

## **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 19) 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 Knight Investments Ltd for the approved Clarks Beach Special Housing Area at 137 Clarks Beach Road, Clarks Beach, legally described as Lot 1 DP 21134 and Part Lot 1 DP 21806.

The Qualifying Development consent is sought for the first stage of the subdivision development of the Clarks Beach Precinct, consisting of 32 vacant residential free hold lots and two residential superlots (proposed Lot 800 and 801) and one balance lot (proposed Lots 1002), and associated earthworks and services.

The hearing was held 7 September 2016 at Pukekohe.

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 SUB2016/2485 and R/REG/2016/2487) is GRANTED.

The full decisions are set out below.

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

Les Simmons (Chair)

Jenny Hudson

Stephen Udy

**Council Officers and Technical Advisers**

Ms Juliana Cox – Lead Project Planner, Development Programmes (Plan Variation)

Mr Colin Hopkins – Lead Project Planner (Qualifying Development)

Mr Chris Butler – Principal Urban Design Specialist

Mr Rod Albertyn – Principal Planner (Policy) Auckland Transport

Ms Emily Afoa – Stormwater Planner

Mr Mark Iszard – Stormwater Engineer

Mr Thomas Erikson – Hearings Advisor

**For the Applicants**

Mr Derek Nolan – Legal Counsel

Mr Daniel Nakhle – Applicant

Mr Nick Rae – Urban Designer

Mr Brian Putt – Planner

Mr Terry Church – Transport Planner

Mr Ryan Pitkethley – Stormwater Engineer

Mr Michael Smith – Land Development Engineer

Ms Renee Fraser-Smith – Planner

**For Submitters**

Mr Jarrad Skilton

Mr John Bennett - Camp Morley

Ms Sharyn Hamerton - Camp Morley (represented by John Bennett)

Mr Bertie Meyer - Camp Morley (represented by John Bennett)

Mr Alan Beaumont - Camp Morley (represented by John Bennett)

## Decisions of the Commissioners

### Introduction

These decisions follow a public hearing of concurrent applications made on behalf of Knight Investments 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 Clarks Beach Special Housing Area (SHA) at Clarks Beach. Ultimately this development will provide for approximately 650 dwellings with 56 proposed for the first qualifying development.

The Clarks Beach SHA was approved as part of the Auckland Council's tranche 10 Special Housing Areas and formally established by an Order in Council in May 17 2016. The applications under consideration in these decisions are confined to the approved SHA site.

The proposed Plan Variation (PV) seeks to re-zone 50ha of land from Future Urban Zone to a combination of Mixed Housing Suburban and Neighbourhood Centre zones and establishing the Clarks Beach 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 Cox and Mr Hopkins on behalf 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 2.1 of the combined report helpfully describes the general locality and area of the site as follows:

### Surrounding Environment

Clarks Beach is a small coastal settlement on the Manukau Harbour, south west of Auckland city. The current population consists of approximately 1800, in 700 households in the area. The settlement has the attraction of a north facing beach in relatively sheltered conditions. Beach access is currently limited to the far western side of the settlement, with access on the eastern part of the settlement being very limited.

The existing settlement of Clarks Beach is predominantly single dwelling format and has a Single House Zone under the Proposed Auckland Unitary Plan. Basic convenience and retail facilities are available at Clarks Beach, Waiau Pa and at the McKenzie Road/Clarks Beach Road intersection. The nearest primary school is located at Waiau Pa, approximately 4km to the east of the Clarks Beach settlement.

### The Subject Site

The subject site is bordered by Clarks Beach Road to the south and west, and to the north by Manukau Harbour, where there is currently no esplanade reserve provided. The northwest portion of the site adjoins the existing urban settlement, in the vicinity of Sergeant's Way and Crispe Road. To the east of the site, there is a 600m access strip serving Camp Morley, a Christian summer camp.

The site is currently used as farmland (maize production and grazing) and has attractive views to the Manukau Harbour. The topography of the subject site falls down from Clarks Beach Road to the coastline, with a relatively steep fall to the coastal edge. This part of the property contains a neglected plantation of mature pine trees.

The site has two dwellings, each of which is accessed from Clarks Beach Road, and a number of agricultural accessory buildings. The site contains a former concrete pill box located near the coastal edge. The pillbox was part of Auckland's coastal defence network during WWII and was likely used for observation of air training and

bombing manoeuvres. There are intermittent streams on-site. There are no other heritage features or Significant Ecological areas noted on the site.

## **The proposals**

### **PV19**

The proposed PV seeks to re-zone 50.7ha of land from Future Urban Zone to predominantly Mixed Housing Suburban Zone, along with the areas the equivalent of Single House and Mixed Housing Urban Zones, and Neighbourhood Centre zones, as well as establishing the Clarks Beach Special Housing Area as a Precinct. The precinct will be predominantly residential in nature, and includes the following key features:

- a) The development of a high quality open space reserve fronting the coastline (Manukau Harbour)
- b) A network of proposed reserves for walking, cycling, and stormwater management
- c) The creation of two neighbourhood parks
- d) A revised roading network based on a new spine road through the precinct (replacing the current alignment of Clarks Beach Road)
- e) The provision of two neighbourhood centres to accommodate a beachside café, as well as convenient shopping and an early childhood education centre.

### **QD**

A description of the proposed works is set out in full in Section 5.0 of the submitted AEE for the Qualifying Development (QD). It is noted that following the submission of updated information in July 2016, and in response to submissions, some modifications to the proposal have been made, primarily relating to the management of stormwater on the site.

In summary, and based on the updated version of the A.E.E for the QD dated August 2016 the applicant seeks land use and subdivision to undertake the following:

- 32 vacant residential lots;
- 2 residential superlots (proposed lots 800 and 801);
- 1 Balance Lot (proposed lot 1002);
- 6 lots are proposed within proposed superlot 800 to meet the quota of affordable housing;
- 4 lots to be vested as road (proposed lots 900, 901, 902, and 903)
- Earthworks and land forming works across the QD area;
- Construction of associated drainage;

It is proposed to undertake the subdivision across three stages.

The works also require consideration under the National Environmental Standard for Assessing and Managing Soil Contaminants to Protect Human Health (NES) as a HAIL activity is likely to have occurred on site.

The application therefore relates to a qualifying development in an SHA, and would make the activity overall a discretionary, should the request for the variation to the proposed plan be approved.

### **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 4<sup>th</sup> July 2016 and submissions closed on 8<sup>th</sup> August 2016.

At the close of the initial submission period, a total of 10 submissions were received, and one invalid submission (i.e. the submitter was not notified). There were no late submissions. One submission opposed the application; nine submissions were in support with requested modifications to the Precinct or Qualifying Development.

At the hearing the Commissioners heard from two neighbouring landowners, Mr Jarrad Skilton of 36 Crispe Road and representatives of Camp Morley at 171 Clarks Beach Road.

Mr Skilton advised us that the concerns he had with the proposal had been responded to and clarified by the applicant to his satisfaction. While the extension to Crispe Road and any specific impact on his property would not arise in relation to the qualifying development, Mr Skilton acknowledged that his specific concerns would be met in later stages of development.

Mr John Bennett, on behalf of Camp Morley, advised that most of the matters of concern had also been responded to and clarified by the applicant. Mr Bennett confirmed that Camp Morley would take up Mr Nahkle's offer to discuss a possible future land swap and the offer of a no-complaints covenant on future residential properties in the vicinity of the Camp Morley property was supported.

In summary, both submitters expressed support for the Plan Variation and the proposed qualifying development on the basis of the information provided by and on behalf of the applicant.

No evidence was presented on behalf of any other submitters.

### **Council Report Issues Identified**

Ms Cox identified in the Combined Report a number of amendments to the PV. During the hearing Mr Putt for the applicant tabled a further version of the precinct provisions. By the end of the hearing process, agreement had been reached between the applicant and the Council's reporting team on a number of matters that had been in contention. A number of matters remained in contention however and these are identified and discussed below under the heading "Principal Issues in Contention."

With respect to the qualifying development and the associated resource consent applications, full agreement had been reached by the end of the hearing on the proposed conditions between Mr Hopkins, on behalf of the Council, and Mr Rae and Mr Putt, on behalf of the applicant. The final version of the agreed conditions was

forwarded to the Commissioners before the hearing was closed on Monday 12 September. We have accepted those uncontested conditions.

### **Statutory Considerations**

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.

We confirm that we have given due consideration to the matters required of us by 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).

### **The Relevant Planning Instruments**

The most relevant planning documents and policy statements were set out in Sections 5.4.3 and 6.6 of the Council’s report and included:

- (a) The New Zealand Coastal Policy Statement (NZCPS) 2010.
- (b) The National Policy Statement on Freshwater Management (NPSFM).
- (c) The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES) 2011.
- (d) The Proposed Auckland Unitary Plan (Decisions Version August 2016).

There were essentially no matters in contention with respect to these documents and policy statements, except in relation to the density of subdivision and development contemplated by the precinct provisions.

Overall, the evidence satisfied us that the proposed Mixed Housing Suburban, and equivalents of Single House and Mixed Housing Urban, and Neighbourhood Centre zones are appropriate for the location and will provide for a variety of housing forms, which will increase the potential yield of this land whilst maintaining the amenity of the area.

There was however a difference of opinion between the applicant and the Council's reporting team with respect to the density of subdivision and development to be enabled by the precinct provisions. This matter is discussed more fully below, under the heading "Principal Issues in Contention."

## 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:

### **Proposed Auckland Unitary Plan – Decision Version 2016**

#### *Land use and Subdivision – SUB/2016/2485 and R/REG/2016/2487*

Based on the applicant's plan variation request, the consents required for the Qualifying Development are:

- Subdivision in accordance with the Clarks Beach Precinct Provisions requires consent as a **restricted discretionary activity**.
- Decision Version of the Proposed Auckland Unitary Plan (2016)

#### Chapter E- Auckland wide – Natural Resources

- As the proposal includes new high use public roads, that exceed 5000m<sup>2</sup>, consent is required as a **controlled activity**, pursuant to Chapter E Section 9.4.1(A7)
- Consent for a **restricted discretionary activity** is required for land disturbance greater than 50,000m<sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Controls Protection area pursuant to Chapter E, Section 11.4.1 (A9) (Regional Rule);
- Consent for a **restricted discretionary activity** is required to exceed the threshold of 2500m<sup>3</sup> or 2500m<sup>2</sup> within the Sediment Control Protection Area pursuant to Chapter E, Section 11.4.1 (A 9)(Regional Rule);
- Consent for a **restricted discretionary activity** is required to exceed the threshold of 2500m<sup>3</sup> or 2500m<sup>2</sup>, pursuant to Chapter E, Section 12.4.1(A10) (District Rule);
- As the earthworks are proposed within the 100 year ARI Flood plain consent, and may occur for greater than 28 days, it does not meet the General

standards in Chapter E12.6.2, and consent is therefore required as a **restricted discretionary activity**, pursuant to Chapter C, Section 1.9(2);

#### Chapter E- Auckland wide – Infrastructure

- The construction of stormwater detention ponds as proposed requires consent as a **controlled activity**, pursuant to Chapter E, Section 26.2.3 (A55);

#### Part 3, Chapter H – Auckland wide- Subdivision

- Subdivision of a site within two zones or a subdivision along an undefined boundary requires consent as a **restricted discretionary activity**, pursuant to Chapter E Section 38.4.1 (A7);
- Subdivision of land within a natural hazard area (being the 1 percent AEP floodplain, coastal inundation), requires consent as a **restricted discretionary activity**, pursuant to Chapter E, Section 38.4.1 (A11);
- Subdivision in accordance with an approved land use consent (this application) that complies with Standard E38.8.2.1 requires consent as a restricted discretionary activity, pursuant to Chapter E, Section 38.4.2(A14);
- Subdivision for vacant sites involving parent sites of 1ha or greater complying with Standard E38.8.3.1 is a discretionary activity pursuant to Chapter E, section 38.4.2 (A18).

#### National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- As the proposal is not considered to be a permitted, controlled, or restricted discretionary activity, the proposal is considered to be a discretionary activity in accordance with regulation 11. As such, the proposal is a **discretionary activity** under the NES as per sections 9 and 15 of the RMA.
- Overall, and subject to s25(d) of the HASHAA, the resource consent application is considered as discretionary.

### Principal issues in contention

#### Plan Variation 19

As reported to us by legal counsel for the applicant, Mr Nolan, in his reply on Wednesday 7 September and in his email to Mr Erikson, the Council's Hearing Adviser at 1.50pm on Friday 9 September 2016, there remained the following issues in contention in relation to Plan Variation 19.

- (1) **Density Issues:** Precinct provisions 14XX.4 Activity Table, 14XX.6.1 Density and 14XX.8.2.1 Subdivision Activity Table.
- (2) **Development Contributions and the cost of planting riparian margins and the esplanade reserve:** Precinct provisions 14XX.7.5 Riparian Margins and 14XX.7.6 Esplanade Pine Trees.

Without specifically listing all of the other matters that were agreed during the hearing process, the Commissioners have accepted the following matters.

- (a) The agreed amendment to the precinct plan which added a key east-west local road as identified by Mr Butler, the Council's Principal Urban Designer.
- (b) The majority of the agreed matters in relation to the precinct provisions, generally set out in Mr Nolan's oral reply on 7 September and his email dated 9 September referred to above.
- (c) The exception to (b) above relates Objectives 3 and 4 at 14XX.2 Objectives and the description to the Activity Table at 14XX.4 Activity Table. These matters are also discussed more fully below.

**The outstanding issues in contention in relation to Plan variation 19 and our findings on them.**

**Density Issues: Precinct provisions 14XX.4 Activity Table, 14XX.6.1 Density and 14XX.8.2.1 Subdivision Activity Table.**

This issue arises from the Mixed Housing Suburban residential zoning that has been proposed, the precinct plan provisions that are proposed that enable Mixed Housing Urban zone rules to apply to Area A and the minimum 600m<sup>2</sup> site size provisions that apply to Area B where the site abuts rural zoned land.

Submitters from 31 Crispe Road (O'Brien) requested that new sites along the boundary be at least 600m<sup>2</sup> and 49 Clarks Beach Road (Snowden and Morrison) requested a rezoning to Single House with at least a 600m<sup>2</sup> minimum lot size. Both of these properties are adjacent to the north western boundary of the application site and are zoned Single House. The qualifying development/Stage 1 of the application site abuts this north western boundary.

We have taken into account these written submissions, however the submitters did not attend the hearing and we were unable to question them further on the concerns they raised. In particular we did not have the opportunity to question these submitters on the answers we received from both the applicant's and the council's witnesses, or the specific details contained within the qualifying development. Mr Rae in his evidence at Section 5 and Mr Butler in his report on pages 139 and 140 of the hearings agenda specifically responded to the matters raised by these submitters. We note from the qualifying development proposal that the proposed lot sizes along the boundary with these submitters properties range in size from 600m<sup>2</sup> to 624m<sup>2</sup> for proposed lots 1 to 5 and 549m<sup>2</sup> to 552m<sup>2</sup> for proposed lot 6 and lots 26 to 29.

We find that the evidence of Mr Rae and Mr Butler has appropriately responded to the matters raised by these submitters and in particular we find that there is very little to distinguish between the proposed lots that are between 549m<sup>2</sup> and 624m<sup>2</sup> and the 600m<sup>2</sup> minimum lot sizes requested by these submitters. In addition we accept the evidence of Mr Rae and Mr Butler that there a number of existing lots in this locality that are already less than 600m<sup>2</sup> in area, some being around 400m<sup>2</sup>, and that, in Mr Butler's words the level of intensity proposed "*is not dissimilar to what exists already in this environment.*"

In the context of the broader subdivision and development outcomes for the application site, the planning and urban design witnesses for the applicant and the

Council were asked why the Mixed Housing Suburban zoning was proposed instead of the Single House zoning that has been applied to the existing residential land at Clarks Beach. Mr Rae, Urban Designer and Landscape Architect, Mr Putt, Town Planner, Ms Fraser-Smith, Planner, Mr Butler, Urban Designer and Ms Cox Reporting Planner all agreed that the Mixed Housing Suburban zoning was appropriate and to be preferred to a Single House zoning.

Key reasons in support of the Mixed Housing Suburban zoning were:

- (a) That within the existing Clarks Beach settlement there are a range of site sizes with many sites smaller than 600m<sup>2</sup> and some sites identified as being less than 400m<sup>2</sup>.
- (b) The existing Clarks Beach settlement includes smaller infill sites and the existing character is varied rather than uniformly consistent with site sizes in excess of 600m<sup>2</sup>.
- (c) That one of the fundamental purposes of the HASHAA legislation is to provide for a mix and efficiency of housing.
- (d) That in the order of 150 fewer houses would be enabled if the Single House zoning were to be applied.
- (e) The proposed Mixed Housing Suburban zoning, coupled with the precinct provisions that require 600m<sup>2</sup> sites as a minimum in Area B adjacent to the rural zoned neighbouring land and enable higher intensity development in Area A, will not be out of character with the existing pattern of development, and will successfully integrate with the existing settlement.
- (f) A key development standard with respect to height is identical at 8 metres in both zones and other development standards will appropriately manage the future built environment.

While supportive of the Mixed Housing Suburban zoning Ms Cox and Mr Butler sought a reduced density of development with the application site. They supported Areas A and B which respectively sought higher densities within the application site and lower densities of a minimum of 600m<sup>2</sup> site sizes along the southern and south eastern boundaries to rural zoned land. In addition however they sought precinct provisions that would allow only one dwelling per site as a permitted activity. The Mixed Housing Suburban, as at the date of the hearing, provides for two dwellings per site as a permitted activity.

Mr Putt and Mr Rae concluded that it would be contrary to the purpose of the HASHAA and the PAUP for future development to be limited to one dwelling per site as proposed by Ms Cox and Mr Butler.

### **Finding**

On balance we find that the Mixed Housing Suburban zoning and reliance on the PAUP provisions, rather than the further limitation of one dwelling per site as proposed by the Council's reporting team, is an appropriate outcome in terms of the plan variation. A key reason for reaching this finding is the purpose and outcomes contemplated by the HASHAA and the Clarks Beach Special Housing Area. We accept that statutory framework under HASHAA requires greatest weight to be given

to purpose of that legislation. That purpose being *“to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts ... identified as having housing supply and affordability issues.”*

We agree with Mr Putt and Mr Rae that the proposed one dwelling per site limitation would undermine rather than enhance and facilitate an increase in land and housing supply at Clarks Beach, including the provision of affordable housing. Furthermore, we accept the evidence of Mr Rae and Mr Putt that the overall built form of development allowed as a permitted activity is similar in both the Single House and Mixed Housing Suburban Zones.

The Mixed Housing Suburban zoning, together with the specific precinct provisions, will appropriately respond to the purpose of HASHAA, will sustainably manage the natural and physical resources of Clarks Beach as contemplated by Part 2 of the RMA, primarily for the reasons set out above and elsewhere in this decision.

**Development Contributions and the cost of planting riparian margins and the esplanade reserve:** Precinct provisions 14XX.7.5 Riparian Margins and 14XX.7.6 Esplanade Pine Trees.

The Council reporting team recommended that the cost of planting riparian margins and within the esplanade reserve be at the expense of the applicant. The applicant accepts the need to undertake the enhancement planting required by the above provisions, however in Mr Nolan’s words, the applicant *“wants at least to be able to take the planting cost into consideration on any development contributions being assessed later.”*

Mr Nolan in his Final Response email dated 9 September set out the following matters in support of the above request.

*“The Applicant offers to vest the sub-regional size esplanade reserve, to vest the margins of the identified streams and to vest the existing wetland (but not any wetland margins, which is unnecessary and unfair) in the Council at no cost. The applicant is willing also to plant the larger esplanade reserve, the stream margins, and the existing wetlands that are not already in native vegetation, but wants at least to be able to take the planting cost into consideration on any development contributions being assessed later. It is unfortunate that the Council’s response continues to ignore the crucial point that there is no lawful ability to demand the sub-regional size esplanade reserve - only the bare 20 metre strip - let alone to require the applicant to plant it. The applicant seeks the Panel to recognise the reasonableness of the whole offer. It is unconscionable to demand the Applicant to vest all of those areas at no cost and to plant all those areas at no cost to the Council.”*

Ms Cox advised us that the planting is the responsibility of the applicant to mitigate the effects and that there is no requirement or precedent for Council to grant compensation for mitigating the effects of development. She therefore recommended that all planting costs to be met fully by the applicant.

## **Finding**

On balance we find in favour of a more flexible approach to the assessment of future development contributions. We were not provided with any evidence of how the development contributions might be calculated for this particular development,

however we are clear that development contributions are calculated in a separate process from our HASHAA and RMA considerations. We agree that the applicant in this case has provided a significantly greater width of esplanade reserve and this merits consideration when the development contributions are assessed in the future.

We find that by including a specific clause in the precinct provisions, whether it provides for a credit or excludes the possibility of a credit being considered, prejudices the outcome of the separate future development contribution assessment. It would be more appropriate in this instance, where a significant esplanade reserve has been provided by the applicant, along with the other land to be vested in Council that the development contribution assessment should be able to take this into account, rather than be excluded from consideration as proposed by Ms Cox.

We have therefore amended 14XX.7.5 and 14XX.7.6 to read as follows.

*“The planting required in sub-clause 1(b) above may be considered by Auckland Council for a credit against any assessment for development contributions or levies relevant to the development.”*

**Objectives 3 and 4** at 14XX.2 Objectives and the description to the Activity Table at 14XX.4 Activity Table.

Objectives 3 and 4 were initially agreed, however the amended combined single objective proposed by Ms Cox was not accepted by the applicant, primarily because it included the following wording *“...while maintaining an overall low density, detached dwellings through the Mixed Housing Suburban Zone.”*

Mr Nolan submitted that these words should be deleted because they related to the Council’s reporting team's preference for one dwelling per site to be permitted for the majority of the land zoned Mixed Housing Suburban.

## **Finding**

Primarily for the reason that we have not found in favour of the single dwelling per site outcome, we agree with Mr Nolan and the above words have been deleted from Objective 3 as proposed by Ms Cox. We note that Policy 2 is appropriately worded to support the new Objective 3.

## **The Activity Table at 14XX.4 Activity Table.**

Ms Cox recommended amendments to the Activity Table and the description to it, essentially for two reasons.

## **The Description**

In relation to the description and its specific wording she sought to add the words *“(or the equivalent zones)”* in order to reference Areas A and B as being “equivalent zones” as that are in fact zoned Mixed Housing Suburban, but subject to specific precinct density outcomes. Mr Nolan accepted the proposed wording.

While the proposed amended wording may be clear to the current participants in this process, we have concluded that this wording could be further improved by specifically referencing Areas A and B.

## **Finding**

That the description to 14XX.4 Activity Table be amended to read as follows.

*“The activity tables appropriate to the zones (or the equivalent of these zones as they relate to Area A and Area B in the Clarks Beach Precinct Plan) listed below must apply. The activities, controls and assessment criteria in the underlying Mixed Housing Suburban, Mixed Housing Urban, Single House and Neighbourhood Centre Zones, as well as the Auckland-wide provisions, apply in this precinct unless otherwise specified below. Refer to the Precinct Planning Map for the location and extent of the underlying zones and identified Area A and Area B.”*

## **The Activity Table Itself**

Ms Cox sought to add specific additional activity table provisions that would apply to the Clarks Beach Precinct. These were not part of her original recommendation in the hearings report but her intention was that the new table would replace the previous density rule at 14XX.6.1.

Mr Nolan opposed the new table essentially for the reasons we have addressed under the heading “Density Issues” above. For the reasons we set out in our findings on the density issues we have agreed with the outcomes sought by the applicant, rather than those proposed by the Council’s reporting team. As a consequence we have deleted the Activity Table provisions as proposed by Ms Cox.

## **Finding**

That given our finding on the density issues there is no need to have specific activity table provisions within this precinct, over and above the district wide provisions identified in the description at 14XX.4.

After having heard from both the applicant, submitters 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.

## **The outstanding issues in contention in relation to the Qualifying Development**

No issues in contention between the Council and the applicant remained in relation to the qualifying development. The amendments to the draft conditions tabled at the hearing by Mr Hopkins on 7 September, as agreed between the Council and the applicant were included as an attachment to an email from Mr Hopkins to Mr Erikson, the Council’s Hearing Adviser at 4.58pm on Friday 9 September 2016. We have adopted those agreed conditions.

## **Part 2 of the Resource Management Act**

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.

There were no Part 2 matters that were in contention between the parties. No evidence was presented to the Commissioners that the proposal would not promote the sustainable management of natural and physical resources as contemplated by Part 2 of the RMA.

With respect to Part 2 matters we find that the proposal has recognised and provided for the relevant matters of national importance in terms of section 6, has had particular regard to section 7, other matters and has taken into account the principles of the Treaty of Waitangi, as summarised in Sections 5.4.2 and 6.5 of the Council's report.

In particular the Commissioners find that the proposal will enhance public access to and along the coastal marine area, will provide a significant new esplanade reserve and enhanced harbour interface, will enable future opportunities to connect public access to the foreshore within the application site with existing open space connections within Clarks Beach and the future urban zoned land to the west, makes express provision for riparian management and avoids 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.

There was however a difference of opinion between the applicant and the Council's reporting team with respect to whether or not the required planting of the riparian margins and the esplanade reserve should be taken into account when development contributions are assessed in the future. This matter is discussed more fully above, under the heading "Principal Issues in Contention."

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.

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 and amenity benefit in terms of ecology and coastal access. 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.

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

### **Application for Variation 19 to the Proposed Auckland Unitary Plan**

The application to vary the Proposed Auckland Unitary Plan by Knight Investments Ltd within the Clarks Beach 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 137 Clarks Beach legally described as Lot 1 DP 21134 and Lot 1 DP 21806 of the Plan Variation application as follows:

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

The submissions lodged on the variation are accepted to the extent that we have modified the plan variation.

The reasons for this decision are:

- (a) Overall the proposed plan variation is consistent with the purpose of HASHAA, as it will enable the efficient development of houses, including affordable houses, in a location where residential activity would otherwise not be enabled.
- (b) The plan variation provides for net benefits in the context of Part 2 of the RMA by enabling social and economic wellbeing of the Clarks Beach area, through providing a high amenity coastal environment, providing public access to the coast and providing a high amenity open space and stormwater network in conjunction with the residential development of the Clarks Beach Special Housing Area.

Overall with respect to Part 2 matters we find that the proposal has recognised and provided for the relevant matters of national importance in terms of section 6, has had particular regard to section 7, other matters and has taken into account the principles of the Treaty of Waitangi

- (c) It will meet the objectives and policies of the Regional Policy Statement and Regional Plan and is consistent with the Decisions version of the Unitary Plan.
- (d) Relevant section 74 - 77D RMA matters have been taken into account in reaching this decision.
- (e) 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 transport provisions, provisions governing storm water provisions subdivision and residential development.

### **Decision on the Qualifying Development**

Pursuant to sections 34 to 38 HASHAA and also, as referred to in those sections, sections 104, 104B, 104D, 105, 106, 107, 108 and 220 of the RMA, consent is **granted** to the discretionary activity application by Knight Investments Limited.

The reasons for these decisions are:

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)

- The proposal is consistent with the purpose of HASHAA and the intent of Part 2 of the RMA.
- The application is generally consistent with the outcomes sought by the Plan, the NES and the Clarks Beach (Variation 19) Precinct Provisions.
- Any actual and potential effects are acceptable from a resource management perspective.
- The proposal is consistent with, and will enable, the outcomes of the Urban Design Protocol to be met.
- Adequate infrastructure can be provided to support the Qualifying Development.
- Sufficient information is supplied by the applicant to demonstrate appropriate infrastructure will be provided to service the QD.
- No issues arise for the purpose of sections 105, 106 and/or 107 of the Resource Management Act 1991.

#### **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.



**Les Simmons**

**Chairperson**

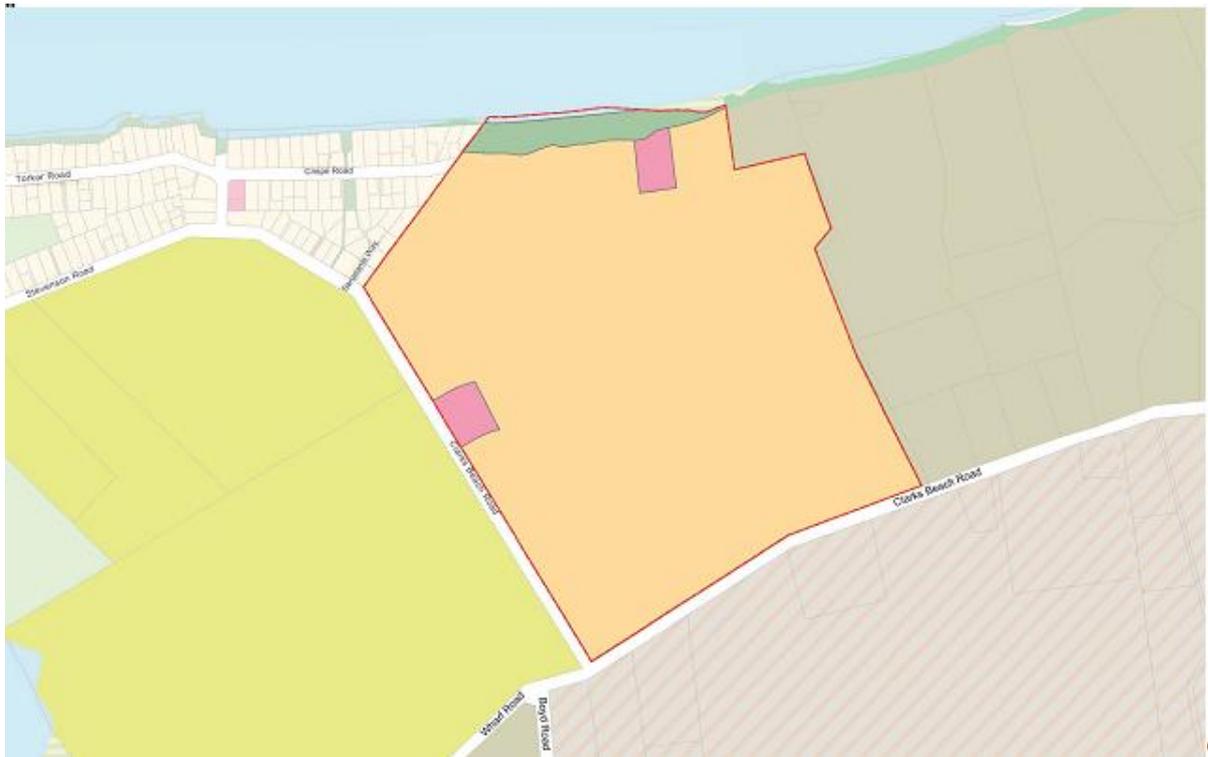
**On behalf of Commissioners Jenny Hudson and Steve Udy**

**15 September 2016**

**Attachment 1**

**PROPOSED AUCKLAND UNITARY PLAN**

**ZONING PLAN (For GIS purposes)**



## I PRECINCTS

### 4 SOUTH

<b>CLARKS BEACH PRECINCT</b>
------------------------------

[Insert to PAUP Chapter I]

#### **I4XX      Clarks Beach**

##### **I4XX.1    Precinct Description**

The purpose of the Clarks Beach Precinct is to provide for the integrated development of the Clarks Beach Special Housing Area zoned Future Urban in the Proposed Auckland Unitary Plan. The precinct constitutes approximately half of the area identified for future urban development. The Clarks Beach Precinct (and Special Housing Area) comprises approximately 50.7830 ha. The entire area zoned Future Urban at Clarks Beach has been included within a structure plan analysis as background to the Clarks Beach Precinct.

The Clarks Beach Precinct is bordered to the south and west by Clarks Beach Road, to the north by the Manukau Harbour where there is no esplanade reserve and to the east by a 600m long access strip attached to the title where Camp Morley is located. Camp Morley is a church-based holiday camp with frontage to Manukau Harbour.

The area consists of largely flat to undulating land which contains three natural stream systems. The history of the site as a pastoral farming enterprise for over 100 years has led to minor modification of the landforms and natural systems.

The intended outcome is to provide for a consistent residential environment for approximately 650 households across the Clarks Beach Precinct area, based on a structure planned road network with supportive stormwater management and public open space provisions. The intended development outcome as depicted on the Clarks Beach Precinct Plan provides an opportunity for a variety of household typologies within the Mixed Housing Suburban Zone and assisted by the two overlays – Areas and B. Within Area A where road network connections and amenity proximity provide advantage, it is expected that a higher residential density form will emerge in line with the Mixed Housing Urban Zone development rules. Within Area B the larger minimum lot size of 600m<sup>2</sup> will provide for a spacious transition to the adjoining Rural Coastal and Mixed Rural zones to the east and south of the Clarks Beach Precinct.

The precinct incorporates three important features. First, the realignment of the primary road access to the Clarks Beach settlement through the subject site as depicted on Clarks Beach Precinct Plan. Secondly, the provision of an open space network following the corridor of the natural water course system which connects both to Manukau Harbour and the Waiuku River Inlet. This stormwater management network provides an opportunity for pedestrian and cyclist connection from the southern part of the precinct to the coastal edge. A high level of open space amenity is envisaged for this area. Thirdly, the development of a broad esplanade reserve fronting Manukau Harbour which will be approximately 400 metres long. This beachfront amenity offers public coastal access with a broad hinterland of useable land for coastal recreation. It is envisaged that this area will be a popular coastal reserve, particularly during the summertime for the South Auckland population.

In support of the central development layout of the precinct an overlay has provided where the Mixed Housing Urban Zone rules apply. The overlay provides for the building envelope available under the Mixed Housing Urban development rules but the underlying zone remains Mixed Housing Suburban. This is identified as Area A.

The objectives and policies of the underlying Mixed Housing Suburban Zone are amended within the Precinct to support a specific intended settlement pattern and urban design outcome at the eastern and southern edges of the precinct. This is identified as Area B.

The location and extent of the precinct and the controls within it are shown on the Clarks Beach Precinct Plan 1.

## **I4XX.2 Objectives**

The general residential objectives and the objectives in the underlying Mixed Housing Suburban Zone, Mixed Housing Urban Zone, Single House Zone, the Neighbourhood Centre Zone and the Recreation Zone apply in the precinct in addition to those specified below:

1. Provide a high amenity, accessible coastal environment with supporting facilities, while minimising any adverse effects of activities in this vicinity.
2. Create a high quality open space network and esplanade reserve that contributes to the amenity of the land, recreational opportunities, incorporates a stormwater function and facilitates pedestrian and cyclist access throughout the precinct.
3. A range of housing types are achieved within the Precinct, through providing a greater density in Area A, and lower density in Area B.
4. Provide a safe, efficient and effective-street network that allows movement within the precinct, easy access from the main road corridor to the coastal open space, and connectivity with the existing urban area of Clarks Beach village.
5. Subdivision and development manages stormwater runoff to respect natural processes, minimise flood risk and implement water sensitive design.

### *Affordable Housing*

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

## **I4.XX.3 Policies**

The general residential policies and the policies in the underlying Mixed Housing Suburban Zone, Mixed Housing Urban Zone, Single House Zone, Neighbourhood Centre Zone and Recreation Zone apply in the precinct in addition to those specified below:

1. Maintain and enhance the open and spacious coastal character of the Clarks Beach settlement, through providing overall lower residential densities, a high amenity open space network and coastal reserve.
2. Provide for a mix of housing typologies and densities which respond to the local context through Area A and Area B, taking in account the proximity to areas of existing development, open space, the coast, the Spine Road and the rural boundary of the Precinct.
3. Provide a high quality public open space network that results in multiple functions and opportunities including stormwater detention, passive surveillance, a range of active and passive recreation opportunities.
4. Enable appropriately scaled retail activities in one or more neighbourhood centres to serve the needs of local residents while minimising adverse effects on the vitality and vibrancy of other existing or planned centres.
5. Maintain or enhance the biodiversity of ecological resources and linkages and restore degraded ecosystems while reducing stream bank erosion through riparian planting along retained watercourses.
6. Design and construct areas for stormwater treatment and detention that also provide reserve and visual amenity opportunities.
7. Maintain the existing catchment hydrology through management of stormwater on-site and employing water sensitive design principles prior to the discharge of stormwater to existing gullies and watercourses
8. Integrate the stormwater management network within the precinct with the surrounding development and provide for other values such as movement, amenity, open space and ecological values.
9. Require subdivision and development to achieve SMAF 1 mitigation requirements for stormwater runoff from impervious areas that discharge to a stream environment.
10. Ensure careful design of the beach front road and central spine road, and the provision of traffic calming measures in recognition of the Precinct's coastal environment.

#### *Affordable Housing*

11. New residential developments containing 15 or more dwellings, or involving the creation of 15 or more vacant sites, require either:
  - a. 10 per cent of new dwellings to be relative affordable, with the purchase price to be set relative to the median house price in the Auckland region and sold to first home buyers and owned for at least three years; or
  - b. 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.
12. New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.

13. New retirement village developments containing 15 or more dwellings provide for affordable housing.

#### **I4XX.4 Activity Table**

The activity tables appropriate to the zones (or the equivalent of these zones as they relate to Area A and Area B in the Clarks Beach Precinct Plan) listed below must apply. The activities, controls and assessment criteria in the underlying Mixed Housing Suburban, Mixed Housing Urban, Single House and Neighbourhood Centre Zones, as well as the Auckland-wide provisions, apply in this precinct unless otherwise specified below. Refer to the Precinct Planning Map for the location and extent of the underlying zones and identified Area A and Area B.

#### **I4XX.5 Notification**

The notification provisions for the underlying zones (or the equivalent of these zones as they relate to Area A and Area B in the Clarks Beach Precinct Plan) used within the precinct must apply.

#### **I4XX.6 Land Use Standards**

The land use controls for the underlying zones (or the equivalent of these zones as they relate to Area A and Area B in the Clarks Beach Precinct Plan) must apply in the Clarks Beach Precinct.

##### **I4XX.6.1 Density**

1. A maximum of one dwelling per site shall be provided in Area 'B' as depicted on the Precinct Plan, otherwise the density control of the underlying zone applies.

##### **I4XX.6.2 Affordable Housing**

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

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/ vacant sites that are either relative affordable or retained affordable that will meet the requirements of clauses 2-8 below.
2. All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of relative and/or retained affordable dwellings/vacant sites.
3. Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.
4. For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with clause 3 above.
5. For apartments, no more than one-third of the total number of identified affordable dwellings must be located on a single building level/storey, unless the development is two levels, in which case no more than half of the identified affordable dwellings must be located on a single 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. Affordable housing that does not comply with clauses 2.3 above is a discretionary activity.

### **I4XX.6.3 Relative Affordability**

#### **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% of the total number of dwellings/vacant sites must be relative affordable and meet the following criteria:
  - a. The price at which a dwelling may be sold does not exceed 75 per cent of the Auckland region median house price (calculated as an average of 3 calendar months previous to the date the application for 224c is lodged with Council) 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 intend to 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 intend to reside in the dwelling and retain ownership for 3 years from the date of transfer.

### **I4XX.6.4 Eligibility for Relative Affordable Housing**

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

1. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites 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 percent median price in accordance with rule I4XX.6.3.1(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.
2. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser must be made aware of the mechanism, e.g. a consent notice required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in I4XX.6.3.1 above or is a building associated with such a dwelling.
3. Prior to the transfer of a vacant site identified for an affordable dwelling to a purchaser that intends to develop, own and occupy the affordable dwelling themselves, the consent holder 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 percent median price in accordance with rule 2.4.1(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.

4. 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 3 years from the date of the transfer to the eligible purchaser.
5. Relative affordable housing that does not comply with rules I4XX.6.2 and I4XX.6.3 above is a discretionary activity.

#### **I4XX.6.5 Retained Affordability**

##### **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. This rule does not apply to Retirement villages.

#### **I4XX.6.6 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% 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 2.5 and 2.5.1 above is a discretionary activity.

### **I4XX.7 Development Standards**

The development controls of the underlying zones (or the equivalent of these zones as they relate to Area A and Area B in the Clarks Beach Precinct Plan) must apply in the Clarks Beach Precinct unless otherwise specified below:

#### **I4XX.7.1 General**

1. Area A – within Area A the development standards applicable to the Mixed Housing Urban Zone apply.
2. Area B – within Area B the development standards applicable to the Single House Zone apply.

#### **I4XX.7.2 Fences**

1. Fences located on the front boundary of any site within the precinct must be no more than 1.2m in height.
2. Any fence within a side yard or rear yard where the boundary is common with an open space zone, or the land is used as public open space, must be no more than 1.2m in height.

#### **I4XX.7.3 Viewshaft Control**

Purpose: To retain a public view through to the esplanade reserve.

1. No activity or development shall penetrate a sloping height plane defined horizontally by the viewshaft illustrated on the Clarks Beach Precinct Plan and vertically by the viewpoint elevation R.L.19.0m at the southern end and viewshaft north elevation R.L.12.5m at the northern end.

#### **I4XX.7.4 Garages**

Purpose: reduce the dominance of garages as viewed from the street and avoid parked cars over-hanging the footpath.

1. A garage door facing the street must not be greater than 50% of the width of the front facade of the dwelling to which the garage relates.
2. A garage door facing the street must be set back at least 5 metres from the site frontage and shall not project forward of the front facade of the dwelling.

#### **I4XX.7.5 Riparian Margins and wetland planting (applies to all zones)**

1. In respect of permanent and intermittent streams identified in the precinct plan, riparian margins must:
  - (a) Be established 10m either side of the banks of permanent/intermittent streams; as measured from the top of the bank.

- (b) Be planted from the edge of the bed of the stream with native vegetation at a density of 10,000 plants per hectare, using eco-sourced native vegetation consistent with local biodiversity.
  - (c) Pedestrian/cycle paths must be located adjacent to, and not within the 10 metre planted strip.
2. Where existing wetlands are to be retained and do not contain existing native planting, they must:
    - (a) Be planted with native vegetation at a density of 10,000 plants per hectare, using eco-sourced native vegetation consistent with local biodiversity.
  3. The riparian margins and the wetlands to which this rule applies must be offered to Council for vesting.
  4. This control shall apply at the time of subdivision which includes land affected by this rule and does not apply to any balance lot set aside for future development.
  5. The planting required in sub-clause 1(b) and 2 above may be considered by Auckland Council for a credit against any assessment for development contributions or levies relevant to the development.

#### **I4XX.7.6 Esplanade Pine Trees**

Purpose: Removal of the existing pine trees on the coast and replacement with native plants.

1. The staged removal of Pine trees within the esplanade reserve must include:
  - (a) A tree removal and replanting plan to minimise disruption to biodiversity.
  - (b) Replacement native re-planting of a 20m width at a density of 10,000 plants per hectare
2. This control shall apply at the time of subdivision which includes land affected by this rule and does not apply to any balance lot set aside for future development.
3. The planting required in sub-clause 1(b) above may be considered by Auckland council for a credit against any assessment for development contributions or levies relevant to the development.

#### **I4XX.7.7 On-site stormwater management – new impervious areas discharging to the CMA via natural stream**

1. Development of new impervious areas greater than 50m<sup>2</sup> (excluding roads) that discharges to a stream environment upstream of RL2m must be designed to achieve the following:
  - a. stormwater runoff from the total site impervious area must be directed to an on-site device(s) designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff plus detention (temporary storage) of 16.3mm of runoff with a draw down period of 24hrs, except as provided in (b) below.

b. Where:

- (A) a suitably qualified person has confirmed that soil infiltration rates are less than 2mm/hr or there is no area 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
  - (B) rainwater reuse is not available because:
    - (i) the quality of the stormwater runoff is not suitable for on-site reuse (i.e. for non-potable water supply, garden/crop irrigation or toilet flushing); or
    - (ii) there are no activities occurring on the site that can reuse the full 5mm retention volume of water.
  - (C) the retention volume can be taken up by detention where the combined total to be provided complies with Table 1, with a drain down period of 24 hours.
- c. stormwater runoff may be directed to one or more on-site device to achieve the volume requirements in Table 1 where:
- i. the retention volume must be achieved; and
  - ii. where the total volume requirement is met then a greater retention volume and a corresponding decrease in detention volume can be provided.

m <sup>2</sup>	Retention (m <sup>3</sup> )	Detention (m <sup>3</sup> )	Combined total to be provided (m <sup>3</sup> )
1	0.005	0.0163	0.0213

- d. If raintanks are proposed to achieve retention requirements for (a), the rainwater tank must be dual plumbed to non-potable uses such as toilets, laundrys and hose taps in the dwelling.
- e. any stormwater management device or system must be built in accordance with design specifications by a suitably qualified service provider and must be fully operational prior to use of the impervious area.
- f. 'As built' plans for any stormwater management device or system must be provided to Council within three months of practical completion of the works.
- g. Any stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.

#### **I4XX.7.8 On-site stormwater management (discharging to the CMA directly)**

1. Retention and detention is not required for impervious areas that discharge to the CMA.
2. Adopt a 10mm Water Quality Volume requirement for all Roads and JOAL impervious surfaces in catchment 1.

#### **I4XX7.9 Rear Yards**

1. A minimum 3m rear yard applies to residential sections which share a common boundary with 43, 45, 47 and 49 Sergeants Way and 31 Crispe Road.

#### **I4XX.8 Subdivision Standards**

The subdivision controls in the Auckland-wide rules (Chapter E38) applies in this precinct unless otherwise specified below:

##### **I4XX.8.1 Activity Table**

The Activity Table – Table–E38.4.2 Activity Table – Subdivision in Residential zones applies to the Clarks Beach Precinct Plan, except as specified in the Table 1 below.

**Table 1: Subdivision Activity Status**

<b>Subdivision Activity</b>	<b>Activity Status</b>
Subdivision in accordance with the Clarks Beach Precinct Plan	RD
Subdivision not in accordance with the Clarks Beach Precinct Plan	NC
Subdivision of a vacant site in accordance with Table E38.8.2.3.1 and 5.1.2 below	RD
Any subdivision (or any development of land which precedes a subdivision)	RD
Development of any site with frontage to the Spine Road shown on Precinct Plan	RD

##### **I4XX.8.2 Subdivision Development Standards**

The subdivision development controls in E38 Subdivision - Urban apply in this precinct unless otherwise specified below.

#### **1. Minimum net site area**

1. Area B – Minimum net site area: 600m<sup>2</sup>

## 2. Roads

1. All roads must be located in general accordance with the Clarks Beach Precinct Plan.
2. No vehicle access to a site must cross a proposed or existing 3m or greater shared path for pedestrians and cyclists.
3. All roads within the precinct shall be constructed to the standards contained in Table 2: Road Construction Standard – Clarks Beach Precinct. Cross-section diagrams set out below for each road type shall be used. Where a road is not described or provided for in Table 2, the relevant Auckland wide rules shall apply.
4. Subdivision that makes provision for any portion of 'Beach Front Road' (Road Type D) or equivalent must also make provision for the Crispe Road extension, unless the extension is otherwise provided for through a previous subdivision consent.
5. Sites gaining vehicular access onto Road 1 – Type A Road must provide for on-site manoeuvring when located within 100m of the neighbourhood centre, or to the east of the new spine road southern connection with Clark's Beach Road.

**Table 2: Road Construction Standard – Clarks Beach Precinct**

Type	Road	Road Width	Carriageway	Footpath Width	Bike lane	Figure
A	Collector	20m	6m	1.8m	2x 1.8m	1
B	Collector road Neighbourhood Centre	20.5m	6m	3+ 1.8m	2x 1.8m	2
C	Clarks Beach Road (existing)  Precinct responsibility	20.12m	3.5m	1.8m	N/A	3
D	Beachfront Road	22.6m	6m +  5m parking	1.8m	4m  Combination foot/cycle	4
E	Park Edge Rd	14.9m	5.6m	1.8m	3m	5
F	Local Road	19.0m	5.6m	1.8m	N/A	6

Figure 1

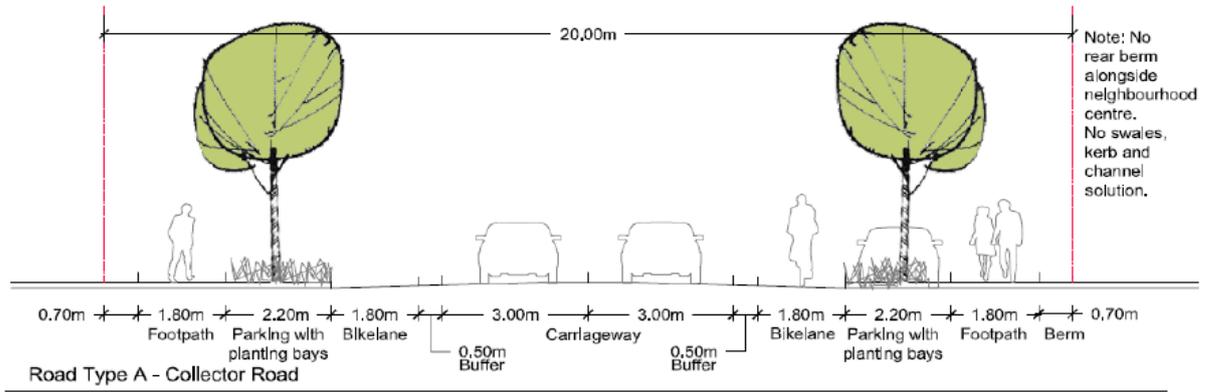


Figure 2

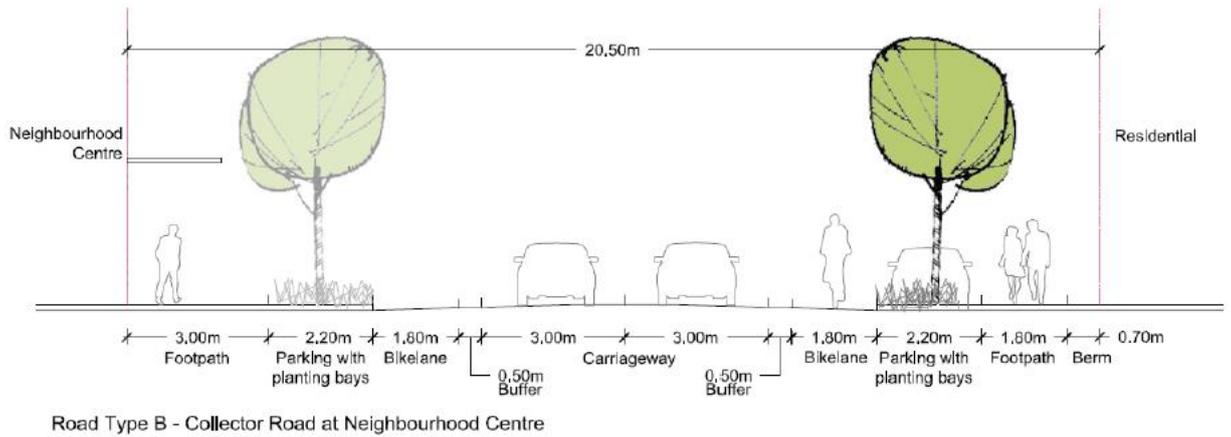


Figure 3

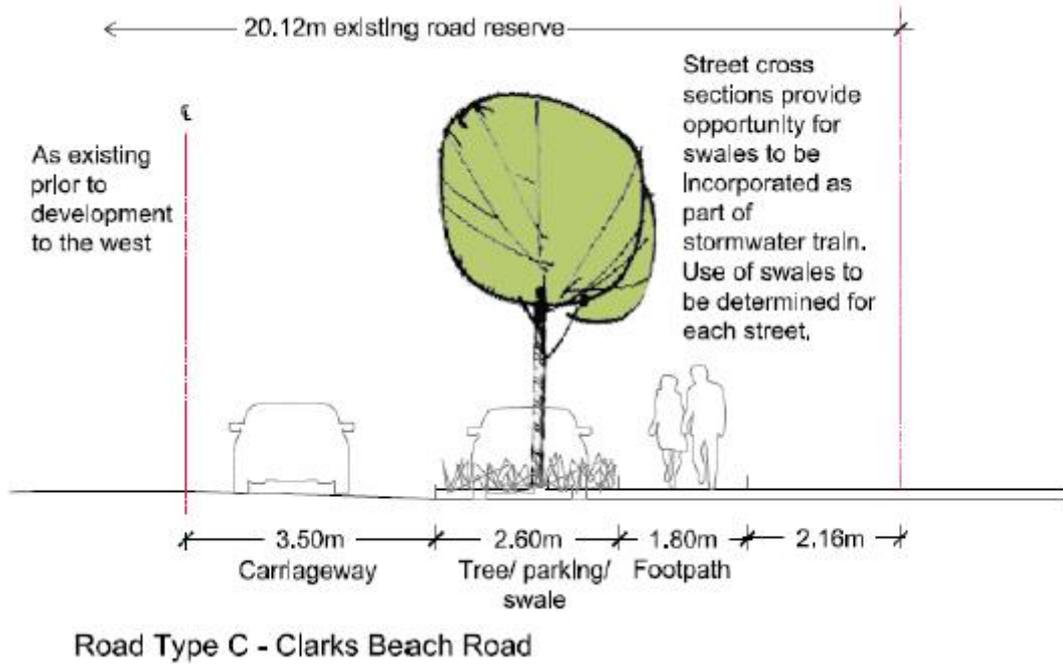


Figure 4

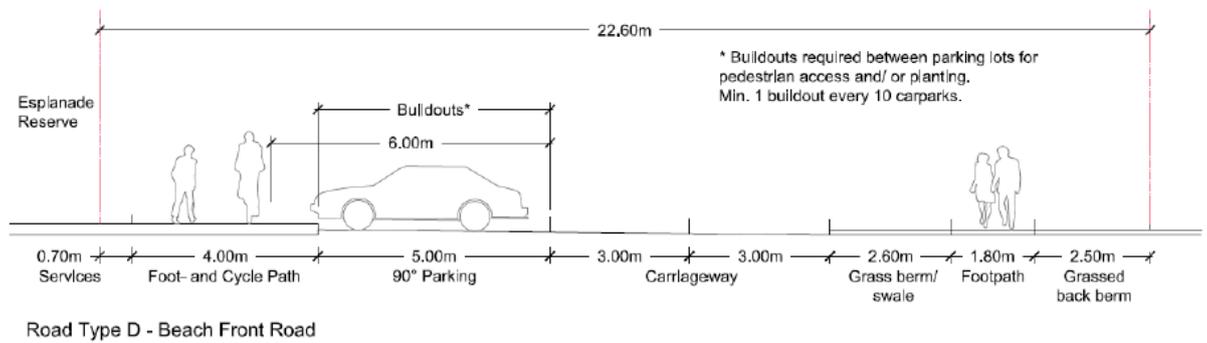


Figure 5

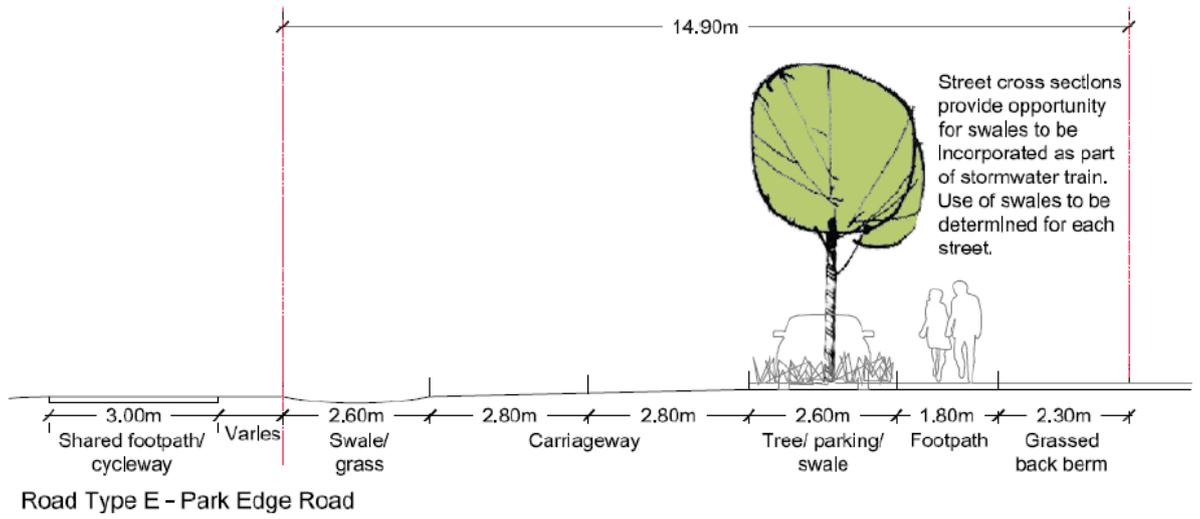
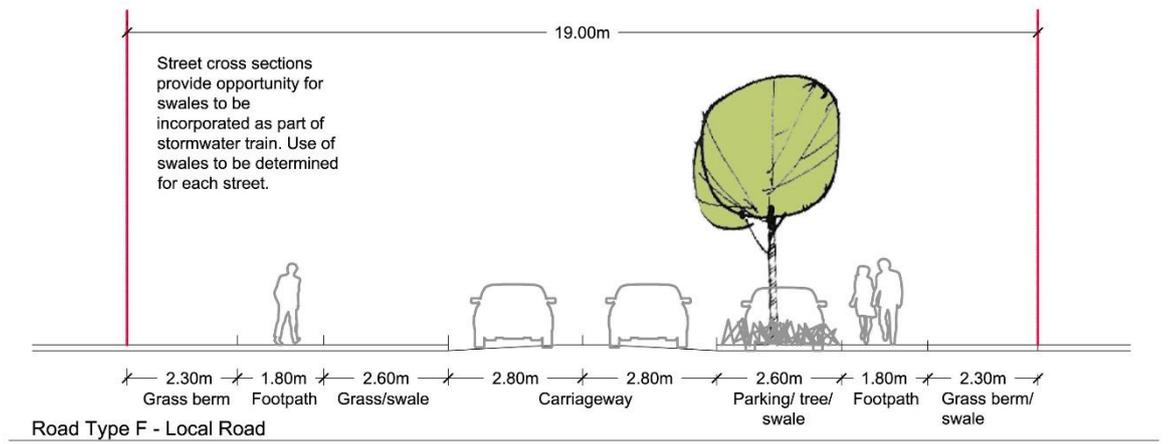


Figure 6



### **I4XX.8.3 Stormwater management in roads**

#### **1. Roads discharging to the CMA via natural streams**

1. Stormwater runoff from impervious surfaces within roads (and future roads) must be directed to a stormwater device(s) designed and sized to achieve the following stormwater hydrology mitigation requirements:
  - a. Retention (volume reduction) of 5mm runoff must be provided “at source” within road reserves; and
  - b. Detention (volume reduction) of 16.3mm of runoff with a draw down period of 24hrs must be provided within road reserves or in communal devices.

#### **2. Roads discharging directly to the CMA**

Stormwater runoff from impervious surfaces within roads (and future roads) must be directed to a stormwater device(s) designed and sized to achieve treatment of at least 10mm runoff “at-source” within road reserves or green corridor (except where more stringent water quality management requirements apply).

### **I4XX.9 Assessment – Development Standard Infringements**

#### **I4XX.9.1 Matters of Discretion**

1. Development Standard Infringements
  - a. The matters of discretion set out in C1.9(3) and in the underlying zone specific to the control infringed apply.
2. On-site stormwater management – new impervious areas

Impervious areas unable to comply with rule I4XX.8.3.1 The council will restrict its discretion to:

  - a. items (a)-(d) in the Auckland-wide rules for Stormwater Management Area Flow. Areas in rule E10.

#### **I4XX.9.2 Assessment Criteria**

1. Development Standard Infringements
  - a. The assessment criteria in C1.9(3) and in the underlying zone specific to the control infringed applies.
  - b. Where relevant to the assessment, the objectives and policies of the precinct shall be taken into account.
2. On-site stormwater management – new impervious areas
  - a. The assessment criteria in the Auckland-wide rules for Stormwater Management Flow apply. See rule E10.

## **I4XX.10 Assessment – Subdivision**

In addition to the matters set out in E38 Subdivision, the council will restrict its discretion to the matters below for activities listed as restricted discretionary in the subdivision activity table.

### **I4XX.10.1 Matters of discretion**

1. Subdivision in accordance with the Clarks Beach Precinct plan:

- a. Stormwater management
- b. The design and location of the subdivision
- c. The matters for discretion outlined in E38.12.1

### **I4XX.10.2 Assessment criteria**

1. Subdivision in accordance with the Clarks Beach Precinct Plan

a. Subdivision should implement and generally be consistent with the:

- i. Roading typologies of the Precinct Plan set out in Table 2 and cross sections illustrated in Figures 1-5.
- ii. Objectives and policies for the Precinct;
- iii. Rules of the underlying zone.
- iv. Assessment criteria set out in E38.12.2

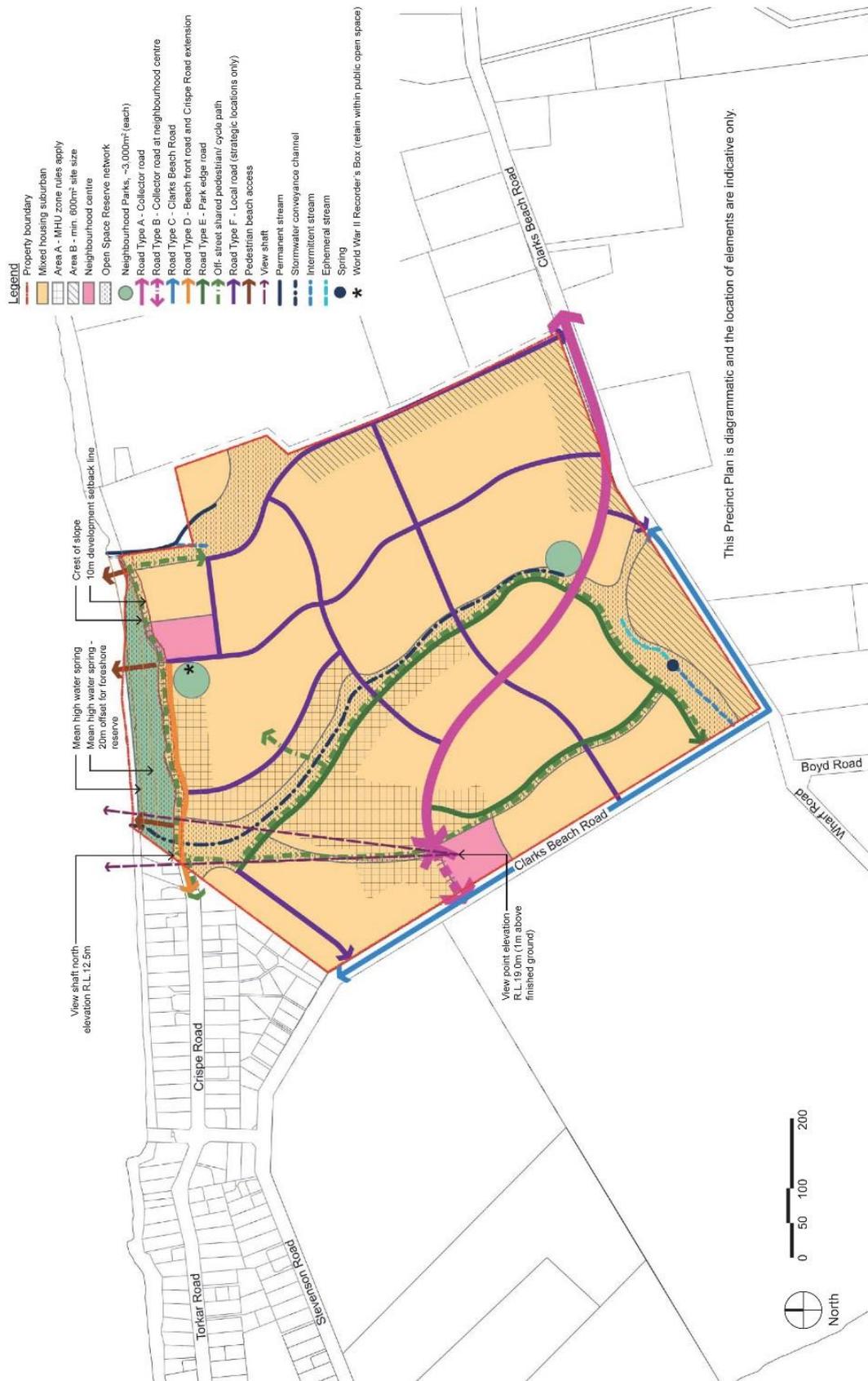
2. Stormwater management

- i. Whether a stormwater management system is provided appropriate to the scale of development and consistent with an approved Stormwater Management Plan and stormwater discharge consent.
- ii. The extent to which sufficient space is available to achieve hydrology mitigation requirements on-site.

Note: Consent notices may be required on titles of new lots to ensure compliance with the on-site stormwater management requirements.

- iii. For communal stormwater devices:
  1. The extent to which the device can be accommodated to allow efficient operation and maintenance, and appropriate amenity; and
  2. Whether the use of communal devices achieves the best practicable alternative to on-site management.
  3. The extent to which the device is needed to manage downstream flooding

# I4XX.11 Precinct Plan – Clarks Beach



## **I4XX.12 Special information requirements**

### **I4XX.12.1 Earthworks plans**

Any application for subdivision or development shall be accompanied by detailed earthworks plans. Such plans must:

- a. Describe the nature and scale of the proposed earthworks, such as the extent of cut and/or fill, sources of fill and how the cut and fill is to be transported.
- b. Describe the construction management and communication methods to be followed to minimise nuisances and disruption to surrounding residents

### **I4XX.12.2 Esplanade Pine Trees**

Any application for subdivision or works within the area of the existing pine trees along the beach front must include the following information:

- a. Staging of works including removal and replanting
- b. Methodology for removal of pines to manage existing ecosystems
- c. Landscape plan specifying the any proposed earthworks, planting strategy and any hard works (i.e. paths and access).

### **I4XX.12.3 Crispe Road Extension**

Any application for subdivision or works within the area of the Crispe Road extension and beach front road as identified on the Clarks Beach Precinct plan must include a design for the entire length of this road from the end of the existing Crispe Road to the Neighbourhood Centre zone regardless of whether only a portion is being proposed for development. The design must include the following information:

- a. The total proposed road reserve
- b. Carriageway location, footpaths, lighting, vegetation, parking, pedestrian crossing points, levels and materials.
- c. How the design encourages slow traffic speeds.
- d. How the design provides for an integrated outcome with the esplanade reserve to the north and a neighbourhood park to the south, and with the neighbourhood centre.

**Attachment 2:**

**CONDITIONS OF CONSENT**

Under section 38 of the Housing Accords and Special Housing Area Act 2013, this consent is subject to the following conditions:

**GENERAL CONDITIONS**

1. The subdivision and associated activities shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent numbers SUB/2016/2485 and REG/2016/2487.
  - Application Form, and Assessment of Effects prepared by CivilPlan Consultants Limited, titled '*Proposed Qualifying Development Subdivision at 137 Clarks Beach Road, Clarks Beach*' dated August 2016.

<b>Plans: Prepared by CivilPlan</b>			
Sheet Number	Rev	Sheet Title	DATE
1879-01-000		COVER SHEET	
1879-01-099	C2	GENERAL LAYOUT PLAN	08/08/16
1879-01-100	C2	PROPOSED SUBDIVISION PLAN-ALL STAGES	08/08/16
1879-01-101	C2	PROPOSED SUBDIVISION PLAN-STAGE 1	08/08/16
1879-01-102	C2	PROPOSED SUBDIVISION PLAN-STAGE 2	08/08/16
1879-01-103	C2	PROPOSED SUBDIVISION PLAN-STAGE 3	08/08/16
1879-01-150	C2	TOPOGRAPHICAL PLAN	08/08/16
1879-01-151	C2	TOPOGRAPHICAL DETAIL PLAN	08/08/16
1879-01-160	C2	CLEARING PLAN	08/08/16
1879-01-200	C2	PROPOSED FINISHED CONTOUR PLAN	08/08/16
1879-01-220	C2	PROPOSED ISOPACHS PLAN	08/08/16
1879-01-230	C2	PROPOSED SEDIMENT AND EROSION CONTROL PLAN	08/08/16
1879-01-231	C2	PROPOSED SEDIMENT AND EROSION CONTROL-POND DETAILS	08/08/16
1879-01-235	C2	PROPOSED SEDIMENT AND EROSION CONTROL DETAILS-SHEET 1	08/08/16

1879-01-236	C2	PROPOSED SEDIMENT AND EROSION CONTROL DETAILS-SHEET 2	08/08/16
1879-01-237	C2	PROPOSED SEDIMENT AND EROSION CONTROL DETAILS-SHEET 3	08/08/16
1879-01-238	C2	PROPOSED SEDIMENT AND EROSION CONTROL DETAILS-SHEET 4	08/08/16
1879-01-300	C2	PROPOSED ROAD LAYOUT	08/08/16
1879-01-320	C2	PROPOSED ROAD LONGITUDINAL SECTIONS-SHEET 1	08/08/16
1879-01-321	C2	PROPOSED ROAD LONGITUDINAL SECTIONS-SHEET 2	08/08/16
1879-01-322	C2	PROPOSED ROAD LONGITUDINAL SECTIONS-SHEET 3	08/08/16
1879-01-330	C2	PROPOSED ROAD TYPICAL CROSS SECTION SHEET 1	08/08/16
1879-01-331	C2	PROPOSED ROAD TYPICAL CROSS SECTION SHEET 2	08/08/16
1879-01-332	C2	PROPOSED ROAD TYPICAL CROSS SECTION SHEET 3	08/08/16
1879-01-333	C2	PROPOSED ROAD TYPICAL CROSS SECTION SHEET 4	08/08/16
1879-01-334	C2	PROPOSED ROAD TYPICAL CROSS SECTION SHEET 5	08/08/16
1879-01-340	C2	CLARKS BEACH ROAD UPGRADING OVERALL KEYPLAN	08/08/16
1879-01-341	C2	CLARKS BEACH ROAD UPGRADING PLAN AND LONG SECTION-DETAIL SHEET 1	08/08/16
1879-01-342	C2	CLARKS BEACH ROAD UPGRADING PLAN AND LONG SECTION-DETAIL SHEET 2	08/08/16
1879-01-343	C2	CLARKS BEACH ROAD UPGRADING PLAN AND LONG SECTION-DETAIL SHEET 3	08/08/16
1879-01-344	C2	CLARKS BEACH ROAD UPGRADING PLAN AND LONG SECTION-DETAIL SHEET 4	08/08/16
1879-01-345	C2	CLARKS BEACH ROAD UPGRADING CROSS SECTIONS SHEET 1	08/08/16
1879-01-346	C2	CLARKS BEACH ROAD UPGRADING CROSS SECTIONS SHEET 2	08/08/16
1879-01-347	C2	CLARKS BEACH ROAD UPGRADING CROSS SECTIONS SHEET 3	08/08/16
1879-01-350	C2	PROPOSED ACCESS LOT DETAILS	08/08/16

1879-01-370	C2	PROPOSED CROSSING & PARKING BAY WITH NIB KERB DETAIL	08/08/16
1879-01-371	C2	PROPOSED CROSSING & PARKING BAY WITH FLUSH BEAM DETAILS	08/08/16
1879-01-372	C2	PROPOSED CROSSING & PARKING BAY OVER SWALE DETAILS	08/08/16
1879-01-390	C2	PROPOSED ROADING STANDARD DETAILS SHEET 1	08/08/16
1879-01-391	C2	PROPOSED ROADING STANDARD DETAILS SHEET 2	08/08/16
1879-01-400	C2	PROPOSED DRAINAGE-OVERALL LAYOUT PLAN	08/08//16
1879-01-410	C2	PROPOSED STORMWATER CATCHMENT PLAN	08/08/16
1879-01-420	C2	PROPOSED OVERLAND FLOWPATH PLAN	08/08/16
1879-01-430	C2	PROPOSED STORMWATER LONGITUDINAL SECTIONS-SHEET 1	08/08/16
1879-01-431	C2	PROPOSED STORMWATER LONGITUDINAL SECTIONS-SHEET 2	08/08/16
1879-01-432	C2	PROPOSED STORMWATER LONGITUDINAL SECTIONS-SHEET 3	08/08/16
1879-01-433	C2	PROPOSED STORMWATER LONGITUDINAL SECTIONS-SHEET 4	08/08/16
1879-01-450	C2	PROPOSED WASTEWATER LONGITUDINAL SECTIONS-SHEET 1	08/08/16
1879-01-451	C2	PROPOSED WASTEWATER LONGITUDINAL SECTIONS-SHEET 2	08/08/16
1879-01-452	C2	PROPOSED WASTEWATER LONGITUDINAL SECTIONS-SHEET 3	08/08/16
1879-01-460	C2	PROPOSED TEMPORARY POND 1	08/08/16
1879-01-462	C2	PROPOSED TEMPORARY POND 1 DETAILS	08/08/16
1879-01-463	C2	PROPOSED TEMPORARY POND OUTLET DETAILS	08/08/16
1879-01-471	C2	WSD - TYPICAL SWALE DETAIL-FLUSH BEAM LOCAL ROAD	08/08/16
1879-01-472	C2	WSD - TYPICAL SWALE DETAIL-KERBED COLLECTOR ROAD	08/08/16
1879-01-473	C2	WSD - TYPICAL RAIN GARDEN DETAILS	08/08/16

1879-01-485	C2	PROPOSED WW PUMPING STATION-LAYOUT PLAN	08/08/16
1879-01-486	C2	PROPOSED WW PUMPING STATION-MANHOLE DETAILS	08/08/16
1879-01-487	C2	PROPOSED WW PUMPING STATION-LONG SECTIONS	08/08/16
1879-01-488	C2	PROPOSED WW PUMPING STATION-RISINGMAIN-PLAN AND LONG SECTION	08/08/16
1879-01-490	C2	PROPOSED STORMWATER STANDARD DETAILS-SHEET 1	08/08/16
1879-01-491	C2	PROPOSED STORMWATER STANDARD DETAILS-SHEET 2	08/08/16
1879-01-492	C2	PROPOSED STORMWATER STANDARD DETAILS-SHEET 3	08/08/16
1879-01-493	C2	PROPOSED STORMWATER STANDARD DETAILS-SHEET 4	08/08/16
1879-01-495	C2	PROPOSED WASTEWATER STANDARD DETAILS-SHEET 1	08/08/16
1879-01-496	C2	PROPOSED WASTEWATER STANDARD DETAILS-SHEET 2	08/08/16
1879-01-500	C2	PROPOSED WATERMAIN-OVERALL LAYOUT PLAN	08/08/16
1879-01-550	C2	PROPOSED WATERMAIN-BULK SUPPLY UPGRADE OVERALL LAYOUT PLAN	08/08/16
1879-01-551	C2	PROPOSED WATERMAIN-BULK SUPPLY UPGRADE DETAIL PLAN SHEET 1	08/08/16
1879-01-552	C2	PROPOSED WATERMAIN-BULK SUPPLY UPGRADE DETAIL PLAN SHEET 2	08/08/16
1879-01-553	C2	PROPOSED WATERMAIN-BULK SUPPLY UPGRADE DETAIL PLAN SHEET 3	08/08/16
1879-01-590	C2	PROPOSED WATERMAIN-STANDARD DETAILS-SHEET 1	08/08/16
1879-01-591	C2	PROPOSED WATERMAIN-STANDARD DETAILS-SHEET 2	08/08/16

### Specialist Reports

Specialist Report	Title	Prepared by	Rev	Date
Archaeology	Clarks Beach Road Structure Plan area, Clarks Beach,	Clough &	NA	May 2016

	Pukekohe: Preliminary Historic Heritage Assessment	Associates		
Contamination	Preliminary Site Investigation Report	Fraser Thomas	1	22 June 2016
Contamination	<i>Letter addressed to CivilPlan Consultants</i>	Fraser Thomas		23 August 2016
Ecological	Ecological Assessment of a Proposed Special Housing Area Development at Clarks Beach, Auckland	Wildlands		June 2016
Geotechnical	Geotechnical Investigation Report	Lander Geotechnical		10 June 2016

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

#### Lapse of Consent

2. Pursuant to sections 51 of the HASHAA and 125 of the RMA, this consent lapses two years after the date it is granted unless:
  - The consent is given effect to; or
  - The Council extends the period after which the consent lapses.

#### Monitoring Charges

3. 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.

#### Advice Note:

*The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due.*

#### Consent Duration R/REG/2016/2487

4. The bulk earthworks for permit R/REG/2016/2487 shall expire 3 years after the date of granting unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

#### Affordability

5. Lot 800 is 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 2016 Clarks Beach SHA.

Prior to the submission of a survey plan in accordance with section 223 of the RMA (s 45 of the HASHAA) the consent holder shall provide confirmation of compliance with Criteria A or B.

6. For affordable lots provided for as “Relative affordable”, 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.

Before any relative affordable dwelling is occupied, or title to that dwelling is transferred, the consent holder shall provide to the Compliance Monitoring Officer (SHA Consenting) a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria:

- The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
  - The purchaser has paid a price for the affordable dwelling which is not more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2016, Clarks Beach SHA.
  - 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;
  - The purchaser is a first home buyer and has never owned any other real property;
  - The purchaser is a natural person and is purchasing the affordable dwelling in their own name and not in the name of any other person.
7. For affordable lots provided for as “Retained affordable” the price at which a dwelling on the lot(s) may be sold shall be such that a household on the Auckland Median Household Income has to pay no more than 30% of gross household income on mortgage payments. The Auckland Median Household Income shall be based upon the Auckland Median Household Income published by Statistics New Zealand for the June Quarter of 2015. Mortgage payments shall be based on a 30 year mortgage, a 10% deposit and the most recent 2 year fixed interest rate published by the Reserve Bank on September 2015.

This condition shall be complied with by way of a consent notice under section 44 of the HASHAA (section 220 of the RMA). The consent notice shall be registered on the title prior to the issue of a certificate under section 224(c) of the RMA.

8. No more than 35 dwellings shall be constructed on the lots approved by this consent prior to the commencement of construction for the dwellings identified as affordable on Lot 800.

#### Stormwater

9. The Erosion and Sediment Control Pond to be utilised as a detention and water quality treatment pond in the temporary stormwater scenario is to remain operational, and in private ownership (with an easement in gross in favour of Council in accordance with the conditions of this consent) until the permanent solution is implemented. The Erosion and Sediment Control Pond shall be decommissioned prior to being converted to a stormwater detention pond (sized for the QD area only).
10. Water quality treatment equivalent to 10mm runoff from roads less than 5,000 vehicles per day is to be provided within the road reserve (i.e. swale networks) or green corridor prior to the discharge of the flows to the Coastal Marine Area by using appropriate devices as provided for within the Stormwater Management Plan approved as part of this consent.
11. All roads catering for over 5000 vehicles per day shall utilise a combination of at source treatment devices and the proposed green swale, and be designed to meet the treatment requirements of TP10 or its latest successor.

### **PRE-DEVELOPMENT CONDITIONS**

#### Fencing

12. Prior to the commencement of construction and any earthworks activity a 1.8m close board fence shall be constructed along the western boundary adjoining 43, 45, 47, 49 Clarks Beach Road.

#### Construction Management Plan

13. Prior to the commencement of construction and any earthworks activity, a finalised Construction Management Plan (CMP) prepared in accordance with Auckland Council's Code of Practice shall be submitted to the Compliance Monitoring Officer (SHA Consenting) for approval. No construction activity shall commence until written approval of the CMP has been obtained from the Compliance Monitoring Officer (SHA Consenting) and all measures identified in that plan as needing to be established prior to commencement of works have been implemented.

The Construction Management Plan shall contain sufficient detail to address the following matters:

- measures to address noise

- traffic management plan
- dust
- vibration
- stockpiling (if any)
- sediment and erosion control
- Contamination Management

Advice Note:

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

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

14. For any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit.

Contaminated Site Management Plan

15. Prior to the commencement of earthworks a Contaminated Site Management Plan (CSMP) shall be provided to the Compliance Monitoring Officer (SHA Consenting) for review and approval. The SMP shall include, but not be limited to, the following:

- Protocols for the handling, transportation and disposal of excavated soil
- Contingency plans for the accidental discovery of contamination
- Dust management
- Stormwater management and erosion/sediment controls
- Training and Health and Safety

## Pre-Construction Meeting

16. Prior to the commencement of the construction and earthworks activity, the consent holder shall hold a pre-construction meeting that:

- a. is located on the subject site
- b. is scheduled not less than 5 days before the anticipated commencement of earthworks in each period between October 1 and April 30 that this consent is exercised.
- c. includes Council's Compliance Monitoring Officer (SHA Consenting)
- d. includes the supervising Registered Engineer
- e. includes representation from the contractors who will undertake the works

The following information shall be made available and discussed as necessary at the pre-construction meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Management Plan (ESCP)
- Construction Management Plan
- Contaminated Site Management Plan

### Advice Note:

*To arrange the pre-construction meeting please contact the Council's Council Compliance Monitoring Officer to arrange this meeting- ([SpecialHousingArea@aucklandcouncil.govt.nz](mailto:SpecialHousingArea@aucklandcouncil.govt.nz) ; or ((09) 383 6292). The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.*

## **ENGINEERING PLAN APPROVAL (EPA):**

17. Prior to the commencement of any construction work, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the Compliance Monitoring Officer (SHA Consenting) 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:

- Earthworks, retaining walls and stability measures in accordance with the Geotechnical Investigation Report prepared by Lander and Associates.
- Design and location of subsoil land drainage required and the proposed ownership and maintenance of the subsoil land drainage;
- Full details of infrastructure provision, including confirmation of capacity in terms of the wastewater and stormwater system as set out in the technical reports forming part of the application;
- Details of any services to be laid including pipes and other ancillary equipment to be vested in Auckland Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the current Water and Wastewater Code of Practice for Land Development and Subdivision;
- Detailed design of all roads to be vested in Council including intersections, parking, cycling facilities, pedestrian and pram crossings and footpaths. All roads shall be designed in accordance with the Auckland Transport Code of Practice (ATCOP) or relevant design guideline, and final locations shall be agreed with the Council Compliance Monitoring Officer. Design details are to include the following:
  - Vehicle tracking plans (10.3m truck and 13.0m tour coach along bus routes).
  - Landscaping Plan together with lighting design, approved by Auckland Council Parks.
  - Detailed design of lighting within the off-road pedestrian/cycle network.
  - Detailed design of raingardens and roadside swales. Swale design shown at the consent stage is to be taken as indicative only.
  - A plan showing the vehicle crossings for all lots. Vehicle crossing locations shall be shown and overlaid with landscaping plans, street lightings, services and indented parking bays to ensure that these are accommodated.
  - Detailed design and location of signs, services and landscaping.
  - The detailed design of the T-intersection of Clarks Beach Road and 'Road 1'. The design submitted at the consent stage shall be taken as indicative only.
  - The positioning of bus stops
  - A Marking and Signage Plan
  - Details of threshold treatments to be applied to Clarks Beach Road to the south

of the subdivision to signal to drivers that they are entering a lower speed environment

- Detailed design of all street lighting, street furniture and other structures/facilities on the roads. These shall be designed in accordance with the ATCOP or relevant design guideline and shall be agreed with the Council Compliance Monitoring Officer;
- Visibility assessment of the proposed roads; in particular the visibility at the intersections and forward visibility around bends must meet design standards. Clear inter-visibility sight lines shall be provided at all intersections, pedestrian crossings locations and bends for motorists, pedestrians and cyclists. No planting or street furniture shall compromise sight distance requirements;
- Design measures to achieve a 30kph speed environment (through flush treatments) on local residential streets shall be provided, taking into account future roads as the subdivision is extended. This shall be achieved via Local Area Traffic Management (LATM).
- All batter slopes within the road reserve shall be no greater than 1:5 for safety and mowing requirements, unless they are planted. Any such planting shall be approved by Auckland Council Parks.
- Raingardens; where required shall be designed in accordance with Auckland Council Healthy Waters/Parks and Auckland Transport requirements. Planting is to be approved by Auckland Council Parks, taking into account maintenance, sight lines, encroachment onto carriageway and footpath etc. Raingarden edges alongside the carriageway and footpath/shared path shall be provided with a support to stop them from subsiding or overhanging onto the footpath/carriageway.
- All trees within the road reserve shall be placed to ensure that they do not damage the carriageway, footpath and underground services. Street trees must not compromise sightlines, and species shall be selected accordingly.
- All indented parking bays shall be designed with a splay/flares (except where the parking bay connects directly with the vehicle crossing) to ensure manoeuvring requirements are met and vehicle tracking will not encroach upon the kerb or berm.
- Temporary hammer heads shall be provided in locations where there will be future road connections to allow for service vehicles to turn around. Appropriate signs shall be installed where the roads temporarily end.
- 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 or relevant design guideline requirements. These shall align with each other across the road. Auckland Transport-approved tactile pavers shall be installed at all crossing points.

- Surface treatments shall be used where pedestrian and cycle crossings intersect with the local road network.
- The tracking requirements around the bend (Road 4) shall be met taking into account swept paths of 99 percentile vehicles.
- 'No Stopping At All Times' (NSAAT) road markings shall be painted in appropriate locations throughout the development to ensure safe movements of traffic and pedestrians/cyclists.
- All service covers/lids and manholes shall be outside the carriageway. They shall be located on the berm.
- Any permanent traffic and parking changes within the road reserve (including the implementation of bus stops and broken yellow lines) as a result of the development will require Traffic Control Committee (TCC) resolutions. The consent holder shall prepare and submit a permanent Traffic and Parking Changes report to Auckland Transport TCC for review and approval.
- Detailed design of the stormwater system and devices for the management of both quantity and quality of the stormwater runoff from the contributing development upstream catchment (including the raingardens, swales and cartridge filter treatment devices and all ancillary equipment/structures). The stormwater system and devices shall be provided in accordance with the approved SMP and 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 risks during the life of the asset and shall ensure safety to the public, property and to operating personnel, contractors and Council employees;
  - The proposed stormwater system shall have an asset life of a minimum of 100 years. Where this cannot be achieved a schedule of these assets shall be provided documenting the following:
    - the expected asset life,
    - cost of the asset
    - commentary around ease of replacement
    - Discussion on alternative materials or assets that have been considered.
- The principles of water-sensitive design and “Best Management Practices” to

minimise stormwater run-off volumes and peak flow rates and to improve the quality of stormwater run-off entering the receiving environment shall be utilised for the design of the proposed stormwater system;

- Lot connections
  - Private drainage connections shall be constructed as part of the Engineering Plan Approval works and extend from the Lot boundary to the swale or public reticulation.
  - Three Lots (17, 18, & 19) are shown connecting to the swale underdrain. Connection details shall be provided showing how the pipe will operate as both a swale underdrain and to provide conveyance for the 10-yr ARI event.
- Specific stormwater network requirements:
  - Provide explanation regarding the Manning's values used in the swale design. Calculations show Manning's values which vary with grade. Swales are to assume 150 mm grass length for design purposes to allow for the uncut grass length.
  - Driveways shall be raised 50mm above the swale base, not flush, to allow for the incremental effect of soil level in swale base due to grass thatch.
  - Specific device sizing shall be provided, based upon in situ infiltration testing following TP58 methodology.
- Provide Operation and Maintenance Manuals for all devices proposed to be vested with Council.
- 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 electrical or telecommunication reticulation including ancillary equipment.

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

- Certify that all public roads have been designed in accordance with the Auckland Transport Code of Practice, unless an alternative design is agreed with the Council Compliance Monitoring Officer through the Engineering Plan Approval process;
- Certify that the proposed stormwater system and devices proposed have been designed in accordance with the technical reports forming part of this consent, and as guided by the Auckland Council Code of Practice for Land Development and

Subdivision: Chapter 4 – Stormwater;

- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision;
- Certify that the earthworks, and stability measures required by the aforementioned geotechnical report have been designed in accordance with the recommendations of that report;
- 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 assets.

Advice Note:

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

Landscape Planting Plan (Street Trees)

18. A Landscape Planting Plan for street planting within the proposed road reserves shall be provided to the Compliance Monitoring Officer (SHA Consenting) for approval in conjunction with the Engineering Plan Approval. The Landscape Planting Plan shall include:

- final species, location, sizes at the time of planting;
- spacing, soil preparation, tree pit details and maintenance/management programmes of the planting.
- the location of street lights and other service access points noting that street trees should be planted a minimum of 5 metres from street lights and 2 metres from other service boxes.
- Show shrub species to be planted at 400mm from footpath edges.
- 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.
- Include planting methodology.

All final landscaping details shall be generally in accordance with Street Planting Plan

L01 Rev A prepared by Transurban, dated 9<sup>th</sup> August 2016 and the tree pits shall be in accordance with the Auckland Transport Code of Practice, and provided to the satisfaction of the Parks Consents Team of Auckland Council.

*Advice Note: The Compliance Monitoring Officer (SHA Consenting) will consult with Auckland Council Parks Consents Team for approval of the landscape plan. It is recommended to the consent holder to consult in the first instance with the Council Parks Consents Team for planting requirements. Puriri are not encouraged for use within the streetscape.*

#### Geotechnical Completion Report

19. Within one (1) month of the completion of earthworks for each stage, a Geotechnical Completion Report in accordance with the “Auckland Council Code of Practice for Land Development and Subdivision Section 2.6” signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks, subsoil drains and any stability measures to be retained on site, and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

#### **CONSTRUCTION CONDITIONS**

##### Compliance with Construction Management Plan

20. All activities associated with construction and earthworks shall be in accordance with the approved Construction Management Plan (CMP) as required by the conditions of this consent, including that all vehicle movements to and from the site and associated with the earthworks and construction activity shall be in accordance with the Traffic Management Plan as part of the CMP.

##### Registered Engineer to Supervise Earthworks and Construction Work

21. A registered engineer shall be responsible for the supervision of all excavations, retaining and foundation construction to ensure that all works are carried out in accordance with the approved Engineering Plans, the Geotechnical Report of the consent, and the conditions of consent. Site monitoring and inspections may be delegated to a suitably qualified engineering professional.

The supervising engineer’s contact details shall be provided in writing to the Compliance Monitoring Officer (SHA Consenting) at least two weeks prior to earthworks commencing on site.

The engineer or their representative shall carry out sufficient and regular inspections and at the completion of works shall provide to the Council certification that the works have been carried out in accordance with the standards as required by this consent, and in accordance with the conditions of approved Engineering Plans and good

engineering practice.

This may be in the form of a Producer Statement – PS4 Construction Review or Engineer Statement outlining the level and details of Construction Monitoring undertaken (as defined by IPENZ).

#### Restricted access to the Site During Construction

22. The site shall be secured from unauthorised public access during the construction period. In particular, at the point where proposed roads or access ways connect with existing public roads, an appropriately secure and suitably signed barrier or fence shall be erected to prevent any unauthorised vehicle access prior to the commencement of any construction work. The barrier or fence shall remain in place until all construction works of each stage are finished.

#### Noise during Earthworks/Construction

23. Noise arising from earthworks and construction shall be measured and assessed in accordance with NZS 6803:1999 “Acoustics – Construction Noise” and shall comply with the limits in Table 2 and 3 as far as practicable to the satisfaction of the Compliance Monitoring Officer (SHA Consenting).

The use of noise generating tools, motorised equipment, machinery and vehicles that are associated with construction and earthworks activity on the subject site shall be restricted to between the following hours to comply with this standard:

⇒ Monday to Saturday: 7:30a.m. to 6:00p.m.

⇒ Sundays or Public Holidays: no works

#### Advice Note:

*Works may be undertaken outside these hours solely under the written approval of Council’s Council Compliance Monitoring Officer. This will only be granted under special circumstances, for example in the event of urgent stabilisation works or in the event of inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to the approval of any neighbouring residents or other affected parties as may be identified by the Council’s SHA Consenting Manager.*

#### No deposition of soil or debris on road

24. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and 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 Council Compliance Monitoring Officer who may be able to provide further guidance on the most appropriate approach to take.*

Dust Control

25. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks and construction activity that in the opinion of the Compliance Monitoring Officer (SHA Consenting) is noxious, offensive or objectionable.

Advice Note:

*In accordance with this condition and in order to manage dust on the site consideration should be given to adopting the following management techniques:*

- *stopping of works during high winds, as considered by the Council Compliance Monitoring Officer*
- *watering of haul roads, stockpiles and maneuvering areas during dry periods*
- *positioning of stockpiles*

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

- *The intensity of events, as indicated by dust quantity and the degree of nuisance*
- *The duration of each dust nuisance event*

- *The offensiveness of the discharge, having regard to the nature of the dust*
- *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

*It is recommended that potential measures as discussed with the Council Compliance Monitoring Officer who will guide you on the most appropriate approach to take.*

#### Construction Supervision and Certification

26. The earthworks associated with the installation of roading and infrastructure shall be supervised by a suitably qualified and registered engineering professional. In supervising the works, the suitably qualified and registered engineering professional shall ensure that they are constructed and otherwise completed in accordance with the plans forming part of this application and the engineering plans referred to in condition 10.

Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Council Compliance Monitoring Officer (SHA Consenting) confirming that the works have been completed in accordance with this condition, within ten (10) working days following completion. Written certification shall be in the form of a geotechnical completion report or any other form acceptable to the Council.

#### Instability affecting neighbouring properties

27. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Compliance Monitoring Officer (SHA Consenting).

### **EARTHWORKS CONDITIONS**

28. The earthworks activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below and all referenced by Council as SUB/2016/2485 and REG/2016/2487.

#### **Reports:**

Application report titled, *Proposed Qualifying Development Subdivision at 137 Clarks Beach Road, Clarks Beach* prepared by Civil Plan Consultants, dated August 2016

#### **Plans:**

- *As referenced in condition 1 of this consent*

#### Advice Note:

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 52 of the HASHAA (section 127 of the RMA). Any minor amendments should be provided to the Compliance Monitoring Officer (SHA Consenting) [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392 prior to implementation to confirm that they are within the scope of this consent.*

29. 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 Compliance Monitoring Officer (SHA Consenting).

*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 Compliance Monitoring Officer (SHA Consenting) [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 373 6392 for more details. Alternatively, please refer to Auckland Regional Council, *Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.**

30. Prior to the commencement of earthworks activity on the subject site, a finalised Site Specific Erosion and Sediment Control Plan, including an updated USLE shall be prepared and submitted to the Compliance Monitoring Officer (SHA Consenting). No earthworks activity on the subject site shall commence until confirmation from council is provided that the final management plan is satisfactory.

The Erosion and Sediment Control Plan should 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

Advice Note:

*In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Compliance Monitoring Officer (SHA Consenting) prior to implementation to confirm that they are within the scope of this consent.*

31. Prior to the commencement of earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Compliance Monitoring Officer (SHA Consenting). The plan shall include as a minimum:
- Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention ponds; and a batch dosing methodology for the sites Decanting Earth Bunds.
  - Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
  - Details of optimum dosage (including assumptions);
  - Results of initial chemical treatment trial and bench testing;
  - A spill contingency plan; and
  - Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note:

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

*provided to the Compliance Monitoring Officer (SHA Consenting) prior to implementation to confirm that they are within the scope of this consent.*

32. Prior to new bulk earthworks commencing, a certificate signed by a registered engineer shall be submitted to the Compliance Monitoring Officer (SHA Consenting) to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in the conditions of this consent.

Certified controls shall include the, Sediment Retention Ponds, Decanting Earth Bunds, Clean Water Diversions, Runoff Diversion Bunds, and Silt Fences. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

33. Notice shall be provided to the Compliance Monitoring Officer (SHA Consenting), at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan.
34. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in the conditions of this consent shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
35. 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:*

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

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

36. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Compliance Monitoring Officer (SHA Consenting)

*Advice Note:*

*To arrange this meeting at [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) or 09 3010101, at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.*

## **CONTAMINATION CONDITIONS**

37. All earthworks shall be carried out in accordance with the protocols and methodologies outlined in the CSMP approved as part of the conditions of this consent.
38. During earthworks all necessary action shall be taken to prevent dust generation and sufficient water shall be available to dampen exposed soil, and/or other dust suppressing measures shall be available to avoid dust formation. The consent holder shall ensure that dust management during the excavation works generally complies with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, MfE (2001).
39. Good practice hygiene measures shall be adopted during earthworks and adequate decontamination and wash-up facilities shall be provided.
40. In the event of the accidental discovery of contamination during earthworks which has not been previously identified, including asbestos material, the consent holder shall immediately cease the works and notify the Team Leader Central Monitoring, Resource Consents, Auckland Council, engage a Suitably Qualified and Experienced Professional (SQEP) to assess the situation (including possible sampling and testing) and decide in conjunction with a council compliance officer on the best option for managing the material.
41. All material excavated during the earthworks shall be disposed of at an appropriate facility, licensed to accept the levels of contamination identified.

42. The consent holder shall ensure that the contamination level of any imported soil complies with cleanfill criteria as outlined in the Ministry for the Environment Guide for Managing Cleanfills (2002),
43. Documentation that the earthworks have been carried out according to the approved Site Management Plan and conditions of consent shall be prepared by a Suitably Qualified and Experienced Professional (SQEP) in the form of a Works Completion Report and provided to the Team Leader Central Monitoring, Resource Consents, Auckland Council for review and approval within 3 months of completion of the earthworks, and prior to further site development. The report will include the following items as a minimum:
- A summary of the earthworks undertaken, with plans showing the area/depth of excavations
  - The volume/weight of soil excavated and removed from site with copies of disposal documentation for all soil taken off site
  - Reports of any complaints, health and safety incidents related to contamination, and/or contingency events during the earthworks.

*Advice note:*

*If you are demolishing any building that may have asbestos containing materials (ACM) in it:*

- *You have obligations under the relevant regulations for the management and removal of asbestos, including the need to engage a Competent Asbestos Surveyor to confirm the presence or absence of any ACM.*
- *Work may have to be carried out under the control of person holding a WorkSafe NZ Certificate of Competence (CoC) for restricted works.*
- *If any ACM is found, removal or demolition will have to meet the Health and Safety at Work (Asbestos) Regulations 2016.*

*Information on asbestos containing materials and your obligations can be found at [www.worksafe.govt.nz](http://www.worksafe.govt.nz).*

*If ACM is found on site following the demolition or removal of the existing buildings you may be required to remediate the site and carry out validation sampling. Dependent on the amount of soil disturbance a further consent application may be required.*

## **GEOTECHNICAL**

44. The recommendations of the Geotechnical Investigation Report titled by Lander Geotechnical shall be complied with, including:

- the requirement for all works to be consistent with the NZ Code of Practice for Urban Subdivision;

## **ROADING**

### Road Safety Upgrades

45. The consent holder shall implement the following road safety improvements, as described in the Road Safety Audit prepared by Flow Transportation Specialists (Ref: R1A160711, Rev A, Dated 8 July 2016) at their cost, prior to issue of the s224(c) subdivision certificate.
- Enhance the clarity of the Waiau Pa 50 km/h threshold (western approach) by introducing a more visible gateway treatment, to the satisfaction of AT's Road Safety Engineer.
  - Update the existing chevron boards on the approaches to the bend outside 246 Clarks Beach Road by installing chevron boards that are compliant with MOTSAM. Install curve warning signs on the approaches to the bend outside 320 Clarks Beach Road.
  - Mark retro-reflective edge lines on the section of Clarks Beach Road where edge lines are missing.
  - Intersection 2: Clarks Beach/Wharf. Installation of edge delineation, advance warning signs and trimming of vegetation only.
  - Formalisation of intersections only (intersections of Clarks Beach Road with Forley, Dell and Wallace Roads) and the associated regulatory process. Formalisation relates to give way signs and markings, and chevron board at the end of the road.
  - Installation of at least two signs, large enough to be easily read, that remind drivers to look out and be aware of cyclists. These are to be removed at the consent holder's expense if/when they reach the end of their useable lifespan.

### Clarks Beach Road Upgrade

46. Prior to issue of the s224(c) certificate, Clarks Beach Road between Sergeants Way and the southern extent of the subdivision (including 49 Clarks Beach Road) must be upgraded to urban standard in accordance with Figure 3 (Road Type C – Clarks Beach Road) of the approved Precinct Provisions. These works do not include a kerb and channel upgrade of the western side of the road. However, the full width of the carriageway must be upgraded.

A 'No Stopping At All Times' (NSAAT) restriction must be applied along the western side of the upgraded section of Clarks Beach Road. This must be shown in the Marking and Signage Plan.

Clear threshold treatments must be applied to Clarks Beach Road to the south of the subdivision to signal to drivers that they are entering a lower speed environment. Details of which are to be with the application for EPA. Over-dimension route requirements

shall be retained.

## **GENERAL SUBDIVISION CONDITIONS**

47. The subdivision shall be undertaken in stages by sequence order as indicated by the approved subdivision application plan [drawing 1879-01-100 C2,]. The subdivision may be completed in a series of 3 stages as follows:
- Stage 1:
    - 19 residential allotments (being Lots 1-19), two (2) roads to vest (being Roads 900 and 901) and one balance lot.
  - Stage 2:
    - Six (6) residential allotments (being Lots 20-25), one super lot (Lot 800), one (1) road to vest (being Lot 902) and one balance lot.
  - Stage 3:
    - Seven (7) residential allotments (being Lots 26-32), one super lot (Lot 801), one (1) road to vest (being Lot 903), one reserve to vest Lot 700, and subject to conditions x below) and one balance lot.

### **Section 223 Condition Requirements (s.45 of HASHAA)**

48. Within two years of the decision on the subdivision consent, the consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with the new scheme plan approved by Council as per Condition 1 and shall also meet the following requirements:
- Prior to the approval of the certificate under section 223 of the RMA, the consent holder shall obtain approval from Council for the vesting of Lot 700. A copy of the Meeting Resolution from the Regional Development and Operations Committee or other written approval confirming that Lot 700 is able to be vested in Council shall be provided to the Compliance Monitoring Officer (SHA Consenting). As the vesting of Lot 700 is the subject of an unconditional agreement for the sale and purchase of land, no compensation or development contributions offsets, other than that expressly set out in the agreement, are available to the consent holder. If there is no such agreement, Lot 700 shall remain as a balance lot held by the consent holder, and in respect of which, further applications for consent may be made.
  - Lots 900 and 901 shall be vested in Council as public roads without compensation or development contribution offsets in Stage 1
  - Lot 902 shall be vested in Council as public roads without compensation or development contribution offsets in Stage 2
  - Lot 903 shall be vested in Council as public roads without compensation or development contributions offsets in Stage 3

- An easement in gross in favour of Auckland Council for the purpose to drain water onto a privately owned (temporary) pond shall be created as a memorandum of easement over Lot 3000 and shall be duly granted or reserved. The easement shall allow Council access over the underlying land for the purpose of inspection and compliance.
- An easement in gross in favour of Watercare Services Limited for the purpose of providing emergency storage (by way of a temporary storage facility within Lot 3000) shall be created as a memorandum of easement and shall be duly granted or reserved.

### **Section 224 (c) condition requirements (s45 of HASHAA)**

49. Prior to the release by the Council of the Section 224(c) certificate (Section 46 of the HASHAA) for this subdivision the consent holder shall comply with the following conditions to the satisfaction of Council:

#### Geotechnical Completion report

50. A Geotechnical Completion Report by a suitably qualified and registered engineer shall be provided to Council with the section 224(c) application. The report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site.

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

The report shall also verify ground water levels, soil permeability, water flow rates, water level evaporation rates during dry periods and include details of the pond liner of the proposed wetland/stormwater pond.

#### Roads and Traffic

51. All roads and ancillary facilities such as rain gardens, grass berms, street lighting, and traffic calming devices, markings, street signs, and street furniture to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Compliance Monitoring Officer (SHA Consenting).

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

All RAMM as-built plans and data for all new roads shall also be provided with the 224(c) application. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, bus bays, street lighting, street furniture, street name, directional signs and landscaping etc.

A report from a suitably qualified and registered electrician shall be supplied with the 224(c) application. The report shall certify that all street lightings have complied with the relevant safety standards and that they are connected to the network and are operational.

#### Reinstatement of Existing Roads

52. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Compliance Monitoring Officer (SHA Consenting).

An Engineering Completion Certificate certifying that the above condition has been met shall be provided in support of the section 224(c) application.

#### Approval of Traffic Control Committee

53. The consent holder shall submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices). A copy of the Resolution from the Traffic Control Committee shall be submitted with the lodgement of the application for the certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA.

#### Road Safety Audits

54. The consent holder shall carry out a safety audit of the roads and intersections in accordance with the New Zealand Transport Agency Procedure Manual by an independent and appropriately qualified safety auditor. The Road Safety Audits Report shall be provided to Compliance Monitoring Officer (SHA Consenting) prior to the lodgement of an application for the certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA. Any recommendations raised in the audit report shall be implemented to the satisfaction of Auckland Transport.

#### Stormwater system

55. The proposed stormwater system (e.g. wetland/stormwater pond), /stormwater management devices shall have been constructed in accordance with the approved Engineering Plan and be fully operational.

Accurate as-built plans for the stormwater system / stormwater management devices and a Producer Statement PS4 certifying that the stormwater system / stormwater management devices have been constructed in accordance with the approved Engineering Plan shall be provided with the section 224(c) application.

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

56. The consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall submit to the Compliance Monitoring Officer (SHA Consenting) 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 Latest Auckland Council Technical Publications and Guidance Documents;
- all the requirements as defined within regional discharge consent or subsequent variations, and
- details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices
- a programme for regular maintenance and inspection of the stormwater system
- a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices
- a programme for post storm maintenance
- a programme for inspection and maintenance of outfall erosion
- general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls
- a programme for inspection and maintenance of vegetation associated with the stormwater devices.
- recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas

#### Stormwater Connections

57. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved Engineering Plans listed in the conditions of this consent to the satisfaction of Compliance Monitoring Officer (SHA Consenting).

Individual private stormwater connections to *the* 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 Compliance Monitoring Officer (SHA Consenting).

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 224(c) application pursuant to Section 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 224(c) application pursuant to Section 46 of the HASHAA. The video inspections shall be carried out within one month prior to the lodgement of the application for the 224(c) certificate

Advice Note:

*As-built documentation for all assets to be vested in Council required by the condition 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.*

### Wastewater

58. The consent holder shall provide and install a complete public wastewater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of Compliance Monitoring Officer (SHA Consenting).

Individual private wastewater connections to the proposed public wastewater systems for each residential lot at the lowest point within the lot boundary shall be provided in accordance with the approved Engineering Plans.

An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be provided in support of the 224(c) application pursuant to Section of the HASHAA.

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

A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for each residential lot shall be provided in support of the 224(c) application.

### Water Supply

59. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of Council's Manager. Resource Consenting and Compliance.

The consent holder shall complete a successful pressure test for all new water mains prior to the connection to the existing public water supply reticulation system to the satisfaction of Council. Evidence of undertaking a successful pressure test for new water mains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be supplied with an application for 224(c) certificate pursuant to Section 46 of the HASHAA.

Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans. Each lot shall have an individual water metre at the road reserve boundary. Ducting of provide lines is recommended where they cross driveways.

An Engineering Completion Certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited shall be provided in support of the section 224(c) application pursuant to Section 46 of the HASHAA.

As-built plans for all public and individual private water supply lines and a certificate from Watercare Services Limited confirming that separate water supply connections have been provided for each residential lot shall be supplied with the section 224(c) application pursuant to Section 46 of the HASHAA.

#### Fire Hydrants

60. Fire hydrants shall be designed, provided and installed within 135m of the furthest point on any property and within 65m of the end of a cul-de-sac in accordance with Water and Wastewater Code of Practice to the satisfaction of Council. Detailed design and location of fire hydrant shall be submitted to Council for approval via Engineering Plans.

The consent holder shall undertake a comprehensive hydrant flow test result to confirm or otherwise that the existing public water supply system can meet the fire flow requirement for the development as stipulated in the NZFS COP; and domestic supply can meet the minimum 250 kPa residual pressure at the proposed connection to the public main.

Evidence of undertaking the hydrant flow test and compliance with the above standards shall be provided with the section 224 (c) application.

#### Network Utility Services

61. 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 Council as part of the 224 application.

#### Street Planting

62. The landscaping of road berms and other grassed areas to vest in Council shall be completed to the following specifications to the satisfaction of the Parks Consent Planner and the Arboricultural Advisor (South) as follows:

- a) Good quality topsoil, free of stones and clay lumps, shall be retained from the site for use on the reserve. All grassed and planted areas shall be developed and completed with a minimum topsoil depth of 300mm;
- b) If the subsoil below the required depth (300mm) is hard and compacted, it shall be ripped;
- c) Only if required, natural fertile topsoil capable of sustaining vigorous and healthy growth shall be imported in order to meet the necessary minimum depth of topsoil. All topsoil shall be uniformly medium loam texture and shall be easily workable. It shall be free of weeds, clay lumps and non-soil borne material including but not limited to construction debris and other contaminants. Topsoil shall have a pH

range of 5.5 -7.5 and shall be suitable for the plant species being used;

- d) Any topsoil that is deemed not to meet these requirements shall be replaced at the consent holder's expense with complying topsoil;
- e) All works associated with the land shall be completed and the land shall be established in a grassed and mowable condition, weed and rubbish free.
- f) The lot shall be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition.
- g) Should site factors preclude compliance with any of these conditions, the Auckland Council Parks Arboriculture Advisor must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor;

Grassing shall only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Arboriculture Advisor (South) immediately.

Following the issue of section 224(c) approval all grassed areas shall be maintained to the same standard for a minimum of two years at the consent holder's expense. Any maintenance issues deemed unsuitable by Auckland Council Parks during this period shall be remedied by the consent holder at their expense within 10 working days of formal notification from Auckland Council Parks.

#### Replacement of Damaged Plants

- 63. If any damage to the existing planting on the existing road occurs during construction, the consent holder shall replace damaged plants with the same species and height, and shall be maintained for two years following the replacement planting, to the satisfaction of the Team Leader, Parks Consent Planning.

A maintenance bond is payable if a section 224(c) Certificate (pursuant to s46 of HASHAA) is requested to be issued prior to the end of the maintenance period. A written statement from the Team Leader, Parks Consent Planning shall be required stating that all damaged plants have been replaced to the satisfaction of Council prior to the issue of a section 224(c) certificate.

#### Street Tree Planting

- 64. As the approved subdivision will not occur alongside the construction of new dwellings, Auckland Council offers the following condition with regards the planting and maintenance of street trees:
  - a) Street trees shall be planted 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(c) certificate for the subdivision.

The consent holder shall enter into a 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.

OR:

b) A payment shall be paid per tree to Council for the planting and maintenance of street trees. Council’s Park’s Department will undertake the planting and maintenance as required in the first available planting season following completion of the majority of construction on site.

All works shall be undertaken in accordance with the relevant Auckland Council Code of Practice or Specification 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 – Arboriculture Advisor to their satisfaction.

*Advice Note:*

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

65. Prior to the issue of the section 224(c) certificate under this consent the consent holder shall provide to the Parks Consent Planner (South) as-built plans for landscape works (hard and soft) within reserves, access ways 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, irrigation and drainage
  - d) all paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets.

#### Maintenance Bond

66. Prior to the issue of the Certificate pursuant to section 46 of HASHAA and 224(c) of the RMA the consent holder shall enter into a maintenance bond with Auckland Council to ensure compliance with the conditions of this consent. A completed valuation schedule of land and assets to be vested in Council and two quotations from contractors for the maintenance of the landscape planting shall be submitted with the lodgement of the application for a certificate pursuant to sections 46 of the HASHAA and 224(c) of the RMA.

The rationale on which the amount of the bond shall be based is:

- 2.5% of 150% the cost of the civil works for the site(s);

and/or

- 1.5 × the contracted rate for maintenance of the landscape planting. This includes but is not limited to grass berms and street trees, as well as any proposed vegetation for stormwater reserves, devices including rain gardens, grassed swales.

The bond shall be paid in cash or by way of a bank bond at the time of the issue of the 224(c) certificate for the subdivision and the full amount of the bond shall be held for:

- a minimum 24 months for any landscape planting within reserve and street tree on the road as per the conditions of this consent; and
- a minimum 12 months for any other asset.

The bond shall be prepared by Auckland Council at the cost of the consent holder. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder prior to repayment of the bond. Any faults, defects or damage to any of these works must be remedied at the consent holder's cost. The bond will not be released until the consent holder provides evidence to the satisfaction of the Council that these requirements have been met.

If the consent holder fails to maintain the above assets, as required by the conditions of this consent, the Council may undertake the works necessary to bring the assets up to the standards required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works will also be deducted from the bond.

#### Drainage Easement

67. The easement instrument for the drainage easement for the temporary stormwater pond in favour of Auckland Council shall be prepared by Council's solicitors at the cost of the consent holder and registered on the title of Lot 3000. The easement instrument shall advise:

- The owner of the lot will own and provide the temporary stormwater pond and ancillary devices until the public stormwater reticulation system is constructed and fully operational.
- The owner is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments to prevent access onto the lot for the maintenance of the stormwater ponds and their ancillary devices. The owner of the lot is responsible to maintain the pond in accordance with Operation and Maintenance Manual until the public stormwater system is fully operational and the new connection to the public stormwater reticulation system is provided for the development.
- The easement instrument would only be cancelled when the new connection to the public stormwater reticulation system is provided to the satisfaction of Auckland

Council. The owner of the lot is responsible for the costs associated with the cancellation of the easement.

### Covenant (Drainage)

68. The easement instrument for the drainage easement for the temporary stormwater pond in favour of Auckland Council shall be prepared by Council's solicitors at the cost of the consent holder and registered on the title of Lot 3000. The easement instrument shall advise:
- The owner of the lot will own and provide the temporary stormwater pond and ancillary devices until the public stormwater reticulation system is constructed and fully operational.
  - The owner is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments to prevent access onto the lot for the maintenance of the stormwater ponds and their ancillary devices. The owner of the lot is responsible to maintain the pond in accordance with Operation and Maintenance Manual until the public stormwater system is fully operational and the new connection to the public stormwater reticulation system is provided for the development.
  - The easement instrument would only be cancelled when the new connection to be public stormwater reticulation system is provided to the satisfaction of Auckland Council. The owner of the lot is responsible for the costs associated with the cancellation of the easement.
  - Once the permanent stormwater system is constructed, operational and vested in Auckland Council, the owner(s) of Lot 3000 shall provide new connection to the permanent stormwater system in accordance with the approved EPA to the satisfaction of Team Leader, Development Engineer (South).
  - The owner(s) of Lot 3000 is responsible for all costs associated with the decommissioning work and the connection to the new public system.

## 1. **CONSENT NOTICES**

### 2. Stormwater

69. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificates of Title of lot 3000 to ensure that the following conditions are to be complied with on a continuing basis:

No additional impervious surface shall be constructed in Catchment 1 (above that approved as part of SUB/2016/2485) until a permanent solution has been designed and approved as part of the engineering plan approval associated with the next stages of development of the Clarks Beach SHA.

### 3. Affordability

70. A Consent Notice pursuant to s.221 of the RMA (s.44 of HASHAA) shall be registered against the Certificate of Title of lot 800 that the lot is to provide for the affordable

housing component as follows:

This lot is designated to provide a minimum of 6 affordable dwellings meeting the criteria set out in the Housing Accords and Special Housing Areas (Auckland) Order 2016 Clarks Beach SHA.

The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser following the construction of a dwelling (should the superlot not be further subdivided).

### **ADVICE NOTES:**

#### **General**

1. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz).*
2. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. 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.*
3. *A copy of this consent shall be held on site at all times during the establishment and construction phase of the activity.*
4. *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 Manager SHA Consenting (email: [specialhousingareas@aucklandcouncil.govt.nz](mailto:specialhousingareas@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*
  - *expected duration of works*
5. *This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required by the Auckland Council and/or New Zealand Historic Places Trust. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the*

*Property Law Act), regulations, Bylaws, and rules of law.*

6. *If the role of the SHA Consenting Manager ceases to exist at the time of signing off any of the above conditions, all those conditions to be signed off by the SHA Consenting Manager should be signed off by a person who has the appropriate delegated authority within Auckland Council.*

*Water supply and Wastewater:*

7. *Water supply metered connections for all the lots to the Watercare supply main and wastewater connections are subject to separate applications to be submitted in conjunction with the application for building consent, and are required to be designed in accordance with Watercare Ltd's Engineering Standards and be made by a Water Care Services Ltd approved contractor. For details, please contact Water Care Services. Any provision being made for telecommunications, power or gas to this development are to be underground and are to be to the requirements of the respective utility services.*
8. *Watercare infrastructure growth charges will apply to this development. Watercare Services Limited advise that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, a water and wastewater Infrastructure Growth Charge per additional equivalent unit shall apply. Details of the charge are available on the website, [www.watercare.co.nz](http://www.watercare.co.nz).*

*Watercare level of service can guarantee only domestic water supply to a property 25 litres per minute at 200 kPa at the point of connection to existing public water supply reticulation main.*

*Fire Fighting Capability*

9. *The granting of this application does not constitute a guarantee from the Watercare Services Limited to provide a fire fighting capability in accordance with the Fire Service Code of Practice at any given point in time. If the development is to be sprinklered to certain flow and pressure, the applicant need to be aware that the flow and pressure in the public main can change, and periodic test needs to be carried out and, if required, upgrade the sprinkler system to meet the development demand at no cost to Watercare.*

*To comply with FW2 fire risk classification, installation of sprinkler system may be required for commercial, industrial and high rise mixed use buildings.*

*Earthworks and Construction:*

10. *Adequate provision shall be made during the earthworks and construction for the protection of any existing public drains and watermains that traverse the site, and directly adjoin. Any damages to the drains or watermains that may occur during the development shall be the applicant's responsibility.*
11. *The granting of this resource consent does not in any way allow the consent holder to*

*enter and undertake works within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. This includes works to connect to the public infrastructure within the neighbouring properties. Any negotiation or agreement is the full responsibility of the consent holder, 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.*

- 12. In the event that any archaeological features are uncovered on the site, it is recommended that works cease and the Council Compliance Monitoring Officer is notified immediately. Archaeological features' may in practice include shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains). Please note in the event of a discovery, contacting Heritage New Zealand (on 09 307 9920), as well as the local iwi is recommended.*
- 13. The scope of this resource consent is defined by the application made to Auckland Council and all documentation supporting that application.*
- 14. Any works within the road reserve require the prior approval of Auckland Transport. These include vehicle access formation, reinstating verges and temporary occupation of the berm and footpath during construction. This is typically covered by a Corridor Access Request (CAR) and Vehicle Crossing permit process. Auckland Transport is the authority that receives reviews and approves construction traffic management plans (including CMP and TMP), if any is required.*
- 15. The consent holder is advised to contact Auckland Transport as early as possible to discuss road design elements such as reinstatement of verge, and new crossings that may be required to satisfy the consent conditions.*
- 16. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 81 or 82 of the HASHAA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*