



Decisions of the Accord Territorial Authority following the hearing of concurrent applications for a variation to the Proposed Auckland Unitary Plan and a subdivision consent as a qualifying development under the Housing Accords and Special Housing Areas Act 2013

SUBJECT: Application by the Karaka Area 1B Residents and Landowners Association for a variation to the Proposed Auckland Unitary Plan under section 61, and an associated application by Karaka Harbourside Estate Limited under section 25 for a qualifying development (subdivision), pursuant to the Housing Accords and Special Housing Areas Act 2013 for the approved Hingaia Special Housing Area at Hingaia, South Auckland. Hearing held on 23 to 26 November 2015 at the offices of the Auckland Council at Manukau.

PURSUANT TO SECTION 61 OF THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 PROPOSED PLAN VARIATION 7 TO THE PROPOSED AUCKLAND UNITARY PLAN IS APPROVED SUBJECT TO MODIFICATIONS.

PURSUANT TO SECTION 36 OF THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 CONSENT TO THE ASSOCIATED SUBDIVISION APPLICATION IS GRANTED.

THE FULL DECISIONS ARE SET OUT BELOW

Application Number (s):	
Site Address:	135 and 143 Pararekau Road (qualifying development)

<p>Application Number (s):</p>	
<p>Applicants:</p>	<p>Karaka Area 1B Residents and Landowners Association (“KARLA”: plan variation); Karaka Harbourside Estate Limited (qualifying development)</p>
<p>Hearing Commenced:</p>	<p>23 November 2015, 9.30am</p>
<p>Accord Territorial Authority:</p>	<p>Miss Leigh McGregor</p> <p>Mr Barry Kaye</p> <p>Mrs Sheena Tepania</p> <p>Mr Brent Catchpole (Local Board member)</p>
<p>Appearances:</p>	<p><u>For the Plan Variation applicant:</u></p> <p>Mr Alan Webb, legal counsel Mr Brian Putt, planning consultant Ms Liz Thompson, president of KARLA Ms Bronwyn Rhynd, stormwater engineer Mr Anthony Smith, surveyor Mr David Mitchell, traffic engineer Ms Kelly Whisker, ecologist</p> <p><u>For the Qualifying Development applicant:</u></p> <p>Mr Mark Tollemache, planning consultant Mr Ian Munro, urban designer and planning consultant</p> <p><u>Submitters:</u></p> <p>Mr Michael Wu and Mr Fred Zhang (for the owners of 65 and 49 Derbyshire Lane, and 49 Oakland Road)</p>

<p>Application Number (s):</p>	
	<p>Ms Joanna Beresford, legal counsel with Mr Nigel Hosken, Hingaia Development (representing the owners of 143, 149, 151, 153, 155 Hingaia Road)</p> <p>Mr Andrew Wilkinson, planning consultant; Mr Steven James, engineer; Mr Aaron Smail, Summerset Villages (<i>Summerset Villages (Karakā) Limited, 53, 54, 65, 67 Pararekau Road</i>)</p> <p>Mr Michael Ahern (<i>24 Derbyshire Lane</i>)</p> <p>Ms Shelley Musk (<i>48 Island View Road</i>)</p> <p>Mr Alexander van Son, Karaka Lakeview Limited (<i>128 Hingaia Road</i>)</p> <p>Mr Malcolm Hood, Mr Samuel Hood, Mr Hugh Chapman (<i>48 Island View Road</i>)</p> <p>Mr Malcolm Brown, Ms Ngaro Brown, Mr Dean Brown (<i>37 Island View Road</i>)</p> <p>Ms Sarah Robson, planning consultant for the K&F Family Trust (<i>40 Normanby Road</i>)</p> <p><u>For the Council:</u></p> <p>Ms Alina Wimmer, principal planner, Development Programme Office (plan variation) Mr Colin Hopkins, project planner, Development Programme Office (qualifying development) Mr Evan Keating, transport planner Auckland Transport Mr Stuart Bracey, Auckland Transport Mr Richard Davison, urban designer</p>

Application Number (s):	
	Ms Katja Huls, stormwater engineer Mr Mark Iszard, stormwater engineer Mr James Mather, democracy advisor, hearings
Hearing adjourned	26 November 2015
Commissioners' site visit	Wednesday 18 November 2015
Hearing Closed:	18 April 2016

DECISIONS OF THE ACCORD TERRITORIAL AUTHORITY

1.0 INTRODUCTION

- 1.1 The Karaka Area 1B Residents and Landowners Association, more commonly known as KARLA, has applied for a variation to the Proposed Auckland Unitary Plan (“PAUP”) in order to rezone land on the Hingaia Peninsula which was identified as a Special Housing Area (“SHA”) in accordance with the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”). If the variation is approved the KARLA area will be known as Hingaia Precinct 3. Ultimately the Hingaia SHA as a whole is expected to provide around 900 affordable houses.
- 1.2 The Hingaia SHA was approved as part of the Auckland Council’s second tranche of special housing areas and was formally established by an Order in Council in December 2013, although plans to urbanise this area have been formulated over a number of years, including a structure planning process conducted by the former Papakura District Council. One outcome of that earlier work was application of the Future Urban zone to most of the Hingaia Peninsula. This is effectively a holding zone, designed so that infrastructure, open space and roading could be considered at the time of full urbanisation. The zone allows only very limited subdivision and that applies only to boundary adjustments of up to 10% and for the installation of

infrastructure. Hingaia lies within the Rural Urban Boundary (“RUB”) established by the PAUP but is not inside the Metropolitan Urban Limit described in the operative Auckland Regional Policy Statement.

- 1.3 A concurrent application for a subdivision as a qualifying development was made by Karaka Harbourside Estate Limited, which was separately represented at the hearing. That application relies on the plan variation being approved as the HASHAA requires that subdivision and other development applications must be considered only after the decision on the proposed plan variation has been made. Accordingly, the variation is considered first and once that decision has been reached it is followed by our decision on the subdivision matter.
- 1.4 The applications were heard by the Accord Territorial Authority, comprised of three independent Hearings Commissioners and a Local Board member, with delegated power to make the decisions on the applications on behalf of the Auckland Council.
- 1.5 Pursuant to section 59 of the HASHAA the Authority has no jurisdiction to amend any regional provisions, including those in the proposed Regional Policy Statement in the PAUP. The required assessment is to be made against the regional provisions as they were notified in September 2013, and not as they may have subsequently evolved during the PAUP hearing process.
- 1.6 Any district level objectives, policies, rules, maps and overlays in the PAUP which are not amended by the specific provisions in the variation as approved will continue to apply to the land once the PAUP becomes operative. Among other things, the Precinct provisions proposed by the application, should we agree to all of them, would rezone the land from Future Urban in the PAUP to a combination of the Mixed Housing Suburban, Mixed Housing Urban, Single House, Mixed Use, Large Lot and Neighbourhood Centre zones.
- 1.7 The HASHAA does not provide for full public notification of applications for either plan variations or qualifying development consents. Instead limited notification of proposals is required by each of sections 67 and 29. These applications were notified in 2015 on this basis to the same persons and parties in each case with the submission periods closing on 27 March 2015. A second round of submissions on both the plan variation and qualifying development (required due to a request to extend the zoning under section 68 of the Act) was notified on 6 August 2015 and

closed on 9 September 2015. A list of the parties who were notified was attached to the Council's report.

- 1.8 At the close of the respective submission periods, a total of 78 submissions had been lodged with the Council in respect of the proposed variation with 53 supporting the application, 23 opposed and two neutral submissions. A total of 32 submissions related to the qualifying development. There were two late submissions. These were sent to the Council by M and S Jones and by Xue Ping. While the applicant had no objection to a waiver of the time limit being granted in each case, section 29 (11) of the HASHAA provides that any submission made after the closing date must not be considered and accordingly we cannot take these two submissions into account.
- 1.9 Two requests pursuant to section 68 of the HASHAA were made in submissions lodged by K Cheng and Dawson Land Investments Limited and by Karaka Lakeview Limited, both of whom own property on the southern side of Hingaia Road, and requested their land to be included in the variation area. Section 68 enables a proposed variation to be expanded to apply to other land provided that land is located in the same SHA. A further round of submissions on the variation application was required because of these requests. As a result of the section 68 requests, the original 157 hectares subject to the variation request was expanded to a total of 202 ha.
- 1.10 Following receipt of the submissions, reports on each of the applications were prepared by the Housing Projects Office ("HPO")¹ at the Council with Ms Wimmer reporting on the proposed variation application and Mr Hopkins addressing the subdivision proposal, with input from other specialists in both cases. We refer to these as "the Council's report(s)". The application materials and the DPO reports convey considerable detail of the area involved as well as the proposals and the relevant plans and statutory instruments. Because of that it is not necessary for much of that detail to be repeated except to the extent that it relates directly to the issues under discussion.

2.0 THE PROPOSED PLAN VARIATION

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¹ Now the Development Programme Office ("DPO")

- 2.1 The Hingaia peninsula presents a combination of gently rolling and flat topography. The KARLA area is more built up than the other SHA areas that were considered at the same hearing. The northern edge is coastal and contains a number of large lot properties. The area is bounded by State Highway 1 (the southern motorway) to the east, Oakland Road to the west and the arterial route of Hingaia Road to the south. (Oakland Road forms the boundary between the KARLA plan variation land and that comprising the Hayfield SHA area which is subject to a separate decision). A retirement village is being developed by Summerset Villages (Karaka Limited) on Pararekau Road and there is a small commercial development adjacent to this which contains healthcare businesses. There is a gated community accessed from Hingaia Road by way of a private access lot. This is the “Stonybridge Lane and Karaka Way Development Block” which is fully developed with substantial family homes, large well established trees, hedging and mature landscaping. On the southern side of Hingaia Road is a single lot which has been used for business purposes for a number of years. The zoning of that lot is not proposed to change under the plan variation. According to Mr Putt’s evidence there are 151 properties within the original KARLA boundaries (although not all of these owners are also members of the Association).
- 2.2 Land on the Hingaia Peninsula was originally administered by the Franklin County Council and was later incorporated into the district administered by the Papakura District Council. There is a lengthy history of attempts to rezone it for urban use including detailed structure planning arrangements since around 2002. The planning history was described in the application materials and again in Mr Putt’s planning evidence, although Mr Webb said the restrictions on subdivision have survived since the County Council’s time. We understand through evidence given during the hearing that the principal reason for this was a lack of existing infrastructure in the area.
- 2.3 Mr Webb’s submission was that given the land is now subject to the HASHAA, both the current zoning and the Future Urban zoning proposed in the PAUP cannot achieve the purpose of that Act. Similarly, the purpose of the Resource Management Act 1991 (“RMA”), which is one of the considerations to be applied, is to be evaluated in the context of the land being subject to the HASHAA.
- 2.4 As mentioned, the zones sought to be applied to the KARLA land are a combination of the Mixed Housing Suburban, Mixed Housing Urban, Single House, Mixed Use,

Large Lot and Neighbourhood Centre zones. There is already land zoned for sport and recreation purposes and a Special Purpose (School) zone also.

- 2.5 Mr Webb said in the opening submissions that the variation application did not seek to make 'wholesale changes' to the PAUP provisions. While it sought to change the zoning currently proposed for the land (Future Urban), it did not seek to introduce new zones which do not already appear in the PAUP. It also requested only minor changes to the controls in the other zones. He said the underlying reason for the proposed variation is to enable development of the land in a pre-planned and structured way which would ensure the synergies between each stage are retained and that the infrastructure requirements are realised.
- 2.6 There were two submissions that sought to increase the re-zonings proposed, namely a submission from K Cheng and Dawson Land Investments Ltd and a second submission from Karaka Lakeview Ltd. This section 68 land is located at 200, 204, 250, 254, 264, 280 and 284 Hingaia Road and for convenience is being termed "Southern Hingaia Road". It is comprised of 44.5 hectares and adjoins the existing Karaka Lakes development to the east. The land here is generally flat and has a gradual fall toward the coast on the western side of the Hingaia peninsula. It is currently in pasture with a small number of buildings.
- 2.7 A mixture of the Mixed Housing Urban and Mixed Housing Suburban zones were sought for Southern Hingaia Road. Mr Tollemache said the proximity of the proposed neighbourhood centre, Clotworthy Park and the Hingaia primary school supports an area of intensification that applying the Mixed Housing Urban zone would represent as it would allow higher density developments to occur where land use and transport integration opportunities could be maximised. The higher density area would extend approximately 360 metres south of Hingaia Road and match the extent of the MHU zone on the northern side of the road. While the Council's urban designer had proposed that this extent of the zone in this location be reduced to a depth of 170 metres, Mr Tollemache argued that would be inconsistent with the northern area, not give the same effect to the Regional Policy Statement in the PAUP or the objectives and policies of the Hingaia precinct, and would not foster intensive development which makes for more efficient use of land, and provides for increased housing supply and a range of lifestyle opportunities.

- 2.8 This was echoed in Mr Munro's urban design evidence. He noted that there had been no section 32 (RMA) analysis for a reduced MHU zone and also queried whether in a greenfields situation, as this is, there could be any adverse effect resulting from density. He said the relevant PAUP rules had been written to apply to existing housing stock, not new areas such as Southern Hingaia Road. He had analysed the area and the proposed provisions, and also prepared a Neighbourhood Design Statement as required by the PAUP.
- 2.9 His conclusion was that the land use zone pattern being proposed by Cheng and Dawson is neither near the upper or lower limits in the PAUP. He said "... *the layout and development pattern likely is in my view comfortably in line with the housing outcomes sought in the zone and can be ensured through the subdivision process. The sub-precinct plan proposed by the submitter will enable a coherent and efficient subdivision pattern delivering active frontages and passive surveillance of streets, and private rear spaces behind houses. It will integrate logically with the [KARLA] plan variation and reinforce the proposed neighbourhood centre. The efficient use of land and public amenity will result through provision for the MHU zone where residents can conveniently walk on flat land to shops, a park and a bus route*". Aspects such as these could be seen as achieving the purpose of the RMA and Part 2 of that statute in particular. As well as supplying convenient walkability based on recognised research and the other benefits already recorded, the MHU zoning sought for this southern area would in his opinion allow a generous lower density transition towards and around the coastal fringe, which would lead to a greener and less built-out interface with the esplanade reserve.
- 2.10 The remainder of the Southern Hingaia Road land is proposed to be Mixed Housing Suburban to reflect the coastal environment, the adjacent residential development, and distances from Hingaia Road and the services and facilities proposed in the plan variation.
- 2.11 A new precinct plan was proposed for Southern Hingaia Road after having received the Council's report. Along with the proposed zonings, it showed Hingaia Road widening, a framework of local roads continuing from development in the north-east, pedestrian links, bus routes and an esplanade reserve to vest. New provisions to apply to the precinct were also sought by way of a sub-precinct being tailor-made for the Southern Hingaia Road area. The Council's report for the hearing recommended that this submission be accepted to the extent provided for in the Council's

recommended revised provisions and its updated zoning and Precinct maps. We address the various aspects that arise from the submitter's request later, but in general terms record at this stage that we agree with the land development pattern proposed but have resisted the suggestion of a tailor-made sub-precinct as in view of the decisions that have been made on the various aspects of the variation we do not believe it is necessary.

- 2.12 The section 68 application by Karaka Lakeview requested an extension of the re-zoning to include 128 Hingaia Road as a Mixed Use Business zone. With a frontage to Hingaia Road of 135.95m and a short frontage to Bridgeview Road of 10.26m, this corner site is flat with no notable changes in topography, although the wider area falls gently to the south. The property is a balance lot from a recent subdivision associated with the residential development to the south of the site, and has substantial building improvements which are currently vacant. Located on the southern side of Hingaia Road, the property was previously used primarily as a residential care facility. The Karaka Lakes residential development is located to the south of this site, with a row of duplex houses immediately adjoining its southern boundary. Under the provisions of the PAUP the site is proposed to be zoned as Single House. A Mixed Use zoning will allow the buildings to be utilised to service the residential catchment. Subject to an adjustment to the height limit that would otherwise apply, the Council's report recommended in favour of the rezoning proposed by Karaka Lakeview.
- 2.13 Section 61 provides a framework for consideration of a plan variation in the context of the HASHAA. Under sub-section (4) these considerations, in strict order of priority, are:
- (a) the purpose of the Housing Accords and Special Housing Areas Act 2013;
 - (b) Part 2 of the RMA;
 - (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 (Heritage New Zealand) 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);

(e) any other relevant provision or relevant statute.

- 2.14 The purpose of the HAASHA as set out in section 4 is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues. That provision can be taken to have been satisfied by the fact that this SHA has been approved and gazetted and the application for this and other variations for the area have subsequently been made. If rezoning is approved, a variety of housing forms will be provided, including higher density development around the proposed neighbourhood centre which will increase the potential yield for this land.
- 2.15 The purpose and principles of the RMA are contained in sections 5 to 8 which comprise Part 2. Section 5 states the Act's purpose, namely sustainable management, as that expression is defined by 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 it lists. In this case the relevant matters of national importance are the preservation of the natural character of the coastal environment, rivers and their margins, and the protection of those from inappropriate subdivision, use, and development (section 6(a)); enhancement of public access along the coastal marine area (section 6(d)); and the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)).
- 2.16 We have found these requirements satisfied by the proposed variation (and the related qualifying development application also) as it incorporates water sensitive design measures and also makes provision for suitable re-vegetation of the riparian margins on this part of the peninsula at the time of subdivision. Subdivision and development will be required to maintain and enhance the coastal and estuarine environment, streams and riparian margins. The agreed changes to the zoning pattern will provide for the sustainable management of natural and physical resources and also support economic wellbeing through providing for housing, employment and parks. Public access is provided for along streams and adjacent to the coast through pedestrian and cycle paths and open space linkages that should

create a high amenity interface between the urban area and the coast. The conditions for the qualifying development also include an accidental discovery protocol to satisfy Iwi concerns regarding as yet undiscovered items in the area.

- 2.17 In section 7 of the RMA other matters are to be paid 'particular regard' and these include: the efficient use and development of natural and physical resources; maintenance and enhancement of amenity values; any finite characteristics of natural and physical resources; and the intrinsic values of ecosystems. As will be apparent further on, we have paid particular regard to those matters when reaching our decision.
- 2.18 Section 8 of the RMA requires that the principles of the Treaty of Waitangi are to be taken into account. In that context, relevant matters for section 6 can also arise. Cultural Impact Assessments ("CIAs") considering the proposed variation were provided by Ngāti Tamaoho and Te Ākitai Waiohū. Their primary concerns related to water quality and ensuring water sensitive design, protection of historic heritage (archaeology/waahi tapu), including requiring accidental discovery protocols, and the environmental values of streams and the coast.
- 2.19 Ngāti Tamaoho recorded a long historic and cultural association with Hingaia and a wish to enhance the coastal margins and to improve water quality in the area through appropriate land use patterns, good management of effects, and restoration planting. They also sought protection and recognition of existing archaeological sites along with protection or appropriate mitigation for other as yet unidentified sites. Ngāti Tamaoho are determined that past poor practices will not be repeated on the proposed new greenfields housing development sites and noted in their CIA a keenness to work with developers to ensure this does not happen. Ngāti Tamaoho were particularly concerned with stormwater detention and treatment prior to discharge. They noted their aspiration to have waters that are drinkable, swimmable and fishable. The iwi made a number of additional recommendations for inclusion in the variation such as water sensitive design suggestions, cultural monitoring, public access to the Drury creek esplanade area and ongoing involvement. These measures accord with their kaitiaki responsibilities.
- 2.20 Te Ākitai Waiohū echoed these sentiments in their CIA recording their relationship with Hingaia and noting that they neither supported nor opposed the variation proposal but in the words of Mr Denny, who authored the CIA, "*accept that*

development will occur in this location". The CIA acknowledged that while full urbanisation is planned for approximately a third of the KARLA land area, "*most of the land will remain as Large Lot with the ability to subdivide into additional lots of 1500-2500m² sites*". Te Ākitai recognised the positive effects of the proposed development but highlighted that measures need to be put in place to manage the effects of run-off from bulk earthworks and to minimise the effects of that further downstream and in the coastal environment. Recommendations made by the iwi were similar to those made by Ngāti Tamaoho with a particular emphasis on water quality and accidental discovery protocols as well as recognition for iwi input and involvement in the future developments.

- 2.21 The concerns raised by iwi have been considered and we agree with the Council's report that the plan variation is consistent with the CIA assessments. No issues were raised by either of the CIAs that would preclude consideration of the applications or result in a finding that they should be declined.
- 2.22 We were also provided with copies of the relevant Iwi Management Plan and Issues Statements for this area which are planning documents for the purposes of section 74(2A) of the RMA and provide guidance on the role Iwi might have in managing resources. Having perused the Iwi Issues and Values paper by Ngāti Tamaoho, the Issues and Priorities statement of Te Ākitai, and the Iwi Management Plan prepared by Ngāti Te Ata, coupled with the more site-specific CIAs prepared by the former two of these Iwi, we are satisfied that nothing in the proposed variation, or in the Karaka Harbourside Estate Ltd subdivision application, offends the intentions of any of those documents.
- 2.23 The Council's report informed us with respect to the Regional Policy Statement embodied in the PAUP that quality urban growth is identified as a key regional outcome in Part 1, Chapter B sections 2.1 and 2.2. It was apparent that consultation with the local community about urbanisation of the Hingaia Peninsula has been ongoing for many years. The Future Urban zone in the operative section of the District Plan, and currently reflected by the PAUP, were based on this. The proposed Hingaia 3 Precinct sought by the variation is consistent with the expectation that the land would be developed for residential use (as the name "Future Urban" implies).
- 2.24 For the avoidance of any doubt, under section 61(4) of the HASHAA the variation is not required to give effect to the operative Auckland Regional Policy Statement or to

the operative regional plans to the extent that the proposed RPS and regional plans in the PAUP are more consistent with the purpose of the Act. As noted, there is no power to amend the RPS in the PAUP as part of the current process.

- 2.25 In terms of the “quality urban growth” policy in the PAUP the urban design measures incorporated into the proposed variation and/or recommended by the Council have satisfied us that this policy will be met if the variation is approved.
- 2.26 We have concluded that overall the proposal aligns with the Council’s strategy and outcomes for open space as expressed in Chapter B, section 3.6 of the RPS in the PAUP and have agreed that the neighbourhood parks shown on the precinct plan produced by the Council should remain. Whether or not a particular park is actually developed, and its configuration if it is, will be matters for future resource consent applications. The liveability of residential neighbourhoods relates to the close proximity of houses to small, as well as medium and large, areas of open space. In this case, much of the area has the benefit of a coastal frontage as well.
- 2.27 Turning to district matters for the purpose of section 74 (2) of the RMA, the Hingaia land forms an important part of the Council and the Local Board’s growth aspirations for Papakura. Consideration of the operative District Plan (Papakura Section) before reaching our decision on the variation is technically required by section 74 of the RMA but that consideration is actually precluded by the HASHAA provisions.
- 2.28 Sections 74 to 77D of the RMA are effectively procedural provisions which set out various matters to which a consent authority is to have regard whenever formulating and finalising the provisions of a district plan, including proposed changes to such a plan. We have borne those provisions in mind when considering the variation application and finalising the provisions to be included in the PAUP. The final version of the text to be inserted in the PAUP is attached at the end of this decision document as Attachment 1 and will become operative when the variation decision is notified.

3.0 ISSUES IN CONTENTION

- 3.1 Mr Webb listed the issues remaining in contention for the variation before we heard the evidence on behalf of KARLA and the submitters on the proposed variation as being:

- (a) retention or otherwise of the Large Lot zone in this area, subject to altering the density provisions of that zone as it will apply to the Hingaia 3 precinct;
- (b) deletion of the sub-precinct structure proposed in the Council's report on the variation;
- (c) deletion of proposed gross floor area ("GFA") controls in the neighbourhood centre zone;
- (d) reinstating the 300m² minimum lot size in the Mixed Housing Suburban zone;
- (e) amending the hydrology plans for the area; and
- (f) deletion of a "no access" restriction proposed by the Council's reporting for Oakland Road and also a proposed road (Papaka Road) shown adjacent to the primary school.

Its evidence also addressed a proposed cap on development which would then trigger requirements for infrastructure upgrades, particularly in respect of signalling intersections.

- 3.2 Cheng and Dawson were concerned with some of these issues, although their submission and evidence actively sought a tailor-made sub-precinct be agreed for the Southern Hingaia Road area. The Large Lot zone and GFA controls were not relevant to their land, but as mentioned earlier their submission requested that land to the south of Hingaia Road within a 360m radius of the neighbourhood centre be zoned Mixed Housing Urban to match the pattern around the centre on the northern side.
- 3.3 Cheng and Dawson were not concerned with the measures proposed for the existing Oakland Road but asked for an extension of that road through to Kaimanawa Road in the south. That extension was shown on the Council's transport network plan. They also requested that show homes be recognised as a permitted activity in the activity table in the proposed variation because the provisions as recommended in the Council's report would make these a non-complying activity as a result of them homes not appearing in the activity table. We consider that applying a non-complying activity status to show homes is essentially 'overkill' but also do not consider there were adequate grounds advanced to substantiate a permitted activity status for those. On balance we are inclined to the view that a restricted activity

status is appropriate as it allows for conditions to be imposed around duration of the activity and any other nuances that may prove relevant to maintaining the amenity of nearby permanently occupied residential dwellings. This submission also raised queries regarding the yard standards, subdivision rules, and the appropriate maximum impervious area threshold for sites with a density of 400m² or greater.

3.4 Other issues arose in the course of hearing from the submitters. These included the appropriateness of applying a Mixed Housing Suburban zoning to the gated community which is accessed from Hingaia Road, and whether streams marked on the Precinct plan produced by the Council actually exist. Indicative roads shown on the Council's recommended precinct plan were also challenged, and in particular an east-west link favoured by Auckland Transport.

3.5 The Council's final comments after having heard all the evidence adopted Mr Webb's list and added the following:

- (a) removing the proposed parks;
- (b) removing an east-west road connection, particularly through the gated community, and extending Derbyshire Lane through to Pararekau Drive;
- (c) responding to queries raised by the Commissioners with respect to the affordability provisions contained in the recommended plan variation text.

The issues attracting the most comment were whether the Large Lot zone should be retained in the area and an east-west link road recommended by the Council on behalf of Auckland Transport. We address those and the other issues below. In the course of those discussions the relevant effects on the environment are covered.

Large Lot zone

3.6 There is an existing area of around 80 large lot (1 hectare) properties in this part of Hingaia, including the sites in the gated community we have already referred to. These large lots were created in the 1970's or 1980's when the area still formed part of the Franklin County Council's district. KARLA sought that the variation retained those large lot sizes while the Council's approach was to apply a zoning that would allow them to be subdivided into smaller lots should the respective owners choose to do that at some time in the future. Submissions on the variation variously urged one or other of those approaches.

- 3.7 Mr Webb's submissions on this issue were the lots involved will not be more intensively developed during the life of the PAUP as the houses are well established and "*their owners didn't go to the trouble of creating these sanctuaries to then give them up to be surrounded by more intensive development*". To apply a more intensive zoning would therefore be a redundant exercise. However it was accepted that if a more intensive zone was to be applied to the areas involved that did not mean that such development would necessarily follow but his submission was that a better approach would be to impose a zone that reflects the reality of what will actually occur.
- 3.8 Mr Putt's planning evidence was it would be premature to rezone this land yet as he did not foresee it becoming available for urban development in at least the next two decades. He said the large lot sites all contain medium to substantial homes of high value, most of which are set in a matured landscape environment. Given their high value the prospect of the 1 ha sites being purchased, amalgamated and made available for development was "almost nil". He said initially use of the Large Lot zone for these sites was seen as a sensible land use arrangement under the PAUP that would give medium term credibility to a zoning pattern that would work. But following completion of a stormwater analysis for the area it was apparent that three additional lots per title could be accommodated. Consequently many submitters, including KARLA, were seeking for an additional three lot opportunity to be available. This would allow each existing site of more than 10,000m² to provide for an additional three sites. The minimum net site area in the Large Lot zone in the notified PAUP is 4000m².
- 3.9 The Council's report on the variation application recommended that the Large Lot zone be deleted from the land concerned and replaced with Mixed Housing Suburban which has a default lot size of 400m². Mr Putt said this recommendation had taken the applicant by surprise and was opposed. KARLA was seeking to have the Large Lot zone reinstated "*but with the modification to allow three additional titles per existing lot on the basis of the subdivision arrangements set out in the variation request*". In essence Mr Putt was seeking a variation to the Large Lot zone provisions so that sites over 10,000m² could provide four lots overall (including the existing dwelling being on a new smaller lot). That would result in an average lot size of 2500m² in theory. When questioned Mr Putt agreed that there would be an increase in the housing supply if the large lots were not to be retained but against that said it would be irrational to leapfrog the large lot area because of the ownership

pattern and the fact that the investment in that area is at such a high level that a denser subdivision pattern simply would not be implemented.

- 3.10 For the K and F Family Trust planning consultant Ms Robson agreed with the Council's position although the Trust had originally requested that the Single House zoning be applied to its land at Normanby Road and east of Pararekau Road. She said if the Large Lot zone was to be retained it would encourage low density development over an 80 hectare section of land between a proposed commercial centre (close to the motorway interchange), high density development on the western side of the peninsula and the existing medium density development to the east, north and south of the Trust's site. Retaining the large lots would therefore "*... create an inappropriate semi-rural area between two urbanised locations*" in her opinion.
- 3.11 Ms Robson continued that there are no constraints that require a lower density zoning to be applied to some parts of the SHA, and that an inconsistent zoning pattern would encumber effective and efficient provision of future servicing and development of the area. She said the Regional Growth Strategy and the Southern Sector Agreement had both promoted Hingaia as an area for future growth, with the Agreement requiring that it be developed to provide an additional 10,000 dwellings. In contrast the Large Lot zone in the PAUP had been designed to enable low density development on the periphery of urban areas and "*has been located specifically where there is an absence of reticulated services, physical limitations such as hazards and topography and where it is compatible with high quality landscapes*". There are no such features in this area.
- 3.12 Ms Robson said applying lower density residential zones in the SHA is inconsistent with the purpose of the HASHAA. Under the RMA retaining the Large Lot zone would not provide for the foreseeable housing needs of the community and therefore would not provide for a sustainable use of land given its suitability for high density development. Her opinion was a low density zone would be detrimental to the establishment of quality and compact urban development. She agreed with Ms Wimmer that retrofitting services can be costly and difficult and ventured that smaller lot sizes would produce more funding for the infrastructure required.
- 3.13 We understand that point of view but the majority of the Commissioners do not agree that the HASHAA automatically prevents landowners from defining a position on zoning matters that reflects their aspirations and intentions and, secondly, does not

prevent changes in zoning strategies in the short to medium term. If landowners are not going to take up subdivision opportunities that the Plan provisions enable, then the desired release of smaller lots onto the market will still not be realised in any event. The HASHAA is enabling legislation but does not go so far as to require land owners to subdivide and cannot do that.

- 3.14 Speaking for KARLA its president Ms Thompson took the opposite view to Ms Robson. She asked for the Large Lot zone to be retained, and pointed out that “*it had been agreed all the way through that this would be the case*”. She argued that no infrastructure will be required for it as the large lot area would be self-sustaining. Its retention would mean the area would provide for a range of housing and thus promote diversity, and the existing ambience of that part of the area would be maintained.
- 3.15 Mr Malcolm Hood spoke as trustee of the Hood Family Trust and has lived at Hingaia for 30 years. It has interests in land at 43 Oakland Road. Mr Hood urged that 1500m² sections be ‘directed’ for stage 1A of development of this area. If that was to occur then in his opinion infrastructure ‘impositions’ would not be required and development could start taking effect immediately. The Trust’s view was the variation should be put on hold until all the parties affected by it had reached an amicable conclusion in respect of infrastructure provision. He said the applicant had taken a risk in not communicating with all the owners in the area and should not be surprised if the Authority was to decide that large lot sections were the least contentious, most immediate and cost effective means of achieving the best outcome.
- 3.16 In response to the matters addressed by Mr Hood the Reply made on behalf of the applicant said KARLA did not consider it fair for the Trust to claim that it had not been consulted or involved in any of the planning matters for the area. It said the Trust had plenty of opportunity to have engaged in the process since proposals for urbanisation of Hingaia were first advanced in 2002 and the Trust had owned its property since that time. It appeared to KARLA to be that the Trust simply did not like what has happened as a consequence of the Hingaia area been taken into the Metropolitan Urban Limit at that time. Even if a new zoning was proposed, it was still entirely up to the Trust whether it takes part in the development or not.

- 3.17 Mr Brown has lived in the area for a similar period and spoke for the Tonada Park Trust which owns property in Island View Road. He described the zonings proposed in the notified variation as a sensible and balanced mix of high, medium and low density development. The large lot proposal would not exert pressure for the provision of new infrastructure, nor would it require any substantial road, drainage or sewer upgrades although he accepted that there will nevertheless be a reticulated pipe network for stormwater disposal. He favoured being able to create three additional titles from a large lot, citing a density of three household units or 1 unit per 1330m² in the case of the Trust's landholding and provided an amended wording for the variation text to achieve this along with sketches of alternative cluster developments that could be provided on the Trust's site.
- 3.18 Mr Brown also preferred that a cul-de-sac roading layout is promoted for the area saying this typology is particularly conducive to large lot subdivisions as it tempers traffic movements and creates a 'localised' neighbourhood, while connectivity will be achieved by the proposal to link Fleur Road through to Oakland Road. He said through streets destroy the elements of neighbourly interaction and community as well as the maturity and special qualities that exist in the area. Similar comments were made by Shelley Musk who was particularly critical of the proposed linking of a private lane off Island View Road to Derbyshire Lane. This should be an off-road pedestrian and cycle link instead.
- 3.19 The statement made by Ms Musk on behalf of the Martin G Armstrong Trust and the SEA Musk Trust supported retaining the large lots. Her view was the variation would compromise the existing environment and ambience of Hingaia, and that it contained a significant bias in favour of a traditional urbanisation programme which did not create any distinction or alignment with the existing community. She believed there should have been a buffer or transition area of lots around 700m² to 1200m² between the large lot developments and the more intense Mixed Housing Suburban zoned land. In her view this precinct is not a true greenfields situation as there is an existing community in an established environment which has a distinct style and mix of residential offerings. She questioned why this should be compromised by introducing multiple unit and apartment developments and requested that terraced housing and apartments not be recognised for the area.
- 3.20 In her final comments after having heard all the evidence Ms Wimmer advised she preferred the full urban zoning pattern for the reasons outlined in the agenda report.

However she understood the merits of the KARLA proposal presented by Mr Putt and the complexities involved. As a result she had prepared two sets of precinct provisions and draft maps to assist the Authority in reaching a view on the best zoning “fit” for this part of Hingaia. These two concepts showed:

- Option 1 – A central portion of around 80ha of Large Lot zoning west of Pararekau Drive with one dwelling per 3,000m² to provide for all on-site treatment of stormwater and wastewater, with the balance of the land zoned Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Building zone, Mixed Use and School zones. All connecting east-west roads were removed in accordance with the submissions that opposed them.
- Option 2 – Essentially the same option as that provided in the hearing report but with the east-west road through the Karaka Gated Community removed and an extended Mixed Housing Urban zone in response to the submission from K Cheng and Dawson Investments Ltd.

3.21 After considering all the matters advanced, and noting the evidence of the unlikelihood of the submitters taking up on the MHS zoning opportunities in the foreseeable future should that zoning be imposed, the majority of the Commissioners agreed with the points made by witnesses such as Mr Hosken and Mr Putt and favoured the first option put to us in Ms Wimmer’s final comments. We return to the options shortly as in fact they covered a range of matters rather than a single issue. The majority view is the essence of the HASHAA process will be delivered in that a significant number of small lots can still be created elsewhere in the SHA area, the existing amenity would be preserved, plus any future changes to the zoning will not be pre-empted.

3.22 The majority acknowledge the Council’s preference is to provide for urbanisation of the land and that accords with the purpose of HASHAA. In the final comments Ms Wimmer recorded that:

“The Council’s preference is to provide for urbanisation of land that is in accordance with the purpose of HASHAA. In most greenfields Special Housing Areas applicants prefer to choose a suite of zones that will make efficient use of infrastructure, provide for housing choice and increase housing supply. The KARLA proposal is a privately initiated plan variation, reflecting the wishes of its diverse membership. In making the

recommendation for full urbanisation, council staff wish to provide for a long-term zoning solution. A full urban zoning pattern will make efficient use of infrastructure and recognise the area's proximity to services, Local Centre, schools and all of the facilities that are expected in an urban context.

The limited notification process elicited a range of development views from residents in the KARLA plan variation area. Many submitters such as Summerset Retirement Village, Mr Ahern, K Cheng and Dawson Investments Ltd and others supported urbanisation. However, several submitters sought a Large Lot zoning on the basis that it would better recognise the existing treed landscape and amenity values that had attracted many people to the area. Mrs Liz Thompson, President of KARLA, had gone to great lengths to consult with the association members and wanted to ensure that the re-zoning process would achieve a "mix" of housing types. Mr Malcolm Brown, architect and local resident, presented two concepts: one for cluster housing on large lots and another showing individual dwellings on large lots. Both Mr Brown and Mr Hood referred to previous concepts prepared by the Papakura District Council that maintained a Large Lot area within Hingaia, and would provide for a range of housing from medium density, standard residential sections, through to Large Lots."

- 3.23 The Karaka Way gated community submitters (Martyn and Lesleigh Brown, Lynne Brookfield, Roydon and Judy Griffiths, David and Brenda Banks, and Virginia Mills) wanted no additional subdivision entitlements to apply to their development and opposed both the applicant's version of the plan variation and the Council's concepts for their land. In her legal submissions on their behalf Ms Beresford submitted that the deletion of the Large Lot zone and replacement of it with a MHS zone, including a dwelling cap of 600 units for the Karaka Way community, was a significant change from the notified proposal in relation to the zoning of the submitter's properties and that *"had the proposal been notified with the MHS zoning in place of the Large Lot, the [Karaka Way] submitters would have opposed the application of that zoning over a wider area on the basis that it would bring urban development of an entirely difference scale closer to their properties and adversely affect the amenity enjoyed at Karaka Way"*.
- 3.24 In his statement on behalf of these landowners and residents, Mr Hosken described an unique environment which he suggested provides all seven essential design elements described in the NZ Urban Design Protocol that together create a quality

urban environment with an established sense of place, landscape and legible identity which these landowners wish to retain intact. He said the community provides a unique choice in residential accommodation that should not be undermined by the proposed plan provisions. Ms Beresford submitted that the consent of all of the owners of the jointly owned accessway, which runs northwards from Hingaia Road and through the Karaka Way gated community and provides its sole access, would be required in order to provide access for any new lots that might be created by subdivision making further subdivision of the site difficult in any event.

- 3.25 The majority of submitters who appeared at the hearing drew attention to the well-established character and amenity quality of the area where the existing larger 1 ha lots exist and considered that provision of a 3000m² lot size regime in that area will provide a reasonable balance between creating a future opportunity for higher densities than exist now in the SHA area overall while providing for a range of lot sizes in order to supply a diversity of choice. The majority of the Commissioners do not consider that approach prejudices revisiting the strategic option of enabling higher densities in the future. This view recognises that while the purpose of HASHAA must be afforded the appropriate weight, regard must also be had to the matters in Part 2 of the RMA in order to achieve sound resource management outcomes.
- 3.26 The minority view agreed with the points made by witnesses such as Ms Robson, and in particular that keeping the area of Large Lots is inconsistent with the purpose of the HASHAA as doing so would not provide for denser subdivision in order to provide for more houses as the Act envisages. It is regarded as inconsistent to have made an application under this legislation when the clear intention is not to fulfil its primary objective. Furthermore if this part of Hingaia is zoned as Mixed Housing Suburban no one will then be forced to subdivide, they would simply have the ability to do that happens to be desired by any particular landowner.
- 3.27 All the Commissioners agree however that the qualifying development land to the north (roughly between Pararekau Road and Castellina Drive) is appropriately zoned as Mixed Housing Suburban which will reflect the existing adjacent land use pattern immediately to the north and support the qualifying development that was applied for.
- 3.28 In terms of the two options advanced by Ms Wimmer, while the majority decision on the zonings reflects her option 1 there are also aspects of option 2 which, as will be

seen below, that are also agreed with, in particular removal of the east-west road through the Karaka gated community removed and an extended Mixed Housing Urban zone being applied to the Cheng and Dawson area.

Extent of Mixed Housing Urban zone

- 3.29 The Council's report had recommended a more limited radius of 170 metres be applied to land adjoining the proposed neighbourhood centre rather than the wider 360m area sought in the submission lodged by Cheng and Dawson. Mr Tollemache pointed out in his evidence on their behalf that the smaller area being recommended would be inconsistent with the MHU provision that has been made for the Hayfield SHA and, further, that the wider radius would support land use and transport integration opportunities presented by the centre, Clotsworthy Park and proximity to the primary school. He also considered that the greater radius sought would give better effect to the objectives and policies of the Regional Policy Statement in the PAUP because a walkable neighbourhood would be created, better land use and transport integration would be achieved, while the amenities of the zone would still be maintained.
- 3.30 His assertions were backed up by Mr Munro's urban design evidence which pointed out that 400 metres represents a 5 minute walk. Among other things he saw the benefits of the increased density the Mixed Housing Urban zone would allow as increasing bus patronage, shop custom and park usage which were relevant to achieving the purpose of the RMA and in particular Part 2 of that Act.
- 3.31 Civil engineer Mr Wu appeared for three submitters who own land at 49 and 65 Derbyshire Lane and 49 Oakland Road in the plan variation area. They sought that land to the north-west of Clotsworthy Park be rezoned as Mixed Housing Urban. The land concerned was marked on a plan annexed to his statement and appeared to involve a rectangular strip of around one section deep running from west to east just north of the neighbourhood centre, the park and the primary school from Oakland Road across to, or possibly over, a north-south critical local road to the east (indicated on the Council's transport plan as Peninsula Avenue). He said the proximity of the neighbourhood centre, park and school can support an area or node of intensification, allowing higher density integrated developments to occur where land use and transport integration opportunities can be maximised.

- 3.32 In respect of these requests Mr Wu said the extent of the MHU zoning recommended by the Council was insufficient to achieve the available positive effects and density opportunities in the area. This was particularly important where significant areas were requested to be zoned as Large Lot which would then reduce the efficient use of the land in the Precinct overall.
- 3.33 These submitters also asked for a more intensive zoning along the edges of a pond or stream that extends south, on what appears to be a single large lot, from Derbyshire Lane in the north-western reach of the SHA area (as shown on attachment 2 to his evidence). This area was regarded as being ideal for development for integrated housing.
- 3.34 We have concluded that on balance the MHU zone can appropriately be applied to land within a radius of 400m of the proposed neighbourhood centre for the reasons advanced by Mr Tollemache and Mr Munro, and also because that is consistent with the Authority's decision on the Hayfield SHA applications. In terms of applying a 300m² minimum lot size for the Mixed Housing Suburban zone and Mr Wu's points about integrated housing Ms Wimmer stated in her final comments that: *"In my view there is scope in the greenfields setting to do integrated residential development and provide a mix of site sizes that give housing choice. I now support the reduced minimum site size sought by the applicant and submitters as it provides another regulatory method for achieving the same outcome."* We concur with her conclusion and find accordingly. Our principal reason for doing so is these measures are consistent with the purpose of the HASHAA in increasing the supply of land for housing purposes and allow for a corresponding increase in the number of dwellings that may be provided.

Single House zone

- 3.35 The Council had recommended that the Single House zoning applying to properties on the interface with Karaka Harbourside Estates properties on Pararekau Road be changed to the Mixed Housing Suburban zone. For KARLA Mr Putt said in his evidence this would provide an additional opportunity for the landowner who seeks to extend the Karaka Harbourside Estates development pattern onto its land. KARLA was not opposed to this change, however it did not find favour with Summerset whose land is affected and, as discussed elsewhere, it sought a Mixed Housing

Suburban zoning be applied to its land instead so that the retirement village has the future ability to expand its facilities if required.

- 3.36 Addressing a particular property at 128 Hingaia Road, on the southern side of the arterial adjacent to the western corner of Bridgeview Road, planning consultant Mr van Son said Karaka Lakeview was seeking that the Single House zoning in the notified PAUP be changed to Mixed Use for this site. The site has two existing vehicle crossings directly off Hingaia Road (an arterial road with flush median), which provide access to an internal circulation network and formed parking areas. Mr van Son described the buildings and activities on this land and from this it was apparent that it has functioned as a small business centre for a considerable time. He said the primary buildings have recently become vacant and lend themselves to a variety of activities beyond those for which they were originally intended when they were constructed around 35 years ago. If the Single House zoning was to remain these buildings would have to be removed. On the other hand retaining and developing the resources already on the site would represent sustainable management, and applying a Mixed Use zoning to the site would enable a range of business activities that are predominantly smaller scale commercial uses. Examples of these he gave are community facilities, commercial services and offices, education and healthcare facilities, and visitor accommodation which Mr van Son said would not be an anomaly in the Hingaia Road streetscape nor would it have unreasonable impacts on the amenity of adjoining residential sites or the viability of surrounding centres. Development standards such as height to boundary controls and setbacks would apply on the residential boundary in any event.
- 3.37 While the Council's report agreed with the requested Mixed Use zoning for this site there was an issue regarding the 16.5m height limit that is permitted in that zone and it was recommended that this be restricted to 12.5 metres for this particular site, being the height limit that applies in the Neighbourhood Centre zone. Recommendations were also made regarding the treatment of the faces of the buildings on their street frontage as they would present a key retail frontage to Hingaia Road and there was a consequent need to ensure that future buildings have at least 75% of their width and height in clear glazing. Mr van Son advised that Karaka Lakeview Ltd accepted the recommendations made which would vary some of the Mixed Use zone provisions on a site-specific basis.

- 3.38 Our finding in both of the above matters, and noting that the Council agreed with the points made on these aspects, is that it is consistent with sound forward planning principles for the relief sought in both cases to be granted, albeit in the case of application of the Mixed Use zone to the Karaka Lakeview site with the modifications recommended by Ms Wimmer being incorporated as site-specific measures for the land at 128 Hingaia Road.

Proposed sub-precinct structure

- 3.39 The Council proposed in its report that the area subject to the proposed variation be broken down into sub-precincts A, B1, B2 C, and D and that those areas have a maximum number of housing units allocated to each. In the same order as just described those were 950, 750, 600, 50 and 650 houses giving an overall total yield of 3000 housing units. Its precinct plan also indicated where public open spaces and a special purpose zone should be located. In sub precinct A, a neighbourhood centre and some THAB (Terrace Housing and Apartment Buildings) zoned land was also shown.
- 3.40 Mr Webb submitted in KARLA's opening submissions that it was not helpful for the Council's report to have introduced a sub-precinct concept for the KARLA area. Mr Putt's evidence on this aspect was that the recommended sub-precinct arrangement would result in an artificial limit being imposed on sub-precinct A, which is the principal development area and located on greenfields land. It had been expected overall that this land could produce 800 to 1000 household units but the recommendation made in the Council's report to extend the Mixed Housing Urban zone in the KARLA area would lift that total to 1200 units. That would then limit sub-precinct A to 950 household units.
- 3.41 Mr Putt believed the recommendation had arisen as a consequence of the Council's recommendation to delete the Large Lot zone as there was no technical reporting to examine the density and household unit outcomes predicted by the proposed sub-precinct system. If the arrangement preferred by the DPO was to remain then in his view the sensible approach would be to adjust the sub-precinct table so that sub-precinct A has a maximum number of units of 1500 and sub-precincts B1 and B2 were reduced to 500 and 300 respectively. He said in that way a more realistic balance in terms of intended outcomes could be achieved without limiting the development potential of sub-precinct A. Ideally, however, the sub-precinct

arrangements should be deleted altogether and the Large Lot zone kept as originally requested.

- 3.42 As we understand it the sub-precincts technique relates to development caps which were based on the initial traffic modelling for the entire area. This determined which roads and intersections needed to be upgraded and at what level of development those upgrades would be required. Mr Keating advised in a memorandum on behalf of Auckland Transport that further research had been conducted and it had concluded that sub-precinct caps were not required. The level of development which may need to be capped in the KARLA area and the associated section 68 land was identified as 3100 households. His memorandum said this level of development will take a long time to eventuate and the nature of the transport environment will alter in that timeframe. He concluded that there was an insufficient level of certainty regarding adverse effects to justify a planning rule as originally proposed.
- 3.43 Cheng and Dawson actively sought that sub-precinct provisions be applied to the southern section 68 land and provided the rules and controls they were proposing. Ms Wimmer disagreed with the extent of the changes proposed to the bulk and location rules on the basis that they were generally inconsistent with those proposed for KARLA. Mr Tollemache found this difficult to accept, saying that the tailor-made provisions had contemplated changes being made to the relevant rules in the notified PAUP when decisions on its content are made. In those circumstances it was appropriate and necessary in his view for the precinct to include its own specific land use and subdivision rules. This would avoid the unintended consequences of decisions on the PAUP significantly changing the underlying assumptions as to the development controls that apply to Hingaia now and later when the PAUP is made operative. Mr Wu made a similar statement on behalf of the submitters he was representing.
- 3.44 Specific issues Mr Tollemache referred to in this regard included: the proposed caps on the potential yield from the precinct areas (used for the traffic modelling and dealt with elsewhere in the decision) which he objected to, the infrastructure triggers, the omission of show homes as a permitted activity, the lack of a specific density rule, and building coverage. For his clients Mr Wu also requested show homes be recognised as a permitted activity and integrated housing development is recognised as a restricted discretionary activity in both the Mixed Housing Suburban and Mixed

Housing Urban zones. Amendments to the density requirements in the development controls and to the land use controls were included in his statement.

- 3.45 For the submitters from the gated community at Karaka Way Ms Beresford was supportive of the sub-precinct approach as that would reflect the differing abilities of land in the plan variation area to accommodate urban development. She saw no reason why the properties in the gated community could not be subject to a sub-precinct that restricts subdivision in that part of Hingaia to a minimum lot size of one hectare.
- 3.46 Mr Munro's urban design evidence for Cheng and Dawson suggested that when drafting the PAUP the Council had missed a significant opportunity to develop a greenfield specific suite of land use zones. He said the Mixed Housing Suburban and Mixed Housing Urban zones had been developed primarily to apply to existing, developed, parts of Auckland. As such the development and density controls are dominated by ensuring development will fit in with the suburban environments already in existence, in other words the controls were created mainly in order to manage infill housing rather than large vacant areas. In that respect "*the MHU and MHS zones are inescapably compromises between the old and the new*". He said the minimum section sizes are part of this approach and had not been supported by any analysis identifying, in a greenfield context, what adverse amenity effects cannot be adequately provided for on smaller section sizes. He said in his experience smaller section sizes are the most direct way of reducing house prices as the main variable affecting those, which can be readily changed, is the land component. Mr Wu's statement conveyed similar thoughts for his clients.
- 3.47 In her final comments Ms Wimmer said sub-precincts are used to recognise any special features within the precinct areas. It was not clear to us what these special features were considered to be in this case. But she accepted Mr Putt's view and both of the optional variation provisions she had prepared for the Authority did not include any sub-precincts.
- 3.48 We have considered the evidence and reached the conclusion that there is no fundamental rationale to allocate maximum housing yields based on the defined sub-precinct areas in a context where the delivery of additional housing is a prime desired outcome. There is a range of permutations and combinations as to the manner in which land may be developed and how a range of household sizes and types may be

provided. What appears to be an artificial maximum housing cap based on sub-precinct areas introduces an unnecessary regulatory intervention in our view. While the sub-precinct limitations on yield appear to have been driven by traffic modelling outcomes we do not consider that the variation in yields that may occur across the area as a whole are likely to be of a scale or impact such that a sub-precinct based yield limitation is required. For that reason we find that the sub-precincts add little value to the regulatory management regime and should be dispensed with.

GFA controls in the Neighbourhood Centre zone

- 3.49 The Council's report recommended that the total floor area for retail and commercial activities in the KARLA part of the proposed Neighbourhood Centre be restricted to 1000m². KARLA objected to this as its plan variation request had envisaged that 2000m² would be provided. Mr Putt said in his evidence that restricting the gross floor area to 1000m² would be severely restrictive and would not encourage development of economically viable activities. If the restriction was considered to be necessary then the applicant was requesting that any non-compliance is considered as a restricted discretionary activity rather than as non-complying because there was no logical reason for the stricter classification to be applied.
- 3.50 What was not mentioned in this evidence however is the fact that the Neighbourhood Centre will actually straddle both corners of the intersection of Hingaia and Oakland Roads with the Hayfield SHA decision having addressed the western corner as part of that development. A principal reason for a limitation on the floor area there was so this neighbourhood centre would not compete with the Papakura town centre or the local centres established or to be established in the area generally. Taken together the whole neighbourhood centre in this location will supply 2000m² of GFA which is the volume KARLA had sought.
- 3.51 Ms Wimmer drew attention in her final comments to the applicant's opposition being based on there already being sufficient controls in the underlying zone. She said the only difference in terms of gross floor area controls between the underlying Neighbourhood Centre zone and this precinct is the limit of total retail or commercial gross floor area of 1,000m² (as it applies to the KARLA segment of the neighbourhood centre). The 1,000m² gross floor area limit had been removed in the updated Precinct provisions that were provided with her final comments.

3.52 Our finding is that it is important to limit the overall size of the neighbourhood centre in order for it not to compete with other established retail centres and/or those which are larger in terms of the retail strategy embodied in the Plan. The purpose of a neighbourhood centre is to cater for the local area and thus it should not reach a scale where it becomes a destination that then competes with other retail centres defined within a clear planning hierarchy of retail/business areas. For that reason alone we agree with the Council officers in that a threshold of 1000m² should be applicable to the KARLA segment of this neighbourhood centre, meaning that overall a 2000m² will be provided on the corner of Hingaia and Oakland Roads. Conversely, we consider that it is not unreasonable for any proposal where that threshold is proposed to be exceeded to require consent as a discretionary activity (and not a restricted discretionary activity as sought by KARLA) whereby any application would be required to address the potential adverse effects on the clearly established retail/business centre hierarchy established under the PAUP.

Mixed Housing Suburban zone – lot size

3.53 KARLA's variation request sought to amend the net site area in the Mixed Housing Suburban zone from the 400m² provided in the PAUP to 300m². The reason for this was to make better use of flat serviced land available in the greenfields area. Mr Putt said there is no consequence of aligning the MHS rule with the Mixed Housing Urban rule of 300m² as the difference between the zones could be achieved through the bulk and location controls which would allow a bigger built form in the Mixed Housing Urban zone.

3.54 Furthermore the density envisaged was supported by the stormwater and servicing reporting undertaken in support of KARLA's request. This had shown that no services would be put at risk and the environmental outcome would be readily managed within the proposed stormwater corridor arrangements. KARLA's traffic engineering evidence did not appear to have examined the effects of more intensive development if the 300m² lots were to be agreed to.

3.55 Mr Munro explained in his evidence for Cheng and Dawson that they sought rules that reduced the minimum lot size to 300m² as well as a number of revised bulk and location controls that focussed development toward the front of sites and with an emphasis on the fronts and backs for outlook and visual amenity. He said a 300m² site can be configured in a number of ways including a 15 metre width by a 20

metres depth which was most suitable for north-facing sites, or 12.5m x 24 m which is suitable for sites facing in all directions, or 11m x 27m, or 10 metres x 30 metres.

- 3.56 Mr Munro agreed with the rules being sought and would also support them being applied to the while of the plan variation are where the MHS and MHU zones are proposed. He concluded that an integrated and coordinated land use pattern would result, and that the proposed sub-precinct rules would be more efficient than the default PAUP approach. In his opinion the sub-precinct plan proposed by Cheng and Dawson will enable a coherent and efficient subdivision pattern delivering active frontages, passive surveillance of streets, and private spaces behind houses. The area would integrate logically with the plan variation sought by KARLA and would reinforce the proposed neighbourhood centre.
- 3.57 Mr Tollemache said he could find no rationale in the Council's materials as to why the recommendation to revert to lot sizes of 400m² for the Mixed Housing Suburban zone and 300m² for Mixed Housing Urban would achieve policy 1 in the plan variation text better than the subdivision rules in the notified PAUP would. The stated intention of this policy was to "increase the density of development though reduced lot size while maintaining the intended amenities of the zone". He said the approach proposed on behalf of Cheng and Dawson was a refinement of specific greenfield subdivision rules which had been recommended for another unrelated SHA area. We do not regard that as being relevant to the present situation.
- 3.58 He said the 12.5 metres being required at the street frontages was driven by a desire for double garages and the importance of ensuring that lot dimensions did not result in non-compliance with the bulk and location rules. But if the garages and the vehicle crossings on a lot were to be reduced to a single width as the submitters proposed then the lot width could be reduced accordingly and thus support smaller lot sizes and provide for more intensive housing options that would be comparatively more affordable. He considered this would achieve the policy better as it would increase subdivision density through the reduced lot sizes. The pattern of urban form and blocks can be set through subdivision with the lots having inherent minimum dimensions and in his opinion would result in a streetscape that can perform in manner consistent with lots that have dimensions greater than 12.5metres.
- 3.59 After having considered all the points that were made the final comments on behalf of the Council said there is scope in the greenfields setting to undertake integrated

residential development and to provide a mix of site sizes that will provide for housing choice. Ms Wimmer now supported the reduced minimum site size sought by the applicant and submitters on the basis that it would provide another regulatory method to achieve the same outcome.

- 3.60 As addressed earlier in the decision we have agreed with Mr Tollemache and Mr Munro in respect of the MHS zone and the desired 300m² lot size. We accept Mr Munro's evidence around the ability to deliver high quality housing where lot sizes are only 300m². We found his evidence compelling in that regard. We also note the desire by the submitters, as manifested through the evidence of these two experts, for a reduced lot frontage from the proposed 12.5m to as little as 10 metres for a lot of 260m². We note his basis for a reduced frontage is founded on a limitation where smaller lots are restricted to a garage width effectively equating to a single car width. That approach has merit in our opinion but consider that it can be aired at a later subdivision application stage rather than creating a sub-set of precinct rules for this particular land.

Recommended plan variation diagrams

- 3.61 Mr Putt viewed a Parks and Hydrology plan appearing as Diagram 3 in the Council's recommendations as having introduced two difficulties. The first of these was misidentification of a number of overland flowpaths as "intermittent streams" when in fact these do not even function as flowpaths except in extreme weather conditions. This was confirmed by Ms Rhynd's stormwater engineering evidence. She said in her report that there would be a fixed stormwater system and beyond that the development process was to care for overland flowpaths, pipelines and so forth.
- 3.62 It appeared during the hearing that some reliance had been placed on the Council's GIS maps when the Council's reporting had been prepared as not all sites in the area could be accessed by the officers. In its view the applicant was responsible for providing a stormwater attenuation plan for the precinct so there could be clarity as where the streams might be because that has a flow-on effect for the lot patterning.
- 3.63 Mr Tollemache's evidence for Cheng and Dawson was that neither he or Mr Munro had identified any streams at 200 and 204 Hingaia Road during their site inspections, and nor had ecologists from Bioresearches or Golders Associates when they investigated the area. He said the Council's assessment had identified streams

where none were present and that those had been described as intermittent when its own ecological report had recorded them as being ephemeral.

- 3.64 Mr Munro reinforced this when he said the indicative intermittent stream on the section 68 land is not a significant, or even readily identifiable, feature for most of its length. He said there was no discernible riparian vegetation, flows, pools or surface water, channel, or stream bed for almost all of its length and *“trying to make this a premium green infrastructure corridor with riparian zones and road frontage is unlikely to be successful given that it will amount to a very expansive and generally dry swale that could be just as effectively provided within a road cross section”*. He was not opposed to green features in principle but the amount of detail required to progress that aspect further is what made a presumption at this higher level unsupportable. He concluded by saying that the precinct plan should be amended to straighten the east-west road shown on the Cheng and Dawson land connecting from the Oakland Road extension to Kuhanui Drive to the east (shown on the Council’s plans as Kabardin Street) and the “indicative intermittent stream” should be pulled back to the Oakland Road extension.
- 3.65 Ms Wimmer advised that Council staff had only visited selected sites and had relied on a desk-top analysis to show the stream extents. Mr Rue Statham, a Council ecologist, had subsequently provided advice on some specific streams that he had visited. The Council’s Stormwater Unit had also supplied additional commentary on the application, the proposed rules and map for stormwater purposes and these were attached to the Council’s final comments. Ms Wimmer disagreed with the Stormwater Unit’s memo on the basis that it would not provide sufficient certainty to property owners and third parties on whether or not they were dealing with an intermittent or ephemeral stream and therefore what their design response should be in any given situation. She said it would be unreasonable at this stage to introduce another layer of less accurate information (by way of desk-top data) that relates to overland flowpaths, which may or may not be the same as permanent and intermittent streams or to defer decision-making on those aspects for future consents. She agreed with the main thrust of the applicant’s stormwater evidence that the rules should relate only to permanent and intermittent streams and had therefore reduced the stream extents to reflect Ms Rhynd’s evidence as well as that of Mr Munro and Mr Tollemache. This is reflected in the approved plans.

- 3.66 Mr Wu said the submitters he was representing, and in particular the owners of 65 Derbyshire Lane and 49 Oakland Road, were seeking amendments to the Precinct Plan so that an east-west pedestrian link shown on Papaka Road is moved to the eastern property boundary. This was so the owners of the properties alongside it would be responsible for the design and construction of the eastern road berm rather than placing the full responsibility on the submitters' land. The same outcome was sought for the Papaka Road carriageway. Consequential amendments were also requested so that it would be made clear who would be responsible for formation of the roading and an equitable outcome between the owners on each side of the proposed alignment would be achieved. The attached plans have the road shown on the boundary.
- 3.67 Diagram 3 also included a symbol indicating "parks provision" in four different locations. This was the second difficulty Mr Putt perceived with the diagram. He said open space has already been provided for through a future esplanade reserve and the large open space with frontage to Hingaia Road which was purchased by the former Papakura District Council (namely, Clotsworthy Park). He said this park is well connected to the school and other facilities. If further open space was required then the accepted process was for the Council's Parks Department to identify the sites or areas it wished to purchase for that purpose at the time of subdivision design and approval. Alternatively, the Council could designate land for that purpose.
- 3.68 If the Authority agreed with her zoning option 1 referred to earlier (i.e, retaining the Large Lots) Ms Wimmer advised that the parks layer in the diagram would need to be changed to delete parks from that area. However, the Council wished to retain good, walkable access to parks in the more urbanised context and thus she supported the retention of proposed neighbourhood parks. Based on her reasoning our finding is that the neighbourhood parks notations should be retained.
- 3.69 In respect of the matters relating to the depiction of and regulatory effect of showing streams on the plans we agree with Ms Wimmer where she noted that the rules should relate only to permanent and intermittent streams. The need for certainty on this matter when designing future development proposals is the principal reason why we have reached that decision.

Indicative east-west link road

- 3.70 The Precinct Plan recommended in the Council's report showed an indicative 22 metre wide east-west connector road with a cycleway crossing the SHA area from Pararekau Road in the east to Oakland Road to the west by extending Fleur Road. This was also indicated as a future bus route (as was the block bounded by this extended road, Island View Road and Derbyshire Lane to the north, and Pararekau and Oakland Road to the east and west). For Auckland Transport Mr Keating queried how this link would be respected if the Large Lot area was to be retained. Mr Putt's response to this on behalf of KARLA was if Auckland Transport wanted the road then the appropriate procedure was for it to designate the land required for it. We agree that is an equitable approach, however it is important that the future pattern for the area is established and we have determined that this east-west road is to remain on the plan but clearly marked as being *indicative* only so that when any later subdivision or development proposals are forthcoming the parties involved can address the required linkages based on that indication.
- 3.71 The precinct plan also showed an indicative 20 metre wide east-west connector road crossing the SHA area from Pararekau Road in the east to Oakland Road to the west, passing through three of the Karaka Way gated community properties and along the northern boundaries of the school and Clotworthy Park.
- 3.72 Residents of the Karaka Way gated community were opposed to aspects of the variation proposed by KARLA. Their legal counsel, Ms Beresford, advised they were particularly opposed to the indicative east-west connection through the gated community. She said the owners have no intention to subdivide their properties and purchased them with the expectation that it would be difficult for their neighbours to do so. Six of the 10 properties in the community have a 1/6th share in the jointly owned access lot known as Karaka Way, with the other four properties entitled to use that access pursuant to easement agreements. Counsel said this arrangement would make any further subdivision of this land difficult given the consent of all the owners of the access lot would be required to provide access for any new lots. Specifically the indicative road would pass through 141, 149 and 155 Hingaia Road and intersect with Pararekau Road at approximately the point where it would have connected to a connection proposed in the past from Pararekau Road to Harbourside Drive. But it would not supply any connection between "any other activities of scale".
- 3.73 Ms Beresford submitted that it appeared the indicative road had been drawn on the plan to form a grid layout without sufficient consideration being given to the nature of

the existing development and whether or not the connections were required or likely to be constructed in practice. There was a concern by the residents that the land required for the connection might be acquired through compulsory acquisition processes. Her submission was there is no intention to subdivide that relatively recently developed land and the east-west link shown as passing through it cannot be implemented so leaving the notation on the relevant precinct plan would serve no function.

3.74 Mr Hosken is a registered architect and has 28 years experience as a specialist development director, a role involving a range of activities including strategic planning, project administration and project management. His evidence for the gated community submitters was a local road connection extending Normanby Road to Harbourside Drive which had been proposed in the Papakura District Council's structure plan would never be built as the Summerset retirement village has been constructed over the alignment. The east-west connector road link now proposed by the Council would link Oakland Road to Pararekau Road and would intersect with Pararekau at approximately the location that would have previously allowed it to connect with a road connection through to Harbourside Drive. Further to that the roading typology being proposed is such that, while suitable for Mixed Housing Suburban and Mixed Housing Urban development, it was excessive for large lot residential development at a 250 metre grid spacing in conjunction with a collector road network.

3.75 The gated community, which Mr Hosken described as the "Stonybridge and Karaka Way development block", is comprised of 27 titles. The proposed plan variation as advanced by KARLA was seeking to enable three additional titles to be created from each of the existing lots which would mean a further 54 new titles could result, giving a total of 81 in the development block with 24 of those having direct frontage to either the existing or proposed collector road network. The remainder would use the existing rights-of-way or by creating additional access points to any of the perimeter roads. He said the level of new titles that could be created is low and would not demand a connector road for servicing. The only purpose for the link to be created would be to enable traffic from other development areas to access the future Hingaia town centre and Hingaia Road. But with the link to Harbourside Drive having been removed there was no longer any rationale for that and the prospect was the east-west link would simply be used as a shortcut to reach Hingaia Road further to the east rather than using the collector road network as intended by the proposed

structure plan and the required connectivity could be provided by Fleur Road to the north. In his opinion the structure plan proposed by KARLA contains a network of collector roads at around 500m metre spacings that will adequately service the SHA area.

- 3.76 Ms Mills is one of the gated community owners. Her evidence was that a small shift to the recommended location of the east-west link appearing in the plans for the hearing had moved it closer to her home and through her neighbour's driveway as well as directly past the back of another property in the community. She said the owners did not purchase their properties to land bank or to have a 20 metre wide public road passing their front door and that "*the proposal is of such magnitude that it will certainly destroy the lifestyle within the existing [gated] community*". She advised she would vigorously oppose any attempts by the Council or any subdividing owners to acquire the land to form it.
- 3.77 The Reply to the evidence lodged on behalf of KARLA acknowledged that the proposed through link road immediately to the north of the gated community is not essential for the success of the variation road network at this stage and agreed with the statements that had been made on behalf of the gated community. However Auckland Transport's final memorandum continued to support the provision of all three east-west connections through the KARLA variation area.
- 3.78 The Council's report for the hearing had recommended that the submissions of the gated community owners on this issue be rejected. However in its final comments their arguments had been accepted and this link was recommended to be deleted.
- 3.79 We agree with the submissions and statements made on behalf of the gated community. We see no point in indicating an east-west link as passing through that community when it is clear that it will never be built. As for the other two east-west links – namely that connecting Derbyshire and Island View Roads, and another extending Fleur Road across to Oakland Road – we heard no evidence that would serve to compel their removal from the precinct plan and accordingly those indicative roads are to remain on that plan. In passing we record also that there was no dispute raised with regard to a north-south link, Papaka Road, that was indicated on the precinct plan as running from Hingaia Road, beside the eastern boundary of the primary school site, to the coast in the north.

"No access" restrictions

- 3.80 The plans recommended in the Council's report also indicated a 'no access' restriction to be imposed on both sides of Oakland Road, for a distance of about 500m to the Hayfield Way intersection (only one side of which is in the KARLA plan variation area), and also on both sides of the proposed new north-south Papaka Road that would commence adjacent to the Hingaia primary school. These restrictions were also shown on the section of Papaka Road between Fleur Road and Hingaia Road, and all the land with frontage to Hingaia Road.
- 3.81 'No access' or "VAR" restrictions function to prohibit any vehicle movements on or off the properties with frontage to the roads concerned. If the restriction is imposed, any such properties have to provide access through a side street or by way of a rear lane accessway so there is no risk to those using the separated or shared cycle paths along the road. An alternative to the prohibition is for the affected properties to demonstrate as part of an application for consent that they can accommodate on-site manoeuvring so no vehicles will have to reverse out of a site. Vehicle access to these properties was proposed to be classified as a restricted discretionary activity.
- 3.82 In this case, shared paths were proposed by the Council for the southern sides of Fleur Road, Normanby Road, Karaka Park Road, Clotworthy Park Road and Kabardin Street; the western side of the full length of Peninsula Road and Oakland South to Kabardin Street; and the eastern side of Pararekau Road as well as along the edge of an indicative intermittent stream crossing the north-eastern corner of the SHA area and passing over an extension to Lombardia Way in the already developed northern area. ("Oakland South" is the proposed extension of Oakland Road from Hingaia Road down to Kaimanawa Road in the south). These were all marked as connector roads except for Papaka Road between Fleur Road and Hingaia Road, and Oakland Road from the Fleur Road intersection to Hingaia Road which were recommended to be collector roads which at 22.5 metres are wider than connector roads and have separated rather than shared cycle facilities.
- 3.83 Mr Putt said the proposed access restrictions would make the affected sites difficult to develop and could thwart development of the adjoining land. Furthermore, the roads concerned were collector roads which intersect (eventually) with Hingaia Road being the main arterial route in the area. He said collector roads do not require a 'no access' restriction and that he had never seen one applied to that roading typology. He said the key east-west link is Fleur Road.

- 3.84 KARLA's traffic engineering witness Mr Mitchell agreed there should be 'no access' restrictions applied to Hingaia Road and that this would be consistent with the PAUP provisions. He saw no merit in such a restriction being imposed on Oakland Road as it is a multi-purpose route that functions as a transitional road. He said the type of restrictions Auckland Transport was proposing for Oakland Road had no support in the PAUP, and further that he was surprised that the restriction had been proposed as there are many examples of shared pedestrian-cycle paths being crossed by driveways and "*of course pedestrian footpaths are almost always crossed by vehicle accesses*".
- 3.85 In Mr Mitchell's view the conclusion that an access restriction is required had been based on a single shared path being perceived as producing a lower level of amenity for pedestrians and cyclists, and that having separated cycle paths on both sides of the road would result in higher amenity and safety levels. However it was his experience that shared paths are effective in residential areas because they cater for less confident cyclists, while more confident cyclists continue to use the road carriageways anyway. If access to the properties concerned was to be by way of rear lanes or similar, in his opinion the safety issue of people being injured on driveways would not be removed: it would simply be relocated.
- 3.86 However, Mr Mitchell also said he could support a requirement for sites with frontage to Oakland Road having on-site manoeuvring areas to allow drivers to enter and leave their properties in a forward direction. Drivers would then have maximum visibility to the wider road environment.
- 3.87 For Auckland Transport Mr Bracey said Oakland Road differs from other collector roads in that it collects traffic from Bottletop Bay and Hayfield as well as the KARLA area and feeds that traffic through to the proposed neighbourhood centre at the intersection with Hingaia Road. His view was the comparisons which had been made with Flat Bush and the Onehunga foreshore were not relevant as the off-road networks in those places are different. Auckland Transport's view is that shared paths are accident-prone and Mr Bracey's advice was it is moving toward separated cycle facilities wherever it can. It was seeking that a separated cycleway be required on each side of Oakland Road. In response to Mr Mitchell's evidence Mr Bracey said cycle design has come a long way in the past few years, particularly with \$160 million of government funding having been allocated for cycling purposes.

- 3.88 In respect of the qualifying development area to the north, Mr Tollemache said vehicle crossings there could be minimised but not avoided entirely.
- 3.89 Responding to the comments regarding the proposed VAR for Oakland Road, Mr Keating said in Auckland Transport's final memorandum that this road will be subject to heavy traffic flows of approximately 9,000 vehicles a day, and provides access to a Neighbourhood Centre, school and future cycle lanes on Hingaia Road which in turn will lead to a Local Centre and the proposed shared cycle path on State Highway 1 to Takanini. As such, in his opinion it should feature separated cycle facilities on both sides of the road, and not a shared path as proposed by the applicant. He said a shared path on this road would not provide sufficient safety or amenity to future residents of the area as shared paths are generally only suitable for use in limited circumstances such as in reserves or in constrained corridors such as bridges.
- 3.90 He continued by advising that shared paths provide a low level of service for both people walking and those on bikes due to differing speeds and needs. They can also reduce safety for people on bikes as they are out of the line of sight for motorists and, due to their two-way nature, can result in cyclists coming from the 'wrong way' when interacting with vehicles. He said shared paths are of little use at intersections with side roads as a person on a bike will always be obliged to dismount and walk across the intersection because under the New Zealand road rules only those travelling on the carriageway have priority. Persons attempting to cycle across intersections from shared paths are at risk of a crash from vehicles turning at intersections. A separated cycle lane in the carriageway avoids this situation while a lane in the berm can be transitioned on and off the carriageway if needed at intersections to address this issue. However the exact design of this road did not need to be determined as part of this variation process, although the principle needed to be established and noted on the precinct plan in order to inform future road design.
- 3.91 Ms Wimmer accepted in her final comments that the "no access" restrictions should be removed. However, a vehicle access restriction should apply to Hingaia Road and to those parts of Oakland Road bounded by the Terrace Housing and Apartment Building zone, Mixed Housing Urban zone and Neighbourhood Centre. She said the extent of the vehicle access restriction (or its complete removal) on Oakland Road should be treated identically between the two plan variation applications made by KARLA and the Hayfield SHA applicant respectively. We agree.

- 3.92 KARLA'S submissions in Reply were that the proposed 'no access' restriction northwards from Hingaia Road on Oakland Road and the proposed new north-south road adjacent to the school (Papaka Road) should be limited to the extent of the Mixed House Urban zoned land and extend no further northwards. We agree with that also.
- 3.93 We have determined that 'no access' restrictions would be inappropriate in this area apart from on Hingaia Road. As to the VAR proposals advanced by the Council through its reporting, the Authority takes the view that VARs can create high speed environments which are confronting to proposals that set out to establish friendly and safe neighbourhoods. We therefore do not agree that there should be a rule requiring such restrictions in this area and that an assessment criterion is the appropriate approach. This is subject however to the limited application of any VAR restrictions in this plan variation area. We agree with Mr Putt and Mr Mitchell that no limitation on access to and from Oakland Road is required by way of a VAR and we adopt their reasoning for that. This approach is consistent with the decisions made in respect of the Hayfield SHA which includes the western side of Oakland Road. Having adopted the assessment criterion approach, how access for those Mixed Housing Urban properties is actually to be achieved in fact is a matter to be considered at the time when detailed development plans are being considered for the locales involved.
- 3.94 As to separated rather than shared cycle facilities, we adopt Mr Mitchell's reasoning, namely that shared cycle paths are appropriate for this area, with the exception of Hingaia Road as the major arterial and feeder route which can be expected to carry high volumes of traffic into and through the peninsula. This means that the notations on the precinct plan to the effect that separated facilities are to be provided on each side of Oakland and Papaka Roads to their respective intersections with the Fleur Road alignment are removed and replaced with shared path notations instead.

"Trigger" rule

- 3.95 There was also discussion around traffic signals being installed on the Hingaia Road-Oakland Road intersection when development has progressed further. A similar issue arose in respect of widening that will eventually be required for Hingaia Road. The discussion relates to "trigger" rules in the proposed variation text recommended by the Council and a related cap on the amount of development that can place before

various upgrades are required. This topic has been covered earlier. Those rules would require certain traffic measures or upgrades to be implemented once the specified thresholds of development had been reached and before any further development is undertaken. In common with other SHA's this was seen by those with interests in the area as penalising the developer who is proposing the next house and/or as attempting to pass on the costs of a particular upgrade to that developer.

- 3.96 Mr Mitchell supported the principle of signalling the Hingaia Road-Oakland Road intersection, saying it would then be friendlier for cyclists and pedestrians in the area. But the issue from his perspective was not whether the signals are needed, rather when they would be required to be installed and who is going to have to pay for them. He said there is a natural time lag as to when the traffic effects of development will actually manifest.
- 3.97 For the group of three submitters he represented, Mr Wu's statement was to a similar effect. His view was that the staging plan included with the Council's recommendations would serve no useful purpose. An effective infrastructure funding agreement was required and those areas that would be relying on off-site stormwater detention cannot be developed until such time as there is an agreement for construction and compensation for the submitter at 49 Derbyshire Lane for the stormwater ponds, drainage reserve, recreation reserve, associated infrastructure, planting and development of the reserve-based pedestrian networks. This particular submitter, Ms Chen, tentatively agreed with these functions being installed on their land provided that such an agreement was reached and that it covered all the relevant costs, including opportunity costs. Mr Wu said until that occurs there would be no development because this infrastructure is a precursor to others gaining resource consents for their development proposals.
- 3.98 The advice from Mr Keating in the memorandum for Auckland Transport was that development triggers are a planning tool to ensure that required infrastructure keeps pace with development and ensures that any associated traffic effects are addressed. He said triggers also mean that each subsequent resource consent application would not have to re-litigate the required transport infrastructure, and there would be consistency across the multiple land holdings.

- 3.99 His memorandum advised that the trigger of 700 units having been constructed, in either or both of the Hayfield or KARLA areas, and which would then require the Hingaia Road-Oakland Road intersection to be signalised, was not intended to be a mechanism for allocating costs for the required upgrades as apprehended by some of those who appeared. The Council has developed a Local Residential Growth Fund for use on residential growth projects including Special Housing Areas. He said this fund can be used to 'bridge the gap' where there are multiple landowners with the costs of any works to be recovered and allocated under Local Government Act processes. He recommended that the trigger remain in the variation provisions in some form. He said these two areas along with all the others on the peninsula should be subject to a trigger requiring Hingaia Road to be widened when a level of 1300 units is reached overall.
- 3.100 Mr Keating did not consider that a non-complying activity status should be applied when there is a proposal to breach the rule. That status should be as restricted discretionary activity or an assessment criterion for subdivision could be used instead.
- 3.101 The final comments on behalf of the Council agreed that the transport triggers should be deleted from the precinct provisions and that the data inform non-regulatory processes. They said the Local Residential Growth Fund or a targeted rate should be implemented outside the current process to fund the range of projects identified in the traffic modelling and the integrated transport assessment.
- 3.102 We consider that any proposed trigger is a cumbersome tool that would be locked into the PAUP provisions and thus create issues around adaptive management appropriate to this aspect of future development and effects management. The Local Residential Growth Fund would potentially provide a mechanism whereby at least part of any development contributions would be 'banked' to grow a fund that can be used to address installing traffic signals at the time when they are clearly established to be necessary. Even if that is not ultimately the best method, we are not convinced that a crude housing unit trigger is an appropriate RMA tool to be enshrined in the plan provisions. For that reason we are not including it in the approved variation provisions.
- 3.103 Other roading matters that arose were the alignment of proposed Papaka Road and three east-west connections proposed, including the connections already discussed.

Some submitters queried the alignment of Papaka Road as it had been shown on the precinct plan. The southern portion of Pakaka Road is vested as legal road, all of which is on the western side of the boundaries with the 'Karaka Way' development. Auckland Transport believes any alteration to the road alignment as it progresses to the north would be difficult to achieve in practice. A VAR had been proposed for this road as at that time Auckland Transport's view was it should have separated cycle facilities. However in the memorandum for Auckland Transport after having heard all the evidence Mr Keating advised that given the reduced level of traffic and potential access points on Papaka Road AT was now recommending that access be subject only to an assessment criterion for a subdivision consent and not a VAR.

- 3.104 Auckland Transport continued to support the three east-west connections as proposed but agreed these can be provided for when the land is subdivided. In the case of that affecting the gated community we have decided that connection requires to be deleted from the precinct plan. If the more intensive Mixed Housing Suburban zoning had been agreed to by the Authority then Pararekau Road would need to be signalised because of the additional traffic that would be generated when that land is developed. Mr Keating was not suggesting a trigger was required for this as the development uptake is expected to be slow due to the existing large lot developments. If this situation arises it can instead be covered by an assessment criterion, with one of the matters for assessment being the potential effects of a proposal on the Papakura motorway interchange. We agree with his advice on this.

Coastal Yard

- 3.105 The Council's senior subdivision advisor, Ms Chen, had reviewed the application and submissions in her specialist report and recommended a 20m esplanade reserve should be provided adjoining the coast at the time of subdivision with a 10 metre coastal yard also being applied beyond the esplanade reserve to ensure that development is sufficiently set back from the coast. Her opinion was that these controls were necessary to achieve standardisation of the subdivision provisions as between the plan variation areas and also to consider coastal erosion which she viewed as a known hazard in this area. Ms Chen also considered that extra reports should be provided at the time of subdivision to address geotechnical matters, coastal erosion and inundation.

3.106 Mr Putt was asked by the Commissioners whether KARLA had a stance in respect of the width of the coastal yard next to the esplanade reserve and abutting the Large Lot development. His response to this was a 10 metre setback was not a problem for the large lots but if the lots were to be smaller it might prove a problem for some people. This was an important issue to clarify because the coastline of the whole Hingaia Peninsula needs to be treated in a consistent manner. The Authority has not agreed to the 10 metre coastal yard that was advanced by the Council for the other SHAs at Hingaia and therefore does not agree to it here. As Mr Putt advised, as lot sizes reduce then imposing a standard 10 metre setback can adversely affect the usability of those smaller lots such that quality housing cannot be delivered, plus a homogeneity in terms of setbacks is likely to have adverse cumulative amenity and character effects.

Summerset Retirement Village

3.107 Summerset Villages (Karakā) Limited owns properties at 53-65 Pararekau Road. While it generally supported the proposed plan variation, it originally requested that its holdings be withdrawn from the variation area as these had been shown in the notified application as being located in the Single House zone. However the Council's report had recommended that its land be zoned as Mixed Housing Suburban or Mixed Housing Urban with any retirement village development to be considered as a restricted discretionary activity. Summerset agreed with these recommendations.

3.108 In his planning evidence for Summerset Mr Wilkinson said given the existing village operations, and the fact that the undeveloped landholding has now been amalgamated into Summerset's total landholding, regardless of how the land surrounding its property was zoned it would be appropriate for the recommended Mixed Housing Suburban zoning to remain on its land. The proposed restricted discretionary activity status would assist when the village proposes to expand.

3.109 We agree with Mr Wilkinson's evidence and the Council that the Summerset land should be zoned as Mixed Housing Suburban. That zoning will allow for an appropriate housing density while enabling Summerset to expand its existing activity in a manner that will be compatible with the (future) urban environment.

Infrastructure

- 3.110 We are required to be satisfied that the SHA area can be adequately supplied with the infrastructure required to service it. It is clear there will be sufficient transport infrastructure. In terms of stormwater, Mr Tollemache said in respect of the section 68 area to the south that those sites can connect to the existing reticulation as the existing downstream pond is sized for the sub-catchment and can also be connected with the water supply and wastewater infrastructure from the adjoining development to the east.
- 3.111 KARLA noted in its Reply that the current engineering design assessments confirmed that on-site waste water management is achievable on sites of 1500m² in this locality. A copy of a report by Tilsley Engineering was annexed to the Reply submission to confirm this.
- 3.112 Mr Wilkinson recorded on behalf of Summerset that an engineering approval has been issued for it to provide a stormwater connection through to Bottletop Bay and that this would enable that infrastructural element of Summerset's retirement village development at 67 Hingaia Road to be completed. This issue was developed by Mr James and Mr Smail with the latter advising there had been some delay in completing the conditions on the resource consent granted for the development due to a blockage or obstacle in a stormwater pipeline which had proved very difficult to remove.
- 3.113 Civil engineer Mr James advised that as well as the pipe clearance, an appropriate outfall arrangement was required before the balance of the contributing catchment (comprised of the existing village, and 85, 81, 65 and 69 Pararekau Road as well as part of number 53) is provided to mitigate downstream effects. He said Riley Consultants has worked extensively with the Council's Stormwater Unit and solutions have been developed for stormwater management at the Summerset site and disposal through new public stormwater reticulation along Pararekau Road to a new coastal outlet adjacent to the Bottletop pond dam. Any new development in this area would need to ensure that Summerset can give effect to its reticulation works. For the Council Mr Iszard advised that the dam adjacent to Bottletop Bay will be decommissioned.
- 3.114 Overall we have been satisfied that the SHA can be adequately supplied with the infrastructure that will be required.

Affordability provisions

3.115 As with other SHAs in this and other areas, the Commissioners queried the housing affordability rules recommended by the Council in the plan variation text and invited comment from legal counsel on their appropriateness and enforceability. We had a problem, for instance, with a recommended requirement that an affordable property must be held by an individual for at least a three year period as that commitment could prove difficult in several circumstances – for instance, if an owner divorces or dies, or if a mortgagee needs to step in and sell a property in order to recover its funds.

3.116 In the reply to the evidence Mr Webb drew attention to section 4 of the HASHAA which sets out its purpose. This is to:

- a) Enhance housing affordability;
- b) By facilitating an increase in land and housing supply in certain regions.

3.117 He submitted that the rules proposed went beyond what is necessary to achieve the stated purpose of the HASHAA and said that other than directions as to the global approach to be undertaken, the HASHAA does not require micro market controls over the land which is opened up for development. It scheme is simply to transform land that otherwise had limited housing development opportunities, into land that can be utilised (relatively) quickly for housing, including a component of affordable housing, and there is no statutory directive that an accord authority is obliged to interfere with the day to day sales of property within such areas. Mr Webb submitted that the recommended rules were not necessary to achieve the purpose of the HASHAA and should be deleted as a result.

3.118 Ms Wimmer said the intent of the affordable housing provisions is to ensure that those landowners who are about to receive an ‘upzoning’ without providing for vacant lots during the term of the HASHAA will still be required to supply the market with affordable housing in the future. However, the rules should not create any unintended mischief / hardship for third parties.

3.119 We agree with Mr Webb’s submissions and have amended the affordability provisions in the variation text to reflect this approach and also to render them consistent with those applying to other SHAs in the area.

4.0 PURPOSE OF THE HASHAA AND PART 2 OF THE RESOURCE MANAGEMENT ACT

- 4.1 We have concluded that the purpose of the HASHAA is satisfied by the variation as modified in that a supply of affordable housing, to be serviced by adequate and appropriate infrastructure, will be facilitated by the proposed development of the Hingaia 3 Precinct. The affordability provisions of the HASHAA will be implemented through the variation provisions and as a result the benefits of affordable housing will apply into the future (including after the HASHAA expires later this year).
- 4.2 We have taken account of Part 2 of the RMA in the course of reaching our decision. Overall we have found that the variation, as modified, meets the purpose of the RMA in section 5 as well as the matters to which regard must be paid, or may be paid, in sections 6 to 8 of the Act. The proposed Hingaia 3 precinct development will provides for sustainable use of the KARLA land and enable a net environmental benefit in terms of riparian and stream protection and enhancement. While subject to some mild debate about whether they are necessary, open space areas have been planned as an integral part of the development and will ultimately benefit the health and wellbeing of future urban communities. Walking and cycling are encouraged by the proposed provisions. The views of mana whenua have been incorporated, particularly in the stormwater management and water design provisions (but not limited to those).
- 4.3 Two National Policy Statements are relevant to our deliberations, namely the National Policy Statement on Freshwater Management (“NPS: FWM”) and the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health (“NES: Soil”). These were addressed in the technical reports accompanying the applications and will arise when the later resource consents are obtained. For present purposes, no issues were identified in terms of either instrument that would prompt us to reject the variation or to decline the qualifying development application.

5.0 DECISION ON THE VARIATION APPLICATION

- 5.1 There were two late submissions on the proposed variation. These were sent to the Council by M and S Jones, and Xue Ping. Section 29 (11) of the HASHAA provides that any submission made after the closing date must not be considered. Accordingly we cannot take these two submissions into account.
- 5.2 Pursuant to section 71 of the Housing Accords and Special Housing Areas Act 2013 the application by the Karaka Area 1B Residents and Landowners Association

(“KARLA”) to vary the Proposed Auckland Unitary Plan is **ACCEPTED WITH MODIFICATIONS**. The Plan provisions which are annexed as Attachment 1 shall be deemed operative on the date of public notice of this decision (section 73 HASHAA) for the land identified as follows:

LEGAL DESCRIPTION	ADDRESS
SEC 1 SO 480175 3.9723Ha	171 Hingaia Road Hingaia Auckland 2580
Lot 66 DP 479708 1.0238Ha	128 Hingaia Road Hingaia Auckland 2113
Lot 443 DP 455232	143 Pararekau Road Hingaia Auckland 2580
LOT 2 DP 203719	280 Hingaia Road Hingaia Auckland 2580
LOT 20 DP 113997 BLK III DRURY SD	26 Fleur Road Hingaia Auckland 2580
LOT 4 DP 164351-SUBJ TO & INT IN VARIOUS ESMTS	115 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 113997 BLK III DRURY SD	144 Pararekau Road Hingaia Auckland 2580
LOT 2 DP 111085	155 Hingaia Road Hingaia Auckland 2580
SEC 1 SO 436222 - RECREATION RESERVE	189R Hingaia Road Hingaia Auckland 2580
LOT 19 DP 115096 BLK III DRURY SD	88 Pararekau Road Hingaia Auckland 2580
LOT 16 DP 114541 BLK III DRURY SD	124 Pararekau Road Hingaia Auckland 2580
LOT 32 DP 117750 1/6 SH IN LOT 31 DP 117750	115 Pararekau Road Hingaia Auckland 2580
LOT 2 DP 113997 BLK III DRURY SD	11 Island View Road Hingaia Auckland 2580
LOT 1 DP 181684 - SUBJ TO ESMT	41 Oakland Road Hingaia Auckland 2580
LOT 15 DP 124480-DRAINWATER ESMT	80 Normanby Road Hingaia Auckland 2580
LOT 13 DP 124480 & PT ALLOT 8 DP 4544 BLK III DRURY SD -INT IN ROW WATER SUPPLY ELECTRICITY POWER TELEPHONE & RIGHT TO DRAIN WATER ESMTS	61 Normanby Road Hingaia Auckland 2580
LOT 28 DP 117750	109 Pararekau Road Hingaia Auckland 2580
LOT 9 DP 124480 BLK III DRURY SD	71 Normanby Road Hingaia Auckland 2580
LOT 1 DP 158659-SUBJ TO & INT IN ROW ELEC POWER TELEPHONE & RIGHT TO CONVEY WATER ESMT SUBJ TO WATER SUPPLY ESMT SHOWN ON DP 164351 BLK III	30 Fleur Road Hingaia Auckland 2580

DRURY SD	
LOT 3 DP 158659-SUBJ TO & INT IN ROW ELEC POWER TELEPHONE & RIGHT TO CONVEY WATER ESMT BLK III DRURY SD	35 Fleur Road Hingaia Auckland 2580
LOT 3 DP 113997 BLK III DRURY SD	25 Island View Road Hingaia Auckland 2580
LOT 12 DP 110593 BLK III DRURY SD	51 Normanby Road Hingaia Auckland 2580
LOT 2 DP 128108 BLK III DRURY SD - 1/4SH IN LOT 5 DP 128108	38 Derbyshire Lane Hingaia Auckland 2580
LOT 3 DP 203719 - ESPLANADE	ESPLND RES 280 Hingaia Road Hingaia Auckland 2580
LOT 10 DP 105149 BLK III DRURY SD-SUBJ TO ROW ESMT	60 Derbyshire Lane Hingaia Auckland 2580
LOT 1 DP 201220 - SUBJ TO & INT IN ESMTS	43 Oakland Road Hingaia Auckland 2580
LOT 1 DP 183470 BLK III DRURY SD	89 Pararekau Road Hingaia Auckland 2580
LOT 1 DP 128108 BLK III DRURY SD-1/4SH IN LOT 5 DP 128108	42 Derbyshire Lane Hingaia Auckland 2580
LOT 7 DP 136423-SUBJ TO WATER SUPPLY ESMT SHOWN ON DP 164351	135 Hingaia Road Hingaia Auckland 2580
LOT 18 DP 115096 BLK III DRURY SD	17 Fleur Road Hingaia Auckland 2580
LOT 10 DP 115096-1/6 SH IN LOT 23 & 1/2 SH IN LOT 24 DP 113997 BEING R/WAYS-BLK III DRURY SD	54 Island View Road Hingaia Auckland 2580
LOT 2 DP 158659-SUBJ TO & INT IN ROW ELEC POWER & TELEPHONE & RIGHT TO CONVEY WATER ESMT BLK III DRURY SD	36 Fleur Road Hingaia Auckland 2580
LOT 2 DP 105149 BLK III DRURY SD	65 Oakland Road Hingaia Auckland 2580
LOT 2 DP 314096	65 Derbyshire Lane Hingaia Auckland 2580
LOT 1 DP 91678 BLK III DRURY SD	161 Hingaia Road Hingaia Auckland 2580
LOT 23 DP 118192 - HAVE A 1/6 SH IN LOT 31 DP 117750 - SUBJ TO R/WAY ELEC POWER TELEPHONE WATER SUPPLY & STORMWATER ESMTS BLK III DRURY SD	125 Pararekau Road Hingaia Auckland 2580
LOT 27 DP 117750 BLK III DRURY SD	6 Normanby Road Hingaia Auckland 2580
LOT 20 DP 121329	36 Normanby Road Hingaia Auckland 2580
LOT 5 DP 108744 BLK III DRURY SD	33 Normanby Road Hingaia Auckland 2580
LOT 901 DP 429899	Normanby Road Hingaia Auckland 2580
LOT 26 DP 117750 BLK III DRURY SD	26 Normanby Road Hingaia Auckland 2580

LOT 12 DP 115096 BLK III DRURY SD - HAVE A 1/6 SH IN LOT 23 DP 113997 BEING R/WAY	42 Island View Road Hingaia Auckland 2580
LOT 9 DP 105149 BLK III DRURY SD	68 Derbyshire Lane Hingaia Auckland 2580
LOT 40 DP 141045	91 Normanby Road Hingaia Auckland 2580
LOT 6 DP 164351	107 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 164351	127 Hingaia Road Hingaia Auckland 2580
LOT 35 DP 398195	11 Silkwood Crescent Hingaia Auckland 2113
LOT 9 DP 164351-SUBJ. TO & INT. IN ROW ELEC TELEPHONE GAS AND STORMWATER DRAINAGE ESMTS. BLK III DRURY SD	95 Hingaia Road Hingaia Auckland 2580
LOT 2 DP 164351	123 Hingaia Road Hingaia Auckland 2580
LOT 3 DP 136423 - 1/6 SH IN LOT 11 DP 136423 - INT IN WATER SUPPLY ESMTS & PROPOSED RIGHT TO DRAIN WATER ESMTS	151 Hingaia Road Hingaia Auckland 2580
LOT 7 DP 113997-1/6 SH IN LOT 23 DP 113997 BEING R/WAY BLK III DRURY SD	41 Island View Road Hingaia Auckland 2580
LOT 22 DP 121329 BLK III DRURY SD - HAVE A 1/6 SH IN LOT 31 DP 117750	129 Pararekau Road Hingaia Auckland 2580
LOT 1 DP 189726 - SUBJ TO ESMT	28 Fleur Road Hingaia Auckland 2580
LOT 1 DP 111085	157 Hingaia Road Hingaia Auckland 2580
LOT 19 DP 121329 BLK III DRURY SD	40 Normanby Road Hingaia Auckland 2580
LOT 33 DP 121329 HAVING 1/6 SH IN LOT 31 DP 117750 INT IN R/WAY OVER PT LOT 22 DP 121329	131 Pararekau Road Hingaia Auckland 2580
LOT 13 DP 105149	54 Derbyshire Lane Hingaia Auckland 2580
LOT 14 DP 115096 BLK III DRURY SD	28 Island View Road Hingaia Auckland 2580
LOT 8 DP 164351-SUBJ TO & INT IN VARIOUS ESMTS BLK III DRURY SD	99 Hingaia Road Hingaia Auckland 2580
LOT 8 DP 154682 - 1/6 SH IN LOT 11 DP 136423 - INT IN ROW ELEC POWER TELEPHONE WATER SUPPLY & RIGHT TO DRAIN WATER ESMTS	145 Hingaia Road Hingaia Auckland 2580
LOT 2 DP 136423-INT IN WATER SUPPLY ESMTS & PROPOSED RIGHT TO DRAIN WATER ESMTS BLK III DRURY SD	137 Hingaia Road Hingaia Auckland 2580
PT LOT 3 OF ALLOT W 11 OPAHEKE PARISH BLK III DRURY S D	250 Hingaia Road Hingaia Auckland 2580

LOT 3 DP 134406 BLK III DRURY SD-SUBJ TO ROW ELECTRIC POWER & TELEPHONE/ WATER SUPPLY/WATER STORAGE/ELECTRIC POWER ESMTS	49 Oakland Road Hingaia Auckland 2580
Lot 39 DP 396751 6824m2	60 Normanby Road Hingaia Auckland 2580
LOT 3 DP 107621 BLK III DRURY SD	85 Pararekau Road Hingaia Auckland 2580
LOT 3 DP 164351-SUBJ. TO & INT. IN ROW ELEC TELEPHONE WATER SUPPLY GAS & STORMWATER DRAINAGE ESMTS. BLK III DRURY SD	119 Hingaia Road Hingaia Auckland 2580
LOT 6 DP 136423-SUBJ TO & INT IN WATER SUPPLY ESMT-SUBJ TO RIGHT TO DRAIN WATER ESMTS BLK III DRURY SD	141 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 119906	31 Fleur Road Hingaia Auckland 2580
LOT 10 DP 136423 - SUBJ TO 1/6 SH IN LOT 11 DP 136423 BLK III DRURY SD	147 Hingaia Road Hingaia Auckland 2580
LOT 4 DP 128108 BLK III DRURY SD-1/4 SH IN LOT 5 DP 128108 BEING R/WAY	24 Derbyshire Lane Hingaia Auckland 2580
LOT 3 DP 105149 BLK III DRURY SD	51 Oakland Road Hingaia Auckland 2580
LOT 7 DP 105149	71 Derbyshire Lane Hingaia Auckland 2580
LOT 25 DP 117750 BLK III DRURY SD	30 Normanby Road Hingaia Auckland 2580
LOT 36 DP 139860-INT IN ROW ELEC TELEPHONE & WATER SUPPLY ESMTS	120 Normanby Road Hingaia Auckland 2580
LOT 14 DP 124480-SUBJ TO RIGHT TO DRAIN WATER ESMT	81 Normanby Road Hingaia Auckland 2580
LOT 24 DP 118192 HAVING 1/6 SH IN LOT 31 DP 117750 INT IN R/WAY OVER LOT 26 DP 117750	121 Pararekau Road Hingaia Auckland 2580
LOT 9 DP 113997 - 1/6 SH IN LOT 23 DP 113997 - 1/2 SH IN LOT 24 DP 113997 BEING R/WAYS	53 Island View Road Hingaia Auckland 2580
LOT 8 DP 113997-1/6 SH IN LOT 23 DP 113997 BEING R/WAY BLK III DRURY SD	47 Island View Road Hingaia Auckland 2580
LOT 11 DP 111319-SUBJ TO ROW WATER SUPPLY ELEC POWER & TELEPHONE ESMT BLK III DRURY SD	55 Normanby Road Hingaia Auckland 2580
PT LOT 3 OF ALLOT W 11 OPAHEKE PSH BLK III DRURY S D	254 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 203719	264 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 113786 BLK III DRURY SD	204 Hingaia Road Hingaia Auckland

	2580
PT LOT 10 DP 164351-SUBJ TO & INT IN VARIOUS ESMTS BLK III DRURY SD	91 Hingaia Road Hingaia Auckland 2580
LOT 7 DP 164351	103 Hingaia Road Hingaia Auckland 2580
LOT 5 DP 164351	111 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 136423-INT IN WATER SUPPLY ESMTS & PROPOSED RIGHT TO DRAIN WATER ESMTS BLK III DRURY	153 Hingaia Road Hingaia Auckland 2580
LOT 9 DP 154682 - 1/6 SH IN LOT 11 DP 136423 - INT IN ROW ELEC POWER TELEPHONE WATER SUPPLY & RIGHT TO DRAIN WATER ESMTS	143 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 146523 INT IN ELECTRICITY TRANSMISSION STORMWATER DRAINAGE WATER SUPPLY ESMTS BLK III DRURY SD	37 Island View Road Hingaia Auckland 2580
LOT 15 DP 114541 BLK III DRURY SD	14 Island View Road Hingaia Auckland 2580
LOT 13 DP 115096 BLK III DRURY SD	36 Island View Road Hingaia Auckland 2580
LOT 11 DP 115096 BLK III DRURY SD - HAVE A 1/6 SH IN LOT 23 DP 113997 BEING R/WAY	48 Island View Road Hingaia Auckland 2580
PT LOT 2 DP 424718	75 Hingaia Road Hingaia Auckland 2580
PT ALLOT 2 DP 100911 3.6306Ha Lot 1 DP 107621 1Ha Lot 6 DP 108744 1.0636Ha Lot 7 DP 108744 1.1203Ha	67 Hingaia Road Hingaia Auckland 2580
LOT 2 DP 113786 BLK III DRURY SD	200 Hingaia Road Hingaia Auckland 2580
LOT 5 DP 136423-1/6 SH IN LOT 11 DP 136423-INT IN WATER SUPPLY ESMTS & SUBJ TO PROPOSED RIGHT TO DRAIN WATER ESMT BLK III DRURY SD	149 Hingaia Road Hingaia Auckland 2580
LOT 4 DP 136423-1/6 SH IN LOT 11 DP 136423 INT IN WATER SUPPLY ESMTS RIGHT TO DRAIN WATER-SUBJ TO WATER SUPPLY ESMTS BLK III DRURY SD	139 Hingaia Road Hingaia Auckland 2580
LOT 17 DP 115097 BLK III DRURY SD	9 Fleur Road Hingaia Auckland 2580
LOT 2 DP 134406	45 Oakland Road Hingaia Auckland 2580
LOT 3 DP 128108 BLK III DRURY SD- 1/4SH IN LOT 5 DP 128108 - SUBJ TO PROPOSED ESMT BEING RIGHT TO TAKE AND CONVEY WATER	36 Derbyshire Lane Hingaia Auckland 2580
LOT 5 DP 134406 BLK III DRURY SD	239 Hingaia Road Hingaia Auckland

	2580
LOT 11 DP 105149 BLK III DRURY SD	58 Derbyshire Lane Hingaia Auckland 2580
LOT 1 DP 107010 BLK III DRURY SD	79 Oakland Road Hingaia Auckland 2580
LOT 18 DP 105149 BLK III DRURY SD- SUBJ TO ROW ESMT	64 Derbyshire Lane Hingaia Auckland 2580
LOT 2 DP 183470 - BLK III DRURY SD	15 Normanby Road Hingaia Auckland 2580
PT LOT 3 OF ALLOT W 11 OPAHEKE PSH BLK III DRURY S D	284 Hingaia Road Hingaia Auckland 2580
LOT 2 DP 107010 BLK III DRURY SD	16 Derbyshire Lane Hingaia Auckland 2580
LOT 1 DP 314096	49 Derbyshire Lane Hingaia Auckland 2580
LOT 18 DP 121329 BLK III DRURY SD	50 Normanby Road Hingaia Auckland 2580
LOT 2 DP 107621 BLK III DRURY SD	81 Pararekau Road Hingaia Auckland 2580
LOT 8 DP 105149 BLK III DRURY SD	72 Derbyshire Lane Hingaia Auckland 2580
SEC 2 SO 436222	205 Hingaia Road Hingaia Auckland 2580
LOT 1 DP 424718	17 Pararekau Road Hingaia Auckland 2580
PT LOT 4 DP 11824	71 Hingaia Road Hingaia Auckland 2580
LOT 30 DP 121329 BLK III DRURY SD - HAVE A 1/6 SH IN LOT 31 DP 117750	135 Pararekau Road Hingaia Auckland 2580
LOT 41 DP 141045	101 Normanby Road Hingaia Auckland 2580
LOT 38 DP 141045	130 Normanby Road Hingaia Auckland 2580
Lot 42 DP 396751 5366m2	110 Normanby Road Hingaia Auckland 2580
Lot 41 DP 396751 5382m2	100 Normanby Road Hingaia Auckland 2580
LOT 34 DP 139860 BLK III DRURY SD	90 Normanby Road Hingaia Auckland 2580
Lot 40 DP 396751 5528m2	70 Normanby Road Hingaia Auckland 2580
LOT 2 DP 146523 BLK III DRURY SD	31 Island View Road Hingaia Auckland 2580

5.3 The Auckland Council is directed to amend the PAUP accordingly.

5.4 The submissions lodged on the variation, including those lodged pursuant to section 68 of the HASHAA, are accepted, rejected or accepted in part as indicated throughout the decision text.

5.5 The reasons for this decision are:

(a) Overall the proposed plan variation 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 sites are re-zoned as determined they will enable a mix of housing to be developed, including affordable housing. The re-zonings fulfil the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and the housing supply.

(b) The variation provides for net benefits in the context of Part 2 of the RMA in terms of access to the coast, creating parks and residential land, connectivity and restoring and enhancing streams and habitat. The Cultural Impact Assessments have not raised any significant issues in relation to the proposed provisions that have not been accommodated. The changes made to the Precinct and zoning diagrams will provide for better land use in this area which has been earmarked for urban development for many years.

(c) Relevant section 74 (2)(a) RMA matters have been taken into account in reaching this decision, as have the relevant matters in sections 74 to 77D.

(d) Some of the matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan and the variation incorporates only those considered necessary or appropriate to tailor solutions for this area such as specific objectives, policies, rules and assessment criteria along with changes to aid interpretation.

6.0 THE APPLICATION FOR THE QUALIFYING DEVELOPMENT (“R/JSL/2014/5302”)

6.1 The qualifying development application is to be considered under the provisions of the PAUP as varied by our decision on the plan variation. The land involved is located to the north at 135 and 143 Pararekau Road and involves land areas of 1.0180 ha and 0.9723 ha respectively. Thirty three residential lots and a balance lot were proposed by Karaka Harbourside Estate Limited in its application, with a road and a reserve to vest in the Council. This development was anticipated to produce three affordable homes although Mr Tollemache confirmed when questioned that it would actually provide four affordable dwellings.

- 6.2 Both sites are located approximately 2.5km west of the Papakura Town Centre and 1.2km west of State Highway 1. They are less than 500 metres south of the Pahurehure Inlet of the Manukau Harbour.
- 6.3 There is an existing dwelling at 135 Pararekau Road which is to be retained and seven greenhouses/sheds which are proposed to be removed. This site has existing legal frontage to an access lot and has been used as a lifestyle block and market garden. In the north-western corner is a shallow broad gully which transects the site in an east-west direction and discharges beyond the boundary. The gully accommodates a small pond. An ecology assessment by Stormwater Solutions identified this as an ephemeral stream, and advised that a previous intermittent stream had been filled and piped by historic development.
- 6.4 The land at 143 Pararekau Road is primarily in pasture and contains no existing buildings. This lot has direct frontage to Pararekau Road.
- 6.5 A full description of the proposal is provided in the Assessment of Environmental Effects (“AEE”) that accompanied the application for the consent. Following lodgement of the application and discussions with the Council, changes were made to the proposal to provide for an easement along the eastern boundary of proposed lots 26 and 25 to provide for an overland flow. As a result, lots in the western portion of the site were re-sized, while proposed lots 21 and 22 were re-oriented. Stormwater is to be managed so it does not discharge directly into Bottletop Bay.
- 6.6 The Council’s section 42A report on the application recommended that the consent be refused, primarily because the qualifying development did not provide for a local road connection which had been recommended by officers in respect of the Precinct Plan proposed to apply to the area. However the officers considered the application against both scenarios, and their report also acknowledged that the application would be “acceptable” if the Authority did not agree with the Council’s recommendation to ‘upzone’ the Large Lot residential zoned land originally proposed to Mixed Housing Suburban instead. In order to address this impasse in advance, the applicant removed the proposed lots 16 to 22 and 52 and replaced those with a balance lot (100) of 2597m². This was envisaged as allowing the development to avoid foreclosing an opportunity for the local road connection to the east that had been recommended in the report on the variation.

- 6.7 The amended qualifying development when viewed in the context of the accepted Hingaia 3 variation will ultimately supply 33 residential lots from the two existing titles at 135 and 143 Pararekau Road. As presented at the hearing the application also included concept plans for the future duplex dwelling types, identified as “affordable”, on proposed lots 10 and 32 with roads, drainage reserve and infrastructure to vest (lots 50, 51 and 54), the balance lot (100) and a reserve to vest (lot 53). Earthworks and vegetation removal and removal of uncertified fill are also necessary for the proposed development to be implemented.
- 6.8 A ‘qualifying development’ is defined by section 14 of the HASHAA and includes a requirement for the development to be ‘predominantly residential’ along with other specific criteria relating to maximum height, the percentage of dwellings that must be affordable, and the minimum number of dwellings that must be built. This proposal meets these criteria and is therefore in accordance with the approved Hingaia Special Housing Area [Part 2 of Schedule 5B of Order in Council LI 2014/219].
- 6.9 The qualifying development application requires consent for a number of reasons, including:
- As it will provide for 33 fee simple residential lots, consent is required as a restricted discretionary activity to provide a subdivision involving land which has capacity under the Unitary Plan to accommodate more than 30 dwellings;
 - Earthworks exceeding 2500m² or 2500m³ in the Mixed Housing Suburban zone and in the 1% AEP floodplain require consent as a restricted discretionary activity;
 - Areas subject to natural hazards, in this case inundation, require consent as a restricted discretionary activity for any new buildings, structures and infrastructure;
 - New roads on such land require consent pursuant to Part 3, Chapter H, Section 4.11.1 of the PAUP;
 - The proposal involves public roads of greater than 1000m² and less than 5000m² in an area subject to the SMAF 2 (stormwater) overlay. Consent for this is required as a controlled activity;

- Subdivision is a discretionary activity under the Hingaia 3 Precinct Plan. Subdivision in the 1% AEP (Annual Exceedance Probability), other than in any rural zone, requires consent as a restricted discretionary activity;
- The joint access lot ("JOAL") (lot 52) has been proposed at six metres, which does not meet the minimum standard of 6.5m, and consent is therefore required for a discretionary activity;
- As no separate pedestrian access will be provided in the JOAL, consent is required as discretionary activity;
- Consent is required for a discretionary activity in accordance with Regulation 11 of the National Environmental Standard: Soil as the soil contamination exceeds the applicable standard in Regulation 7 and cannot meet the permitted criteria in Regulation 8(3), the controlled criteria in Regulation 9(1), or the restricted discretionary criteria in Regulation 10 (2).

6.10 Overall the application is to be considered as a discretionary activity.

6.11 Matters for discretion with regard to the subdivision in accordance with the Hingaia 3 precinct include: consistency with the precinct plan, consistency with the KARLA stormwater management plan ("SMP"), and other matters of discretion set out in the PAUP. We have borne those provisions in mind.

6.12 There are various other aspects which also require consent that are not being repeated. Those are set out in full in the application materials and the Council's report and those materials may be referred to for the detail.

7.0 LEGAL FRAMEWORK

7.1 Sections 34 and 35 of the HASHAA provide the statutory framework for consideration of an application for a qualifying development in a Special Housing Area. Where consent is granted, conditions may be imposed (sections 37 and 38 of the HASHAA).

7.2 Section 34(1) details the matters to which the Authority must have regard in considering this application and the submissions received. As with section 61 of the HASHAA, which defines those matters for consideration of a plan variation application, section 34 dictates an order of weighting from sub section (1)(a) to sub section (1)(e). The key considerations are, in descending order of priority:

- The purpose of the HASHAA;
- Part 2 of the Resource Management Act (“RMA”);
- Any relevant proposed plan;
- Any relevant consideration arising under sections 104 to 104F of the RMA (were the application to be considered under that Act); and
- The key qualities set out in the Ministry for the Environment’s “Urban Design Protocol”.

7.3 In addition to and notwithstanding that list, section 34 prohibits a decision-maker from granting consent to an application unless it has first been satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development. That reassurance requires a high level of certainty.

8.0 SUBMISSIONS ON THE QUALIFYING DEVELOPMENT APPLICATION

8.1 As noted earlier, these applications were notified on a limited basis with notification having been given to the same parties as those notified for the variation application. At the close of the submission periods, of the 78 submissions received by the Council, 32 related to the qualifying development. Sixteen of those stated that they supported the application, nine were opposed, six were neutral, and one submission did not state a position.

8.2 The issues raised by the submissions included: residential amenity, density, stormwater, wastewater, earthworks and vegetation removal, infrastructure provision, access, roading and landscaping. Full copies of the submissions were appended to the Council’s report. Having read and considered all the submissions, we accept the summary provided in section 4.2 of the Council’s report as accurate.

8.3 Of the submitters who indicated an intention to appear at the hearing, only two addressed matters relating specifically to the qualifying development application. Apart from the applicant’s own presentation, virtually all of the evidence and submissions that were presented focussed on matters relating to the plan variation and did not touch on the detail of the qualifying development.

9.0 THE PRINCIPAL ISSUES IN CONTENTION FOR THE QUALIFYING DEVELOPMENT

9.1 The Council's report evaluated issues relating to the qualifying development and, given the depth of that report, we concentrate here on the issues that remained in contention at the hearing. In fact there were few issues that require a decision by the Authority as by the end of the hearing the only matters that remained outstanding between the Council and the applicant related to a 'critical local road' connection in the amended precinct plan and its relationship to an additional footpath, and recommended condition 30. For the sake of completeness we also discuss two other issues that arose, namely lot sizes and the status of a stream.

Indicative Road

9.2 The footpath issue arose because of a 'critical local road' notation showing in the Council's recommendations on the plan variation. Among other things, the proposed Hingaia 3 Road Structure Plan (1103-RD01) indicated a 20 metre wide east-west connector road connecting Oakland Road with Pararekau Road ("the indicative road"). This indicative road would intersect with Pararekau Road at approximately the location that would have allowed it to link to an east-west connector between Pararekau Drive and Harbourside Drive should that road ever been constructed. But as covered in the decision on the plan variation the road cannot be built as the Summerset retirement village development has consent to occupy the land that would have been required for it. The road typology indicated provides for a 7 metre carriageway, a 3 metre shared walking and cycling path on one side and a 1.8 metre pedestrian path on the other side, two 2.4 metre wide rain gardens and 1.7 metre berms.

9.3 Essentially, the amended qualifying development retained the opportunity for a local road connection to an adjoining site at 121 Pararekau Road (as illustrated on the precinct plan and recommended by the Council) by creating the balance Lot 100. As Mr Tollemache said in his evidence this step would avoid the potential for the road from being foreclosed and deferred the detailed design of lot 100 and a future local road connection to a subsequent qualifying development.

9.4 In his final comments on behalf of the Council after having heard all the evidence the reporting officer, Mr Hopkins, indicated that he was generally supportive of the amended scheme plan presented at the hearing and was satisfied that provision of

the balance lot would allow for potential ongoing access should the zoning of the land to the south of the site require it.

- 9.5 We accept the final position of both parties for the reasons they provided.

Additional Footpath

- 9.6 Mr Hopkins supported the recommendations made on behalf of Auckland Transport that an additional footpath should be provided on the southern side of Lot 53 (the drainage reserve) to connect with the proposed road (and then on to Pararekau Road and Island View Road to the west) and to extend along the southern side of the drainage reserve to the south east.

- 9.7 The applicant, Karaka Harbourside Estate Limited, did not accept this. In reply Mr Tollemache said a footpath proposed for the northern side of lot 53 would provide pedestrian access to the existing pedestrian network located to the north and north-west (as shown on an aerial photograph dated July 2015 which was tabled at the hearing). He said no further connections can be made from the proposed road to vest toward the north-west and therefore the proposed footpath would not contribute to connections in that direction. Proposed lot 53 would accommodate overland flows. In his opinion its use as a pedestrian network had been overstated in the Council's reports, possibly because the Council had incorrectly identified the overland flowpath as an intermittent stream that should be widened to 20 metres (contrary to the evidence and also advice provided by other Council officers). He said the advice provided to the DPO and contained in evidence/technical reports filed on behalf of the applicant is that the alleged stream is ephemeral, and an overland flowpath does not justify a pedestrian footpath being installed on both sides. Apart from the northern footpath, it was proposed to plant lot 53 with riparian vegetation as opposed to providing extensive recreational amenity.

- 9.8 Providing a footpath on the southern side of lot 53 would also require a redesign of the earthworks batters to make them steeper than 1:3 in order to create a level bench on the southern side for a footpath, and this would cause a consequent reduction in the proposed riparian planting. This would in turn compromise the design of the overland flowpath and the ecological enhancements Karaka Harbourside Estate Limited was proposing. These steps were considered inappropriate in circumstances where the primary purpose of lot 53 is to serve as an overland flowpath. The Reply said further that lot 53 had not been shown on either the structure plan or precinct

plan as a walking or cycling route, nor as a recreation trail. At worst it had been incorrectly identified as an intermittent stream requiring riparian planting. In summary, the applicant's position was there is no justification for the footpath in the precinct plan as future development of a road on lot 100 (the balance lot) can supply a footpath at the time of future subdivision.

- 9.9 We have accepted Mr Tollemache's arguments on this as we found them pragmatic and logical. The footpath is accordingly not being required as part of this qualifying development.

Lot Sizes

- 9.10 The KARLA plan variation application had sought a minimum vacant lot size of 300m² in the Mixed Housing Suburban zone for this area. We have covered the lot size issue in our decisions on the plan variation and refer to that earlier text. The qualifying development application had been based on the 300m² rule which we have agreed with and the amended zoning map shows the qualifying development site as being zoned Mixed Housing Suburban.
- 9.11 Mr Tollemache's evidence was that the proposed qualifying development lots with areas of between 300 and 440m² were all capable of supporting a permitted activity dwelling that would comply with the relevant building bulk and location rules. This was not contested.

"Stream"

- 9.12 The evidence for Karaka Harbourside Estate Limited was that a stream through 143 Pararekau Road identified as intermittent on the precinct plan did not exist and is actually an overland flowpath associated with an ephemeral stream. The qualifying development application proposed to vest the flowpath and also to restore a channel and ecological function to the ephemeral stream on proposed lot 53.
- 9.13 In view of our decision on this aspect of the plan variation, we agree with this component of the qualifying development.

Recommended condition 30

- 9.14 Recommended condition 30 included the following additional requirement in relation to stormwater:

The gully invert/base shall be established at a level to match the invert of the SW [stormwater] pipe at the upstream boundary and the GL [ground level] of the engineered stream at the lower boundary.

- 9.15 Karaka Harbourside Estate Limited opposed this, pointing out that comment had been made on this issue in the application documents. Its consulting engineer Mr Smith indicated that implementation of the proposed requirement would mean around 90 metres of a downstream planted channel would need to be removed. The applicant proposed to install an outlet pipe into a manhole structure instead, which in his opinion would reduce the maintenance concerns apprehended by the Council. This measure had been shown on the revised drawing DR023 and he said the grade and size of the pipe could be determined during the Council's engineering approval process. He envisaged that doing otherwise would create ponding or require removal of a significant amount of planting. Accordingly, the applicant sought that the additional requirement in condition 30 be deleted.
- 9.16. Again we are in agreement with the applicant on the grounds that its position as put to us is both pragmatic and logical.

10.0 RELEVANT PLANNING INSTRUMENTS

- 10.1 The most relevant planning instrument for present purposes is the PAUP as amended by the Authority's decision on the variation because that contains the most recent provisions for this land.
- 10.2 The Auckland Housing Accord is a relevant matter for the purposes of section 10-4(1)(c) of the RMA and directs that SHAs are not subject to the operative Regional Policy Statement or to any other operative district plan. While the provisions in a district plan are technically a matter to which regard must be paid under section 34(1)(d) of the HASHAA, the status of subdivision activity in this area has been dramatically changed by the approved variation in that the prohibited activity status no longer applies and the Hingaia 3 precinct provisions are made operative as a result of the plan variation decision. The district plan provisions now have no weight as a result because they have been superseded by the variation decision.
- 10.3 The National Policy Statement for Freshwater Management 2011 ("NPS:FM") is also relevant to this proposal. The PAUP provides for adoption of the directions of the NPSFM in its Water section. We have found that the proposal is consistent with the

relevant principles of the NPS: FM in that it involves establishment of the infrastructure required to manage stormwater discharges and creation of the drainage reserve and its enhancements.

- 10.4 The National Policy Statement for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (“NES:CS”) is also relevant and including for the manner in which uncertified fill is excavated and removed from the site. A Site Management Plan has been prepared as a precautionary approach to avoid adverse effects on human health from the discharge of any actual or potential contaminants associated with the fill. An assessment in terms of the NES concluded that the any risk of contamination can be managed through the application of the Site Management Plan and Site Validation reporting proposed by the applicant as conditions of consent and avoid adverse effects on human health from the discharge of any actual or potential contaminants which may exist associated with the fill.
- 10.5 Overall Mr Hopkins’ conclusion at the end of hearing was generally supportive of the amended scheme plan that was presented at the hearing. The balance lot (lot 51) in the revised scheme provides for access that will support both the Large Lot and the Mixed Housing Suburban zones. Mr Hopkins concluded that the future subdivision of the balance lot and vesting of the additional extent of road will meet future roading requirements.
- 10.6 We agree with his conclusion and have found there are no reasons such that consent to this application should be declined.

11.0 PART 2 OF THE RMA

- 11.1 We agree with the summary of Part 2 in the section 42A report. Overall, the application is consistent with Part 2 of the RMA as it will enable the establishment of a new residential community which will contribute to the economic, social and cultural wellbeing of the area and the region. The development will implement water sensitive design as the core development approach to manage stormwater runoff, plant riparian margins in native vegetation and provide for a new residential community.
- 11.2 The relevant matters of national importance provided in section 6 of the RMA as they relate to this application are appropriately provided for and relevant ‘other matters’ set out in section 7 of the RMA have been paid regard and in particular the amenity

values of this area will be maintained, the proposal is consistent with the efficient use and development of the sites involved, and no ecosystems will be adversely affected by the proposed subdivision.

- 11.3 The relationship of Maori with the site and wider area will not be compromised as a result of this development. The proposal is consistent with Treaty of Waitangi principles and there are no waahi tapu, sites of significance to Mana Whenua or sites of value to Mana Whenua that will be affected as a result of the qualifying development. The relevant Iwi Management Plans have also been taken into account when reaching the decision on the application.

12.0 DECISION ON THE APPLICATION FOR A QUALIFYING DEVELOPMENT (JSL/2015/1502) and (REG/2015/1503)

- 12.1 Pursuant to sections 34 to 38 of the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) and, as referenced by those provisions, sections 104, 104B, 104D 105, 106, 107, and 220 of the Resource Management Act 1991 (the “RMA”), consent to the application by Karaka Harbourside Estate Ltd to authorise a 33 lot residential subdivision, with one balance lot, and associated land uses relating to a qualifying development at 135 and 143 Pararekau Road, Hingaia, being Lots 30 and 33 DP 121329, Lot 443 DP455232, is **granted**.

- 12.2 The reasons for this decision are:

(a) The proposal is consistent with the purpose of HASHAA and also with the intent of Part 2 of the RMA;

(b) The Authority has found that the proposal is consistent with the objectives and policies of the Hingaia 3 precinct variation (as modified) to the PAUP and, further, that this particular application will not result in any adverse effects on the environment that will not be avoided, remedied or mitigated. Accordingly the bar otherwise provided by section 104D of the RMA is passed and the application can be appropriately considered under section 104 of that statute;

(c) The application is generally consistent with the outcomes sought by the Proposed Auckland Unitary Plan, the approved Hingaia 3 precinct provisions, the National Environmental Standard on Assessing and Managing Contaminants in

Soil to Protect Human Health and the National Policy Statement for Freshwater Management;

(d) The proposal will deliver urban design outcomes that are consistent with the New Zealand Urban Design Protocol and is also consistent with the outcomes that the Urban Design Manual in the PAUP describes;

(e) Sufficient information was made available to identify that the area anticipated for development by this consent can be serviced adequately and that the infrastructure will meet the needs of the qualifying development;

(f) No issues arise for the purpose of section 106 of the Resource Management Act.



for and on behalf of the Commissioners

Date: 22 April 2016

CONDITIONS OF CONSENT

Pursuant to sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 106 and 220 of the Resource Management Act 1991 this consent is subject to the conditions annexed to this decision as Attachment 2.

Attachment 1

PRECINCT PROVISIONS

PART 2: HINGAIA 3 PRECINCT - DESCRIPTION, OBJECTIVES AND POLICIES

1. Precinct description

The objectives and policies of the underlying, Large Lot, Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Buildings, Neighbourhood Centre and Mixed Use zones apply to this precinct unless otherwise specified. The location and extent of the precinct is shown on the precinct plans and maps.

No change is proposed to the underlying Special Purpose: School and the Public Open Space: Sport and Active Recreation zones objectives, policies or rules.

The area comprises approximately 202ha of relatively flat land which has been subject to structure planning analysis allowing for a mixture of development opportunities. The precinct is a natural extension of the Karaka Harbourside area and provides for new greenfields development extending as far as Oakland Road to the west and across Hingaia Road to the south into land in the south-west with frontage to the coast.

The intended outcome is to provide for a variety of residential environments across land with high capability for urban development. The precinct will provide large lot, medium density and medium-high density opportunities. The area is well served with a new primary school and a large public open space fronting Hingaia Road. A high quality residential amenity will be provided through street planting and connectivity to the coastal edge. The proposed stormwater management system will become the corridor for a future pedestrian and cycle linkage running from Hingaia Road to the coast. The presence of the large lot area has been managed to achieve a development option without requiring the installation of wastewater and water supply infrastructure through that part of Hingaia 3. This is the intended development enhancement of the Karaka large lot area that was supported and promoted through previous statutory planning instruments and the Southern Sector Agreement which set a pattern for urbanisation of this area in 2002.

2. Objectives

The general residential and business objectives and the objectives in the underlying Large Lot, Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Buildings, Neighbourhood Centre, and Mixed Use zones, and the Auckland-wide objectives apply in this precinct in addition to those specified below.

1. Subdivision and development maintains and enhances the coastal and estuarine environment, streams and riparian margins. Public access and public open space is provided adjacent to the coast and neighbourhood parks are provided in appropriate locations to ensure opportunities for recreation.
2. Subdivision and development occurs in a manner that achieves the

coordinated delivery of infrastructure, including transport, wastewater, stormwater and water services.

3. Adverse effects of stormwater runoff on communities, the marine receiving environment and freshwater systems are avoided to the extent practical or otherwise mitigated using water sensitive design principles
4. Major overland flowpaths are retained or provided for in the site layout to manage risks from flood events up to the 1% AEP, taking into account maximum probable development in the upstream catchment.

Affordable housing

5. To promote increased housing supply, variety and choice by creating well-designed residential developments comprised of a range of housing densities, typologies, and price options (including the provision of affordable housing).
6. To ensure that affordable housing provided in any residential development is distributed throughout the location in which resource consent is sought.
7. To promote availability of affordable housing to first home buyers and/or Community Housing Providers.

3. Policies

The general residential and business policies and the policies of the Large Lot, Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Buildings, Neighbourhood Centre and Mixed Use zones and the Auckland-wide policies apply in this precinct in addition to those specified below.

1. Design subdivision and development in the Large Lot zone to protect the landscape features and character of the area.
2. Maintain the low density residential environment of the Large Lot zone to provide for on-site stormwater and wastewater provision.
3. Increase the intensity of development through reduced site size while maintaining the intended amenities of the zone.
4. Subdivision, land use and development should use water sensitive design as the core development approach to manage stormwater runoff, water quality and flooding, mimic the natural hydrological regime, and provide baseflow to streams.
5. Require subdivision and development to promote the restoration and enhancement of the stream network to achieve a natural appearance with appropriate native species and encourage pedestrian walkways along stream edges. Where possible, pedestrian walkways should integrate with existing linkages and open space areas, and should not preclude the ability for future development on neighbouring properties to connect to the pedestrian network.
6. Stormwater devices in public areas are designed to be integrated with the surrounding area and to contribute to multi-use benefits. Where appropriate they should also be natural in appearance.
7. Ensure that subdivision and land use activities provide an interconnected road network which:
 - a. Provides for a quality urban form
 - b. Makes appropriate provision for stormwater management and

on-site stormwater management devices, consistent with the principles of the Network Discharge Consent and water sensitive design.

- c. Contributes to a positive sense of place and identity through in-street landscape elements, including retention of existing landscape features, and maximising coastal vistas.
8. Require subdivision and development to provide co-ordinated infrastructure, including stormwater, wastewater, water, public utilities and transport infrastructure.
 9. Ensure that riparian margins and recreational and amenity spaces are provided in this precinct by requiring:
 - a. Restoration and enhancement of riparian margins by providing a minimum of 10m planting either side of a permanent or intermittent stream.
 - b. Vesting esplanade reserves adjacent to the coast.
 - c. Connectivity within and through this precinct to the coastal and riparian margins by providing and aligning, where practicable, north-south roads that provide viewshafts and public access to the coast, and by providing pedestrian and cycle paths and open space linkages.

Affordable housing

10. 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; or
11. New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.
12. New retirement village developments containing 15 or more dwellings provide for affordable housing.

PART 3 – REGIONAL AND DISTRICT RULES >>CHAPTER K: PRECINCT RULES>>>6 SOUTH

6.# Hingaia 3 Precinct

The activities, controls and assessment criteria in the underlying Large Lot, Mixed Housing Suburban, Mixed Housing Urban, Terrace Housing and Apartment Buildings, Neighbourhood Centre and Mixed Use zones and the Auckland-wide provisions apply in this precinct unless otherwise specified below. Refer to the precinct planning map for the location and extent of the underlying zones.

6.X.1 ACTIVITY TABLES

The underlying zones and Auckland-wide activity tables apply in this precinct unless otherwise specified below:

1. Activity table 1: Mixed Housing Suburban, Mixed Housing Urban and Terrace Housing and Apartment Buildings zones

Activity	Activity status
Commerce	
Show homes	RD
Accommodation	
Dwellings on sites that adjoin esplanade reserves and which have a maximum net site area of 600m ² per dwelling	RD
Integrated residential developments on sites with a minimum net site area of 1200m ²	RD
Retirement villages	RD

2. Activity table 2: Auckland-wide rules – transport and subdivision

Activity	Activity status
Transport	
Road Access to a vehicle access restriction (“VAR”) road	RD
Subdivision	
Subdivision in accordance with the Hingaia North structure plan	RD
Subdivision not in accordance with the Hingaia North structure plan	D
Subdivision adjoining existing or proposed esplanade reserves in which all proposed sites are 600m ² net site area or more	RD
Vacant lot subdivision adjoining existing or proposed esplanade reserves with proposed sites of less than 600m ² net site area	NC
Subdivision of sites in accordance with an approved land use consent or a concurrent comprehensive subdivision and land use consent for subdivision adjoining existing or proposed esplanade reserves with proposed sites of less than 600m ² net site area	RD

Subdivision of a site with road access to a vehicle access restriction (“VAR”) road	RD
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6.X.2 NOTIFICATION

The notification provisions in rules G2.4 and I1.2 apply in this precinct.

6.X.3 LAND USE CONTROLS

The underlying zones and Auckland-wide land use controls apply in this precinct unless otherwise specified below:

3.1 Maximum density: Residential zones

1. The number of dwellings on a site must not exceed the limits specified in Table 3 below:

Table 3:

Zone	Dwellings
Large Lot	One dwelling per 2,500m ²
Mixed Housing Suburban and Mixed Housing Urban	One dwelling per 300m ² where the parent sites frontage is at least 12.5m and the requirements of clause 2 below are met One dwelling per 260m ² where the parent sites frontage is between 10m and 12.49m and the requirements of clause 2 below are met

2. In the Mixed Housing Suburban and Mixed Housing Urban zones the densities above apply where:
 - a. The frontage specified must apply for at least 80% of the length of the side boundaries
 - b. Sites with a frontage between 10m and 12.49m must include a legal mechanism that restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width except where a rear lane provides legal access
3. Development that does not comply with the controls in rule I1.3.1 Maximum Density or clauses 1-2 above is a non-complying activity.

3.2 Affordable housing – 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 2-8 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. For avoidance of doubt, the land use rules do not apply to resource consent applications processed under the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) as the provisions specified in the relevant Order in Council amendment to that Act apply. The above provisions apply to consents that are not processed under the HASHAA.
8. Affordable housing that does not comply with clauses 1-7 above is a discretionary activity.

3.3 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.

2. Relative affordable housing that does not comply with clause 1 above is a discretionary activity.

3.4 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 percent median price in accordance with rule 3.3(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 3.3(1)(b) 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 percent median price in accordance with rule 3.3(1)(a) above;
 - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence 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 1-4 above is a discretionary activity.

3.5 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.

This rule does not apply to Retirement Villages which are addressed by rule 3. 7 below.

3.6 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 must 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.

3.7 Affordable housing in retirement villages

Purpose: To ensure affordable housing is provided in retirement village complexes

1. For retirement village developments (including any redevelopment creating additional units) containing 15 or more units, either:
 - a. at least 10% of the total number of units must be relative affordable for three years from the date of purchase. If a dwelling is sold or otherwise transferred or licensed during this timeframe it must continue to meet the required price point set out below until such time that it does not apply:
 - i. The units classed as relative affordable will be valued at no more than 65 per cent of the Auckland region median house price that is published by the Real Estate Institute of New Zealand for the most recent full calendar month preceding the date on which 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;
 - ii. The price point as required by clause 1 above must include annual charges for maintenance and refurbishment at the retirement village but exclude entry costs, transfer costs, periodical charges, rates and insurance.
2. Affordable housing in a retirement village that does not comply with clause 1 above is a discretionary activity.

3.8 Eligibility for relative affordable in a retirement village

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

1. The purchaser(s)/resident(s) must have a gross household income that does not exceed 150% of the NZ superannuation income receivable, current at the date of purchase.
2. Relative affordable housing in a retirement village that does not comply with clause 1 above is a discretionary activity.

3.9 Total gross floor area: Neighbourhood Centre zone

1. The total gross floor area for all retail and commercial activities that establish in the Neighbourhood Centre zone must not exceed 1,000m².
2. Development that does not comply with clause 1 above is a non-complying activity.

6.X.4 DEVELOPMENT CONTROLS

The underlying zones development controls and Auckland-wide controls apply in this precinct unless otherwise specified below:

4.1 Building height – Mixed Housing Suburban and Mixed Housing Urban and Mixed Use zones

1. Buildings in the Mixed Housing Suburban zone must not exceed 9m in height.
2. Buildings in the Mixed Housing Urban zone must not exceed 11m in height.
3. Buildings in the Mixed Use zone must not exceed 12.5m in height.

4.2 Yards in the Mixed Housing Suburban and Mixed Housing Urban zones

1. Table 4

Yard	Mixed Housing Suburban zone	Mixed Housing Urban zone
Front	3m	3m
Rear	3m	3m
Side	1m	N/A

2. The rear yard in Table 4 above (clause 1) does not apply where the site adjoins a rear lane or access lot.

4.3 Building coverage – Mixed Housing Suburban and Mixed Housing Urban zones

1. Maximum building coverage for proposed sites in the Mixed Housing Suburban and Mixed Housing Urban zones, with a density less than or equal to one dwelling per 400m²: 50 per cent.
2. Maximum building coverage for proposed sites in the Mixed Housing Suburban and Mixed Housing Urban zones with a density greater than one dwelling per 400m²: 40 per cent.

4.4 Maximum impervious area – Mixed Housing Suburban and Mixed Housing Urban zones

Purpose: To provide for flexibility of built form for higher density development while managing stormwater runoff generated by development

1. The maximum impervious area in the Mixed Housing Suburban and Mixed Housing Urban zones must not exceed 70 per cent.

4.5 Dwellings fronting the street in residential zones

Purpose: To ensure dwellings are oriented to provide for passive surveillance of the street and to contribute to streetscape amenity.

1. The front façade of a dwelling or dwellings on a front site must contain:
 - a. glazing that is cumulatively at least 20 per cent of the area of the front façade (excluding the garage door)
 - b. a main entrance door that is visible from the street.

4.6 Fences in residential zones

Purpose: To maintain and enhance passive surveillance of the street and public open space, including the esplanade reserve, and to enhance the visual amenity of, and view to the coast from sites that are located adjacent to the esplanade reserve.

1. Fences in the front yard must not exceed 1.2m in height.
2. Fences along any boundary that adjoins public open space, including the esplanade reserve, must have a maximum height of 1.5m and be a minimum of 70% visually permeable. The exception to this rule is where fences are proposed on retaining walls or structures that are more than 0.5m above the ground level at the base of the retaining wall or structure, then the maximum fence height must be 1m.

4.7 Garages in residential zones

Purpose: To ensure garages are not a dominant feature of the streetscape.

1. A garage door facing a street must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.
2. Garage doors must not project forward of the front façade of a dwelling.
3. The garage door must be set back at least 5m from the site's frontage.

4.8 Glazing in the Mixed Use zone

1. The ground floor of buildings in the Mixed Use zone subject to a key retail frontage overlay must have clear glazing for at least 75 per cent of its width and 75 per cent of its height.

4.9 Landscaping – all residential zones

Purpose: To provide for on-site amenity and an attractive streetscape character, to improve stormwater absorption on site, and to provide for an attractive interface between residential lots located adjacent to the esplanade reserve, and the coast.

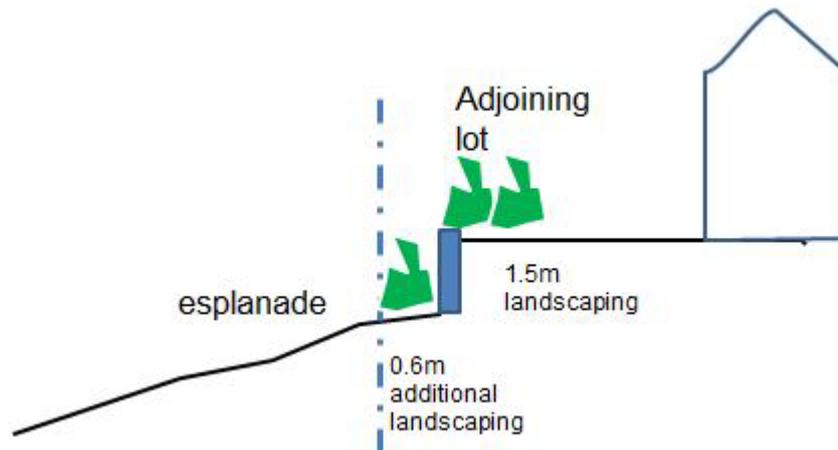
1. At least 40 per cent of the front yard must comprise landscaped area.
2. For proposed sites that are adjacent to the esplanade reserve, landscaping must be provided along the esplanade reserve boundary in conjunction with any boundary fence that exceeds 1.2m in height.
3. Landscaping must be undertaken within the site (not within the esplanade reserve), have a minimum depth of 1.5m, and be provided along the entire length of the fence.

4.10 Landscaping for coastal retaining walls in the Large Lot, Mixed Housing Suburban and Mixed Housing Urban zones

Purpose: To soften the visual impact of the retaining wall from the esplanade reserve.

1. Retaining walls of 1.0m or more in height adjoining the esplanade reserve boundary must plant trees for a depth 0.6m in front of the retaining wall as illustrated in Figure 1 below.

Figure 1:



4.11 On-site stormwater management – new impervious surfaces – all zones

1. In catchments shown on the Hingaia North structure plan as draining to streams all new impervious surfaces of 50m² and over must be designed to achieve the following:
 - a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b. Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
2. In catchments shown on the Hingaia North structure plan as draining to the coast (including via ephemeral streams) all new impervious surfaces of 50m² and over must be designed to achieve the following:
 - a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area.
3. In catchments shown on the Hingaia structure plan shown as requiring retention and half the detention volume; all new impervious surfaces of 50m² and over must be designed to achieve the following:
 - a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.

- b. Provide half the detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (5.75mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required, provided that
 - c. The remaining detention volume (5.75mm) is directed to a communal device designed and sized to accommodate flows from the site.
- 4. In catchments shown on the Hingaia North structure plan as draining to a wetland all new impervious surfaces must be directed to a wetland that has been designed and sized to accommodate flows from the site OR are directed to devices designed to achieve the following:
 - a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b. Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
- 5. Stormwater runoff must be directed to an on-site device designed and sized to accommodate stormwater runoff from clauses 1 to 4 above.
- 6. Stormwater device/s on private land:
 - a. Must be maintained by the site owner in perpetuity. A consent notice to that effect must be registered on the Certificate of Title at the time the purchase is settled.
 - b. Where rainwater tanks are proposed for a dwelling to achieve the retention requirements of clause 4(a), the rainwater tank must be dual plumbed to non-potable uses such as the toilet as a minimum.
- 7. Compliance must be demonstrated to the Council in conjunction with any application for building consent, or by way of a certificate of compliance or at the time of subdivision.

4.12 Residential road access: dwellings fronting the street

- 1. Each site fronting or having direct access to a road shown as a vehicle access restriction road in the precinct diagram 2 must be able to provide sufficient on-site manoeuvring space to avoid vehicles reverse manoeuvring onto streets.
- 2. Sites fronting “no vehicle access” streets shown on precinct diagram 2 must not have driveways fronting onto those streets.

6.X.5 SUBDIVISION CONTROLS

The subdivision controls in the Auckland-wide rules, H5 Subdivision apply in this precinct unless otherwise specified below:

5.1 Minimum site sizes – Residential zones

1. Minimum site sizes must comply with Table 5 below:

Table 5: Minimum net site area

Zone	Minimum net site area
Large Lot	2,500m ²
Mixed Housing Suburban and Mixed Housing Urban	300m ² where the parent sites frontage is at least 12.5m and the requirements of clause.2 below are met 260m ² where the parent sites frontage is between 10m and 12.49m and the requirements of clause 2 below are met

2. In the Mixed Housing Suburban and Mixed Housing Urban zones the densities above apply where:
 - a. The frontage specified must apply for at least 80% of the length of the side boundaries
 - b. Sites with a frontage between 10m and 12.49m must include a legal mechanism that restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width except where a rear lane provides legal access.

5.2 Rooding construction standards

1. Roads must be provided in general accordance with the Hingaia North structure plan.
2. The road network must be constructed to the standards contained in Table 6 below:

Table 6: Rooding construction standards

Types of Road	Road Width (metres)	Carriage way (Metres)	Footpath Width (Metres)	Cycleway (metres)
Hingaia Road	31	14	N/A	3m combined footpath/cycleway (both sides)
Collector Roads (Papaka Road and Oakland Road between Hingaia	22.5	7	1.8m (one side)	Shared path 3m on one side

Road and their respective intersections with Fleur Road				
Connector Road (Derbyshire, Island View and Pararekau Drive etc)	18	6	1.8m (one side)	5.2m shared cycleway/footpath on one side
Local Road	16	6	1.8m (both sides)	N/A

- Where local roads are proposed along the north-south key pedestrian and cycle path shown on the Hingaia North structure plan, the local road typology must include a 3.0m combined cycle and footpath on one side.
- Direct access to lots located on the north side of Hingaia Road must not be obtained from Hingaia Road.
- Unsealed berm, free of planting and of sufficient dimensions must be made available immediately adjacent to the road boundary of all lots for the installation, operation, maintenance, and upgrading of electricity supply infrastructure on all categories of road, consistent with the Road Construction Standards in Table 6 above.

5.3 Riparian margins

- Riparian margins must be established either side of the banks of a stream (shown on the Hingaia North structure plan as riparian margin) to a minimum width of 10m measured from the bank of the stream, where the location of the bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey.
- Riparian margins must be planted in native vegetation.
- Riparian margins must vest in the Council as local purpose drainage reserves.

5.4 Landscaping

Purpose: To ensure that landscaping in lots adjoining public open space, including esplanade reserves, is provided in perpetuity.

- A consent notice must be registered on the Certificates of Title for lots that adjoin land zoned Public Open Space, including the esplanade reserves, requiring that landscaping be undertaken in accordance with rule 4.9 of this precinct.
- The detailed design of landscaping within roads and public open spaces (including the esplanade reserve), and on lots that adjoin public open space areas, must be undertaken in parallel with the engineering plan approval process.

5.5 Fences

Purpose: To maintain and enhance passive surveillance of the street and public open space, including esplanade reserves, and to enhance the visual amenity of, and views from, sites that are located adjacent to the esplanade reserve, to the coast.

1. A consent notice must be registered on the Certificates of Title for lots requiring that fences are erected in accordance with rule 4.3 above.

5.6 Affordable housing

1. Refer to the affordable housing land use controls in rules 3.2 to 3.8 above.

5.7 On-site stormwater management

1. Where the detention component of the on-site stormwater management in rule 4.11 above is to be provided in a communal device, the device must be provided at the time of subdivision and be designed and constructed to Auckland Council standards.
 - a. Stream channels must be used to convey flood flows and must be capable of passing the 1% AEP without generating effects on adjacent properties and designed to Auckland Council standards;
 - b. Overland flow paths that convey greater than two cumecs must be located on public land.

6. X.6 ASSESSMENT – RESTRICTED DISCRETIONARY ACTIVITIES

6.1 Matters for discretion

For activities and development that is a restricted discretionary activity in this precinct the Council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted activities in H5.4.1 Matters for Discretion [Subdivision] and other Auckland wide provisions:

1. Show homes

- a. hours of operation
- b. parking and traffic.

2. Dwellings on Mixed Housing Suburban and Mixed Housing Urban zoned sites that adjoin esplanade reserves and which have a maximum net site area of 600m² per dwelling

- a. effects on the natural character and landscape values of the coast
- b. amenity and character of public open spaces
- c. landscaping
- d. fencing

- e. natural hazards.

3. Integrated residential development and retirement villages

- a. the Council will consider the matters of discretion applying to four or more dwellings in the Mixed Housing Suburban zone set out in I10.1.3(a)-(g).

4. Vehicle access restrictions

- a. effects on pedestrian and streetscape safety and amenity
- b. effects on the transport network.

5. Subdivision

- a. consistency with the Hingaia North structure plan
- b. design, location and scale of development
- c. design and location of roads, accessways, cycle and pedestrian routes and public transport
- d. road access restrictions
- e. treatment of natural stream systems and riparian corridors
- f. landscaping
- g. coastal amenity
- h. subdivision adjoining existing or proposed esplanade reserves
 - i. refer to matters of discretion in clause 2 above
- i. stormwater management
- j. natural hazards.

6.2 Assessment criteria

The Council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity tables for this precinct, in addition to the criteria specified for the relevant restricted discretionary activities in H5.4.2 Assessment criteria [Subdivision] and other Auckland-wide provisions:

1. Show homes

- a. hours of operation should respect the character of the surrounding neighbourhood
- b. the number of people involved and the traffic generated by the activity should be compatible with the street function.

2. Dwellings on Mixed Housing Suburban and Mixed Housing Urban zoned sites that adjoin esplanade reserves and which have a maximum net site area of 600m² per dwelling

- a. the extent to which the dwellings complements the landscape character and amenity values of the coastal environment including esplanade reserves

- b. the design of buildings and associated driveways, parking areas and other structures should minimise the visual appearance of buildings and structures when viewed from the coastal environment by:
 - i. using low reflectivity glass and recessive colour schemes
 - ii. introduce visual interest through variety of architectural detail and building materials
 - iii. avoid buildings with long unrelieved frontages and excessive bulk
- c. landscape treatment should maintain and enhance the natural landscape character of adjoining esplanade reserves, natural drainage patterns, the coastal margin and views into the land from the Manukau Harbour
- d. existing trees should be retained to create a sense of place having regard to :
 - i. the health, form and condition of the trees (or group of trees)
 - ii. the extent to which the tree (or group of trees) can be appropriately accommodated into subdivision design and layout in a manner that will safeguard the future health, form and condition of the tree(s)
 - iii. the amenity value of the tree (or group of trees) and its contribution to the overall landscape character and visual amenities of the Hingaia North precinct
- e. a landscaping plan showing the species to be planted and the density of planting should be provided
- f. fencing designs should address how an active private-public interface can be achieved on residential land adjoining esplanade reserves
- g. development should provide for the maintenance and enhancement of coastal yards and esplanade reserves in a naturalised state to avoid or minimise coastal erosion
- h. the extent to which proposed subdivision at the coastal interface minimises the need for retaining wall structures and, where retaining structures are required, the extent to which the proposal minimises the length, height and visual prominence of the retaining structures.

3. Integrated residential development and retirement villages

- a. the Council will consider the assessment criteria applying to four or more dwellings in the underlying Mixed Housing Suburban zone set out in 11.10.2.3(a)-(g).

4. Vehicle access restrictions

- a. vehicle access restrictions for future lots adjoining Hingaia Road
- b. lots subject to a vehicle access restriction should be designed to provide rear lanes which are safe and visually attractive by using quality paving and landscaping and a street lighting theme
- c. pedestrian access to the front doors of buildings should be provided off the respective road
- d. the presence of vehicle crossings or accessways should be clearly signalled to pedestrians

- e. ramps, where necessary, should be integrated into the design of the buildings and landscaping
- f. where spaces are designed as shared spaces, pedestrians should have priority
- g. effects of the location and design of the access on the safe and efficient operation of the adjacent transport network.

5. Subdivision

- a. design location and scale of development
 - i. subdivision should be in general accordance with the:
 - Hingaia North structure plan
 - objectives and policies for this precinct
- b. design and location of roads, accessways, cycle and pedestrian routes and public transport should
 - i. be of a suitable size and location to accommodate the proposed activity
 - ii. generally be consistent with the locations shown on the structure plan and provide a highly inter-connected and walkable roading network
 - iii. address Crime Prevention through Environmental Design principles
 - iv. be consistent with the roading typologies in Diagram 2
 - v. create roads which function as high quality public spaces and incorporate quality amenity features such as tree planting and footpath paving and a street lighting theme
 - vi. pedestrian and cycle paths should be of a scale, form, design and layout that facilitates public access to the coast and creates a high amenity interface between the urban area and the coast
- c. road access restrictions
 - i. refer to the assessment criteria in clause 4 above
- d. treatment of natural stream systems and riparian corridors
 - i. stream enhancement along existing streams should be preserved as shown on the structure plan
- e. landscaping
 - i. refer to the assessment criteria in clause 2(c) to (f) above
- f. coastal amenity
 - i. the extent to which the proposed subdivision will facilitate views of and access to the coast
 - ii. the extent to which proposed subdivision will provide for an active private-public interface on residential land adjoining esplanade reserves
- g. subdivision adjoining existing or proposed esplanade reserves
 - i. the Council will consider the assessment criteria in clause 2(a)-(h) above
- h. stormwater management

- i. consistency with the approved Stormwater Management Plan
 - ii. the Council will consider the relevant assessment criteria listed under Stormwater Management – Flow in H4.14.1.4.2.1(a)-(e)
- i. natural hazards
 - i. the extent to which proposed subdivision at the coastal interface minimises the need for retaining wall structures and, where retaining structures are required, the extent to which the proposal minimises the length, height and visual prominence of retaining structures

6.X.7 ASSESSMENT – DEVELOPMENT CONTROL INFRINGEMENTS

7.1 Matters of discretion

In addition to the general matters set out in rule G2.3 of the general provisions, the assessment provisions for development control infringements in I1.11 [Residential] and I3.7 [Business] and the Auckland wide provisions, the Council will restrict its discretion to the matters specified below for development control infringements in this precinct.

1. On-site stormwater management – new impervious surfaces

For development that does not comply with rules 4.11 and 5.7 the Council will restrict its discretion to:

- a. items (a)-(d) listed in H4.14.1.4.1(a)-(d) Stormwater Management – Flow
- b. effects on sites intended for affordable housing.
- c. stormwater quality.

7.2 Assessment criteria

In addition to the general matters set out in rule G2.3 of the general provisions, the assessment provisions for development control infringements in I1.11 [Residential] and I3.7 [Business], and the Auckland wide provisions, the Council will restrict its discretion to the matters specified below for development control infringements in this precinct:

1. On-site stormwater management – new impervious surfaces

- a. the Council will consider assessment criteria H4.14.2.4.2.1(a)–(e) [Stormwater Management – Flow] and assessment criteria H4.14.3.4.1(a)-(f) [Stormwater Management – Quality]
- b. whether consent notices are required on the Certificates of Title for new lots to ensure compliance with the on-site stormwater management requirements-

6.X.8 SPECIAL INFORMATION REQUIREMENTS

The special information requirements in underlying zones and Auckland-wide provisions apply in this precinct, unless otherwise specified below:

- 1. An application for subdivision consent within 50m of the coast must be accompanied by a geotechnical and coastal erosion report.

6X.9 DEFINITIONS

Retained affordable

Housing that is:

- a) Built by a registered community housing provider or the Housing New Zealand Corporation; or
- b) Sold to a registered community housing provider or the 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 later.

Relative affordable

Housing that is:

- a) Bought by first home buyers and intended 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 the sale and purchase agreement becomes unconditional.
- 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 prior to the date the application for resource consent is approved or the date on which all appeals to the resource consent application are finally resolved, whichever is later.

Community housing provider

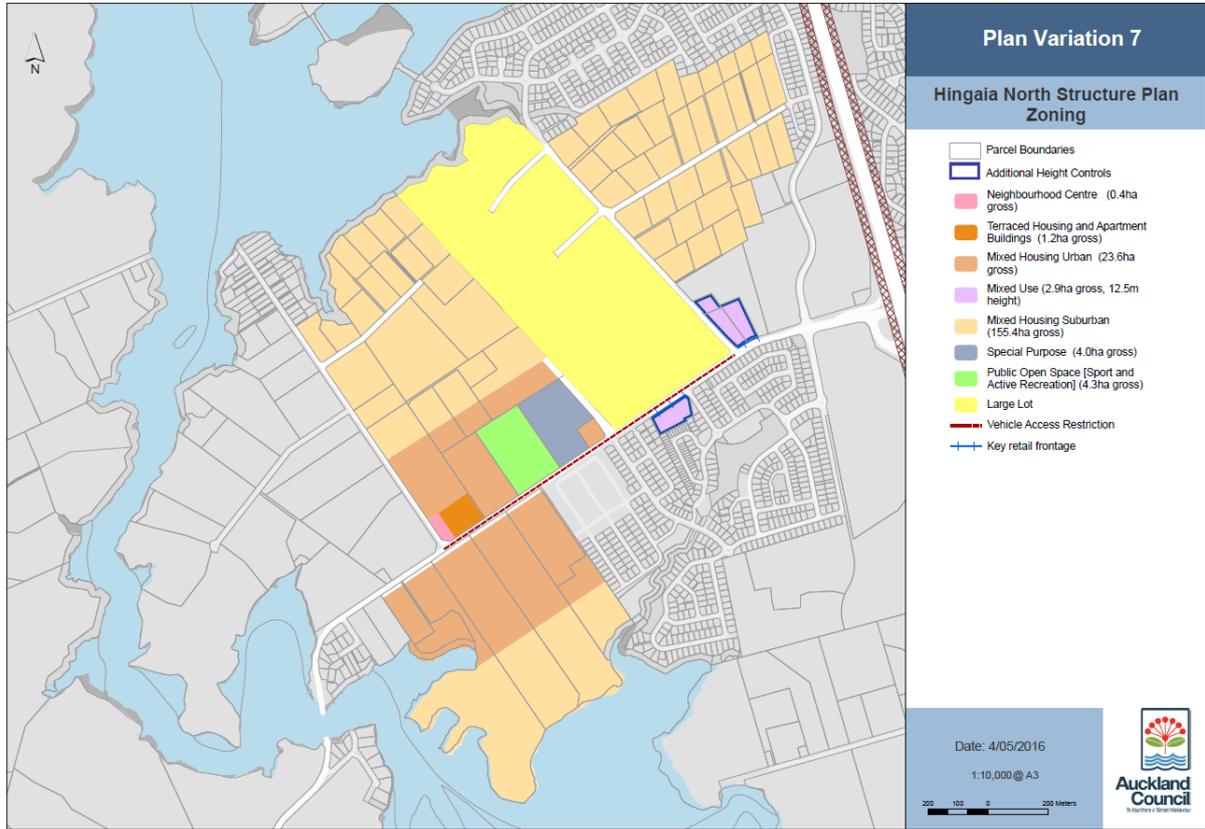
Means a housing provider (other than the Housing New Zealand Corporation) which has as one of its objectives the provision of one or both of the following types of housing:

- a) Social rental housing
- b) Affordable rental housing.

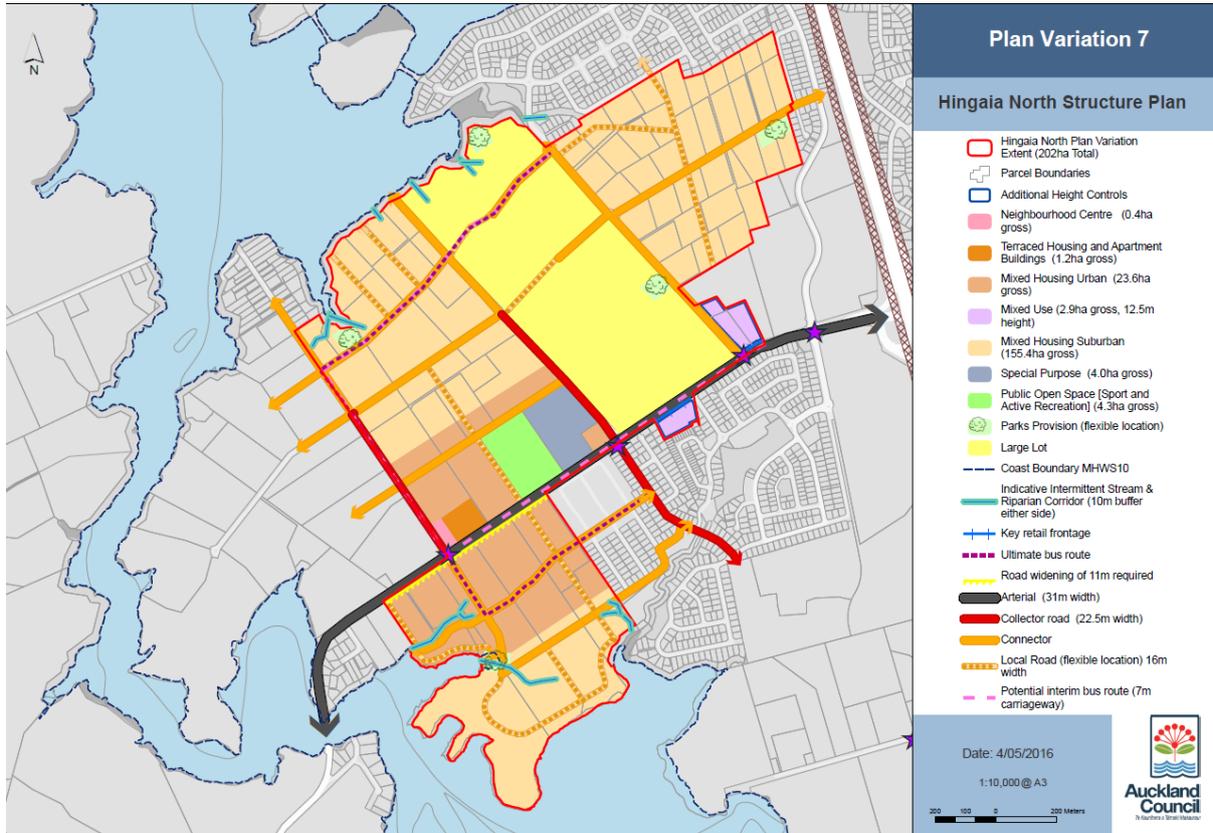
Household income

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

PRECINCT ZONING MAP



PRECINCT DIAGRAM – HINGAIA NORTH STRUCTURE PLAN



PRECINCT DIAGRAM 2 – ROADING TYPOLOGIES

ARTERIAL

HINGAIA ROAD (ARTERIAL)



COLLECTOR ROADS

Collector

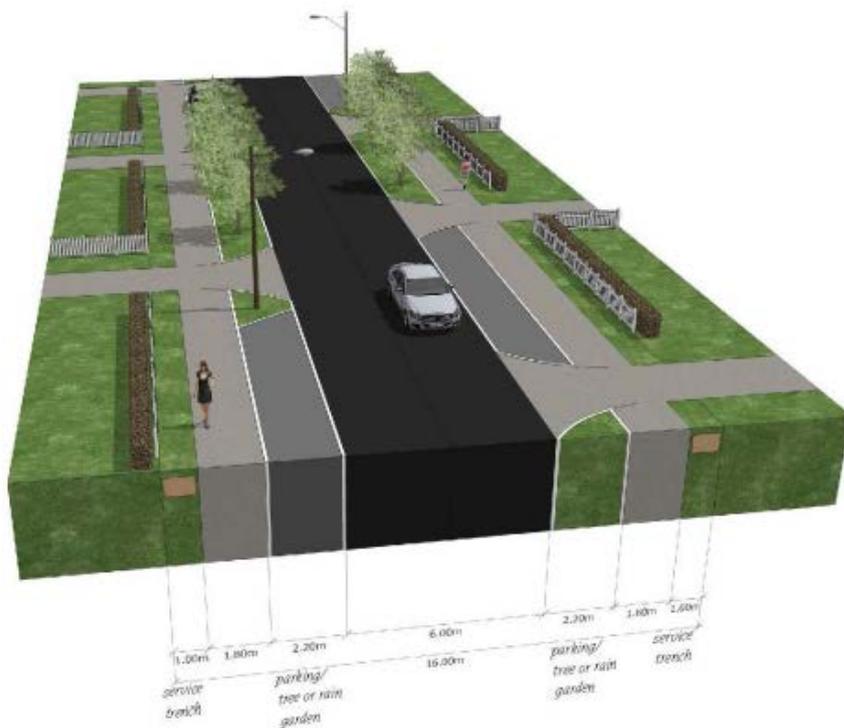


CONNECTOR ROADS – example only, to be determined at subdivision stage

Amenity Connector



LOCAL ROADS



Attachment 2:

Conditions of Consent - Qualifying Development (JSL/2015/1502 and REG/2015/1503)

General Conditions

1. The 34 lot subdivision and associated activities shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and referenced by the authorising agency as consent numbers “JSL/2015/1502” and “REG/2015/1503”.
 - Assessment of effects prepared by Tollemache Consultants Limited, titled “Resource Consents for a Qualifying Development associated with a subdivision application and associated works, 135 & 143 Pararekau Road, Hingaia”, dated April 2015;
 - Letter prepared by Candor, titled “Karaka Harbourside Estate Ltd Proposal 135 & 143 Pararekau Road, Hingaia, R/JSL/2015/1502 Section 28 Response”, dated 12 June 2015

Plans	Title	Prepared by	Rev	Date
From the plan set: <i>Consent Drawings for Karaka Harbourside Estate Limited, issued for consent – REV B, 17 November 2015</i>				
SP 021	Scheme Plan 135 & 143 Pararekau Road, Hingaia, Lot 30 DP 121329 & Lot 443 DP 455232	Candor3	B	17/11/2015
SP 022	Land use plan – Duplex on Lot 10 135 & 143 Pararekau Road, Hingaia, Lot 30 DP 121329 & Lot 443 DP 455232	Candor3	-	12/04/2015
SP 023	Land use plan – Duplex on Lot 32 135 & 143 Pararekau Road, Hingaia, Lot 30 DP 121329 & Lot 443 DP 455232	Candor3	-	12/04/2015

SP 030	Indicative Scheme Plan for 131 Pararekau Road, Hingaia, Lot 33 DP 121329	Candor3	-	12/04/2015
SP 031	Indicative future walkway extension Pararekau Road, Hingaia	Candor3	-	12/04/2015
EW000	135 & 143 Pararekau Road existing contours and removal plan	Candor3	-	02/04/2015
EW001	135 & 143 Pararekau Road design contours	Candor3	B	17/11/2015
EW002	135 & 143 Pararekau Road earthworks cut and fill plan	Candor3	A	02/04/2015
EW003	135 & 143 Pararekau Road Revised stage 1 & 2 Erosion & Sediment Control Plan, 12/05/15 (Sheet 1 of 3)	Candor3	A	02/04/2015
EW004	135 & 143 Pararekau Road Revised stage 1 & 2 Erosion & Sediment Control Plan, 12/05/15 (Sheet 2 of 3)	Candor3	A	02/04/2015
EW005	135 & 143 Pararekau Road Revised stage 1 & 2 Erosion & Sediment Control Plan, 12/05/15 (Sheet 3 of 3)	Candor3	A	02/04/2015
RD000	135 & 143 Pararekau Road, roading plan	Candor3	C	17/11/2015
RD001	135 & 143 Pararekau Road roading detail tracking plan	Candor3	B	17/11/2015

RD020	135 & 143 Pararekau Road road cross section detail	Candor3	-	02/04/2015
RD050	135 & 143 Pararekau Road intersection detail	Candor3	A	02/04/2015
RD051	135 & 143 Pararekau Road intersection detail - sight distances	Candor3	-	02/04/2015
RD052	135 & 143 Pararekau Road turning area detail Road 1	Candor3	A	17/11/2015
RD053	135 & 143 Pararekau Road turning area detail Road 2	Candor3	-	02/04/2015
RD100	135 & 143 Pararekau roading long sections (Sheet 1 of 2)	Candor3	-	02/04/2015
RD101	135 & 143 Pararekau roading long sections (Sheet 2 of 2)	Candor3	A	17/11/2015
DR000	135 & 143 Pararekau Road, drainage layout plan (Sheet 1 of 3)	Candor3	C	17/11/2015
DR001	135 & 143 Pararekau Road, drainage layout plan (Sheet 2 of 3)	Candor3	C	17/11/2015
DR002	135 & 143 Pararekau Road, drainage layout plan (Sheet 1 of 3)	Candor3	A	17/11/2015
DR003	135 & 143 Pararekau Road, drainage layout plan (Sheet 3 of 3)	Candor3	A	17/11/2015
DR004	135 & 143 Pararekau Road, drainage layout plan (Sheet 2 of 3)	Candor3	A	17/11/2015

DR005	135 & 143 Pararekau Road, drainage layout plan (Sheet 3 of 3)	Candor3	A	17/11/2015
DR010	135 & 143 Pararekau Road, Wider Stormwater Catchment Plan (Sheet 1 of 2)	Candor3	B	17/11/2015
DR011	135 & 143 Pararekau Road, Wider Stormwater Catchment Plan (Sheet 2 of 2)	Candor3	B	17/11/2015
DR012	135 & 143 Pararekau Road, overland flowpath plan	Candor3	B	17/11/2015
DR013	135 & 143 Pararekau Road, overland flowpath plan cross section detail	Candor3	A	02/04/2015
DR014	135 & 143 Pararekau Road, overland flowpath plan	Candor3	-	July 2015
DR020	135 & 143 Pararekau Road drainage reserve / southern gully	Candor3	A	02/04/2015
DR020	135 & 143 Pararekau Rd landscaping southern gully	Candor3	-	02/04/2015
DR022	135 & 143 Pararekau Road southern gully long sections	Candor3	-	02/04/2015
DR023	135 & 143 Pararekau Rd southern gully – U/S SW outlet detail dischargeable 'bubble up' manhole	Candor3	B	19/11/2015
DR030	135 & 143 Pararekau	Candor3	B	17/11/2015

	Road raingarden detail			
DR200	135 & 143 Pararekau Road drainage (stormwater) long sections (Sheet 1 of 2)	Candor3	A	02/04/2015
DR201	135 & 143 Pararekau Road drainage (stormwater) long sections (Sheet 2 of 2)	Candor3	A	02/04/2015
DR250	135 & 143 Pararekau Road drainage (sanitary sewer) long sections (Sheet 1 of 2)	Candor3	A	02/04/2015
DR251	135 & 143 Pararekau Road drainage (sanitary sewer) long sections (Sheet 2 of 2)	Candor3	A	02/04/2015
WT000	135 & 143 Pararekau Road water supply plan	Candor3	B	17/11/2015
UT000	135 & 143 Pararekau Road Utility Plan	Candor3	B	17/11/2015
LS000	135 & 143 Pararekau Road landscaping and street lighting plan	Candor3	B	02/04/2015
SD000	135 & 143 Pararekau Road standard details (Sheet 1 of 4) stormwater	Candor3	-	02/04/2015
SD001	135 & 143 Pararekau Road standard details (Sheet 2 of 4) roading	Candor3	-	02/04/2015
SD002	135 & 143 Pararekau Road standard details (Sheet 3 of 4) wastewater	Candor3	-	02/04/2015
SD003	135 & 143 Pararekau	Candor3	-	02/04/2015

	Road standard details (Sheet 4 of 4) water supply			
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Specialist reports:

- Soil Investigation Report, prepared by Geosciences Ltd, dated 14 June 2012;
 - Preliminary Site Investigation Report, prepared by Geosciences Ltd, dated 26 November 2014;
 - Geotechnical Investigation Report for 143 Pararekau Road prepared by Coffey, dated 10 November 2014;
 - Geotechnical Investigation Report, 135 Pararekau Road, prepared by Lander Geotechnical, dated 24 March 2015;
 - Detailed Site Investigation Report, 143 Pararekau Road, prepared by Geosciences, dated 26 March 2015;
 - Detailed Site Investigation Report, 135 Pararekau Road, prepared by Geosciences, dated 26 March 2015;
 - Ecological Assessment, 135 Pararekau Road, prepared by Stormwater Solutions, dated 31 March 2015;
 - Draft Site Management Plan, 135 and 143 Pararekau Road, prepared by Geosciences Ltd, dated April 2015.
 - Infrastructure and Servicing Report, prepared by Candor3, dated 21 April 2015.
2. This consent (or any part thereof) shall not commence until such time as the following charges, owing at the time this decision is notified, have been paid to the Council in full:
 - (a) All fixed charges relating to receiving, processing and granting this resource consent under section 77 of the Housing Accords and Special Housing Area Act 2013 ("HASHAA");
 - (b) All additional charges imposed under section 76 of the HASHAA to enable the Council to recover its actual and reasonable costs in respect of this application, being costs which are beyond challenge.
 3. The consent holder shall pay any subsequent further charges imposed under section 77 of the HASHAA relating to receiving, processing and granting this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under sections 77(2) of the HASHAA and 36(3) of the Resource Management Act 1991 ("RMA") that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

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 pay any subsequent further charges imposed under section 77 of the HASHAA relating to receiving, processing and granting this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 77 that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

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.

5. Under section 51 of the HASHAA, the subdivision and land use consent will lapse 2 years after the date it is granted.

EARTHWORKS

Pre- Construction Conditions

6. Prior to commencement of earthworks at the site, a final Chemical Treatment Management Plan ("Chem MP") shall be submitted for the written approval of the Senior Compliance Advisor, Development Programme Office, Auckland Council ("DPO"). The Chem MP shall include as a minimum:
 - (a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
 - (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.

The approved Chem MP is to be implemented.

Advice Note:

In the event that minor amendments to the Chem MP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the Chem MP may require an application to be made in accordance with section 52 of the HASHAA (section 127, RMA). Any minor amendments should be provided to the Senior Compliance Advisor, DPO prior to implementation to confirm that they are within the scope of this consent.

7. Prior to commencement of the earthworks or construction activity on the site, a Construction Management Plan ("CMP") shall be prepared and provided to the Senior Compliance Officer of the DPO (or its successor) for approval prior to the commencement of works. The CMP is to cover issues relating to noise governed by NZ6803:1999 and vibration by the German Standard DIN 4150-3:1999. In addition the CMP is to address issues of health and safety pertaining to the site. The approved CMP is to be implemented for the duration of the development works.

Pre-Construction Meeting

8. Prior to commencement of the construction and/or earthworks activity, the consent holder shall arrange and conduct a pre-construction meeting that:
 - (a) is located on the site;
 - (b) is scheduled not less than 5 days before the anticipated commencement of earthworks;
 - (c) includes the Senior Compliance Advisor, DPO or alternative representative;
 - (d) includes the supervising registered engineer; and
 - (e) includes representation from the contractors who will undertake the works.

The meeting shall discuss the erosion and sediment control measures, earthworks methodology and shall ensure all relevant parties are aware of and familiar with the conditions of this consent. The following information shall be made available by the consent holder at the pre-start meeting:

- Timeframes for key stages of the works authorised by this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan;
- Chemical Treatment Management Plan; and
- Site Management Plan (refer to condition 21).

A pre-construction meeting shall 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-start meeting please contact the Senior Compliance Advisor, DPO to at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392. 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 being held.

9. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Senior Compliance Advisor, DPO to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans specified in these conditions of consent.

The certified controls shall include the sediment retention pond, decanting earth bunds, cleanwater diversions, contour drains and super sit fences. The certification for these subsequent measures shall be supplied immediately on completion of construction of those measures. The information supplied if applicable, shall include:

- (a) Contributing catchment area;
- (b) Shape of structure (dimensions of structure);
- (c) Position of inlets/outlets; and
- (d) Stabilisation of the structure.

Noise during Construction

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

Hours of Construction

11. The use of noise generating tools, motorised equipment, and/or vehicles that are associated with construction and/or earthworks activity on the site shall therefore be restricted to between the following hours to comply with NZS 6803:1999.
 - Mondays to Saturdays: 7:30a.m. to 6p.m
 - Sundays or Public Holidays: no works.

No obstruction of access

12. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and/or earthworks activity on the site. All materials and equipment shall be stored within the site boundaries.

No deposition of soil or debris on road

13. 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 site. In the event that such deposition does occur, it shall immediately be removed by the consent holder. 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 vehicle movements until materials are removed;*
- *cleaning road surfaces using street-sweepers;*
- *silt and sediment traps; and*
- *catchpits or enviropods.*

In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Senior Compliance Advisor, DPO who may be able to provide further guidance on the most appropriate approach to take.

Dust Control

14. There shall be no airborne or deposited dust beyond the site as a result of the earthworks / construction activity that, in the opinion of the Senior Compliance Advisor, DPO is noxious, offensive or objectionable.

Stabilisation

15. The site shall be progressively stabilised against erosion at all stages of the earthworks activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.

Advice Note:

Interim stabilisation measures may include:

- *use of waterproof covers, geotextiles, or mulch*
- *top-soiling and grassing otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Senior Compliance Advisor, DPO on specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 for more details. Alternatively, please refer to the Council's Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region ("TP90").

Seasonal Restrictions

16. No earthworks on the site shall be undertaken between 30 April and 1 October in any year without the submission of a 'Request for winter works' to the Senior Compliance Advisor, DPO. All requests must be renewed annually, and must be submitted at least 10 days prior to 30 April each year. No works shall occur until written approval has been received from the Senior Compliance Advisor, DPO. All winter works will be assessed monthly to ensure that adverse effects are not occurring in the receiving environment.
17. On completion of earthworks on the site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor, DPO.

Advice Note:

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

- *the use of mulch;*
- *top-soiling, grassing and mulching otherwise bare areas of earth; and*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

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 Senior Compliance Advisor, DPO specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 for more details. Alternatively, please refer to the Council's Technical Publication No. 90, 'Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region' ("TP90").

Instability affecting neighbouring properties

18. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site and/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 Senior Compliance Advisor, DPO.

Affordable Housing

19. The duplex dwellings on Lots 10 and 32 shall be "Affordable Dwellings". The Affordable Dwellings are to meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order December 2013, Schedule 7 Hingaia Special Housing Area.
20. Before any dwelling in the development that is deemed to be affordable under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Schedule 7 Hingaia Special Housing Area dated December 2013, is occupied, or Title to that dwelling is transferred, the consent holder shall provide to the Senior Compliance Advisor, SHA Consenting a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria
- (a) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
 - (b) 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 the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 - Schedule 7 Hingaia Special Housing Area dated December 2013;
 - (c) The purchaser is a first home buyer and has never owned any other real property; and
 - (d) 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.

Contaminated Soil

21. The consent holder shall undertake all proposed excavation or other soil disturbance and development in accordance with the provisions of the approved Site Management Plan, 145 and 135 Pararekau Road, Hingaia, Geosciences Limited, Rev 1, June 15, 2015.
22. If evidence of contamination, which has not been previously identified, is discovered during excavation, the consent holder shall immediately cease the works and notify the Senior Compliance Advisor (SHA Programme Consenting) and provide a site contamination report and a remedial action plan if necessary to the satisfaction of the Team Leader Compliance and Monitoring, Central Resource Consenting & Compliance, Auckland Council.
23. The consent holder shall ensure excavated materials requiring off-site disposal are appropriately tested and disposed of at a licensed landfill, and shall provide landfill receipts to the Senior Compliance Advisor (SHA Programme Consenting) on completion of the earthworks.
24. The consent holder shall test any excavated materials from the area of historic filling if they are to be reused on the site to ensure the concentrations of contaminants, if present, meet the soil contaminant standard in the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health for the protection of human health based on the proposed land use.
25. If no further investigation is undertaken by the consent holder to delineate the vertical and lateral extent of contamination prior to excavation of the historic fill areas, then the consent holder shall ensure appropriate post-excavation samples are collected from areas where fill has been removed and reported on in the Site Validation report required by the conditions of this consent.
26. All imported fill shall comply with the criteria for cleanfill outlined in the Ministry for the Environment publication '*A Guide to the Management of Cleanfills*' (2002). Confirmation that any imported fill meets these criteria shall be provided in the Site Validation report required by the conditions of this consent.
27. At all times the consent holder shall control any dust in accordance with the *Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions*, published by the Ministry for the Environment (2001).
28. Within three months following completion of the works the consent holder shall provide a Site Validation report to the satisfaction of the Senior Compliance Advisor (SHA Programme Consenting). The Site Validation Report shall include, where applicable, the following but not be limited to these matters:
 - a) Scaled plans (plan and elevation views) showing the location and containment details (if any) of any contaminated materials remaining on the site;
 - b) Conditions of the final site ground surface;
 - c) Copies of weigh bridge summaries for the disposal destination for excavated soil;
 - d) Records of site visits by Council representatives;
 - e) Details of any complaints made to the site;

- f) Results of any soil testing for off-site disposal and in any excavations where evidence of contamination is observed in soil that has not been previously identified in site investigations;
- g) Confirmation that any imported soil meets the cleanfill criteria as outlined in the Ministry for the Environment publication 'A Guide to the Management of Cleanfills' (2002);
- h) Details of any incidents related to on-site contamination and how they were resolved.

SUBDIVISION CONDITIONS

Street naming

29. The consent holder shall submit a road naming application for proposed new roads for approval by the Papakura Local Board prior to lodgement of the survey plan for the subdivision.

Advice Note

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

Engineering Plan Approval (“EPA”) Requirements

30. Prior to commencement of any construction work or prior to lodgement of the survey plan pursuant to sections 45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit two hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, DPO for approval. Details of the registered engineer 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, information regarding the following engineering works:

Earthworks

- Earthworks and any retaining walls in accordance with the Geotechnical Investigation Report.
- 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.
- A final Construction Management Plan including a Traffic Management Plan.

Roading

- Detailed design of all roads to be vested in the Council including: intersections, cycling routes, pedestrian crossings, footpaths and frontage improvements to Pararekau Road. All roads shall be designed in accordance with Auckland Transport's draft Code of Practice ("ATCOP").
- Detailed design of all street lighting, marking, signage, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (including traffic calming devices and safety measurements) which shall be designed in accordance with ATCOP.

Advice Note:

Any permanent traffic and parking changes within the road reserve (including broken yellow lines) as a result of the development will require Traffic Control Committee (TCC) resolutions. The consent holder shall prepare and submit a permanent Traffic and Parking Changes report to Auckland Transport's TCC for review and approval.

- Visibility assessment of all proposed roads, and in particular the visibility at intersections and forward visibility around bends must meet ATCOP design standards.
- Design of the vehicle crossing for Lots 1 and 2, 38 and 39. These crossings shall be grouped.

Services

- Details of any services to be laid including pipes and other ancillary equipment to be vested in the Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Watercare 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).
- 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.
- Information relating to gas, electrical or telecommunication reticulation including ancillary equipment.

Stormwater

- At the time of Engineering Plan Approval the consent holder shall submit plans showing the removal of the stormwater pipes that are to be made redundant by the proposal as generally shown on Candor3 drawings DR000 and DR 002.
 1. After removal of the pipe the trench shall be backfilled and compacted to meet residential subdivision requirements.
 2. As-built plans shall be provided showing the infrastructure that has been abandoned as 'removed'.
- Stormwater management devices proposed to mitigate the impervious surfaces associated with the road reserve(s) shall be designed and sized to meet the

following requirements to mitigate runoff from all impervious areas prior to discharge to streams:

Retention of 5mm of runoff depth at source

The design of the stormwater management devices shall be such that the following criteria are met:

- i. Generally follow the proposed layout shown on the Candor3 Stormwater Plan referenced 1138 DR 030, rev B;
 - ii. Ensure that the internal water storage volume for retention requirements is set below the subsoil outlet pipe;
 - iii. Be set offline from the primary stormwater reticulation network;
 - iv. Inflow and outflow arrangements are to be discussed and agreed with both the Council and Auckland Transport prior to submitting for EPA;
 - v. Mulch or bark specifications shall take the issue of floating mulch blocking outlets into account. This may require a higher density and specific weight of mulch.
- At the EPA stage the consent holder shall submit detailed engineering plans and calculations showing the location, depth, width and velocity of overland flow paths through and within the site:
 - i. Calculation and designs shall comply with the Council's Code of Practice. Where there is a deviation from this Code of Practice, this shall be noted and reasons given for the deviation.
 - ii. Where the overland flowpaths pass adjacent to or through private residential lots, easements shall be registered on the private Titles protecting the extent of this flow path from being blocked or obstructed.
 - iii. Prior to issue of the section 223c certificate a registered surveyor or chartered engineer shall provide to the SHA Consenting Manager, DPO an as-built survey plan of the overland flow paths.
 - iv. Minimum finished floor levels above the overland flowpaths shall be entered onto the Titles for the lots to ensure they are complied with on a continuing basis.

Advice Note:

Easements are required where overland flowpaths pass through private lots to protect these areas from future development including altering ground levels.

- At the EPA stage a comprehensive set of calculations, designs and specifications in accordance with the Council's Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater shall be submitted to the Council SHA Consenting Manager, DPO for provision of the stormwater network.
 - a. The network shall be sized to cater for the MPD catchment area in

accordance with the approved plan variation 7 and as directed by the Council at the time of EPA submission;

- b. The calculations shall include an allowance for the collection stormwater from the existing and proposed roading.
- At the EPA stage the consent holder shall submit detailed earthworks, civil and planting plans for the restoration of the ephemeral stream as shown indicatively on Candor3 drawing DR021. The detailed design shall include the following:
 - a. The pipe outlet structure is to be incorporated into current gully design;
 - b. Adjacent slopes either side of the reserve corridor shall be designed to avoid any requirement for safety fencing or fall barriers;
 - c. Low lying vegetation is to be used alongside the pathway;
 - d. A minimum of riparian planting of 5m width is to be used along the entire length of stream;
 - e. A planting plan in accordance with the Council's Riparian Planting guidelines is to be provided.

Section 223 Condition Requirements (section 45 of the HASHAA)

31. Within two years of the date of this decision, the consent holder shall submit a survey plan of the subdivision to the Council's SHA Consenting Manager, DPO for approval pursuant to section 45 of HASHAA. The survey plan shall be generally in accordance with the approved subdivision plans in condition 1. The consent holder shall ensure that the following conditions have been met to the satisfaction of the SHA Consenting Manager, DPO:
 - (a) Lots 50, 51 and 54 shall be vested in the Council as a road.
 - (b) Lot 53 shall vest as local purpose reserve without compensation.
 - (c) A certificate from a licensed cadastral surveyor that any retaining walls on the site, including their ancillary and supporting structures, are clear of the proposed lot boundaries immediately parallel to each wall.
 - (d) 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.
 - (e) At the time of the section 223c application the consent holder shall request the Council to cancel the existing drainage easement that covers the stormwater infrastructure referred to above. The request for surrender shall include written confirmation from the Council of the vesting of the new stormwater lines and as-builts plans for the replacement stormwater line.
 - (f) Easements shall be registered on the Certificate of Title for lot 26 to protect the overland flow path. This is required to protect the necessary flow routes and to ensure that no inappropriate development takes place in these areas. Such easements shall be duly granted and reserved.

Section 224 Condition Requirements (section 46 of HASHAA)

32. 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 the Council.

33. The consent holder shall ensure that inspections are undertaken in accordance with the development engineering as-built requirements Ver1.2 September 2012 ("DEAR") quality assurance forms.
34. The consent holder shall prepare and submit as-built plans, statement of certification, asset register and RAMM data in accordance with the DEAR and submitted to the Council for acceptance.

Geotechnical Completion

35. A geotechnical completion report prepared by an appropriately qualified and registered engineer shall be provided to the Council with the section 224 application. This 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. The report shall also provide as-built information regarding earthworks, retaining walls and subsoil drainage.

Roads and Traffic

36. All roads (including the Pararekau intersection upgrade) and ancillary facilities such as street lighting, marking, street signs, and street furniture (if any) to be vested in the Council shall be constructed in accordance with the approved engineering plans to the satisfaction of the SHA Consenting Manager, DPO.
37. All RAMM as-built plans and data for all new roads shall also be provided with the section 224(c) application. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, street lighting, street furniture, street name, directional signs and landscaping etc.
38. A report from an appropriately qualified and registered electrician shall be supplied with the section 224(c) application. The report shall certify that all street lighting has complied with the relevant safety standards and that they are connected to the network and are operational.

Stormwater

39. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved engineering plans to the satisfaction of the SHA Consenting Manager, DPO.
40. Individual private stormwater connections to the 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 SHA Consenting Manager, DPO.
41. An engineering completion certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved engineering plans and the Council's Code of Practice for Land Development and Subdivision - Chapter 4: Stormwater shall be provided in support of the section 224(c) application.
42. Video inspections of all public stormwater pipes and as-built plans for all public and individual private stormwater lines shall be supplied with the section 224(c) application. The video inspections shall be carried out within one month of lodgement of the application for the section 224(c) certificate.

43. The consent holder shall prepare an Operation and Maintenance Manual for the stormwater management devices, setting out the principles for the general operation and maintenance for the stormwater system and the associated management device(s). The Operation and Maintenance Manual is to be submitted with the section 224(c) application to the SHA Consenting Manager, DPO for approval. The Operation and Maintenance plan is to include, but not be limited to:
- a detailed technical data sheet;
 - all the requirements defined in the network discharge consent and any subsequent variations of that consent;
 - 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 checks of roadside catchpits, wetlands and outfalls;
 - a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
 - recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Overland Flow Easement

44. The easement instrument for the overland flow paths on lot 26 shall be prepared by the Council's solicitor at the cost of the consent holder. The instrument shall require that:
- the owner of lot 26 is responsible for keeping the easement unobstructed by buildings, earthworks, solid walls, vegetation, fences, or any other impediments which may prevent the free flow of water;
 - the owner of lot 26 is responsible for repairing and maintaining the overland flow path in its approved state and for preventing it from becoming a danger or nuisance;
 - the owner of lot 26 is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.
45. The easement document shall also include the following requirements:
- The owner of lot 26 shall be responsible for the operation and maintenance of these devices and discharge channels in generally accordance with the Operation and Maintenance manuals required to be developed at the EPA stage and finalised at the section 224c stage;
 - The landowner accepts the stormwater flows to and from these devices;

- No development or earthworks shall take place within the easements without the approval of the Council as the dominant party to the easement.
- No compensation (financial or otherwise) shall be paid by the Council to acquire these devices or the land associated with them.

Wastewater

46. The consent holder shall provide a complete public wastewater system to serve all lots in accordance with the approved engineering plans to the satisfaction of the SHA Consenting Manager, DPO.
47. Individual private wastewater connections to the proposed public wastewater systems for each residential lot at the lowest point within the lot boundary shall be provided in accordance with the approved engineering plans.
48. Video inspections of all public wastewater pipes as-built plans for all public wastewater lines shall be supplied with the section 224(c) application. The video inspections shall be carried out within one month of the lodgement of the application for the section 224(c) certificate.

Water Supply

49. The consent holder shall provide a complete water supply reticulation system to serve all lots in accordance with the approved engineering plans to the satisfaction of the SHA Consenting Manager, DPO.
50. The consent holder shall complete a successful pressure test for all new water mains prior to the connection to the existing public water supply reticulation system to the satisfaction of the Council. Evidence of undertaking a successful pressure test for new water mains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be supplied with an application for the section 224(c) certificate.
51. Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved engineering plans. Ducting of provide lines is recommended where they cross driveways.

Fire Hydrants

52. Fire hydrants shall be designed and provided within 135m of the furthest point on any lot and within 65m of the end of a cul-de-sac in accordance with Water and Wastewater Code of Practice to the satisfaction of the Council. Detailed design and location of fire hydrant shall be submitted to the Council for approval by way of engineering plans.

Network Utility Services

53. Individual private connections to electricity, gas and telecommunication services to the boundary of each lot shall be provided and installed or enabled to the satisfaction of the appropriate network utility providers.
54. Certificates from the network utility providers and certified 'as-built' giving locations of all plinths, cables and ducts shall be supplied to the Council as part of the section 224 application.

Vehicle Crossings

55. The consent holder shall construct the combined vehicle crossings to lots 1 and 2 and 38 and 39 prior to issue of the section 224c certificate, the details of which are to be illustrated on the engineering plan approval application.

Street Trees

56. With the section 224(c) application the consent holder shall provide a street tree landscape planting plan including location, planting species and sizes on the proposed roads to the satisfaction of the SHA Consenting Manager, DPO.
57. Street tree planting shall be implemented in accordance with the approved street tree landscaping plan in the first planting season following completion of the construction of, or upgrade works on, the roads. Any conflict between the location of street trees and street lights shall be avoided.

The consent holder shall continue to maintain all street tree plantings for a period of two years or three planting seasons, whichever is longer, following written approval from the Manager, Local and Sports Parks (South) stating that the planting has been implemented in accordance with the approved street tree landscape planting plan.

58. A maintenance bond will be payable if a section 224(c) certificate is to be issued within the maintenance period. The bond shall be held for a period of two years from the issue of the section 224(c) certificate. The amount of the bond shall be 1.5 x the Auckland Council contracted rate for maintenance and shall be agreed with the SHA Consenting Manager, DPO.

Landscape Planting

59. The consent holder shall provide a detailed landscaping plan for the written approval of the SHA Consenting Manager, DPO showing all landscape planting, trees and landscape works associated with lot 53. In particular the plan shall:
 - (a) be prepared by an appropriately qualified landscape architect;
 - (b) identify all new planting to be undertaken on the site (lot 53);
 - (c) identify all hard and soft landscape works;
 - (d) include specifications for planting methodology; and
 - (e) include details of the intended species (and eco-sourcing of these), spacing, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged, established and maintained.

Advice Note:

It is recommended that discussions are held with the Council's Parks staff prior to submitting the landscape plan in order to obtain advice on the most appropriate species and landscaping elements to use.

60. The approved landscape planting plan shall be implemented by the consent holder prior to issue of the section 224(c) certificate. The consent holder shall notify the SHA Consenting Manager, DPO once the planting is completed.

The consent holder shall provide a report from an appropriately qualified and experienced landscape architect certifying that this condition has been met to the satisfaction of the SHA Consenting Manager, DPO. All landscape works shall be maintained by the consent holder for three years after implementation.

61. A maintenance bond will be payable if a certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA is to be issued within the maintenance period. The amount of the bond shall be 1.5x the Auckland Council rate for maintenance and shall be agreed with the SHA Consenting Manager, DPO. The bond will be held by the Council for a period of 2 years from the date of the release of the section 224(c) certificate and shall cover the cost of implementation of the maintenance plan and replacement planting.

Consent Notices

62. Pursuant to sections 44 of the HASHAA and 221 of the RMA, consent notices shall be registered against the following Certificate(s) of Title to ensure that the following requirements will be complied on a continuing basis:

Affordable Dwellings

63. Before Titles to Lots 10 and 32, which will be utilised for affordable dwellings under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 - Schedule 7, Hingaia Special Housing Area dated December 2013, are transferred the consent holder shall provide the SHA Consenting Manager, DPO with a statutory declaration by the purchaser of each such lot that the purchaser meets all the following criteria:
 - (a) 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 the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 - Schedule 7 Hingaia Special Housing Area dated December 2013;
 - (b) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
 - (c) The purchaser is a first home buyer and has never owned any other real property; and
 - (d) 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.

This consent notice will cease to have effect 3 years after the date of transfer of Title to the first purchaser of the lot concerned.

Stormwater Management

64. A consent notice shall be required for each residential lot requiring the installation and maintenance in perpetuity of a stormwater management system sized to ensure the following measures are provided for all impervious surfaces:
 - Retention of 5mm of runoff depth

The stormwater device(s) shall be operated and maintained in accordance with an approved Operation and Maintenance Manual provided to the Council for approval at the specific design stage.

Geotechnical Completion Report

65. For each residential lot, the recommendations contained in the geotechnical completion report or any addendums to that report 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 implemented and continually upheld.
66. All buildings are to be designed and constructed in accordance with the recommendations of an appropriately qualified engineer who is familiar with the site constraints and the contents and recommendations of the various geotechnical reports for the site.

Access to Pararekau Road

67. Lots 3 and 37 shall not have vehicle access directly to Pararekau Drive.

Fence Heights

68. Lots 1, 2, 38, 39 and 40 shall have fenced heights in the front yard to Pararekau Drive no higher than 900mm.

Fencing of Lot 53 Reserve To Vest

69. For lots 11, 12, 13, 14 and 15, fencing located on the boundary with lot 53 shall be restricted to 1.2m in height and comprised of a visually permeable pool-style fence.

Archaeology/Historic Heritage

70. If, at any time during the site works, potential koiwi (human remains), archaeological features and/or artefacts are discovered, the following discovery protocol is to be followed:
 - (a) All earthworks are to cease in the immediate vicinity (at least 10m from the site of the discovery) while an appropriately qualified archaeologist is consulted to establish the type of remains;
 - (b) If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist) until clearance is given by the archaeologist. The consent holder must immediately advise the Senior Compliance Advisor, DPO, Heritage New Zealand Pouhere Taonga and the Police (if human remains are found) and arrange a site inspection with these parties;
 - (c) If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from Te Ākitai Waiohua, Ngāti Te Āta and the Ngāti Tamaoho Trust are to be provided information on the nature and location of the discovery;
 - (d) The Te Ākitai Waiohua, Ngāti Te Āta and the Ngāti Tamaoho Trust are to be given an opportunity to monitor the earthworks and conduct karakia and other such religious or cultural ceremonies and activities as they consider appropriate in their sole discretion.

ADVICE NOTES

1. *The consent holder is to obtain all other necessary consents and permits, including those required under the Building Act 2004, and/or the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007), regulations, relevant bylaws, and rules of law. This consent does not constitute a building consent approval. Please check whether a building consent is required under the Building Act.*
2. *A copy of this consent should be held on the site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify the Council, in writing, of its intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the [specialhousing area@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) and needs to include the following details:*
 - *site address to which the consent relates;*
 - *name and telephone number of the project manager and the site owner;*
 - *activity to which the consent relates; and*
 - *the expected duration of works.*
3. *This consent does not in any way allow the consent holder and/or its delegates to enter and construct drainage or other works within neighbouring properties without first obtaining the agreement of all owners and occupiers of said land to undertake the works proposed. Any negotiation or agreement is the full responsibility of the consent holder and is a private agreement that does not involve the Council in any capacity whatsoever.*