and layout of the Bellfield Road Flood Mitigation Network Design shall be reviewed at EPA stage with Auckland Council and Auckland Transport to ensure the most appropriate and efficient layout is provided. This may include road narrowing or kerb line adjustment to suit both the flood mitigation requirements and new road intersection requirements.

Stormwater Network Alignment

The proposed network layout shall be reviewed at EPA stage to ensure the design complies with the s4 of the Code of Practice. Where the design deviates from the CoP commentary shall be provided explaining the reason for deviation and any additional operational or maintenance implications.

Bio-retention in JOALs and access ways

All access ways and JOALs impervious areas must be shall be constructed using permeable pavements capable of detaining and managing the first 5mm of any rainfall runoff or be directed to at source bio-retention devices sized to manage the first 5mm of rainfall runoff of the impervious catchment area.

Flood Mitigation Weirs

Flood Mitigation Weirs as generally shown on McKenzie & Co drawing 1003-025, shall be constructed by the applicant as part of the earthworks to achieve the following parameters

Weir	Crest Level	Crest length	Q (m ³ /s)	V (m/s)
1	9.1	36.1	35.0	1.39
2	9.0	72.1	55.0	1.27
3	8.4	12.1	12.0	1.40

Slippery Creek Weir design parameters

As the top of the embankment within Opaheke Park is proposed to have a walkway along its length, a series of raised boardwalks shall be constructed over these weirs to provide a safe egress route above the flood flows during extreme storm events. This shall include suitable riparian margin type planting that would not impede the flows and erosion protection across the top and either side of the weir structures.

Bio-retention in road reserves.

Stormwater from all road reserve impervious areas must be directed to at source bio-retention devices designed and sized to accommodate stormwater runoff from the impervious road reserve and achieve SW quality treatment requirements as set out below:

a) Opaheke Road (<5000 vpd)

Full quality treatment and retention devices for area of total (proposed and existing) carriageway for those areas of Opaheke Road required to be upgraded. The design shall be in accordance with TP10 or its successor (GD001).

b) Café Carpark (<1000m²)

Full quality treatment and retention devices for area of impermeable areas subject to vehicle movements. The design shall be in accordance with TP10 or its successor (GD001).

c) Parkway Rd

Retention of 5mm of runoff depth; plus,

Detention (temporary storage) of 19.4mm for runoff from the 95th percentile 24 hour rainfall event.

d) All other roads

5mm Retention at source

Landscape Planting Plan (Streetscape, reserves to vest, pump station planting and Tributary C riparian planting)

20. At Engineering Approval Stage the consent holder shall submit a final detailed landscaping plan for:

- a. The streetscape landscaping within the road to vest (Lot 104),
- b. For the reserve lots (Lot 105 and 106)
- c. For the proposed pump station (Lot 107)
- d. For the riparian planting along the full length (both sides) of Tributary C

The above is to be approved by the Team Leader Compliance and Monitoring - South in liaison with the Council's Parks Consent Team Leader. In particular the plans shall:

- a) Be prepared by a registered landscape architect and in the case of the esplanade planting an ecologist so it is consistent with the wider ecological mitigation plan in Condition 14.
- b) Identify all new planting to be undertaken on the site including details of the intended plant species, plant sourcing, density, plant sizes at the time of planting and their likely heights on maturity.
- c) Show the overall street material palette, location of street lights, vehicle access points, other service access points and any underground services.
- d) Ensure that specimen trees and shrubs are planted to maintain appropriate separation distances from paths, roads, street lights, vehicle crossings, service boxes and other infrastructure, in accordance with the relevant Auckland Council Code of Practice or Specification.
- e) Demonstrate that the species proposed are suitable and appropriate with regards to the purpose of the proposed reserves.
- f) Provide specifications for plant condition and planting methodology including how planting will be staged and established and tree pit specifications.
- g) Include a weed management plan detailing weed eradication and control methods prior to and after planting.
- h) Include landscaping designed to disguise and naturalise any stormwater discharge structures.
- i) Identify any developments including pathways, park furniture (e.g seating and rubbish disposal bins), and any other structures.
- j) Identify all hard and soft landscape works.
- k) a detailed planting plan for the planting of the rain gardens
- l) Provide a 'way finding' and signage plan for pedestrian connections from Opaheke Road through the development to Opaheke Park, ensuring a consistent message is conveyed throughout the development.
- m) Include as a precautionary measure: vandalism eradication policies
- n) Include irrigation details.

Advice Note

It is recommended that the consent holder liaises with the Parks Consent Planning Team Leader when developing the streetscape and reserve landscape plans to achieve an acceptable outcome prior to submitting it for approval.

It is noted that tree pits are to be separated from the rain garden locations and that no tree pits are not to be used for the purposes of bio retention.

It should be noted that trees are unsuited for raingardens as they need to be renewed every 5-10 years and roots may conflict with drainage systems.

The landscape plan above should include the landscaping proposed to soften any stormwater structures within the esplanade reserve (Lot 106), include the detailed planting for any rain gardens and the dry detention basin proposed in the local purpose (stormwater management reserve).

Planting shall occur only within the recognised planting season May to September.

CONSTRUCTION CONDITIONS

21. Access to property

Until all the conditions of this consent have been completed to the satisfaction of the Team leader Compliance and monitoring - South, servants or agents of the Auckland Council are to be permitted to have access to relevant parts of the property, including Opaheke Park at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements and/or to take samples while adhering to the consent holder's Health and Safety Policy.

22. The consent holder shall consult and co-operate with the council to enable public access to Opaheke Park at different stages of the works, where it is feasible.

Restricted access to the Site during Construction

23. The works site must be secured from unauthorised public access during the construction period. The site shall have adequate fencing and signage to prevent public access for healthy and safety reasons. This should apply across the full site and in particular, at any points where proposed roads or access ways connect with existing public roads where an appropriately secure and suitably signed barrier or fence must be erected to prevent any unauthorised vehicle access prior to the commencement of any construction work. Fencing along the western boundary (Gatland Road residential boundary) shall include scrim, or similar material, to help protect adjoining properties from dust and other pollutants and to screen the works site. These barriers or fences must remain in place until the certificate pursuant to sections 46 of HASHAA and 224(c) of RMA for this subdivision is issued by the Council and must be maintained in good order.

No Obstruction of Access or Damage

24. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves (in particular the existing sports fields, its parking area and main accessway within Opaheke Park) resulting from the construction and/or earthworks activity on the subject site. All materials and equipment shall be stored within the subject site's boundaries to the satisfaction of the Team Leader, Southern Monitoring, Resource Consenting and Compliance.
25. Any damage to the footpath, berm of road, and that area of Opaheke Park outside the works area as a result of any construction activities, shall be repaired at the consent holder's expense.

Noise during construction

26. All construction and earthworks activities on the subject site must comply with the requirement of Tables 2 and 3 of New Zealand Standard (NZS 6803:1999) for Acoustics – Construction Noise at all times. The measurement and assessment of construction noise must be in accordance with New Zealand Standard for Acoustic Construction Noise (NZS 6803:1999).

The use of any noise generating tools, motorised equipment, and vehicles associated with construction and/or earthworks activity on the site are therefore restricted to between the following hours to comply with this Standard:

- Monday to Friday: From 7.30am till dusk or 6pm, whichever is earlier
- Saturdays: 9am to 1pm
- Sundays and Public Holidays: no works

Advice Note:

Works may be undertaken outside these hours only with the written approval of the Council's Team Leader, Southern Monitoring, and Resource Consenting and for the Opaheke Park, Councils Parks Consent Planning Team Leader. This will be granted only under special circumstances, for example in the event of urgent stabilisation works or inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to the approval of any neighbouring residents or other affected parties that may be identified by the Council's Manager, Resource Consenting and Compliance in his/her sole discretion

Dust control

27. There is to be no airborne or deposited dust beyond the site as a result of the earthworks activity that in the opinion of the Team Leader Compliance and Monitoring - South, is noxious, offensive or objectionable.

Advice Note:

To manage dust on the site consideration should be given to adopting the following management techniques:

- *stopping works during high winds*
- *watering haul roads, stockpiles and maneuvering areas during dry periods*
- *installation and maintenance of wind fences and vegetated strips*

- *grassing or covering stockpiles*
- *retention of existing shelterbelts and vegetation*
- *positioning of haul roads, maneuvering areas and stockpiles or staging the works (in relation to sensitive receptors such as dwellings)*

In assessing whether the effects are noxious, offensive or objectionable, the following factors will be important considerations:

- *The frequency of dust nuisance events*
- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*
- *The offensiveness of the discharge, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

It is recommended that potential measures as discussed with the Senior Compliance Advisor, HPO who will guide you on the most appropriate approach to take. Alternatively, please refer to the Ministry for the Environment's publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions" (published 2001).

EARTHWORKS AND STREAMWORKS CONDITIONS R/REG/2016/4238 (Stream Works) and R/REG/2016/4593 (Earthworks)

28. The Earthworks and stream works activities shall be carried out in accordance with the plans and the information submitted to Council listed in Condition 1 and referenced by the Council as R/REG/2016/4238 (Stream Works) and R/REG/2016/4593 (Earthworks).

Ecological Mitigation – Implementation

29. The 'ecological mitigation planting' required by Condition 14 shall be planted, by the consent holder, with the species listed in the detailed Ecological Mitigation and Management Plan. The wetland planting shall achieve a 90% establishment rate, and the riparian tree and shrub planting shall achieve a 75% canopy coverage over the entire planting area, and shall be implemented within the first available planting season following the completion of the earthworks and streamworks, or in each stage, where appropriate. The consent holder shall notify Councils Team Leader, Southern Monitoring, Resource Consenting and Compliance once the planting is completed.

- i) The consent holder shall thereafter maintain the planting for a minimum of 5 years or until such time as canopy closure, and the wetland success rate has been reached, whichever is the longer. The consent holder shall also replace any planting that fails within the maintenance period.

Advice note:

Establishment rate is measured as approximately 300mm of new growth or survival over an entire growing season e.g. 12 months.

Maintenance bond – Ecological Mitigation

30. Prior to the ecological mitigation planting being implemented and in accordance with section 108(2)(b) of the RMA, the consent holder will pay to the Council a refundable bond in respect of the maintenance of the ecological mitigation planting works required by the above condition of consent.

31. The maintenance bond will be held for a period of five years. The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks Consents Planning Team Leader prior to the lodging of the bond.
32. If the consent holder fails to maintain the assets, as defined in the maintenance conditions, and as required by this consent, the Council may undertake the works necessary to bring the assets up to the standard required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works for the following 24 months will also be deducted from the bond.
33. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder.

Ecological Mitigation and Management Plan Completion

34. Within one year following the completion of earthworks and streamworks the consent holder shall have completed the Ecological Mitigation and Management Plan approved under Condition 14, to the satisfaction of the Team Leader Compliance and Monitoring - South.

Weed and Animal Controls

35. The consent holder shall control all pest plants and animals in accordance with the weed and pest control programme methods outlined in the detailed Ecological Mitigation and Management Plan required by Condition 14.
36. Prior to the implementation of the Ecological Mitigation Plan required by Condition 14, the consent holder shall provide a report from a suitably qualified and experienced ecologist certifying that the weed and animal control programmes have been implemented on the site in accordance with the ecology report to the satisfaction of the Team Leader Compliance and Monitoring - South.

Reporting to the Department of Conservation and Council

37. A suitably qualified and experienced ecologist/herpetologist approved to oversee the implementation of the Lizard Management Plan (LMP) shall certify that the lizard related works have been carried out according to the certified LMP within two weeks of completion of the vegetation clearance works.
38. All works on site must comply with the certified Lizard Management Plan (if required by the Condition 15).
39. Upon completion of works, all findings resulting from the implementation of the Lizard Management Plan shall be recorded by a suitably qualified and experienced ecologist/herpetologist on an Amphibian and Reptile Distribution Scheme (ARDS) Card and sent to the Department of Conservation. A copy shall be sent to the Team Leader South Biodiversity.

Erosion and Sediment Control

40. Prior to the commencement of earthworks activity on the subject site, a finalised Erosion and Sediment Control Management Plan (ESCP) shall be prepared in accordance with TP90 and submitted to the Team Leader Compliance and Monitoring - South.

Advice note

The Erosion and Sediment Control Plan required by this condition should contain sufficient detail to address the following matters:

- *specific erosion and sediment control works (location, dimensions, capacity)*
- *supporting calculations and design drawings*
- *catchment boundaries and contour information*
- *details of construction methods for both earthworks and streamworks activities*
- *confirmation that the site is naturally capable of managing runoff associated with the 20 year ARI rainfall event through soakage and how this will be achieved;*
- *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
- *risk management framework for all earthworks to reduce sediment generation and yield*
- *details relating to the management of exposed areas (e.g. grassing, mulching)*
- *monitoring and maintenance requirements.*

In the event that minor modifications to the proposed erosion and sediment control measures are required, any such modifications should be in general accordance with, or exceed, the requirements of Auckland Council Technical Publication Number 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region. Modifications should be limited to the scope of this consent and as identified in the approved plans. Any changes to the erosion and sediment control measures which affect their performance or level of treatment they provide, may require an application to be made in accordance with section 127 of the RMA.

41. No earthworks activity on the subject site shall commence until a certificate signed by an suitably qualified and experienced engineer shall be submitted to the Team Leader Compliance and Monitoring - South who will liaise with the Councils Parks Consent Team Leader (for the earthworks carried out within Opaheke Park) and that the Team Leader Compliance and Monitoring - South confirms in writing that the ESCP is satisfactory, and the erosion and sediment control measures referred to in that plan have been constructed and certified in accordance with ESCP specified in Condition 40.
42. Within the ESCP (Condition 40) the consent holder shall submit a plan for the location of the crossings across Slippery Creek to be agreed with the Team Leader Compliance and Monitoring - South in liaison with the Councils Parks Consent Team Leader, prior to the earthworks pre-start meeting.
43. Prior to earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader Compliance and Monitoring - South, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in Condition 40 of this consent

44. Certified controls included in the erosion and sediment control plan shall include sediment retention ponds, any decanting earth bunds, super silt fences, silt fences, diversion channels/bunds and chemical treatment systems. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

- a) Confirmation of compliance with TP90 and the conditions of this consent;
- b) Contributing catchment area;
- c) Shape of structure (dimensions of structure);
- d) Position of inlets/outlets; and
- e) Stabilisation of the structure.

Stabilisation of the site

45. The site must be progressively stabilised against erosion at all stages of the earthwork activity including within Opaheke Park. Stabilisation measures shall be sequenced to minimise the discharge of contaminants to groundwater or surface water. A plan illustrating the specific stages of earthworks and how these will be progressively stabilised shall be submitted to the Team Leader Compliance and Monitoring - South who will liaise with the Council's Parks Consents Team Leader (for the earthworks carried out within Opaheke Park) for approval prior to earthworks commencing.

46. In the event that an extended delay is expected between completing the earthworks and commencement of planting in a particular area, either grass seed, coarse wood mulch to a depth of 100mm should be applied to contain sediment and reduce weed invasion of the site.

Advice Note:

Interim stabilisation measures may include:

- *the use of waterproof covers, geotextiles, or mulching*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

47. All streamworks undertaken shall be stabilised on a daily basis with the full exposed area (within the streambank full location) fully stabilised to minimise erosion.

48. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader Compliance and Monitoring - South.

Advice Note:

Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Southern Monitoring, Resource Consenting and Compliance for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

Earthworks Monitoring Plan

49. Prior to the commencement of any earthworks, or the establishment of erosion and sediment controls on the site, the consent holder shall provide for the written approval of the Team Leader Compliance and Monitoring - South a Monitoring Plan outlining how they will monitor and report on the effects of sediment discharge and adapt the erosion and sediment control management plan for the earthworks activity. No works shall commence on site until the consent holder receives written approval of the Monitoring Plan to the satisfaction of the Team Leader Compliance and Monitoring - South.

50. The Monitoring Plan shall include, but not be limited to:

- a) Details of sediment discharge monitoring from the site including visual assessment, water quality sampling and photographs of any discharges and downstream environments;
- b) Details outlining the reporting of these results including visual assessments taken at sampling time (photographs) and analysis of the results;
- c) Details of the visual triggers that will be established to determine the need for any adaptive monitoring approach;
- d) Any proposed actions to be taken where triggers are exceeded; and
- e) A management framework outlining the parties responsible for analysis and reporting of results to Council.

Advice note

Any amendments to this Monitoring Plan shall be approved in writing by Team Leader Compliance and Monitoring - South, Auckland Council prior to implementation.

Seasonal Earthworks Restrictions

51. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader Compliance and Monitoring - South at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

52. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and/or earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpits or enviropods*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Team Leader, Southern Monitoring, Resource Consenting and Compliance who may be able to provide further guidance on the most appropriate approach to take.

CONTAMINATION CONDITIONS**Ensure supervision and certification of contamination sampling**

53. All sampling and testing of contamination on the site shall be overseen by a suitably qualified contaminated land professional. All sampling shall be undertaken in accordance with Contaminated Land Management Guidelines No. 5 Site Investigation and Analysis of Soils (Revised 2011)

Certification that fill removed to appropriate disposal site.

54. Excess soil or waste materials removed from the subject site shall be deposited at a disposal site that holds a consent to accept the relevant level of contamination.

Certification of imported fill

55. The contamination levels of any imported soil/fill shall comply with Auckland Council's clean fill criteria.

Contingency for unexpected material.

56. Where contaminants are identified that have not been anticipated by the application, the consent holder shall immediately cease works in the area containing the unexpected contamination and notify the Team Leader Compliance and Monitoring - South, Auckland Council and agree on the appropriate control measures and remediation actions where necessary.

Advice Note:

In accordance with Conditions 53-56 above any unexpected contamination, may include contaminated soil, perched water, groundwater, asbestos or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Team Leader Compliance and Monitoring - South, Auckland Council prior to carrying out any further work in the area of the unexpected contamination to ensure this is within scope of this consent.

Requirement for a Site Validation Report

57. Within 3 months of the completion of earthworks on the site, a Site Validation Report shall be provided to the Team Leader Compliance and Monitoring - South, Auckland Council. The Site Validation Report shall be prepared by a suitably qualified and experienced contaminated land professional in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and Schedule 13 (A5) of the Auckland Council Regional Plan: Air, Land and Water (ACRP:ALW).
58. The Site Validation Report shall meet the requirements of the Contaminated Land Management Guidelines, Reporting on Contaminated Sites in New Zealand, Ministry for the Environment, 2011.
59. The person preparing the report shall also provide a statement certifying that all works have been carried out in accordance with the requirements of the consent.

Advice Note:

*The Site Validation Report required by **Condition 59 above** should contain sufficient detail to address the following matters:*

- *a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the approved Site Management Plan and any control measures and remediation actions (if applicable) agreed by Council*
- *the location and dimensions of the excavations carried out, the volume of soil excavated, including a relevant site plan*
- *details and results of any testing undertaken and interpretation of the results in the context of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health*
- *copies of the disposal docket for the material removed from the site*
- *records of any unexpected contamination encountered during the works, if applicable*
- *details regarding any complaints and/or breaches of the procedures set out in the Site Management Plan and the conditions of this consent*
- *conditions of the final site ground surface and details of the validation sampling undertaken*
- *a description of additional monitoring undertaken*

GEOTECHNICAL CONDITIONS

Geotechnical Supervision

60. All earthworks, including the placement and compaction of fill materials, excavations, retaining and foundation construction on the site shall be supervised by a suitably qualified and registered geotechnical engineering professional. In supervising the works, the engineering professional shall ensure that they are constructed and otherwise completed in accordance with the geotechnical and engineering reports listed in Condition 1 of this consent.

Advice note:

The engineer or his representative shall carry out sufficient and regular inspections and shall provide to the Council certification that the works have been carried out in accordance with the standards as required by this consent, and in accordance with the conditions of approved Engineering Plans and good engineering practice under Condition 8.

This may be in the form of a Producer Statement – PS4 Construction Review or Engineer Statement outlining the level and details of Construction Monitoring undertaken (as defined by IPENZ). The supervising engineer’s contact details shall be provided in writing to the Team Leader Compliance and Monitoring - South at least two weeks prior to earthworks commencing on site.

61. All earthworks and excavations shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Team Leader, Southern Monitoring, Resource Consenting and Compliance.
62. Supervision records shall be compiled and included in the geotechnical completion report in Condition 63.

Advice Note

Particular attention should be paid to the supervision of any earthworks within the vicinity Slippery Creek and the Opaheke Park Stream and that this follows the approved methodology required by Condition 40.

Geotechnical and Engineering Completion Report

63. Within one (1) month of the completion of earthworks for each stage approved by this consent, a Geotechnical Completion Report in accordance with the “Auckland Council Code of Practice for Land Development and Subdivision Section 2.6” signed by the registered engineer who designed and supervised the works, shall be provided to the Manager, Resource Consenting and Compliance. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks, retaining walls and subsoil drains, relevant testing, supervision and monitoring records and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.
 - a. The results from the Settlement Monitoring and Contingency Plan (required by condition 11) shall be assessed and included into the geotechnical completion report stating whether the final ground levels are suitable for residential use. Further geotechnical assessment is required if it is found that the settlement monitoring indicate unfavourable results as per the settlement and monitoring procedure.

- b. The report shall set minimum habitable building floor level on all residential lots and define any development restriction on these lots that may be subject to flood hazard or overland flows in the 1% AEP storm event. The minimum habitable floor levels shall be at least 500mm above the 1% AEP flood level. The defined minimum floor level and other restrictions shall be in tabulated form (showing lot number, minimum habitable floor level and other restrictions) and also identified on each lot shown on the final survey plan. The recommendations of the report shall be based on the finished road and site ground levels and the likely future stormwater flow at the completion of the construction works for the subdivision.

STORMWATER CONDITIONS

Flood Mitigation Report

64. Within 3 months of the completion of the bulk earthworks, a updated flood modelling report in accordance Auckland Councils Flood Modelling Specification and based on the model files and build report provided to Council directly from Entura on the 4th December 2015 and referenced 'Slippery Model-MPD-100year - sens 0.15s.zip'shall be provided to Manager Healthy Waters and the Manager Resource Consents and Compliance for review.
 - a) The updated flood modelling report shall use the final earthworks contours and associated Digital Elevation Model to compare the flood parameters and effects as assessed by Tonkin and Taylor in their Bellfield Rd SHA – Flood Effects Assessment dated May 2016 and addendum dated 23rd June 2016.
 - b) The report shall assess if the final earthworks undertaken support the assessment of the flood effects on downstream properties. This shall include but not be limited to, frequency, extents, depth, velocities and risk.
 - c) If the updated flood modelling shows flood effects above those noted in the Tonkin and Taylor Bellfield Rd SHA Flood Effects Assessment and Addendum, then additional earthworks or mitigation shall be undertaken to ensure that the effects of the flood mitigation works are no worse than those stated in the Tonkin and Taylor reports above.

Outfall structures

65. The design of the stormwater outfalls/culverts shall be submitted to and approved by the Team Leader Compliance and Monitoring - South (in liaison with the Healthy Waters Department and Parks Consent Team Leader). The approved design shall be submitted as part of the Engineering Plan Approval Application.

LAND USE CONDITIONS ONLY

Landscape Plan (Private Lots and Private Laneways)

66. Prior to building consent being lodged or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier, the consent holder shall provide a finalised set of Landscape Planting and Pavement Plans for approval. This information shall be submitted to the Team Leader Compliance and Monitoring - South for approval in liaison with the Urban Design Advisor and Lead Project Planner of Resource Consents Project Management, Resource Consents.

If planting is undertaken outside the planting season (May to September), the landscaping shall be watered to ensure establishment.

The finalised plans shall be consistent with the landscape design intent / objectives identified in the plans and information referenced at Condition 1 and shall include:

- landscape plan and specifications;
- Final species and planting sizes, density, details of tree pits, heights/Pb sizes and planting methodology;
- Pavement plan and specifications, detailing materiality and colour, and identifying surface treatments to slow traffic and promote pedestrian movement throughout the development site and at key intersections of the laneways with the public road ;
- Annotated sections with key dimensions to illustrate adequate widths and depths for planter boxes / garden beds / retaining structures as required.
- Retaining details, fencing details, boundary treatment, the location of bollards, cycle parking design, bin enclosures and letterboxes;
- A 'way finding' and signage plan for pedestrian connections from Opaheke Road through the development and to Opahaka Park and to ensure this message will be conveyed consistently throughout the development
- The proposed landscaping within the front yards of the private lots
- A lighting plan for the proposed laneways (Lots 100-103) and road to vest (Lot 104) to achieve a sense of safety relative to the purpose of the road/laneway
- irrigation details if applicable
- a management/maintenance programme, in particular details of maintenance methodology and frequency, allowance for replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established; and
- as a precautionary measure: vandalism eradication policies.

Advice note:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

The following matters will be considered as part of the finalised landscape planting plan:

- *That the lighting plan should pay particular attention to spacing and lighting heights to ensure pedestrian safety and functionality both within the private laneways and the public road.*
- *Ensure that the landscape plan details how pedestrian access will be maintained where dwellings front the street in for example the front yard of Lots 19-30. Here any retaining and planting should be stopped in these locations and an entrance way should be provided.*

The proposed landscape and access design for the pedestrian links, laneways and zone and interface responses as per the plans included in Condition 1 shall be provided without any compromise of their design integrity at the building consent / construction stage.

Detailed Design Plans

67. Prior to commencement of any works associated with dwelling construction a finalised set of architectural detail drawings and materials specifications (including details of the building's façade treatment / architectural features; materials schedule and specification; and colour schemes (including colour swatches); and external finishes for all dwellings proposed shall be submitted to Council for written certification by Council's Team Leader Monitoring (South). The finalised set of drawings shall ensure that the building's proposed architectural treatment and finished appearance is consistent with the plans and information referenced at condition 1. All works shall then be carried out with the details certified by council, and thereafter retained and maintained, to the satisfaction of Council's Team Leader Monitoring (South).

Advice note:

As part of the condition monitoring process, Council's monitoring inspectors will liaise with members of the Council's Auckland Design Office to ensure that the submitted details are consistent with the approved plans and information.

General Affordability

68. Lots 6-9, 89-90 and 81-83 identified on the Brewer Davidson Drawing RC-001 Rev A titled 'Site Plan' and dated 01/07/2016 are allocated for affordable dwellings meeting the required percentage of affordable dwellings set out in Criteria A of the relative affordability criteria in the Housing Accords and Special Housing Areas (Auckland New September 2014 Areas) Amendment Order 2014, Schedule 3 – Bellfield Road, Papakura, Special Housing Area, SHA dated 13 October 2014. The price at which a dwelling on these lots may be sold is not to exceed \$578,250.

Criteria A – Relative Affordability Eligibility

69. Before Titles to the lots required to be developed for affordable dwellings are transferred, the consent holder is to provide to the Council's Manager Resource Consenting and Compliance a statutory declaration by the purchaser of the lot that the purchaser meets all the following criteria. In the event that the lot is first sold to a builder or a building company for the purpose of constructing a dwelling that is to be on-sold and not occupied by that builder or building company, the statutory declaration is to be provided by the builder or on behalf of the building company when the Certificate of Title for that dwelling is transferred to the first occupier of the dwelling:

- i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
- ii. The value of the finished dwelling and land is no more than that defined in Criteria A of the affordability criteria set out in the Special Housing Areas (Auckland New September 2014 Areas) Amendment Order 2014, Schedule 3 – Bellfield Road, Papakura;
- iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;
- iv. The purchaser is a first home buyer and has never owned any other real property;
- v. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.

The obligations above shall be the subject of a consent notice under section 221 of the Resource Management Act 1991 and recorded against the computer freehold registers for Lots 6-9, 89-90 and 81-83 identified on the Brewer Davidson Drawing RC-001 Rev A titled 'Site Plan' and dated 01/07/2016 that are provided to meet the relevant Special Housing Area's affordability criteria. The consent notice is to specify that it will cease to have effect 3 years after the date of transfer of title to the first purchaser.

Detailed Parks Works Plan

70. Prior to the construction of any parks infrastructure works within Opaheke Park detailed park design plans in general accordance with the Surface Design Opaheke Park Concept Plan (dated August 2016) referenced in condition 1 above and the works proposed as part of the Parks Works outlined in Schedule 2 of the Development Agreement between Motleon and Auckland Council dated 30 September 2016, shall be provided for approval of the Council's Parks Consent Planning Team Leader in conjunction with the Engineering Plan Approval.

71. Within 18 months following the completion of the earthworks included in this consent, the Opaheke Park detailed works plan above must be implemented to the satisfaction of the Team Leader Compliance and Monitoring - South.

LAND USE AND SUBDIVISION CONDITIONS

Jointly Owned Access Lot (JOAL)

72. Prior to occupation of the dwellings accessed off the JOALs (Lots 100-103) the Jointly Owned Access Lot (JOAL), vehicle parking and landscaping (Lots 100-103) shall be formed, paved and drained and all lighting installed in accordance with the approved Engineering Plans, and the final landscaping details approved in accordance with Condition 66 to the satisfaction of the Team Leader Compliance and Monitoring - South.

73. Prior to occupation of the dwellings or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier an Engineering Completion Certificate certifying that the Jointly Owned Access Lot (JOAL), vehicle parking and landscaping (Lots 100-103) has been constructed in accordance with the approved Engineering Plans shall be provided in support of the 224 application.

Advice Note:

Continuous Pedestrian Footpath

Where footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, pavings, patterns and finish as the footpath, on each side of the crossing.

Stormwater System

74. The proposed stormwater system/ stormwater management devices shall have been constructed in accordance with the approved Engineering Plan and be fully operational.
75. Accurate as-built plans for the associated devices (including but not limited to piped streams and subsoil drains) and a engineering completion certificate certifying that the stormwater system has been constructed in accordance with the approved Engineering Plan, shall be provided prior to the occupation of the dwellings or with the s.224 application (s.46 of the HASHAA).
76. The consent holder is responsible for the maintenance of the stormwater system/devices in accordance with the approved Operation and Maintenance Manual under the relevant consent condition below for 24 months following the occupation of the dwellings or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier.

Operation and Maintenance Manual for the Stormwater Management Devices

77. The consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall submit to the Team Leader Compliance and Monitoring - South for approval. The Operation and Maintenance plan is to include, but not be limited to:
- a detailed technical data sheet;
 - all the requirements as defined within the Stormwater Management Device Design Guidelines Manual (TP 10);
 - details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
 - a programme for regular maintenance and inspection of the stormwater system;
 - a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
 - a programme for post storm maintenance;
 - a programme for inspection and maintenance of outfall erosion;

- general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;
- a programme for inspection and maintenance of vegetation associated with the stormwater devices;
- recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas; and
- Vegetation maintenance plan.

Stormwater Connections

78. Prior to occupation of the dwellings or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier the consent holder shall provide and install a complete stormwater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, NRSI, Resource Consenting and Compliance.
79. All impermeable road surfaces shall drain to devices within the roading corridor in accordance with the approved engineering plans.
80. Individual private stormwater connections to the existing or proposed public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, NRSI, Resource Consenting and Compliance.
81. That habitable floor and garage levels comply with the SW Code of Practice 2015 Table 4.5: Freeboard Requirements for the 1% AEP Event.
82. Prior to issue of the building consent the applicant shall supply a maintenance and operation plan for the stormwater management devices.
83. Easements in favour to council shall be provided for overland flow paths or secondary flows greater than 100 litres per second according to Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater
84. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved Engineering Plan and the Auckland Council Code of Practice for Land Development and Subdivision - Chapter 4: Stormwater shall be provided prior to the occupation of the dwellings or in support of the 224(c) application whichever is the earlier pursuant to Section 46 of HASHAA.
85. Video inspections of all public stormwater pipes and as-built plans for all public and individual private stormwater lines shall be supplied prior to the occupation of the dwellings or with the 224(c) application whichever is the earlier pursuant to Section 46 of the HASHAA. The video inspections shall be carried out within one month prior to the lodgement of the application for the 224(c) certificate.

Advice Note:

As-built documentation for all assets to be vested in Council required by the conditions above shall be in accordance with the current version of the Development Engineering As-built Requirement' (currently Version 1.2). A valuation schedule for all asset to be vested in Council shall be included as part of the as-built documentation.

Water supply and Wastewater

86. Water and wastewater infrastructure is required be to be designed, funded in full, and delivered by Developer (to Watercare standards and Veolia requirements).

Advice note:

Engineering approval in matters relating to water and wastewater will be issued direct by Veolia in the form of its Construction / Connection of New Works Agreement following receipt of and Veolia approval of finalised (detailed design) engineering plans in accordance with Veolia requirements and the current version of the Watercare Code of Practice.

Veolia will not (and will in no way be obligated to) provide a water / wastewater service until such time as all requirements of the Construction / Connection of New Works Agreement are met in full. A part of these requirements include payment of Infrastructure Growth Charges prior to the issue of its Compliance Certificate i.e. prior to obtainment of the 224c certificate from Council.

Wastewater

87. Wastewater servicing of the proposed development requires local (retail) infrastructure upgrade and provision of a connection directly into the existing bulk infrastructure operated by Watercare. Such local infrastructure upgrade shall be designed, constructed and funded in full by the developer and shall involve (but by no mean be limited to):
- a. Discharge of the proposed development into the existing Bellfield Wastewater Pump Station (WWPS) and upgrade of the Bellfield Road WWPS and associated infrastructure (rising main, storage tanks, etc.) to cater for the additional discharge; OR
 - b. Construction of a new WWPS to service the proposed development. Such a new WWPS shall be able to accommodate wastewater generated within the existing Bellfield Road WWPS catchment, i.e. shall have technical ability to 'divert' wastewater flows from the existing Bellfield Road WWPS in order to achieve an optimal servicing solution for the area.

Wastewater Pump Station

88. The proposed Wastewater Pump Station must be installed on its own dedicated lot which shall be vested to Watercare Services Ltd, in keeping with the Watercare Standards for Local Network Wastewater Pumping Station Design and Construction and Veolia's requirements.
89. The landscape planting plan for the pump station shall be submitted for approval by the Team Leader Compliance and Monitoring - South (in consultation with Council's Parks Consents Team Leader and Veolia Water) and shall be implemented prior to the issue of 224c to the satisfaction of the Team Leader Compliance and Monitoring - South.

Water Supply

90. Prior to occupation of the dwellings or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier; the consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with Veolia's Construction/Connection of New Works Agreement.

Network Utility Services

91. Prior to the occupation of the dwellings, or prior to the issue of 224 Certificate (s.46 HASHAA), whichever is the earlier, individual private connection to the underground reticulation of electricity and telecommunication services to the boundary of each lot must be provided and installed to the satisfaction of the appropriate network utility providers.

92. Certificates from the network utility providers and certified 'as-built' plans showing the locations of all plinths, cables and ducts must be provided prior to the occupation of the dwellings or in support of the section 224(c) application whichever is the earlier for each stage pursuant to section 46 of the HASHAA.

Advice Notes:

- *Water and wastewater concepts plans included in the Infrastructure, Planning, Funding and Implementation Report are conceptual, however in principle appear to capable of providing an appropriate water and wastewater servicing solution, subject to detailed design in accordance with Veolia's requirements and the Watercare Code of Practice.*
- *The water and wastewater infrastructure for the development site is required to be designed, funded in full, and delivered by the consent holder (to Watercare standards and Veolia's requirements).*
- *Engineering approval in matters relating to water and wastewater will be issued directly by Veolia in the form of its 'Construction / Connection of New Works Agreement' following receipt of and its approval of finalised (detailed design) engineering plans in accordance with Veolia's requirements and the Water and Wastewater Code of Practice for Land Development and Subdivision version 1.5 (May 2015), published by Watercare Services Ltd*
- *Veolia has advised that it will not (and will in no way be obligated to) provide a water / wastewater service until such time as all requirements of its 'Construction / Connection of New Works Agreement' are met. Part of those requirements includes payment of Infrastructure Growth Charges prior to the issue of its Compliance Certificate i.e. prior obtaining the section 224c certificate from the Council.*

LANDSCAPING CONDITIONS

93. Landscaping – Implementation

Prior to the occupation of any of the units or prior to the issue of the 224c certificate pursuant to s46 of the HASHAA, whichever is the earlier the consent holder shall undertake and complete all hard and soft landscaping works. The landscaping shall be implemented in full and maintained for the life of the consented buildings to the satisfaction of the Team Leader Compliance and Monitoring - South and in accordance with the approved landscape plan(s) in Conditions 20 and the relevant Auckland Council Code of Practice or Specification at its sole cost, to the satisfaction of the

Auckland Council's Arboricultural Advisor and in the case of the esplanade reserve riparian planting Auckland Councils Ecology Advisor.

Advice note:

- *Planting shall occur within the first planting season immediately following the completion of works. The recognised planting season is May to September.*
- *All street trees shall be good quality specimens and planted and staked to the satisfaction of the Council's Arboricultural Advisor.*
- *All grassed and planted areas shall be developed and completed with a minimum topsoil depth of 300mm. If the subsoil below the required depth (300mm) is hard and compacted, it shall be ripped.*
- *Good quality topsoil, free of weeds, stones and clay lumps, and other contaminants shall be used.*
- *All areas that have been grassed must have a 90 percent strike rate, be in a mowable condition, and weed free.*

Landscaping – Tributary C Riparian Planting Implementation

94. In the first planting season following completion of earthworks, in each stage, where appropriate the consent holder shall undertake and complete the planting on the riparian margins of Tributary C. This riparian planting must be implemented in full to the satisfaction of Council's Team Leader Monitoring (South). This landscaping shall be carried out in accordance with the approved landscape plan(s) in Conditions 20 and the relevant Auckland Council Code of Practice or Specification at its sole cost, to the satisfaction of the Auckland Councils Ecology Advisor.

Maintenance of Landscaping

95. Prior to the issue of the section 224(c) certificate, the consent holder shall provide a Maintenance Plan for the approval of the Parks Consent Planning Team Leader for all landscape planting identified in Condition 20 (the streetscape, reserves to vest, pump station planting and Tributary C riparian planting). The Maintenance Plan must include:

- a) Vegetation maintenance practices for the proposed planting and grassing, in particular details of methodology, dates and frequencies.
- b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth, as appropriate.
- c) Vandalism eradication methods.

96. The consent holder shall undertake maintenance, at its sole cost, in accordance with the approved Maintenance Plan for a two year period for the streetscape trees and 5 years for the reserve planting and planting on Tributary C commencing on the date the section 224(c) certificate is issued. Insufficient or inadequate levels of maintenance as deemed by the Arboricultural Advisor and Councils Ecologist during this period shall be remedied by the consent holder at their sole cost

97. The consent holder shall pay a maintenance bond to Auckland Council if the 224c certificate for the development is to issue within the maintenance period. The maintenance bond will be held for a period of two years for the streetscape planting and 5 years for all other planting from the issue of a practical completion certificate for the streetscape landscaping and esplanade reserve (Lot 106). The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks Consents Planning Team Leader prior to the lodging of the bond.
98. If any damage to the landscape planting occurs within the maintenance period, the consent holder shall replace damaged plants with the same species and height, and they are to be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Consent Planning Team Leader.
99. If the consent holder fails to maintain the assets, as defined in the maintenance conditions, and as required by this consent, the Council may undertake the works necessary to bring the assets up to the standard required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works for the following 24 months will also be deducted from the bond.
100. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder.

GENERAL SUBDIVISION CONDITIONS

Road naming

101. The consent holder shall submit a road naming application for the proposed Jointly Owned Access Lot (Lot 100), and the Road to Vest (Lot 104) for approval by the Papakura Local Board prior to the lodgement of the survey plan for the subdivision.

Advice Note

In accordance with Council policy the road naming application shall provide suggested street names (one preferred plus two alternative names) and includes evidence of meaningful consultation with local Iwi groups. The street naming approval for the proposed roads shall be obtained from Local Board prior to the approval of the survey plan pursuant to Section 45 of HASHAA. The consent holder is advised that the process of naming roads currently takes approximately two or three months. The applicant is therefore advised to submit the road naming application for approval by the Council as soon as practicable after the approval of this subdivision consent.

SECTION 223 CONDITION REQUIREMENTS (s45 of HASHAA)

102. Within 3 years of the decision of the consent, the Consent Holder shall submit a 6survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be in general accordance with the approved subdivision plans in Condition 1 of the consent.
- The consent holder shall ensure that the following conditions have been met to the satisfaction of Team Leader Compliance and Monitoring – South, The Memorandum of Easements in accordance with the approved subdivision plans shall be duly granted or reserved.
 - That Lot 100 hereon (legal access) be held as to 35 undivided one-thirty-fifth shares

by the owners of Lots 1 – 35 hereon as tenants in common in the said shares and that individual computer freehold registers be issued in.

- That Lot 101 hereon (legal access) be held as to 2 undivided one-half shares by the owners of Lots 41 – 42 hereon as tenants in common in the said shares and that individual computer freehold registers be issued in.
- That Lot 102 hereon (legal access) be held as to 7 undivided one-seventh shares by the owners of Lots 85 - 91 hereon as tenants in common in the said shares and that individual computer freehold registers be issued in.
- That Lot 103 hereon (legal access) be held as to 8 undivided one-eighth shares by the owners of Lots 77 - 84 hereon as tenants in common in the said shares and that individual computer freehold registers be issued in.
- That Lot 104 shall vest in the Auckland Council as Legal Road.
- That Lot 105 shall vest in Auckland Council as Local Purpose (Stormwater) Reserve without compensation or development contribution offset.
- That Lot 106 shall vest in Auckland Council as a Local Purpose (Esplanade) Reserve at no cost to the Council (noting part of Lot 106 will vest under section 229 of the RMA), and no compensation or development contribution offsets or reductions are available to the consent holder.
- That Lot 107 (Pump Station) shall be created as a freehold lot and be transferred to Watercare once the certificate of title has been issued.
- A certificate from a licensed cadastral surveyor certifying that any retaining walls on the site and its ancillary and supporting structure are clear of the proposed lot boundaries immediately parallel to the wall.
- A registered surveyor or chartered engineer shall provide an as-built survey plan of the overland flow paths and required minimum finished floor levels for all private lots within or adjacent to the overland flow path.

Easements in gross in favour of the Auckland Council shall be created over parts of the site as detailed below and shall be included in a memorandum of easements endorsed on the survey plan and be granted or reserved.

- An overland flow path drainage easement over Lot 38 in accordance with the as-built plans requirement under condition 14 in favour of Auckland Council shall be duly granted and reserved.
- A right to convey wastewater over Lot 1000, Lot 2 DP 98457 and Part Lot 23 DP 66983.
- A right for access for maintenance for wastewater over Lot 1000, Lot 2 DP 98457 and Part Lot 23 DP 66983.
- A right of way access for public access over Lot 100 and Lot 101.

SECTION 224 CONDITION REQUIREMENTS (s46 of HASHAA)

In addition to the section 224(c) conditions contained within the land use and subdivision Conditions in 72-92 above the following conditions shall be provided prior to the release by the Council of the Section 224(c) certificate (Section 46 of the HASHAA) for this subdivision the consent holder shall comply with the following conditions to the satisfaction of Council:

Overland Flow Path Easement

103. The easement instrument for the overland flow path easement in favour of Council to drain water over Lot 38 hereon shall be prepared by the Council's solicitor at the cost of the consent holder. The easement shall advise:
- The owner of the lot is responsible to maintain the overland flow path in its approved state and to prevent it from becoming a danger or nuisance;
 - The owner is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments to prevent free flow of water.
 - No buildings, earthworks, solid walls, fences or other impediments shall be placed within any easement areas in such a manner that it would alter or divert the flow of flood waters unless approval from Auckland Council is obtained.
 - The owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.

Certification for Licensed Cadastral Surveyor

104. The consent holder shall provide a certificate from a licensed cadastral surveyor that all services and ROWs have been constructed in accordance with the as-built plans submitted and have been located entirely within the easements created.

Geotechnical Completion Report and Certification

105. A Geotechnical Completion Report by a suitably qualified and Registered Engineer shall be provided to Council with the 224 application. The report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site. As stated in the condition 62 above.

Minimum Floor Levels

106. A Stormwater Report from a suitable qualified and experienced engineering professional shall be provided to the satisfaction of Councils Principal Development Engineer, identifying:
- a) The 1% AEP flood level for the site and the surrounding road reserves ;
 - b) A layout plan of the overland flow paths for the site and the adjacent land along the boundary in accordance with the approved EPA before Section 223 approval;
 - c) The overland flowpath plan shall include as built cross sections of all roads including the ponding areas with levels before overtopping;
 - d) As built longitudinal plan and cross sections for shall be provided for overland flow path locations;
 - e) The minimum floor level of all habitable buildings must be at least 150mm for flows below 2m³ per second and a 100 mm deep and where flows exceed this the minimum floor level of all habitable buildings must be at least 500mm. This may be enforced through a consent notice on the property unless the building consents have already been issued;
 - f) No buildings, structures or other obstructions may be erected in the overland flow paths without written permission from the Council; and
 - g) Where either existing or proposed overland flow paths cross lot boundaries, the consent holder shall provide to Council plans to accompany easement(s) in

favour of the Council. Any easement documentation shall be prepared by the Consent Holder's Solicitors to the satisfaction of Council's Solicitors. All costs are to be at the expense of the Consent Holder. The terms of these easements must prevent buildings, structures or other obstructions being erected in the overland flow path, and must require the land owner to maintain, weed and clean the overland flow paths to ensure an unobstructed flow of stormwater.

ROADS AND TRAFFIC CONDITIONS

107. All roads and ancillary facilities such as (but not limited to) grass berms, traffic light, street lighting, and traffic calm devices, marking, street sign, and street furniture to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.

Opaheke Road Upgrade

108. Prior to issue of the s224(c) certificate, Opaheke Road adjacent from the southern extent of QD1 up to Lorelei Place must be upgraded to a safe urban standard in accordance with the approved engineering plans. These works do not include a kerb/channel/footpath upgrade of the eastern side of the road. However, the full width of the carriageway must be upgraded.

Advice Note:

As described in Section 8.2 of the submitted Integrated Transport Assessment, Opaheke Road shall be upgraded to ATCOP compliant safe urban standard with kerb and channel drainage on the western side of the road, along with a 1.3m back berm, a 1.8m wide footpath and a variable width front berm. Detailed cross section design must be submitted at EPA stage. Appropriate speed transition treatment must be provided along Opaheke Road, details of which to be provided at the EPA stage.

109. An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in Council have been constructed in accordance with the approved Engineering Plans, shall be provided in support of the 224 application.
110. All RAMM as-built plans and data for all new roads shall also be provided with the 224(c) application. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, bus bays, street lighting, street furniture, street name, directional signs and landscaping etc.
111. A report from a suitably qualified and registered electrician shall be supplied with the 224(c) application. The report shall certify that all street lightings have complied with the relevant safety standards and that they are connected to the network and are operational.

Resolutions Report

112. The consent holder shall submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices). A copy of the Resolution from Traffic Control Committee shall be submitted with the lodgement of the application for the certificate pursuant to sections 224(c) of the RMA.

Advice Note:

The resolutions, prepared by a qualified traffic engineer, will need to be passed so that the changes to the road reserve can be legally implemented and enforced. The resolution process may require public consultation to be undertaken in accordance with Auckland Transport's standard procedures. It is the responsibility of the consent holder to prepare and submit a permanent Traffic and Parking Changes report to AT TCC for review and approval. It is recommended that the resolution process be initiated at least 8 weeks prior to the installation permanent traffic and parking controls. No installation of any road markings will be allowed before the resolution is approved by the Auckland Transport Traffic Control Committee (TCC).

Road Safety Audit

113. A Post-Construction Road Safety Audit shall be submitted for the Park Edge Rd and Opaheke Rd intersection at the Engineering Plan Approval stage. The Road Safety Audit shall be undertaken by an independent and suitably qualified engineer. Any serious or significant concerns identified in the Road Safety Audit shall be appropriately addressed. All costs shall be met by the consent holder.

Vehicle Crossings

114. Vehicle crossings shall be formed, paved and drained in accordance with the approved engineering plans to the satisfaction of the Team Leader Central Monitoring. Where a footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, paving, patterns and finish as the footpath, on each side of the crossing.
115. An Engineering Completion Certificate certifying that the crossings have been constructed in accordance with the approved engineering plans shall be provided prior to the issue of the 224 certificate (s.46 HASHAA), or occupation of the dwellings, whichever is the earlier.
116. Any existing vehicle crossing that is decommissioned as a result of the proposal shall be reinstated as berm and kerb in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's Manager, Resource Consenting and Compliance. The consent holder shall apply for a vehicle crossing permit.

Advice Note:**Continuous Pedestrian Footpath**

Where footpath intersects a new vehicle crossing, the overlapped area shall be designed and constructed to the same levels, using the same materials, kerbing, pavings, patterns and finish as the footpath, on each side of the crossing.

Reinstatement of Existing Roads

117. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's Manager, Resource Consenting and Compliance. An Engineering Completion Certificate certifying that the above condition has been met shall be provided in support of the s224 application.

Landscaping – implementation

118. Prior to lodgement of the section 224(c) certification for each stage, planting is to be implemented in accordance with the approved landscape plans in Conditions 20 and the relevant Auckland Council Code of Practice or Specification at its sole cost, to the satisfaction of the Team Leader Compliance and Monitoring - South, in consultation with the Council's Parks Consent Planner for all landscaping and for the streetscape planting to the satisfaction of the Arboricultural Advisor. Any defects identified at the practical completion audit required prior to the section 224c application are to be remedied by the consent holder. The practical completion of the works will be determined by the Team Leader Compliance and Monitoring - South and Compliance in consultation with Council Parks – Arboricultural Advisor (South) to his/her satisfaction.
119. Planting is to occur during the May to September planting season. All street trees must be good quality specimens and planted and staked to the satisfaction of the Council's Arboricultural advisor.
120. All planting and establishment maintenance is to be carried out in accordance with the specifications provided in the approved plans.

Landscaping - maintenance

121. Prior to the issue of the section 224(c) certificate, the consent holder shall provide a Maintenance Plan for the approval of the Council's Parks Consent Team Leader for all streetscape planting, landscaping and rain gardens.
122. The Maintenance Plan must include:
 - a) Vegetation maintenance practices for the proposed planting and grassing, in particular details of methodology, dates and frequencies.
 - b) Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth, as appropriate
 - c) Vandalism eradication methods.
123. The consent holder shall undertake maintenance, at its sole cost, in accordance with the approved Maintenance Plan for a two year period commencing on the date the section 224(c) certificate is issued. Insufficient or inadequate levels of maintenance as deemed by the Arboricultural Advisor during this period shall be remedied by the consent holder at their sole cost
124. If any damage to the streetscape planting occurs within the maintenance period, the consent holder shall replace damaged plants with the same species and height, and they are to be maintained for a period of two years following the replacement planting, to the satisfaction of the Council's Parks Consent Team Leader.

Uncompleted Works Bonds

125. Prior to the lodgement of the section 224(c) certificate and in accordance with section 108(2)(b) of the RMA, an unconditional, on demand bond will be entered into where any landscape works required by the conditions of this consent have not been

completed in accordance with the approved plans at the councils discretion. The bond amount shall be 1.5 x the contracted rate of any outstanding works.

Maintenance bonds – landscaping

126. Prior to the issue of the 224c certificate and in accordance with section 108(2)(b) of the RMA, the consent holder will pay to the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent.
127. The maintenance bond will be held for a period of two years for streetscape planting and 5 years for reserve planting from the issue of a practical completion certificate for the streetscape landscaping and esplanade reserve (Lot 106). The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks Consents Planning Team Leader prior to the lodging of the bond.
128. If the consent holder fails to maintain the assets, as defined in the maintenance conditions, and as required by this consent, the Council may undertake the works necessary to bring the assets up to the standard required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works for the following 24 months will also be deducted from the bond.
129. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder.

As-built plans for Lot 106 – Esplanade to vest

130. Prior to the issue of 224(c) under this consent the consent holder will provide to the Development Engineer and Parks Consents Planning Team Leader as built plans for landscape works (hard and soft) within the esplanade reserve (Lot 106) in CAD and pdf form including the following details;
 - a) Asset names.
 - b) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants.
 - c) All underground services, irrigation and drainage.

Right of Way access for Watercare

131. Prior to the approval of the 224c certificate pursuant to s46 of the HASHAA and s224c of the RMA, a formed accessway shall be created within the right of way easement to provide physical access for the maintenance of the wastewater pump station. The right of way access (Easement CF and CG) to the wastewater pump station shall be formed in accordance with Engineering Plan Approval. Written confirmation for the Veolia Limited confirming that necessary access has been provided over Lot 1000 shall be supplied to the Team Leader, Development Engineer (South).

Public Access Easement

132. The easement instrument for the public access easement in favour of Council shall be prepared by the Council's solicitor at the cost of the consent holder. The easement shall advise:
- a) The owner of the lot is responsible to is responsible to form the easement to provide public access
 - b) The owner is responsible to maintain the easement in its approved states and to prevent it from becoming a danger or nuisance;
 - c) The easement shall be available for public access at any time and unobstructed by buildings, earthworks, solid walls, fences, or any other impediments

CONSENT NOTICES

Pursuant to s44 of the HASHAA and 221 of the RMA, the following consent notice shall be registered against the Certificate(s) of Title of the following lots to ensure that the following conditions shall be complied on a continuing basis

Public open space boundary treatment

133. Any fencing, walls or planting along boundaries or within 2m of boundaries of any public open space must not exceed 1.2 metres and the council is exempt from sharing costs.
134. The owner(s) of the lot is thereafter to maintain the fencing/planting in perpetuity.
135. As this is a continuing condition a consent notice will be required to be registered on all lots bordering the esplanade reserve. The consent notices will be prepared by the Council's solicitor at the consent holder's costs. The consent notices must be registered at the time of a certificate under section 224(c) RMA.

Consent Notice - Affordability

136. Before titles to the nine (9) nominated lots that are deemed to be for affordable dwellings under Criteria A of the affordability criteria set out in Section 5 of the Order in Council of the Housing Accords and Special Housing Areas (Auckland New September 2014 Areas) Amendment Order 2014, Schedule 3 – Bellfield Road, Papakura, Special Housing Area, are transferred, the consent holder shall provide to the Council's Manager, Resource Consenting and Compliance a statutory declaration from the purchaser of the lot that the that the purchaser meets all the following criteria:
- a) This lot is deemed to be for the provision of an affordable dwelling in accordance with the affordability criteria set out in Criteria A of Section 5 of the Order in Council of the Housing Accords and Special Housing Areas (Auckland New September 2014 Areas) Amendment Order 2014, Schedule 3 – Bellfield Road, Papakura, Special Housing Area. Before any dwelling in the development is occupied, or title to that dwelling is transferred, the consent holder shall provide to the Team Leader, Southern Monitoring, Resource Consenting and Compliance a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria:
 - i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;

- ii. The purchaser has paid a price for the affordable dwelling which is not more than that defined under Criteria A of the affordability criteria set out in Section 5 of the Order in Council of the Housing Accords and Special Housing Areas (Auckland New September 2014 Areas) Amendment Order 2014, Schedule 3 – Bellfield Road, Papakura, Special Housing Area.
 - iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;
 - iv. The purchaser is a first home buyer and has never owned any other real property;
 - v. The purchaser is a natural person and is purchasing the affordable dwelling in their own name and not in the name of any other person.
137. The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the purchaser of the dwelling who meets the above criteria. In the event that the lot is first sold to a builder or a building company for the purposes of constructing a dwelling that is to be on sold and not occupied by that builder or building company, the statutory declaration shall be provided from the builder or buildings company to the Team Leader, Southern Monitoring, Resource Consenting and Compliance when the Certificate of Title of the dwelling is transferred to the subsequent purchaser of the dwelling.

Stormwater Management on private Lots

138. A Consent Notice shall be required for all residential lots and JOAL requiring the installation and long term maintenance of a stormwater management device(s) to ensure the following measures are provided for all impervious surfaces as per below:

Lots 1, 10-77, 84-85, 91-92

- a) Retention of 5mm of runoff depth; plus,
- b) Detention (temporary storage) of 19.4mm for runoff from the 95th percentile 24 hour rainfall event.
- c) Stormwater device/s on private land must be operated and maintained by the site owner(s) in perpetuity
- d) A proposal may use more than one device to achieve compliance with (a & b

Lots 2-9, 78-83, 86-90, 101-103

- a) Retention of 5mm of runoff depth
- b) Stormwater device/s on private land must be operated and maintained by the site owner(s) in perpetuity
- c) A proposal may use more than one device to achieve compliance with (a

The sizing and layout of the device(s) shall be in general accordance with the updated and approved Stormwater Management Plan and Infrastructure Design Report prepared by Stormwater Solutions Consulting Limited

The stormwater device(s) shall be operated and maintained in accordance with the approved Operation and Maintenance Manual which shall be provided to Council for approval at the specific design stage (at building consent). The approved Operation and Maintenance Manual shall be in accordance with the generic template approved under this consent.

Geotechnical Completion Report

139. For each residential lot, the recommendations contained in the Geotechnical Completion Report or any addendums produced as part of the development, specifying information and recommendations relating to foundation design, minimum floor levels, retaining walls, and stormwater disposal plus any additional restrictions shall be continually upheld.
140. All buildings are to be designed and constructed in accordance with the recommendations of a suitably qualified engineer that is familiar with the site constraints and the contents and recommendations of the various geotechnical reports for the site.

Minimum floor level

141. The stormwater report required by this consent will establish on-going development restrictions and set minimum building floor levels for any affected lots. Those restrictions shall be registered on all affected lots as a consent notice.

Wastewater Pump Station

142. For Part Lot 1001, No residential development shall be permitted within 16 meters from each legal boundary of Lot 107, where the new pump station is located.

Access Restriction

143. For Lots 11-18 and 32 no vehicle crossings may be established onto Opaheke Road. Vehicle access shall be achieved via the JOAL Lot 100 only.

ADVICE NOTES:

1. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 81 or 82 of the HASHAA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*
2. *Compliance with the consent conditions will be monitored by Council. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*

3. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.*
4. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
5. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Council's Team Leader, Southern Resource Consent Monitoring, Auckland Council on 09 301 0101 or email: specialhousingarea@aucklandcouncil.govt.nz include the following details:*
 - *name and telephone number of the project manager and the site owner;*
 - *site address to which the consent relates;*
 - *activity to which the consent relates; and*
 - *expected duration of works*
6. *All new applications for new water and wastewater connections shall be lodged through connections@water.co.nz in conjunction with the building consent. Watercare Services Limited have advised that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, a water and wastewater Infrastructure Growth Charge per additional equivalent unit shall apply. Details of the charge are available on the website, www.watercare.co.nz.*
7. *Any amendments made to any of the existing or proposed public lines on site will require the submission of an engineering plan approval to Council for approval in writing.*

8. *The consent holder is responsible for a road naming application for proposed Laneway (Lot 100) for approval by the Papakura Local Board prior to the lodgement of the survey plan for the subdivision. In accordance with Council policy the road naming application shall provide suggested street names (one preferred plus two alternative names) and includes evidence of meaningful consultation with local Iwi groups. The street naming approval for the proposed roads shall be obtained from Local Board prior to the approval of the survey plan pursuant to Section 45 of HASHAA. The consent holder is advised that the process of naming roads currently takes approximately two or three months. The applicant is therefore advised to submit the road naming application for approval by the Council as soon as practicable after the approval of this subdivision consent.*

9. *If any archaeological features are uncovered on the site, works should cease and the Senior Compliance Advisor, DPO-SHA Consenting and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand. Archaeological features' may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.*