

## **Decisions following the hearing of concurrent applications for a variation to the Proposed Auckland Unitary Plan and a qualifying development under the Housing Accords and Special Housing Areas Act 2013**

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### **Subject**

Application for a variation (Plan Variation 15) to the Proposed Auckland Unitary Plan under section 61, and an application for a qualifying development resource consent under section 25, of the Housing Accords and Special Housing Areas Act 2013 by Karaka and Drury Consultant Ltd for the approved Bremner Road Special Housing Area at 121 Bremner Road, 132 Bremner Road, 138 Bremner Road, 144 Bremner Road, 160 Bremner Road, 207 Bremner Road, 213 Bremner Road, 229 Bremner Road, 235 Bremner Road, 241 Bremner Road, 245 Bremner Road, 249 Bremner Road, 251 Bremner Road, 253 Bremner Road, 259 Bremner Road, 260 Bremner Road, 263 Bremner Road, 269 Bremner Road, 312 Bremner Road, 322 Bremner Road, 330 Bremner Road, 31 Burberry Road, and 37 Burberry Road.

The Qualifying Development by Karaka and Drury Consultant Ltd for vacant lot subdivision of 51 residential lots, including the provision of an esplanade reserve, drainage reserve, with associated roads, infrastructure, landscaping and earthworks at 109R, 121, 132 & 160 Bremner Road and 31 Burberry Road.

The hearing was held 27 July 2016 at Manukau.

Pursuant to Section 61 of the Housing Accords and Special Housing Areas Act 2013, Proposed Plan Variation 15 to the Proposed Auckland Unitary Plan is APPROVED SUBJECT TO MODIFICATIONS.

Pursuant to Section 25 of the Housing Accords and Special Housing Areas Act 2013, resource consent for the qualifying development application (Council references JSL/2016/1855 and REG/2016/1856) is GRANTED.

The full decisions are set out below.

### **Accord Territorial Authority Hearings Panel of Independent Commissioners:**

Barry Kaye (Chair)

Kitt Littlejohn

Murray Kay

### **Council Officers and Technical Advisers**

Alina Wimmer – Lead Project Planner, Masterplanning

Ila Daniels – Lead Project Planner

Chris Butler – Principal Urban Design

### **For the Applicants**

Simon Berry and Helen Andrews – Counsel

Charles Ma - Applicant

Ian Munro – Urban design

Mark Tollemache - Planning

### **For Submitters**

None present.

## **Decisions of the Commissioners**

### **Introduction**

These decisions follow a public hearing of concurrent applications made on behalf of Karaka and Drury Consultant Ltd under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for a variation to the Proposed Auckland Unitary Plan (PAUP) and a qualifying development (QD) resource consents to facilitate the Bremner Road Special Housing Area (SHA) at Drury. Ultimately this development will provide for approximately 1,350 dwellings with 51 proposed for the first qualifying development.

The Bremner Road SHA was approved as part of the Auckland Council's tranche 6 and 9 special housing areas and formally established by an Order in Council in August 2015 and February 2016 respectively. The applications under consideration in these decisions are confined to the approved SHA site.

The proposed Plan Variation (PV) seeks to re-zone 84.62ha of land from Future Urban Zone to a combination of Terrace Housing and Apartment Building, Mixed Housing Urban, Mixed Housing Suburban, and Local Centre zones and establishing the Drury 1 Precinct.

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

Maximum number of storeys that buildings may have:	6
Maximum calculated height that buildings must not exceed:	27 metres
Minimum number of dwellings to be built:	50, for developments on land zoned Future Urban in the proposed Auckland combined plan; or
Percentage of dwellings that must be affordable dwellings:	For developments relating to 15 or

more dwellings only —

(a) 10%, according to criteria A; or

(b) 5%, according to criteria B.

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

Section 71 of the HASHAA requires that when concurrent PV and resource consent applications are heard together, a decision on the variation must be made before any decision on the resource consent can be made (mainly because the zoning of the land and/or classification of some of the proposed activities could change if the variation is approved). We confirm that is the process we have followed both in making our decision and in the recording of it.

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

In the same manner the Council planners' report prepared by Ms Wimmer and Ms Daniels of the Development Project Office (DPO) addressed the applications with, where appropriate, a combined commentary and assessment of certain issues. For convenience we refer to their combined document as "the Council's report".

The applications along with the reasons for them were described in considerable detail in the application materials and again in some depth in the Council's report. As a result it is not necessary for much of that detail to be repeated except to the extent that it relates directly to the issues under discussion. Avoiding duplication has also aided us in releasing the decisions in accordance with the relatively short timetables imposed by the HASHAA.

## **The site and surrounding area**

Chapter 2.2 of the combined report helpfully describes the general locality and area of the site as follows:

The Bremner Road SHA area is bordered by Drury Creek in the north, southern motorway to the east SH22 (Karaka Road) to the south and Jesmond Road to the west. The site is largely gently rolling terrain, with coastal frontage to the upper estuary reach of Drury Creek. The current land use is rural, lifestyle blocks and horticulture.

The land is characterised by flat to gently rolling pastoral landform, extending down towards the coastal and estuarine edge. To the north of Bremner Road the land is predominantly flat and elevated approximately 5m above sea level. Land on the southern side of Bremner Road is typically more undulating and more elevated to a height of approximately 10-15m. Two permanent watercourses dissect the pastoral land, both originating within the site and flowing north towards the coastal edge.

To the east of the SHA, on the eastern side of the Ngakoroa Stream, is the elevated corridor of the Southern Motorway (SH1), comprising a strong linear feature with its associated near continuous movement of vehicles. The linear corridor of the motorway is also reinforced by the double alignment of the high voltage transmission line corridor, which runs almost in parallel with the motorway before traversing the Ngakoroa Stream, the eastern part of the site before crossing the Drury Creek north towards the Otahuhu substation.

Bremner Road provides the main direct east-west access through the site from Drury and the Drury industrial area via the motorway overbridge and the Ngakoroa Stream bridge to the area of rural residential development to the south of Drury Creek.

## **The proposals**

### **PV15**

The proposed PV seeks to re-zone 84.62ha of land from Future Urban Zone to a combination of Terrace Housing and Apartment Building, Mixed Housing Urban, Mixed Housing Suburban, and Local Centre zones and establishing the Drury 1 Precinct.

It is proposed to vary the underlying PAUP zones to:

- Retail including dairies in the Terrace Housing and Apartment Buildings zone would change from a restricted discretionary activity in PAUP to become a non-complying activity in the precinct
- The activity table provides for a single circuit electricity overhead line up to and including 110kV within roads and unformed roads
- The precinct introduces a new rule related to a performance standard for treatment of stormwater from impervious areas excluding roads.
- Activities that are unable to comply with the stormwater performance standard are a restricted discretionary activity.
- The density provisions of the underlying Mixed Housing Suburban zone are altered to allow for an average density of 200m<sup>2</sup> per dwelling where a parent site has a minimum net site area of 1000m<sup>2</sup> and a 20m wide frontage
- No density limits apply for four or more dwellings in the Mixed Housing Urban zone where a parent site has a minimum net site area of 1000m<sup>2</sup> and the site has a 20m wide frontage
- Affordable housing provisions are introduced that “carry across” the HASHAA provisions and are intended to apply to qualifying developments made after HASHAA expires

PV15 also introduces specific development controls that apply to the precinct only:

- Introduces a new rule on building height that provides for a maximum building height of 8m with the ability for 50% of a building's roof elevation (pitched roof) to reach a height of 9m
- Varies the height in relation to boundary control from the underlying zone to allow for zero lot boundaries
- Varies the minimum yards by providing for 8m rear yards, or part of a building up to 5m in height within the rear yard provided that it is no closer than 3m from the rear boundary. The rear yard does not apply to a building up to a height of 7m where the site adjoins a rear lane (access lot).
- Maintains the riparian and coastal protection yards at 10m
- Provides for 40 percent building coverage for sites over 400m<sup>2</sup> net site area and 50 per cent building coverage for sites 400m<sup>2</sup> or less
- Introduces a new rule that creates a maximum impervious site area of 70%
- Reduces the dwellings fronting the road control to reduce front façade glazing from 30% to 20%
- Alters the garages rule to allow for 50% of the width of the front façade of a dwelling to be taken up by the garage and no garage on the road frontage for rear lane development
- Introduces a vehicle access rule that requires rear lane development for sites fronting a road with a 3m shared footpath or infringements are a non-complying activity
- Introduces a development control for stormwater management with a related performance standard i.e. provide for retention (volume reduction) and detention (temporary storage) of stormwater from impervious surfaces
- Introduces a new maximum building height of 11.5m for the Mixed Housing Urban zone
- Introduces a new height in relation to boundary controls that creates zero lot lines except for those parts of the building that are within the 8m rear yard, 55 degrees for north boundaries, 45 degrees for east or west boundaries and 35 degrees for southern boundaries
- No more than two gable end/dormer roof projects are allowed for every 6m length of the site boundary
- The front, side yard, riparian and coastal protection yards are the same as in the underlying Mixed Housing Urban zone except that there is an 8m rear yard. The new rear yard rule allows a single storey building (or part of the

building) up to 5m in height within the rear boundary so long as it is no closer than 3m from the rear boundary.

- Introduces a new maximum impervious area control of 70 per cent
- Provides for 40 percent building coverage for sites over 400m<sup>2</sup> net site area and 50 per cent building coverage for sites 400m<sup>2</sup> or less
- There is a new minimum landscaped area rule that provides for landscaping for a minimum of 30% of the net site area, with at least 50% of the front yard comprised of landscaped area
- Alters the garages rule in the Mixed Housing Urban zone to allow for 50% of the width of the front façade of a dwelling to be taken up by the garage and no garage on the road frontage for rear lane development
- Introduces a vehicle access rule that requires rear lane development for sites fronting a road with a 3m shared footpath and makes infringements a non-complying activity
- The subdivision rules provide for development in accordance with the precinct plan or in accordance with an approved or concurrent subdivision and land use consent as a restricted discretionary activity
- Vacant lot subdivision in all residential zones requires a minimum site size of 325m<sup>2</sup> where there is a minimum front site width of 12.5m or more
- Vacant lot subdivision with a minimum site size of 260m<sup>2</sup> where the site has a minimum front width of 10-12.49m, and the alternative front site is complied with, and the site's frontage is not to a road on the north-west to north-east boundary
- There are no minimum site sizes where subdivision is proposed as part of an integrated land use consent or to subdivide an approved land use consent for a residential development
- Introduces a lot/site size dimension table
- There is a new rule on "movement network" that specifies a maximum block length and perimeter, establishes road cross-sections
- Duplicates site access and stormwater management rules from the land use control section into the subdivision section
- Provides for 10m riparian margin planting of 10,000 plants per ha
- Cross-references to the Order in Council affordable housing provisions applying to applications containing 15 or more vacant sites or dwellings.

- The precinct also includes specific controls, an activity table, notification and subdivision controls related to the electricity transmission corridor

Further details of what is sought are contained in the PV15 application.

### QD

A description of the proposed works is set out in full in Section 1.0 of the *Qualifying Development (QD) subdivision and associated works* (hereafter referred to as the AEE) prepared by Mr Mark Tollemache and Ms Fion Tang, with the Subdivision and Engineering Plans and Design Statement contained in Appendices 1 of the QD.

The proposed QD application for land use, subdivision and a discharge consent at 109R, 121, 132 & 160 Bremner Road and 31 Burberry Road, Drury. Consent is sought for the following:

At 31 Burberry Road, 132 and 160 Bremner Road, the principal site for the QD, the following works are sought:

- The scheme includes 51 vacant residential lots ranging in size from 260m<sup>2</sup> to 2,133m<sup>2</sup> with a balance lot of 1.16ha. The total lots being “affordable dwellings” are five which equates to 10% with rounding. The proposal seeks consent for two access lots as well, being Lots 301 and Lots 302.
- A 1.03ha esplanade reserve (Lot 100) and a local purpose recreation reserve (Lot 101) are provided along the coastal edge. This esplanade has a minimum width of 20m and is topped up to slightly more in width by the local purpose recreation reserve lot. The esplanade will be planted out in accordance with the landscape concept to be agreed by Council Parks and Ecologist. All these works will be completed by the applicant at no cost to Council.
- Five internal roads will be vested within Council, being Road 22, 23, 26, 27 and 28 (Lot 300). Road 22 is the principal access road in the development with Roads 23, 26 and 27 providing future access points to the western parts of the plan variation area.
- The new internal roading network has been designed in accordance with the PV cross sections with footpaths, on-street parking bays, rain gardens, vehicle crossings, street trees and street lighting on both sides.
- Bulk earthworks across the site provide for a cut to fill volume of 38,000m<sup>3</sup> over an area of 6.9ha. This quantum includes the minor earthworks at 31 Burberry Road, 121 and 160 Bremner Road. The earthworks sought do not take into account or rely on the works under the bulk earthworks consent being given effect to, but each are instead standalone consents. The agent Mr Mark Tollemache has advised that they would not be giving effect to both and that the bulk earthworks consent is largely required for tendering reasons.
- The provision of internal pipe network for the site for both storm water, water and waste water. This network would connect into the bulk supply points for waste and water being delivered by the other consents identified in section 1.4 of the report.

- It is noted that the AEE identifies that a temporary three day water supply storage was sought at 31 Burberry Road on the scenario that the network to Hingaia had not yet been completed. This storage would have required the installation of four tanks (11m dia x 6m high) on a concrete platform with a small pump station. However, Mr Mark Tollemache has since confirmed that this is now not required nor sought as part of the application.
- Given no Network Discharge Consent (NDC) currently exists for the catchment a private stormwater discharge consent is sought for the storm water flows from the new network including the provision of two new outlets within the esplanade reserve discharging to Ngakaroa Stream. The proposal also includes the creation of a new drainage lot (Lot 102).

It is also intended to undertake works at 121 Bremner Road, being:

- Undertake upgrading and widening works within Bremner Road which will include the vesting of additional land (Lot 100) for road reserve and a balance lot for 121 Bremner Road. There is a separate Scheme Plan for this subdivision.
- The earthworks required for the works within the existing road reserve of Bremner Road and within 121 Bremner Road for the widening works are 5,923m<sup>2</sup>, with a cut of 2,513m<sup>3</sup> and fill of 1,550m<sup>3</sup>.

It is also intended to undertake works at 109R Bremner Road (existing esplanade reserve), being:

Earthworks over 365m<sup>2</sup> and 700m<sup>3</sup> fill to create a gradual batter from Bremner Road into the esplanade reserve. Please note that the AEE has included a right of entry approval from the Franklin Local Board.

## **Notification and Submissions**

Limited notification of proposals under the HASHAA is required by each of sections 67 and 29. The proposal (both PV and QD) was limited notified on the 16 May 2016 and submissions closed on 16 June 2016.

At the close of the initial submission period, a total of 21 submissions were received. There were no late submissions.

No submissions opposed the application, twenty submissions were in support and one submission was neutral. These are summarised in the combined report.

Counties Power gave notice on 21/7/2016 that it was withdrawing its submission.

Hong Yue (235 Bremner Road) gave notice on 18/7/2016 that it was withdrawing the amendments sought to the PV, and was now in support of the application.

Transpower New Zealand indicated it would not attend the hearing and tabled a written statement seeking that their suggested Condition (a) be included in the QD conditions and advising that the applicant did not oppose that relief. This matter was confirmed at the hearing by the applicant and the documentation updated accordingly.

## **Council Report Issues Identified**

Ms Wimmer identified in the Combined Report a number of amendments to the PV. It was put to us that the amendments identified in that report, subject to the agreement reached between Ms Wimmer and Mr Tollemache for the applicant, were accepted by the applicant and recommended by Ms Wimmer. The upshot of that is there were no issues between the parties in respect of the Plan Variation provisions in the final version as recommended by Ms Wimmer and agreed to by the applicant.

## **The proposed variation to the PAUP**

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

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

The purpose of the HAASHA is stated in section 4 to be to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1 to that Act, identified as having housing supply and affordability issues. That provision can be taken to have been satisfied by the fact that this SHA has been approved and the application for the variation has been made. The evidence satisfied us that the proposed Mixed Housing Urban, Mixed Housing Suburban, Terrace Housing and Apartment Building and Local Centre zoning is appropriate for the location and will provide for a variety of housing forms, including higher density development around the local centre, which will increase the potential yield of this land. Consequently it is not necessary for us to discuss section 4 further.

Part 2 of the RMA encompasses the purpose and principles of that statute in sections 5 to 8. Section 5 sets out the Act's purpose, namely the promotion of sustainable management as that expression is defined in section 5(2). Section 6 requires that all persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources are to recognise and provide for seven matters of national importance, which are listed.

We have found that requirement satisfied by the proposed variation (and the related QD application) making express provision for riparian management and avoiding development that would serve to detract from their importance. Furthermore, provision is made for both enhancement of the streams and their margins and for pedestrian and cycle access alongside them.

In section 7 other matters are to be paid 'particular regard' and these include: the efficient use and development of natural and physical resources; maintenance and enhancement of amenity values; any finite characteristics of natural and physical resources; and the intrinsic values of ecosystems. We confirm that we have paid particular regard to those matters in reaching our decision.

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

## **Principal issues in contention**

As reported to us by legal counsel for the applicant, no issues in contention remain between Mr Tollemache and Ms Wimmer. The amendments agreed between the planners were included in Attachment 1 to Mr Tollemache's evidence. After having heard from both the applicant and the Council's officers at the hearing we did not identify any other matters that were an issue or a matter that needed further discussion therefore we concluded that the joint position of the parties was an appropriate basis upon which we could make our decision.

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

We have concluded that the purpose of the HASHAA is satisfied by the variation provisions as modified by Ms Wimmer and Mr Tollemache.

We have taken account of Part 2 in the course of reaching our decision. Overall we have found that the variation, as modified, meets the purpose of the RMA in section 5 as well as the matters to which regard must be paid, or may be paid, in sections 6 to 8 of the Act. The proposed Precinct development provides for the sustainable use of the land and enables a net environmental benefit in terms of riparian and stream protection and enhancement. Open space areas have been planned as an integral part of the development and will benefit the health and wellbeing of the new community. Use of transport modes is actively encouraged by the proposal, and walking and cycling are promoted by the provisions. The views of tangata whenua have been incorporated, particularly in the stormwater management and water design provisions (but not limited to those).

## **Decision on the plan variation application**

### *Application for Variation 15 to the Proposed Auckland Unitary Plan*

At the conclusion of hearing the evidence in relation to PV15 the Commissioners adjourned and deliberated. On reconvening the Chair delivered an oral decision approving PV15 and the reasons for that decision noting that the full decision would be provided in writing as soon as possible.

The application to vary the Proposed Auckland Unitary Plan by Karaka and Drury Consultant Ltd within the Bremner Road SHA made under section 61 of the Housing Accords and Special Housing Areas Act 2013 is **ACCEPTED WITH MODIFICATIONS**

pursuant to section 71. The Plan provisions shall be deemed operative on the date of public notice of this decision (section 73 HASHAA) for the land identified in Appendix 2 of the Plan Variation application as follows:

<b>Property Address</b>		<b>Legal Description</b>			
121	Bremner Rd	Lot	2	DP	119463
132	Bremner Rd	Lot	9	DP	166291
138	Bremner Rd	Lot	1	DP	376355
144	Bremner Rd	Lot	1	DP	37093
160	Bremner Rd	Lot	Pt 9	DP	12364
169	Bremner Rd	Lot	1	DP	119463
207	Bremner Rd	Lot	2	DP	113113
207	Bremner Rd	Lot	3	DP	113113
213	Bremner Rd	Lot	1	DP	113113
229	Bremner Rd	Lot	1	DP	168112
235	Bremner Rd	Lot	2	DP	168112
241	Bremner Rd	Lot	1	DP	188360
245	Bremner Rd	Lot	1	DP	198792
249	Bremner Rd	Lot	4	DP	102261
251	Bremner Rd	Lot	5	DP	102261
253	Bremner Rd	Lot	1	DP	102261
259	Bremner Rd	Lot	2	DP	99330
260	Bremner Rd	Lot	8	DP	12364
263	Bremner Rd	Lot	1	DP	132199
269	Bremner Rd	Lot	2	DP	132199
312	Bremner Rd	Lot	1	DP	94117
322	Bremner Rd	Lot	1	DP	164625
330	Bremner Rd	Lot	1	DP	371107
31	Burberry Rd	Lot	10	DP	166291
37	Burberry Rd	Lot	2	DP	376355

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

The submissions lodged on the variation are accepted.

The reasons for this decision are:

- (a) Overall the proposed plan variation supports an efficient use of land within the RUB, and the structure planning that has occurred for this Special Housing Area indicates that if the site is re-zoned it will enable a mix of housing, including affordable housing, to be developed. The re-zoning fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and housing supply.
- (b) The plan variation provides for net benefits in the context of Part 2 of the RMA in terms of creating parks, some employment in the local centre, additional residential land, and restoring and enhancing stream margins and habitat. The cultural impact assessments did not raise any significant issues in relation to the

proposed provisions, and no items of historic heritage have been identified for protection. The changes made to the Precinct and zoning diagrams will provide for better land use and transport integration.

- (c) Relevant section 74 - 77D RMA matters have been taken into account in reaching this decision.
- (d) Other matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan, and the variation incorporates only those matters considered necessary or appropriate to tailor solutions for this site - such as additional access and transport provisions, provisions governing overhead transmission lines, and changes to aid interpretation.
- (e) For the avoidance of doubt, we have found that the modified provisions will give effect to the National Policy Statement on Electricity Transmission 2008 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

## **The Qualifying Development Application**

An Assessment of Environmental Effects (AEE) was prepared pursuant to section 27 of the HASHAA and submitted with the QD application. Variation 15 was required in order to rezone the land to enable development of the sort sought to occur. As we have approved the variation with modifications (as reflected in that decision and the attached PAUP variation text) we have jurisdiction to consider the QD applications in terms of the new zonings it applies.

The QD has been described above.

## **Notification and submissions on the QD application**

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

## **The principal issues in contention for the QD applications**

Section 6.0 of the Council report reviews matters relating to the QD. In summary the Council report finds no significant issues that cannot be managed through appropriate conditions - either as proposed by the applicants or as amended by Council.

On the first day of the hearing it was clear that the applicant disagreed with Condition 24 re rear lanes and a requirement to provide certain details via the subsequent EPA process. Mr C Butler for the Council had prepared supplementary evidence about that matter in particular. Mr Butler set out in some detail the reasons why he considered Condition 24 should remain. Those reasons included a concern that not having a condition such as was proposed by the Council would set an undesirable precedent given the number of potential future rear lanes that may emerge within the PV area. On that point Mr Munro and Mr Tollemache opined the opposite in that having the condition set an undesirable precedent.

Mr Butler gave us a number of example where he considers good urban design had led to landscaping and lighting being incorporated in rear lanes. He also referred us to the assessment criteria in the subdivision provision of the PAUP which addressed primarily vehicle and pedestrian safety matters. He reiterated that the proposed condition was both appropriate and necessary.

Mr Munro advised us he took issue with the late presentation of that supplementary evidence as he and Mr Tollemache had not seen it and had no time to respond properly. We agreed with that position in principle and advised that Messrs Munro and Tollemache could provide a response to Mr Butler on Day 2 (when Mr Munro was not able to attend).

At the adjourning of Day 1 and following discussions between the parties and Panel the Council and the applicant agreed that they would further discuss before re-convening that suggested condition 24 to see whether or not any resolution was possible.

On reconvening on Day 2 (29<sup>th</sup> July) we were advised by Mr Berry that a collective position on proposed Condition 24 had not been reached and that Mr Munro and Mr Tollemache had prepared a joint statement of supplementary evidence which was supported by supplementary evidence from Mr Leo Hill about the nature of rear lanes in respect of the Council's proposed Condition 24 and from Mr Maday, an engineer with McKenzie and Co in regards to the potential cost of providing lighting in the rear lane.

Mr Berry took us through his supplementary submissions addressing a number of matters that had been raised on Day 1 by the Panel. He advised us as to how the variation 'sat' with the proposed Unitary Plan having regard to the point in process that Plan was at. He confirmed our jurisdiction to approve the Plan Variation in accordance with the agreed (between Council and the applicant) provisions set out in Mr Tollemache's evidence in chief.

He then turned to the proposed Condition 24 which was the only remaining matter where there were still differences between the Council and the applicant's expert planner and urban designer. He advised us that the proposed Condition 24 set out in Mr Tollemache's supplementary evidence should be preferred to that proposed by the Council. In support of that position he noted that the purpose of rear lanes is for vehicle access and not as a public space whether people will gather and spend time. He also advised us that the proposed condition negates the ability to achieve fee-simple vacant sites.

Additionally, the proposed Condition sought to achieve outcomes associated with a public road rather than a private access lane. There was in his view no supporting provisions in the PAUP that justified a condition of the type sought by the Council and referred to Part 3, Chapter H5.4.2 in that respect (subdivision assessment criteria). Those criteria relate to traffic safety matters and not the landscape and lighting matters that the Council sought to include via proposed Condition 24.

In concluding he noted that *"if the matter of landscaping of the rear lane was so important, then it is submitted that specific guidance would have been contained in other PV's recently approved under HASHAA. That is not the case."*

In the joint statement Mr Tollemache and Mr Munro had prepared they addressed the issues relating to the merits or otherwise of proposed Condition 24. He reiterated that the criteria in part 3, Chapter H5.4.2 do not address lighting or landscaping and that Mr Butlers reliance on those was erroneous as they addressed safety matters.

He re-emphasised (as his evidence in chief addressed the same matters) that the rear lane was just that - access for vehicles to garages located in rear yards-and that by taking that design approach it reinforced the achieved of high quality front yards and frontages. There was no justification in his opinion to attempt to turn a rear lane for access into a street frontage effectively. He said that: *“if pedestrians linger in the rear lanes instead of at the street, then the design will have failed badly”*.

He noted that noted of the four traffic engineers involved in the proposal had raised concerns over either lighting or landscaping in relation to achieving adequate vehicle and pedestrian safety. He advised us that the lane as designed will provide a substantially more traffic clamed environment than a typical straight road given the narrow 7m width of the proposed lane, the tight corners at either end, the proposed landscaping and threshold hold treatments at either end of the lane and the proposed permeable surface already offered and built into the design.

Mr Tollemache also noted that the analysis by Mr Butler failed to reflect the ultimate double loaded garage context that the lane supports (garages on either side). He then went on to talk about how rear lanes in fact were not cost effective for a developer given loss of residential land and costs of building. He noted that in this case the developer had deliberately chosen to accept those facts on the basis of the overall positive urban design benefits accruing from the rear lane context in relation to the overall consequential enhancement of street frontages. He also rebutted the notion of use of varying types of pavers and colours/textures which the Council considered added amenity value as being simply a personal values based aesthetic judgement. He also noted in response to Mr Butler’s views on lighting options and costs that Mr Maday’s cost estimates showed that the provision of lighting as sought by the Council may be as high as \$500,000 throughout the PV15 area, and thus was simply not a realistic option.

Mr Tollemache then took us through his suggested revised Condition 24 acknowledging that sub clause (i) could remain as is and that sub clause (v) was appropriate to remain where modified as he proposed. The other clauses had no basis and should be deleted.

In conclusion, Mr Tollemache noted the applicant’s urban designer would be in agreement with the Council if the rear lane were frontage lanes - but they were not.

Following this there was some dialogue between the Panel and the parties as to whether it was appropriate for the Council to then effectively have another right of reply to the applicant’s evidence – which Mr Berry noted was not reasonable. The Panel adjourned to consider this and other matters. After the adjournment the Panel advised that Ms Daniels and Mr Butler could make brief comments only in order to clarify the Councils final position.

Mr Berry was then asked to conclude his case for the applicant and advise in his reply the final position of the applicant.

The Panel then adjourned to deliberate having earlier in the proceedings advised that it was likely that an oral decision would be delivered.

After deliberating the hearing was re-convened and the Chair advised that the Panel's decision was to approve the QD but with a modified Condition 24 which followed Mr Tollemache's suggested wording but with slight variations in proposed sub clause (ii). Reasons for the decision were given. It was noted that the Panel on balance preferred the evidence of Mr Munro and Mr Tollemache and agreed with the submissions of Mr Berry in regards to proposed Condition 24.

In reaching our decision we note the following matters.

The Plan Variation was approved with the agreement of the applicant and the Council on the content of the proposed provisions. Those provisions do not contain any rules or standards that relate to rear lanes. No cross section of the proposed rear lane was included to guide the nature of its formation.

The proposal was a non-complying activity overall. That enabled any matters to be considered where relevant beyond the guidelines that the identified assessment criteria as set out. We were not advised as to any adverse effects that related to the rear lane and needed to be mitigated by conditions and/or design and thus required the use of a condition such as the Council's proposed Condition 24.

The rear lane is just that, and not a road. Given the future double garaging associated with it the functional aspect of it prevails notwithstanding that establishing a slow speed environment within the lane is appropriate (and is to be achieved by way of an amended Condition 24).

We agree with the applicant's experts that there is no clear direction in the PAUP that identifies support for the level of detail that the Council sought in its version of Condition 24. Overall, given the vision that Mr Ma set out for the Plan Variation area overall and also noting that it is likely that the development of dwellings on the sites abutting the rear lane is likely to include various forms of lighting and security we do not consider Condition 24 as proposed by the Council is justified or necessary. We are satisfied that a level of pedestrian and traffic safety and a quality of design commensurate with the purposes of the rear lane will eventuate.

We also note that Transpower an opposing submitter did not attend the hearing but tabled a written statement from Louise Miles of their Environmental Policy and Planning and Customer Solutions Group. That statement addressed two conditions that Transpower saw as being necessary for the QD. Their condition (a) referred to NZECP34: 2001 (the safe distance code) and their condition (b) sought to restrict landscaping within the transmission corridor and to achieve compliance with the hazards from trees regulations.

They advised that the Council did not support either condition but that the applicant had no issues with condition (a). They then went on to discuss their reasons for seeking the conditions. They noted that Auckland Council had imposed the sought after conditions on other occasions. They then noted that following a review of the proposed landscaping plan for the QD they were now satisfied and withdrew seeking condition (b). They still sought imposition of their condition (a). Mr Berry advised in his

submissions that the applicant was prepared to accept that condition. The Council's position was that it is not considered reasonable to include a condition that relates to another regulation and that condition (a) was a matter that could adequately be addressed through an advice note. We agree with that approach.

Following our delivery of the oral decision the hearing was then adjourned so that the Council and the applicant's planners could liaise over producing a final accurate set of conditions to be provided to the Panel before the hearing closed. Five working days were allowed for that having noted that receipt of the conditions earlier would assist in closing the hearing earlier and making a decision as soon as possible thereafter.

### **S34 HASHAA**

Section 34 of the HASHAA states the following matters:

#### **34. Consideration of applications**

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

We confirm that we have given due consideration to the matters required of us by section 34 of HASHAA, and the explicit priority hierarchy therein. In particular we note

that no infrastructural issues of significance were raised for our consideration and we are satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development (and conditions are imposed to that effect)

## RELEVANT PLANNING INSTRUMENTS

The most relevant planning instrument for present purposes is the PAUP as amended by the Commissioners' decision on Variation 15 because that contains the most recent provisions for this land. We are satisfied that those provisions are met and present no obstacle to consents being granted.

The Auckland Housing Accord, which is a relevant matter for the purposes of section 104(1)(c) of the RMA, directs that SHAs are not subject to the operative Regional Policy Statement or any other operative district plan. While the provisions of a district plan are technically a matter to which regard must be had under section 34(1)(d) of the HASHAA, the status of development activities in this area have been changed substantially by the approved Variation 15 to the PAUP and the district plan provisions now have little to no weight as a result as they have been superseded.

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

We also note that the on-going involvement of iwi in the development process should ensure that appropriate consideration is had and provision made for tangata whenua roles and interests.

Furthermore, any future land use, development or subdivision will need to comply with the overlay rules contained in the PAUP, which includes the Electricity Transmission Corridor overlay that traverses the wider site.

## RESOURCE CONSENT REQUIREMENTS

The QDs require resource consent as follows.

### *Resource Consents for the Qualifying Development*

Based on the provisions of the applicant's PV request, consent is required for the QD for the following reasons:

- Subdivision in accordance with the Drury 1 Precinct requires consent as **restricted discretionary** activity pursuant to rule F6.X Drury 1.3.
- The following lots do not comply with the minimum 26m depth requirement Lots 4 (roadside boundary), 24, 25, 39, 40 and 51. This requires consent as **discretionary** activity pursuant to rule F6.X Drury 5.3.2 (Table 7).
- The subdivision establishes part of three future blocks, and therefore the full perimeter of the block cannot be measured as that requires future QD applications for subsequent development stages to be prepared. For the avoidance of doubt, resource consent is sought for the partial provision of blocks. This requires consent as **discretionary** activity pursuant to rule F6.X Drury 5.3.1(a).

- The subdivision includes the establishment of a park edge road to Lots 100 and 101. However, Lot 1 is located between the road network and the proposed reserves to vest. This requires consent as **discretionary** activity pursuant to rule F6.X Drury 5.4.
- The proposed subdivision proposes site access for Lot 1 over a 3m shared path to the proposed new Collector Road (Road 22). This requires consent as **non-complying** activity pursuant to rule F6.X Drury 5.5.
- The proposed subdivision does not propose any riparian margin planting at this stage to the intermittent stream corridor within proposed balance lot 52. For completeness this requires consent as **discretionary** activity pursuant to rule F6.X Drury 5.6.1.

## Proposed Auckland Unitary Plan 2013

### *Chapter H - Transport*

- The proposed subdivision involves land which has capacity to accommodate more than 30 additional dwellings with 51 residential lots proposed. This requires consent as **restricted discretionary activity** pursuant to H.1.2.3.1.

### *Chapter H – Subdivision*

- The proposed subdivision will establish an esplanade reserve. This requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section H.5.1.1 (Table 1).
- The proposed subdivision will require works within the 1 percent AEP floodplain. This requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section H.5.1.1 (Table 1).
- The proposed subdivision requires the vesting of 1,118m<sup>2</sup> of land from 121 Bremner Road for the road widening works. This is a subdivision that is not listed with tables 1-5 of the subdivision section. This requires consent as a **discretionary activity** pursuant to Part 3, Chapter H, Section H.5.1.1 (Table 6).
- The subdivision activity does not comply with the general subdivision control provided by Rule H5.2.1.3(a) which requires that lots be provided with both legal and physical access. The proposal is for vacant lots which all have legal access/frontage to a road to be vested, however the proposal does not seek to construct individual driveways. This requires consent as a **discretionary activity** pursuant to Part 3, Chapter H, Section H.5.1.1

### *Chapter H Natural Resources – Earthworks*

- The proposal involves 38,000m<sup>3</sup> of earthworks over the entire site area of 6.9 ha for roads, servicing infrastructure and the future building platforms. General earthworks greater than 2,500m<sup>2</sup> or 2,500m<sup>3</sup> within a residential zone requires consent as **restricted discretionary activity** pursuant to Rule H.4.2.1.1.

- The proposal involves earthworks within the 50m Coastal Protection Yard from MHWS of 2.34ha and 16,040m<sup>3</sup>. Any earthworks greater than 1,000m<sup>2</sup> and 1000m<sup>3</sup> within the within the Coastal Protection Yard requires consent as a **non-complying activity** pursuant to Rule H.4.2.1.1.
- The proposal involves 365m<sup>2</sup> and 700m<sup>3</sup> (fill) of earthworks to create a gradual buffer within the existing esplanade within the Public Open Space Conservation Zone. Any earthworks from 501m<sup>2</sup> up to 1000m<sup>2</sup> and up to 1,000m<sup>3</sup> within this zone require consent as a **restricted discretionary activity** pursuant to Rule H.4.2.1.2.
- The proposal involves earthworks within a 1 percent AEP floodplain. Any earthworks within a **100-year ARI flood plain** requires consent as **restricted discretionary activity** pursuant to Rule H.4.2.1.2.

#### *Chapter H – Stormwater Management*

##### *Stormwater Discharges*

- Stormwater discharge from impervious areas not otherwise authorised by stormwater discharge and diversion rules requires consent as a **discretionary activity** pursuant to Part 3, Chapter H, Section 4.14.1

##### *Stormwater Management Flow*

- The proposal involves stormwater discharges from the impervious areas being within a stormwater Management Area Flow (SMAF) 1 area that are unable to comply with the permitted and controlled activity controls. This requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section 4.1.14.2.1.
- The proposal involves the provision and vesting of 1.53ha of new roads that do not meet the hydrology mitigation requirements. This requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section 4.1.14.2.1.

##### *Stormwater Management Quality*

- The proposal involves upgrade works to existing Bremner Road and the provision of a new collector road (Road 22), both of these roads would trigger the high use public roads treatment provisions. The proposed roads would not meet the stormwater quality management provisions therefore this requires consent as a restricted discretionary activity pursuant to Part 3, Chapter H, Section 4.1.14.3.1.

Overall the QD is a non-complying activity under the relevant plan, being the PAUP as modified by PV15.

## **PART 2 OF THE RMA**

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

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

The relevant 'other matters' set out in section 7 of the RMA have been paid regard and in particular the amenity values of this area will be maintained, the proposal is consistent with the efficient use and development of the site, and no ecosystems will be adversely affected by the proposed subdivision.

The proposal is consistent with the principles of the Treaty of Waitangi because it has taken account of iwi values and there are no waahi tapu that will be affected as a result of the subdivision. Consultation with iwi has been undertaken and the applicable iwi management plan has been taken into account when reaching the decision on the application.

Accordingly, the QD can be granted consent.

## **DECISIONS ON THE QD APPLICATION**

The Panel delivered an oral decision approving the Plan Variation and the reasons for that decision- noting that the full decision would be provided in writing as required.

That then enabled the QD to be considered and an oral decision was delivered approving the QD with the full decision set out below.

Pursuant to sections 34 to 38 HASHAA and also, as referred to in those sections, sections 104, 104B, 105, 106, 107, 108 and 220 of the RMA, consent is **granted** to the non-complying activity application by Karaka Drury Consultant Limited to authorise resource consent for the comprehensive vacant lot subdivision of 51 residential lots, including the provision of an esplanade reserve, drainage reserve, with associated roads, infrastructure, landscaping and earthworks at 109R, 121, 132 & 160 Bremner Road and 31 Burberry Road, Drury, Auckland, legally described as esplanade reserve, Lot 9 DP 166291, Lot 2 DP 119463, Pt Lot 9 DP 12364, Lot 10 DP 166291 and Bremner Road (Road Reserve)..

The reasons for these decisions are:

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

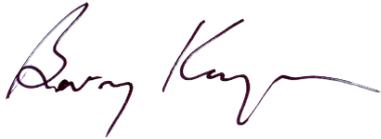
- the proposals are consistent with the objectives and policies of the Drury 1 Precinct variation 15 to the Proposed Auckland Unitary Plan and, further, that these particular applications will cause no adverse effects on the environment;
- the proposals are generally consistent with the outcomes sought by the Proposed Auckland Unitary Plan and the approved Precinct Provisions;
- the infrastructure required for these developments is feasible and can be serviced adequately to meet the requirement for qualifying development application;
- the proposal demonstrates that the matters identified in the Urban Design Protocol are met;

- No issues arise for the purpose of sections 105, 106 and/or 107 of the Resource Management Act 1991;
- Granting consent to the QD will promote the sustainable management of the resources in terms of the enhanced affordable housing purpose of the HASHAA.

### **CONDITIONS OF CONSENT**

Under sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 108 and 220 of the Resource Management Act 1991, consents are granted for the application, subject to the conditions included as Attachment 2.

**Barry Kaye**

A handwritten signature in black ink that reads "Barry Kaye". The signature is written in a cursive, flowing style.

**Chairperson**

**Sitting with Commissioners Littlejohn and Kay**

**August 2016**

## **Attachment 1**

### **PROPOSED AUCKLAND UNITARY PLAN, PART 2 - REGIONAL AND DISTRICT OBJECTIVES AND POLICIES, CHAPTER F: PRECINCT OBJECTIVES AND POLICIES**

#### **Drury 1 Precinct**

#### **Precinct Objectives and Policies**

#### **F6.X Drury 1**

#### **Precinct description**

The Precinct has an area of 84.62 ha and is bordered by Drury Creek in the north, southern motorway to the east SH22(Karaka Road) to the south and Jesmond Road to the west. The site is gently rolling terrain, with coastal frontage to the upper estuary reach of Drury Creek. Two permanent watercourses run through the land, both originating within the site and flowing north towards the coastal edge.

It incorporates the provisions of the Precinct Plan and includes the development of a local centre with opportunities for intensive residential development.

Refer to planning maps for the location and extent of the precinct.

The following underlying zones apply to the Precinct:

- Mixed Housing Suburban
- Mixed Housing Urban
- Terrace Housing and Apartment Building
- Local Centre

#### **Objectives**

The objectives are as listed in the relevant underlying zones and Auckland wide provisions, except as specified below:

1. An integrated, more intensive residential environment which has high levels of amenity, allows for a range of housing densities and typologies and incorporates opportunities for a local centre.
2. A well connected roading layout that supports a range of travel modes, provides a strong definition of public spaces, legible and safe urban road pattern and clear differentiation between the private and public realm.

3. Ecology is maintained and enhanced through riparian margin re-planting at the time of development, building set-backs and landscaping.
4. Buildings are developed in an intensive manner, reflecting an urban character and amenity with clear definition of public fronts where buildings are massed, and private back yards that are predominantly open (excluding rear lane accessed garaging).
5. Stormwater runoff is managed to enable the maintenance and enhancement of natural waterways and water quality.
6. Subdivision, land use and development in the Precinct will not adversely impact on the safe and efficient operation of the National Grid.
7. To promote availability of affordable housing to first home buyers and/or Community Housing Providers.

## **Policies**

The policies are as listed in the relevant underlying zones and Auckland wide provisions except as specified below:

1. Enable and support an intensive urban form and character defined by:
  - i. Establishing a local centre within a walkable pedestrian focused environment and focus retail and commercial development in this centre
  - ii. Providing a clear definition between public and private spaces, including roads and public open space.
  - iii. Opportunities for convenient, comfortable and safe interaction at the public / private road boundary interface through the enablement of low-height, visually open porch structures extending into the front yard setback.
  - iv. An urban built form that encourages higher density, intensive and massing towards the road frontage and side boundaries of sites, with less development within the rear yards.
  - v. Provision of a medium density built form along the northern coastal edge of the Precinct.
  - vi. A reliance on high quality and safe interconnected roads and public open spaces in preference to larger private outdoor spaces
2. Enable high density residential development (including smaller vacant sites and integrated residential developments), particularly in close proximity to the local centre, collector roads and public open spaces.
3. Maximise vehicular, cycling and pedestrian connectivity and permeability of the road network wherever possible.
4. Encourage roads to form urban blocks and to front public open spaces.
5. Require residential development within urban blocks to:
  - i. conform to a perimeter block pattern of development where buildings are massed towards the road and provide front building façades to the road

- ii. generally provide vacant site that have narrower frontages than their depth
  - iii. ensure there is sufficient space between the rear of opposing dwellings to provide privacy and back yards for outdoor living
  - iv. maintain reasonable solar access to rear yards
  - v. avoid driveway crossings to shared paths and dedicated cycle lanes, utilising access from side roads, access lots or rear lanes
  - vi. generally avoid rear lots
6. Control road façade elements to ensure dwellings relate to the road, including presence of a front door, sufficient glazing, ability to establish verandas / porches, landscaping provision, fencing heights and the control of garage in proportion to the façade.
  7. Enable the development of rear lanes, including opportunities for rear garaging and habitable areas above the garage, especially where lot or dwelling frontage widths are narrow.
  8. Require on-site management, or for higher density development private communal management of stormwater runoff from impervious areas. Stormwater from roads should generally be managed within the road corridors.
  9. Require native riparian planting along waterways.
  10. Avoid adverse effects of subdivision, land use and development on the National Grid line by ensuring that:
    - i. Appropriate buffer distances for managing subdivision, land use and development are provided
    - ii. Sensitive activities, buildings and most structures are excluded from establishing within 12m of the centreline of a National Grid transmission line and within 12m of a National Grid support structure; and
    - iii. Subdivision, landuse and development is managed around the National Grid line to ensure that future activities, buildings and development do not restrict the operation, maintenance, upgrading and development of the National Grid line.
  11. Utilise the National Grid corridor for road or open space networks where practicable, provided that they are designed and located to avoid adverse effects on the operation, maintenance, upgrading and development of the National Grid lines.
  12. For new residential developments containing 15 or more dwellings, or involving the creation of 15 or more vacant sites, require either:
    - i. 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 and owned for at least three years; or
    - ii. 5 per cent to be retained affordable, with the purchase price to be set relative to the median household income in Auckland region and sold to Community Housing providers or Housing New Zealand and owned for long term retention.
  13. New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.

## Precinct Rules

### K6.X Drury 1

The activities, controls and assessment criteria in the underlying Mixed Housing Suburban zone, Mixed Housing Urban zone, Terrace Housing and Apartment Buildings zone, Local Centre zone and Auckland-wide rules apply in the Precinct unless otherwise specified below. Refer to the Precinct Planning Map for the location and extent of the underlying zones.

The provisions of Appendix 6.X.1 apply in relation to the National Grid until the Unitary Plan becomes operative, at which time the operative provisions of the Electricity Transmission (National Grid) Corridor overlay in Chapter J will apply (and Appendix 6.X.1 will cease to have effect).

#### 1 ACTIVITY TABLE

The activities in the relevant underlying zones apply in the Precinct except as specified in the activity tables below and that in Appendix 6.X.1.

##### 1.1 Residential Zones

<b>ACTIVITY TABLE: RESIDENTIAL ZONES</b>	
<b>ACTIVITY</b>	<b>ACTIVITY STATUS</b>
<b>Residential</b>	
Integrated Residential Developments	RD
<b>Commerce</b>	
Show home	P
Retail in the Terrace Housing and Apartment Buildings Zone	NC
<b>Infrastructure</b>	
Overhead electricity lines (a single circuit) up to and including 110kV. Within areas of the Road and Unformed Road this activity shall have the same status as the adjacent Residential zone	P
<b>On-site stormwater management (dwellings and impervious areas excluding roads)</b>	
Impervious areas (excluding roads) of less than or equal to 50m <sup>2</sup> within a site	P
Impervious areas (excluding roads) greater than 50m <sup>2</sup> within a site that meet hydrology mitigation requirements in the relevant Precinct Rules below	P
Communal stormwater device(s) located within common land serving two or more dwellings that meet hydrology mitigation requirements in the relevant Precinct Rules below	C
Impervious areas unable to comply with the activity controls	RD

##### 1.2. Local Centre Zone

<b>ACTIVITY TABLE: LOCAL CENTRE ZONE</b>	
<b>ACTIVITY</b>	<b>ACTIVITY STATUS</b>
<b>On-site stormwater management (dwellings and impervious areas excluding roads)</b>	

Impervious areas (excluding roads) of less than or equal to 50m <sup>2</sup> within a site	P
Impervious areas (excluding roads) greater than 50m <sup>2</sup> within a site that meet hydrology mitigation requirements in the relevant Precinct Rules below	P
Impervious areas unable to comply with the activity controls	RD
Communal stormwater device(s) located within common land serving two or more buildings that meet hydrology mitigation requirements in the relevant Precinct Rules below	C

### 1.3 Subdivision

The Activity Table 1 – General, and Activity Table 2 – Residential zones, and Table 4 – Standards for vacant site subdivision in the City Centre and Business zones in H5 Subdivision, and related controls, apply within the Precinct, except as specified in Activity Table below.

Activity Table	
Subdivision Activity	Activity Status
Subdivision in accordance with the Precinct Plan	RD
Subdivision not in accordance with the Precinct Plan	D
Subdivision of sites in accordance with an approved land use consent or a concurrent subdivision and land-use consent	RD

## 2 LAND USE CONTROLS – RESIDENTIAL ZONES

The land use controls in the relevant underlying zones apply in the Precinct, except as specified below.

### 2.1 Density

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

TABLE 1: DENSITY	
ZONE	DENSITY
Mixed Housing Suburban	Maximum allowable average density of 200m <sup>2</sup> per dwelling where the requirements of rule 2.1.2 below are met
Mixed Housing Urban	No density limits apply where four or more dwellings are proposed and

	the requirements of rule 2.1.3 below are met
Terrace Housing and Apartment Buildings	No density limits apply

2. Within the Mixed Housing Suburban zone the site:
  - a) has a minimum net parent site area of 1000m<sup>2</sup>
  - b) is at least 20m wide at the frontage of the site.
3. Within the Mixed Housing Urban zone the site:
  - a) has a minimum net parent site area of 1000m<sup>2</sup>
  - b) is at least 20m wide at the frontage of the site.
4. Development that does not comply with clauses 1-3 above is a discretionary activity.

## 2.2 Affordable Housing

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

### A. General Controls

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/ vacant sites that are either (B) relative affordable or (C) retained affordable that will meet the requirements of clauses 2-9 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 shall 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 shall be located on a single building 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) of one-half or more, that fraction is counted as 1 dwelling (or vacant site), 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 within the relevant Order in Council amendment to that Act apply. The above provisions apply to consents that are not processed under HASHAA.
8. Provision of relative and retained affordable dwellings not in accordance with the Land Use Controls below is a Discretionary Activity.

## **B. Relative Affordable**

### **Number of Relative Affordable Dwellings or Sites**

Purpose: To ensure that the 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 per cent 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 three 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) for ensuring that the combined value of the building and the land upon completion will meet that criterion or is a building associated with such a dwelling.
  - c. Dwellings must be sold to first home buyers who must reside in the dwelling and retain ownership for three years from the date of first transfer. Any dwellings built on vacant sites identified for affordable housing must be sold to first home buyers who must reside in the dwelling and retain ownership for three years from the date of transfer.

### **Eligibility for Relative Affordable Housing**

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

2. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites that are identified for affordable dwellings), the consent holder must provide to Council 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 of signing the unconditional sale and purchase agreement.
  - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent and storage) at a price which is not more than that defined by the 75 per cent median price in accordance with clause 8.1(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.
3. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser must 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 8.1 above or is a building associated with such a dwelling.
4. 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 must provide to Council 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 signing the unconditional sale and purchase agreement.
  - b. Any development of the site must be such that the combined value of the dwelling and the land upon completion, as confirmed by a valuation carried out by a registered valuer, must be no more than that defined by the 75 per cent median price in accordance with clause 8.1(a) above.
  - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase.
  - d. the purchaser 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.
5. A consent notice must be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria be met for three years from the date of the transfer to the eligible purchaser.
  6. Relative affordable housing that does not comply with clauses 1-5 above is a discretionary activity.

### **C. Retained Affordable**

#### **Eligibility for Retained Affordable Housing**

Purpose: To ensure that the 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 Housing New Zealand Corporation.
2. Retained affordable housing that does not comply with clause 1 above is a discretionary activity.

#### **Number of Retained Affordable Dwellings or Sites**

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 per cent 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 is approved or the date on which all appeals on the resource consent 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. This 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 the 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.

**Where the following definitions apply:**

**Retained affordable**

Housing that is:

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

**Relative Affordable**

Housing that is:

- a. bought by first home buyers and remains in the same ownership for three years from the date of first transfer, where the purchaser has a gross household income that does not exceed 120 per cent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
- b. sold at a price that does not exceed 75 per cent of the Auckland region median house price published by the Real Estate Institute of New Zealand and calculated as an average of three 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

**Community Housing Provider**

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

- a. social rental housing;
- b. affordable rental housing
- c. Rent to own (ie. as provided by New Zealand Housing Foundation)

**Household Income**

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

**Show home**

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

### 3 DEVELOPMENT CONTROLS – ALL ZONES On-site stormwater management (dwellings and onsite impervious areas, excludes roads)

Purpose: ensure appropriate stormwater retention and detention associated with site development.

1. Within catchments draining to streams all new impervious surfaces of 50m<sup>2</sup> and over must be designed to achieve the following:

Except as provided by c. the following (a. and b.) applies.

- a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required; and
- b. Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th 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.
- c. Where:
  - i. A suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there are no areas on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth); and
  - ii. Rainfall reuse is not available because:
    - a) The quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden irrigation or toilet (flushing)); or
    - b) There are no activities occurring on the site that can re-use the full 5mm retention volume of water;

the retention volume can be taken up by providing 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 95th percentile, 24 hour rainfall event over the impervious area for which hydrological mitigation is required (minus any designed retention volume that is achieved).

2. The stormwater device/s:
  - a. Must be maintained by the site owner(s) in perpetuity. A consent notice will be registered on the certificate of title to that effect at time of subdivision.
  - b. If rainwater tanks are proposed to achieve the retention requirements above, the rainwater tank must be dual plumbed to non-potable uses such as toilet and washing machine in the dwelling.

3. Compliance shall be demonstrated to the Council in conjunction with any application for building consent, or by way of certificate of compliance or at the time of subdivision.
4. Stormwater devices within the National Grid Yard must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001, including their ongoing operation and maintenance.
5. Compliance with the above land use controls will be deemed to satisfy the permitted and controlled activity controls in H4.14. Stormwater Management and the overlay rules for Stormwater Management Area Flow.

#### 4. DEVELOPMENT CONTROLS - MIXED HOUSING SUBURBAN ZONE

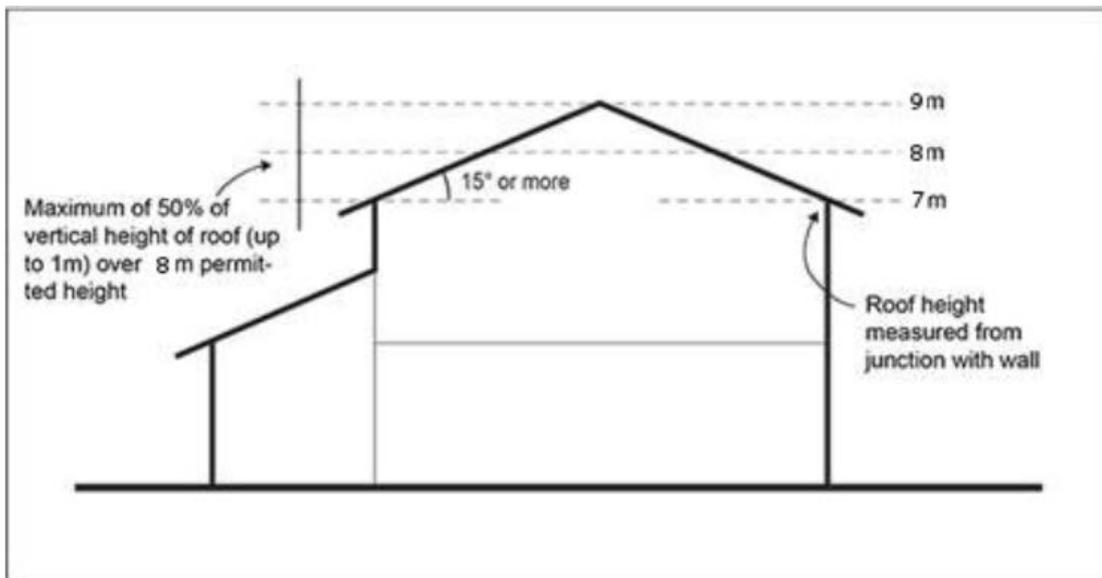
The following development controls apply in the Precinct instead of all the development controls identified in the underlying Mixed Housing Suburban zone (Rule I1.7).

##### 4.1 Building Height

Purpose: manage the height of buildings to:

- Achieved the planned built character of predominantly one and two storeys
  - Provide some flexibility to enable variety in roof forms.
1. Buildings must not exceed 8m in height except that 50% of a building's roof elevation, measure vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more (as shown on figure 1 below).

Figure 1: Building height



##### 4.2 Height in relation to boundary

Purpose: manage the bulk and scale of buildings and maintain a reasonable level of sunlight access and minimise adverse visual dominance effects to immediate neighbours.

1. The following height in relation to boundary controls apply:
  - a. For all lots, the height in relation to boundary control does not apply to the street boundary.

In the case of front lots (not being a corner lot or adjacent to a corner lot) a building height in relation to boundary of 5m and 45° must apply on side boundaries adjoining other front lots, up to a maximum distance of 8m from the rear boundary.

A height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the remaining part of any side boundary that is within 8m from the rear boundary and to all rear boundaries.

In the case of front lots which adjoin a corner lot the following apply:

On side boundaries that adjoin the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the whole length of the boundary including where that side boundary extends beyond the corner lot.

On side boundaries that adjoin the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 8m from the rear boundary. Rule 1c above must apply to the remaining part of the side boundary that is within 8m from the rear boundary.

In relation to the shortest side boundary of a corner lot (including where that side boundary extends beyond the corner lot) all windows above the ground floor level facing the corner lot (or facing a lot adjoining the corner lot) must have a window sill level at least 1.6m above the floor level or be fitted with opaque glass

A height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to any rear boundary.

In the case of corner lots the following apply:

- On the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply
- On the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 8m from the rear boundary. A height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the remaining part of the side boundary that is beyond 8 m from the rear boundary.
- All buildings within 6m of the shortest side boundary must be limited to a single storey and a 5m maximum height.

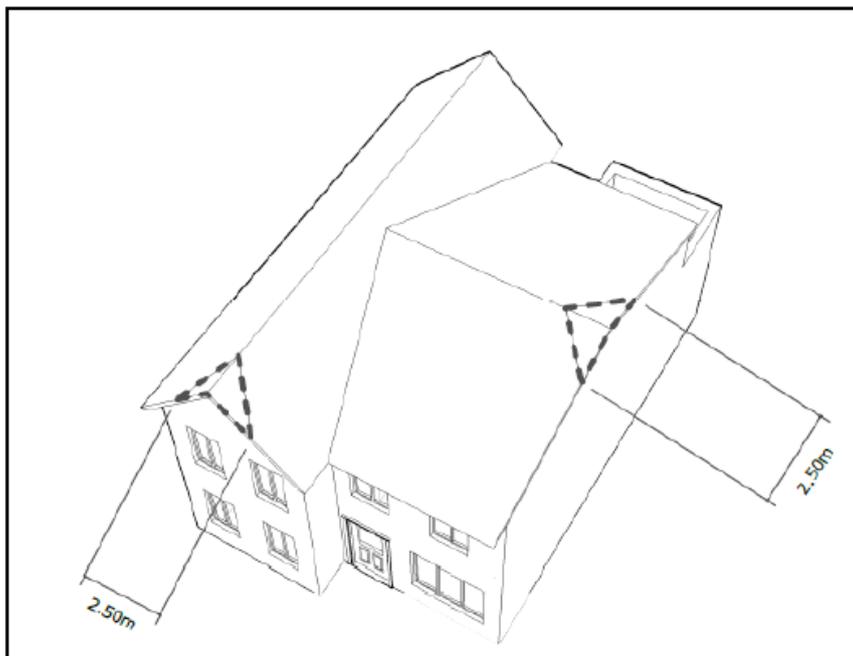
For all rear boundaries a height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) apply.

2. This control does not apply to a boundary adjoining sites within the public open space zones or vested reserves exceeding 2000m<sup>2</sup>.
3. Where the boundary adjoins a rear lane (access lot) the control applies from the farthest boundary of the rear lane (access lot).

4. A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - a. no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height
  - b. no greater than 2.5m cumulatively in length measured along the edge of the roof.

No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.
5. The height in relation to boundary rule does not apply to existing or proposed internal site boundaries within an application area.
6. The height in relation to boundary control does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

Figure 2: exceptions for gable ends and dormers



### 4.3 Yards

Purpose:

- maintain the built character of the streetscape and provide sufficient space for landscaping in the front yard
- maintain a reasonable standard of residential amenity
- ensure dwellings are adequately set back from streams and the coast
- Provide a reasonable standard of visual and acoustic privacy between different dwellings, including their outdoor living space, on the same or adjacent sites

1. The minimum yards must be those in Table 2.

Table 2

Yard	Minimum depth
Front	4m
Side	1m
Rear	8m, except that a single storey building (or part of a building) up to a maximum height of 5m, is permitted within the rear yard provided that it is no closer than 3m from the rear boundary.
Riparian	10m from the edge of all permanent and intermittent streams
Coastal protection yard	10m

2. The rear yard in Table 2 does not apply to a building up to a height of 7m where the site adjoins a rear lane (access lot).
3. The side yard control does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
4. A single storey unenclosed verandah / porch space attached to the building is exempt from the front yard setback provided it must not be located within 2m of the front boundary.
5. Rule H1.2.3.3.e.(i) does not apply.

#### 4.4 Outlook

Purpose: ensure a reasonable standard of amenity for dwellings and encourage building windows to face the road, rear yard and/or rear lane

1. Where the principal glazing from the principal living room or dining room of a dwelling does not face a road or a rear lane (access lot), an outlook space must be provided as follows:
  - a. A depth of 4m within the site measured at right angles to and horizontal from the window to which it applies
  - b. A width of 4m measured within the site from the centre point of the largest window on the building face to which it applies
  - c. The height of the outlook space is the same as the floor height, measures from floor to ceiling, of the building face to which the control applies.
  - d. Be clear and unobstructed by buildings.

#### 4.5 Impervious Area

Purpose: manage the amount of stormwater runoff generated by a development.

1. The maximum impervious area of the site area must be 70 per cent.

#### 4.6 Building Coverage

Purpose: manage the extent of buildings on the site to achieve the planned built character.

1. Maximum building coverage shall comply with Table 3 below:

<b>TABLE 3: Maximum Building Coverage</b>	
Sites over 400 net site area	40 per cent
Sites under 400 net site area	50 per cent
Integrated Residential Developments	50 per cent

#### 4.7 Landscaping

Purpose:

- provide for on-site amenity and an attractive streetscape character
- improve stormwater absorption on-site.

1. The minimum landscaped area shall be 30 per cent of the net site area.
2. At least 50% of the front yard must comprise landscaped area.

#### 4.8 Outdoor Living

Purpose: provide dwellings with outdoor living space that is of a functional size and dimension and is accessible from the principal living room, dining room, kitchen and is separated from vehicle access and maneuvering areas.

1. A dwelling at ground floor level must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor space that:
  - a. has no dimension less than 4m and has a gradient not exceeding 1 in 20;
  - b. is directly accessible from the principal living room, kitchen or dining room;
  - c. is free of buildings, parking spaces, servicing and maneuvering areas;
2. Where an entire dwelling is located above ground level, it must have an outdoor living space in the form of a balcony or roof terrace that is at least 5m<sup>2</sup> for studio and one bedroom dwellings and 8m<sup>2</sup> for two or more bedroom dwellings and has a minimum dimension of 1.8m.

#### 4.9 Dwellings Fronting the Road

Purpose: ensure dwellings are orientated to provide for passive surveillance of the road and contribute to streetscape amenity.

1. The front façade of a dwelling on a site must contain:
  - a. glazing that is cumulatively at least 20 per cent of the area of the front façade measured on the basis of a storey height of 2.4m per storey (excluding garage door).

- b. a main entrance door that is visible from the road.

#### **4.10 Fences**

Purpose: enhance passive surveillance over the road and maintain the open character of front yards.

1. Fences in a front yard must not exceed 1.2m in height.

#### **4.11 Garages**

Purpose:

- minimise the dominance of garages as viewed from the road
- avoid parked cars over-hanging the footpath.

1. A garage door facing a road:
  - a. must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.
  - b. must not project forward of the front façade of a dwelling.
  - c. must be set back at least 5m from the site's frontage.
2. If the site is served by a rear lane (access lot) there must not be a garage on the site's road frontage.

#### **4.12 Vehicle Access**

Purpose:

- maintain a safe road frontage and shared space footpath uninterrupted by vehicle crossings
1. Sites fronting a road with a 3m shared footpath on the site's frontage must not have direct vehicle access to that road frontages.
  2. Where the site is served by a rear lane (access lot) there must not be direct vehicle access from the road.
  3. Development that does not comply with clause 1 or 2 above is a ~~non-complying~~ discretionary activity.

#### **4.13 Minimum dwelling size**

Purpose:

- Dwellings are functional and of a sufficient size to provide for the day-to-day needs of residents, based on the number of occupants the dwelling is designed to accommodate.
1. Dwellings must have a minimum net internal floor area as follows:
    - a. 30 m<sup>2</sup> for studio dwellings
    - b. 45 m<sup>2</sup> for one bedroom dwellings

## 5. DEVELOPMENT CONTROLS – MIXED HOUSING URBAN ZONE

The following development controls apply in the Precinct instead of all the development controls identified in the underlying Mixed Housing Urban zone (Rule I1.8).

### 5.1 Building Height

Purpose: manage the height of buildings to:

- be consistent with an urban residential character
- maintain a reasonable standard of amenity for adjacent sites
- support intensification of residential density and intensity
- provide some flexibility to enable variety in roof forms

1. Buildings must not exceed 11.5m in height.

### 5.2 Height in relation to boundary

Purpose:

- enable building height and intensity to be located in the front of the site to provide a built character and streetscape consistent with the planned urban environment and its density
- manage height in the rear yard of the site to minimise adverse visual dominance, allow the establishment of spacious rear yards, solar access to rear yards, and reasonable outlook and privacy (subject to rear lane-accessed housing)
- enable the passive surveillance of the rear lanes by providing for minor dwelling or habitable space above the garage

1. The following height in relation to boundary controls shall apply.
  - a. No height in relation to boundary control shall apply to the road boundary or a boundary with a rear lane (access lot).
  - b. No height in relation to boundary control shall apply to the side boundaries located outside the 8m rear yard.
  - c. A height in relation to boundary of 2.5m and either 45° (for east or west boundaries), 55° (for north boundaries), 35° (for southern boundaries) shall apply to the side boundaries located within the 8m rear yard.
2. A gable end, dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
  - a. no greater than 1.5m<sup>2</sup> in area and no greater than 1m in height
  - b. no greater than 2.5m cumulatively in length measured along the edge of the roof.
3. No more than two gable end, dormer or roof projections are allowed for every 6m length of site boundary.

4. The height in relation to boundary rule does not apply to existing or proposed internal site boundaries within an application area.
5. The height in relation to boundary control does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.

### 5.3 Yards

Purpose:

- maintain the built character of the streetscape, enable more intensive development adjoining the road and interaction with the road, and provide reasonable transitional space for landscaping in the front yard
- maintain a reasonable standard of residential amenity
- ensure buildings are adequately set back from streams and the coastal edge to maintain water quality and provide protection from natural hazards
- Provide a reasonable standard of visual and acoustic privacy between different buildings, including their outdoor living space, on the same or adjacent sites

1. The minimum yards must be those in Table 4.

Table 4

Yard	Minimum depth
Front	2.5m
Side	1m. One side yard can be reduced to 0m provided that legal provision is made for access for maintenance of the structure or it is a common / party wall.
Rear	8m, except that a single storey building (or part of a building) up to a maximum height of 5m, is permitted within the rear yard provided that it is no closer than 3m from the rear boundary.
Riparian	10m from the edge of all other permanent and intermittent streams
Coastal protection yard	10m

2. The rear yard in Table 4 does not apply to a building up to a height of 7m where the site adjoins a rear lane (access lot).
3. The side yard control does not apply to site boundaries where there is an existing common wall between two buildings on adjacent sites or where a common wall is proposed.
4. A single storey unenclosed verandah / porch space attached to the building is exempt from the front yard setback provided it must not be located within 1m of the front boundary.
5. Rule H1.2.3.3.e.(i) does not apply.

Note: Additional yard setbacks may be required to meet compliance with Appendix 6.X.1 and/or the requirements of the National Grid Electricity Transmission Corridor Overlay.

#### 5.4 Outlook

Purpose: ensure a reasonable standard of amenity for dwellings and encourage building windows to face the road, rear yard and/or rear lane

1. Where the principal glazing from the principal living room or dining room of a dwelling does not face a road or a rear lane (access lot), an outlook space must be provided as follows:
  - a. A depth of 4m within the site measured at right angles to and horizontal from the window to which it applies
  - b. A width of 4m measured within the site from the centre point of the largest window on the building face to which it applies
  - c. The height of the outlook space is the same as the floor height, measures from floor to ceiling, of the building face to which the control applies.
  - d. Be clear and unobstructed by buildings.

#### 5.5 Impervious Area

Purpose: manage the amount of stormwater runoff generated by a development.

1. The maximum impervious area of the site area must be 70 per cent.

#### 5.6 Building Coverage

Purpose: manage the density of buildings on the site consistent with the urban residential character.

1. Maximum building coverage shall comply with Table 5 below:

<b>TABLE 5: Maximum Building Coverage</b>	
Sites over 400 net site area	40 per cent
Sites under 400 net site area	50 per cent
Integrated Residential Developments	50 per cent

#### 5.7 Landscaping

Purpose:

- provide for on-site amenity and an attractive streetscape character
- improve stormwater absorption on-site.

1. The minimum landscaped area shall be 30 per cent of the net site area.
2. At least 50% of the front yard must comprise landscaped area (excluding the area of an unenclosed verandah space from rule 4.3.4 above).

### **5.8 Outdoor Living**

Purpose: provide dwellings with outdoor living space that is of a functional size and dimension and is accessible from the principal living room, dining room, kitchen and is separated from vehicle access and maneuvering areas.

1. A dwelling at ground floor level must have an outdoor living space that is at least 20m<sup>2</sup> that comprises ground floor space that:
  - a. has no dimension less than 4m and has a finished gradient not exceeding 1 in 20;
  - b. is directly accessible from the principal living room, kitchen or dining room;
  - c. is free of buildings, parking spaces, servicing and maneuvering areas;
2. Where an entire dwelling is located above ground level, it must have an outdoor living space in the form of a balcony or roof terrace that is at least 5m<sup>2</sup> for studio and one bedroom dwelling and 8m<sup>2</sup> for two or more bedroom dwelling and has a minimum dimension of 1.8m.

### **5.9 Dwellings Fronting the Road**

Purpose: ensure dwellings are orientated to provide for passive surveillance of the road and contribute to streetscape amenity.

1. The front façade of a dwelling on a site must contain:
  - a. glazing that is cumulatively at least 20 per cent of the area of the front façade measured on the basis of a storey height of 2.4m per storey (excluding garage door).
  - b. a main entrance door that is visible from the road.
2. A habitable room fronting a rear lane (access lot) must have a façade that contains glazing that is cumulatively at least 20 per cent of that storey's façade to the rear lane.

### **5.10 Fences**

Purpose: enhance passive surveillance over the road and maintain the open character of front yards.

1. Fences in a front yard must not exceed 1.2m in height.

### **5.11 Garage**

Purpose:

- minimise the dominance of garages as viewed from the road
- avoid parked cars over-hanging the footpath.

1. A garage door facing a road:
  - a. must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.

- b. must not project forward of the front façade of a dwelling.
  - c. must be set back at least 5m from the site's frontage.
2. If the site is served by a rear lane (access lot) there must not be a garage on the site's road frontage.

### 5.12 Vehicle Access

Purpose:

- maintain a safe road frontage and shared space footpath uninterrupted by vehicle crossings
1. Sites fronting a Future Collector Road (New), Collector Road (Existing) and a Collector Road – Protected Cycleway identified on the Precinct Plan 1 or a road with a 3m shared footpath on the site's frontage (which includes the Collector Road (New)) must not have direct vehicle access to that road frontages.
  2. Where the site is served by a rear lane (access lot) there must not be direct vehicle access from the road.
  3. Development that does not comply with clause 1 or 2 above is a ~~non-complying~~ discretionary activity.

### 5.13 Minimum dwelling size

Purpose:

- Dwellings are functional and of a sufficient size to provide for the day-to-day needs of residents, based on the number of occupants the dwelling is designed to accommodate.
2. Dwellings must have a minimum net internal floor area as follows:
    - a. 30 m<sup>2</sup> for studio dwellings
    - b. 45 m<sup>2</sup> for one bedroom dwellings

## 6 SUBDIVISION CONTROLS

The subdivision controls in the Precinct are those listed in the Auckland-wide rules – subdivision except as specified below and in Appendix 6.X.1

### 6.1 Minimum Site Sizes for Vacant Sites – Residential Zones

1. Minimum vacant site sizes shall comply with Table 6 below:

<b>TABLE 6: Minimum Site sizes for proposed vacant sites– Residential Zones</b>	
Minimum site size where the minimum front site width is 12.5m or greater	325m <sup>2</sup>
Minimum site size where the minimum front site width is between 10m and 12.49m and Table 7 (Alternative Front Site) is complied with and the site's frontage is not to a road on the north-west to north-east boundary	260m <sup>2</sup>

2. Rule 2.3.1.1(b) Part 3, Chapter G, Section 5 does not apply.
3. There are no minimum site sizes where subdivision is proposed as part of an integrated land use consent or to subdivide around an approved land use consent for a residential development.
4. Subdivision that does not comply with clause 1 above is a discretionary activity.

## 6.2 Minimum Site Dimensions for Vacant Sites

1. Minimum site dimensions for vacant sites shall comply with Table 7 below:

<b>TABLE 7: Minimum site dimensions for proposed vacant sites – Residential zones</b>	
Front site: Minimum Width in metres	12.5m
Alternative Front Site: Width in metres where a legal mechanism restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width or where a rear lane provides legal access	10m to 12.49m
Front Site: Minimum Depth in meters	26m
Minimum Legal Width of Rear Lanes in meters	7m

2. There are no minimum site dimensions where subdivision is proposed as part of an integrated land use and subdivision consent or to subdivide an approved land use consent for a residential development.
3. Subdivision that does not comply with clause 1 above is a discretionary activity.
4. Rear sites are a non-complying activity.

## 6.3 Movement Network

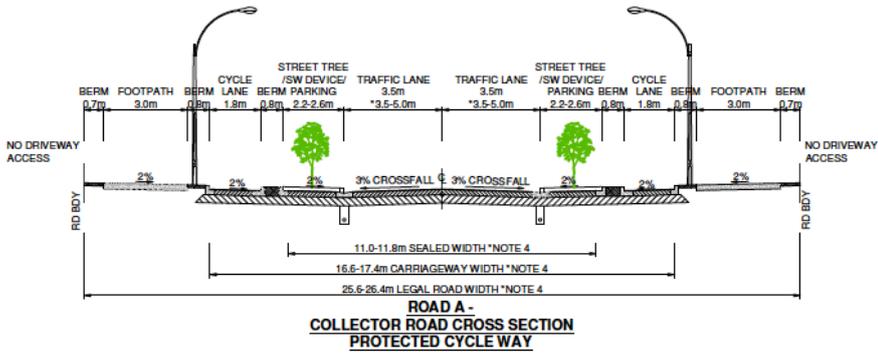
1. All subdivision must comply with the following controls:
  - a. All new subdivisions, roads and lots shall comply with the following:

- (i) Maximum Block Length: 250m
- (ii) Maximum Block Perimeter: 750m

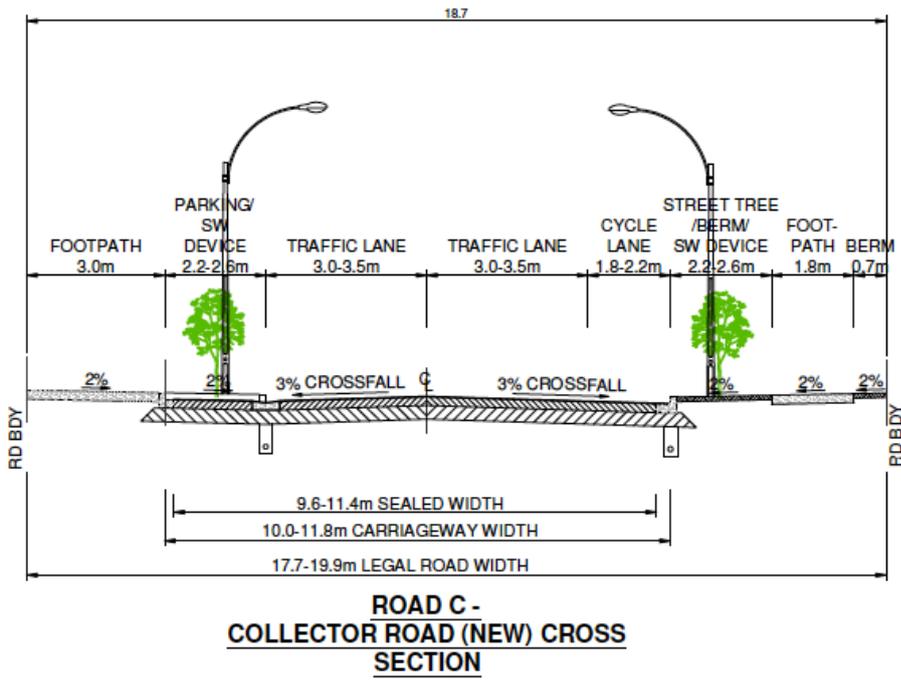
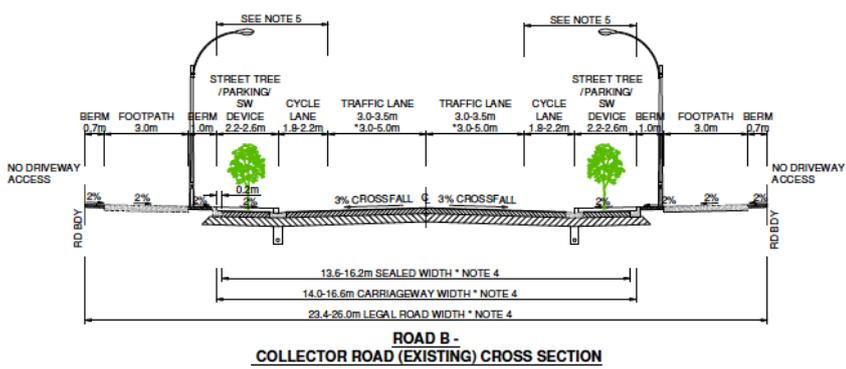
For clarity the measurements above may be curvilinear.

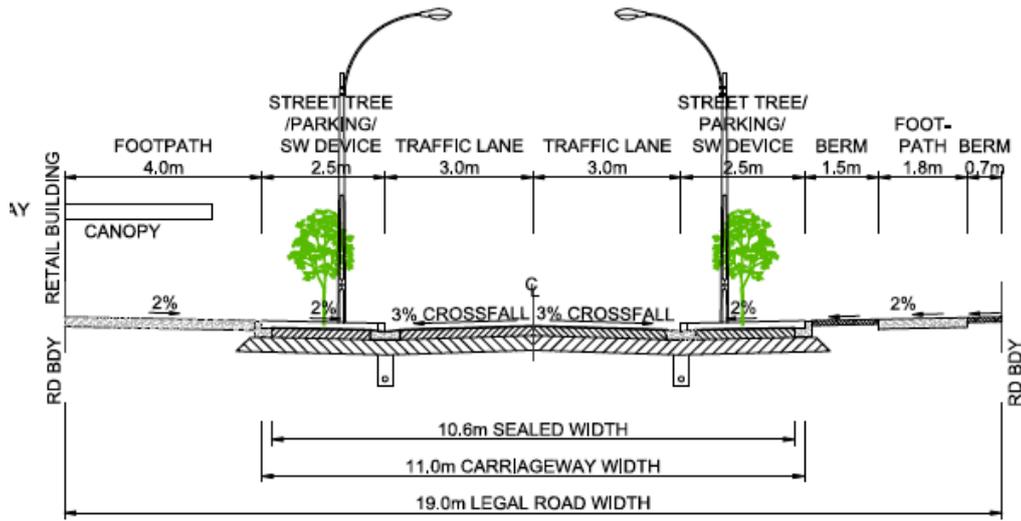
- b. Cul de sac roads are a non-complying activity. This rule does not apply to staged road construction as part of a staged subdivision or balance site.
  - c. Collector Roads must be provided in accordance with the alignments in Precinct Plan 1.
  - d. Roads must be constructed to the standards illustrated in Figures 3 to 9 below (with reference to Precinct Plan 1) or where not contained in the figures below, the relevant Auckland Wide rules shall apply. Except that where a road is located beneath the National Grid Subdivision Corridor, the road will be constructed with a design specific to the accommodation of the Corridor. The design will be determined as part of the resource consent required within the National Grid Subdivision Corridor.
2. Subdivision that does not comply with clause 1(a), (c) and (d) above is a discretionary activity.

*Figures 3 to 9 Road Cross Sections*

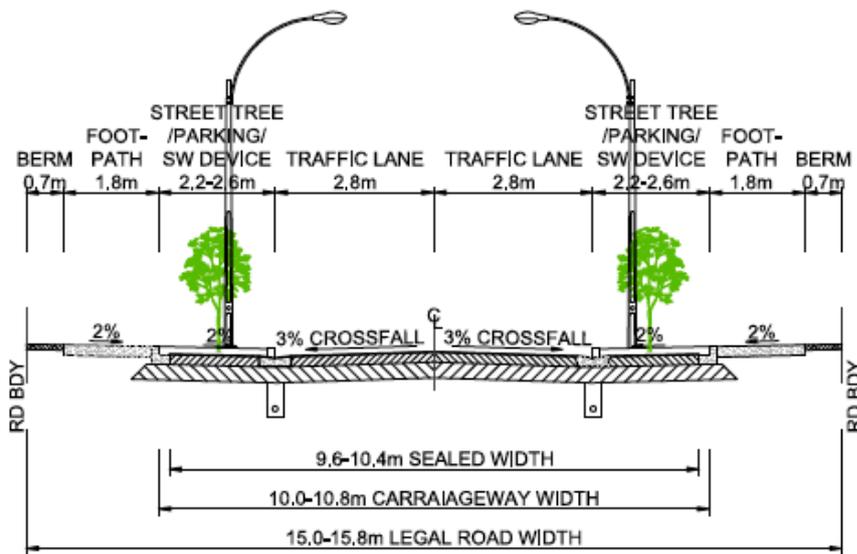


- NOTES:**
- STORMWATER NOTE:**
1. STORMWATER DEVICE WIDTH TO BE CONFIRMED SUBJECT TO WIDTH OF DEVICE USED.
- COLLECTOR ROAD:**
1. TRAFFIC LANE WIDTH 3.0m UNLESS PUBLIC TRANSPORT ROUTE.
  2. CYCLE LANE WIDTH VARIES IN TREATMENT I.E. SEPARATED/ BUFFER DEPENDING ON TRAFFIC VOLUMES ON COLLECTOR ROAD.
  3. TRAFFIC LANES TO INCREASE 3.0m FOR TRAFFIC RIGHT TURNING BAYS ON ROAD A AND B
  4. ALL CARRIAGEWAY/LEGAL ROAD WIDTH TO INCREASE FOR TURNING BAYS TO MAINTAIN STANDARD PARKING/ SW DEVICE/ CYCLE LANES AND BERMS WIDTHS AS SHOWN
  5. CYCLELANE AND PARKING BAYS CAN BE INTERCHANGEABLE

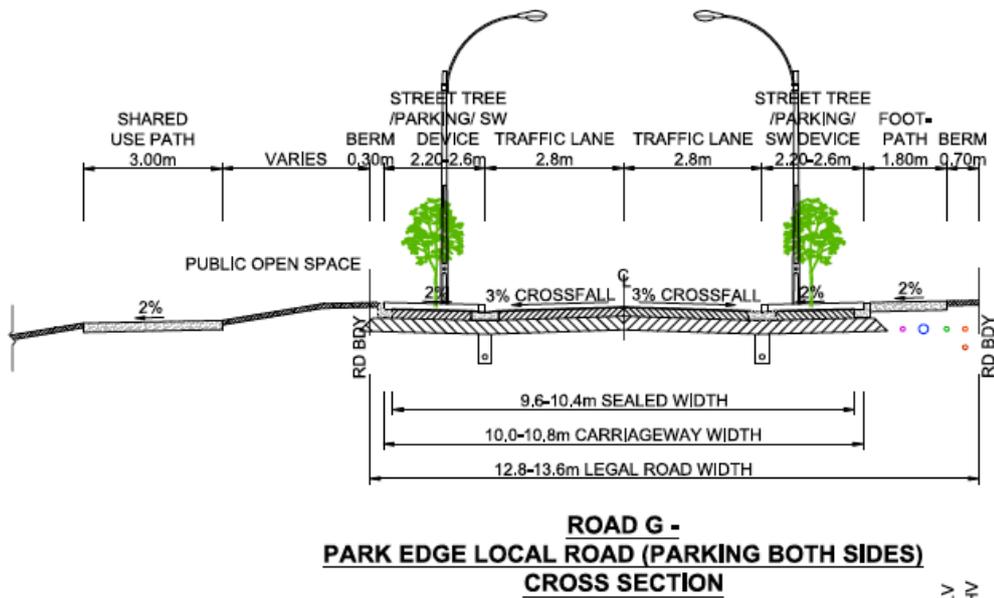
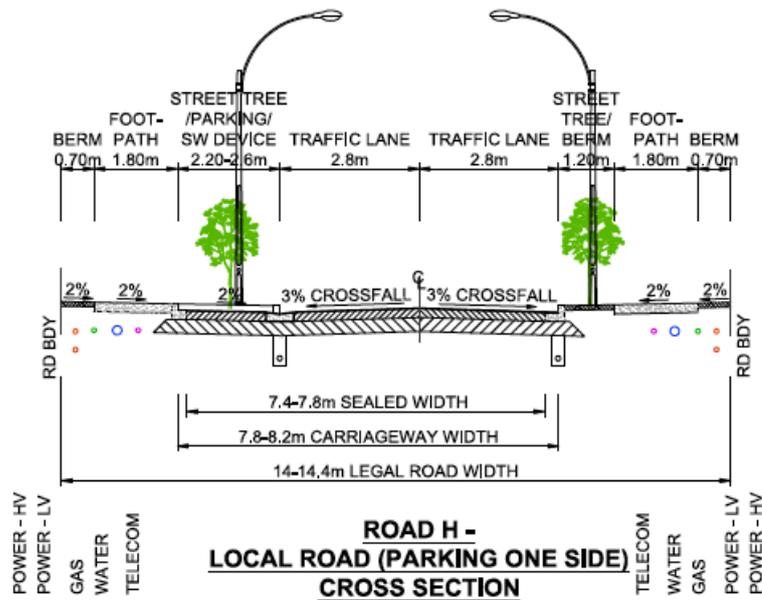




**ROAD E -  
LOCAL CENTRE ROAD  
CROSS SECTION**



**ROAD F -  
LOCAL ROAD (PARKING BOTH SIDES)  
CROSS SECTION**



**Notes:**

1. stormwater device width to be confirmed subject to width of device used.

**6.4 Park Edge Roads**

1. Where subdivision adjoins a Public Open Space Zone or Future Esplanade Reserve on Precinct Plan 1, or a recreation reserve to vest then park edge roads must be provided.
3. Subdivision that does not comply with clause 1 above is a discretionary activity.

## **6.5 Site Access**

1. Where subdivision adjoins a Future Collector Road (New), Collector Road (Existing) or a Collector Road – Protected Cycleway identified on the Precinct Plan 1 or a road with a 3m shared footpath on the site's frontage (which includes the Collector Road (New)), rear lanes (access lot) or access from side roads must be provided so that no vehicle access occurs directly from the sites frontage to the 3m shared footpath.
2. Subdivision that does not comply with clause 1 above is a discretionary activity.

## **6.6 Riparian Margin**

1. Riparian margins must be planted either side to a minimum width of 10m measured from the bank of the stream. This rule shall not apply to road crossings over streams.
2. Any planting required, will be implemented in accordance with a council approved landscape plan and must be use eco-sourced native vegetation, be consistent with local biodiversity and planted at a density of 10,000 plants per hectare.
3. Subdivision that does not comply with clauses 1 or 2 above is a discretionary activity.

## **6.7 Stormwater Management**

1. Within catchments draining to streams, stormwater runoff from impervious surfaces within roads (and future roads) of 50 m<sup>2</sup> and over must be directed to a stormwater device(s) designed and sized to achieve the following stormwater hydrology mitigation requirements:

Except as provided by c. the following (a. and b.) applies.

- a. Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required; and
- b. Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 95th 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.
- c. Where:
  - i. A suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there are no areas on the site of sufficient size to accommodate all required infiltration that is free of geotechnical limitations (including slope, setback from infrastructure, building structures or boundaries and water table depth); and

- ii. Rainfall reuse is not available because:
  - c) The quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden irrigation or toilet (flushing)); or
  - d) There are no activities occurring on the site that can re-use the full 5mm retention volume of water;

the retention volume can be taken up by providing 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 95th percentile, 24 hour rainfall event over the impervious area for which hydrological mitigation is required (minus any designed retention volume that is achieved).

- 2. Within catchments draining to the coast, stormwater runoff from impervious surfaces within roads (and future roads) must achieve water quality treatment to all impervious surfaces based on rain gardens (or the equivalent) with a surface area sized to 2% of the contributing catchment.
- 3. Stormwater devices within the National Grid Yard must be designed to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001, including their ongoing operation and maintenance.
- 4. Compliance with the above land use controls will be deemed to satisfy the permitted and controlled activity controls in H4.14. Stormwater Management and the overlay rules for Stormwater Management Area Flow.

## **6.8 Affordable Housing**

- 1. Rule 2.2 shall apply to subdivision applications containing 15 or more vacant sites.

## **7. ASSESSMENT - LAND USE CONTROL INFRINGEMENTS**

### **7.1 Matters of Discretion**

In addition to the general matters set out in clause G2.3 of the General Provisions and the specific matters set out for infringements in the relevant underlying zones and Auckland-wide rules, the council will restrict its discretion to the matters below for the relevant land use control infringement.

- 1. Stormwater Management
  - a. The council will restrict its discretion to

- i. items (a) - (d) listed under Stormwater Management – Flow in the Auckland-wide rules and
  - ii. whether the non-compliance occurs on sites/lots intended for affordable housing or higher density development.
2. Development Control Infringements
  - a. The council will restrict its discretion to those matters listed in Part 3 I 1.11, and Part 3, G2; and
  - b. urban design outcomes and density enabled by infringements to building coverage
3. Integrated Residential Development
  - a. The Council will restrict its discretion to those matters listed under “four or more dwellings” in the Residential Zones.

## **7.2 Assessment Criteria**

In addition to the general assessment criteria in clause G2.3 of the General Provisions and the specific assessment criteria for the infringement in the relevant underlying zones and Auckland-wide rules, the council will consider the relevant assessment criteria below for the development control infringement.

1. On-site stormwater management
  - a. The council will consider assessment criteria (a) - (d) listed under Stormwater Management – Flow in the Auckland-wide rules.
  - b. Where the non-compliance occurs on sites/lots intended for affordable housing or higher density development applicants may demonstrate that runoff from the impervious surfaces can be accommodated within the public stormwater system/network.
2. Development control Infringements

- a. The council will consider assessment criteria listed in Part 3 I 1.11, and Part 3 G 2.3.
- b. The extent that any infringement of building coverage enables quality urban design outcomes and higher density development.

3. Integrated Residential Development

- a. The Council will consider the assessment criteria applying to “four or more dwellings” in the Residential Zones.

**8. ASSESSMENT - SUBDIVISION**

**8.1 Matters of Discretion**

1. Subdivision

- a. The council will restrict its discretion to those matters listed for subdivision under the Auckland wide rules, and the following matters:
  - i. Consistency with Precinct Plan 1
  - ii. Stormwater management
  - iii. The matters for discretion outlined in Part 3 H5.4, Table 13
  - iv. The discretions for subdivision within the National Grid Subdivision Corridor in Appendix 6.X.1, and the design and layout of subdivision within the National Grid Subdivision Corridor.
  - v. Transportation Management

## 8.2 Assessment Criteria

1. For development that is a restricted discretionary activity, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the Zone and Auckland Wide Rules:
  - a. The structural elements of Precinct Plan 1 are incorporated into the subdivision design.
  - b. The approach to stormwater management for roads, lanes (access lots) and sites addresses the recommendations of the Stormwater Management Plan (May 2016) (including those relating to the catchments discharging to both the streams and estuary), and that the hydrology mitigation requirements outlined in the relevant rules can be met. Consent Notices may be required on the titles of all new sites to ensure compliance with the onsite stormwater management requirements contained in the rules of this Precinct and where recommended with the subdivision application to implement the Stormwater Management Plan (May 2016).
  - c. The design of low impact outfalls as lengths of manmade channels with a natural form (materials and planting) to dissipate energy and minimise erosion for outfalls to streams and the coast.
  - d. The assessment criteria outlined in Part 3, ~~Chapter H, Section 5.4.~~
  - e. The assessment criteria for subdivision within the National Grid Subdivision Corridor in Appendix 6.X.1, and the design and layout of subdivision within the National Grid Subdivision Corridor.
- a. The implementation of relevant upgrades to the roading network

Development of up to 50 households should occur when the following transport requirements are met:

- Bremner Road approach to the Ngakoroa Stream Bridge to a two lane urban road (as required by the consented development) including separated cycle lanes (including a shared path on one side of the Ngakoroa Stream Bridge)
- Footpaths to link the Drury 1 Precinct to Drury Township, as per Drawing Reference A1,1013-Qd1EX022 by McKenzie and Co Consulting
- SH22/Victoria Street intersection – changes to the intersection refer diagram below

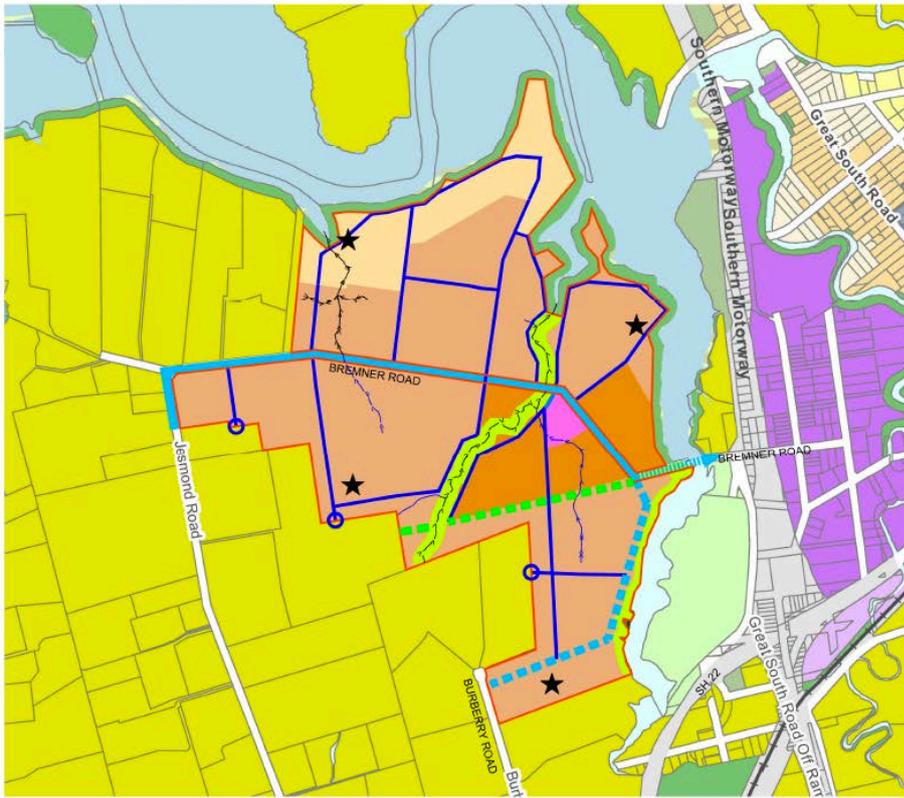


- Pedestrian Improvements at Norrie Road/Great South Road Intersection, as illustrated at Figure 5-4 of the ITA
- Pedestrian upgrade (one side only) of Bremner Road motorway overbridge, including safety improvements to the footpath and handrail structures.
- Great South Road/Firth Street intersection priority changes to the intersection
  - a) Prior to the development of 100 cumulative dwellings being constructed across the Drury 1 Precinct, the Firth Street/Great South Road intersection improvements, including markings and curve realignment as per Drawing 1, Revision A, dated 20 June should be implemented
  - b) Prior to the development of 400 cumulative dwellings being constructed across the Drury 1 Precinct, a dedicated cycle facility should to be constructed across State Highway 1, alongside Bremner Road.

**Special Information requirement:**

1. For Integrated Residential Development, the Special Information Requirements applying to “four or more dwellings” in the underlying residential zones apply

9 PRECINCT PLAN 1



LEGEND

MIXED HOUSING URBAN	
MIXED HOUSING SUBURBAN	
TERRACE HOUSING AND APARTMENT BUILDINGS	
LOCAL CENTRE	
EXISTING POS - CONSERVATION	
PROPOSED ESPLANADE RESERVE	
FUTURE URBAN	
PRECINCT BOUNDARY	
COLLECTOR ROAD (NEW)	
COLLECTOR ROAD - PROTECTED CYCLEWAY	
COLLECTOR ROAD (EXISTING)	
FUTURE COLLECTOR ROAD (NEW)	
INDICATIVE LOCAL ROAD OR PARK EDGE	
INDICATIVE LOCAL CENTRE ROAD	
EXISTING PROPERTY BOUNDARY	
INDICATIVE RESERVE LOCATIONS	
INDICATIVE FUTURE CONNECTIONS	
<b>INDICATIVE STREAMS</b>	
PERMANENT	
INTERMITTENT	

NOTES

1. NO PHYSICAL "FORMED" CONNECTION TO BURBERRY ROAD SHALL BE ESTABLISHED UNTIL SUCH TIME AS SAFE AND APPROPRIATE CONNECTIONS TO SHEET ARE AVAILABLE.
2. FUTURE COLLECTOR ROAD(NEW) TO BE VESTED WITH COLLECTOR ROAD WIDTH, HOWEVER IT ONLY NEEDS TO BE FORMED AS A LOCAL ROAD IN THE INTERIM WITH ALL ADJOINING LOTS BEING SUBJECT TO RULE 4.12 VEHICLE ACCESS

## Appendix 6.X.1 ELECTRICITY TRANSMISSION CORRIDOR (NATIONAL GRID)

### 1. National Grid Definitions

The following definitions are applicable:

#### Activities sensitive to National Grid lines

Any dwellings, papakāinga, visitor accommodation, boarding houses, retirement villages, supported residential care, education facilities, hospitals and healthcare facilities and care centres.

#### National Grid lines

Parts of the National Grid of transmission lines and cables (aerial, underground and undersea), stations and substations and other works used to connect grid injection points and grid exit points to convey electricity within and beyond the district and region.

#### National Grid subdivision corridor

Means the area measured either side of the centreline of an above ground National Grid line as follows:

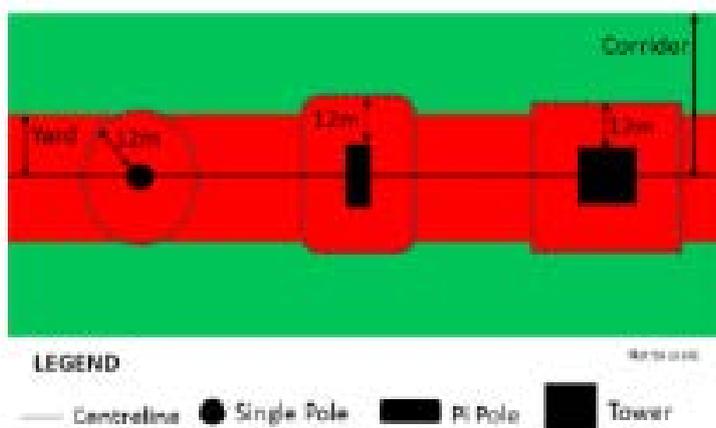
- 32m for the 110kV National Grid lines.
- 37m for the 220kV National Grid lines.

#### National Grid support structure

A tower or pole comprising part of the National Grid that supports conductors as part of a transmission line. For the purpose of defining the National Grid Yard and the rules in this Appendix, measurements are taken horizontally from the outer visible edge of the base of the support structure at existing ground level.

#### National Grid Yard (shown in red in diagram below) means: -

- the area located 12 metres in any direction from the outer edge of a National Grid support structure; and
- the area located 12 metres either side of the centreline of any overhead National Grid line.



## 2. National Grid Rules

1. The location of the electricity transmission corridor must be updated if any National Grid support structure or line is relocated, replaced or removed.
2. Compliance with the NZECP34:2001 is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including any activities that are otherwise permitted by the Unitary Plan, must comply with this regulation. Compliance with the permitted activity status in this plan does not ensure compliance with NZECP34:2001.

The following table specifies the development activities within the *National Grid Subdivision Corridor* and *National Grid Yard*.

Activities	Activity Status
<b>Within the <i>National Grid Subdivision Corridor</i></b>	
Subdivision for a network utility or electricity transmission	P
Creation of lots involving the location of a building platform within the <i>National Grid Yard</i>	NC
All other subdivision	RD
<b>Within the <i>National Grid Yard</i></b>	
Any building or structure unless it is otherwise provided for below.	NC
Network utilities and transmission lines between electricity generation facilities and the National Grid	P
Fences less than 2.5m high and no closer than 5m from a <i>National Grid support structure</i>	P
Alterations to existing buildings that do not increase the building envelope or footprint	P
Establishing <i>activities sensitive to National Grid lines</i> in an existing building	NC
Increasing* the intensity or scale of existing <i>activities sensitive to National Grid lines</i> in an existing building	NC
Earthworks that comply with Development Control 3.1.1	P
Earthworks that do not comply with Development Control 3.1.1.1	RD
Earthworks that do not comply with Development Control 3.1.1.2. or Development Control 3.1.1.3.	NC

- \* For the purposes of this Rule, “Increasing the intensity or scale of existing activities sensitive to transmission lines” means any increase in the actual or potential capacity for people to be accommodated.

### **3 Development Controls**

#### **3.1 Permitted Activities**

##### **3.1.1 Earthworks within the *National Grid Yard***

All Earthworks with the *National Grid Yard* must comply with the following controls:

1. Be no deeper than 300mm within 12m of any *National Grid support structure*  
Except that:  
Vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt.
2. Not create an unstable batter that will affect a *National Grid support structure*; and
3. Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001

Provided that the following are exempt from points (1) above:

- Earthworks for Network Utilities; or
- Earthworks undertaken as part of domestic or other cultivation, or repair, sealing or resealing of a road, footpath or driveway.

#### **4. Notification**

1. The council will consider the restricted discretionary activities listed in the activity table without the need for public or limited notification. However, limited notification will be given to Transpower New Zealand Ltd unless written approval from Transpower is provided at the time the application is lodged.

#### **5. Assessment - Restricted discretionary activities – subdivision**

##### **5.1 Matters of discretion**

The council will restrict its discretion to the matters below for the activities listed as restricted discretionary in the activity table:

1. Subdivision within the *National Grid Subdivision Corridor*
  - a. Impacts on the operation, maintenance, upgrade and development of the National Grid, including reverse sensitivity effects.
  - b. Compliance with NZECP34:2001.

- c. The ability of the applicant to provide a complying building platform.
- d. Location, design and use of the proposed building platform or structure as it relates to the *National Grid line*.
- e. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- f. The nature and location of any vegetation to be planted within the vicinity of the *National Grid Yard*.
- g. the design and layout of roads.

2. Earthworks within the *National Grid Yard*

- a. Impacts on the operation, maintenance, upgrade and development of the National Grid.
- b. Compliance with NZECP34:2001.
- c. The risk to the structural integrity of the National Grid.
- d. Any impact on the ability of the National Grid owner (Transpower) to access the transmission lines.
- e. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

**6. Assessment Criteria**

The council will consider the relevant assessment criteria below for the restricted discretionary activities listed above.

1. Subdivision

- a. The effects on the ability of the National Grid owner (Transpower) to operate, maintain, upgrade and develop the National Grid, including access to the line.
- b. The extent to which the design and construction of the subdivision allows for earthworks, building and structures to comply with NZECP34:2001.
- c. The ability to provide a complying building platform.
- d. Location, height, scale, orientation and use of the proposed building platform or structure, or vegetation, as it relates to the National Grid line.
- e. The extent to which the subdivision design and consequential development will
  - (i) minimise potential reverse sensitivity and nuisance effects of the National Grid.

2. Earthworks

- a. The effects on the ability of the National Grid owner (Transpower) to operate, maintain, upgrade and develop the transmission network, including access to the line.
- b. Compliance with NZECP34:2001.
- c. The risk to the structural integrity of the National Grid.
- d. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

**7. Special information requirements**

In addition to the general information requirements for a resource consent application an electrical engineering assessment prepared by a suitably qualified person may also be required to demonstrate compliance with NZECP34:2001.

## **Attachment 2:**

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

### **General Conditions**

1. The comprehensive vacant lot subdivision to create 51 vacant residential lots from an existing title (132 Bremner Road), creation of 5 lots identified for future affordable housing (Lots 5, 24, 41,42 and 43), roads, esplanade reserve, recreation reserve, drainage reserve and infrastructure to vest at 132 Bremner Road, Bremner Road upgrades including vesting of Lot 100 from 121 Bremner Road for road widening purposes and a balance lot 52, associated earthworks, roads, landscaping and infrastructure, 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 JSL/2016/1855 and REG/2016/1856
  - Application Form, and Assessment of Effects titled 'Resource Consents for a Qualifying Development (QD) Subdivision and Associated works - 109R, 121, 132 & 160 Bremner Rod and 31 Burberry Road, Drury' prepared by Mark Tollemache and Fion Tang and dated May 2016; Drawings, specialist reports and additional information as detailed below.

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

Drawing Number	Title	Author	Revision Number	
TP001	EXISTING TOPOGRAPHICAL PLAN	McKenzie & Co	C	
SP001	PROPOSED SUBDIVISION OF LOT 9 DP166291 - SHEET 1 OF 3	McKenzie & Co	G	
SP002	PROPOSED SUBDIVISION OF LOT 9 DP166291 - SHEET 2 OF 3	McKenzie & Co	H	
SP003	PROPOSED SUBDIVISION OF LOT 9 DP166291 - SHEET 3 OF 3	McKenzie & Co	G	
SP004	PROPOSED EASEMENT OVER LOT 10 DP166291	McKenzie & Co	A	
SP005	PROPOSED SUBDIVISION OF LOT 2 DP119463	McKenzie & Co	B	
EW001	EARTHWORKS FINAL CONTOUR PLAN	McKenzie & Co	C	
EW002	EARTHWORKS CUT/ FILL PLAN	McKenzie & Co	D	
EW003	EROSION AND SEDIMENT CONTROL - OVERALL	McKenzie & Co	E	
EW004	EROSION AND SEDIMENT CONTROL - SHEET 1 OF 3	McKenzie & Co	C	
EW005	EROSION AND SEDIMENT CONTROL - SHEET 2 OF 3	McKenzie & Co	C	
EW006	EROSION AND SEDIMENT CONTROL - SHEET 3 OF 3	McKenzie & Co	C	
EW010	EROSION AND SEDIMENT CONTROL DETAILS - SHEET 1 OF 3	McKenzie & Co	A	
EW011	EROSION AND SEDIMENT CONTROL DETAILS - SHEET 2 OF 3	McKenzie & Co	A	
EW012	EROSION AND SEDIMENT CONTROL DETAILS - SHEET 3 OF 3	McKenzie & Co	A	

RD001	ROADING LAYOUT - OVERALL PLAN	McKenzie & Co	E	
RD010	ROADING LAYOUT - PROPOSED INTERSECTION LAYOUT - BREMNER ROAD, ROAD 20/22	McKenzie & Co	D	
RD011	ROADING LAYOUT - FUTURE INTERSECTION LAYOUT - BREMNER ROAD, ROAD 20/22	McKenzie & Co	B	
RD020	LONGSECTION - ROAD 20 LONGSECTIONS	McKenzie & Co	B	
RD021	LONGSECTION - ROAD 22 LONGSECTIONS - SHEET 1 OF 2	McKenzie & Co	B	
RD022	LONGSECTION - ROAD 22 LONGSECTIONS - SHEET 2 OF 2	McKenzie & Co	B	
RD023	LONGSECTION - ROAD 23 LONGSECTIONS	McKenzie & Co	A	
RD024	LONGSECTION - ROAD 26 LONGSECTIONS	McKenzie & Co	B	
RD025	LONGSECTION - ROAD 27 LONGSECTIONS	McKenzie & Co	B	
RD026	LONGSECTION - ROAD 28 LONGSECTIONS	McKenzie & Co	A	
RD031	TYPICAL CROSS SECTIONS - SHEET 1 OF 2	McKenzie & Co	D	
RD032	TYPICAL CROSS SECTIONS - SHEET 2 OF 2	McKenzie & Co	D	
RD033	TYPICAL CROSS SECTIONS - UTILITY SERVICES LAYOUT	McKenzie & Co	A	
RD040	AUCKLAND TRANSPORT STANDARD DETAILS - SHEET 1 OF 5	McKenzie & Co	A	
RD041	AUCKLAND TRANSPORT STANDARD DETAILS - SHEET 2 OF 5	McKenzie & Co	A	
RD042	AUCKLAND TRANSPORT STANDARD DETAILS - SHEET 3 OF 5	McKenzie & Co	A	
RD043	AUCKLAND TRANSPORT STANDARD DETAILS - SHEET 4 OF 5	McKenzie & Co	A	
RD044	AUCKLAND TRANSPORT STANDARD DETAILS - SHEET 5 OF 5	McKenzie & Co	A	
SW001	OVERALL STORMWATER LAYOUT PLAN	McKenzie & Co	C	
SW002	PROPOSED STORMWATER LAYOUT PLAN - SHEET 1 OF 4	McKenzie & Co	B	
SW003	PROPOSED STORMWATER LAYOUT PLAN - SHEET 2 OF 4	McKenzie & Co	B	
SW004	PROPOSED STORMWATER LAYOUT PLAN - SHEET 3 OF 4	McKenzie & Co	C	
SW005	PROPOSED STORMWATER LAYOUT PLAN - SHEET 4 OF 4	McKenzie & Co	C	
SW010	STORMWATER LONGSECTIONS - SHEET 1 OF 7	McKenzie & Co	A	
SW011	STORMWATER LONGSECTIONS - SHEET 2 OF 7	McKenzie & Co	A	
SW012	STORMWATER LONGSECTIONS - SHEET 3 OF 7	McKenzie & Co	A	
SW013	STORMWATER LONGSECTIONS - SHEET 4 OF 7	McKenzie & Co	A	
SW014	STORMWATER LONGSECTIONS - SHEET 5 OF 7	McKenzie & Co	A	
SW015	STORMWATER LONGSECTIONS - SHEET 6 OF 7	McKenzie & Co	A	
SW016	STORMWATER LONGSECTIONS - SHEET 7 OF 7	McKenzie & Co	A	

SW050	BREMNER ROAD RAINGARDEN DETAILS - SHEET 1 OF 2	McKenzie & Co	B	
SW051	BREMNER ROAD RAINGARDEN DETAILS - SHEET 2 OF 2	McKenzie & Co	B	
SW052	BREMNER ROAD TREATMENT SWALE DETAILS - SHEET 1 OF 2	McKenzie & Co	B	
SW053	BREMNER ROAD TREATMENT SWALE DETAILS - SHEET 2 OF 2	McKenzie & Co	B	
SW054	ROAD 22 RAINGARDEN DETAILS - SHEET 1 OF 2	McKenzie & Co	B	
SW055	ROAD 22 RAINGARDEN DETAILS - SHEET 2 OF 2	McKenzie & Co	B	
SW056	LOCAL ROAD RAINGARDEN DETAILS - SHEET 1 OF 3	McKenzie & Co	B	
SW057	LOCAL ROAD RAINGARDEN DETAILS - SHEET 2 OF 3	McKenzie & Co	B	
SW058	LOCAL ROAD RAINGARDEN DETAILS - SHEET 3 OF 3	McKenzie & Co	B	
SW070	STORMWATER - CATCHMENT PLAN	McKenzie & Co	B	
SW075	100-YR STORMWATER OVERLAND FLOW PATH	McKenzie & Co	B	
SW080	STORMWATER STANDARD DETAILS - SHEET 1 OF 3	McKenzie & Co	B	
SW081	STORMWATER STANDARD DETAILS - SHEET 2 OF 3	McKenzie & Co	B	
SW082	STORMWATER STANDARD DETAILS - SHEET 3 OF 3	McKenzie & Co	B	
WW001	WASTEWATER PLAN - OVERALL	McKenzie & Co	C	
WW002	WASTEWATER PLAN - SHEET 1 OF 4	McKenzie & Co	B	
WW003	WASTEWATER PLAN - SHEET 2 OF 4	McKenzie & Co	B	
WW004	WASTEWATER PLAN - SHEET 3 OF 4	McKenzie & Co	B	
WW005	WASTEWATER PLAN - SHEET 4 OF 4	McKenzie & Co	C	
WW010	WASTEWATER LONG SECTIONS - SHEET 1 OF 6	McKenzie & Co	B	
WW011	WASTEWATER LONG SECTIONS - SHEET 2 OF 6	McKenzie & Co	B	
WW012	WASTEWATER LONG SECTIONS - SHEET 3 OF 6	McKenzie & Co	B	
WW013	WASTEWATER LONG SECTIONS - SHEET 4 OF 6	McKenzie & Co	B	
WW014	WASTEWATER LONG SECTIONS - SHEET 5 OF 6	McKenzie & Co	B	
WW015	WASTEWATER LONG SECTIONS - SHEET 6 OF 6	McKenzie & Co	B	
WW080	WATERCARE SERVICES LIMITED WASTEWATER STANDARD DETAILS - SHEET 1 OF 2	McKenzie & Co	B	
WW081	WATERCARE SERVICES LIMITED WASTEWATER STANDARD DETAILS - SHEET 2 OF 2	McKenzie & Co	B	
UT000	WATER SUPPLY PLAN - OVERALL	McKenzie & Co	E	
UT001	WATER SUPPLY PLAN - SHEET 1 OF 5	McKenzie & Co	D	
UT002	WATER SUPPLY PLAN - SHEET 2 OF 5	McKenzie & Co	C	
UT003	WATER SUPPLY PLAN - SHEET 3 OF 5	McKenzie & Co	D	

	5			
UT004	WATER SUPPLY PLAN - SHEET 4 OF 5	McKenzie & Co	D	
UT005	WATER SUPPLY PLAN - SHEET 5 OF 5	McKenzie & Co	B	
UT010	WATER STORAGE TANK & PUMP STATION DETAIL	McKenzie & Co	C	
UT080	WATERCARE SERVICES LIMITED WATER SUPPLY STANDARD DETAILS - SHEET 1 OF 3	McKenzie & Co	A	
UT081	WATERCARE SERVICES LIMITED WATER SUPPLY STANDARD DETAILS - SHEET 2 OF 3	McKenzie & Co	A	
UT082	WATERCARE SERVICES LIMITED WATER SUPPLY STANDARD DETAILS - SHEET 3 OF 3	McKenzie & Co	A	
PP01	Planting Plan 01	LA4 Landscape Architects	-	
PP02	Planting Plan 02	LA4 Landscape Architects	A	
PP03	Planting Schedules	LA4 Landscape Architects	-	
DP01	Construction & Planting Details 01	LA4 Landscape Architects	-	
DP02	Construction & Planting Details 02	LA4 Landscape Architects	-	
The following drawings are for information only to give context to the wider roading upgrades as per condition 34				
EX001	COASTAL MARINE AREA - RECLAMATION PLAN	McKenzie & Co	C	
EX002	COASTAL MARINE AREA - RECLAMATION CROSS SECTIONS	McKenzie & Co	A	
EX020	EXTERNAL WORKS - PEDESTRIAN UPGRADE - OVERVIEW PLAN	McKenzie & Co	E	
EX021	EXTERNAL WORKS - PEDESTRIAN UPGRADE - PLAN SHEET 1 OF 4	McKenzie & Co	F	
EX022	EXTERNAL WORKS - PEDESTRIAN UPGRADE - PLAN SHEET 2 OF 4	McKenzie & Co	E	
EX023	EXTERNAL WORKS - PEDESTRIAN UPGRADE - PLAN SHEET 3 OF 4	McKenzie & Co	E	
EX024	EXTERNAL WORKS - PEDESTRIAN UPGRADE - PLAN SHEET 4 OF 4	McKenzie & Co	E	
EX030	EXTERNAL WORKS - PEDESTRIAN UPGRADE - TYPICAL CROSS SECTIONS	McKenzie & Co	E	
EX031	EXTERNAL WORKS - PEDESTRIAN UPGRADE - NORRIE BRIDGE DETAILS	McKenzie & Co	C	
EX032	EXTERNAL WORKS - PARKS RIGHT OF ENTRY PLAN	McKenzie & Co	B	
EX033	EXTERNAL WORKS - PARKS RIGHT OF ENTRY PLAN - CUT AND FILL PLAN	McKenzie & Co	A	
EX040	EXTERNAL WORKS - PEDESTRIAN UPGRADE - ATCOP DETAILS SHEET 1 OF 2	McKenzie & Co	B	
EX041	EXTERNAL WORKS - PEDESTRIAN UPGRADE - ATCOP DETAILS SHEET 2 OF 2	McKenzie & Co	B	

EX150	EXTERNAL WORKS - JESMOND BRIDGE WIDENING	McKenzie & Co	E
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<b>Specialist Report</b>	<b>Title</b>	<b>Author</b>	<b>Date</b>
Infrastructure and Servicing Report	Auranga Bremner SHA, Karaka and Drury Consultant Ltd, 132 Bremner Road, Drury, Auckland – Qualifying Development and Enabling Works at 31 Burberry, 121 and 160 Bremner Rd	James McKenzie	2 May 2016
Traffic Report	Auranga SGA Qualifying Development 1 – Traffic Report	Ida Dowling and Leo Hills	7 May 2016
Geotechnical Investigation Report	Auranga Development, Stage 1 Qualifying Development, Bremner Road, Drury	S.G Lander	27 April 2016
Additional Traffic Assessment	Auranga s64 Response	Leo Hills	23 June 2016
<b>Additional Information</b>			
Additional Contamination Information	Email titled FW: 1013 – Bremner Road SHA with attached XRF Results	Mark Tollemache and Sam Woolley	24 May 2016
Additional Contamination Information	Email titled FW: 1013 – Bremner Road SHA with attached Extent of contamination plan	Mark Tollemache	30 May 2016
Additional Contamination Information Updated PSI	Preliminary Site Investigation Auranga Development Auckland	Sam Woolley of Focus Environmental Services Ltd	June 2016
Additional Earthworks Information	Email titled Re: 1013-132 Bremner Road, with attached Sediment pond sizing Calculations and drawings	Chris Maday of McKenzie & Co	30 June 2016
Additional Earthworks Information	Email titled: 138 Bremner Road Qualifying Development with attached updated ULSE calculations and Infrastructure Report	Mark Tollemache and Chris Maday of McKenzie & Co	10 June 2016
Additional Ecology Information	Letter titled 'Auranga SHA – Reply to Council Comments regarding QD 1'	Graham Ussher	6 July 2016
Additional Infrastructure Information	Email titled '347426: Bremner Road – HPO request for specialist input 16052016 – Bremner Road SHA'	Mark Tollemache and Robert White	22 June 2016

## Monitoring Charges

2. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500.00 (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.

The \$1500.00 (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 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 Council issue a letter on request of the consent holder.*

**Lapse of Consent – JSL-2016-1855**

3. Under section 51 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 (s.125 of the RMA), this consent lapses three 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 three years from the date of granting consent,*

**PRE-DEVELOPMENT CONDITIONS**

**Pre-construction Meeting**

4. Prior to the commencement of the construction or earthworks activity, the consent holder shall hold a pre-construction meeting that:
  - (i) is located on the subject site
  - (ii) is scheduled not less than 5 working days before the anticipated commencement of earthworks
  - (iii) includes the Team Leader, Southern Monitoring, Resource Consenting and Compliance
  - (iv) includes the engineer/s to the contract
  - (v) includes representation from the contractors who will undertake the works
  - (vi) includes project and Council ecologist
  - (vii) includes project archaeologist

- (viii) includes Kaitiaki representatives from Te Akitai Waiohua, Ngati Te Ata and Ngati Tamaoho

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

- (a) Timeframes for key stages of the works authorised under this consent
- (b) Resource consent conditions
- (c) Finalised Site Specific Erosion and Sediment Control Plan
- (d) Final Chemical Treatment Management Plan
- (e) Traffic Management Plan
- (f) Landscaping and Weed Management Plans

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, SHA Consenting, on [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392.*

Heritage Briefing

5. Prior to the commencing of the earthworks activity on site a contractors briefing shall be undertaken by the projects Archaeologist/ historic heritage expert. This briefing should provide information to contractors regarding what constitutes archaeological/ historic heritage materials; the legal requirements of unexpected archaeological discoveries; the appropriate procedures to follow if archaeological/ historic heritage materials are uncovered whilst the project archaeologist is not on site, to safeguard materials; and the contact information of the relevant agencies (including the project archaeologist/ historic heritage expert, the Auckland Council Senior Compliance Advisor (HPO), Auckland Council Heritage Unit and Heritage NZ Pouhere Taonga) and mana whenua. Documentation demonstrating that the contractor briefing has occurred shall be provided to the Team Leader, Southern Monitoring, Resource Consenting and Compliance at the pre-start meeting under condition (4).

Finalised Erosion and Sediment Control Plan

6. Prior to the commencement of the earthworks activity on the subject site, a finalised Site Specific Erosion and Sediment Control Plan, including an updated Universal Soil Loss Equation (USLE) shall be prepared and submitted to the Team Leader, Southern Monitoring, Resource Consenting and Compliance for approval in writing. No earthworks activity on the subject site shall commence

until confirmation from council is provided that the final management plan is satisfactory.

**Advice Note:**

*The finalised ESCP contain sufficient detail to address the following matters:*

- *Details of specific erosion and sediment controls to be utilised, (location, dimensions, capacity)*
- *supporting calculations including an updated USLE and design drawings*
- *catchment boundaries and contour information*
- *details of construction methods*
  - *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
- *details relating to the management of exposed areas (e.g. grassing, mulching)*
- *monitoring and maintenance requirements*

*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 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.*

Specifications for Decanting Earth Bunds

7. All Decanting Earth Bunds utilised during earthworks shall be designed to ensure that they:
  - a. have a three percent storage capacity, being at least three cubic metres of impoundment volume for every 100m<sup>2</sup> of contributing catchment;
  - b. be constructed to a 3:1 to 5:1 length-to-width ratio and have a rectangular shape;
  - c. have a T/bar floating decant which decants at a rate of 3 litres per second, per hectare.

**Advice Note:**

*The Decanting Earth Bunds required by Condition (7) should be constructed in accordance with Best Practice and Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

Chemical Treatment Management Plan

8. Prior to the commencement of bulk earthworks at the site, a Final Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader, Southern Monitoring, Resource Consenting and Compliance. 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 and Decanting Earth Bunds;
  - b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
  - c) Details of optimum dosage (including assumptions);
  - d) Results of initial chemical treatment trial and bench testing;
  - 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 (HPO) prior to implementation to confirm that they are within the scope of this consent.*

Erosion and Sediment Control Certification

9. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader, Southern Monitoring, Resource Consenting and Compliance to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 1, 6, 7 and 8 of this consent.

Certified controls shall include the, Sediment Retention Ponds, Decanting Earth Bunds, Cleanwater Diversions, Dirty Water Diversions, Contour Drains and Super 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 and volume of structure (dimensions of structure);
- c) Position of inlets/outlets; and
- d) Stabilisation of the structure.

### 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 Team Leader, Southern Monitoring, Resource Consenting and Compliance. No earthworks or construction on the subject site shall commence until confirmation is provided from 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:
- (i) the control of the movement of earthmoving vehicles to and from the site
  - (iii) a designated haulage route on the public roading network for heavy vehicles accessing the site
  - (iv) signage proposed to warn road users of heavy vehicle movements
  - (v) 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

#### **Advice Note:**

*It is the responsibility of the applicant to seek approval for the Traffic Management Plan 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.*

### Weed Management

11. Prior to any commencement of works within the proposed esplanade reserve (Lots 100 and 101) a weed management plan shall be submitted to the Team Leader, Southern Monitoring, Resource Consenting and Compliance for approval in writing. This plan clearly identify weeds within the reserve areas on a plan, the recommended control methods for the weeds identified and the time frames for implementing the weed plan and responsibilities. Any chemical control to be used must follow best practice methodology and be suitable for the purpose and the environment in which it is to be used.

Once the Weed Control Plan above has been approved by Team Leader, Southern Monitoring, Resource Consenting and Compliance the consent holder shall control all existing weed infestations in accordance with, but not limited to, the approved Weed Control Plan to the satisfaction of Council's Team Leader, Southern Monitoring, Resource Consenting and Compliance prior to the issue of s224(c) certificate.

*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 council's Senior Compliance Advisor (DPO) or similar position.*

## **DEVELOPMENT IN PROGRESS CONDITIONS**

### **12. Archaeology/ Historic Heritage**

If, at any time during site works, potential koiwi (human remains), archaeology or artefacts are discovered, then the following discovery protocol is to be followed:

- (a) All earthworks will cease in the immediate vicinity (at least 10m from the site of the discovery) while a suitably qualified archaeologist is consulted to establish the type of remains.
- (b) If the material is identified by the archaeologist as human, archaeology or artefact, earthworks must not be resumed in the affected area (as defined by the archaeologist). The consent holder must immediately advise the Team Leader, Southern Monitoring, Resource Consenting and Compliance, Heritage New Zealand Pouhere Taonga and Police (if human remains are found) and arrange a site inspection with these parties.
- (c) If the discovery contains koiwi, archaeology or artefacts of Maori origin, representatives from Te Akitai Waiohua, Ngati Te Ata and Ngati Tamaoho Trust are to be provided information on the nature and location of the discovery.
- (d) The Te Akitai Waiohua, Ngati Te Ata and Ngati Tamaoho are to be given the opportunity to monitor the earthworks and conduct karakia and other such religious or cultural ceremonies and activities as are appropriate.

#### **Advice Note:**

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

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

## Earthworks

14. 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 enviropods*

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

*It is recommended that you discuss any potential measures with the Senior Compliance Advisor, SHA Consenting who may be able to provide further guidance on the most appropriate approach to take. For more details please contact [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.*

15. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent, or by the approved Erosion and Sediment Control Plan under condition 6, 7 and 8, shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
16. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond subject site to either land, stormwater drainage systems, watercourses or receiving waters. All sediment and erosion controls shall be installed in accordance with the Auckland Regional Council Guidelines for Land Disturbing Activities in the Auckland Region, Technical Publication TP90.
17. 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.

**Advice Note:**

*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 80% of a normal pasture sward*

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

18. All perimeter controls shall be operational before earthworks commence. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from earthworks areas via a stabilised system, so as to prevent surface erosion.

**Advice Note:**

*Perimeter controls include cleanwater diversions, silt fences and any other erosion control devices that are appropriate to divert stabilised upper catchment runoff from entering the site, and to prevent sediment-laden water from leaving the site.*

19. No sediment laden runoff shall leave the site without prior treatment via an approved sediment control device.

**Seasonal Restriction**

20. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader, Southern Monitoring, Resource Consenting and Compliance 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 Auckland Regional Council Guidelines for Land Disturbing Activities in the Auckland Region, Technical Publication TP90 and any amendments to this document.

**Completion or Abandonment of Earthworks**

21. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Southern Monitoring, Resource Consenting and Compliance.

**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 80% of a normal pasture sward.*

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

#### Dust Management

22. 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 Team Leader, Southern Monitoring, Resource Consenting and Compliance, 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.*

#### Noise

23. All construction and earthworks activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics - Construction Noise, at all times. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and/or earthworks activity on the subject site shall be restricted to between the following hours to comply with this standard:

- Monday to Saturday: 7:30am to 6.00pm
- Sundays or Public Holidays: No works

### Rear Lane Design (Lot 301)

24. Prior to the lodgment of Engineering Plan Approval, the consent holder shall provide full design details of the rear lane design (Lot 301) for approval in writing to the Manager, Resource Consenting and Compliance, in consultation with the Principal Urban Designer, Auckland Design Office. The design should clearly illustrate the following;
- i. Landscaping shall be provided at the entry and exist points of the laneway visible from Road 26 to add to the visual amenity and interest of the public streetscape and to contribute to the achievement of slow vehicle speeds into and out of the rear lane, and clear delineation that the rear lane is a private carriageway (such as by varying surface materials at the entry / exit).
  - ii. Verification from a traffic engineer that the rear lane is designed to achieve low vehicle speeds (10km/hr).

The laneway shall then be implemented in accordance with the details approved above to the satisfaction of Manager, Resource Consenting and Compliance and maintained thereafter.

### Engineering Plan Requirements and Approvals

25. Prior to the commencement of any earthworks/construction or prior to the lodgement of the survey plan pursuant to s.45 of the HASHAA (s.223 of the RMA), whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance for approval. Details of the registered engineer who shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval.

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

- 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.
- Detailed design of all roads to be vested in Council including intersections, parking, indicative vehicle crossings, pedestrian crossings, footpaths, street lighting, street furniture and other structures/facilities on the roads (including street furniture, traffic calm devices and safety measurements i.e. marking and street sign etc.). In particular, the necessary works to the adjacent road reserve in terms of upgrade works to the road carriageway and the provision of additional footpaths. All roads shall be designed in accordance with Auckland Transport's Code of Practice (ATCOP). In particular:

- Right turn bays and flush median shall be provided along Road 22 at all local road intersections as part of this development. The design may require amendments to landscaping, rain gardens and other features to accommodate the right turn bays/flush median;
- Clear inter-visibility sight lines shall be demonstrated by a visibility assessment at all intersections and driveways for motorists. That clear inter-visibility sight lines shall be provided at all pedestrian crossing points between motorists and pedestrians. No planting or street furniture shall compromise sight distance requirements;
- A 30kph speed environment calming devices on local residential streets shall be provided. This shall be achieved via a Local Area Traffic Management (LATM);
- Vehicle tracking requirements at all intersections shall be met including for service and rubbish trucks. It is understood from Auckland Council Waste Management that 8m and 10.3m trucks will be servicing the waste and recycling collections. No crossing of the centerline shall be permitted on Collector Roads. Vehicle tracking plans (10.3m truck) shall be provided for review with the EPA drawings. If turning is unable to occur within the proposed road reserve for Road 27 then a temporary turning head may be required;
- All proposed batter slopes within the road reserve shall be no greater than 1:5 for safety and mowing requirements. Otherwise they will need to be planted. That planting shall be approved by AC Parks;
- The raingardens shall be designed in accordance with Auckland Council SW/Parks and Auckland Transport requirements. Auckland Council Parks to approve appropriate planting taking into account maintenance, sight lines, encroachment onto carriageway and footpath;
- All proposed trees within the road are appropriate species to ensure that sight lines are not compromised;
- A plan showing the indicative vehicle crossings for the lots. Indicative vehicle crossing locations shall be shown and overlaid with landscaping plans, street lightings, services and indented parking bays to ensure space for these are planned;
- Pedestrian crossing facilities shall be provided for good connectivity for pedestrians and cyclists as required throughout the development;
- Pram crossings shall be provided at all crossing points and designed in accordance with ATCOP requirements including the use of AT approved tactile pavers;

- Road 20 (Bremner Road) Crossing – That the design details of a pedestrian/cyclist refuge island shall be provided on Road 20 at the intersection of Road 22;
  - That cycle ramps on and off ramps shall be provided for cyclists wanting to exit from on road to off road facilities or vice versa. The design of the cycle ramps shall be in accordance with ATCOP requirements;
  - A sign and road marking plan(s) shall be submitted;
  - The Stormwater and Wastewater reticulation and manholes shall be clear of the carriageway and shall be outside the carriageway within the berm or within private property
  - The Utilities reticulations shall demonstrate sufficient cover will be achieved under parking bays, footpaths, and grass berm; and
- Detailed Landscape Planting Plan and maintenance programmes for all street planting and landscaping on the proposed roads and esplanade and drainage reserves. The Landscaping Planting Plan shall be prepared in accordance with the following requirements:
    - Be prepared by a suitably qualified landscape architect;
    - Be in general accordance with the application drawings by LA4 Landscape Architects dated 13/07/16 and titled *Planting Plan 01-05 – Auranga Development 132 Bremner Road project* No: 16445 drawing No PP01 –PP05 Rev A.
    - Ensure that species are able to maintain appropriate separation distances from paths, roads, street lights and vehicle crossings in accordance with the Auckland Transport Code of Practice;
    - Identify all new planting to be undertaken on the site;
    - Street trees shall be size Pb95 or larger at the time of planting,
    - Include specifications for plant condition and planting methodology;
    - Include details of the intended species, spacing, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged, established and maintained;
    - Include a commitment to replacing planting if the initial work fails; and
    - Include provisions and methods to ensure landscaping works do not unduly interfere with any overland flow path and swales.
    - Any planting adjacent Ngakoroa Stream shall incorporate Auckland Council Riparian Planting Guidelines TP148.

The Maintenance programme for for all planting to be established shall include:

- 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

- design strategy, specification and management plans for the treatment/maintenance issue relating to reserves.
- Detailed design of the Stormwater system and devices for the management of the quality of the stormwater runoff from the contributing development upstream catchment (including treatment devices and all ancillary equipment/structure etc.). The stormwater system and devices shall be designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 - Stormwater; in particular:
  - The proposed stormwater system shall be designed to identify health and safety risk during the life of the asset and shall ensure safety to the public, property and to operating personnel, contractor and Council employee.
  - The proposed stormwater system shall have an asset life of a minimum of 100 years.
    - The proposed network layout shall be reviewed at EPA stage to ensure the design complies with the s4 of the Code of Practice. Where the design deviates from the CoP commentary shall be provided explaining the reason for deviation and any additional operational or maintenance implications.
    - All access ways and JOALs (Lots 301 and 301) must be shall be constructed using permeable pavements capable of detaining and managing the first 5mm of any rainfall runoff.
    - Stormwater from all road reserve impervious areas must be directed to at source bio-retention devices designed and sized to accommodate stormwater runoff from the impervious road reserve and achieve SW quality treatment requirements as set out below:

#### **Bremner Rd (<5000 vpd)**

Full quality treatment devices for all impervious areas designed in accordance with TP10.

#### **Road 22 (<3000 vpd)**

Quality treatment devices shall have surface area sized on 2% of the contributing catchment and 1.0m depth bio-retention media and otherwise in general accordance in accordance with TP10.

#### **All other roads**

Quality treatment devices shall have surface area sized on 2% of the contributing catchment and can have 1:1 internal side slopes and minimum 600mm media depth

Details of the stormwater discharge outlets including engineered erosion protection measures designed in accordance with Auckland Council Technical Publication Number 10 (TP10).

- Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.

- Information relating to gas, electrical or telecommunication reticulation including ancillary equipment.
- The design of the laneway (302).
- The design of the rear lane (Lot 301). The drawings submitted shall be in accordance with the details approved under condition 24

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

- Certify that all public roads and associated structures/facilities or access ways have been designed in accordance with the ATCOP.
- Certify that the proposed stormwater system or devices proposed have been designed in accordance with the Auckland Council's Code of Practice for Land Development and Subdivision: Chapter 4 - Stormwater.
- Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset.
- Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.

**Advice Note:**

1. *Within the former Papakura District water and wastewater services are provided by Veolia under a Franchise Agreement. The developer deals directly with Veolia in relation to all water and wastewater servicing matters throughout the subdivision process. Compliance with Veolia's water and wastewater requirements (as evidenced by the issuing by Veolia of a Compliance Certificate) is necessary prior to the issue by Auckland Council of a Completion Certificate s224(c).*
2. *It is noted that if the EPA drawings require any permanent traffic and parking restrictions e.g. broken yellow lines, then the development will require Traffic Control Committee (TCC) resolutions from Auckland Transport. The consent holder would be expected to prepare and submit a resolution report to TCC.*
3. *It is recommended that the consent holder contact the Arboricultural Advisor (South) prior to submitting the planting plan in order to obtain advice on the most appropriate species to use.*
4. *All activities associated with the subdivision (lot 100 and Bremner Road upgrades), including the earthworks, structures, any operation of mobile plant, and persons working near exposed line parts, shall comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001), or any subsequent revision of the code.*

## AFFORDABILITY

26. Lots 5, 24, 41, 42 and 43 are allocated for the building of affordable dwellings that meet the required percentage of affordable dwellings set out in the affordability criteria in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Bremner Road SHA dated 17 August 2015.
27. The price at which a dwelling on these lots may be sold shall not exceed 75% of the Auckland Region Median House Price published by Real Estate Institution New Zealand for the most recent full month of September 2015 being \$578,250.00.

## GENERAL SUBDIVISION CONDITIONS

### **Section 223 Condition Requirements (s.45 of HASHAA) for Subdivision of Lot 9 DP 166291**

#### Street Naming

28. The consent holder shall submit a road naming application for proposed new roads for approval by the Franklin 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.*

29. Within three years of the decision of the subdivision consent, the Consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to s.45 of HASHAA (s.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. The Memorandum of Easements in accordance with the approved subdivision plans shall be duly granted or reserved Lots 100 and 101 shall be vested in Auckland Council as one a Local Purpose Reserve (Esplanade) at no cost.
  - b. Lot 300 shall be vested in Auckland Council as a public road.
  - c. Lot 102 shall be vested in Auckland Council as a drainage reserve.
  - d. That Lot 301 hereon be held in undivided one twenty sixth shares by the owners of Lots 2-14 and fourteen one, twenty sixth shares by the owner of Lot

52 and individual certificates be issued in accordance herewith.

- e. That Lot 302 hereon be held as two undivided one half shares by the owners of Lots 39 and 40 hereon as tenants in common in the said shares and that individual certificates be issued in accordance herewith
- f. An easement in gross in favour of Auckland Council for public access shall be duly created and reserve if the temporary turning head for the road to service Lots 41-46 and 51 is located outside the road boundary.

The existing easements for the purpose as outlined below shall be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Land online Territorial Authority Certifications portal as part of the survey plan application for this subdivision.

- Right of way, right to convey electricity and telecommunications created by easement instrument C878364.6 over Lot 9 DP16629
- Right to convey water created by easement instrument C878364.7 over Lot 9 DP16629; and
- Right to store water created by easement instrument C878364.7 over Lot 9 DP16629.

**Section 223 Condition Requirements (s.45 of HASHAA) for Subdivision of Lot 2 DP 119 463**

30. Within three years of the decision of the subdivision consent, the Consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to s.45 of HASHAA (s.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:

- Lot 100 shall be vested in Auckland Council as a public road.

The existing easements for the purpose as outlined below shall be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution within the Land Information NZ Land online Territorial Authority Certifications portal as part of the survey plan application for this subdivision.

- Right to convey water created by easement instrument C878364.7 over Lot 1 DP119463.

**SECTION 224 CONDITION REQUIREMENTS (S.46 OF HASHAA) for Subdivision of Lot 2 DP 119 463**

**Infrastructure**

**Subdivision of Lot 2 DP 119 463**

31. All proposed roads (including the Bremner Road and pedestrian upgrades) and ancillary facilities such as street lighting, and traffic calm devices if any, marking, street sign, and street furniture to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance.

An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in Auckland Council have been constructed in accordance with the approved Engineering Plans shall be provided in support of the s.224 application (s.46 of the HASHAA).

All RAMM as-built plans and data for the new roads shall also be provided with the s.224(c) application (s.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.

A report from a suitably qualified and registered electrician shall be supplied with the 224(c) application (s.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.

**SECTION 224 CONDITION REQUIREMENTS (S.46 OF HASHAA) for Subdivision of Lot 9 DP 166291**

32. All proposed roads (including the Bremner Road and pedestrian upgrades) and ancillary facilities such as street lighting, and traffic calm devices if any, marking, street sign, and street furniture to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance.

An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in Auckland Council have been constructed in accordance with the approved Engineering Plans shall be provided in support of the s.224 application (s.46 of the HASHAA).

All RAMM as-built plans and data for the new roads shall also be provided with the s.224(c) application (s.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.

A report from a suitably qualified and registered electrician shall be supplied with the 224(c) application (s.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.

33. Prior to the submission of s.224(c) application the consent holder shall prepare and submit a Traffic Resolution report to AT Traffic Control Committee (TCC) for approval.

#### Roads Upgrades

34. The Bremner Road carriageway and pedestrian/ cycle upgrades identified below shall be completed in full in accordance with the approved engineering prior to the issue of the 224(c) certificate pursuant to Section 46 of the HASHAA for the 51 lots. Alternatively, the consent holder shall submit a copy of an agreed Infrastructure Funding Agreement or alternative arrangements agreed with Auckland Transport which deals with these upgrades to the satisfaction of Council.

#### Table: Schedule of Road Upgrades

- i. Bremner Road approach to the Ngakoroa Stream Bridge to a two lane urban road including separated cycle lanes (including a shared path on one side of the Ngakoroa Stream Bridge)
- ii. Footpaths to link the Drury 1 Precinct to Drury Township, as per Drawing Reference A1,1013-Qd1EX022 by McKenzie and Co Consulting
- iii. SH22/Victoria Street intersection – changes to the intersection as illustrated in figure 1, Revision A, dated 9 June 2016 in the sec 64 response from commute dated 23 June 2016
- iv. Pedestrian Improvements at Norrie Road/Great South Road Intersection, as illustrated at illustrated in revision A of the McKenzie and Co Consultants Ltd Drawing number RD100, dated 30 November 2015 and revision E of the McKenzie and Co consultants Ltd drawing number RD1013-QD1-EX022, dated 20 June 2016.
- v. Pedestrian upgrade (one side only) of Bremner Road motorway overbridge, including safety improvements to the footpath and handrail structures.
- vi. Great South Road/Firth Street intersection priority changes to the intersection as illustrated in revision E of the McKenzie and Co consultants Ltd drawing number RD1013-QD1-EX022, dated 20 June 2016

### Infrastructure Connections

35. Prior to the issue of the 224c Certificate pursuant to s46 of the HSAHAA, the consent holder shall provide evidence to confirm that the wastewater pump station and trunk line, the bulk supply to the Waikato Trunk water main have been constructed and vested in Auckland Council or as otherwise agreed with Veolia and Watercare.

### Wastewater Connections

36. The sewer system, as required by this consent, shall be designed and adequately sized to service future development of upstream lots and lots within that area as defined within the Catchment Management Plan.
37. 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 Auckland Council. This includes the establishment of the wastewater trunk from the Hingaia pump station to the consented Bremner Road pump station and the development of the reticulated network from 132 Bremner Road to this pump station.
38. A certificate from Veolia Water confirming that separate wastewater connections have been provided for all lots shall be provided in support of the 224(c) application pursuant to Section 46 of the HASHAA.

### **Advice Note:**

*In respect to conditions relating to waste and water connections within the former Papakura District water and wastewater services are provided by Veolia under a Franchise Agreement. The developer deals directly with Veolia in relation to all water and wastewater servicing matters throughout the subdivision process. Compliance with Veolia's water and wastewater requirements (as evidenced by the issuing by Veolia of a Compliance Certificate) is necessary prior to the issue by Auckland Council of a Completion Certificate s224(c).*

### Water Supply

39. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision to the satisfaction of Auckland Council. This includes the establishment of the water supply trunk from 103 Flanagan Road to 132 Bremner Road.
40. A certificate from Veolia Water confirming that separate water supply connections for all residential lots have been provided for all lots shall be

provided in support of the 224(c) application for each stage pursuant to Section 46 of the HASHAA.

#### Fire Hydrants

41. 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 Auckland Council.

A certificate from Veolia Water confirming that evidence of undertaking the hydrant flow test and compliance with the standards has been undertaken shall be provided in support of the s.224 application, pursuant to s46 of the HASHAA.

#### Network Utility Services

42. Individual private connection to the underground reticulation of electricity, gas and telecommunication services to the boundary of each lot shall be provided and installed to the satisfaction of the appropriate network utility providers.

Certificates from the network utility providers and certified 'as-built' given locations of all plinths, cables and ducts shall be supplied to the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance as part of the s224 application, pursuant to s46 of the HASHAA.

#### 121 Bremner Road

43. Prior to the issue of the 224c Certificate pursuant to s46 of the HSAHAA, a statement from a licensed cadastral surveyor shall be provided to the satisfaction of the Team Manager, Resource Consent Project Management. The statement shall confirm that all existing services to the buildings at 121 Bremner Road will not be affected by the subdivision.

#### Geotechnical Completion Report

44. A Geotechnical Completion Report by a suitably qualified and Registered Engineer shall be provided to Council with the 224 application in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6". 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 Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Suitability of Land for building construction.

**Advice Note:**

*The findings of this completion Report may necessitate the requirement for a consent notice on the residential lots in respect to future development of a dwelling. This is dealt with by condition 58 below.*

**Stormwater****Operation and Maintenance Manual for the Stormwater Management Devices for the Private Access Lots**

45. The consent holder shall prepare an Operation and Maintenance Manual for the permeable pavers on Lots 301 and 302 setting out the principles for the general maintenance for stormwater flow and treatment purposes. The Operation and Maintenance Manual shall be submitted to the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance for approval. The Operation and Maintenance plan shall include, but not be limited to:
- details of who will hold responsibility for short-term and long-term maintenance of the access surface
  - a programme for regular maintenance and inspection of the pavers
  - a programme for the collection and disposal of debris and sediment collected by the pavers

**Operation and Maintenance Manual for the drainage reserve**

46. The consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices on Lot 102, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall submit to the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance for approval. The Operation and Maintenance plan is to include, but not be limited to:
- a detailed technical data sheet;
  - all the requirements as defined within the Stormwater Management Device Design Guidelines Manual (TP 10);
  - details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
  - a programme for regular maintenance and inspection of the stormwater system;
  - a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
  - a programme for post storm maintenance;
  - a programme for inspection and maintenance of outfall erosion;
  - general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;

- a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
- recommended on-going control methodology to eradicate invasive weeds from terrestrial areas.

#### Stormwater Completion Certifications

47. The consent holder shall provide and install a complete public stormwater system to serve all lots and the drainage lot (Lot 102) in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance.

Individual private stormwater connections to *proposed public stormwater systems* for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance.

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 s.224(c) application pursuant to s.46 of HASHAA.

Video inspections of all public stormwater pipes and as-built plans for all public and individual private stormwater lines shall be supplied with the s.224(c) application pursuant to s.46 of the HASHAA. The video inspections shall be carried out within one month of the lodgement of the application for the s.224(c) certificate.

#### Advice Note:

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

#### **Parks**

##### Establishment of Esplanade and Drainage Reserve Lot Planting

48. Prior to lodgment of section 224(c) certification, planting shall be implemented in accordance with the approved landscape plans under condition 25 to the satisfaction of the Team Leader, Southern Monitoring, Resource Consenting and Compliance and the Parks Consent Planner (South). In particular;
- a. all works shall be undertaken in accordance with the relevant Auckland Council Code of Practice or Specification;

- b. Planting shall occur within the recognised planting season May to September. All trees shall be good quality specimens and planted and staked to the satisfaction of the Arboricultural Advisor.
- c. All planting and establishment maintenance shall be carried out in accordance with the specifications provided within the approved plans.
- b. any defects identified at the practical completion audit are to be remedied by the applicant. The practical completion of the works will be determined by Auckland Council Parks – Arboricultural Advisor (South) to their satisfaction.

The consent holder will request a meeting on site with the Parks Specialist South to review the work. A Practical Completion Certificate will be issued by the Manager, Park Sport and Recreation (South) on completion of the works to the standards required in conditions and the two year maintenance programme will commence from this time.

**Advice Note:**

*The consent holder shall apply for a practical completion certificate from the Arboricultural Advisor to demonstrate streetscape planting/road reserve landscaping has been satisfactorily implemented and to formalise the commencement of the two year maintenance period.*

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

Maintenance of Landscaping within the Esplanade and Drainage Reserve

- 49. All soft landscape works (including planting and soft landscape work within esplanade and drainage reserves proposed) will be maintained by the consent holder for two years in accordance with the Auckland Council Planting and Lawn Specifications from the issue of Practical Completion Certificate by the Team Leader, Parks Consents. The Practical Completion must be provided as part of the s.224(c) application (s.46 of the HASHAA). If the consent holder seeks to obtain s224c (s46 of HASHAA) within the two year maintenance period then a maintenance bond (*including the option of bank guaranteed bond*) shall be payable to Council.

**Advice Note**

*The multiplication factor for the street tree bond varies according to the whether the locations of vehicle crossings yet to be constructed are known and the level of construction activity required to develop individual lots, and hence the likelihood of subsequent damage to the trees.*

- 50. The amount of the bond for all other plantings including rain gardens and esplanade planting will be 1.5 times the contracted rate for maintenance and shall be agreed in consultation with the Parks Consent Planner (South) (at practical completion audit) prior to the signing of the bond.

51. The consent holder will be responsible for any defects relating to any hard landscape features within the esplanade reserve for a period of 12 months following the issue of Practical Completion of landscape works by the Manager, Park Sport and Recreation (South). 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 s.224(c) application (s.46 of the HASHAA).
52. In accordance with section 108(2)(b) RMA, the consent holder will pay to the Council a refundable maintenance bond in respect of any weed removal and weed management, planting, landscape works or rubbish removal required under the conditions of this consent prior to the issue of a certificate under section 224(c) RMA. 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.

### **Establishment and Maintenance of Street Planting**

53. Prior to lodgement of section 224(c) certification, the consent holder shall either:
  - a. Establish street trees in general accordance with the approved planting plan and maintained by the consent holder for a period of two years from the date of the Section 224 certificate for the subdivision. The consent holder shall enter into a bond (*including the option of bank guaranteed bond*) with the Council on its usual terms and conditions to secure compliance with this condition. The bond shall remain in place until such time as the street trees have been certified by a suitably qualified arborist as being “fully established and sustainable” to the satisfaction of the Auckland Council Parks Arborist or the 2 year maintenance period has been completed satisfactorily according to the approved specifications, whichever is sooner. If 224c certificate is issued within the 2 year maintenance period then a bond will be payable of 2.5 times the contracted rate for maintenance and shall be agreed in consultation with the Parks Consent Planner (South) (at practical completion audit) prior to the signing of the bond.

OR:

- b. A payment per tree shall be paid to Council for the planting and maintenance of street trees. The payment shall be calculated based on the cost for the planting and maintenance of each street tree at the time the 224c application is lodged to Council.

### ***Advice Note***

*The multiplication factor for the street tree bond varies according to the whether the locations of vehicle crossings yet to be constructed are known and the level of construction activity required to develop individual lots, and hence the likelihood of subsequent damage to the trees.*

## **Parks As-Built Information**

54. Prior to the issue of the 224(c) certificate under this consent the consent holder will provide to the Parks Consent Planner (South) as built plans for landscape works (hard and soft) within reserves and streets in CAD and pdf form including the following details;
- a. asset description, make and/or serial number;
  - b. all finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants;
  - c. all underground services and drainage; and
  - d. all paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets approved as part of the engineering plan approval.

### Consent Notice - Fencing adjacent to public and private reserves

55. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lot 1 to ensure that the following conditions are to be complied with on a continuing basis:

*Any fencing along the boundary or boundaries of this lot that adjoins the Local Purpose (Drainage) Reserve (Lot 102) or the local Purpose (Esplanade and Recreation) Reserve (Lots 100 & 101), shall be no more than 1.2m high and 75% transparent in nature.*

*The maximum height of any fencing, retaining wall, or combination of fencing and retaining wall on the boundary of the reserve shall have a combined height of no greater than 1.2m when measured from the boundary.*

*The owner(s) of this lot shall thereafter maintain the fencing in perpetuity.*

### Consent Notice – Stormwater Devices

56. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered into against the Certificates of Title of lots 301 and 302 access lots to ensure that the following conditions are to be complied with on a continuing basis:

*The on-site stormwater treatment shall be operated and maintained to meet the following requirements:*

*Stormwater device/s on private land including the permeable paving must be operated and maintained by the site owner(s) in perpetuity in accordance with the approved Operation and Maintenance Manual under condition 47.*

57. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered 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:

*The on-site stormwater treatment shall be operated and maintained to meet the following requirements:*

*Stormwater runoff from all impervious roof areas must be directed to a first flush type device(s) capable of diverting the first 2mm of runoff from any rain event to ground or proposed alternative quality treatment device sized to meet the above requirement.*

#### Consent Notice – Geotechnical

58. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered 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 (55) to ensure that the conditions stated in said report shall be complied on a continuing basis. The consent notices required by Condition (55) shall be prepared by the Council's solicitor, executed and registered on the Computer Freehold Register (Certificate of Title) of the land at the consent holder's expense, requiring the owner of the land to comply with this condition on a continuing basis.

#### Consent Notice – Affordability

59. Before titles to lots 5, 24, 41, 42 and 43 that are deemed to be for affordable dwellings under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2015 Bremner Road SHA dated 17 August 2015 are transferred, the consent holder shall provide to the Council's Team Manager, Resource Consents Project Management a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria:
- i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
  - ii. The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Bremner Road SHA dated 17 August 2015.
  - iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling;
  - iv. The purchaser is a first home buyer and has never owned any other real property;
  - v. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.

The obligations above shall be the subject of a consent notice under section 221 of the Resource Management Act 1991 and recorded against the computer freehold registers for lots 5, 24, 41, 42 and 43 are provided to meet the relevant Special Housing Area's affordability criteria. The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser.

#### Consent Notice – Laneway fencing

60. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lots 2 to 13 to ensure that the following conditions are to be complied with on a continuing basis:  
*Any fencing along the boundary or boundaries of this lot that adjoins Lot 301 (JOAL) shall be no more than 1.8 m high provided that the top 300mm of the fence is 50% transparent.*

#### Consent Notice – Garage and Vehicle Crossing Width

61. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lots 15 – 22, 26 to 32, 34, 37, 41 to 45 and 47 to 49 to ensure that the following conditions are to be complied with on a continuing basis:

*The development of the lot is restricted to a single car width garage and vehicle crossing.*

#### Consent Notice – No Direct Vehicle Access to Road from Lot

62. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lots 2 – 13 and 39 to 40 to ensure that the following conditions are to be complied with on a continuing basis:  
*Vehicle crossings directly to the road frontage are prohibited. Vehicle access shall be restricted to the JOAL.*

#### Consent Notice – Vehicle Crossing Location

63. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lot 1 to ensure that the following conditions are to be complied with on a continuing basis:  
*Lot 1 must only have a single vehicle crossing accessed from Road 22 (Lot 300 road to vest). Vehicle access directly to Bremner Road is prohibited.*

#### Consent Notice – Vehicle Crossing Location

64. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lots 14, 15, 17, 18, 20, 21, 23, 25, 30, 33, 35, 36, 38, 43, 46, 50 and 51 to ensure that the following conditions are to be complied with on a continuing basis:  
*Vehicle crossings are prohibited to be located over raingardens or formed car parking bays within the road reserve (Lot 300).*

#### Solicitor Undertaking

65. A solicitor undertaking from the solicitor acting for the consent holder shall be provided as part of the application for the s.224c certificate, pursuant to s.46 of the HASHAA. The undertaking shall confirm that the solicitor acting for the consent holder will undertake the following actions at the consent holder's expense:

- (i) Register all legal documents (including consent notices and/or easement instrument, etc).
- (ii) Complete the legal process to vest the proposed roads, and esplanade reserve to Council.
- (iii) Provide a post registration copy of relevant certificates of title to Auckland Council within one month of the Certificates of Title being issued.

**Private Discharge Consent Conditions for REG/2016/1856 Only**

**General Conditions**

- 66. Discharge permit REG/2016/1856 shall expire on 27<sup>th</sup> July 2051 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
- 67. The following stormwater management works are constructed for the following catchment areas and design standards and they are completed prior to construction of further impervious surfaces.

<b>Works to be undertaken</b>	<b>Catchment area</b>	<b>Design guideline(s)</b>
HW 1/1	Infrastructure and Servicing Report (see condition 1)	Infrastructure and Servicing Plan (see condition 1)
HW 9/1 with rain garden	Infrastructure and Servicing Plan (see condition 1)	Infrastructure and Servicing Plan (see condition 1)
HW 10/1	Infrastructure and Servicing Plan (see condition 1)	Infrastructure and Servicing Plan (see condition 1)

- 68. In the event that any modifications to the stormwater management system are required, the following information shall be provided:
  - Plans and drawings outlining the details of the modifications; and
  - Supporting information that details how the proposal does not affect the capacity or performance of stormwater management system.

All information shall be submitted to, and verified by the Team Leader – Central Monitoring and Incidents, prior to implementation.

**Advice Note:**

*All proposed changes must be discussed with the Team Leader Central Monitoring and Incidents, prior to implementation. Any changes to the proposal which will affect the capacity or performance of the stormwater management system will require an application to Council pursuant to Section s52 of*

*HASHAA. An example of a minor modification can be a change to the location of a pipe or slight changes to the site layout. If there is a change of device type (even proprietary), the consent will have to be varied (s52 of HASHAA).*

### **Construction meetings**

69. Five working days prior to initiation of any construction of stormwater devices on the site, a pre-construction site meeting between Team Leader – Central Monitoring and Incidents and all relevant parties, including the site stormwater engineer, shall be arranged.
70. The following information shall be provided at the pre-construction meeting:
  - i) Timeframes for key stages of the works authorised under this consent;
  - ii) Contact details of the site contractor and site stormwater engineer; and
  - iii) Approved (signed/stamped) construction plans.

Any resulting modifications to the stormwater management system may be reviewed by Auckland Council at this time and shall be verified in accordance with Condition 69 above.

71. Within 30 days of Practical Completion and prior to operation of the stormwater management works, a post construction site meeting shall be arranged and conducted between Team Leader – Central Monitoring and Incidents and all relevant parties, including the site stormwater engineer. As-Built certification and plans shall be available for this meeting, as specified in Condition 74.

### **Certification of construction works**

72. Within 30 days of practical completion, As-Built certification and plans of the stormwater management works, which are certified (signed) by a suitably qualified registered surveyor or engineer as a true record of the stormwater management system, shall be provided to the Team Leader – Central Monitoring and Incidents.
73. The As-Built plans shall include, but not be limited to:
  - i) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of NZTM and LINZ datum;
  - ii) Plans and cross sections of all stormwater management devices, including confirmation of the storage volumes and levels of any outflow control structure
  - iii) Documentation of any discrepancies between the design plans and the As-Built plans.

## **Operation and maintenance**

74. An Operation and Maintenance Plan for the stormwater management and treatment system shall be submitted to the Team Leader – Central Monitoring and Incidents within 30 days of completion of the installation of the stormwater works set out in Condition 67 of this consent.
75. The Operation and Maintenance Plan shall set out how the stormwater management and treatment system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan shall include, but not be limited to:
  - i) A programme for regular maintenance and inspection of the stormwater management system;
  - ii) A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
  - iii) A programme for post storm maintenance;
  - iv) General inspection checklists for all aspects of the stormwater management system, including visual checks
  - v) A written maintenance contract with an appropriate stormwater management system operator, shall be entered into, and maintained, for the on-going maintenance of the Stormfilters.
76. The stormwater management and treatment system shall be managed in accordance with the approved Operation and Maintenance Plan.
77. Any amendments to the Operation and Maintenance Plan shall be submitted to and approved by the Team Leader – Central Monitoring and Incidents, in writing prior to implementation.
78. Notwithstanding Conditions 69 and 76, the stormwater management system shall be maintained to minimise erosion and hazards to safety.

## **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. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works, a minimum of seven days prior*

*to commencement. Such notification should be sent to the specialhousing area @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.
3. *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 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 Council.*