

# Decision following the hearing of a Proposed Plan Variation and Qualifying Development Application under the Housing Accords and Special Housing Areas Act 2013

## Proposal

To re-zone approximately 26 ha of land from Future Urban to Mixed Housing Suburban and Single House zone and create a total of 78 vacant lots, including 3 super lots, in two stages.

CONSENT, PURSUANT TO SECTIONS 61 AND 25 OF THE HOUSING ACCORDS AND SPECIAL HOUSING AREA ACT 2013 IS **GRANTED**. THE FULL DECISION IS SET OUT BELOW

<b>Application Number:</b>	Proposed Plan Variation 13, Birdwood Precinct 2
<b>Site Address:</b>	1-11 and 10 Crows Road, 161 Birdwood Road, 8 Yelash Road, Swanson
<b>Applicant:</b>	Neil Construction Limited
<b>Hearing Commenced:</b>	13 June 2016, 9.30am
<b>Hearing Panel:</b>	Richard Blakey (Chair) Shona Myers Brenda Brady
<b>Appearances:</b>	<p><u>For the Applicant:</u></p> <p>Clare Covington – Planning Karl Hancock – Traffic Megan Tongue – Landscape Ian Craig – Urban Design Brian Jones – Engineering</p> <p><u>For Council:</u></p> <p>Jian Chen and Trevor Mackie - Reporting Officers Katja Huls – Stormwater Planner Mark Iszard – Stormwater Engineer Brian Waddell &amp; Pragati Vasisht - Traffic Sheerin Samsudeen - Urban Designer Robert Pryor - Landscape Rosa Cockburn - Hearings Advisor</p>
<b>Hearing adjourned</b>	13 June 2016
<b>Commissioners' site visit</b>	10 June 2016
<b>Hearing Closed:</b>	20 July 2016

## The Proposal

1. Neil Construction Limited has applied to the Council for a Plan Variation (“**PV**”) to the district-level provisions of the Proposed Auckland Unitary Plan (“**PAUP**”), and for resource consents relying on that PV being approved, for a Qualifying Development (“**QD**”) in an approved Special Housing Area (“**SHA**”), at Crows Road, Birdwood, Swanson.
2. The land subject to the PV comprises 26.1832 hectares of land, bounded by Yelash Road to the north and Birdwood Road to the east and south. The land subject to the QD application, at and within the southern part of the PV area (10 Crows Road), comprises 6.7987 hectares. The land became a Special Housing Area (“**SHA**”) under the Housing Accords and Special Housing Areas Act 2013 (“**HASHAA**”) by Order in Council in May 2014 as part of Tranche 3, on the recommendation of Auckland Council (“**Council**”).
3. The extent of the Crows Road SHA and the criteria for the Qualifying Development (“**QD**”) are detailed in Schedule 3D of the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014. This specifies that the minimum number of dwellings to be built is 50, the maximum height of any dwelling is 27m and the maximum number of storeys is six. This Order of Council also requires that a percentage of the dwellings within the SHA are affordable dwellings.
4. The proposed PV creates a new Crows Road precinct (to be called “**Birdwood 2**”) in the PAUP under the HASHAA, and seeks to rezone 26.1832 ha of land from Future Urban zone to a combination of Single House and Mixed Housing Suburban zone.
5. Acceptance of the application for resource consent for a qualifying development under the HASHAA relies on the above PV being accepted. This will be the first QD within the Birdwood 2 precinct (referenced by the Council as LUC-2015-1829; SUB-2015-1832 and REG-2015-1835). The QD seeks approval for the creation of 55 residential lots, as well as three super lots and associated infrastructure and works.
6. The particulars of both the PV and QD are described in further detail later in this decision.

## Statutory Considerations and Procedural Matters

### Decision-Making

7. Section 71 of the HASHAA requires that when concurrent plan variation and resource consent applications are being heard together, a decision on the plan variation must be made first and before a decision on the resource consent. Accordingly, that part of this decision that relates to the PV is provided separately (and ahead of) the consideration of and decision on the QD application. As these applications are interconnected, with the latter being reliant on the former, it was considered appropriate to issue one comprehensive decision. In the same manner in which the Council Planners report (which we hereafter refer to as the **Section 42A Report**) addressed both applications (with, where appropriate, a combined commentary and assessment), this format has been utilised in this decision in order to avoid unnecessary duplication.
8. This decision is made on behalf of the Council by Independent Hearing Commissioners Richard Blakey, Shona Myers and Brenda Brady, appointed and

acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (“the RMA”).

9. The Commissioners visited the site prior to the hearing and walked over the proposed QD development area (south of Crows Road), and viewed the PV (north of Crows Road) from vantage points along Birdwood Road, Crows Road and Yelash Road, on 10 June 2016.
10. The decision covers the matters that were addressed in evidence presented at the hearing as well as technical discussions contained in the application documentation and the Section 42A Report. There was, inevitably, commonality between the information presented for each application. The decision acknowledges this and has recorded this where applicable. We note that in response to questions by the Commissioners, further explanation, changes and technical advice was presented during the course of the hearing, with some clarification being requested and provided after the adjournment and before the hearing was closed. This information, along with some modifications to recommended conditions, is referenced in this decision as is necessary to explain our findings and our overall findings.
11. We are advised, and accept, that the application for subdivision consent and land use consent meets the requirements of a qualifying development under section 14 of HASHAA. As such HASHAA can be used to make decisions otherwise subject to the RMA, and the applicant has requested this pursuant to section 20 of HASHAA.
12. In respect of the proposed PV being sought, and pursuant to section 59 of HASHAA, only district plan-level provisions can be considered. Proposed regional plans cannot be varied under the HASHAA. The consequence of this is that the regional-level provisions of the PAUP cannot be included in any variation considered under HASHAA. The resource consent for the QD will therefore be assessed against the regional provisions of the PAUP as it was notified on 30 September 2013.
13. Section 71 of the HASHAA requires that when concurrent PV and resource consent applications are heard together, a decision on the PV must be made before any decision on the resource consent application can be made. This is because the zoning of the land and the classification of some of the proposed activities would likely change if the variation is approved. In this case, subdivision of the nature proposed is a prohibited activity in the Future Urban zone under the PAUP, but such subdivision would be enabled by the new zones that are sought. In this context, the PV decision must be made before the decision on the QD application can be considered.
14. Accordingly, and as the applications are interconnected, with the QD aspect being wholly reliant on the PV being approved, it is appropriate to issue one comprehensive decision covering both applications. This format will also avoid duplication. In this manner we have set out those matters and issues common to both applications, but have separated our discussion of those matters of contention where they are specific to the PV or QD, and have set out separate decisions in respect of both. The resulting text of the PV and conditions for the QD are attached to the decision as **Appendix 1** and **Appendix 2** respectively.
15. We note that the Section 42A Report prepared by Mr Mackie (for the PV) and Ms Chen (for the QD) of the Housing Project Office (“HPO”) addressed both applications in this way. A combined commentary and assessment of certain issues was utilised where appropriate.

16. We have made findings only on those issues that are actively in contention in respect of the PV and the QD. As will be seen, there remained a number of issues in contention for both the PV and QD, as between Neil Construction and the HPO, by the time the hearing was closed.

### **Submissions**

17. The HASHAA does not provide for full public notification of applications for either PV or QD resource consents. It prescribes limited or non-notification processes for each at section 67 (plan variations) and section 29 (resource consents).
18. The proposal, including the PV and the QD, was limited notified on 25 November 2015 and submissions closed on 5 February 2016. The notification letter issued by the Council requested that submitters separate their submissions on the PV and the QD.
19. Three submissions were received, all three on the PV and two of the three also on the QD. All three were from properties located from within the PV area (as depicted in Figure 7 of the Section 42A Report). All three submissions were in support, with one of the submissions seeking amendments to the precinct provisions. The property at 8 Yelash Road has changed hands since the close of the submission period, and the new owners, Manaakitanga Holdings Limited (“MHL”), have adopted the original submission, and initially advised that they wished to be heard. The third point of that submission, referring to additional road access, was subsequently withdrawn by MHL.
20. A letter was received prior to commencement of the hearing from MHL (dated 10 June 2016), advising that it no longer wished to present evidence in support of its submission. This was based on changes signalled in the Section 42A Report to allow nominated sites for affordable housing to have a minimum site size of 300m<sup>2</sup>, and making subdivision in ‘general accordant’ with the precinct plan a restricted discretionary activity.
21. The letter went on to advise that:

*In supporting the Plan Variation, Manaakitanga Holdings Ltd wishes to advise that it would like to retain the right to confirm whether the 1% AEP flows (100-year event) are required to be detained on site.*

*The plan variation will set out the location of the detention ponds and ultimately its practical inlet level. This level is above the proposed roading network levels, which are required to tie into the existing Yelash Road and causes the probable overland flows to bypass the proposed pond location and removes the possibility of these flows to be detained in an economic manner.*

22. We note that this point was not included within the original submission as adopted by the submitter, and we have given no further consideration to this request in our decision.
23. No submitters presented evidence at the hearing.

### **Adjournment and Close of Hearing**

24. At the end of the hearing on 13 June 2016, the hearing was adjourned to enable the responses of the parties to matters raised in the hearing to be provided in writing, and on a sequential basis. This involved a response by Council officers, and by the applicant as their right of reply. These matters are detailed later in our decision.

25. Following a review of the information provided by the parties at deliberations by the Commissioners held on 1 July 2016, directions were issued seeking clarification from Council officers with respect to a funding mechanism related to new pedestrian infrastructure in the locality. Following the receipt of responses by Council officers (via Auckland Transport) on 11 July 2016 and the applicant on 19 July 2016, it was resolved to close the hearing. Notice of this determination was provided to the parties on 20 July 2016.

### **Timeframes**

26. Section 41 of the HASHAA requires a decision to be made 60 days after the date on which the Council notified the application, other than for those time periods specified in Schedule 2, and which would include those periods since notification on 5 February 2016 where additional information was required, including following the adjournment of the hearing. We have not been advised by the applicant of any concerns in respect of the progress of this application with respect to section 41, and the applicant's agent, Ms Covington, did confirm that any exceedances would be acceptable, via section 37 of the RMA. For our part, we have prepared this decision in a manner consistent with notified resource consent applications (i.e., within 15 working days of the close of the hearing).

### **Site Description**

27. The PV extends from the existing residential developments of Birdwood Road and Bradnor Meadows Drive. As noted above, the land has been gazetted as a SHA, and is zoned Future Urban zone in the PAUP, lying within the Rural Urban Boundary ("**RUB**") which has been applied along the northern, western and southern boundaries of the site, and part of the eastern boundary
28. The land is zoned as Countryside Living and is bounded at its northern edge by Yelash Road and eastern and southern edges by Birdwood Road. The land is of flattish contour with steeper banks along Yelash Road and Birdwood Road, and foothills of the Waitakere Ranges to the west and south. A series of streams run through the site, of both a permanent and intermittent classification. The land is used for rural-residential, grazing and small-scale horticulture,
29. The currently undeveloped and rural-countryside character of the PV area is expected to change, given that the land has been identified for future urban development in the legacy district plan, and the current rural uses represent an interim holding pattern whilst awaiting the release of the land for urban development. Of further note, and due to its historical use, the environment is considered to be modified from its natural state, with limited remnant native vegetation and associated habitat, along with rural plantings of shelterbelts and hedging.
30. The area of the site subject to the QD application has been further modified as a result of bulk earthworks that had been recently completed, in reliance upon resource consent LUC-2015-1819 (issued 6 November 2015). That consent provided for the re-contouring of the site over an area of 6.2ha. As noted in the Section 42A report, earthworks associated with the construction of infrastructure, the creation of building platforms (including retaining walls) and filling of the intermittent streams was not part of the bulk earthworks consent, and those works form part of the present QD application.

31. We were also provided with information by Council officers prior to the commencement of the hearing as to the wider context of the overall site, by way of broader plan maps that identified the location of the site with respect to the Birdwood Structure Plan Area under the Operative Waitakere District Plan (notated as “Birdwood Precinct” under the PAUP) that adjoins the north-eastern boundary of the site, and the Swanson North Structure Plan Area (notated as “Swanson North precinct plan 1” under the PAUP) which adjoins the northern western and southern boundaries of the site. Both structure plan areas sit immediately outside the proposed RUB, and the proposed precinct provisions for those structure plan areas seek to retain a countryside living character to those areas, consistent with their location outside the RUB.
32. In broad terms, the QD adopts the form and character of the adjacent subdivision at Bradmore Meadows Drive (via the PAUP Mixed Housing Suburban zone provisions), while the remainder of the PV proposes a lower density Single House zone, with some transition provisions on the western side to the north of Crows Road to better mediate the boundary to the adjacent countryside living and structure plan areas (described as ‘Single House – Transition Area’). This was described in the Section 42A Report as follows:

*The PV will rezone land up to the Rural Urban Boundary and interface with established countryside living sites. The precinct plan provisions in the PV provides recognition of this edge, with zonings across the SHA changing from Mixed Housing Suburban adjacent to the existing suburban development, Single House zone generally, and then ‘Single House – Transition Area’ adjacent to the Countryside Living with an increased yard and landscaping requirements. This will provide some transition to the adjoining zones and reinforce the defensible edge in this location.*
33. We also note that the site will adjoin an area noted as “Protected natural area” to the immediate south of the site, and within the Swanson North precinct plan. The transition of the overall PV, and the specific provisions of the QD in particular, in respect of this southern boundary was an area of concern to this Panel, and a matter that we will turn to in further detail in this decision.
34. A further matter explored during the hearing was in regard to the ownership of the narrow strip of land adjacent to the southern boundary, and which accommodates, in part, some of the protected natural area and associated planting referred to above. The applicant was unable to advise as to the ownership of that land, but confirmed that it was not owned by the applicant, and we are required to treat it as an adjacent site, and as such it is necessary to consider potential effects, and the extent of proposed site works at this southern edge, on that basis.
35. Local physical infrastructure includes wastewater sewer and watermains. These will service the site, and require some upgrading. Vector has confirmed that the first stage (i.e. the QD) of development can be serviced with electricity supply. The existing overhead high voltage cables on Crows Road are to be located underground as part of the development works, with a new high voltage feed from the Birdwood Road / Crows Road intersection. Chorus has confirmed that the first stage of development can be serviced with regards to telecommunications infrastructure.

### **Summary of proposal and activity status**

36. The proposed PV creates a new Crows Road precinct (to be called “**Birdwood 2**”) in the PAUP under the HASHAA, and seeks the following changes to the PAUP:

- (a) To rezone 26.1832 ha of land from Future Urban zone to a combination of Single House, 'Single House – Transition Area', and Mixed Housing Suburban zone.
- (b) To create a Birdwood 2 Precinct to:
- Include objectives, policies and rules, and a Precinct Plan;
  - Provide affordable housing;
  - Manage stormwater and flooding, including by identifying the indicative location of three drainage reserves;
  - Provide an area of larger lots within the new Single House zone, at its transition to the adjacent rural land;
  - Define cross-sections of proposed roads;
  - Limit access to Yelash Road and Birdwood Road;
  - Control fencing and retaining walls;
  - Provide for subdivision in accordance with the precinct provisions as a restricted discretionary activity; and
  - To apply new on-site stormwater management controls developed for the district level provisions.
37. The proposed objectives, policies and rules are discussed later in this decision. There are no staging provisions associated with the PV, however the concurrent QD application shows where the first stage of development is to occur, and provides a greater level of detail with respect to a proposed drainage reserve.
38. As noted earlier, the acceptance of the application for resource consent for a qualifying development under the HASHAA relies on the above PV being accepted. This will be the first QD within the PV (referenced by the Council as LUC-2015-1829; SUB-2015-1832 and REG-2015-1835). The QD relates to that part of the overall site to the south of Crows Road (known as 10 Crows Road), which has an area of 6.79ha. Approval is sought for the following as part of the QD application:
- Creation of 55 vacant residential lots, ranging in size from 406m<sup>2</sup> to 920m<sup>2</sup> in Stage 1, and 20 vacant residential lots with an area ranging from 418m<sup>2</sup> to 547m<sup>2</sup> in Stage 2;
  - Creation of one super lot with an area of 1,378m<sup>2</sup> in Stage 1, and two super lots each having an area of 1,328m<sup>2</sup> in Stage 2;
  - A drainage reserve with an area of 1.612 hectares, to be vested in the Council;
  - Creation of three new roads to be vested in the Council; and
  - Works within the intermittent stream on the site.
39. The proposed QD gives rise to the following reasons for consent under the PAUP:
- Restricted discretionary activity under Rule H.1.2.3.1, as the proposed subdivision involves land which has capacity to accommodate more than 30 additional dwellings;
  - Restricted discretionary activity under Rule H:4.2.1.1, as the proposed area of earthworks over 6.8ha with a cut to fill volume of 16,000m<sup>3</sup> exceeding the permitted activity threshold, being 2,500m<sup>2</sup> and 2,500m<sup>3</sup>;
  - Restricted discretionary activity under Rule H:4.2.1.2, for earthworks within the 1 percent AEP floodplain;

- Restricted discretionary activity under Rule H.4.3.1.1, as the proposal involves vegetation removal within 20m of an intermittent stream for the formation of the reserve;
  - Non-complying activity under Rule H.4.13.1, as the proposal involves the filling of 25m of intermittent stream at the south of the site;
  - Restricted discretionary activity under Rule H.4.14.2.1, as the proposal involves construction of impervious area within the SMAF1 overlay for the public road greater than 5,000m<sup>2</sup>;
  - Restricted discretionary activity under Rule H.5.2.2.1, as the proposal would create a vacant residential lot (Lot 78) which do not meet the shape factor requirement;
  - Restricted discretionary activity under Rule H.5.2.3.1, as the proposal would create vacant lots that are more than 20 per cent of the average net site area;
  - Restricted discretionary activity under Rule I.1.7.3, as the proposal involves construction of a retaining wall along the southern site boundary with a height more than 1m;
  - Restricted discretionary activity under Rule I.1.7.5, as the proposal involves construction of retaining wall along the southern site boundary with a height more than 1m and within the 1m rear yard; and
  - Restricted discretionary activity under Rule F:7.7.2.2 (Activity Table), for a subdivision in accordance with the Crows Road Precinct Plan.
40. Adopting the normal practice of 'bundling' the required consents, and noting that the non-complying activity component of the proposed QD cannot be 'unbundled' from the overall proposal, the QD requires consent as a non-complying activity under the PAUP.

## **Statutory Framework**

### **Plan Variation**

41. Section 61 HASHAA provides the statutory framework for consideration of an application for a plan variation within a SHA.
42. Section 61(4) prescribes the matters the Council must have regard to when considering applications for plan variations (and any submission received from notification). The section dictates an order for weighting from subsection (4)(a) to subsection (4)(e).
43. In summary the key considerations are as follows, in descending order of priority:
- The purpose of HASHAA;
  - Part 2 of the RMA;
  - Matters in section 74(2)(a) of the RMA;
  - The other matters in sections 74 to 77D of the RMA (with stated exceptions); and
  - Any relevant provision or any relevant other Act.

44. In this case, the relevant plans and policy statements are considered to be:
- National Policy Statement on Freshwater Management 2011; and
  - PAUP – Regional level objectives and policies.
45. All these matters were addressed to us in evidence and/or are contained in the PV application and the Section 42A Report. We are therefore satisfied that “particular regard” has been had to them.
46. In determining the PV application, the HASHAA legislation directs the decision to be made in accordance with clauses 10(2) and (3) of Schedule 1 of the RMA (section 70 HASHAA), and section 61(4) HASHAA as described above.
47. The starting point for the statutory assessment of the Birdwood 2 Precinct plan variation is the purpose of HASHAA. Section 4 of the HASHAA states:

*The purpose of this Act 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.*

48. The ‘weighting’ exercise under HASHAA requires us to consider the various matters listed in section 61(4) and to apply an overall assessment of any potentially competing outcomes ‘in the round’. It is possible that a proposal may be found to be inconsistent with the relevant provisions, but our eventual decision is able to then apply the appropriate weighting to the dominant consideration of the purpose of the HASHAA. We understand that there is no formula for this exercise, but that what is required is an acknowledgement that the relative weighting between the matters set out in clauses (a) – (e) of section 64(4) reduces in a sequential manner. In the absence of advice or evidence to the contrary, and based on well-established RMA practice, a weighting exercise should only be necessary in the event that conflict exists between the various provisions.

### **Qualifying Development**

49. Sections 34 and 35 of the HASHAA provide the statutory framework for consideration of an application for a qualifying development within a SHA. Where consent is granted, conditions may be imposed (sections 37 and 38 of the HASHAA).
50. Section 34(1) details the matters to which we must have regard in considering this application and submissions received. As with section 61 HASHAA, which defines those matters in the consideration of a plan variation application, this section dictates an order for weighting from sub-section (1)(a) to sub-section (1)(e).
51. The key considerations are, in descending order of priority:
- The purpose of HASHAA;
  - Part 2 of the RMA;
  - Any relevant proposed plan;
  - Any relevant consideration arising under sections 104 to 104F RMA (were the application being considered under that Act); and
  - The key qualities set out in the Ministry for the Environment’s “Urban Design Protocol”.

52. Other planning documents, to which regard has been had in considering this application are:
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and
  - National Policy Statement for Freshwater Management 2011.
53. These documents, along with the remaining matters in section 34(1) of the HASHAA for statutory consideration were addressed to us in evidence and/or are contained in the application for the QD and the Section 42A Report. We are therefore satisfied that “particular regard” has been had to them. We make further comment, where relevant, in our discussion of the principal issues in contention.

## **Summary of evidence heard**

### **Introduction**

54. Due to the interrelationship between the PV and the QD applications, there was an inevitable overlap in matters addressed in evidence presented at the hearing. Consequently, we have chosen to record the summary of evidence as it relates to both applications, being mindful of avoiding unnecessary duplication. The PV, in rezoning the land to either Single House, Single House – Transition Area, or Mixed Housing Suburban, relies on a precinct plan and associated provisions which establish and describe the anticipated form of the future development of this land as a residential neighbourhood. This includes key elements such as transport network connections (and road design), pedestrian access; reserve areas, infrastructure assets and land uses. The following discussion relates to matters in this context.
55. The Council planning officers’ Section 42A Report was circulated prior to the hearing and taken as read.

### **Applicant’s Evidence**

56. The evidence presented at the hearing on behalf of the applicant responded to the issues and concerns identified in the Section 42A Report, and the application itself. The evidence presented by the applicant is summarised below:

#### Planning

57. Ms Clare Covington presented a statement of planning evidence on behalf of the applicant, which addressed the planning framework for the proposed PV, and the planning issues related to the proposed QV. Ms Covington advised that she generally agreed with the assessments provided in the Section 42A Report, and that<sup>1</sup>:

*Overall, I consider that the Plan Variation and Qualifying Development meet the requirements of the HASHA Act. In particular, they will provide 26 hectares of additional land for housing development, and enable approximately 250 additional dwellings to be established (at least 93 directly through the QD), at least 10% of which will be affordable. The Plan Variation (and therefore (the) Qualifying Development) are consistent with the purpose and principles of the RMA as they will enable social and economic wellbeing whilst avoiding,*

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<sup>1</sup> Evidence, C Covington, paragraph 7.9

*remediating or mitigating adverse effects, and appropriately addressing all relevant principles.*

58. In this summary we have focused on those areas in which Ms Covington disagrees with certain conclusions and recommendations in the Section 42A Report, and which form the basis of the areas of contention that we discuss later in this decision.
59. With respect to the PV, Ms Covington advises that she agrees with the conclusions and recommended changes proposed in the Section 42A Report, with the following exceptions<sup>2</sup>:
- That the local road cross section for the land south of Crows Road should not be amended;
  - That the minor link roads do not require restrictions on driveway locations subject to an agreement for no stopping restrictions 5m either side of the tree pit build-out;
  - That the staged timing for roading improvements should not be removed;
  - That the rule regarding retaining walls should not be amended; and
  - That rather than inserting equivalent SMAF 1 objectives, policies and rules into the Precinct provisions, the SMAF 1 overlay is applied (subject to the rezoning being granted) and the PAUP provisions, and in due course the operative provisions will then apply to the site.
60. In terms of the QD, Ms Covington stated that she agreed that the conditions proposed in the Section 42A Report would ensure that any adverse effects are adequately avoided, remedied or mitigated, subject to some minor amendments. These were set out at paragraphs 8.21 of her evidence, and are referred to in more detail later in this decision.
61. Ms Covington also acknowledged the three submissions received in respect of the PV and QD, and that the two amendments to the PV provisions as sought in the submission by MHL (relating to Table 2.1 in the Subdivision Activity rules, and the minimum site size rule for affordable housing) were supported. We note that these were also accepted by Council officers, and in the absence of any evidence from the submitters themselves, we say no more about them.
62. We discuss these various matters later with respect to those areas of disagreement that remained and which were identified in Ms Covington's right of reply.

### Landscape Architecture

63. Ms Megan Tongue provided evidence relating to landscape architecture. In overall terms, she advised that, in recognition of the significant change that would occur to the existing open green landscape character of the site as a result of the PV and QD, the intention of the landscape and visual assessment provided with the applications was to<sup>3</sup>:
- Achieve development that is visually integrated with its surrounds, particularly on elevated boundaries with the rural edge;
  - Achieve appropriate suburban character on the foothills of the Waitakere Ranges and at the interface of the Countryside Living zone;

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<sup>2</sup> Evidence, C Covington, paragraph 2.14

<sup>3</sup> Evidence, M Tongue, paragraph 3.1

- Enhance the landscape character of the critical landscape patterns; and
  - Promote pedestrian access to the adjoining community and resources.
64. While Ms Tongue advised that she generally agreed with the recommended landscape-related amendments to the PV within the Section 42A Report, she recommended that the requirements for terracing retaining walls over 1.5m in height be limited to those retaining walls fronting public streets only<sup>4</sup>. With respect to the QD, she advised that:
- Riparian planting within 10m of the bank of the stream located in Lot 300 should be maintained for three years, rather than five, or until 75% canopy enclosure;
  - The requirements to terrace retaining walls over 1m in height that are located in rear yards be removed; and
  - The requirement for a landscape strip at the base of the retaining wall within Lot 62 be removed.
65. In response to questions regarding overall landscape design, and the transition zones between the site and the adjacent Countryside Living zones, and in particular the treatment of that transition to the south, we were provided with verbal response from Mr Ian Craig, the applicant's urban designer. Mr Craig provided further background on the zoning rationale, the land-use capability assessments that had been carried out, and the distinctions made between the northern side of Crows Road to the southern side.
66. Mr Craig and Ms Tongue were able to undertake a further site visit during the hearing in order to further consider the likely extent of views of retaining wall 2 (along the southern boundary) from Birdwood Road. While as a result of that further site visit they remained of the view that this wall would be generally unable to be viewed from Birdwood Road, they identified a possible visual impact associated with the corner of the wall around Lot 62. They subsequently advised of a proposed change to 'bevel' the corner of Lot 62 and provide additional landscape planting in the additional area created at this end of the drainage reserve.

#### Transportation

67. Mr Karl Hancock presented evidence in respect of transportation-related matters. His evidence noted that his original Integrated Transportation Assessment provided with the applications had considered the potential effects arising from the PV, and identified a number of mitigation measures, and the timing of those. On the basis of those measures, he considered that there are no traffic engineering or transport planning reasons why the proposed PV should not be approved. With respect to those changes proposed in the Section 42A Report, Mr Hancock advised:
- That he supports the use of Auckland Transport's proposed cross-sections on Crows Road, and for the local roads located to the north of Crows Road;
  - That for the local road located to the south of Crows Road, the cross-sections proposed in the application are sufficient. This is because Road 3 will typically only serve residents of the street, and will have a number of features that will assist to reduce the speed environment;
  - The traffic calming/tree pit spacings have been revised to an average of 80m, in line with recommendations by Auckland Transport;

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<sup>4</sup> Evidence, M Tongue, paragraph 6.2

- That he recommends the inclusion of a rule to ensure that when kerb build-outs are used, that they include road markings to ensure cyclists have advanced warning of the road narrowing and that vehicles do not park immediately in front or behind build-outs; and
- That in terms of the timing of transport improvements, the proposed pedestrian improvements at the Crows Road/Birdwood Road intersection and along the eastern side of Birdwood Road are not required until such time as development, and hence the residential population, occurs north of Crows Road.

### Engineering

68. Mr Brian Jones provided evidence in respect of civil engineering matters, and in particular in regard to conditions of consent (for the QD) relating to wastewater and stormwater disposal. His evidence proposed specific amendments to:

- Condition 51, regarding individual wastewater connections;
- Condition 55, regarding video inspections of all public wastewater pipes;
- Condition 56, regarding the requirement for certification from Watercare Services Limited;
- Condition 74, regarding individual stormwater connections;
- Condition 76, regarding engineering completion certificates for public stormwater infrastructure; and
- Condition 77, regarding video inspections of public stormwater pipes.

### **Matters Arising**

69. Matters raised with the above witnesses during the hearing, and for which we sought comment from officers as part of their responses (discussed below), included:

- The scope of a Road Safety Audit in respect of the likely pedestrian crossing demands across Birdwood Road at the end of the proposed pedestrian pathway and a condition requiring the same;
- The visibility from a vehicle wishing to exit the driveway associated with Lot 78, given the apparent limitations to the west;
- The scale of the proposed retaining wall 2 along the southern boundary, and associated removal of a reach of Stream A, and its proximity to peak stormwater flows along its main tributary; and
- A consent notice for the protection of vegetation on Lot 78 to ensure maintenance of screening of retaining wall 2.

70. In response to questions, Mr Jones also advised of the likely design parameters of retaining wall 2, including its inclination and expected depth of the main piles, and clarification as to the management of drainage from the base of the wall, as the geotechnical plans suggested the provision of counterfort drains that would extend into the adjacent site.

71. As noted above, at the end of the hearing we confirmed the following further information requirements:

(a) From Council officers:

- Written statements in response to the matters raised at the hearing, including a specific comment from the Council's ecological adviser, Mr

Statham, as to whether the set back of retaining wall A from the adjacent stream would be sufficient to maintain the ecological values of that stream.

(b) From the Applicant:

- An amended Precinct Plan, depicting stormwater management measures;
- Updated PV provisions (including the Precinct Plan and roading cross sections), identifying areas remaining in dispute with the Council;
- Updated QD conditions, identifying areas remaining in dispute with the Council;
- Detail of retaining wall 2 in plan and cross section, a construction management plan, and amendments in respect of Lot 62; and
- Comment with respect to Lot 78, in respect of a consent notice and confirmation of visibility from the proposed driveway connection to Birdwood Road.

72. The detail of these responses are outlined below.

### **Council Response**

73. Following the hearing, further statements and information were provided by Council officers on 22 June 2016.

74. Mr Mackie and Ms Chen provided a memorandum ("**planning memorandum**") to respond to remaining areas of the PV provisions and QD conditions that were not agreed with the applicant, while anticipating that the applicant would provide further response in regards to those matters in its reply statement. The planning memorandum noted that:

*Some of the areas of difference are in the expression or inclusion of plan provisions in the PV, although the desired outcomes are generally achieved by the design of the first QD subdivision and land development, for example in stormwater management, stream protection and provision of land for affordable housing.*

75. It then states the principal areas of difference as follows:

- The balance of objectives and policies;
- Stormwater management and stream protection;
- Transport detail;
- Urban design detail; and
- Affordable housing level of objectives and policies.

76. The planning memorandum also details certain matters regarding stream impacts, with reference to a separate memorandum from the Council's ecologist, Mr Rue Statham (who had been unable to attend the hearing), and the Council's Senior Compliance Advisor, Mr Glenn Popes. In this regard, the planning memorandum recommended the requirement for offset mitigation (for removal of part of Stream A) to be identified and agreed before the consent decision.

77. The planning memorandum then provided detailed comment with respect to the conditions of consent for the QD, noting those areas where agreement had been achieved, but noting a remaining area of disagreement, relating to threshold treatment

and roading improvement. An amended schedule of conditions was attached to identify the agreed changes and those aspects that were not agreed.

78. The Council response also included reference to, and copies of, memoranda from Messrs Statham and Popes, as noted above.
79. A memorandum from Mr Brian Waddell (Consultant Planner to Auckland Transport) and Ms Pragati Vasisht (Principal Consent Specialist, Auckland Transport), hereafter the “**transport memorandum**”. The transport memorandum noted general agreement on the following matters:
- Amended wording for Objective 3 (regarding the integration of subdivision and development with the transport network), but advising of a suggested minor change to include safety considerations within the objective.
  - Acceptance of changes to Policy 3 by Ms Covington, but suggesting a further amendment with respect to linkages to the Te Rangi Hiroa Winery Estate Reserve.
  - Rule 7.4.2ii (Road Standards), but suggesting further flexibility within the sub-rule (Table 2 – Road Construction Standards), thereby replacing the term “must” with “shall largely”.
80. The transport memorandum noted the following matters as not agreed:
- The staging rules as notified were not considered appropriate. In summary, the staging rules are not related (for the most part) to vehicular traffic effects and there are no development thresholds (in terms of capacity or operation of the network) which theoretically trigger the proposed staging.
  - While inclusion of the pedestrian connection across the southern stormwater reserve and stream to Birdwood Road on the Precinct Plan is supported, it remains appropriate to retain the relevant assessment criteria, and Auckland Transport therefore do not support the deletion of the additional wording for assessment criteria 3.d).
  - The funding of a shared path facility between Waitemata Drive to Waitemata Drive West. Negotiations between the applicant, Council and Auckland Transport were advised to have stalled, and there is a need for an Infrastructure Funding Agreement, which would sit outside the PV.
81. These matters are discussed in more detail in regard to the matters of contention set out below.

### **Applicant Reply**

82. The applicant then provided its right of reply, including information as requested at the end of the hearing, which was received on 27 June 2016. The right of reply addresses the following matters:
- Information requested by this Panel;
  - Responses to the Council information received on 20 June 2016; and
  - Final comments.
83. We record these matters in summary form below:

### Information Requested by this Panel

- An amended version of the Precinct Plan 2 has been provided, to identify stormwater management for the entire precinct.
- An updated set of PV provisions and QD conditions that identifies remaining areas of disagreement as between the applicant and the Council.
- An updated version of the Precinct Plan (including the pedestrian link across drainage reserve A, an amendment to the key to refer to the Single House – Transition Area, and deletion of the reference to a green infrastructure zone, given that these areas will not be taken by the Council).
- Indicative road cross-sections have been included in the precinct plans, and amended to match the Auckland Transport drawing style. The road cross-section for the local road south of Crows Road (Road 3 in the QD) has been retained, but noted as an aspect that is not agreed by Auckland Transport, as noted above.
- Retaining wall 2 has been amended, and has been pulled back from the south-western boundary to reduce its height and provide for any long term maintenance requirements. Its overall height has been reduced to a maximum of 2m, except for a 17m section that reaches 4.2m where it corresponds with the crossing of the gully (being the southern edge of the reclamation of the existing intermittent Stream A shown in the precinct plan).
- Confirmation that the retaining wall will be a minimum of 10m from the bank of the adjacent stream. Comment is also provided by the applicant's engineer to detail the construction material and methodology for the retaining wall, as well as specific plan details identifying its revised position with respect to the stream.
- Confirmation of sight lines from Lot 78 (being a minimum of 45m), and an amendment to condition 23 of the QD to require identification of the vehicle crossing location for Lot 78 as part of the Engineering Approval stage.
- An amended scheme plan and landscape plan to confirm the change to bevel off the boundary of Lot 62 (including the use of taller plant species adjacent to the retaining wall in this location).
- A new condition relating to vegetation protection on Lot 78 (via a consent notice).

### Responses to Council Information

84. The responses to the information provided by the Council sets out the remaining areas of disagreement, and are addressed in more detail in the following section of this report. In terms of the PV, the applicant's reply advises that:
- Stormwater management (objectives, policies, rules, and assessment criteria), such that these provisions as included in the Council's version of the PV are sought to be deleted.
  - Affordable housing (objectives and policies), which are not considered necessary to retain, but accepts that it is not essential that they are deleted.
  - Transport (road cross sections), noting that Mr Hancock's advice from a transportation perspective, and Mr Craig's advice in terms of urban design, support retention of the applicant's proposed road cross section for the local road (Road 3 in the QD).
  - Transport (staging of pedestrian/cycle road improvements), whereby the applicant has reiterated its preference for a staged approach to new transportation infrastructure as set out in proposed Rule 4.4.
  - Riparian Margin Standards – the applicant notes that the additional wording included in the PV has been retained by the Council. However, the applicant

notes that these duplicate the PAUP Riparian yard rule, and are sought to be deleted.

- The final deletion of text in the PV is the wording in the subdivision assessment criteria relating to the pedestrian connection across the drainage reserve A. This wording is no longer required as the pedestrian connection is now shown on the PV.

85. In terms of the QD, the applicant's reply advises that:

- The Council's request that proposed retaining wall 1 in the QD application (along the rear boundary of lots 57-60) be reduced in height to a maximum of 1m, primarily due to concerns of shading effects) is opposed.
- The requirement for offset mitigation for the reclamation of a 25m length of Stream A, as proposed in the memorandum by Mr Statham, is opposed.
- The Council's updated version of the proposed QD conditions has addressed the majority of the suggestions put forward during the hearing. The only conditions where further changes are sought by the applicant relate to matters in contention (i.e. staging of road improvements or retaining wall 1), as well as additional conditions suggested during the hearing or minor wording suggestions. These relate to 14 conditions in total, and we discuss these in turn in the following section of this decision.

## **Principal issues in contention**

### **Summary of Issues**

86. The preceding section of this decision sets out the principal issues in contention as between the Council and the applicant. For ease of reference we note these in bullet-point form here, and address them in turn in the following section below.

#### *Plan Variation*

- Stormwater management (objectives, policies, rules, and assessment criteria);
- Affordable housing (objectives and policies);
- Transport (road cross sections);
- Transport (staging of pedestrian/cycle road improvements);
- Riparian margin standards; and
- Subdivision assessment criteria (drainage reserve A).

#### *Qualifying Development*

- The height of retaining walls along the rear boundary of Lots 57-60;
- The requirement for offset mitigation for the reclamation of a 25m length of Stream A; and
- Condition amendments.

### **Southern Boundary**

87. It is appropriate to note at this juncture the outcome of a matter that could be said to be an issue of contention as between the applicant and this Panel, with respect to the overall scale and location of the proposed retaining wall 2 along the southern boundary of Stage 2 of the QD, and the associated reclamation of a 25m length of Stream A. As was explained in the hearing documents, this wall would extend along this boundary, a

distance of just over 200m, with a height varying between 2.5m and 4.0m<sup>5</sup>. This was a matter of some concern to this Panel in its review of the application prior to the hearing, and one that we explored with the landscape witnesses. In particular, we queried whether, as a landscape response, it provided an appropriate transition to the Countryside Living zone and protected natural area on adjacent land. In that regard it appeared to be designed to support a greater density (Mixed Housing Suburban) at this interface, in a way that contrasted with the proposed Single House – Transition Area zone adopted for the western part of the PV to the north of Crows Road (including the lack of any kind of special yard rule as proposed for that northern land).

88. Responses from Ms Tongue and Mr Craig for the applicant, and Mr Pryor for the Council, appeared to rest on the fact that it could not be seen from any public vantage point, due to the large trees located within the adjacent stream environment, albeit that no details had been provided to demonstrate how construction of this wall could be carried out in a manner that would protect that existing vegetation, and its corresponding screening effect. While we have our doubts that in landscape terms this provided an appropriate interface to this sensitive environment, we were assured by the witnesses that the approach was consistent with best practice, and provided appropriate recognition of the existing land form as had been suggested in the applicant's urban design assessment provided with the application<sup>6</sup>.
89. The other aspect of retaining wall 2 that was of some concern related to its associated reclamation of that part of Stream A that extends into the site (where the highest part of the wall would occur), which also appeared to us to be a poor response to what was the only remnant natural feature left within the site. However, the ecological evidence appeared, at least initially, to be consistent and supportive of the proposal, such that we limited our further queries on this matter to the potential effects of the retaining wall on the functioning of the main stream tributary.
90. A further issue that arose in respect of the wall was the manner in which drainage into the adjacent land would be controlled. The geotechnical report identified counterfort drain structures extending into the adjacent land, for which no landowner approval had been obtained. In response to questions on this point, Mr Jones advised that these structures would be amended to enable this drainage to instead be by way of outlets within the wall, and that drainage volumes would be very low such that scouring or any other similar effects on that adjacent land, and associated protected natural area, would be avoided.
91. Notwithstanding the support for the scale of the wall and associated engineering consideration by the applicant's (and Council's) witnesses, the applicant has elected, through its reply, to amend the design of the retaining wall. As noted earlier, the wall has now been set back from the boundary in the south-west corner to enable its height to be reduced, and to assist with any long term maintenance requirements. The amendments result in a wall that will not exceed a height of 2m along its entire length, except for that section (17m) that corresponds with the gully crossing, where a height of 4.2m is proposed. We also note, more specifically, that the design revision shown on plan 428-QD1-EW-205 (rev E), and 205A (rev A) details a set back of 3m along Lots 70-74, and 1m along Lots 62-69 (along with the bevel corner proposed on Lot 62). The 3m setback of the wall also ensures a 12m set back from the adjacent stream/pond, which addresses one of our initial queries about this wall and its effect on the stream, and whether a 10m riparian yard had in fact been achieved in this area.

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<sup>5</sup> Neil Construction Ltd – “Proposed Retaining Walls”, Drawing 428-QD1-EW-205 Rev D

<sup>6</sup> Design Statement, Harrison Grierson, 14 August 2015, page 11

92. Ms Covington also advised in her reply that steps are proposed from adjacent lots down to the rear of the site where a landscape strip will now be included. The amended plans do not appear to illustrate these features, nor the particulars of landscaping in this area. However, we consider that this can be addressed through the detailed landscape plan approval process, and we have therefore imposed a further addition to the landscape conditions for the QD to address this matter (condition 25), as noted in the findings at paragraph 138 of this decision. Further, and without having been provided with revised details for the stormwater drainage arrangements from the retaining wall, we have included this as one of the matters to be addressed in the engineering design details (condition 23), as is also noted at paragraph 138.
93. We should note that we have some doubts as to whether access into this narrow yard through the landscape implementation stage, or indeed at any subsequent point, would be desirable other than from a landscape maintenance purpose, but leave such considerations to the detailed plan approval process.
94. Overall, and based on the evidence received on this matter and having regard to the changes presented in the applicant's reply, we conclude that the amended design of retaining wall 2 along southern boundary of the QD is acceptable in terms of the overall judgement that we are required to make under section 34(1) of the HASHAA. This Panel would encourage, however, that streams and protected natural area interface environments, including associated infrastructure and construction requirements, be given more attention and focus by applicants and Council officers at the design and assessment stage in any other future proposals of a similar nature.

#### **Waitemata Drive Crossing**

95. Although not noted as a matter of contention *per se* between the parties, an issue remained as highlighted in the transportation memorandum regarding progress, or the lack thereof, towards completing an Infrastructure Funding Agreement (“**IFA**”) between the Council, Auckland Transport and the applicant to achieve a shared path crossing between Waitemata Drive and Waitemata Drive West.
96. We understood from the transportation memorandum, and supporting information, that the parties were some way apart on what the particulars of the cost share agreement should be, as noted in paragraph 80 above, and the transportation memorandum therefore goes on to state:

*To assist in keeping these negotiations active we would support Commissioners raising this issue in their decision report (should they desire) and advocating for further negotiations to take place between the applicant and Auckland Transport and for Auckland Transport to identify alternative funding sources for the public component.*

97. We note from the earlier memorandum by Auckland Transport (page 147 of the hearing agenda) that, notwithstanding that the Integrated Transportation Assessment (for the PV) did not consider the bridge was required for mitigation, that the particular improvement was seen as advantageous to the PV. That conclusion was reached by reference to the memorandum from Scott Macarthur (Auckland Transport) dated 27 October 2015, which advised that “*the construction of the proposed pedestrian and cycling bridge is a fundamental requirement to encourage use of sustainable modes of transport once the Crows Road SHA is developed*”.

98. However, we were left with the concern that if the IFA is separate from, and not referenced in, the PV, it was unclear as to how the IFA, and subsequent development of the bridge, could be delivered in a timely manner in terms of the expected completion date for either of the stages for the QD, or any future qualifying development within the overall PV (leaving aside any further consideration of transportation-related staging provisions). In particular, and beyond the applicant's stated preference for an IFA (rather than PV rules)<sup>7</sup>, we were uncertain as to what obligations there were that would commit the applicant to any level of funding in the event that the PV is approved and that consent is granted to the QD (or any subsequent qualifying development).
99. Directions were issued on 1 July 2016 seeking comment from the Council as to how this matter might be best addressed. A subsequent memorandum dated 11 July 2016 by Mr Waddell and Ms Vasisht (Auckland Transport) proposed a solution by way of an additional assessment criterion within the PV, and a condition (including a bond requirement) in the QD. In view of this recommendation, the applicant was afforded a further right of reply. That reply from Ms Covington was received on 19 July 2016, and endorsed the Council's proposal, subject to a minor wording change to the proposed criteria, and a reduction of the bond term from five years to three.
100. We consider the proposed approach to be an acceptable means by which to address this matter, and provides the level of certainty around this issue that was previously lacking. We have therefore included the wording, along the lines as amended by the applicant in the PV, as part of the subdivision assessment criteria, and as a new condition 47 in the QD, with the latter altered for consistency with other bond-related conditions as follows:

*47. In accordance with section 108(2)(b) RMA, the consent holder shall pay to the Council a refundable bond in respect of its contribution to a future pedestrian and cycle connection spanning the Birdwood reserve on the alignment of Waitemata Drive West and Waitemata Drive and modifications to the pedestrian and cycle path on Waitemata Drive West. The bond shall be held for a period of three (3) years from the commencement of the Stage 1 QD site works. The amount of the bond is \$128,000 (calculated at \$1,640 per lot, times 78 lots) and is based on a 13% cost share of \$3,406,000, divided by 270 lots expected within the overall Birdwood 2 Precinct. The bond shall be held for no more than three (3) years.*

## **Main findings on the principal issues in contention**

101. It is evident through the Section 42A Report, the Council's response to matters raised during the hearing and the applicant's reply that the matters in contention appear reasonably narrow, but are nevertheless somewhat detailed. We have addressed these matters by reference to the evidence presented on each issue and the subsequent further information provided by both the Council and applicant, before recording our findings.

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<sup>7</sup> Letter from Harrison Grierson Consultants Limited to the Housing Project Office, 14 October 2015

## Plan Variation

### Stormwater Management

102. This issue relates primarily to whether it is appropriate to retain SMAF1 provision as district level rules, noting that under section 59 of the HASHAA, only district plan-level provisions can be considered (and proposed regional plans cannot be varied). The Section 42A Report stated in regards to this matter:

*The QD1 application includes a stormwater management plan to implement the notified PAUP stormwater and SMAF1 provisions. Those provisions will not apply to future development applications as the SMAF1 layer has been removed from Future Urban zoned land during the PAUP hearings, and is now intended to be introduced through structure plans and plan change/plan variations. Those stormwater management and SMAF1 rules can be included in this proposed plan variation as district level rules, and mirror the regional plan provisions of the PAUP. This is a consequential amendment arising from the PAUP provisions changing from their notified version and needing to be re-applied in the Future Urban zone through structure planning.*

103. The planning memorandum comments further that:

*The QD and its conditions of consent will refer to the Stormwater Management Plan submitted with the application, and the PV contains objectives, policies and rules, and a Precinct Plan describing the stormwater management for the precinct. The precinct provisions will apply to future stages of development, including by different landowners.*

104. The issue can perhaps be summarised as one where the Council requires the existing SMAF1 provisions to be retained through the provisions of the PV and associated conditions of the QD, because those provisions will be deleted from Future Urban zoned sites, such as the site the subject of this decision. Ms Covington, in her reply, advises that:

*The applicant is (sic) does not disagree with the requirements of these stormwater provisions and therefore it is not essential that they are deleted from the precinct provisions. However, these requirements would form part of any subdivision application due to the Unitary Plan requirements relating to stormwater management and subdivision as well as the Network Discharge Consent conditions that would apply to any proposed development.*

*To avoid this duplication, our suggestion is that, assuming the Commissioners agree to the urban zoning of the site, when the decision is passed on to the Council, it would be logical for completeness to request that the SMAF overlay not be removed from this site (as it would no longer have a Future Urban zoning).*

*For this reason, the Stormwater objectives, policies, rules and assessment criteria included in the Council's version of the Precinct Provisions have been identified by the applicant for deletion.*

105. While we find Ms Covington's logic in this regard compelling, we have some misgivings about proceeding on a basis that relies on an outcome within the PAUP that is not yet known, particularly where we are required to only have regard to the PAUP as notified. In this situation, where the applicant has no strong disagreement

with respect to retention of these provisions, we consider it appropriate that they be so retained, and have finalised the provisions of the PV on this basis.

- **Finding PV1:** the objectives, policies, rules and assessment criteria relating to stormwater and as included in the Council's version of the Precinct Provisions are retained.

#### Affordable Housing

106. The Council's response advises on this matter that the Council's version of the PV includes affordable housing provisions in a manner consistent with other SHA's. The response goes on to note:

*...these are largely agreed by the applicant in detail, including pro rata allocation of the affordable housing proportion to each subdivision. Council and the applicant differ in the preferred objective and policy coverage of the affordable housing issue, rather than on the rules or the QD design. The precinct provisions will apply to future stages of development, including by different landowners.*

107. In Ms Covington's view, the inclusion of detailed objectives and policies regarding affordable housing outcomes are not necessary when the related rules are clear and agreed<sup>8</sup>. However, as with the issue in regard to stormwater management, the applicant does not consider it essential that the relevant provisions (objectives and policies) are deleted.

108. We find that it is appropriate to retain these provisions. In particular, it will remain consistent with other SHA decisions with which this Panel is familiar, and will provide a clearer basis for the subsequent rules. This is particularly relevant given that development of the site, and preparation of further qualifying developments, will continue beyond the life of the HASHAA, and it is our view that the purpose of the affordable housing criteria will be aided by retention of these provisions within the PV.

- **Finding PV2:** the objectives, policies related to affordable housing included in the Council's version of the Precinct Provisions are retained.

#### Transport (road cross-sections)

109. The issue as to the appropriate cross-sections for local roads within the PV have been subject to considerable debate within the evidence. The issue is essentially one of whether it will be necessary to adopt an additional "*Indicative Typical Section - Local Road*" diagram as proposed by the applicant. Figure 2 depicts a carriageway width of 6m, while the applicant seeks a wider width of 8m for the local road (Road 3) within the QD (described as Figure 2A).

110. The position of the Council, through witnesses for Auckland Transport, in support for a consistent approach throughout the PV, is set out in the transportation memorandum of 16 June 2016 (including with reference to the evidence of Mr Hancock presented at the hearing):

*Mr Hancock in Part 18 of his evidence submits that Road 3 should be distinguished from local roads to the north of Crows Road on the basis that while there is a through function the road will predominately be used by those living on*

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<sup>8</sup> Reply, C Covington, paragraph 3.2

*Road 3. In our opinion this is also the case for Road 5 and other local roads to the North of Crows Road. In addition, it is noted that while Mr Hancock provides a reason why the notified cross section is appropriate for south of Crow's Road he does not provide evidence to suggest that the accepted local road cross sections for North of Crow's Road is not appropriate for south of Crows Road. It is important to remember that while the developer will be responsible for building the local roads Auckland Transport will be responsible for their operation and maintenance into the future once they are vested as public assets.*

*Auckland Transport would prefer a consistent approach be taken across the local road cross sections. Furthermore, Auckland Transport would prefer that roads effectively lower in the road hierarchy (local roads) do not have a carriageway wider than Crows Road for legibility reasons.*

*Finally, as the applicant has not agreed to the cross-section we recommend for local roads south of Crows Road, the proposal remains for tree pits at 50m, which as is noted in our transport report, would be excessive and not in line with the standards. The 80m centres would be more appropriate.*

111. On this point, Ms Covington notes in her reply that they have sought retention of the amended cross-section in the applicant's version of the PV, noting that this was originally agreed to by Auckland Transport during pre-applications meetings, and which is supported by Mr Hancock<sup>9</sup>. Later in her reply, Ms Covington advises that Auckland Transport's concerns regarding the road cross-sections (and tree pit spacings) were not raised until March 2016, by which time the proposed subdivision south of Crows Road had been developed to a detailed engineering stage. Ms Covington goes on to note that:

*the two local road cross-sections proposed are both acceptable in traffic terms and have been agreed by AT and constructed in other parts of Auckland. In Mr Hancock's opinion, there is no traffic effects reason to dismiss either cross section for Road 3.*

...

*In addition, our urban design witness, Mr Craig, has considered this matter further and suggests that there will be urban design benefits arising from having distinct local road cross sections on the south and north side of Crows Road. Namely, this will provide further legibility and orientation within the overall development of the precinct, and help reinforce that the two sides of the road are in different zones and subject to different anticipated urban design outcomes.*

112. In regards to this matter we prefer the evidence of Mr Waddell and Ms Vasisht, and can find no compelling reason that would support a wider carriageway for the smaller area of development on the southern side of Crows Road compared with the larger number of lots to be served by local roads on the northern side. It was not apparent from the evidence or during the hearing process that the issue had any particular significance in terms of urban design considerations, but in terms of the applicant's subsequent reference to such outcomes, we would not expect the difference in width to be of particular moment in terms of legibility or orientation. We consider that such urban design outcomes in this respect will be more likely to be articulated through the differing built forms and density anticipated on either side of Crows Road, the backdrop of vegetation to the southern side (via the adjacent protected natural area), and through variations to entry/threshold treatments at the respective intersections to Crows Road.

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<sup>9</sup> Reply, C Covington, paragraph 2.4

113. We also note that while the change in stance by Auckland Transport through the application process may be regrettable from the applicant's perspective in terms of progressing its "detailed engineering design", we do not consider that impacts on having already occurred is a relevant matter to take into account in our findings on this issue. Changes had been accepted in terms of tree pit spacings along Crows Road<sup>10</sup>, as well as within Road 3<sup>11</sup>, which would affect the detail of any engineering plans, while the applicant has also been prepared to advance a change to the design of retaining wall 2 following the hearing, which no doubt would involve further revisions to engineering design details for the subdivision.

- **Finding PV3:** the indicative roading cross-section plans as proposed by the Council are retained.

#### Transport - Staging

114. The staging rules set out in the road standards/road improvement provisions of the PV (Rule 7.4.4) were a particular area of contention between the Council and the applicant.

115. In this regard, Mr Hancock's evidence<sup>12</sup> outlined what improvements would occur as part of the QD, and what would occur at a later stage. He states at paragraph 29:

*To confirm, pedestrian infrastructure improvements being implemented as part of Stage 1 are as follows:*

- a) A pedestrian connection between Road 3 and Bradnor Meadows Drive. This access way provides a clear line of sight between Road 3 and Bradnor Meadows Drive*
- b) While missing on earlier Precinct Plans, the pedestrian connection from Road 3 connecting to Birdwood Road (south), across the reserve, is being implemented, along with a pedestrian refuge on Birdwood Road (south) to improve the safety of pedestrians crossing the road at this location.*

*These improvements will serve the pedestrians located in the Stage 1 development, located to the south of Crows Road.*

*...it is my opinion that the proposed pedestrian improvements at the Crows Road/Birdwood Road intersection and along the eastern side of Birdwood Road are not required until such time as development, and hence the residential population, north of Crows Road occurs.*

116. Ms Covington adopts Mr Hancock's evidence, and seeks that the staging wording identified in Rule 4.4 be retained as per the notified version.

117. Mr Waddell and Ms Vasisht advised in their transportation memorandum that the subject rule is not appropriate. They state that:

*As stated verbally at the hearing these staging rules are not related (for the great part) to vehicular traffic effects and there are no development thresholds (in terms of capacity or operation of the network) which theoretically trigger the proposed stagings.*

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<sup>10</sup> Evidence, C Covington, paragraph 8.16

<sup>11</sup> Evidence, K Hancock, paragraph 20

<sup>12</sup> Evidence, K Hancock, paragraphs 29-30

*The effects and therefore mitigation required for pedestrian upgrades should also be attributed to the first QD (78 households + super-lots household yields) in our view. If there was no northern stage to this Precinct the majority of these upgrades would remain a Precinct requirement. Pedestrian and cyclists from QD1 (both residents and visitors) will continue to utilise the Crow's Road footpath connection to Birdwood Road along with utilising the new pedestrian connection to Birdwood Road (south) and the existing pedestrian connection via Bradnor Meadows Drive. Once they meet Birdwood Drive they will face an unsafe crossing at Birdwood Road and no improved pedestrian facilities will exist on Birdwood Road between Crow's Road and Glen Road in the initial stages - if the staging provisions as proposed are adopted.*

118. The transportation memorandum also notes the advanced state of the Te Rangi Hiroa Winery Estate Reserve which will be in operation before the first houses in the QD are built, and will be a key local attraction and destination for the QD area. The transportation memorandum also highlights reference in the ITA regarding pedestrian which states, with regard to the existing state of pedestrian connections in the area, that "Generally, footpath provision is currently intermittent and does not provide for a cohesive pedestrian network." From our inspection of the site and surrounds, we agree with that overall impression referred to in the ITA. Further, we also agree with the transportation memorandum that the Te Rangi Hiroa Winery Estate Reserve will be a key attraction for residents of the QD, and its location relative to the site indicates that appropriate pedestrian infrastructure should be in place from this first stage of the overall development of the precinct.

- **Finding PV4:** the provisions relating to road improvements (Rule 4.4) as set out in the Council's version of the Precinct Provisions are retained.

#### Riparian margin standards

119. The Council's response includes a new rule (5.5) setting out riparian margin standards, based on advice contained in the memorandum from Mr Statham. Ms Covington notes in her reply that these riparian margin standards repeat the PAUP Riparian yard and the general subdivision provisions relating to enhancement of natural features. Accordingly, Ms Covington recommends deleting the entirety of Rule 5. However, we have some concern that these riparian provisions are subject to possible amendment. While that remains the case for some other provisions, we note the importance of the proposed stream riparian planting for the mitigation of ecological effects, and in particular the reclamation of an intermittent stream, and therefore consider on balance that it is appropriate that these provisions are retained.

- **Finding PV5:** the provisions relating to riparian margin standards in the Council's version of the Precinct Provisions (Rule 7.5) are retained.

#### Subdivision Assessment Criteria

120. Although the pedestrian connection across the drainage reserve is now shown on the Precinct Plan, the transportation memorandum advises that it remains appropriate to retain the assessment criteria related to it, and the reference to the related pedestrian refuge (on Birdwood Road). The deletion of the additional wording for assessment criterion 3.d) is therefore not supported by the applicant. Ms Covington in her reply notes that such criteria were only included when the connection was not shown on the Precinct Plan, and the wording at criterion 3.d) is no longer necessary.

121. We agree that the criterion no longer serves any useful purpose, and we conclude that it can be deleted.

- **Finding PV6:** the additional wording under assessment criterion 3.d) in the Council's version of the Precinct Provisions are deleted.

### **Qualifying Development**

#### Retaining Walls (Lots 57-60)

122. The issue regarding the maximum height of retaining walls along the boundary of Lots 57-60 was addressed in the evidence of Ms Tongue, in response to an amendment proposed by Council officers that retaining walls be terraced where they exceed 1m in height.

123. The Council's response on this matter was reasonably brief, noting simply that a maximum height of 1m was sought by officers, "*with any additional height achieved by battering rather than retaining wall. This is to prevent dominance and overlooking of private outdoor space by combined retaining walls and fences*". This statement did not appear to make reference to the advice on this point from the Council's own landscape witness, Mr Pryor, who advised that:

*Retaining walls over 1.5m within rear yards should not be terraced as this creates issues with plant establishment, maintenance and footprint area required. Planting at the base of the wall provides greater opportunity to establish larger plants and more effective screening.*

124. Although his comments related to walls over 1.5m, and in respect of Rule 3.3 of the PV, rather than the specific matter in hand relating to walls over 1m within the QD, his view that walls over 1.5m should not be terraced strongly indicates to us that the same would apply to walls of over 1m. In that regard, page 2 of his memorandum advises that he agrees with the comments of Ms Samsudeen, which we presume to be a reference to section 4.3 of her original memorandum which noted that:

*It is acknowledged the Precinct Provisions provide for landscaping at the Engineering Plan Approval stage. However given the height of the retaining from 1.5m to 3.5m, I recommend that retaining wall and landscaping are in accordance with my proposed precinct provisions and retaining be conditioned into the consent and be provided within the applicant's site.*

125. While the response of Council officers in landscape and urban design terms is not entirely clear, given Mr Pryor's support for the applicant's position in respect of the PV that retaining walls over 1.5m not be terraced, we consider that a corresponding condition to the contrary in respect of the QD would not be a logical inference from the various memoranda.

126. The reply by Ms Covington also addresses this issue in some detail, as set out below:

*The Council's suggested restriction of the retaining wall height to only 1m is not a rule in the PAUP for any other part of Auckland. In addition, the Birdwood 2 precinct provisions agreed to by the Council only require mitigation for walls over 1.5m in height. This further restriction for a rear boundary retaining wall is an unreasonable and overly restrictive requirement for a wall height that is residential in scale and acceptable throughout Auckland. If the wall height is restricted to 1m then the ground on either side would need to be battered which*

would lead to a loss of usable outdoor space for the residents without any appreciable change to shading effects. We note further that while some of the lots south of this wall are proposed for affordable housing, the depth of the lots at 27m is consistent with surrounding lots to enable a significant setback between the wall and any future dwelling.

The reason given that this lower wall height will reduce shading does not take into consideration the fact that a building could be located 1m from the rear boundary under the PAUP rules for the MHS zone. That is, a building on the upper lot would create more shading than the wall and fence.

For these reasons, the height of this wall has not been amended to 1m on the plans and the proposed QD condition that relates to this wall has been amended to 1.5m in the applicant's version of conditions

127. We consider there is some force in Ms Covington's comments on this matter, and given what we apprehend to be the similar findings in Mr Pryor's memorandum, we conclude that the rule should not be amended in the manner suggested by Council officers.

- **Finding QD1:** the provisions relating to retaining walls under condition 37 in the Council's version of the QD conditions are deleted. The condition is reworded as follows:

37. *Wall 1 shall be no more than 1.5m in height along the northern boundary of Lots 57-60 to reduce the shading and dominance effects on site. ~~The consent holder shall submit the amended design plan for Wall 1 for approval prior to the construction of the retaining wall.~~*

#### Stream Offset Mitigation (Stream A)

128. At the end of the hearing we sought, as part of the Council's response to matters raised during the hearing itself, clarification from the Council's ecologist, Mr Statham, as to any potential effects arising on the Stream A environment from the construction of the southern boundary retaining wall.
129. On this matter, the memorandum from Mr Statham advises that Stream A adjacent to the QD site will still function as a stream as there is a 10m buffer between its margins and the proposed retaining walls.
130. We note in this regard that the amended design for the retaining wall now provides for a 12m buffer, now that it has been moved 3m into the site (which suggests that this buffer was in fact only 9m as originally proposed).
131. Mr Statham's memorandum then goes further and raises what we discern to be a new issue and concern with respect to the construction of the retaining wall, and consequential effects on downstream base flows, and on the neighbouring site. Mr Statham's memorandum therefore suggests that off-site mitigation would be required due to the loss of the intermittent stream, and suggests use of a condition attached to the Whenuapai SHA consent as providing a precedent for such an approach.
132. Further correspondence between Council officers is also noted in the information provided to us, including advice from Mr Glenn Popes, the Council's Senior Compliance Adviser, who does not support using the Whenuapai example as a basis for offset mitigation work. Mr Popes considers that if mitigation is required, then the

loss of the stream should be quantified and the off-set mitigation works should be agreed between the Council and the applicant before any decision on the QD is granted.

133. The advice of Mr Popes is supported by the Council's planners (Mr Mackie and Ms Chen), who state in their conclusion on this matter that:

*The use of the consent condition to identify the offset mitigation works to compensate the loss of the intermittent stream is not appropriate. The offset mitigation should be identified and agreed before the consent decision.*

134. Unfortunately, that response does not take matters very far, and we note that it would indicate the requirement for a reasonably substantial amount of further work to verify the location and quantum of offset mitigation, if such mitigation was warranted. We should add that this seems to raise concerns that we shared as a result of our site visit, albeit primarily in respect of the natural values of the intermittent stream and margin as part of the adjacent protected natural area, as referred to earlier in respect of the overall treatment of this southern boundary. However, we were surprised to be advised of an issue of this nature as part of a reply, and not within the original reporting memoranda.

135. Not surprisingly, Ms Covington expressed a similar concern through her reply<sup>13</sup>:

*We note that the Council's ecologist, Mr Statham, has gone further and made comments regarding offset mitigation which appear to relate to proposed reclamation of the 25m length of the intermittent tributary of stream A within the application site. These comments are not consistent with the Council's previous assessment (undertaken by Mr Statham) or the agreements reached with the HPO on the QD application. The information was not provided prior to or during the hearing and Mr Statham did not attend the hearing to raise this issue or to respond to any questions the commissioners may have had. This in the applicant's view is unfair and unreasonable.*

136. In view of our own concerns on this matter, we consider that Ms Covington's complaint is well founded. However, and to address any suggestion that oversights or procedural formalities might give rise to an adverse effect of potential significance, we note that the applicant has provided further comment on this matter from their own ecologist, Mr Eddie Sides, by way of a memorandum (dated 27 June 2016). That memorandum comments that:

*We note that reclamation of the streams identified as Intermittent in our report are largely avoided, and that there is restoration and riparian planting proposed for the Stream A wetland as part of the QD application which will mitigate adverse effects.*

*The structure plan also includes the retention and enhancement of Stream B, which was a focus of discussions with the HPO.*

137. On this basis, and notwithstanding our general misgivings with respect to the general manner in which the southern boundary has been approached in this proposal as outlined earlier, we concur with Ms Covington's conclusion that the proposed restoration and re-planting of drainage reserve A represents an acceptable approach

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<sup>13</sup> Reply, C Covington, paragraph 3.9

to the reclamation of the intermittent tributary within the site, and no further assessment or consent condition is required.

- **Finding QD2:** no further assessment or consent condition in respect of stream mitigation is required.

### Consent Conditions

138. Ms Covington's reply advises that the Council's updated version of the proposed QD conditions has addressed the majority of the suggestions put forward by the applicant during the hearing. The reply identifies further changes relating to matters in contention (i.e. staging of road improvements or the requirements relating to retaining wall 1), or those relating to additional conditions suggested during the hearing or minor wording suggestions. We record our agreement or otherwise with these amendments as follows:

- (a) Condition 23 – the reply notes the Engineering Plan approval process in respect of 'Roding' refers to improvements that are not proposed as part of the QD, and in this regard is relevant to the matter of staging as considered at paragraphs 114-118 above. Because we have concluded that the provision of staging provisions is not appropriate, we do not support the removal of the wording as sought in the reply.

- **Finding QD3:** the wording of Condition 23 (Roding) in the Council's version of the QD conditions are retained, as follows:

- *A Stage 3 Road Safety Audit shall be submitted for the extent of works proposed on Birdwood Road/ Glen Road intersection, Birdwood Road between Glen Road and Crows Road, and Crows Road from Birdwood Rd intersection to its southern /western extent....*

As a further amendment, we have added a clause under the topic of "stormwater" to address the issue of drainage from retaining wall 2 and possible erosion effects on the adjacent site and stream environment, as noted at paragraph 92 of this decision. This text is as follows:

- *The design of the stormwater network shall include details of the outlets in Wall 2 and methods to avoid erosion effects beyond the site boundary.*

We further note that the extensive list of matters noted under Condition 23 would benefit from the use of sub-clause numbering for ease of reference during the implementation and monitoring stages of the consent, and have made this amendment accordingly. This change has also been made to a number of other conditions for the same reason.

- (b) Condition 24 – the amendment to this condition in the Council version refers to a pedestrian refuge across Crows Road. The reply notes that this appears to be incorrect as the landscape treatment involves the entrance of Road 3 leading from Crows Road. As a refuge island on Crows Road is a traffic matter, rather than a landscape requirement, the wording is sought to be deleted. We agree with deletion of this wording as sought.

- **Finding QD4:** the wording of Condition 24 in the Council's version of the QD conditions relating to a pedestrian refuge (7<sup>th</sup> bullet point) is deleted, as follows:

- *Provide entry features; and ~~including pedestrian refuge island across Crows Road.~~*

- (c) Condition 25 – the last sentence of this condition refers to a review of the species selected for the drainage reserve. The reply comments that the Council's parks advisor has already reviewed and approved the planting plan, and so this requirement is no longer necessary. However, from our review of the memorandum by the Council's Parks and Open Space Specialist North/West<sup>14</sup>, amendments to the plant species proposed in the application for the drainage reserve landscape concept plan had been sought, and a further auditing role was requested by the Open Space Specialist in respect of the preparation of the detailed landscaping plan for this area. Given the importance of the planting in the drainage reserve for stream mitigation, and the further changes that have been made to the concept plan (without recourse as yet to the Open Space Specialist), we do not agree with the proposed deletion of this sentence as sought in the reply.

As noted earlier in this decision, we have also noted the intention of the applicant, as expressed through the reply, to provide for landscaping to the southern side of retaining wall 2. We have therefore included reference to landscape details for this area (as affecting the southern edge of Lots 63-74).

- **Finding QD5:** the wording of Condition 25 in the Council's version of the QD conditions relating to a review of the species selected for the drainage review is retained, as follows (and noting minor editing corrections and additions as referred to above):

25. *...The Landscaping Plan shall be generally in accordance with the Streetscape Landscape Concept Plan and Drainage Reserve Landscape Concept Plan approved under Condition 1, includeing the soft landscape works (i.e. the species and sizes of trees/vegetation) and hard landscape works (e.g. footpath, bridge and pavement) within the reserves and shall demonstrate that the species proposed are suitable and appropriate with regards to the purpose of the proposed reserves. The Landscape Planting Plan shall provide the landscape planting details adjacent to Lot 62, and along the southern edge of Lots 63-74, to screen the proposed retaining wall.*

- (d) Conditions 31 and 34 – these conditions refer to a five year maintenance period (in respect of riparian planting adjacent to the stream within Lot 300). The reply refers to the evidence of Ms Tongue that the proposed planting will typically establish within a three year period, and that the Council's standard consent conditions require two or three years for landscape maintenance (and that the Scott Point development required only two years). Notes within the applicant's reply version of the conditions comment, however, that:

*if a 5 year maintenance period is set then the applicant requests a provision for a decreasing bond given the length of time the bond is being*

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<sup>14</sup> Hearing Agenda, page 116

*held. ie. after 2 years half the bond can be refunded if the landscaping is proven to be established to 50% plant coverage.*

In this regard, we note the advice provided in the response by Mr Pryor<sup>15</sup> that:

*five years is an excessive length of time to undertake landscape maintenance. This should be consistent with Council's 2-3 year maintenance period. I would recommend three (3) years".*

Notwithstanding that advice, the planner's memorandum comments that:

*The five year maintenance period is only applicable for the planting along the stream. Although I am aware that Council's standard maintenance periods for street trees and landscape planting within the reserves are two years, I consider that the five year maintenance period for the riparian planting is suitably established. This is because weed and pest controls would be required for the riparian planting. It is anticipated that it will take more than 3 years for the weed and pest controls on the site to ensure that there is canopy closure and the minimum survival rate of the plants is achieved. I consider that the five year maintenance period shall remain unchanged.*

In our consideration of this matter, we note that the subject planting has been advanced, in part, as mitigation for the reclamation of part of Stream A, and in lieu of any further offset for that reclamation, we were unable to find in favour of the applicant's request. However, we also note that the notes within the applicant's reply version of the conditions includes an addition to Condition 34 that the bond will be held, for the defined period, "*or until Council are satisfied that condition 31 is satisfied*". We consider that this addition is acceptable (subject to a minor editing change), and will enable a shorter timeframe than the five years, if it can be demonstrated that the requirements of condition 31 have been met.

- **Finding QD6:** the wording of Conditions 31 and 34 in the Council's version of the QD conditions are retained, at a five year timeframe, but Condition 34 is amended as follows:

34 *...The maintenance bond shall be held for a period of five years from practical completion of the works or until the Council is satisfied that condition 31 is satisfied.*

- (e) Conditions 48, 49, 66, 67 and 74 – minor amendments to these conditions have been proposed by the applicant (in line with recommendations presented during the hearing by Mr Jones) for clarification, and in particular to allow wastewater and stormwater connections to be appropriately positioned on lots with topographical limitations. No particular finding needs to be made in respect of this matter, and these amendments are agreed.
- (f) Condition 55 – the applicant has sought an amendment to remove reference to private water connections (and to refer to "water connections") as these are not applicable for the proposed subdivision. Further, and because the meaning of

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<sup>15</sup> Mr Pryor's memorandum makes reference to condition 33 (regarding hard landscape works, which require a bond for only 12 months) but we expect was instead meant to relate to conditions 31 and 34.

the last sentence of the condition is unclear, and is a recommendation only, the applicant considers that it should be deleted.

The last sentence reads “*Ducting of provide lines is recommended where they cross driveways*”. It is reasonably clear to us that the word “provide” was a typographic error and should have instead stated “private”. Having regard to the above comments, a simple change to “water connections” would leave the purpose of the recommendation intact, but as a recommendation, we conclude that it should be re-cast as an advice note.

- **Finding QD7:** the wording of Condition 55 in the Council’s version of the QD conditions are retained, but amended as follows:

55. *Individual water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans.*

**Advice Note:**

*Ducting of water connections is recommended where they cross driveways.*

- (g) Condition 79 – this condition relates to a completion certificate and ‘as built’ for the stormwater pond, including certification by a freshwater ecologist. The reply comments that ecologists do not provide as-builts, and:

*As the drainage reserve is not part of the riparian/ ecological corridor and does not involve the rebuilding or relocation of a stream, the requirement for an ecologist is not considered appropriate in this case.*

While the drainage reserve is part of the mitigation for the loss of the intermittent stream and is part of the riparian corridor in Stream A, we could find no requirement from the memorandum from Mr Statham or corresponding reference in the Section 42A Report that sought involvement of an ecologist in the as-built process. We are also unaware of any provision for ecologist involvement in the Council’s as-built processes. We therefore agree with Ms Covington that the reference to an ecologist in this condition be deleted as sought (noting that the condition has been re-numbered as Condition 80 due to other changes).

- **Finding QD8:** the reference to “qualified freshwater ecologist” at Condition 79 in the Council’s version of the QD conditions is deleted, as follows:

80. *A completion certificate and certified ‘as built’ from a suitably qualified engineer ~~and a qualified freshwater ecologist~~ shall be supplied to the Council as part of the s224 application, pursuant to s46 of the HASHAA.*

- (h) Condition 83 – the reply advises that a new condition has been included to provide protection of the vegetation screening on the road frontage of Lot 78. This reflects an offer made by the applicant during the hearing in response to comments regarding views of retaining wall 2 that may arise following development of this lot. This condition has been agreed and included in the final version attached to this decision. No finding needs to be made in respect of this matter.

- (i) We also note that we have included reference to the applicant's construction management plan for retaining wall 2, as provided within the reply, as part of the schedule of information set out in Condition 1, and we have added a reference to this plan as part of the materials to be referred to at the pre-commencement meeting required under Condition 6.

## Statutory Evaluation

139. A full assessment is made in the Section 42A Report regarding the PV in terms of section 61(4) of the HASHAA<sup>16</sup>. We agree that the PV will enable the availability of residentially zoned land and, as a concurrent application, will then provide the opportunity for the qualifying development (with its associated 55 new lots) to proceed. The PV will therefore facilitate "*an increase in land and housing supply*" within an area, as an identified SHA and within the RUB, where housing supply is considered to be required. As noted previously, the applicant has committed to meeting the qualifying development criteria, which include a percentage of dwellings built to be 'affordable' in terms of the HASHAA.
140. Part 2 RMA matters are summarised in the Section 42A Report<sup>17</sup>, with which we agree. Overall, the application for the PV is considered to be consistent with Part 2 of the RMA as the rezoning and the Birdwood 2 Precinct Plan will facilitate the provision for housing, reserves and roading connections enabling people and communities to provide for their social, economic and cultural well-being under section 5(2).
141. We are satisfied that the PV has had regard to the PAUP and other relevant regional policy statements, the NZCPS and the NPSFM. The PV does not change any regional policies and is consistent with the direction of the PAUP, specifically in that the PV is located within the RUB. SHA's have been established within the RUB in the Future Urban zone (greenfield) and within other zoned areas (brownfield areas) in order to facilitate an increase in housing supply and affordable housing. It is considered that the proposal will make a contribution to increasing Auckland's supply of housing (consistent with the PAUP RUB boundary) in a timely and planned manner.
142. In undertaking our analysis, we have been guided by the HASHAA legislation which calls for a weighting in the evaluation of plan variation applications under section 61(4) of the HASHAA, along with the specific directive given to affording priority to the purpose of HASHAA. We have been mindful of this assessment framework in reaching our decision.
143. Finally, we consider that the PV has been prepared in accordance with sections 74 to 77D of the RMA and therefore is found to meet the statutory criteria for a plan variation (with modifications) to the PAUP.

## Decision 1 – Plan Variation

144. Under section 32AA of the Resource Management Act 1991 (RMA) and under section 61 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA), the application to vary the Proposed Auckland Unitary Plan by Neil Construction Limited is **ACCEPTED WITH MODIFICATIONS**, pursuant to section 71 of the HASHAA.

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<sup>16</sup> Section 42A report, at [6.4], page 52 Agenda

<sup>17</sup> Section 42A report, at [6.4.2], page 53 Agenda

145. The key reasons for this decision are:

- (a) Overall the proposed plan variation supports an efficient use of land within the RUB and the structure plan that has been prepared for this SHA indicates that if the subject-site is re-zoned it will enable a variety of housing types to be developed, including affordable housing.
- (b) The proposal fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and housing supply.
- (c) The proposal is considered overall to be consistent with Part 2 of the RMA.

146. The Plan Variation (as detailed in **Appendix 1** to this decision) shall be deemed operative on the date of public notice of this decision (section 73 of the HASHAA) for the land at 10 Crows Road, 1 – 9 and 11 Crows Road, 161 Birdwood Road and 8 Yelash Road, identified as Lot 3 DP 189404 CT-119B/554 (2.4448ha); Lot 2 DP 70085 CT-25D/870 (11.9409ha); Lot 2 DP 68044 CT-23C/355 (6.7987ha); Lot 1 DP 70085 CT-25D/869 (0.2026ha); Lot 2 DP 189404 CT-119B/553 (2.3755ha); and Lot 1 DP 189404 CT-119B/553 (2.4207ha).

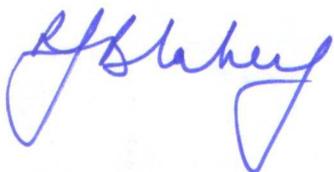
## Decision 2 – Qualifying Development

147. Acting under delegated authority, under section 34, 35, 36 and 35 of the Housing Accords and Special Housing Area Act 2013, as referred to in those sections, and sections 104, 104B, 104D, 105, 106, 107, 108 and 220 of the RMA, consent is **granted** to the non-complying activity application by Neil Construction Limited to authorise resource consent for the vacant lot subdivision for 75 residential lots and three super lots for future development, including the provision of a drainage esplanade and associated roads and infrastructure to be vested in Council at 10 Crows Road, Swanson (Lot 2 DP 68044).

148. The reasons for this decision are as follows:

- (a) The proposal is consistent with the purpose of HASHAA and the intent of Part 2 of the RMA;
- (b) The application is generally consistent with the PAUP and Crows Road (Birdwood 2) Precinct Provisions; and
- (c) Adequate infrastructure can be provided to support the Qualifying Development.

149. Under sections 37 and 38 HASHAA and sections 108 and 220 of the RMA, this consent is subject to the conditions contained in **Appendix 2**.



Richard Blakey  
Chairperson

28 July 2016

# PROPOSED AUCKLAND UNITARY PLAN

## BIRDWOOD 2 PRECINCT OBJECTIVES, POLICIES, RULES & ASSESSMENT CRITERIA

PART 2 – REGIONAL AND DISTRICT OBJECTIVES AND POLICIES>>Chapter F: Precinct objectives and policies>>7 West>>

### 7.## Birdwood 2

#### PRECINCT DESCRIPTION

The Birdwood 2 precinct comprises 26.1 hectares of land approximately 15 kilometres west of Auckland's CBD, 4 kilometres south-west of the Westgate Town Centre and 1km north of the Ranui Town Centre. The precinct is located in the Waitakere Range's lower foothills in an area informally identified as Birdwood. It is a fringe suburb forming part of the western extent of Auckland's wider metropolitan area.

The precinct is bound by two roads, Yelash Road to the north and Birdwood Road to the east and south, with Crows Road crossing the lower third of the precinct.

The purpose of the precinct is to provide for subdivision and associated development to increase the supply of housing (including affordable housing), whilst being responsive to the site's characteristics including a varied topography, a landscape that includes intermittent streams and wetlands and interfaces with the rural edge along the northern, eastern and (in particular) western boundaries. The precinct will also facilitate the efficient use of land and coordinate the provision of infrastructure and will provide for a residential area integrated with the adjoining urban area. It will include areas of open space and provide a range of housing options.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the Birdwood 2 Precinct Plan to facilitate residential development in a coordinated manner.

#### OBJECTIVES

The objectives are as listed in the underlying Single House and Mixed Housing Suburban zones except as specified below:

1. Subdivision and development occurs in a coordinated manner that implements the Precinct Plan.
2. Subdivision and development is designed to recognise the site's topography and proximity to the rural edge.
3. Subdivision and development within the precinct, including any upgrades to the surrounding network (as described in the precinct provisions) facilitates a transport network that integrates with the external road network and improves access, safety and connectivity for all travel modes within and beyond the Precinct.
4. Subdivision and development provides three attractive, safe and distinct open space drainage reserves.
5. Subdivision and development maintains and enhances streams and riparian corridors.
6. Adverse effects of stormwater runoff on communities and freshwater systems are avoided to the extent practicable or otherwise mitigated using water sensitive design principles.
7. Major overland flow paths are retained or provided for within the site layout to manage risks from flood events up to the 1% AEP; and flows from the 1% AEP are managed to avoid downstream flooding effects.
8. 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).
9. To ensure that affordable housing provided in any residential development is distributed throughout the location in which resource consent is sought.

10. To promote availability of affordable housing to first home buyers and/or Community Housing Providers.

## POLICIES

The policies are as listed in the underlying Single House and Mixed Housing Suburban zones except as specified below:

1. Require the structural elements of the Birdwood 2 Precinct Plan to be incorporated into all subdivision and development to achieve:
  - a. A graduated transition in residential density where development adjoins or is opposite Countryside Living areas along the western and northern boundary of the site through the provision of larger lot sizes, yard controls and restrictions on building coverage.
  - b. Three drainage reserves which provide attractive and functional stormwater management areas, integrated with the surrounding area and, where appropriate, natural in appearance.
  - c. A logical north-south local road connection through the land north of Crows Road, linking Yelash Road with Crows Road, and supported by a looped local road.
  - d. A logical looped local road connection through the land south of Crows Road to provide a road edge to the drainage reserve in this area.
  - e. Limited vehicle access for new sites onto Birdwood Road and Yelash Road.
  - f. The provision of an entrance feature or treatment at the intersection of the main roads into the site with Crows Road.
2. Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity
3. Require the construction of new roads, roading and intersection improvements and pedestrian connections, including to and along Birdwood Road, in general accordance with the Birdwood 2 Precinct Plan to ensure a safe, integrated and connected movement network develops within the precinct and to the existing urban areas and the Te Rangi Hiroa Winery Estate Reserve.
4. Ensure that subdivision and land use activities provide a road network which makes appropriate provision for on-site stormwater management devices.
5. Require subdivision and development to promote the restoration and enhancement of the stream and wetland network to achieve a natural appearance with appropriate native species and to provide habitat.
6. Provide for and encourage ecological corridors through the Birdwood 2 precinct to enhance natural linkages throughout the wider landscape, including riparian planting along waterways to:
  - a. Maintain and enhance water quality and aquatic habitats
  - b. Enhance existing native vegetation and wetland areas within the catchment and
  - c. Reduce stream bank and wetland edge erosion
7. Use water sensitive design in subdivision, land use and development, as the core development approach to manage stormwater runoff, water quality and flooding, mimic the natural hydrological regime and provide base-flow to streams.
8. Ensure that a range of lot sizes, housing typologies and densities are enabled to reflect a choice in living environment and affordability.
9. 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
10. New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.
11. New retirement village developments containing 15 or more dwellings provide for affordable housing.

## 7.## Birdwood 2

The activities, controls and assessment criteria in the underlying zone apply in the Birdwood 2 Precinct except as specified below.

### 7.1 Activity Table

The Activity Table 1 – General and Activity Table 2 – Residential Zones in Part 3, Chapter H, Section 5 of the Unitary Plan, and related controls, apply to the Birdwood 2 Precinct, except as specified in Table 1 below.

ACTIVITY TABLE 1 – BIRDWOOD 2 PRECINCT	
SUBDIVISION ACTIVITY	ACTIVITY STATUS
Subdivision in general accordance with the Birdwood 2 Precinct Plan	RD
Subdivision not in accordance with the Birdwood 2 Precinct Plan	D

The activities, controls and assessment criteria in the underlying zone apply in the Birdwood 2 Precinct except as specified below.

### 7.2 Land use Controls

#### 2.1 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 dwelling (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.
9. Where staged development occurs, and includes a greater amount of affordable housing in any stage than is required, this can be credited for the requirement of a subsequent stage.

## **2.2 Number of relative affordable dwellings or sites**

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

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

## **2.3 Eligibility for relative affordable housing**

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

1. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites identified for affordable dwellings), the consent holder must provide the Council with a statutory declaration that confirms the sale complies with the following eligibility requirements:
  - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date the sale and purchase agreement becomes unconditional;
  - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent, and storage) at a price which is not more than that defined by the 75 percent median price in accordance with rule 2.2(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 2.2(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 2.2(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.

#### **2.4 Eligibility for retained affordable housing**

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

1. Purchasers in respect of retained affordable housing must be a registered community housing provider or the Housing New Zealand Corporation.
2. Retained affordable housing that does not comply with clause 1 above is a discretionary activity.  
This rule does not apply to Retirement Villages which are addressed by rule 2.6 below.

#### **2.5 Number of retained affordable dwellings or sites**

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

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

#### **2.6 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.

### 7.3 Development Controls

The development controls in the underlying zone apply in the Birdwood 2 Precinct except as specified below.

#### 3.1 Landscaping and Retaining in the “Single House – Transition Area”

*Purpose:*

- *Provide for on-site amenity and an attractive streetscape*
- *Achieve development that is visually integrated with its surroundings and retains or enhances its sense of place adjacent to the Countryside Living zone*

For all sites located in the “Single House - Transition Area” identified within the Single House zone on the Birdwood 2 Precinct Plan, the following shall apply:

1. A minimum of 60 percent of each site must be comprised of landscaped areas of which a minimum of 10 percent must be planted with shrubs, including at least two PB95 (or larger) specimen trees at the time of planting.
2. A minimum of 70 percent of the front yard must comprise landscaped area.
3. Retaining walls between 1m and 1.5m height at a distance greater than 5m from the exterior wall of the dwelling must be screened using planting.
4. Any retaining walls over 1.5m in height shall be screened using planting. The width of screen planting shall measure at least the height of the wall. Any retaining wall over 1.5m in height within the front yard shall be terraced.

Note: The “Single House - Transition Area” is generally as shown on the Birdwood 2 Precinct Plan. The final extent of area will be determined by the final position of the road identified as an “Indicative Roding Connection” and the “Indicative Open Space/ Stormwater” area as shown on the Precinct Plan. At the locations shown on the Precinct Plan, the Area will also maintain minimum depths of 60m and 120m respectively.

#### 3.2 Special Yards

*Purpose:*

- *Achieve development that provides appropriate setbacks that recognise the sense of place adjacent to the Countryside Living zone.*
1. Sites subject to the ‘Special Yard Rule’ shown on the Birdwood 2 Precinct Plan along Yelash Road must have a yard of 7m measured from the boundary with Yelash Road.
  2. Sites subject to the ‘Special Yard Rule’ abutting the western boundary of the Precinct as identified on the Birdwood 2 Precinct Plan must have a yard of 10m measured from this boundary.

### 3.3 Fences and Retaining

*Purpose:*

- *Enhance passive surveillance of the street and maintain the open character of front yards.*
  - *Achieve development that is visually integrated with the adjacent Countryside Living character and the open spaces within the Precinct by restricting the use of close board fences in these locations*
1. Fences, walls or other structures (not defined as a building) within the required front yard (excluding the yards adjoining Yelash Road and Birdwood Road referred to in Rule 4 below) must not exceed a combined height of 1.2m. Any retaining wall over 1.5m in height within the front yard shall be terraced.
  2. Fences within 1m of any common boundary with adjoining open spaces (including those arising from the implementation of the Indicative Open Space/ Stormwater Areas identified on the Birdwood 2 Precinct Plan, and any walkways), must not exceed a height of 1.5m and must have a minimum of 80 percent of the entire structure that is visually permeable.
  3. Retaining walls over 1.5m in height within 1m of the boundary adjoining open spaces (arising from the implementation of the Indicative Open Space/ Stormwater Areas identified on the Birdwood 2 Precinct Plan), must be screened with planting. The width of screen planting shall measure at least the height of the wall. Any retaining wall over 1.5m in height within the front yard shall be terraced.
  4. Fences within the yard of a site adjoining or facing Countryside Living properties beyond the Precinct (ie. adjacent to Yelash Road, Birdwood Road and the west and south Precinct boundaries identified as 'Fencing Treatment Restrictions' on the Birdwood 2 Precinct Plan), must not exceed a height of 1.5m and must have a minimum of 80 percent fence area that is visually permeable.

### 1.2 Birdwood Road/ Yelash Road Vehicle Access Restriction

*Purpose:*

- *Limit the number of vehicle crossings directly on to Birdwood Road and Yelash Road.*
  - *Reduce traffic effects on Birdwood Road and Yelash Road.*
  - *Avoid traffic/ pedestrian / cyclist conflicts on Birdwood Road and Yelash Road*
  - *Maintain a countryside living character along Birdwood Road and Yelash Road.*
1. Sites with 'No New Vehicle Access Restriction' indicated on the Birdwood 2 Precinct Plan must not have direct vehicle access on to either Birdwood Road or Yelash Road.

### 1.3 Building coverage

*Purpose: maintain the suburban residential character of the zone*

1. Maximum building coverage in the Mixed Housing Suburban zone: 40 per cent.

## 7.4 Subdivision

The subdivision controls in the Auckland-wide rules - subdivision and the underlying Mixed Housing Suburban and Single House zone apply in this Precinct unless otherwise specified below.

### 4.1 Site Size in the "Single House - Transition Area"

*Purpose: Achieve development that is visually integrated with its surroundings and retains or enhances its sense of place adjacent to the Countryside Living zone*

Sites within the area defined as 'Single House – Transition Area' on the Birdwood 2 Precinct Plan must have a minimum net site area of 750m<sup>2</sup> and a minimum average net site area of 900m<sup>2</sup>.

Note: The "Single House - Transition Area" is generally as shown on the Birdwood 2 Precinct Plan. The final extent of area will be determined by the final position of the road identified as an "Indicative Roding Connection" and the "Indicative Open Space/ Stormwater" area as shown on the Precinct Plan. At the locations shown on the Precinct Plan, the Area will also maintain minimum depths of 60m and 120m

respectively. For the purpose of this control, any lot with more than 20 percent of its area within the Transition Area, as finally defined, will be subject to this control.

#### 4.1A. Affordable housing within the Single House Zone

*Purpose: Enable smaller minimum area lots within the Single House zone, outside the “Single House – Transition Area”, to facilitate affordable housing.*

Between 10 and 15 percent of the lots, per subdivision, within the Single House zoned part of the Birdwood 2 precinct, and outside the “Single House – Transition Area”, may be of a net site area no less than 300m<sup>2</sup>.

#### 4.2 Roading Standards

*Purpose: To provide a safe, efficient and legible street network within the Precinct and appropriate improvements to existing roads immediately adjoining the Precinct.*

- i. Roads within the Precinct must be generally located as illustrated on the Birdwood 2 Precinct Plan.
- ii. Roads within the Precinct shall generally be constructed to the standards contained within Table 2 Road Construction Standards within the Birdwood 2 Precinct Plan Area or, where not contained in Table 2, the relevant Auckland-wide rules, code of practice, engineering standards or Auckland Design Manual will apply.
- iii. Traffic calming measures must be provided on local roads in appropriate and logical locations, taking into consideration the location of street trees, street lighting, vehicle crossings, stormwater management devices and on-street parking spaces.
- iv. Minor Link Roads must only be used where Council is satisfied that there will be sufficient off-street parking and the road must have a maximum length of 200m.

Table 2: Road Construction Standards within the Birdwood 2 Precinct Plan

Road	Road Width	Carriageway	Indented parking/berm	Footpath Width	Cycle Lane	Figure
Crows Road	20.1m	6.4m	2.2m min	1.8m	None	Figure 1
Local Road	18m	6.0m	2.2m min	1.8m	None	Figure 2
Minor Link Road	16m	6.0m	-	1.8m	None	Figure 3

#### 4.3 Birdwood Road/ Yelash Road Vehicle Access Restriction

*Purpose:*

- Limit the number of vehicle crossings directly on to Birdwood Road and Yelash Road.
- Reduce traffic effects on Birdwood Road and Yelash Road.
- Avoid traffic/ pedestrian / cyclist conflicts on Birdwood Road and Yelash Road
- Maintain a countryside living character along Birdwood Road and Yelash Road.

- i. Subdivisions must be designed to avoid sites requiring direct vehicle access to Birdwood Road and Yelash Road in the location identified on the Precinct Plan as “No New Vehicle Access Restriction Applies”.
- ii. New roads must not intersect with Birdwood Road and Yelash Road except as shown on the precinct plan.

#### 4.4 Road improvements

*Purpose: To ensure appropriate improvements to existing roads in the vicinity of the Precinct are undertaken to provide for the safe movement of vehicles/ pedestrians and cyclists.*

The following works must be implemented as part of the first subdivision within the precinct:

- i. The 50 km/hr speed limit sign on Crows Road must be relocated further west (just beyond the Precinct).
- ii. The existing pedestrian footpath on the south side of Crows Road must be widened from 1.5m (existing) to 1.8m
- iii. Pedestrian and cycle improvements must be implemented at the Birdwood Road/Crows Road intersection (as shown in figure 4). This includes building out the kerbs and the installation of a pedestrian refuge and associated drop kerbs on Crows Road and Birdwood Road.
- iv. A shared pedestrian/cyclist path shall be provided on the eastern side of Birdwood Road (as shown in figures 4 and 5).
- v. Pedestrian and cycle improvements must be implemented at the Birdwood Road/Glen Road intersection (as shown in figure 5). This includes building out the kerbs and the installation of a pedestrian refuge and associated drop kerbs on Glen Road.

As part of any subdivision creating an intersection between Yelash Road and the indicative road shown on the Precinct Plan, Yelash Road shall be sealed with a 6m carriageway from the Birdwood Road intersection to the final position of the intersection.

#### **4.5 Road Landscaping**

*Purpose: Maintain rural character along Birdwood Road and Yelash Road.*

Any subdivision of land creating sites adjacent to Birdwood Road (north of Crows Road intersection) and Yelash Road, must include a road landscaping plan incorporating the removal of weeds and retention of regenerating scrub on the battered banks of those parts of the roads abutting the proposed sites.

#### **4.6 Street Tree Strategy**

*Purpose: Enhance the amenity of the site and complement the surrounding rural character*

A Street Tree Strategy with a list of tree species must be included with the first subdivision application of the Birdwood 2 Precinct. In particular, suitable native tree species must be included for Crows Road to complement proposed riparian planting in Drainage Pattern B. The Street Tree Strategy, once approved, must form the basis of street tree selection throughout the balance of the Precinct.

#### **4.7 Affordable Housing**

The same rules as included in Land use rules 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6 shall apply to any proposed subdivision in the Birdwood 2 precinct.

#### **4.8 Rear Lots**

*Purpose: Ensure that provision is made for rear lots, in recognition of the challenging topography of the precinct.*

Where 15 or more vacant sites are proposed, the total number of rear sites must not exceed 10 percent of the total number of proposed sites.

### **7.5 Riparian Margin Standards**

- 5.1 Stream A, as on the Birdwood 2 Precinct Plan where it passes through the area shown as 'Indicative Open Space/ Stormwater', must be protected in the following manner. A minimum of 10m each side of the stream / wetland where greater, must be kept clear of buildings, being the riparian margin.
- 5.2 Intermittent Stream B, identified for retention on the Birdwood 2 Precinct Plan, must be protected in the following manner. A minimum of 10m on the north side of the stream / wetland (or the distance to the nearest site boundary, where greater) and 10m on the south (or the distance to the Crows Road boundary, where lesser) must be kept clear of buildings, being the riparian margin.
- 5.3 The riparian margin must be planted in native vegetation in compliance with the controls for Conservation Planting (Chapter H: Auckland-wide rules»4 Natural resources»4.13 Lakes, rivers, streams and wetland management»2. Permitted Activity Controls»2.2 Conservation Planting). Any planting required will be implemented in accordance with a Council-approved landscape plan and

shall use eco-sourced native vegetation, be consistent with local biodiversity, and planted at a density of 10,000 plants per hectare

- 5.4 The native vegetation for the purpose of riparian margin protection and habitat enhancement must not be cleared, felled or removed.
- 5.5 Riparian margins must be established either side of the banks of a permanent / intermittent stream and/or wetland shown on the Birdwood 2 Precinct Plan to a minimum width of 10m measured from the bank of the stream and/or wetland, or the edge of the stream determined by the extent of the 2.3 year Mean Annual Flood (MAF) Event. This rule shall not apply to road crossings over streams. For the avoidance of doubt, planting required by 5.3 above cannot be utilised as part of any offset/environmental compensation requirements associated with works and/or structures in a stream.

## 7.6 Stormwater Quality Standards

- 6.1 For stormwater quality, development of new impervious areas greater than 50m<sup>2</sup> is a permitted activity provided that:
  - a. Buildings and structures do not consist of high contaminant yielding building materials; or
  - b. Where high contaminant yielding building materials are used stormwater runoff must be directed to an Approved Stormwater Quality Device in accordance with the permitted activity controls in Section H 4.14.3.2.1(2) of the Auckland-wide provisions; and
  - c. Stormwater runoff from other impervious areas is directed to an Approved Stormwater Quality Device in accordance with the permitted activity controls in Section H 4.14.3.2.1(1) and (3) of the Auckland-wide provisions.

## 7.7 Hydrology Mitigation Standards

- 7.1 For hydrology mitigation, development of new impervious areas (other than for a road) is a permitted activity provided that:
  - a. The new impervious area is no more than 50m<sup>2</sup>; or
  - b. The new impervious area is more than 50m<sup>2</sup> and no more than 1000m<sup>2</sup> and stormwater from the new impervious area is directed to an intermittent or permanent stream (via a network or direct discharge); and
  - c. Stormwater from the additional impervious area is managed to achieve the hydrology mitigation requirements on-site as follows:
    - i. Provide retention (volume reduction) of at least 5mm runoff depth for the impervious area for which hydrology mitigation is required; and
    - ii. 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 90<sup>th</sup> percentile, 24 hour rainfall event minus the 5mm retention volume or any greater retention volume that is achieved, over the impervious area for which hydrology mitigation is required.
  - d. Any stormwater management device or system is built generally in accordance with design specifications by a suitably qualified service provider and is fully operational prior to use of the impervious area
  - e. Any stormwater outfalls entering a stream from the piped network shall be set back from natural channels to minimize erosion, and where practicable, a vegetated conveyance swale within the floodplain shall be used to provide energy dissipation and additional interception prior to runoff entering a stream
  - f. 'as-built' plans for any stormwater management device or system are provided to council within three months of practical completion of the works
  - g. Any stormwater management device or system is operated and maintained in accordance with best practice for the device or system.
  - h. Stormwater device(s) on private land:
    - i. must be maintained by the site owner in perpetuity
    - ii. if rainwater tanks are proposed for a dwelling to achieve the retention requirements the rainwater tank must be dual plumbed to non-potable uses such as the toilet as a minimum.
- 7.2 Where the detention component of the On-site Stormwater Management rule 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.

## 7.8 Restricted Discretionary Activity Matters of Discretion

In addition to the matters of discretion for restricted discretionary activities in the underlying zone, the Council will restrict its discretion to the following additional matter:

On-site Stormwater Management: For areas unable to comply with the stormwater quality and hydrology mitigation standards, the items (a) – (d) listed under Stormwater Management – Flow in the Auckland-wide rules and whether the non-compliance occurs on sites/lots intended for affordable housing.

## 7.9 Restricted Discretionary Activity Assessment Criteria

In addition to the assessment criteria for restricted discretionary activities in the underlying zone, the Council will consider the following additional assessment criteria:

- a. On-site Stormwater Management: For impervious areas unable to comply with the stormwater quality and hydrology mitigation standards, the items (a) – (f) listed under Stormwater Management – Flow in the Auckland-wide rules; and
- b. Whether consent notices are required on the titles of new lots to ensure compliance with the on-site stormwater management requirements.

## 7.10 Subdivision Assessment Criteria

In addition to the assessment criteria outlined in Part 3, Chapter H, Section 5.4 the Council will consider the following additional assessment criteria for subdivision proposals:

### 1. Cultural and Natural Features

- a) Visual effects of significant retaining wall structures in the “Single House Zone – Transition Area” shown on the Precinct Plan should be minimised through the provision of screen planting implemented at the time for subdivision. This should be addressed for all proposed walls of 1.5m or greater in this area through provision of a comprehensively developed native landscaping regime, the width of which should measure at least the height of the retaining wall. Regard may be given to the likelihood of the wall being obscured by future houses, when any lesser solution is proposed. The species selected should be consistent with and relate to the riparian plantings selected for any open space arising from the implementation of the Indicative Open Space / Stormwater Area shown on the Precinct Plan.
- b) Subdivisions should incorporate design elements recognising the Maori and early European history of the Birdwood 2 Precinct. This may be provided and illustrated in various ways, including but not limited to; the detailed design of landmarks and drainage reserves; road names; selection of endemic riparian revegetation, and; interpretation or information boards.
- c) An entry feature or treatment should be provided generally in the location identified on the Birdwood 2 Precinct Plan.

### 2. Open Space Areas

- a) Visual effects of retaining wall structures greater than 1.5m in height in the open space areas arising from the implementation of the Indicative Open Space/Stormwater Areas shown on the Precinct Plan should be mitigated through the provision of foreground planting implemented at the time of subdivision. This may take the form of screen planting or riparian planting.
- b) Visual effects of retaining wall structures greater than 1.5m in height within 1m of a common boundary to the public open space areas arising from the implementation of the Indicative Open Space/Stormwater Areas shown on the Precinct Plan should be mitigated through the provision of planting implemented at the time of subdivision. This may take the form of screen planting or planting on or overhanging the wall, and should be contiguous with any required riparian margin planting.

### 3. Access

- a) Subdivisions should include pedestrian connections including but not necessarily limited to those shown on the Crows Road Precinct Plan.
- b) The design and development of the walkway network shown on the Precinct Plan should meet the requirements of National Guidelines for Crime Prevention Through Environmental Design (CPTED).
- c) Landscaping and planting near paths should include specimen trees able to be canopy lifted and

under-planted with low shrubbery and groundcovers to allow viewshafts for residents and pedestrians.

- d) Pathways and routes through open space areas should be provided where physically practical and safe for informal use.
- e) Whether a fair, reasonable and equitable contribution is made towards the cost of the design and construction of a pedestrian and cycling connection spanning the Birdwood reserve on the alignment of Waitemata Drive West and Waitemata Drive.

# CROWS ROAD, SWANSON - PROPOSED PRECINCT PLAN



**KEY**

- Precinct Boundary
- Indicative Roading Connections. Refer Local Road Cross Section (Figure 2)
- CROWS ROAD** Refer Crows Road Cross Section (Figure 1)
- Single House - Transition Area
- Single House
- Mixed Housing Suburban
- Indicative Open Space/Stormwater
- A B D** Intermittent Stream
- Pedestrian Connection
- No New Vehicle Access Restriction Applies
- Fencing Treatment Restrictions
- Entry Feature or Treatment
- Special Yard Rule Applies

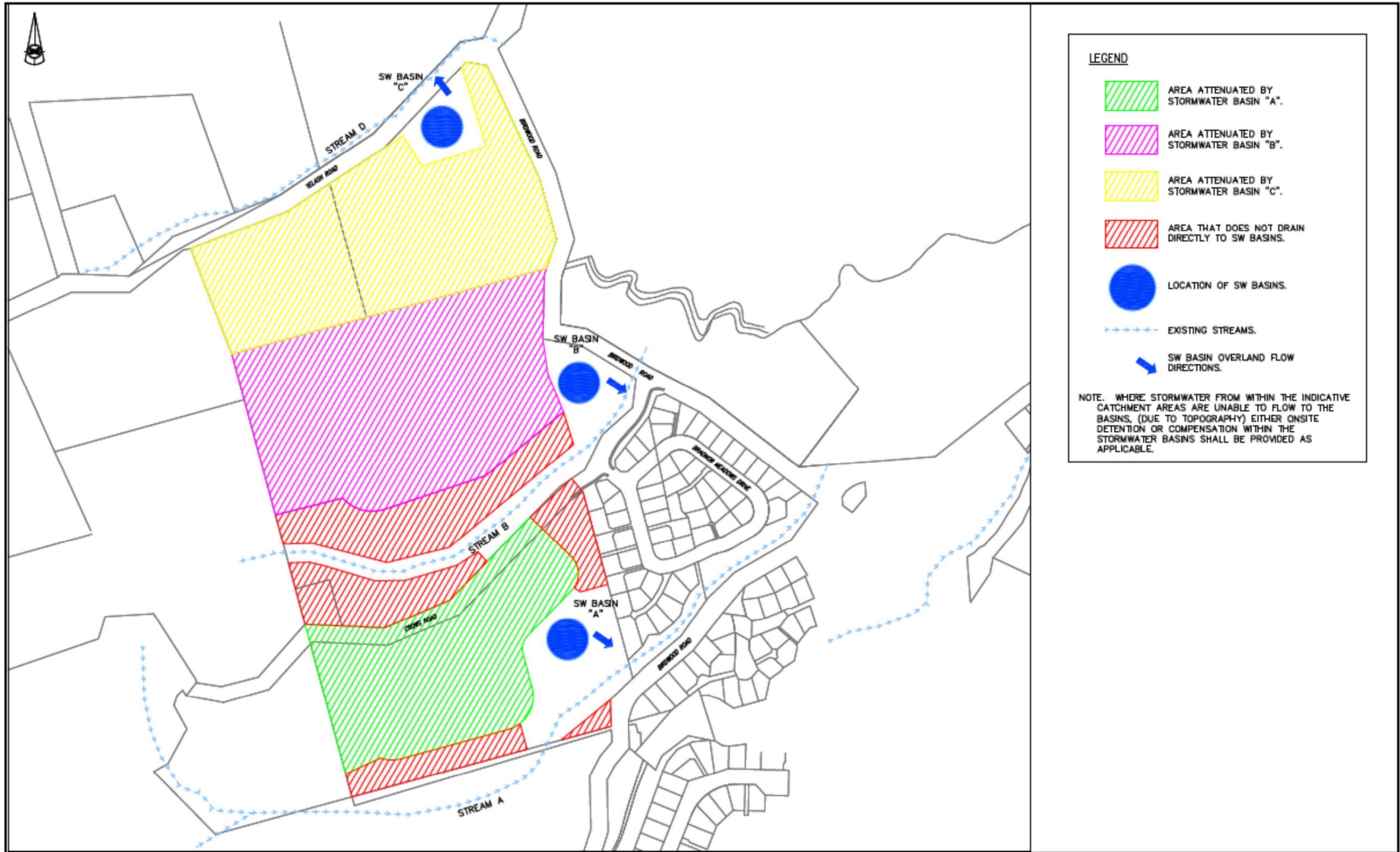
Note: For Indicative Improvements at the Waitemata Drive West/Birdwood Road/Glen Road Intersection Refer to Figure 5.

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**CROWS ROAD, SWANSON**  
**NEIL CONSTRUCTION LTD**  
 Project: 1021-135331-01  
 Date: 24 June 2016  
 Scale: 1:2,500 at A3



PRECINCT PLAN 2 – STORMWATER MANAGEMENT



**LEGEND**

-  AREA ATTENUATED BY STORMWATER BASIN "A".
-  AREA ATTENUATED BY STORMWATER BASIN "B".
-  AREA ATTENUATED BY STORMWATER BASIN "C".
-  AREA THAT DOES NOT DRAIN DIRECTLY TO SW BASINS.
-  LOCATION OF SW BASINS.
-  EXISTING STREAMS.
-  SW BASIN OVERLAND FLOW DIRECTIONS.

NOTE. WHERE STORMWATER FROM WITHIN THE INDICATIVE CATCHMENT AREAS ARE UNABLE TO FLOW TO THE BASINS, (DUE TO TOPOGRAPHY) EITHER ONSITE DETENTION OR COMPENSATION WITHIN THE STORMWATER BASINS SHALL BE PROVIDED AS APPLICABLE.

Rev	Description	By	Date
A	AC COMMENTS	CK	06/18

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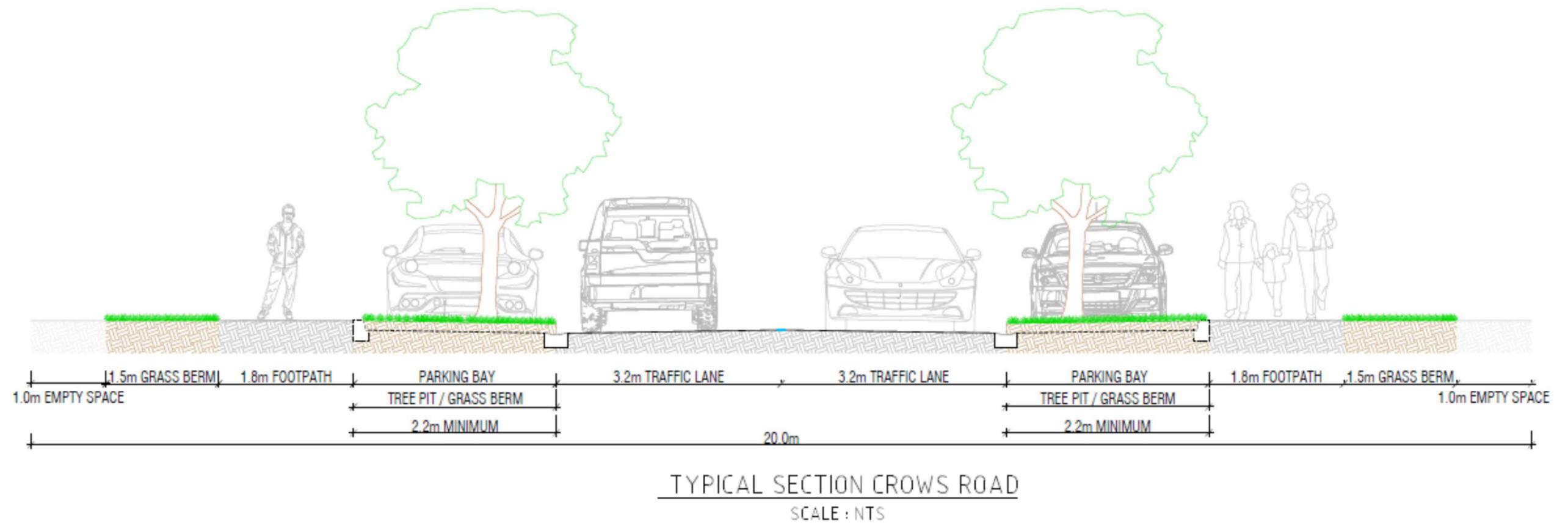
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SWANSON  
PLAN VARIATION**

Drawing Title  
**STORMWATER DRAINAGE  
STORMWATER MANAGEMENT**

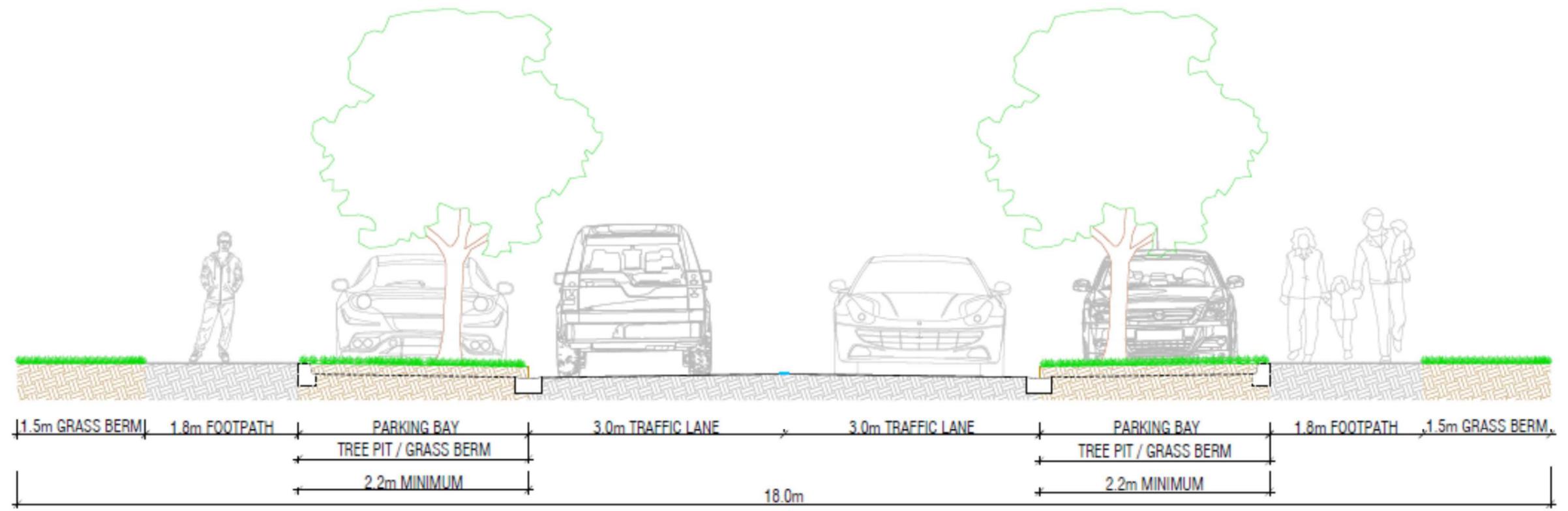
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**FIGURE 1**  
**CROWS ROAD**  
 INDICATIVE TYPICAL SECTION - NTS

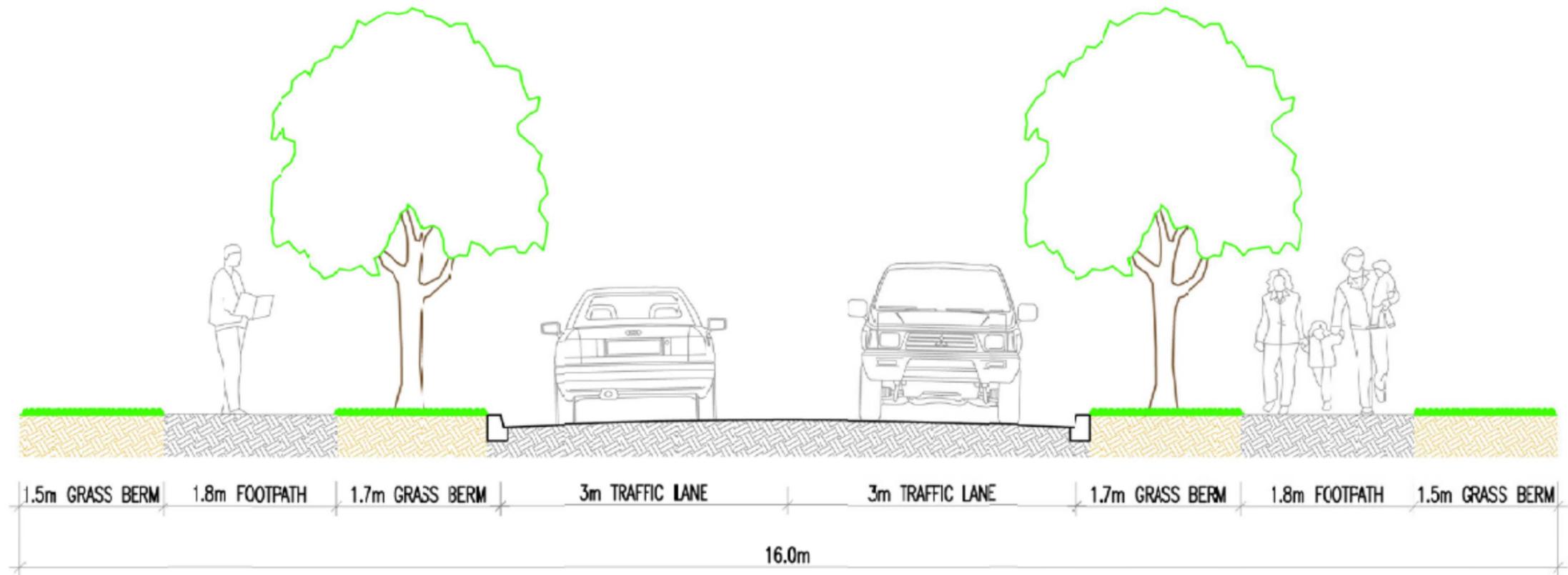


**FIGURE 2**  
**LOCAL ROAD**  
 INDICATIVE TYPICAL SECTION - NTS



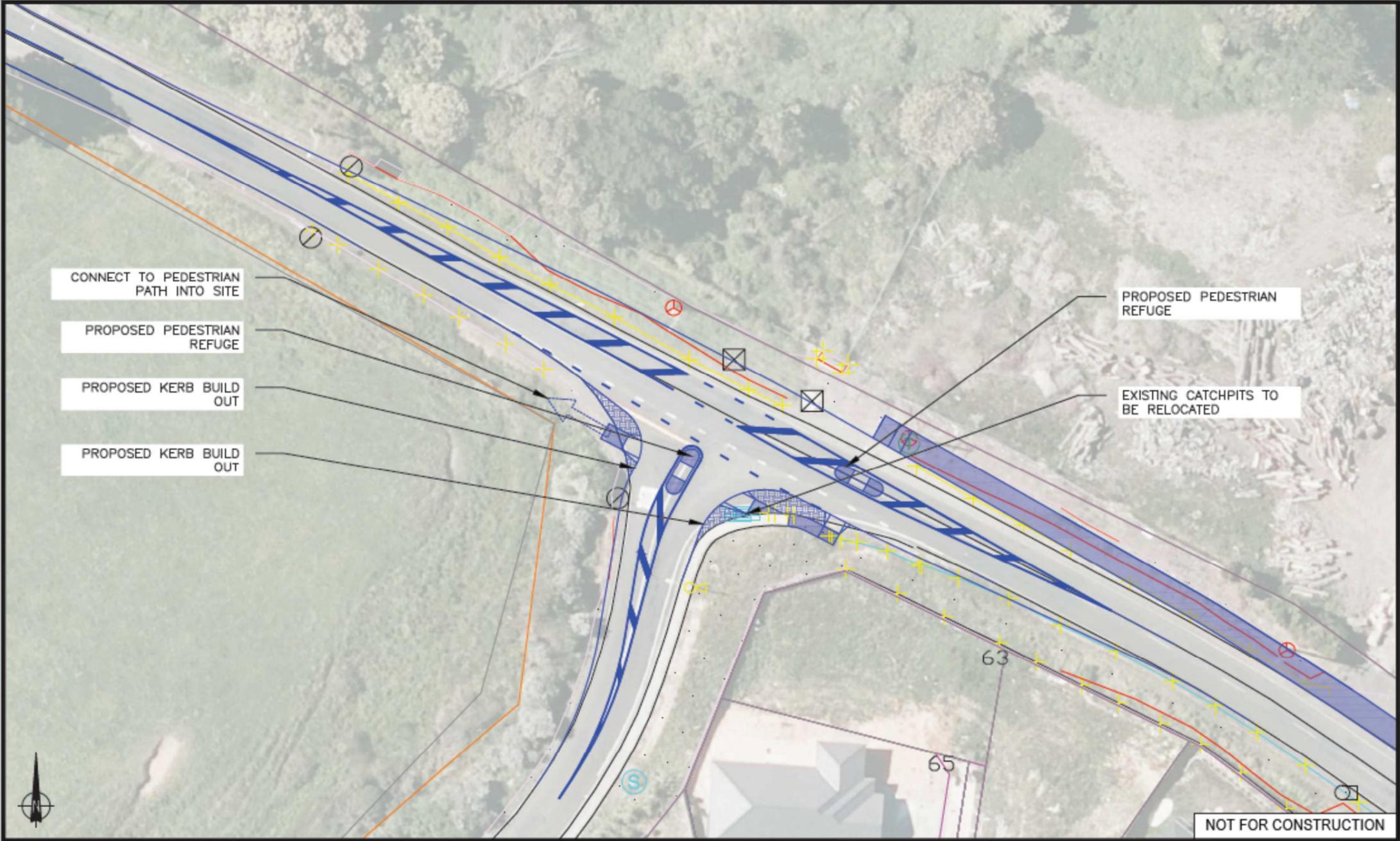
TYPICAL SECTION ROAD 3  
 SCALE : NTS

**FIGURE 3**  
**MINOR LINK ROAD**  
INDICATIVE TYPICAL SECTION - NTS

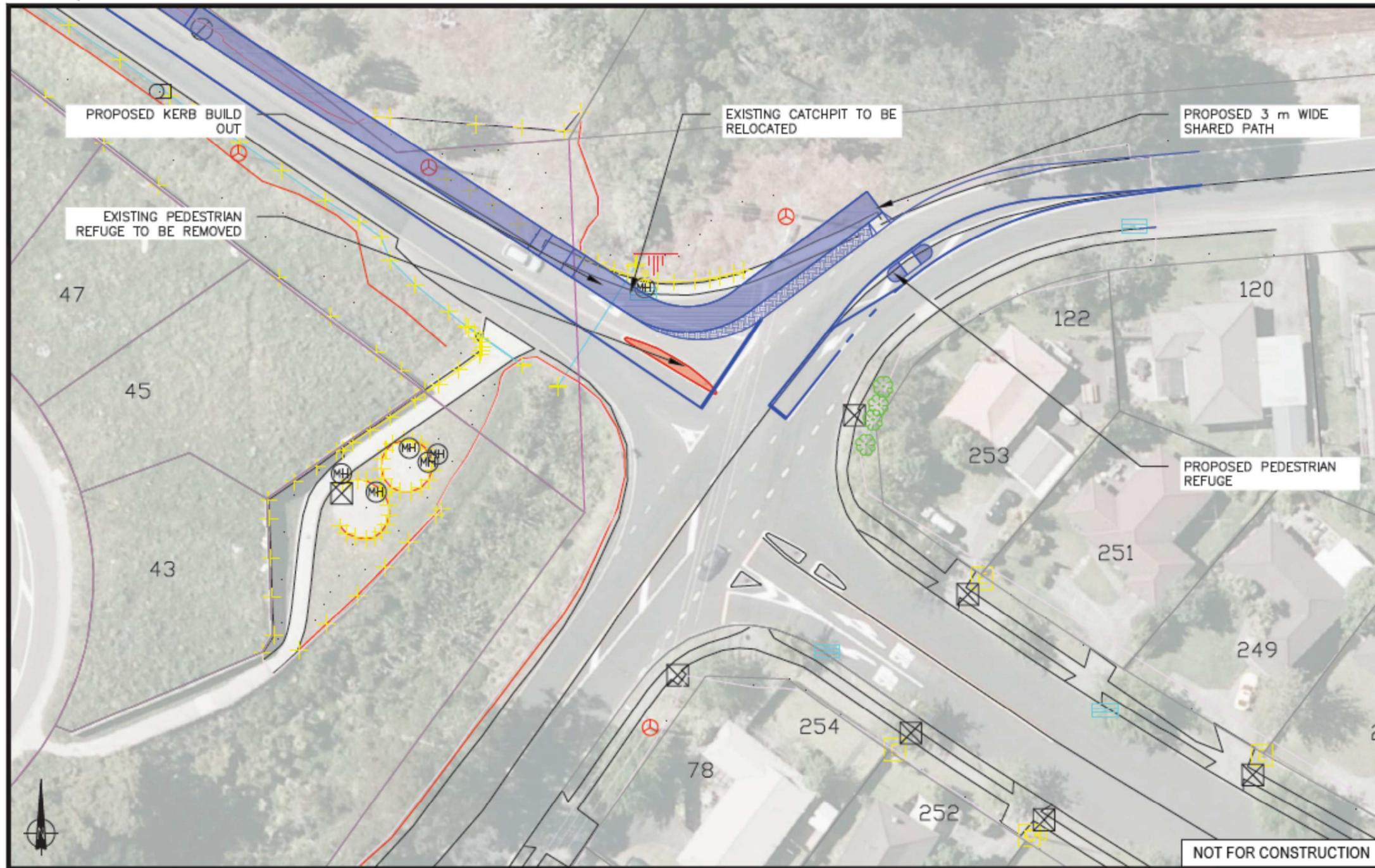


# FIGURES - ROAD CROSS SECTIONS

## FIGURE 4 CROWS/BIRDWOOD IMPROVEMENTS



**FIGURE 5**  
**BIRDWOOD/GLEN/WAITEMATA**  
**IMPROVEMENTS**





Under sections 37 and 38 HASHAA and sections 108 and 220 of the RMA, this consent is subject to the following conditions:

**General Conditions (All Stages)**

1. The subdivision for 75 residential lots, three future development super-lots with associated roads and infrastructure, including the provision of a drainage reserve shall be carried out in accordance with the plans and all information submitted with the application, detailed below and all referenced by the Council as consent number LUC 2015-1829, SUB 2015-1832 and REG 2015-1835
  - Application Form, and Assessment of Effects titled ‘*Special Housing Area – Qualifying Development Resource Consent Application and Assessment of Environmental Effects*’ prepared by Clare Covington of Harrison Grierson Consultants Ltd, dated October 2015;
  - Drawings:

<b>Drawing Number</b>	<b>Title</b>	<b>Author</b>	<b>Date</b>
428-01-SP-001 Rev F	Proposed Subdivision of Lot 2 DP 68044	<i>Neil Construction Limited</i>	June 2016
428-QD1-EW-200 Rev E	Proposed Earthworks Final Contours	<i>Neil Construction Limited</i>	May 2016
428-QD1-EW-201 Rev E	Cut Fill Contours	<i>Neil Construction Limited</i>	May 2016
428-QD1-EW-202 Rev C	Earthworks Sections	<i>Neil Construction Limited</i>	May 2016
428-QD1-EW-203 Rev B	Earthworks Sections	<i>Neil Construction Limited</i>	July 2015
428-QD1-EW-204 Rev B	Earthworks Sections	<i>Neil Construction Limited</i>	July 2015
428-QD1-EW-205 Rev E (Hearing Changes)	Proposed Retaining Walls	<i>Neil Construction Limited</i>	June 2016
428-QD1-EW-205A Rev A (Hearing Changes)	Proposed Retaining Walls	<i>Neil Construction Limited</i>	June 2016
428-QD1-EW-206 Rev D	Proposed Retaining Walls	<i>Neil Construction Limited</i>	June 2016
428-QD1-EW-206A	Proposed Retaining Walls	<i>Neil Construction</i>	June

Rev A		<i>Limited</i>	2016
428-QD1-EW-207 Rev C	Proposed Earthworks Temporary Stockpile & Construction Vehicle Movement	<i>Neil Construction Limited</i>	May 2016
428-QD1-EW-221 Rev D	Sediment Control Plan	<i>Neil Construction Limited</i>	May 2016
428-QD1-EW-222 Rev C	Erosion & Sediment Control Details	<i>Neil Construction Limited</i>	Oct. 2015
428-QD1-EW-223 Rev C	Erosion & Sediment Control Details	<i>Neil Construction Limited</i>	Oct. 2015

### Engineering Drawings

*The following detailed engineering drawings are for information purpose only and still subject to final engineering design and approval under the Engineering Plan Approval process as per Condition 23 of the consent.*

<b>Drawing Number</b>	<b>Title</b>	<b>Author</b>	<b>Date</b>
428-QD1-RD-310 Rev A	Road Longitudinal Section Existing Crows Road Realign and Rebuild	<i>Neil Construction Limited</i>	July 2015
428-QD1-RD-311 Rev A	Road Longitudinal Section Existing Crows Road Realign and Rebuild	<i>Neil Construction Limited</i>	July 2015
428-QD1-RD-312 Rev A	Road Longitudinal Section Road 3	<i>Neil Construction Limited</i>	July 2015
428-QD1-RD-313 Rev A	Road Longitudinal Section Road 2	<i>Neil Construction Limited</i>	July 2015
428-QD1-RD-315 Rev A	Roading Standard Construction Details	<i>Neil Construction Limited</i>	July 2015
428-QD1-RD-320 Rev D	Indicative Roding Layout Birdwood Road Southern Pedestrian Connection	<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-400 Rev C	Stormwater Drainage Layout Plan	<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-401 Rev C	Stormwater Drainage Layout Plan	<i>Neil Construction Limited</i>	May 2016

428-QD1-SW-402 Rev C	Stormwater Layout Plan	Drainage	<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-420 Rev C	Stormwater Stormwater Plan	Drainage Basin Layout	<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-421 Rev A	Stormwater Stormwater Basin Sections	Drainage	<i>Neil Construction Limited</i>	April 2016
428-QD1-SW-422 Rev A	Stormwater Stormwater Basin Outlet Details	Drainage	<i>Neil Construction Limited</i>	April 2016
428-QD1-SW-423 Rev A	Stormwater Stormwater Basin Outlet & Embankment Details	Drainage	<i>Neil Construction Limited</i>	April 2016
428-QD1-SW-424 Rev A	Stormwater Stormwater Basin Outlet Details	Drainage	<i>Neil Construction Limited</i>	April 2016
428-QD1-SW-425 Rev A	Stormwater Typical On-site Retention and Detention Layout	Drainage	<i>Neil Construction Limited</i>	April 2016
428-QD1-SW-451 Rev C	Stormwater Drainage EDV & 10 Year Catchments		<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-452 Rev B	Stormwater Developed Catchment	Drainage 100 YR	<i>Neil Construction Limited</i>	May 2016
428-QD1-SW-450 Rev A	Stormwater Existing Catchment Plan	Drainage	<i>Neil Construction Limited</i>	June 2015
428-QD1-WW-500 Rev D	Wastewater Layout Plan	Drainage	<i>Neil Construction Limited</i>	May 2016
428-QD1-WW-501 Rev B	Wastewater Layout Plan	Drainage	<i>Neil Construction Limited</i>	May 2016
428-QD1-WW-502 Rev B	Wastewater Layout Plan	Drainage	<i>Neil Construction Limited</i>	May 2016
428-QD1-WW-503 Rev D	Wastewater Layout Plan Offsite works	Drainage	<i>Neil Construction Limited</i>	Nov. 2015
428-QD1-WW-515 Rev A	Wastewater Standard Details Sheet 1	Drainage Construction	<i>Neil Construction Limited</i>	July 2015

428-QD1-WW-516 Rev A	Wastewater Drainage Standard Construction Details Sheet 2	<i>Neil Construction Limited</i>	July 2015
428-QD1-WW-550 Rev B	Wastewater Drainage 54 Birdwood Road Adjacent Owner Connection	<i>Neil Construction Limited</i>	July 2015
428-QD1-WS-600 Rev B	Water Reticulation Layout Plan	<i>Neil Construction Limited</i>	May 2016
428-QD1-WS-601 Rev B	Water Reticulation Layout Plan	<i>Neil Construction Limited</i>	May 2016
428-QD1-WS-602 Rev B	Water Reticulation Layout Plan	<i>Neil Construction Limited</i>	May 2016
428-QD1-WS-603 Rev A	Water Reticulation Layout Plan	<i>Neil Construction Limited</i>	July 2015
428-QD1-WS-604 Rev A	Water Reticulation Standard Construction Details Sheet 1	<i>Neil Construction Limited</i>	June 2015
428-QD1-WS-605 Rev A	Water Reticulation Standard Construction Details Sheet 2	<i>Neil Construction Limited</i>	June 2015
428-QD1-WS-650 Rev B	Water Reticulation Proposed Layout Plan Epanet Analysis	<i>Neil Construction Limited</i>	May 2016
428-QD1-LA-700 Rev B	Vegetation Clearance Plan	<i>Neil Construction Limited</i>	July 2015
Project Number 1021-135331-01	Streetscape Landscape Concept Plan	<i>Harrison Grierson Consultant Ltd</i>	24 June 2016
Project Number 1021-135331-01	Drainage Reserve Landscape Concept Plan	<i>Harrison Grierson Consultant Ltd</i>	24 June 2016
Project Number 1021-135331-01	Summary Landscape Plant Schedule	<i>Harrison Grierson Consultant Ltd</i>	24 June 2016

<b>Specialist Report</b>	<b>Title</b>	<b>Author</b>	<b>Date</b>
Traffic Report	Crows Road QD Application Transport Assessment	Flow Transportation Specialists	July 2015

Sight Distance Assessment <sup>1</sup>		Flow Transportation Specialists	9 June 2015
Infrastructure Report	Neil Construction Ltd Proposed Subdivision 10 Crows Road Qualifying Development QD 1 – Infrastructure Report		Rev G- March 2016
Design Statement	Crows Road Precinct, Swanson Qualifying Development Design Statement	Harrison Grierson Consultant Ltd	August 2015
Archaeological Assessment	Proposed Plan Change for Properties on Crows, Yelash and Birdwood Roads, Swanson, Auckland and Development of 8 Crows Road (Lot 2 DP 68044) Archaeological Assessment	Sarah Phear, Jen Low and Rod Clough of Clough & Associates Ltd	January 2014
Ecology Assessment	Crows Road Qualifying Development – Assessment of Mitigation for Reclamation of 25m of intermittent stream	Boffa Miskell	May 2015
Ecology Assessment	Stream Classification	Boffa Miskell	May 2015
Stormwater Management Plan	Crows Road Special Housing Area Stormwater Management Plan	Harrison Grierson Consultant Ltd	May 2016

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<sup>1</sup> Dated June 2015 but provided as part of the applicant's reply

Geotechnical Report	Neil Construction Limited Residential Subdivision at 10 Crows Road Swanson Geotechnical Investigation Report GENZSILV17237-AA	Coffey Geotechnics (NZ) Ltd	June 2015
Contamination Report	Preliminary Site Investigation (PSI) for Properties at Yelash Road, Crows Road and Birdwood Road, Swanson	Geosciences Ltd	December 2013
Chemical Treatment Management Plan	Chemical Treatment Management Plan Neil Construction Limited Crows Road Swanson	Babington & Associates (2004) Limited	May 2015
Street Tree Strategy	Crows Road Street Tree Strategy	Harrison Grierson Consultant Ltd	August 2015
Construction Management Plan	Retaining Wall 2 Construction Management Plan	Neil Construction Ltd	27 June 2016

### Monitoring Charges

2. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.
3. The \$1,500.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

**Advice Note:**

*Compliance with the consent conditions will be monitored by the Council (in accordance with section 35(d) of the RMA). The initial monitoring charge is to cover*

*the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the resource consent have been met, will the Council issue a letter on request of the consent holder.*

#### **Lapse of Consent – LUC 2015-1829 and SUB 2015-1832**

4. Under section 51 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 (section 125 of the RMA), this consent lapses two years after the date it is granted unless the consent is given effect to or the Council extends the period after which the consent lapses.

**Advice Note:**

*This timeframe is deemed acceptable as the level of works proposed would be anticipated to take two years from the date of granting consent.*

#### **Duration of Consent**

5. The regional consent REG 2015-1835 shall expire two years from the date it has been granted unless it has been surrendered or cancelled at the earlier date.

#### **PRE-DEVELOPMENT CONDITIONS**

##### **Pre-construction Meeting**

6. Prior to the commencement of the construction or earthworks activity, the consent holder shall hold a pre-construction meeting that:
  - (a) is located on the subject site;
  - (b) is scheduled not less than 5 days before the anticipated commencement of earthworks;
  - (c) includes the Senior Compliance Advisor - Project, Practice and Resolutions (**PPR**);
  - (d) includes the engineer/s to the contract; and
  - (e) includes representation from the contractors who will undertake the works.

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

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan
- Chemical Treatment Management Plan
- Traffic Management Plan
- Retaining Wall 2 Construction Management Plan

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-construction meeting please contact the Senior Compliance Advisor - Project, Practice and Resolutions, on [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392.*

**Tree Protection**

7. Prior to the construction of retaining walls within Lots 62-74, a temporary protective fencing shall be erected under the supervision of the Council's arborist, to ensure the tree and vegetation on the neighbouring site adjacent to Lots 62-74 is isolated from the working areas.

**Chemical Treatment Management Plan**

8. Prior to the commencement of earthworks at the site, an updated Chemical Treatment Management Plan ("CTMP") shall be submitted for the written approval of the Senior Compliance Advisor - Project, Practice and Resolutions. The plan 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.

**Advice Note:**

*In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA (or s52 of HASHAA). Any minor amendments should be provided to the Senior Compliance Advisor prior to implementation to confirm that they are within the scope of this consent.*

**Erosion and Sediment Control Certification**

9. Prior to the commencement of earthworks, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Senior Compliance Advisor - Project, Practice and Resolutions to certify that the erosion and sediment controls have been constructed in accordance with the approved erosion and sediment control plans as specified in **Condition 1** of this consent.

Certified controls shall include the, Sediment Retention Ponds, Decanting Earth Bunds, Cleanwater Diversions, and Silt Fences. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. 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.

**Advice Note:**

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 52 of the HASHAA (section 127 of the RMA).*

### **Road and Traffic Management**

10. Prior to the commencement of the earthworks or construction activity on the subject site, a Traffic Management Plan (“**TMP**”) shall be prepared by a qualified Site Traffic Management Supervisor and submitted for approval by the Senior Compliance Advisor. No earthworks or construction on the subject site shall commence until confirmation is provided from the Council that the TMP is satisfactory and any required measures referred to in that plan have been put in place. The TMP shall ensure that the following matters are included at a minimum:
  - (a) the control of the movement of earthmoving vehicles to and from the site;
  - (b) a designated haulage route on the public roading network for heavy vehicles accessing the site;
  - (c) signage proposed to warn pedestrians and road users of heavy vehicle movements;
  - (d) measures to ensure that any mud, dirt or debris tracked on to the surrounding roads by heavy vehicles accessing the site is avoided and/or cleaned up if it occurs; and
  - (e) any restrictions on the hours of site access due to traffic concerns.

**Advice Note:**

*It is the responsibility of the applicant to seek approval for the TMP from Auckland Transport if it is required. Please contact Auckland Transport on (09) 355 3553 and review [www.beforeudig.co.nz](http://www.beforeudig.co.nz) before you begin works.*

### **Dust Management**

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

**Advice Note:**

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

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

### **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 subject site. All materials and equipment shall be stored within the subject site's boundaries.

### **No deposition of soil or debris on roads**

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

#### **Advice Note:**

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

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

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

*It is recommended that you discuss any potential measures with the 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 - Project, Practice and Resolutions to arrange this meeting at [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392. for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

### **Decanting Earth Bunds**

14. All Decanting Earth Bunds (“DEBs”) utilised during earthworks shall be designed to ensure that they:
- (a) have a minimum three percent storage capacity, being at least three cubic metres of impoundment volume for every 100m<sup>2</sup> of contributing catchment;
  - (b) have a level invert and two layers of geotextile covering and pinned securely to the emergency spillway to prevent erosion; and
  - (c) use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment.

All DEBs shall be chemically treated in accordance with the CTMP required under **Condition 8**.

**Advice Note:**

*The DEBs required should be constructed in accordance with Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

**Erosion and Sediment Controls**

15. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in **Condition 1** shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

**Stabilisation**

16. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.
17. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Senior Compliance Advisor - Project, Practice and Resolutions.

**Advice Note:**

*The earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:*

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 50% 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 to arrange this meeting at [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392 for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

### **Abandonment of the Earthworks**

18. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor - Project, Practice and Resolutions.

#### **Advice Note:**

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

- the use of mulching
- top-soiling, grassing and mulching of otherwise bare areas of earth
- aggregate or vegetative cover that has obtained a density of more than 50% of a normal pasture sward

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Senior Compliance Advisor [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392 for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.*

### **Seasonal Restrictions**

19. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Senior Compliance Advisor - Project, Practice and Resolutions to arrange this meeting at [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392, at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

### **Discovery Protocol**

20. If any unrecorded historic heritage sites (being any site that meets the RMA definition of historic heritage) are exposed as a result of any activity associated with this consent then these sites shall be recorded within the Council's Cultural Heritage Inventory by the project archaeologist/ historic heritage expert.

## Noise

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

## Construction Hours

22. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and/or earthworks activity on the subject site shall therefore be restricted to between the following hours to comply with this standard:
- Monday to Saturday: 7:30a.m. to 7.00p.m.
  - Sundays or Public Holidays: no works

## Engineering Plan Approval

23. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to section 45 of the HASHAA and section 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 Principal Development Engineer - Project, Practice and Resolutions for approval. Details of suitably qualified and experienced 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 the information regarding the following engineering works:

(a) Earthworks

- Earthworks and any retaining walls in accordance with the Geotechnical Investigation Report; including the detailed design of Wall 1 in accordance with Condition 39.

**Advice note:**

*Building consent approval for specifically designed retaining walls enabling land development before retaining wall construction.*

- Design and location of any counterfort and/or subsoil land drainage required and the proposed ownership and maintenance of the counterfort and/or subsoil land drainage.
- Finalised Chemical Treatment Management Plan and Construction Traffic Management Plan.

(b) Roading

- A Stage 3 Road Safety Audit shall be submitted for the extent of works proposed on Birdwood Road / Glen Road intersection, Birdwood Road between Glen Road and Crows Road, and Crows Road from Birdwood Road intersection to its southern /western extent. The latter shall include the proposed threshold treatments, and any supporting infrastructure that has been installed beyond the extent of the SHA site. The Road Safety Audit is recommended to be undertaken by an independent and suitably qualified traffic engineer. Any serious or significant concerns identified in the Road Safety Audit will need to be addressed by the consent holder. All costs shall be payable by the consent holder.
- Detailed design of all roads (including Crows Road) to be vested in the Council including: intersections, parking bays, cycling routes, pedestrian accessway (Lot 200), footpaths. All roads shall be designed in accordance with the Crows Road Precinct Provisions and the Auckland Transport Code of Practice. Detailed design of the pedestrian refuge islands on the eastern intersection of Crows Road and Road 3 and on Birdwood Road to the pedestrian crossing within Lot 300. A 'bespoke' pedestrian crossing / differential pavement shall be included at the eastern intersection of Crows Road and Road 3 which can signal entry to the Precinct and address safe crossing of the pedestrians from north to south
- Detailed design of 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) shall be designed in accordance with the Auckland Transport Code of Practice.
- Design and location of the threshold treatment on Crows Road at the western extent of the SHA. This shall include undertaking speed surveys and/or ball bank gauge tests where appropriate. This may include locating devices beyond the extent of the southern/western extent of the SHA.
- The design and location of traffic calming devices on Crows Road. This shall take into account the speed environment in the vicinity of chainage 540 i.e. the horizontal bend on Crows Road.
- Design and location of traffic calming devices on Road 3 in accordance with the Auckland Transport Code of Practice.
- Detailed design of the Southern intersection of Road 3 / Crows Road. The design shall be designed to comply with geometric design standards for crest curves.
- Details of the 'No Stopping At All Times' lines to be marked on the carriageway between chainage 500 and 520 as a minimum.
- Detailed design to accommodate the widened 1.8m footpath between Birdwood Road and Crows Road chainage 160.

**Advice Note:**

*Any permanent traffic and parking changes within the road reserve (including speed restrictions and broken yellow lines) as a result of the development will require Traffic Control Committee (TCC) resolutions. The applicant, at their cost, will need to engage a qualified traffic engineer to carry out the consultation with the affected landowners (if any) and prepare the resolution report for the TCC approval in order to legalise any proposed changes to:*

- *The design of the JOAL Lot 400.*

- *The design and location of vehicular access for Lot 78 to ensure it is located in the optimum location on the Birdwood Road frontage.*

(c) Services

- Details of any services to be laid including pipes and other ancillary equipment to be vested in Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.
- Details of any proposed upgrades of the existing water supply, stormwater and wastewater systems and approval from the relevant utility owner of the asset(s).
- 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.
- Approval from the Council's Stormwater Unit and Watercare Services Limited for any structure located within 2 metres of a pipe or manhole.
- Information relating to electrical or telecommunication reticulation including ancillary equipment.

(d) Stormwater

- Detailed design of the stormwater detention basin in accordance with the Auckland Council Code of Practice for Land Development – Chapter 4: Stormwater (“CoP”).
- Detailed design of the stormwater reticulation network including pipes and other ancillary equipment in accordance with the Council's CoP. Where the design deviates from the CoP, commentary shall be provided explaining the reason for deviation and any additional operational or maintenance implications.
- Stormwater from all road reserve impervious areas must be directed to at source bio-retention devices designed and sized to accommodate stormwater runoff from the road reserve and achieve retention (volume reduction) of 5mm runoff.
- The design of the stormwater network shall include details of the outlets in Wall 2 and methods to avoid erosion effects beyond the site boundary.
- Stormwater detention and 100yr flood detention basins shall be designed to mitigate the peak runoff back to the pre-development peak flow rates for the catchment they are proposed to manage.
  - The sizing of the basins shall make an allowance for those parts of the stages that cannot be routed through the basins and ensure the peak flows at the lower boundary for the 100yr event are limited to the pre-development peak flow rates.
  - The stormwater basins shall also achieve detention (temporary storage) of 17mm of runoff with a drain down period of 24 hours for all impervious areas that drain to them. This volume shall be contained within the smallest practical area and should be planted with appropriate species to discourage access.

(e) Overland Flowpath

- The overland flow path to service the surrounding roads shall be designed to the satisfaction of Council's Principal Development Engineer - Project, Practice and Resolutions. Detailed engineering plans and calculations showing the location, depth, width and velocity of overland flow paths ("OLFPs") through and within the site are required and shall be provided in accordance with the following standards:
  - The OLFPs and ponding areas must be able to cope with flows assuming cess pits are 100% blocked plus any flows from adjacent land from a 1% AEP storm event without causing nuisance and damage;
  - The contours surrounding the flow paths must be designed and constructed to channel the excess flow into the overland flow paths;
  - The overland flow paths should be located on roads and access ways;
  - Calculation and designs shall show compliance with the Council's CoP. Where there is a deviation from this standard, it shall be noted and reasons given for this deviation; and
  - Where these OLFPs pass adjacent or through private residential lots, consent notices (and easements if necessary) shall be placed on the private titles requiring minimum floor levels based on the flood depth plus freeboard requirements of the PAUP and the Council's CoP.

**Landscape Planting Plan (Street Tree)**

24. A detailed Streetscape Landscaping Planting Plan and material palette will be submitted for the approval of the Team Leader, Parks Consent Planning including all planting, trees, landscape works and lighting proposed within the streetscape and pedestrian accessways in conjunction with the engineering plans. In particular, the plans shall:
- (a) Be prepared by a suitably qualified landscape architect;
  - (b) Be in accordance with the drawing titled 'Streetscape Landscape Concept Plan' dated 18 August 2015 prepared by Harrison Grierson;
  - (c) Illustrate the location of street lights, service access points, and underground services noting that street trees should be planted a minimum of 5 metres from street lights and 2 metres from other service boxes;
  - (d) Provide tree pit details;
  - (e) Comply with the Auckland Council Code of Practice;
  - (f) Show shrub species to be planted at 400mm from footpath edges;
  - (g) Provide entry features; and
  - (h) Limit the use of street garden planting due to ongoing maintenance requirements.

## Landscape Planting Plan (Drainage Reserve)

25. Final Landscape Planting Plans for planting on the proposed drainage reserve (Lot 300), shall be prepared by a qualified landscape architect and submitted for approval in conjunction with the engineering plans. The Landscaping Plan shall be generally in accordance with the Streetscape Landscape Concept Plan and Drainage Reserve Landscape Concept Plan approved under **Condition 1** including the soft landscape works (i.e. the species and sizes of trees/vegetation) and hard landscape works (e.g. footpath, bridge and pavement.) within the reserves and shall demonstrate that the species proposed are suitable and appropriate with regards to the purpose of the proposed reserves. The Landscape Planting Plan shall provide the landscape planting details adjacent to Lot 62, and along the southern edge of Lots 63-74, to screen the proposed retaining wall.
26. The riparian planting adjacent to the stream channel shall be designed in accordance with Auckland Council Riparian Planting guidelines. The Planting Plan shall follow best practice methodology, provide for eco-sourced species, and have regard to the local biodiversity, and will include measures suitable to integrate any infrastructure device into the environment (e.g. infill planting of rip-rap). The selection of species shall be consistent with the predicted ecosystem(s) for this location, and have regard to the long-term successional trajectory of the expected ecosystem type.
27. A Maintenance Plan for all planting to be established shall be included. The Maintenance Plan shall include:
  - (a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies for the first two years of the issue of the consent by an appointed contractor with arboriculture experience; and
  - (b) Weed and pest management plan specifying how existing weed populations and pest animals are to be controlled within Lot 300. The consent holder shall control all existing weed infestations and control all pest animals within in accordance with, but not limited to the approved Weed and Pest Animal Control Plan to the satisfaction of the Council's Senior Compliance Advisor - Project, Practice and Resolutions.

### **Advice Note:**

*Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of the Council's Senior Compliance Advisor or similar position.*

## SUBDIVISION CONDITIONS

### *All stages*

#### **Maintenance of Landscaping with Street and Reserve**

28. All soft and hard landscape works (including street planting, rain gardens and landscape works within the drainage reserve) shall be established in accordance with the approved Landscape Planting Plan to be satisfaction of the Team Leader, Parks Consent Planning prior to the issue of the section 224(c) application (section 46 of the HASHAA) for the associated stages.
29. All soft landscape works (including street planting and soft landscape work within drainage reserve but excluding the riparian planting within 10m from the bank of the stream) will be maintained by the consent holder for two years in accordance with the Council's Planting and Lawn Specifications from the issue of Practical Completion Certificate by the Team Leader, Parks Consent Planning. The Practical Completion must be provided as part of the section 224(c) application (section 46 of the HASHAA).
30. The consent holder will be responsible for any defects relating to any hard landscape features within the drainage reserve for a period of 12 months following the issue of Practical Completion of landscape works by the Team Leader, Parks Consent Planning. A provisional defects meeting is to be held between the Parks Department and consent holder prior to the end of the 12 month period to confirm defects, if any. The Practical Completion Certificate for all hard landscape features must be provided as part of the section 224(c) application (section 46 of the HASHAA).
31. Any riparian planting within 10m from the bank of the stream located within Lot 300 shall be established in accordance with the approved Landscape Planting Plans and shall be maintained for five years or until 75% canopy closure, and/or plant coverage, has occurred and a minimum survival rate of the plants (being 90% of the original density through the entire planting area(s)) has been achieved. The five year period shall commence once the completion report has been approved by council. Plant maintenance includes the ongoing replacement of plants that do not survive. All invasive weeds and animal pests shall be controlled in accordance with the Weed and Pest Animal Control Plan both at the time of initial planting and any replacement planting if required and on an ongoing basis.

#### ***Advice Note:***

*If there are any uncompleted works the Parks Specialist may agree these can be completed following section 224(c) and will be noted on the Practical Completion. A bond will be required by the council for any uncompleted works.*

32. In accordance with section 108(2)(b) RMA, the consent holder shall pay to the Council a refundable maintenance bond in respect of the maintenance of soft landscape works under **Condition 29** prior to the issue of a certificate under section 224(c) RMA for the particular stage. The maintenance bond will be held for a period of two years from practical completion of the works. The amount of the bond will be 1.5 times the contracted rate for maintenance.
33. In accordance with section 108(2)(b) RMA, the consent holder will pay to the Council a refundable maintenance bond in respect of the maintenance of hard landscape works under **Condition 30** prior to the issue of a certificate under section 224(c) RMA for the Stage 1. The maintenance bond will be held for a period of 12 months from practical completion of the works. The amount of the bond will be 1.5 times the contracted rate for maintenance of the hard landscape works.
34. In accordance with section 108(2)(b) RMA, the consent holder will pay to the Council a refundable maintenance bond in respect of the maintenance of riparian planting under **Condition 31** prior to the issue of a certificate under section 224(c) RMA for Stage 1. The maintenance bond will be held for a period of five years from practical completion of the works or until the Council is satisfied that Condition 31 is satisfied. The amount of the bond will be 1.5 times the contracted rate for maintenance of the riparian planting as per Condition 31.
35. The consent holder will provide certified as built plans in DWG and PDF as part of the section 224(c) application (section 46 of the HASHAA) for all trees, planted areas, grassed areas, and all hard structures and must be certified for as built purposes.

### **Retaining Walls, Fencing & Landscape Planting**

36. All retaining walls shall be constructed in accordance with the approved Engineering Plans. Any ancillary and supporting structures (e.g. post, rail and subsoil drain) of a retaining wall shall be clear of the proposed lot boundary immediately parallel to the wall.
37. Wall 1 shall be no more than 1.5m in height along the northern boundary of Lots 57-60 to reduce the shading and dominance effects on site.
38. Any fences over 1.5m in height on or adjacent to Wall 1 shall be 50% visual permeable to minimise the overshadow effects on Lots 57-60. The fencing plan shall be submitted for Council approval prior to the establishment of the fencing.
39. Wall 2 and its supporting structures shall be located entirely within the boundary of Lots 62-75.
40. A certificate from a licensed cadastral surveyor shall be provided certifying the compliance with this requirement at the lodgement of the survey plan for approval.

## **Street Naming**

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

### **Advice Note:**

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

## **Geotechnical Completion Report**

42. A Geotechnical Completion Report by a suitably qualified and experienced engineer shall be provided to Council with the section 224 application. The report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site. The report shall also provide as-built information regarding earthworks, retaining walls and subsoil drainage.

## **Roading**

43. All proposed roads (including Crows Road, the pedestrian refuge islands on Crows Road and Birdwood Road and accessway Lot 200) and ancillary facilities such as street lighting, and traffic calming devices if any, marking, street sign, and street furniture to be vested in the Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, Project, Practice and Resolutions.
44. An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in the Council have been constructed in accordance with the approved Engineering Plans shall be provided in support of the section 224 application (section 46 of the HASHAA).
45. All RAMM as-built plans and data for the new roads shall also be provided with the section 224(c) application (section 46 of the HASHAA). 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.

46. A report from a suitably qualified and registered electrician shall be supplied with the section 224(c) application (section 46 of the HASHAA). The report shall certify that all street lightings have complied with the relevant safety standards and that they are connected to the network and are operational.
47. In accordance with section 108(2)(b) RMA, the consent holder shall pay to the Council a refundable bond in respect of its contribution to a future pedestrian and cycle connection spanning the Birdwood reserve on the alignment of Waitemata Drive West and Waitemata Drive and modifications to the pedestrian and cycle path on Waitemata Drive West. The bond shall be held for a period of three (3) years from the commencement of the Stage 1 QD site works. The amount of the bond is \$128,000 (calculated at \$1,640 per lot, times 78 lots) and is based on a 13% cost share of \$3,406,000, divided by 270 lots expected within the overall Birdwood 2 Precinct. The bond shall be held for no more than three (3) years.

### **Wastewater Connections**

48. The consent holder shall provide and install a complete public wastewater system to serve all lots in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision to the satisfaction of the Council.
49. Individual wastewater connections to the proposed public wastewater systems for each residential lot at sufficient depth to service the lowest point within the lot boundary (excluding restricted building areas) shall be provided in accordance with the approved Engineering Plans. Where the public wastewater connection cannot be provided to service the lowest point on the Lot, specify the minimum floor level in terms of LINZ datum required to achieve gravity drainage (floor level to be a minimum of 1.2 metres above the invert of the public drain at the connection point).
50. One wastewater connection to the proposed public wastewater systems for the super lots (Lots 44, 57 and 60) at sufficient depth to service the lowest point within the lot boundary (excluding restricted building areas) shall be provided in accordance with the approved Engineering Plans.
51. An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be provided in support of the section 224(c) application pursuant to section 46 of the HASHAA.
52. Video inspections of all public wastewater pipes as-built plans for all public and individual private wastewater lines shall be supplied with the section 224(c) application pursuant to section 46 of the HASHAA.
53. A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for each residential lot shall be provided in support of the section 224(c) application.

## **Water Supply**

54. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer - Project, Practice and Resolutions.
55. 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 pursuant to section 46 of the HASHAA.
56. Individual water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans.

### ***Advice Note:***

*Ducting of water connections is recommended where they cross driveways.*

57. One water supply connection to the proposed public water supply system for the super lots (Lots 44, 57 and 60) at the lowest point within the lot boundary shall be provided in accordance with the approved Engineering Plans.
58. An Engineering Completion Certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited shall be provided in support of the section 224(c) application pursuant to section 46 of the HASHAA.
59. As-built plans for all public and individual private water supply lines and a certificate from Watercare Services Limited confirming that separate water supply connections have been provided for each residential lot shall be supplied with the section 224(c) application pursuant to section 46 of the HASHAA.

## **Fire Hydrants**

60. Fire hydrants shall be designed, provided and installed within 135m of the furthest point on any property 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 Council for approval via Engineering Plans.

61. The consent holder shall undertake a comprehensive hydrant flow test result to confirm or otherwise that the existing public water supply system can meet the fire flow requirement for the development as stipulated in the NZFS COP; and domestic supply can meet the minimum 250 kPa residual pressure at the proposed connection to the public main.
62. Evidence of undertaking the hydrant flow test and compliance with the standards above shall be provided with the section 224 application.

### **Network Utility Services**

63. Individual private connection to the underground reticulation of electricity and telecommunication services to the boundary of each lot shall be provided and installed to the satisfaction of the appropriate network utility providers.
64. One power and telecommunication connection to the proposed power and telecommunication systems shall be provided for the super lots (Lots 44, 57 and 60) within the lot boundary.
65. Certificates from the network utility providers and certified 'as-built' given locations of all plinths, cables and ducts shall be supplied to the Senior Compliance Advisor - Project, Practice and Resolutions as part of the section 224 application, pursuant to section 46 of the HASHAA.

### **Public Stormwater Reticulation System**

66. 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 Senior Compliance Advisor - Project, Practice and Resolutions.
67. Individual private stormwater connections to proposed public stormwater systems for each lot at sufficient depth to service the lowest point within the boundary (excluding restricted building areas) shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the Senior Compliance Advisor - Project, Practice and Resolutions.
68. One stormwater connection to the proposed public stormwater system for the super lots (Lots 44, 57 and 60) at sufficient depth to service the lowest point within the lot boundary (excluding restricted building areas) shall be provided in accordance with the approved Engineering Plans.
69. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved Engineering Plan and the Auckland Council Code of Practice for Land Development and Subdivision – Chapter 4: Stormwater shall be provided in support of the section 224(c) application pursuant to section 46 of HASHAA.

70. 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 pursuant to section 46 of the HASHAA.

**Advice Note:**

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

**Overland Flow Path**

71. In the event that overland flow path easement is required, the easement instrument shall be prepared by the Council's solicitor at the cost of the consent holder. The easement shall state that:
- (a) The owner of the lot is responsible to maintain the overland flow path in its approved states and to prevent it from becoming a danger or nuisance;
  - (b) The owner is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments to prevent free flow of water;
  - (c) No buildings, earthworks, solid walls, fences or other impediments shall be placed within any easement areas in such a manner that it would alter or divert the flow of flood waters unless approval from the Council is obtained; and
  - (d) The owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.
72. As-built survey plan of the overland flow paths and recommended minimum finished floor levels for all private lots within or adjacent to and overland flow path shall be submitted to the Council in support of the section 224(c) application pursuant to section 46 of HASHAA. Such information shall be prepared by a licensed cadastral surveyor or suitably qualified and experienced engineer professional.

**Resolutions**

73. The consent holder shall submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices. A copy of the Resolution from the Traffic Control Committee shall be submitted with the lodgement of the application for the certificate pursuant to section 224(c) of the RMA and section 46 of HASHAA.

**Consent Notice – Geotechnical**

74. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of any residential lots which are recommended specific engineering investigation or design as outlined in the Foundation Completion Report required by **Condition 42** to ensure that the conditions stated in said report shall be complied on a continuing basis.

## Consent Notice – Minimum Floor Levels

75. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of any residential lots which a recommended a minimum finished floor level for any buildings as outlined in the stormwater evidence required by **Condition 72** to ensure that these levels are to be complied with on a continuing basis.
76. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of any residential lots where the public wastewater connection cannot be provided to service the lowest point on the Lot as outlined in **Condition 49**. The consent notice shall specify the minimum floor level in terms of LINZ datum required to achieve gravity drainage (floor level to be a minimum of 1.2 metres above the invert of the public drain at the connection point).

**In addition to Conditions 1-76, all conditions below shall also be met to the satisfaction of Auckland Council prior to the issue of the section 224(c) certificate pursuant to section 46 of the HASHAA for the associated stages.**

### Stage 1

#### Land Transfer Plan

77. Within two years of the decision of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 223 of the RMA (section 45 of HASHAA). The survey plan shall be general in accordance with the approved subdivision plans in **Condition 1** of the consent and the following requirements:
- A certificate from a licensed cadastral surveyor that any retaining wall to retain a residential lot and its ancillary and supporting structure is clear of the proposed lot boundary immediately parallel to the wall;
  - Lot 300 shall be vested in the Council as a Local Purpose Reserve (Drainage Reserve);
  - Lot 100 shall be vested in the Council as a public road;
  - Where these OLFPs pass adjacent or through private residential lots, an overland flow path easement should be duly granted and reserve; and
  - As-built plans and details to confirm that all services/structures are entirely within the easements to be created.

#### Drainage Reserve Completion Certificate

78. The stormwater detention basin shall be constructed in accordance with these approved engineering details to the satisfaction of the Principal Development Engineer - Project, Practice and Resolutions. The consent holder is responsible to maintain the stormwater detention basin for a period of 12 months following the vesting of the stormwater detention basin to the Council.

79. In accordance with section 108(2)(b) RMA, the consent holder will pay to the Council a refundable maintenance bond in respect of the maintenance of stormwater detention basin. The maintenance bond will be held for a period of 12 months from vesting of the stormwater basin in the Council. The amount of the bond will be 1.5 times the contracted rate for maintenance of the stormwater basin.
80. A completion certificate and certified 'as built' from a suitably qualified engineer shall be supplied to the Council as part of the section 224 application, pursuant to section 46 of the HASHAA.

#### Operation and Maintenance Manual for the Stormwater Management Devices

81. The consent holder shall prepare an Operation and Maintenance Manual for the drainage reserve and any associated stormwater devices which form part of the network and the associated soft and hard landscaping work on Lot 300, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the management of the stream channel. The Operation and Maintenance Manual shall be submitted to the Principal Development Engineer - Project, Practice and Resolutions for approval. The Operation and Maintenance plan is to include, but not be limited to:
- (a) a detailed technical data sheet;
  - (b) all the requirements as defined within the latest Auckland Council Technical Publications and Guidance Documents;
  - (c) all the requirements as defined within regional discharge consent or subsequent variations;
  - (d) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices and the creation of the appropriate legal mechanism to ensure this in perpetuity;
  - (e) a programme for regular maintenance and inspection of the stormwater system;
  - (f) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
  - (g) a programme for post storm maintenance;
  - (h) a programme for inspection and maintenance of outfall erosion;
  - (i) general inspection checklists for all aspects of the stormwater system, including visual check of stream channel, wetlands and outfalls structure;
  - (j) a programme for inspection and maintenance of vegetation associated with the stormwater devices i.e. riparian planting;
  - (k) recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas; and
  - (l) a programme for maintenance of the soft and hard landscaping work within the reserve.

#### Consent Notice - Fencing adjacent to walkway and drainage reserve

82. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of Lots 6, 7, 8 and 78, to ensure that the following conditions are to be complied with on a continuing basis:

- (a) *Any fencing/planting on the boundary immediately on or adjacent to the boundary with the public accessway or to drainage reserve vested in Council shall be no more than 1.5m high and shall be have a minimum of 50 percent of the entire structure that is visually permeable to provide adequate surveillance to the public accessway and reserves. The owner(s) of this lot shall thereafter maintain the fence in perpetuity. Close-boarded fencing on the boundary immediately adjacent to the reserves or between that boundary and any dwelling/building on the lot is prohibited.*
- (b) *Any vegetation/planting or structure between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to have a maximum height of no more than 1.5 metre at any time.*

#### Consent Notice – Fencing and landscaping on Retaining Walls

83. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of Lots 47-54 to ensure that the following condition are to be complied with on a continuing basis:
- (a) *Any fencing higher than 1.5m in height on or adjacent to the retaining wall shall have a minimum of 50% visual permeable to minimise the adverse shadow effects on Lots 57-60.*

#### Consent Notice – Landscaping

84. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of Lot 78 to ensure that the following condition are to be complied with on a continuing basis:
- (a) *The existing vegetation within the front yard facing Birdwood Road shall be retained with the exception of trimming or pruning of trees or maintenance replanting and any area required for driveway access. This is to maintain the existing screening that vegetation of this lot provides in screening views from Birdwood Road (south) to retaining wall 2.*

#### Consent Notice – Affordability Criteria

85. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificate of Title of Lots 44 to ensure that the future development and subdivision of this lot shall provide at least six affordable dwellings on each super lot, in accordance with Criteria A of the affordability criteria set out in Schedule 3D of the Housing Accords and Special Housing Areas (Auckland) Order 2013 Crows Road Special Housing Area dated 31 July 2014.

#### **Advice Note:**

*This QD application is granted for the creation of 75 vacant residential lots with 3 super lots that may potentially to yield 93 residential dwellings in total. Only 9 affordable dwellings would be required for this QD to meet the Affordable Criteria A. The super lots would provide 18 affordable dwellings in total. The surplus of 9 affordable dwellings could be used for the future residential development at 1-9 and 11 Crows Road. If less residential dwellings/ lots are created/constructed then the number of dwellings*

*required to be affordable may reduce. Further discussions with the Council must be undertaken by the consent holder if this is anticipated.*

*When Lots 44, 57 and 60 are further developed or subdivided, a new consent notice or covenant will then be registered against the relevant certificates of title of affordable dwellings to replace this consent notice.*

*These new consent notices or covenants will then cease to have effect 3 years after the date of the transfer of title to the first purchasers.*

### Consent Notice – Stormwater Devices

86. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of all residential lots to ensure that the following conditions are to be complied with on a continuing basis:
- (a) For Lots 9-55:
    - (i) *Stormwater runoff from any new impervious areas must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff.*
    - (ii) *The owner(s) must operate, monitor and maintain the stormwater management system in accordance with the approved Operation and Maintenance Manual which shall be provided to the Council for approval at the specific design stage (at building consent) and must not modify or remove the system without the express written permission of the Council. The approved Operation and Maintenance Manual shall be in accordance with the generic template approved under this consent.*
  - (b) For Lots 1 – 8 and 78:
    - (i) *Stormwater runoff from all impervious areas must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff **plus** detention (temporary storage) of 17mm of runoff with a drain down period of 24 hours.*
    - (ii) *The owner(s) must operate, monitor and maintain the stormwater management system in accordance with the approved Operation and Maintenance Manual which shall be provided to the Council for approval at the specific design stage (at building consent) and must not modify or remove the system without the express written permission of the Council. The approved Operation and Maintenance Manual shall be in accordance with the generic template approved under this consent.*

## **Stage 2**

### Land Transfer Plan

87. Within two years of the decision of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 45 of HASHAA (section 223 of the RMA). The survey plan shall be general in accordance with the approved subdivision plans in **Condition 1** of the consent and the following requirements:

- (a) A certificate from a licensed cadastral surveyor that any retaining wall to retain a residential lot and its ancillary and supporting structure is clear of the proposed lot boundary immediately parallel to the wall;
- (b) Lot 101 shall be vested in Council as a public road;
- (c) Where these OLFPs pass adjacent or through private residential lots, an overland flow path easement should be duly granted and reserve;
- (d) That Lot 400 (Legal Access) be held as to four undivided on-fourth shares by the owner of Lots 73-76 as tenants in common in the said shares and that individual computer register be issued in accordance therewith; and
- (e) As-built plans and details to confirm that all services/structures are entirely within the easements to be created.

#### Jointly Owned Access Lot

- 88. Lot 400 shall be formed, paved and drained in accordance with the approved Engineering Plans to the satisfaction of the Council's Principal Development Engineer - Project, Practice and Resolutions.
- 89. An Engineering Completion Certificate certifying that the Jointly Owned Access Lots has been constructed in accordance with the approved Engineering Plans shall be provided in support of the section 224 application for the associated stages.

#### Consent Notice – Fencing and landscaping on Retaining Walls

- 90. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificate of Title of Lot 62 to ensure that the following conditions are to be complied with on a continuing basis:
  - (a) *Any fencing on the retaining wall adjacent to the drainage reserve shall have a minimum of 50% of the entire structure that is visual permeable to provide surveillance to the reserve. The owner(s) of this lot shall thereafter maintain the fence in perpetuity. Close-boarded fencing on the boundary immediately adjacent to the reserves or between that boundary and any dwelling/building on the lot is prohibited.*
  - (b) *Any vegetation/planting or structure between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to have a maximum height of no more than 1.5 metres at any time.*

#### Consent Notice – Fencing and landscaping on Retaining Walls

- 91. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of Lots 57-60 to ensure that the following condition is to be complied with on a continuing basis:
  - (a) *Any fencing higher than 1.5m in height on or adjacent to the retaining wall shall have a minimum of 50% visual permeable to minimise the adverse shadow effects on Lots 57-60.*

### Consent Notice – Stormwater Devices

92. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of all residential lots to ensure that the following conditions are to be complied with on a continuing basis:
- (a) For Lots 56-61 and 75-77:
    - (i) *Stormwater runoff from any new impervious areas must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff.*
    - (ii) *The owner(s) must operate, monitor and maintain the stormwater management system in accordance with the approved Operation and Maintenance Manual which shall be provided to Council for approval at the specific design stage (at building consent) and must not modify or remove the system without the express written permission of Auckland Council. The approved Operation and Maintenance Manual shall be in accordance with the generic template approved under this consent.*
  - (b) For Lots 62-74:
    - (i) *Stormwater runoff from all impervious areas must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff **plus** detention (temporary storage) of 17mm of runoff with a drain down period of 24 hours.*
    - (ii) *The owner(s) must operate, monitor and maintain the stormwater management system in accordance with the approved Operation and Maintenance Manual which shall be provided to Council for approval at the specific design stage (at building consent) and must not modify or remove the system without the express written permission of Auckland Council. The approved Operation and Maintenance Manual shall be in accordance with the generic template approved under this consent.*

### Consent Notice – Affordability Criteria

93. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be entered into against the Certificates of Title of Lots 57 and 60 to ensure that the future development and subdivision of this lot shall provide at least six affordable dwellings on each super lot, in accordance with Criteria A of the affordability criteria set out in Schedule 3D of the Housing Accords and Special Housing Areas (Auckland) Order 2013 Crows Road Special Housing Area dated 31 July 2014.

#### **Advice Note:**

*This QD application is granted for the creation of 75 vacant residential lots with 3 super lots that may potentially to yield 93 residential dwellings in total. Only 9 affordable dwelling would be required for this QD to meet the Affordable Criteria A. The super lots would provide 18 affordable dwellings in total. The surplus of 9 affordable dwellings could be used for the future residential development at 1-9 and 11 Crows Road. If less residential dwellings/ lots are created/constructed then the number of dwellings*

*required to be affordable may reduce. Further discussions with the Council must be undertaken by the consent holder if this is anticipated.*

*When Lots 44, 57 and 60 is further developed or subdivided, a new consent notice or covenant will then be registered against the relevant certificates of title of affordable dwellings to replace this consent notice.*

*These new consent notices or covenants will then cease to have effect 3 years after the date of the transfer of title to the first purchasers.*

## **Advice Notes**

1. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*
2. *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](http://www.aucklandcouncil.govt.nz).*
3. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify the Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) and include the following details:*
  - *name and telephone number of the project manager and the site owner;*
  - *site address to which the consent relates;*
  - *activity to which the consent relates; and*
  - *expected duration of works.*
4. *The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve the Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of the Council.*