

Decisions following the hearing of concurrent applications for a variation to the Proposed Auckland Unitary Plan and 2 qualifying developments under the Housing Accords and Special Housing Areas Act 2013

Subject

Application for a variation (Plan Variation 8) to the Proposed Auckland Unitary Plan under section 61, and applications for 2 qualifying development resource consents under section 25, of the Housing Accords and Special Housing Areas Act 2013 by Hugh Green Limited, Murphys Development Limited, and East Field NZ Limited for the approved Flat Bush Special Housing Area (being Flat Bush Stage 3 Strategic SHA) generally at Murphys Road, Flat Bush.

The Qualifying Developments are by Hugh Green Limited at 64 Thomas Road (71 residential lots – including 4 affordable lots, plus 2 vacant super lots and 2 balance lots) and by Murphys Development Limited at 125 and 125A Murphys Road (53 residential lots including 5 affordable lots, plus 3 balance lots) – referred to throughout as QD1 and QD2 respectively.

The hearing was held 16 – 18 November 2015 at Manukau.

Pursuant to Section 61 of the Housing Accords and Special Housing Areas Act 2013, Proposed Plan Variation 8 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 consents for the two qualifying development applications are GRANTED.

The full decisions are set out below.

Accord Territorial Authority Hearings Panel of Independent Commissioners:

David Hill (Chair)

Philip Brown

William Kapea

Steve Udy

Council Officers and Technical Advisers

Nick Pollard – Consultant planner and lead hearing report author

Euan Williams – Lead Project Planner

Nick Karlovsky- Urban design

Ezra Barwell – Parks and Recreation

Jian Chen - Subdivision

Katja King-Borrero and Mark Iszard – Stormwater

Rue Statham – Ecology / biodiversity

Marguerite Nakielski, Andrew Kalbarczyk and Kerry Pearce – Contaminated land

Suru Jadeja – Environmental health

Stuart Bracey, Evan Keating, Auttapone Karndacharuk and Minnie Liang – Transport

Chris Allen, Rebeca Ellmers, Lucy Tandingan and Dean Lambert – Watercare Services

Sally Burgess – Archaeology

Bryan Pooley – Built heritage

For the Applicants

Asher Davidson – Counsel (PV8 and QDs)

Lauren White and Ian Munro – Urban design (PV8 and QDs)

Ida Dowling – Traffic engineering (PV8 and QDs)

Clayton McKenzie – Infrastructure (PV8)

Chris Maday – Infrastructure (PV8 and QD1)

Andrew Hunter – Stormwater (PV8) and Infrastructure (QD2)

Robert Pryor – Landscape (QD2)

Richard Montgomerie – Ecology (QD2)

Shane Lander – Geotechnical engineering (QD2)

Renee Fraser-Smith and Mark Tollemache - Planning (PV8 and QDs)

For Submitters

Transpower NZ Limited:

Andrew Beatson – Counsel

Andrew Renton – Senior Engineer, Transpower

Jenna Fincham – Environmental Planner, Transpower

Sylvia Allan – Consultant Planner

Amy Huang – 20 Murphys Road (Tabled)

Housing New Zealand (Tabled)

Manjani Khan – 22 Killeen Place (Tabled)

Decisions of the Commissioners

Introduction

1. These decisions follow a public hearing of concurrent applications made on behalf of Hugh Green Limited (HGL), Murphys Development Limited (MDL), and East Field NZ Limited (EFL) under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for a variation to the Proposed Auckland Unitary Plan (PAUP) and two qualifying development (QD) resource consents to facilitate the third stage¹ of the Flat Bush Strategic Special Housing Area (SHA) at Flat Bush. Ultimately this stage of the development will provide for approximately 2,500 dwellings with 124 proposed for the first two qualifying developments (plus 2 super lots subject to future development in QD1).
2. The Flat Bush Strategic SHA was approved as part of the Auckland Council's first tranche of special housing areas and formally established by an Order in Council in October 2013. The applications under consideration in these decisions relate to Stage 3 and are confined to the approved SHA site.
3. Proposed Plan Variation 8 to the PAUP seeks to rezone approximately 200 hectares of Future Urban (FUZ) and Countryside Living (CLZ) zoned land, held in 28 titles, at the southern extent of the suburb of Flat Bush. The applicants' land (approximately) is held as follows:

HGL – 51 ha of FUZ land at 64 and 84 Thomas Road, Flat Bush;

MDL – 93 ha of FUZ land at 125 Murphys Road and 23 ha of CLZ land;

EFL – 28 ha of FUZ land split between Stages 2 and 3.
4. The variation will introduce a further element to the existing "Flat Bush Precinct" under the PAUP, and which is to be referred to as "Sub-Precinct C". While mindful that the existing proposed precinct includes 8 objectives and 8 policies, Sub-Precinct C introduces new objectives, policies, rules, road cross sections and assessment criteria specific to it – as well as varying the underlying Mixed Housing Urban (MHU) and Mixed Housing Suburban (MHS) development controls, and varying the Neighbourhood Centre zone. It is also proposed to include a new sub-precinct plan.
5. The associated QD applications were made under section 25 of the HASHAA and rely on the variation 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

¹¹ NZ Gazette, No 167, page 4574, 12 December 2013; and Schedule 4A, Housing Accords and Special Housing Areas (Auckland) Order 2013 (and Amendment Order 2014)

Minimum number of dwellings to be built:	50, for developments on land zoned Future Urban in the proposed Auckland combined plan; or 4, for developments on all other land
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.

6. The affordable dwellings criteria applicable differ depending on a number of variables including price relative to the 75thile of the Auckland region median house price for a given September (criteria A) and mortgage repayments being no more than 30% of the Auckland median household gross monthly income for the preceding June quarter, plus 10% deposit and certain loan maxima (criteria B).
7. The current applications were made under Criteria A for QD2 and Criteria B for QD1. There was no dispute that the QDs satisfied their respective application criterion. QD1 is able to take advantage of Criterion B because the applicant confirmed that the NZ Housing Foundation intends to purchase the 4 affordable housing lots (27-30), and in reply Ms Davidson drew attention to proposed condition 54, which ensures that the affordability requirements of the Order² will be met.
8. Section 71 of the HASHAA requires that when concurrent plan variation 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.
9. 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.
10. In the same manner the Council planners' report prepared by Mr Pollard for and Mr Williams of the Housing Project Office ("HPO") 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".

² that is, the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014.

11. 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.
12. We have made findings on the issues actively in contention in both cases. The statutes do not require us to address each submission on the variation individually. The variation discussion therefore tends to focus on topics rather than on separate submitters.

The site and surrounding area

13. Chapter 3.0 of the PV8 application helpfully describes the general locality and area of the site as follows:

Flat Bush is a fringe suburb forming the eastern extent of Auckland's wider metropolitan area, approximately 21km south east of Auckland's CBD, 4km south east of the Botany Town Centre, and 3km east of the Manukau City Centre.

Convenient access to the Flat Bush area is established by a number of key strategic transport routes including State Highway 30 (Te Irirangi Drive) along the north- south axis, State Highway 8 (East Tamaki Road) along the east- west axis, and State Highway 1 (the Southern Motorway) forming the key north-west to south-east spine through the wider Auckland region.

The Flat Bush suburb is located in close proximity to a significant quantity of social infrastructure including:

- Flat Bush School within the centre of the suburb;
- Tyndale Park Christian School within the centre of the Flat Bush area;
- Santa Maria College to the west;
- Baverstock Oaks School to the north;
- Mission Heights Primary School I Junior College to the north east; and,
- Chapel Downs Primary School to the south west.

The natural topography of the Flat Bush area comprises a ridge-lined basin interspersed with gullies and streams. The stream headwaters originate from the surrounding ridgeline, generally running in a north-westerly direction toward the centre of the suburb ultimately merging and forming the Otara Creek which discharges into Curlew Bay at the inland reaches of the Panmure Inlet.

The Flat Bush ridgeline forms a natural defendable boundary between the Auckland metropolitan area and the surrounding rural land to the east and south. This defendable boundary is acknowledged in the Proposed Auckland Unitary Plan (PAUP) as the "Rural Urban Boundary".

The Flat Bush area is generally characterised by residential development on the lower flats of the basin, and large lot rural lifestyle living on the upper slopes of the surrounding ridges. A

commercial centre is under construction on the plateau of the basin along the key east- west connection (Ormiston Road). The residential development of Flat Bush has retained and vegetated a number of the stream gullies, forming green "fingers" of open space that thread the suburb. These green fingers follow the stream corridor, before converging in the significant public open space areas forming the western edge of the Flat Bush area (identified as Barry Curtis Park).

A significant stand of native vegetation is located centrally within the Flat Bush suburb, identified as Murphys Bush. Murphys Bush reserve forms an important amenity for the surrounding urban area, and contributes to the green network that has been established during the subdivision and development process.

The area to which this application relates (identified as "Flat Bush Stage 3") comprises the land zoned Future Urban forming the southern extent of the Flat Bush area. This land is held in 28 separate titles totalling approximately 200 hectares. A schedule of the land holdings comprising the subject site is provided at Appendix 1.

The subject site is bound by the RUB adjacent to the south and east, vacant pasture land to the north, and residential lots to the west. A significant stand of mature native vegetation identified as the Murphys Bush Reserve is located adjacent to the northern boundary of the subject site. Two (2) roads bisect the site, specifically, Thomas Road runs along the east-west axis, while Murphys Road runs along the north-south axis. These roads intersect in the central portion of the site.

The subject site is has a flat, rolling topography interspersed with vegetated streams and gullies.

Three (3) sets of transmission lines traverse the site along the east-west axis. It is noted these lines are a key infrastructure component of the national electricity grid, providing the main north-south transmission spine.

There is also existing Vector gas and Watercare infrastructure located within the FBS3 area, and these form existing Designations (9505 - Water Supply Purposes, and 9104- Gas Transmission Pipeline) within the PAUP

14. Further site description is provided in Council's report at section 2.
15. The Commissioners inspected the site along with the general area on several occasions including both together and independently. We conducted our formal site visit on 17 November 2015, on which occasion we also took the opportunity to visit adjacent intensive residential housing developments in progress to the west (in the vicinity of Joseph Street and Arrowsmith Drive) and the proposed public sports / recreation area to the north of the subject site (and east of Murphys Bush). We also viewed the site from the end of Mcquoids Road where the full extent of the eastern gully system and slopes is evident.

The proposals

PV8

16. The purpose of PV8 is stated in the application as follows:

The purpose of this application is to facilitate the ability for urban development to be undertaken

within 200 hectares of land in Flat Bush. Specifically, this Plan Variation to the PAUP seeks:

- To rezone 200 hectares of land from "Future Urban" to "Mixed Housing Suburban", "Mixed Housing urban" and "Neighbourhood Centre";
- To vary the existing Flat Bush Precinct by inserting sub-precinct C;
- To incorporate the Structure Plan (discussed under Part 2) as a "Precinct Plan 6"; and
- To incorporate new objectives, policies, rules and assessment criteria (including road cross sections) within a modified version of the Flat Bush Precinct.

17. The Council report characterised the summary detail of changes sought as:

The proposed sub-precinct varies the underlying Mixed Housing Urban and Mixed Housing Suburban zone by:

- providing for Retirement villages not in the Moderate Aircraft Noise Area (**MANA**) as a restricted discretionary activity, and Farming and Show homes as a permitted activity;
- enabling greater development under the building height in relation to boundary control;
- increasing building height in the Mixed Housing Suburban zone;
- reducing front yard set backs;
- including a rear yard control of 6 metres but enabling a single storey building up to 5 metres to be located within 3 metres of the rear yard, and an additional control to increase rear yards in respect of sites that adjoin the Countryside Living zone;
- including yards for rear sites;
- specifying a minimum road frontage length;
- specifying maximum impervious areas and minimum landscaped areas;
- increasing garage door proportions of the front elevation;
- deleting the outlook, separation between buildings, dwellings fronting the street, building length, storage and universal access rules;
- introducing new on-site stormwater management controls developed for the district level provisions;
- introducing vehicle access restrictions on Thomas Road
- introducing new subdivision standards; and
- introducing specific rules and assessment criteria in respect of the National Grid Lines, proposing that part of this will have a 'sunset clause' applied and will expire when decisions on the Electricity Corridor overlay in the PAUP are made.

The precinct varies the underlying Neighbourhood Centre zone by providing for:

- modification of the current approach of enabling small scale retail activities irrespective of underlying site size.

The precinct varies the Flat Bush Precinct by providing for:

- an additional Sub-precinct C, that applies to the subject land, with new objectives, policies, rules, assessment criteria and road cross sections.

18. Further details of what is sought are contained in section 4.0 of the PV8 application.

QD1

19. Section 5.0 of the application for QD1 at 64 Thomas Road, Flat Bush, describes the key elements as follows:

- Subdivision to create 71 vacant residential lots ranging in size from 260m² (Lots 27-33) to 566m² (Lot 26); 2 vacant super lots for future development / subdivision (Lots 1 and 76); one lot as road to vest and one balance lot (Lot 75);
- earthworks over an approximate area of 5 ha (22,800m³ of cut and 20,660m³ of fill), and <200m³ as a permitted activity outside the SHA boundary within Lot 2 DP 205335 ;
- earthworks within the National Grid Yard to create a stormwater raingarden / basin; and
- stabilised vehicle access of Thomas Road.

20. The application seeks only resource consents, acknowledging that engineering approvals will be required (and sought) subsequently.

21. Section 2.0 of the application describes the site as follows:

The topography of the site (including the subduct (*sic*) site) is generally sloping downwards, across the site from the Thomas Road boundary towards the northern boundary. There is a stream that runs adjacent to the eastern boundary of the site (outside of the subject site) which contains a tributary of the Otara Creek.

The site is located on the northern side of Thomas Road, and is accessed from Thomas Road via a gravel race which leads down to the centre of the property. The site contains two dwellings and an equestrian area which are located adjacent to Thomas Road. The remainder of the site contains grazing paddocks. Three electricity transmission lines run across the property (with pylons in close proximity to the stream and the western site boundary).

Land to the west of the site contains existing residential development. Sites to the north are currently being development (*sic*), and are zoned for residential development. Land to the south and east are currently rural, but fall within the PV lodged with Council.

QD2

22. Section 1.0 of the application for QD2 at 125 & 125A Murphys Road and 187 Flat Bush Road, describes the key elements as follows:

In summary, the proposal involves:

- 53 residential lots (Lot 1 to 53);
- Construction and vesting of road within Lots 100 to 102;
- Lots 500, 501 and 502 as balance lots;

- iv. 5 affordable dwellings on Lots 5, 14, 25, 34 and 45 with minor bulk and location infringements;
- v. Infrastructure development;
- vi. Stream crossing with a box culvert; and
- vii. Bulk earthworks and vegetation removal.

The application seeks resource consent and engineering approval.

The site for the 53 lot QD subdivision is located adjacent to the northern boundary of the property and east of the proposed north-south collector road connecting to Flat Bush School Road (see Plan Change 20 and the Flat Bush Precinct) east of the planned recreation area on the Ostrich Farm (187 Flat Bush School Road). The proposed QD subdivision will develop 4.3 ha of the 93.4 ha property generally known as 125 Murphys Road. It consists of three partial residential blocks.

The primary access to the proposed QD subdivision will be via a new east-west park edge road to be formed along the northern boundary of the site with 187 Flat Bush School Road running from Murphys Road to the proposed residential blocks. The proposed east-west park edge road will be formed south of the existing Murphys Bush.

The proposed QD subdivision will be north of the northern most Transpower NZ high voltage transmission line (OTA-WKM A). The proposed development is at least 53 m from the Transpower line swing corridor.

An underground gas main operated by Vector runs approximately parallel to the proposed park edge road and the subdivision has been designed to protect the existing gas main and designation.

23. As noted in the joint planning evidence of Ms Fraser-Smith and Mr Tollemache a number of revisions were made to the applications post-notification, including:
 - Introduction of a cycle route to the Structure Plan;
 - revision of a stormwater component for QD1; and
 - updated engineering plans for QD2.

Notification and Submissions

24. Limited notification of proposals under the HASHAA is required by each of sections 67 and 29. All applications were notified on this basis to the same persons and parties on 8 September 2015 with the submission period closing on 6 October 2015. This list of parties notified was appended as Attachment 5 to the Council report.
25. With respect to PV8, 13 submissions were received, 9 in support and 4 opposed.
26. Submissions in support of PV8 were generally qualified seeking amendments to the provisions – for example to ensure improvements to the stormwater network; giving better connectivity to Dunaff Place; and matters relating to activities in the National Grid Corridor.

27. Submitters in opposition to PV8 were generally concerned with amenity effects – such as on privacy and outlook; or development controls relating to section size, building height and yard set-backs.
28. With respect to the QDs, 12 submissions were received, 8 in support and 4 opposed.
29. Submissions in support of or in opposition to the QDs generally followed the same issues as were raised for PV8.
30. A full set of submissions was provided in Attachment 6 to the Council report. Having read those submissions, we accept the summary provided at section 4.2 of the Council report as a fair and accurate summary.
31. Of the 5 legitimate submitters³ that indicated an intention to appear, on the day only one submitter, Transpower NZ Limited, actually appeared with evidence. Three other submitters tabled statements, which we have taken into account.
32. In passing we note that by the end of the hearing no submitter matters that were either within the scope of the plan variation or relevant to the QD resource consents remained unaddressed and/or accepted by the applicants. Some matters remained live with respect to Council witnesses and we address those matters later in this decision.

Council Report Issues Identified

33. Council's technical specialists recommended a number of amendments based on submission points raised. Of those the following were carried forward into the Council report as recommendations:

Structure Plan:

- Adjust the boundary between the MHU and the MHS zones such that the MHU is either within a walkable catchment of the Neighbourhood Centre (up to approximately 400m from the NC) or on a lot fronting the portion of Thomas Road intended to be serviced by Public Transport.
- Show indicative Parkside Roads along the edge of all Green Infrastructure Corridors. These will further implement Objective 13 and Policy 11 as proposed in the PV and ensure that open space is fronted by roads.

Development Controls:

- Rear Yard and Height in Relation to Boundary - Change the rear yard setback from 6m to 8m together with a change in the transition point in height in relation to boundary for front sections from 18m from the front boundary to 8m from the

³ We note that we issued 2 decisions relating to submissions. A direction on 15 October 2015 to the effect that the part of the submission by Ms Amy Huang et al seeking an extension to the SHA was to be struck out under Part 2 of the HASHAA as it did not comply; and a further one at the hearing to the effect that the submission from Mr Chris Williams was rejected as that person was not a limited notified party and therefore had no standing in proceedings.

rear boundary, plus an equivalent change for corner sites. This seeks to achieve a more generous private outdoor space in rear yards, with a well defined public realm and front to front relationship between dwellings.

- Retain the following PAUP development controls:
 - Outlook
 - Separation between buildings on the same site
 - Maximum Building Length
 - Universal Access
 - Storage
- Amend the 50% minimum landscaping requirement within front yards for sections fronting the part of Thomas Road where reverse manoeuvring onto the road is not permitted, and instead insert a requirement that all lots fronting the above parts of Thomas Road have rear lanes for vehicular access.
- Reword proposed development control 3 as follows to avoid buildings occurring up to 1m from the Countryside Living Zone boundary across side yards

Subdivision Controls:

- Amend Maximum Block Length, Maximum Block Perimeter Distance and Maximum Cul-De-Sac Length provisions to ensure that connectivity and permeability are achieved.
 - Decrease maximum block length from 300m to 250m and decrease maximum block perimeter from 800m to 750m.
 - Decrease maximum cul-de-sac length from 200m to 75m.

Activity table – Neighbourhood Centre zone

- Include additions in the Neighbourhood Centre Activity Table, to avoid Commercial sexual services, Drive-through facilities, Entertainment facilities, Service stations and Repair and maintenance services, and enable greater degree of management for Taverns.

Public Open Space

- Amend the proposed Structure Plan map in PV8 and relevant references to it in the QDs to reflect Council's supported 4 locations for neighbourhood parks.

Stormwater management

- Amend the sub-precinct provisions to ensure that:
 - adequate detail is provided at QD stage to ensure the stormwater solution is practical and effective;
 - the stormwater solution as envisaged by the SMP is implemented; and

- stormwater devices are operated and maintained appropriately.

Ecology

- Amend to ensure that plantings are eco-sourced.

Transportation

- Block dimensions and cul-de-sac lengths limited in length
- the road cross sections are either removed, or amended to indicate that they are indicative only and that the carriageway widths are subject to change.
- Indicative Roads – amend the precinct plan to indicate which roads are likely to be constructed and which are merely indicative;
- the road connection at the southern end of the site to the upgraded Murphys Road (close to the Redoubt road intersection) should be removed from the map or a notation added to make it clear that this is not intended to be a vehicular connection;
- include an objective, policy and rule to support the staging trigger relied on for the upgrade of the intersection of Murphys and Thomas Roads;
- include a vehicle access restriction along both sides of the road from the intersection with Murphys Road;
- include the cycle network on the Flat Bush sub precinct C Precinct Plan.

Affordable housing

- include a significant new suite of objectives, policies, definitions and land use controls for affordable dwellings or sites to ensure that post-HASHAA future developments deliver affordable housing as part of their developments.

Significant infrastructure

- amend to incorporate some, only, of the revisions sought by Transpower NZ Limited.

34. We note that Auckland Transport tabled a statement on the final day of the hearing itemising all the points of concern that had been resolved with agreed amendments to be incorporated into PV8. We have included those amendments in the provisions without further commentary.

The proposed variation to the PAUP

35. 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.
36. The purpose of the HAASHA is stated in section 4 to be to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1 to that Act, identified as having housing supply and affordability issues. That provision can be taken to have been satisfied by the fact that this SHA has been approved and the application for the variation has been made. The evidence satisfied us that the proposed Mixed Housing Urban, Mixed Housing Suburban and Neighbourhood Centre zoning is appropriate for the location and will provide for a variety of housing forms, including higher density development around the neighbourhood centre, which will increase the potential yield of this land. Consequently it is not necessary for us to discuss section 4 further.
37. 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. In this case the applicable matters of national importance are: enhancement of the natural character of the streams and their margins (section 6(a)); and enhancement of public access along the streams on the site (section 6(d)).
38. We have found that requirement satisfied by the proposed variation (and the related QD applications) making express provision for riparian management and avoiding development that would serve to detract from their importance. Furthermore, provision is made for both enhancement of the streams and their margins and for pedestrian and cycle access alongside them.
39. 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.
40. Section 8 requires that the principles of the Treaty of Waitangi are to be taken into account. A Cultural Impact Assessment was provided with the applications. This was prepared by Ngai Tai ki Tamaki. The recommendations made in that CIA are discussed in section 4.3.4.5 of the PV8 application. No issues were raised in the CIA

that would preclude consideration of the applications or result in a finding that they should be declined.

Principal issues in contention

41. A number of issues for the variation remained in contention for the hearing, in particular (but not limited to) the amendments sought to the proposed plan provisions by Transpower NZ Limited and Housing NZ Corporation, along with matters raised by the Commissioners during the hearing. These and other matters for which findings are required are covered in this section.
42. We note that a substantial number of issues were resolved by the time we closed the hearing due to on-going dialogue between HPO staff, the applicants for the PV and QDs, and submitters. There was a high level of agreement in relation to the PV provisions and QD conditions.
43. The limited number of significant remaining issues, including matters arising during the hearing, which need to be addressed in our decision, are identified as follows:
 - The location of parks to be shown on the Precinct Plan;
 - The extent of the MHU zone;
 - The extent of the SEA;
 - The applicability of the outlook rule;
 - The provisions relating to the Transpower National Grid corridor;
 - The applicability of the universal access rule;
 - The applicability of the storage rule;
 - The provisions relating to parkside roads;
 - The provisions relating to affordable housing;
 - Whether riparian planting can also be counted as mitigation planting;
 - Whether a landscape plan condition should be imposed on the proposed affordable house sites in the QD2 application⁴; and
 - Whether a condition should be imposed requiring consent notices to ensure acoustic attenuation for dwellings within the QD1 site.

Location of parks to be shown on the Precinct Plan

⁴ While this is a QD rather than a PV matter, as the only matter on which there was a remaining difference with Council we have included it in this section for convenience.

44. There was disagreement as to whether any public parks needed to be shown at this stage on the Structure Plan (the applicant's position) but, if so determined, whether the applicant's preferred locations or Council's.
45. The applicant's preference was for no identification on the ground that these could, in any event, only be indicative and may cause issues down the track if interpreted later as definite locations. This "in principle" objection to an "indicative" notation applied also to the parkside roads.
46. Council's preference was for the parks to be clearly shown, and labelled as indicative, so that the public could be assured that 4 such parks would, subject to Council determination, be provided generally in the locations indicated – but not fixed as such.
47. We agree that it is helpful in a statutory planning document to indicate such provision and do not share the applicants' concern over subsequent interpretation. We agree that argument over intent could conceivably occur later but find that providing a suitably indicative label connotes proper intent and should be resolvable in fairly short order (including by reference to this Decision). We find accordingly.
48. On the matter of where those indicative 4 parks should be located, we are sympathetic to the logic of the applicants' argument put by Mr Munro and Mr Pryor (supported by Mr Tollemache) regarding their preferred locations. However it seems to us that the logic of Council as the ultimate decision maker as to location etc should, for all practical reasons, abide. We find accordingly – and trust that subsequent processes will locate those parks appropriately based on the needs created by the developments that actually occur.

Extent of MHU zone

49. The PV applicant and the Council did not agree as to the extent of land to be identified as MHU zone. The Council sought to reduce the extent of MHU zoned land so that it was contained largely within 400m of the proposed neighbourhood centre. The removed MHU zone would be replaced with MHS zone. The PV applicant sought that the MHU zone be maintained at the extent illustrated on the notified precinct plan, which extended approximately 800m from the neighbourhood centre, in an easterly and westerly direction.
50. The evidence from the PV applicant's planning and urban design witnesses (Mss Fraser-Smith and White and Messrs Tollemache and Munro) that a larger area of MHU zone was appropriate within the precinct because it would still be located within a convenient walk of the centre, would be well served by future public transport routes, and would not give rise to any adverse urban design outcomes. It was also noted that the MHU zoned land would closely align with the substantial area of public open space located immediately to the north of the PV area.
51. We understand Mr Karlovsky's opposition to the extended MHU zone is based primarily on his view that it would be disproportionately large when compared to the scale of the neighbourhood centre, and that the notified PAUP expressed a preference

for the 400m metric. However, he did concede that there was “minimal downside” to an extended MHU zone within the precinct.

52. The Commissioners are persuaded that the MHU zone should be maintained at the extent depicted on the notified precinct plan. Although the supporting arguments are perhaps not what might be described as ‘compelling’, we do consider that there is a solid rationale for the extent of zone sought and no apparent disadvantages. A larger area of more intensive residential zoning will enable the precinct land as a whole to be used more efficiently for accommodating housing demand, which is consistent with the purpose of HASHAA.

Extent of the SEA

53. For Council, Mr Rue Statham had expressed concern that the proposal had not properly (or, more correctly, consistently) assessed the biodiversity values of the streams running (or intermittently running) through the PV8 site. In particular⁵ he criticised the methodology used for not making the east and west assessments at the same time of year and/or when the hydrological attributes of the land were at the optimum timeframe. Furthermore Mr Statham noted that the PV8/QD2 site falls between two identified Significant Ecological Areas (SEAs), has moderate / high value riparian habitat and, we learned at the hearing, parts of which were apparently under consideration by Council as an SEA. This, he opined, therefore required provision of opportunities for enhancement not specifically identified in the provisions.
54. Mr Statham’s recommended amendments were, with one exception, not adopted in the Council report as those authors considered the matters already provided under the wider Flat Bush Precinct provisions – we discuss the matter of offset planting further below.
55. Furthermore, in Reply Ms Davidson submitted that this concern of Mr Statham’s should be disregarded because it was presented without evidence, in response on the final day of hearing as a new matter not previously revealed to the applicants, and without sufficient specificity as to what was required. Procedurally that is a telling submission, and one that we feel bound to adopt. We do not consider that there is sufficient jurisdiction to take into consideration a matter that is neither yet settled under the PAUP nor on which no substantive evidence was produced.
56. In any event, if the PAUP when made operative includes additional areas within the PV8 site as SEAs any future development will need to take that into account.

Outlook rule

57. There was some debate between witnesses for the PV applicant and Mr Karlovsky as to whether the PAUP outlook rule should apply within the precinct. Mr Munro and Ms White considered that the outlook rule was superfluous as the same outcomes were achieved by the yard control. Mr Karlovsky accepted that the deletion of the outlook

⁵ Hearing Agenda, page 203

rule would be of little or no consequence in relation to front sites, but maintained that it had value in relation to rear sites.

58. His explanation persuaded us that there was a sound reason to retain the rule in relation to rear sites. This view was reinforced by our site visit in and around the precinct, during which we viewed an intensive housing development that was under construction on land to the south. We noted the proximity of adjoining dwellings on rear sites and the absence of relief that can otherwise be provided by the open space comprised in the road reserve.

Transpower corridor

59. The remaining two matters of concern to Transpower NZ Limited, and for which counsel and three witnesses attended, was agreed at the hearing and the recommended amendments adopted. Those matters generally related to the National Grid Corridor and provisions to safeguard the existing transmission lines and their structures – including a sunset clause over the particular sub-precinct provisions so that when the PAUP provisions become operative those will apply. The two particular provisions concerned the application of rules to the balance lots, and the question of automatic notification to Transpower of resource consent applications within the National Grid Corridor / Yard.

Universal access rule

60. The PV applicant sought that the PAUP universal access rule should not apply in the precinct. Mr Munro and Ms White explained to us that the rule has implications in terms of housing affordability and the extent to which natural landforms are modified to form flat development platforms. Mr Tollemache and Ms Fraser-Smith advised that the Council's evidence on the PAUP has proposed the deletion of the standards for universal access (and storage).
61. Mr Karlovsky expressed a view that the rule should apply. He considered that the compliance requirements were not onerous, and noted that resource consent would be required as a restricted discretionary activity if the requirements of the rule are not satisfied.
62. The Commissioners are in a difficult position when considering whether rules should be applied in the precinct that are apparently no longer supported by Council through the PAUP process. We cannot await the outcome of that process as the HASHAA timeframes require a decision on the PV provisions in advance of the PAUP provisions being determined. We are also mindful that the Auckland Unitary Plan Independent Hearings Panel, rather than the Council, will make recommendations as to whether particular rules are retained in the PAUP. These circumstances mean that we need to reach our own view on the merits of all provisions that would otherwise apply in the precinct.
63. In respect of the universal access rule, we consider that it has merit and does not present a particularly onerous obligation on development. Compliance may be readily achieved because it only applies to a proportion of new housing and resource consent

could be sought in situations where compliance was not achievable or desirable. We also understand that deletion of the rule from the PAUP would mean that it does not apply in the precinct, as its application is only as a result of the PV provisions being silent on the subject. For these reasons, we have decided that the PV should not contain an exclusion in respect of the universal access rule.

Storage rule

64. A similar situation arises in relation to the PAUP storage rule, which will apply in the precinct as it is not excluded through the PV provisions. The PV applicant sought that the provisions include an explicit exclusion, while Mr Karlovsky considered that the rule should apply.
65. Despite our position in relation to the universal access rule, we have seen little to merit the application of the storage rule within the precinct. The Commissioners consider that this is a matter that will be largely market driven, with consumers having expectations of a reasonable level of storage in a house. We accept that the storage rule should not apply in the precinct.

Parkside roads

66. Council had proposed that park-edge roads should be indicated along at least one side of every green corridor in the Precinct Plan. The applicants opposed that recommendation principally⁶ on the ground that indicating such would create an expectation that such roads would in fact be provided despite the fact that in some instances that was not likely to be practical at subdivision stage because of the steepness of some gully slopes. The applicants' preference is to rely upon the planning provisions at the time of subdivision application.
67. Contrary to our finding above regarding "indicative" notation for public open space, we agree with the applicants in this instance that to populate the Sub-Precinct / Structure Plan with indicative park-edge roads that are as yet so uncertain as to practicability that the exercise could well be misleading and lead to future argument, is not prudent. Accordingly we find that this should be left to resolution by means of the provisions that will prevail at the time of subdivision application.
68. However, in reply Ms Davidson proposed a new rule that presumes the provision of park-edge roads and requires justification where that is deemed not to be practicable, as follows:

Park Edge Roads

1. Where subdivision adjoins the Green Infrastructure Corridor on Precinct Plan 6.6, park edge roads must be provided adjoining permanent stream corridors.
2. Any application which does not comply with Clause 1 above is a Restricted Discretionary Activity.

⁶ Fraser-Smith and Munro, Joint statement of evidence, paras 11.15 – 11.19

Matters for Discretion:

1. Site factors, design attributes or subdivision layouts which constrain the ability to comply with the rule.
2. Alternatives to achieve passive surveillance outcomes.

Assessment Criteria

1. Whether the ability to achieve a park edge road is constrained [by] topography or geotechnical limitations.
 2. Where the park edge road would result in a[n] inefficient subdivision, block or roading pattern.
 3. Whether compliance would result in large areas of land above the 1% floodplain required to be purchased by Council as public open space or result in an inefficient subdivision pattern and density.
 4. Whether compliance with the rule would result in significant earthworks or retaining structures.
 5. The extent to which the proposed alternative provides for appropriate passive surveillance of the Green Infrastructure Corridor and manages the heights of fences.
69. Council was invited to respond to that proposed rule and indicated its broad agreement with two reservations regarding assessment criteria 3 and 5, as follows:
- Criterion 3 repeats, in part, criterion 2 in terms of inefficient subdivision, this could be deleted to avoid repetition. We think the quantum of land areas to be vested needs to be negotiated at the time of subdivision and issues of acquisition should not be confused with achieving the best environmental outcome.
 - Criterion 5 would mean a road may not be provided on the basis that the effects of non-provision is mitigated through fencing height conditions and providing opportunities to view the subject area of Green Infrastructure Corridor zone not bound by a road. This in our view is not commensurate with the potential effect and is not supported.
70. We agree with Council's reasoning for deleting criterion 3 but not criterion 5 – which we note is only one matter to be considered, it is not determinative. Should an applicant seek to avoid providing a park-edge road solely on the ground that it could be overlooked from behind a fence, we are confident that a decision maker would, in view of the presumption in favour of its provision, find that argument less than compelling.
71. Accordingly we adopt the rule proposed minus assessment criterion 3.

Affordable housing provisions

72. Three matters relating to the affordable housing requirements were in contention between the Council and the PV applicant:
- (i) Whether retirement villages should be subject to the precinct's affordable housing provisions;

- (ii) Whether the affordable housing provisions should endure in the precinct or be subject to a sunset clause linked to the PAUP becoming operative; and
 - (iii) What the activity status should be applied to proposals that do not satisfy the affordable housing requirements.
73. In respect of the first matter, Mr Pollard considered that retirement villages are a form of housing and should be required to meet the affordable housing provisions like any other type of residential development.
74. An alternative position was put forward by the PV applicant through Ms Davidson's legal submissions. Its opposition was based largely on the specialised nature of retirement villages and the complexity associated with determining compliance with the affordable housing provisions. The PV applicant also advised us that the Council, through its evidence on the PAUP affordable housing topic, now supports the exclusion of retirement villages from those provisions.
75. The Commissioners have weighed these contrasting opinions and determined that retirement villages should be excluded from the affordable housing provisions applying in the precinct. In reaching this view, we were primarily persuaded by the obvious difficulties of ascertaining accurate valuation of retirement village units within the affordable housing rule framework and by the Council's amended position on this matter through the PAUP hearings.
76. The Commissioners are aware that the affordable housing provisions of HASHAA cease to exist when that legislation is repealed in September 2016. From that time, (or sooner if applications are made under the RMA rather than HASHAA), a proposal will be subject to any affordable housing rules that exist in the PAUP.
77. Ms Davidson submitted that a 'sunset' clause should be inserted in the PV to the effect that the affordable housing provisions will not apply in the event that the equivalent provisions in the PAUP are cancelled. This would avoid a situation where affordable housing provisions were continuing to apply in the precinct even if they no longer existed in respect of other land in the region.
78. Mr Pollard saw no problem if that situation were to arise. He noted that the SHA has been created to achieve the purpose of HASHAA, being the enhancement of housing affordability. He considered that the proportion of affordable housing in the precinct is unlikely to achieve the SHA requirements if the PAUP affordable housing provisions are deleted. In his view, the precinct's affordable housing provisions should endure irrespective of the fate of the equivalent provisions under the PAUP.
79. The Commissioners felt that Mr Pollard had a valid point. Provision of affordable housing is the outcome that was envisaged under HASHAA. It is the reason for the SHA being created. Certainty of delivering that affordable housing within the precinct can only be assured if an appropriate rule continues to apply until the land is fully developed. In these circumstances the Commissioners consider that there should be no sunset clause.

80. The remaining contested issue in respect of the affordable housing provisions related to the activity status to be assigned to proposals that do not satisfy the affordable housing requirements. The Council considered that a discretionary activity status is better as it would sufficiently direct applications to achieve the affordable housing outcomes that are sought in the precinct. The PV applicant requested that a restricted discretionary activity status should apply, as there is no effects-based rationale for broadening the assessment of an application to matters that do not relate to the purpose of the rule.
81. We understand the Council's concern about the importance of the affordable housing rule. As we have previously noted, these provisions are at the heart of the purpose of HASHAA and the SHA. Notwithstanding that, we consider that it would not be appropriate to apply a discretionary activity status as an indication of the importance of particular issues within the precinct. Such guidance should be provided by the relevant objectives and policies in our view. Discretionary activity status would be appropriate if a broader range of effects needs to be considered, but we are not convinced that this is the case in relation to the relatively narrow issues raised by the affordable housing rule. For this reason, we agree with the PV applicant that the activity status should be restricted discretionary.

Riparian planting as mitigation planting

82. In tidying up the PV8 provisions related to riparian margins to clarify their non-application to road crossings (accepted by Council), Mr Tollemache proposed a new rule 11.5.4.4 as follows:

For the avoidance of doubt, planting required by Rule 11.5.4.1 [*riparian margins of streams*] can be utilised as part of any environmental compensation requirements associated with works and/or structures in a stream.

83. Council disagreed with this amendment on the ground that I had “the potential to detract from potential mitigation planting required in the future” by the PAUP.
84. We agree with Council that the proposed rule conflates two requirements – being that of planting the riparian margins of streams as a matter of course upon proximate subdivision, and the requirement for mitigation where works / structures occur in streams. Clearly adopting the proposed rule opens up the prospect of double-counting mitigation. Accordingly we find the proposed rule inappropriate.

QD2 landscaping condition

85. The PV applicant opposed the imposition of a condition on the QD2 application that would require provision of a landscape plan in relation to the five dwellings to be constructed. These dwellings are the affordable housing units.
86. The Council's reporting planners explained that consent as a restricted discretionary activity is required for the establishment of four or more dwellings in the MHS zone. The general information requirements set out in the PAUP indicate that drawings of landscaping proposals should be submitted with applications of this nature, including details of the location, area, species and grade of planting that is proposed.

87. In these circumstances, the Commissioners are persuaded that it is reasonable for a condition to be imposed on the QD2 resource consent to require a landscape plan for the dwellings in question.

QD1 acoustic attenuation condition

88. The PV applicant opposed the imposition of a condition on the QD1 application that would require registration of a consent notice on certificates of title of all lots to ensure acoustic attenuation of aircraft noise. The QD1 site is located within the flight path of Auckland International Airport.

89. The opposition to the condition was based on the PV applicant's understanding that the Council has an existing process to ensure compliance with the relevant rule when reviewing building consent applications. It noted that a number of consents for previous stages of development in the Flat Bush area had not been subject to a condition of this nature, despite those development sites being located beneath the flight path. Compliance with the acoustic attenuation requirements was ensured in those cases as building consents were processed.

90. The Council's reporting planner maintained his support for a condition requiring a consent notice to address this matter. Mr Williams pointed out that the QD1 application is subject to a HASHAA and PAUP process, unlike the previous stages of development in the area, and felt it was inappropriate to rely on a building consent process to ensure compliance with the applicable acoustic attenuation rule.

91. We consider that attenuation of aircraft noise within dwellings is important in this location, and that this will be an on-going consideration for the life of a building. While compliance with PAUP rules will be required irrespective of a consent notice, we do see value in ensuring that this is brought to the attention of homeowners when alterations or modifications to buildings are contemplated. We are also aware that consent notices will be required on all titles within the QD1 development site for other reasons, so that there would be minimal additional compliance cost imposed as a result of the acoustic attenuation consent notice.

92. For these reasons, the Commissioners are persuaded that it is reasonable for a condition to be imposed on the QD1 resource consent to require consent notices advising of on-going obligations to achieve acoustic attenuation standards.

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

93. We have concluded that the purpose of the HASHAA is satisfied by the variation as modified in that a supply of affordable housing, which will be serviced by adequate and appropriate infrastructure, will be facilitated by the proposed development of the Flat Bush Sub-Precinct C. The affordability provisions of the HASHAA will be implemented through the variation provisions and as a result the benefits of affordable housing will apply into the future.

94. 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 Sub-Precinct development provides for the sustainable use of the land and enables a net environmental benefit in terms of riparian and stream protection and enhancement. Open space areas have been planned as an integral part of the development and will benefit the health and wellbeing of the new community. Use of public transport is actively encouraged by the proposal, and walking and cycling are promoted by the provisions. The views of tangata whenua have been incorporated, particularly in the stormwater management and water design provisions (but not limited to those).

Decision on the variation application

Application for Variation 8 to the Proposed Auckland Unitary Plan

95. The application to vary the Proposed Auckland Unitary Plan by Hugh Green Limited, Murphys Development Limited and East Field NZ Limited within the Flat Bush Strategic Area SHA made under section 61 of the Housing Accords and Special Housing Areas Act 2013 is **ACCEPTED WITH MODIFICATIONS** pursuant to section 71. The Plan provisions shall be deemed operative on the date of public notice of this decision (section 73 HASHAA) for the land identified In Appendix 2 of the Plan Variation application as follows:

Pt Allot 25 Parish of Manurewa and Sec 2 and 3 SO 66807 BLK XI, Lot 3 DP 17253 and Sec 1 SO 66807, Lot 612 DP 476804, Allot 536 Parish of Manurewa, Allot 451 Parish of Manurewa, Lot 1 DP 178443, Lots 1 - 5 DP 470922, Lots 1-7 and 9-11 DP 184785, Lot 4 DP 183400;

and the following identified as “*miscellaneous land within the periphery of the PV area*:

Lot 4 DP 161714, Lots 2 and 3 DP 333945, Lot 4 DP 470922, Lots 2 and 3 DP 333945, Lot 1 DP 42303 and Sec 2 SO 70010, and Lots 4-8 DP 159746 and Secs 4-8 SO 70010.

The modified variation text is attached to this decision (with the modifications made since the variation was notified included) as Attachment 1.

96. The submissions lodged on the variation are accepted, rejected or accepted in part as indicated throughout the decision text.
97. The reasons for this decision are:
- (a) Overall the proposed plan variation supports an efficient use of land within the RUB, and the structure planning that has occurred for this Special Housing Area indicates that if the site is re-zoned it will enable a mix of housing, including affordable housing, to be developed. The re-zoning fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and housing supply.

- (b) The variation provides for net benefits in the context of Part 2 of the RMA in terms of creating parks, some employment in the neighbourhood centre, additional residential land, and restoring and enhancing stream margins and habitat. The cultural impact assessment did not raised any significant issues in relation to the proposed provisions, and no items of historic heritage have been identified for protection – although the recorded historic archaeological site (R11/2975 – Northridge Farmhouse on 125 Murphys Road) will be affected if demolition of that house is undertaken as proposed under separate application. The changes made to the Precinct and zoning diagrams will provide for better land use and transport integration.
- (c) Relevant section 74 - 77D RMA matters have been taken into account in reaching this decision.
- (d) Other matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan, and the variation incorporates only those matters considered necessary or appropriate to tailor solutions for this site - such as additional access and transport provisions, provisions governing overhead transmission lines, and changes to aid interpretation.
- (e) For the avoidance of doubt, we have found that the modified provisions will give effect to the National Policy Statement on Electricity Transmission 2008 and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009.

THE QUALIFYING DEVELOPMENT APPLICATIONS

98. Separate Assessments of Environmental Effects (“AEE”) were prepared pursuant to section 27 of the HASHAA and submitted with the QD applications. Variation 8 was required in order to rezone the land to enable development of the sort sought to occur. As we have approved the variation with modifications (as reflected in that decision and the attached PAUP variation text) we have jurisdiction to consider the QD applications in terms of the new zonings it applies.
99. The QDs have been described in paragraphs 19-23 above.

Notification and submissions on the QD applications

100. As noted earlier, these applications were limited notified to the same parties as the variation application. We have discussed this and the issues raised in paragraphs 24-32 and 42 following above.
101. **The principal issues in contention for the QD applications**
102. Section 6.0 of the Council report reviews matters relating to the QDs. In summary the Council report finds no significant issues that cannot be managed through appropriate conditions - either as proposed by the applicants or as amended by Council.
103. No additional matters were raised during the hearing regarding the QDs – that have not been discussed earlier in this decision with respect to the wider PV8 application.

104. Accordingly we see little purpose in repeating that assessment and refer the reader to that section of the Council report.

S34 HASHAA

105. Section 34 of the HASHAA states the following matters:

34. Consideration of applications

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

106. We confirm that we have given due consideration to the matters required of us by section 34 of HASHAA, and the explicit priority hierarchy therein. In particular we note that no infrastructural issues of significance were raised for our consideration, and we are satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development (and conditions are imposed to that effect)

RELEVANT PLANNING INSTRUMENTS

107. The most relevant planning instrument for present purposes is the PAUP as amended by the Commissioners' decision on Variation 8 because that contains the most recent provisions for this land – and including the provisions relating to the wider Flat Bush precinct as relevant. We are satisfied that those provisions are met and present no obstacle to consents being granted.
108. The Auckland Housing Accord, which is a relevant matter for the purposes of section 104(1)(c) of the RMA, directs that SHAs are not subject to the operative Regional Policy Statement or any other operative district plan. While the provisions of a district plan are technically a matter to which regard must be had under section 34(1)(d) of the HASHAA, the status of development activities in this area have been changed substantially by the approved Variation 8 to the PAUP and the district plan provisions now have little to no weight as a result as they have been superseded.
109. The National Policy Statement for Freshwater Management 2011 (“NPSFM”) is also relevant to this proposal. The PAUP provides for adoption of the directions of the NPSFM in the Water section of that plan. With the possible exception of the late matter raised by Mr Statham that we have referred to earlier, no-one raised for consideration the proposition that the QDs (either or both) were not consistent with the relevant principles of the NPSFM – including regarding the substantial triple box culverting of Flat Bush Road. From our understanding of those principles, we accept that “silent” conclusion – noting that appropriate riparian mitigation planting is required as part of the consent conditions proposed and imposed, and future developments are likely to attract similar conditions.
110. We also note that the on-going involvement of iwi in the development process should ensure that appropriate consideration is had and provision made for tangata whenua roles and interests.
111. Furthermore, any future land use, development or subdivision will need to comply with the overlay rules contained in the PAUP, which includes the Electricity Transmission Corridor overlay that traverses the wider site.

RESOURCE CONSENT REQUIREMENTS

112. The QDs require resource consent as follows (adopted from the Council Report without dispute).

Resource Consents for Qualifying Development 1 – 64 Thomas Road

113. Proposed Auckland Unitary Plan 2013
- **Restricted discretionary activity** under Rule H.1.2.3.1 as the proposed subdivision involves land which has capacity to accommodate more than 30 additional dwellings.
 - **Restricted discretionary activity** under Rule H:4.2.1.1 as the proposed area of earthworks (being 4.5 hectares) and the proposed volume of earthworks (being

22,800m³ cut) exceeding the permitted activity threshold, being 2,500m² and 2,500m³

- **Restricted discretionary activity** under Rule H:4.2.1.2 for earthworks within the 1 percent AEP floodplain.
- **Restricted discretionary activity** under Rule H:5.1 (Activity Table 1) for the subdivision of a site with two zones or subdivision along an undefined boundary.
- **Discretionary activity** under Rule H:5.2.2 for any subdivision activity that does not comply with the subdivision controls for a restricted discretionary activity. This arises under Rule H:5.2.2.3(b) where a proposed site is located over two or more zones.

114. Variation 8

- **Discretionary activity** under Rule K:11.5.2.3 as Lots 41 and 42 do not meet the required lot depth of 26m, as follows:
 - Proposed Lot 41 is proposed to have a depth of 18.6m along the western side and 24.4 on the eastern side; and
 - Proposed Lot 42 is proposed to have a depth of 24.4m on its western side.
- **Permitted Activity** under Appendix 6.6.11 Rule 2, as the proposed works are located more than 12m from a National Grid support structure foundation, and can comply with the development controls contained in Appendix 6.6.11 Rule 1A.1.1 (to the Flat Bush Precinct).

115. Overall, the QD1 is a discretionary activity under the relevant plan, being the PAUP as modified by PV8.

Resource Consents for Qualifying Development 2 – 125 & 125A Murphys Road

116. Proposed Auckland Unitary Plan 2013

- **Controlled activity** pursuant to Rule H1.1 (Activity Table 1) as the proposed subdivision involves dry detention basins, which are identified as Stormwater detention/retention ponds.
- **Restricted discretionary activity** under Rule H.1.2.3.1 as the proposed subdivision involves land that has capacity to accommodate more than 30 additional dwellings.
- **Discretionary activity** under Rule H3.1 as tree trimming, tree alteration or tree removal carried out by any party not listed in Table 1 is required to establish the culvert. Construction works 10m below the culvert within the Public Open Space zone may necessitate the removal of exotic and native vegetation as identified in the Freshwater Solutions SEV report.

- **Restricted discretionary activity** under Rule H:4.2.1.1 as the proposed area and volume of earthworks exceed the relevant permitted activity thresholds
- **Restricted discretionary activity** under Rule H:4.2.1.2 for earthworks within the 1 percent Annual Exceedance Probability (AEP) floodplain.
- **Discretionary activity** under Rule H:4.2.1.2 for earthworks within the riparian margin of the stream. Earthworks exceeding 2,500m² or 2,500m³ are a discretionary activity for the establishment of network utilities and road, where 1,510 m² and 2,650 m³ fill are proposed.
- **Restricted discretionary activity** under Rule H:4.3 (Activity Table 1.1) for vegetation alteration or removal within 10 metres of urban streams for the removal of the native and exotic species.
- **Discretionary activity** under Rule H:4.12 for Other above ground infrastructure involving structures that occupy more than 25m² in ground surface area. The proposed stream crossing is above ground infrastructure within the 1% AEP.
- **Restricted discretionary activity** under Rule H:4.17 for The diversion of groundwater caused by any excavation, trench, tunnel up to 1m in diameter, or thrust bore. In respect to the controls in 3.1.4, the diversion is not for the purpose of taking groundwater. The proposed works exceed an area of 0.5 ha as they involve a long cut from Flat Bush School Road to 125 Murphys Road, although it's a narrow trench. The depth of the trench will exceed 4 m.
- **Restricted discretionary activity** under Rule H:5.1 (Activity Table 1) for the subdivision of a site with two zones or subdivision along an undefined boundary.
- **Restricted discretionary activity** under Rule H:5.1 (Activity Table 2) for the subdivision of a residential zone (as proposed in the PV) and open space zone (as in the PAUP).
- **Restricted discretionary activity** under Rule H:5.1 (Activity Table 1) for the Subdivision of land within the 1% AEP floodplain, other than in a rural zone. The parent lots contain streams and therefore that part of the land is within a 1% AEP. No residential lots are proposed in the 1% AEP.
- **Discretionary activity** under Rule H5.2.1 for any activity that does not comply with the general subdivision controls. Specifically rule H5.2.1.3(a) requires that lots be provided with both legal and physical access. The proposal is for vacant lots which all have legal access/frontage to a road to be vested. However the applicant has not proposed to construct individual driveways.
- **Discretionary activity** under Rule H:5.2.2 for any subdivision activity that does not comply with the subdivision controls for a restricted discretionary activity. This arises under Rule H:5.2.2.3(b) where a proposed site is located over two or more zones.

- **Restricted discretionary activity** under Rule 11.8.19.2 as the affordable dwellings proposed on Type A and A extended affordable dwellings will not be able to provide internal bedroom dimension of 3 x 3.5m.

117. Variation 8

- **Discretionary activity** under Rule K:11.5.2.3 as Lots 4, 24 and 44 do not meet the required lot depth of 26m, as follows:
 - Proposed Lot 4 is proposed to have a depth of 22.00 on the eastern side
 - Proposed Lot 24 is proposed to have a depth of 25.90m along the western side and 20.92 on the eastern side
 - Proposed Lot 44 is proposed to have a depth of 22.96m on its eastern side.
- **Restricted discretionary activity** under Rule K.6.6.11.3.1. as the affordable dwellings proposed on Type B and B extended affordable dwellings will not be able to comply with the Height in relation to boundary control on the southern elevations.
- **Permitted Activity** under Appendix 6.6.11 Rule 2 as the proposed works are located more than 12m from a National Grid support structure foundation, and can comply with the development controls contained in Appendix 6.6.11 Rule 1A.1.1 (to the Flat Bush Precinct).

118. Overall QD2 is a discretionary activity under the relevant plan, being the PAUP as modified by PV8.

119. **PART 2 OF THE RMA**

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

121. The relevant matters of national importance provided in section 6 of the RMA as they relate to this application are appropriately provided for, particularly the protection of riparian stream margins including the avoidance of any inappropriate development impacting the Murphys Bush SEA to the immediate north of the wider site and of QD2.

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

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

management plan has been taken into account when reaching the decision on the application.

124. Accordingly the two QDs can be granted.

DECISIONS ON THE QD APPLICATIONS

125. Pursuant to sections 34 to 38 of the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) and, as referenced by those sections, sections 104, 104B, 106, 108 and 220 of the Resource Management Act 1991 (the “RMA”), consent is **granted** to the application by Hugh Green Limited to authorise resource consent for a 71 lot fee simple subdivision (and 2 super lots) at 64 Thomas Road, Flat Bush, being Lot 3 DP 17253 and Sec 1 SO 66807.

126. Pursuant to sections 34 to 38 of the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) and, as referenced by those sections, sections 104, 104B, 106, 108 and 220 of the Resource Management Act 1991 (the “RMA”), consent is **granted** to the application by Murphys Development Limited to authorise resource consent for 53 residential lots (plus access and balance lots) at 125 & 125A Murphys Road and 187 Flat Bush Road, Flat Bush, being Lots 1 and 5 DP 470922, and Part Lot 2 DP 48950.

127. The reasons for these decisions are:

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

- the proposals are consistent with the objectives and policies of the Flat Bush Precinct variation 8 Sub-Precinct C (as modified) to the Proposed Auckland Unitary Plan and, further, that these particular applications will cause no adverse effects on the environment;
- the proposals are generally consistent with the outcomes sought by the Proposed Auckland Unitary Plan and the approved Sub-Precinct Provisions;
- the infrastructure required for these developments is feasible and can be serviced adequately to meet the requirement for qualifying development applications;
- while the applications do not include final design details, Council has conditionally indicated that it is satisfied that the matters identified in the Urban Design Protocol are met;
- No issues arise for the purpose of sections 105, 106 and/or 107 of the Resource Management Act 1991;
- Granting consent to the two QDs will promote the sustainable management of the resources in terms of the enhanced affordable housing purpose of the HASHAA.

CONDITIONS OF CONSENT

129. 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 respective applications, subject to the conditions included as Attachments 2 and 3 for QD1 and QD2 respectively.

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

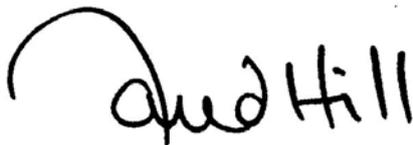
David Hill

Chairperson

12 February 2016

Due to discovering some minor errors in the plan variation that could give rise to confusion in interpreting provision 11.3.1 (height in relation to boundary) this decision, and its associated provisions, has been re-issued in amended form pursuant to clause 20A of Schedule 1 to the Resource Management Act 1991.

No other matters have been amended.

A handwritten signature in black ink that reads "David Hill". The signature is written in a cursive style with a large, sweeping initial 'D'.

David Hill

Chairperson

6 April 2016

Attachment 1

APPROVED FLAT BUSH STAGE 3 OBJECTIVES, POLICIES, RULES, AND ASSOCIATED PLANNING MAPS TO BE INSERTED IN THE PROPOSED AUCKLAND UNITARY PLAN

**PROPOSED AUCKLAND
UNITARY PLAN 2013**

Plan Variation 6

Flat Bush Stage 3

Flat Bush Precinct

6.6 Flat Bush

The objectives and policies of the underlying zones apply:

- Mixed Housing Urban and Suburban
- Terrace Housing and Apartment Building
- Large Lot
- Countryside Living
- Neighbourhood Centre
- Town Centre
- Public Open Space.

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

...

Table 1

Unitary Plan zones	Sub-Precincts	Areas
...		

Mixed Housing Suburban	Flat Bush Residential Sub-Precinct C	NA
Mixed Housing Urban		
Neighbourhood Centre		

Insert description of Precinct C as follows:

FLAT BUSH SUB-PRECINCT C

Flat Bush Sub-Precinct C encompasses land to the south of Murphys Bush, in proximity to Thomas and Murphys Roads.

The sub-precinct primarily has a residential emphasis although a Neighbourhood Centre will be established on Murphys Road.

Parts of this sub-precinct also fall within the Moderate Aircraft Noise Area (MANA) for Auckland International Airport and controls on Activities Sensitive to Aircraft Noise therefore apply.

Part of this sub-precinct is also located in proximity to a gas transmission pipeline and water mains. Three National Grid 220kV electricity lines also cross the precinct and additional controls recognise and protect this nationally significant infrastructure apply. Objectives 1 - 8 and Policies 1 - 8 in the PAUP (as notified in September 2013) Chapter F, section 6.6 are also relevant to this precinct.

Insert new objectives as follows:

FLAT BUSH SUB-PRECINCT C

12. An integrated, medium to high density residential environment which has high levels of amenity, supports a range of travel modes and allows for a range of living opportunities.
13. A connected road network, combined with a park edge road treatment that provides a legible urban pattern.
14. The efficient development, operation, maintenance, and upgrading of the National Grid lines will not be adversely affected by subdivision, land use and development.
15. 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).
16. To ensure that affordable housing provided in any residential development is distributed throughout the location in which resource consent is sought.
17. To promote availability of affordable housing to first home buyers and/or Community Housing Providers.

Insert new policies as follows:

FLAT BUSH SUB-PRECINCT C

16. Encourage higher density residential development particularly in close proximity to the Neighbourhood Centre, main roads and public open space.
17. Maximise vehicular and pedestrian connectivity/permeability of the street network wherever possible.
18. Encourage development as far as is practicable such that streets form blocks, and the open space network, including stream corridors, are generally fronted by roads.
19. Promote and maintain interconnectivity between sub precincts.
20. Require on-site volume reduction (retention) and temporary storage (detention) of stormwater runoff from impervious areas. Stormwater from roads may be managed outside of road corridors where this leads to a more efficient use of land
21. Avoid adverse effects of subdivision, land use and development on the National Grid lines by ensuring:
 - a. Safe buffer distances for managing subdivision and land use development are provided;
 - b. Sensitive activities, buildings and most structures are excluded from establishing in the National Grid Yard;
 - c. Subdivision and development is managed around the National Grid lines to ensure that future activities, buildings and development do not restrict the operation, maintenance, upgrading and development of the National Grid lines.
22. Utilise the National Grid yard and corridors for road or open space networks where practicable, provided that they are designed and located to avoid adverse effects on the operation, maintenance, upgrading and development of the National Grid line.
23. For new residential developments containing 15 or more dwellings, or involving the creation of 15 or more vacant sites, require either:
 - 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
 - 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: or

24. New residential developments containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.

PART 3 – REGIONAL AND DISTRICT RULES>>Chapter K: Precinct rules>>6 South>>

6.6 FLAT BUSH

Insert the following:

11. FLAT BUSH SUB-PRECINCT C

The rules below apply to Flat Bush sub-precinct C and replace all relevant provisions in the preceding sub-precincts A and B rules. The provisions of Appendix 6.6.11 apply within the Electricity Transmission (National Grid) Corridor until the PAUP becomes operative, at which time the operative provisions of the Electricity Transmission (National Grid) Corridor overlay in Chapter J will apply (and Appendix 6.6.11 will cease to have effect).

Note: The rules in this section implement the relevant objectives and policies in the Chapter F, section 6.6 and includes Objectives 1 - 8 and Policies 1 - 8 as set out in the Chapter F, section 6.6 PAUP as notified in September 2013.

11.1 ACTIVITY TABLE

The activities in the relevant underlying zones apply in Flat Bush sub-precinct C except as specified in the activity tables below and that in Appendix 6.6.11.

1. Residential

ACTIVITY TABLE: RESIDENTIAL ZONES – SUB-PRECINCT C	
ACTIVITY	ACTIVITY STATUS
Residential	
Retirement villages not located within the MANA	RD
Rural	
Farming	P
Commerce	
Show home	P
On-site stormwater management (dwellings and impervious areas excluding roads)	
Impervious areas (excluding roads) of less than or equal to 25m ² within a site	P
Impervious areas (excluding roads) greater than 25m ² within a site that meet hydrology mitigation requirements in Rule 11.3.18 below	P
Impervious areas unable to comply with the activity controls	RD

2. Neighbourhood Centre Zone

ACTIVITY TABLE: NEIGHBOURHOOD CENTRE ZONE – SUB-PRECINCT C	
ACTIVITY	ACTIVITY STATUS
Commerce	
Individual retail tenancies not exceeding 450m ² GFA	P
Individual retail tenancies exceeding 450m ² GFA	NC
On-site stormwater management (dwellings and impervious areas excluding roads)	
Impervious areas (excluding roads) of less than or equal to 25m ² within a site	P
Impervious areas (excluding roads) greater than 25m ² within a site that meet hydrology mitigation requirements in Rule 11.4.1 below	P
Impervious areas unable to comply with the activity controls	RD

11.2 LAND USE CONTROLS – RESIDENTIAL ZONES

The activities in the relevant zones apply in Flat Bush sub-precinct C except as specified below.

11.2.1 Density

1. The density requirements of Table 12 apply within the MANA.

TABLE 12: Density	
Density	SUB-PRECINCT C
Maximum allowable average density within the MANA area (sqm per dwelling)	400

2. The density requirements of Table 13 apply outside the MANA.

TABLE 13: Density	
ZONE	SUB-PRECINCT C
Mixed Housing Suburban	Maximum allowable average density of 200m ² per dwelling where the requirements of rule 11.2.1.3 below are met
Mixed Housing Urban	No density limits apply where four or more dwellings are proposed and the requirements of rule 11.2.1.4 below are met

3. Within the Mixed Housing Suburban zone the site:

- a) has a minimum net site area of 1200m²
 - b) is at least 20m wide at the frontage of the site.
4. Within the Mixed Housing Urban zone the site:
- a) has a minimum net site area of 1200m²
 - b) is at least 20m wide at the frontage of the site.

11.2.3 Affordable Housing

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

Provision of relative and retained affordable dwellings not in accordance with the Land Use Controls below is a Restricted Discretionary Activity.

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/ vacant sites that are either (B) relative affordable or (C) retained affordable that will meet the requirements of clauses 2-9 below.
2. All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of relative and/or retained affordable dwellings/vacant sites.
3. Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.
4. For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with clause 3 above.
5. For apartments, no more than one-third of the total number of identified affordable dwellings are to 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 are to 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. Retirement villages are excluded from the affordable housing provisions applying in the precinct.

B. Relative Affordable

Number of Relative Affordable Dwellings or Sites

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

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

Eligibility for Relative Affordable Housing

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

2. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites that are identified for affordable dwellings), the consent holder must provide to Council a statutory declaration that confirms the sale complies with the following eligibility requirements:
 - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
 - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent and storage) at a price which is not more than that defined by the 75 per cent median price in accordance with clause 8.1(a) above.
 - c. the purchaser 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.

3. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser must be made aware of the consent notice mechanism required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in 8.1 above or is a building associated with such a dwelling.
4. Prior to the transfer of a vacant site identified for an affordable dwelling to a purchaser that intends to develop, own and occupy the affordable dwelling themselves, the consent holder must provide to Council a statutory declaration executed by the intended purchaser that confirms the sale complies with the following eligibility requirements:
 - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date of signing the unconditional sale and purchase agreement.
 - b. Any development of the site must be such that the combined value of the dwelling and the land upon completion, as confirmed by a valuation carried out by a registered valuer, must be no more than that defined by the 75 per cent median price in accordance with clause 8.1(a) above.
 - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase.
 - d. the purchaser is a first home buyer and has never owned any other real property.
 - e. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
5. A consent notice must be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria be met for three years from the date of the transfer to the eligible purchaser.

C. Retained Affordable

Eligibility for Retained Affordable Housing

Purpose: To ensure that the precinct contains income related retained affordable housing to help address Auckland's housing affordability needs and to ensure retained housing is appropriately managed by Community Housing Providers to achieve on-going 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 which are dealt with under rule 10.1 below.

Number of Retained Affordable Dwellings or Sites

2. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 5 per cent of the total number of dwellings, or vacant sites, in any development must be retained

affordable and meet the following criteria.

- a. The price at which a dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter before the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) would not exceed 30 per cent of the household's gross monthly income, based on the assumptions that:
 - i. the dwelling is purchased with a 10 per cent deposit; and
 - ii. the balance of the purchase price is financed by a 30-year reducing loan, secured by a single mortgage over the property, at a mortgage interest rate equal to the most recent average two-year fixed rate. This interest rate used is that published most recently by the Reserve Bank of New Zealand, in relation to the date application for resource consent is made.
3. 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 9.2 above.

Where the following definitions apply:

Retained affordable

Housing that is:

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

Relative Affordable

Housing that is:

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

consent application are finally resolved, whichever is the later

Community Housing Provider

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

- a. social rental housing:
- b. affordable rental housing

Household Income

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

11.3 DEVELOPMENT CONTROLS – RESIDENTIAL ZONES

The development controls in the relevant zones apply in Flat Bush sub-precinct C except as specified below.

11.3.1 Height in Relation to Boundary

1. The following height in relation to boundary controls apply:

- a. For all lots, the height in relation to boundary control does not apply to the street boundary.
- b. In the case of front lots (not being a corner lot or adjacent to a corner lot) a building height in relation to boundary of 5m and 45° must apply on side boundaries adjoining other front lots, up to a maximum distance of 8m from the rear boundary.
- c. A height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the remaining part of any side boundary that is ~~beyond~~within 48m from the ~~front~~rear boundary ~~and to all rear boundaries~~.
- d. In the case of front lots which adjoin a corner lot the following apply:
 - On side boundaries that adjoin the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the whole length of the boundary including where that side boundary extends beyond the corner lot.
 - On side boundaries that adjoin the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 8m from the rear boundary. Rule 11.3.1.1c) must apply to the remaining part of the side boundary that is ~~beyond~~within 48m from the ~~front~~rear boundary.
 - In relation to the shortest side boundary of a corner lot (including where that side boundary extends beyond the corner lot) all windows above the ground

floor level facing the corner lot (or facing a lot adjoining the corner lot) must have a window sill level at least 1.6m above the floor level or be fitted with opaque glass

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

e) In the case of corner lots the following apply:

- On the shortest side boundary of the corner lot, a height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply
- On the longest side boundary of the corner lot, a building height in relation to boundary of 5m and 45° must apply up to a maximum distance of 48m from the front-side boundary. A height in relation to boundary of 2.5m and either 45°(for east or west boundaries), 55°(for north boundaries), 35°(for southern boundaries) must apply to the remaining part of the side boundary that is beyond-within 8 m from the rear boundary.
- All buildings within 6m of the shortest side boundary must be limited to a single storey and a 5m maximum height.

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

fg) Exceptions for Height in Relation to Boundary identified in rule 11.3.1.1(a)-(e) above:

- A gable end including fascia up to a maximum of 7m² may intrude into the height in relation to boundary recession plane. For the purposes of this rule a gable end is defined as the triangular sides of a building with a gable roof where the wall reaches all the way to the ridge.
- No account shall be taken of minor projections such as radio and television aerials, antennas, solar heating devices and chimneys (not exceeding 2.0m in any horizontal direction and projecting no more than 2.0m above the maximum permitted height of the main structure).
- Where a site abuts an entrance strip, private way, access lot, access way or public walkway the furthest boundary of these may be deemed to be the site boundary for the purpose of rule 11.3.1.1.
- There is no height in relation to boundary applicable to the length of the common wall between abutting buildings.

11.3.2 Building Height

1. In the Mixed Housing Suburban Zone buildings must not exceed 9m in height.
2. In the Mixed Housing Urban Zone buildings must not exceed 11m in height.

11.3.3 Yards

1. In the Mixed Housing Suburban Zone the front yard must be a minimum of 3m.
2. In the Mixed Housing Urban Zone the front yard must be a minimum of 2.5m.
3. For any site which adjoins the Countryside Living Zone any yard is a minimum of 9m from the zone boundary.
4. Rear yards on all lots (except rear lots) must be a minimum of 8m, except that a single storey building (or part of a building) up to a maximum height of 5m, is permitted within the rear yard provided that it is no closer than 3m from the rear boundary.
5. The rear yard in rule 11.3.3.4 does not apply where the site adjoins a rear lane or access lot.
6. In the Mixed Housing Suburban Zone and Mixed Housing Urban Zone the side yard must be a minimum of 1m.
7. For sites with a road frontage width less than 12.5m, one side yard can be reduced to 0m provided that legal provision is made for access for maintenance of the structure.
8. For rear sites, all yards (except those required to comply with Rule 11.3.3.3 above) must be a minimum of 3m.

Note: Additional yard setbacks may be required to meet compliance with Appendix 6.6.11 and/or the requirements of the National Grid Electricity Transmission Corridor Overlay.

11.3.4 Building Coverage

1. Maximum building coverage must comply with Table 14 below:

TABLE 14: Maximum Building Coverage	
Sites over 400 net site area	40 per cent
Sites under 400 net site area	50 per cent

11.3.5 Impervious Area

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

11.3.6 Noise Insulation Requirement for an Attached Dwelling

1. The standards of Rule 3.5 above apply

11.3.7 Asbestos Containing Materials

1. The standards of Rule 3.6 above apply

11.3.8 Landscaping

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

11.3.9 Outdoor Living

1. A dwelling at ground level must have an outdoor living space that is at least 20m² that comprises ground floor space that:
 - a. has no dimension less than 4m;
 - b. has a gradient not exceeding 1 in 20;
 - c. is directly accessible from the principal living room, kitchen or dining room;
 - d. is free of buildings, parking spaces, servicing and manoeuvring areas;
2. Where an entire dwelling is located above ground level, it must have an outdoor living space in the form of a balcony or roof terrace that is at least 5m² for studio and one bedroom dwellings and 8m² for two or more bedroom dwellings and has a minimum dimension of 1.8m.

11.3.10 Outlook

1. The underlying Mixed Housing Urban zone and Mixed Housing Suburban zone control does not apply.
2. For rear sites the minimum dimension for a required outlook space from the principal living room, where located above ground floor level must be a depth of 6m and a width of 4m.

11.3.11 Separation Between Buildings Within a Site

1. The underlying Mixed Housing Urban zone and Mixed Housing Suburban zone control does not apply.

11.3.12 Dwellings Fronting the Street

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

11.3.13 Fences

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

11.3.14 Maximum Building Length

1. The underlying Mixed Housing Urban zone and Mixed Housing Suburban zone control does not apply.

11.3.15 Garage

1. A garage door facing a street:

- a. must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.
- b. must not project forward of the front façade of a dwelling.
- c. must be set back at least 5m from the site's frontage.

11.3.16 Storage

- 1. The underlying Mixed Housing Urban zone and Mixed Housing Suburban zone control does not apply.

11.3.17 Vehicle Access

- 1. Sites fronting parts of Thomas Road identified as having a Vehicle Access Restriction – Sightline on Precinct Plan 6 must be provided with an alternative access.
- 2. Rule H1.2.3.3e(i) does not apply to the Flat Bush sub-precinct C.

11.3.18 On-site stormwater management (dwellings and onsite impervious areas, excludes roads)

- 1. All new dwellings and impervious surfaces within a site (lot) must be designed to achieve the following:
 - a. Stormwater runoff from impervious areas greater than 25m² must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm plus detention (temporary storage) of 17.7mm (for runoff from the 95th percentile 24 hour rainfall event) 95th percentile event).
 - b. Stormwater devices must be designed to achieve a minimum of 0.005m³ (5 litres) of retention plus 0.018m³ (18 litres) of detention for every 1m² of impervious surface.
 - c. Stormwater device/s on private land must be operated and maintained by the site owner in perpetuity.
 - d. A proposal may use more than one device to achieve compliance with (a).
 - e. If rainwater tanks are proposed to achieve the retention requirements of (a), the rainwater tank must be dual plumbed to non-potable uses such as toilet and washing machine in the dwelling.
 - f. In respect to the dwelling and driveway, compliance with Rule 11.3.18 must be demonstrated to the Council in conjunction with any application for building consent, or by way of certificate of compliance.
 - g. Stormwater devices within the National Grid Yard must comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001, including their on-going operation and maintenance.

11.4 DEVELOPMENT CONTROLS – NEIGHBOURHOOD CENTRE

The development controls in the relevant zones apply in Flat Bush sub-precinct C except as specified below.

11.4.1 On-site stormwater management (impervious areas, excludes roads)

1. All new impervious surfaces must be designed to achieve the following:
 - a. Stormwater runoff from impervious areas greater than 25m² must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve a retention (volume reduction) of 5mm plus detention (temporary storage) of 17.7mm (for runoff from the 95th percentile 24 hour rainfall event).
 - b. Stormwater device/s on private land must be maintained and operated by the site owner in perpetuity.

11.5 SUBDIVISION CONTROLS

The subdivision controls in the Flat Bush sub-precinct C are those listed in the Auckland-wide rules – subdivision except as specified below and in Appendix 6.6.11.

11.5.1 Minimum and Average Site Sizes – Residential Zones

1. Minimum and average site sizes must comply with Table 15 below:

TABLE 15: Minimum and Average Site sizes – Residential Zones	
AVERAGE SITE SIZE	SUB-PRECINCT C
Average site size within the MANA	400m ²
Average site size in the Mixed Housing Suburban Zone (excluding any lot greater than 1200m ²)	325 to 425m ²
Minimum site size where the minimum front site width is 12.5m or greater	325m ²
Minimum site size where the minimum front site width is between 10m and 12.49m and Table 16 (Alternative Front Site) is complied with and the site's frontage is not-to a road on the north-west to north-east boundary	260m ²

2. Any application not meeting any of the above requirements within the MANA is a non-complying activity.
3. Rule 2.3.1.1(b) Part 3, Chapter G, Section 5 does not apply.
4. There are no minimum site sizes where subdivision is proposed as part of an integrated land use consent provided that within the MANA the maximum allowable densities set out in 11.2.1.1 are complied with.

11.5.2 Minimum Site Dimensions for Vacant Sites

1. Minimum sites dimensions must comply with Table 16 below:

TABLE 16: Minimum site dimensions	
	SUB-PRECINCT C
Front site: Minimum Width in metres	12.5m
Alternative Front Site: Width in metres where a legal mechanism restricts the width of a garage and vehicle crossing for any subsequent building development to a single car width or where a rear lane provides legal access	10m to 12.49m
Front Site: Minimum Depth in meters	26m
Front site: Legal Width of Rear Lanes in meters	7m
Rear sites	The total number of rear sites must not exceed 5 per cent of the total number of proposed sites

2. There are no minimum site dimensions where subdivision is proposed as part of an integrated land use consent provided that within the MANA the maximum allowable densities set out in 11.2.1.1 are complied with.

3. Any application not meeting the above requirements (Rule 11.5.2.1) is a discretionary activity.

11.5.3 Movement Network

1. All subdivision must comply with the following controls:

a. All new subdivisions, roads and lots must comply with the following:

(i) Maximum Block Length: 250m

(ii) Maximum Block Perimeter: 750m

(iii) Maximum cul de sac length: 75m

For clarity the measurements in (i)-(iii) may be curvilinear.

b. The provisions of (a) do not apply to blocks which adjoin existing residential development which is not within Flat Bush Sub Precinct C.

c. Collector Roads and Required Local Roads must be provided in accordance with the alignments in Precinct Plan 6.

- d. Roads must be constructed to the standards contained within Table 9: Construction Standards for Additional Road Types within the Flat Bush Precinct Plan Area above or Table 17 below, and the cross sections in Figures 2 to 7 above or Figures 8 to 11 below or, where not contained in Table 9 or 17, the relevant Auckland Wide rules apply.
- e. Except that where a road is located beneath the National Grid Subdivision Corridor, the road will be constructed with a design specific to the accommodation of the Corridor. The design will be determined as part of the resource consent required within the National Grid Subdivision Corridor.

TYPES OF ROAD	ROAD (m)	CARRIAGEWAY (m)	MAX. GRADE	FIGURE
Collector Road	21.2	10.8	10%	Refer Figure 8
Cul de Sac	15.2	6	12.5%	Refer Figure 9
Murphys Bush Park Edge Road	16.5	7.8	12.5%	Refer Figure 10
Park Edge Lane	14	6	12.5%	Refer Figure 11

Figure 8. Collector Road Flat Bush sub-precinct C



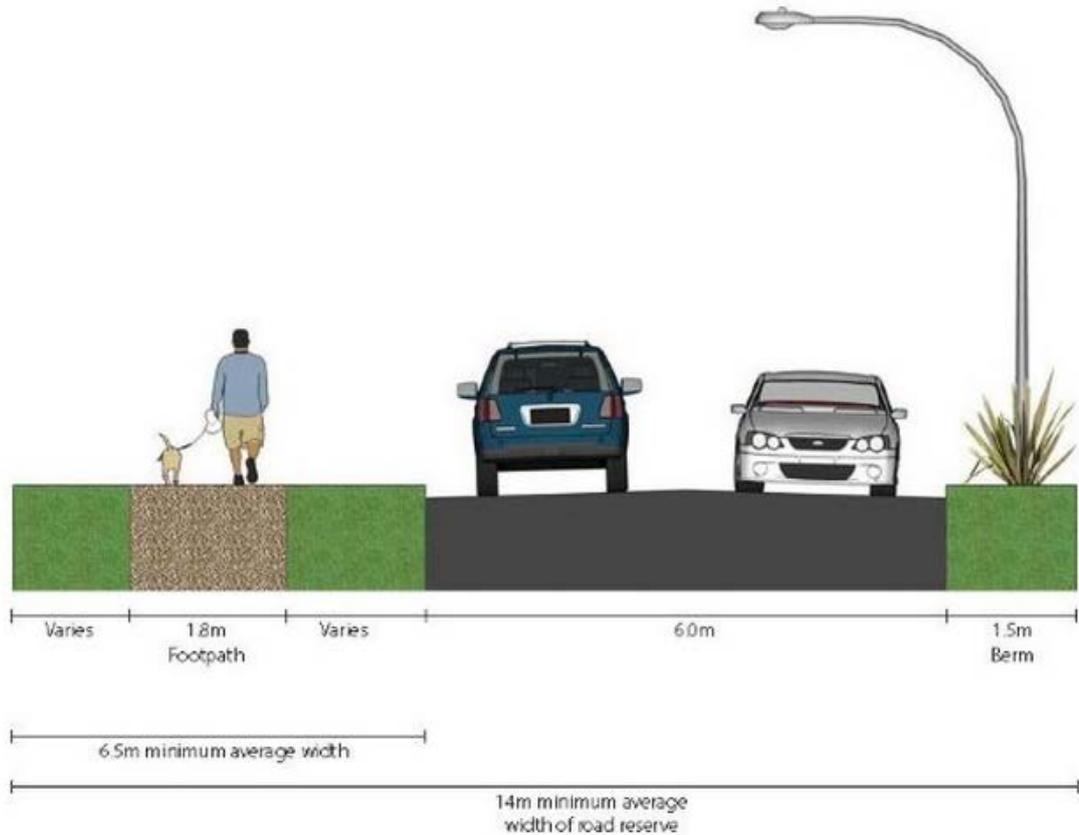
Figure 9. Cul de Sac Flat Bush sub-precinct C



Figure 10. Murphys Bush Park Edge Road Flat Bush sub-precinct C



Figure 11. Park Edge Lane (Donegal Park Edge Lane) Flat Bush sub-precinct C



11.5.4 Park Edge Roads

1. Where subdivision adjoins the Green Infrastructure Corridor on Precinct Plan 6.6, park edge roads must be provided adjoining permanent stream corridors
2. Any application which does not comply with Clause 1 above is a Restricted Discretionary Activity.

11.5.5 Riparian Margin

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

4. For the avoidance of doubt, planting required by Rule 11.5.5.1 cannot be utilised as part of any environmental compensation requirements associated with works and/or structures in a stream.

11.5.6 Stormwater Management

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. A retention (volume reduction) of 5mm plus detention (temporary storage) of 17.7mm (for runoff from the 95th percentile 24 hour rainfall event) 95th percentile event)
 - b. Stormwater devices within the National Grid Yard must be designed to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001, including their ongoing operation and maintenance.

11.5.7 Affordable Housing

1. Rule 11.2.3 applies to subdivision applications containing 15 or more vacant sites.

11.6 ASSESSMENT – RESTRICTED DISCRETIONARY LAND USE ACTIVITIES

11.6.1 Matters of Discretion

1. The matters of discretion from Part 3 Chapter I Section 21 Special Purpose Zone – Retirement Village Rule 4 apply.

11.6.2 Assessment Criteria

1. The assessment criteria from Part 3 Chapter I Section 21 Special Purpose Zone – Retirement Village Rule 4 apply.

11.7 ASSESSMENT - LAND USE CONTROL INFRINGEMENTS

11.7.1 Matters of Discretion

1. Contaminated Land

- a. The matters of discretion in 8.1.2 above apply.

2. Stormwater Management

- a. The council will restrict its discretion to
 - i. items (a) - (d) listed under Stormwater Management – Flow in the Auckland-wide rules and

- ii. whether the non-compliance occurs on sites/lots intended for affordable housing.

3. Development Control Infringements

- a. The council will restrict its discretion to those matters listed in Part 3, Chapter I, Section 1.11, and Part 3, Chapter G, Section 2.

4. Affordable Housing

- 1. The matters of discretion from Chapter H Section 6.6 Section 2.1 apply.

11.7.2 Assessment Criteria

1. Contaminated land

- a The assessment criteria in 7.2.2 above apply

2. On-site stormwater management

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

3. Development control Infringements

- a. The council will restrict its discretion to those matters listed in Part 3, Chapter I, Section 1.11, and Part 3, Chapter G, Section 2.3.

4. Affordable Housing

- a. The assessment criteria from Chapter H Section 6.6 Section 2.2 apply

11.8 ASSESSMENT - SUBDIVISION

11.8.1 Matters of Discretion

1. Subdivision

The council will restrict its discretion to those matters listed for subdivision under the Auckland -wide rules, and the following matters:

- a. Consistency with Precinct Plan 6
- b. Limitations on access for future lots adjoining Murphys Road/Thomas Road
- c. Stormwater management

- d. The matters for discretion outlined in Part 3, Chapter H, Section 5.4, Table 13
- e. The discretions for subdivision within the National Grid Subdivision Corridor in Appendix 6.6.11, and the design and layout of subdivision within the National Grid Subdivision Corridor.

2. Park Edge Roads

- a. Site factors, design attributes or subdivision layouts which constrain the ability to comply with the rule.
- b. Alternatives to achieve passive surveillance outcomes.

11.8.2 Assessment Criteria

1. For development that is a restricted discretionary activity in the Flat Bush sub-precinct C, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the Mixed Housing Urban zone, Mixed Housing Suburban zone, Neighbourhood Centre zone and Auckland Wide Rules:
 - a. The structural elements of Precinct Plan 6 are incorporated into the subdivision design including;
 - Roads; and,
 - Green infrastructure corridor.
 - b. Lots adjoining Murphys Road should be provided with a rear access or an alternative that limits the number of individual access points onto Murphys Road. Pedestrian access should still be provided off Murphys Road. Possible design options for subdivision layouts are illustrated in Figure 12 below.

Note:

- The Illustrations represent possible design outcomes and are not intended to represent the only design options available.
- c. Applications should maximise park edge road frontage to public open spaces (including the green infrastructure corridor) where reasonably practicable.
 - d. Where necessary, applications should incorporate traffic calming measures within the carriageway at intervals of approximately 60m.
 - e. Subdivision which proposes sites fronting the Vehicle Access Restriction – Cycle-Way on Precinct Plan 6 should be designed to either avoid vehicle access to Thomas Road or to minimise driveway crossings, to manage conflicts with cyclists.

- f. The design of Thomas Road frontage upgrades must incorporate on-road cycling between Adamson Road and Murphys Road.
- g. The approach to stormwater management for roads and future lots takes into account the recommendations of the Flat Bush Stage 3 Stormwater Management Plan, and that the hydrology mitigation requirements outlined in Rules 11.3.18, 11.4.1 and 11.5.6 can be met.

Note:

- Consent Notices may be required on the titles of all new lots to ensure compliance with the onsite stormwater management requirements contained in Rules 11.3.18 and 11.4.1 of this Precinct.
- h. For communal devices:
 - i. the extent to which groundwater levels and groundwater mounding prevent groundwater infiltration and
 - ii. the extent to which the device can be accommodated within the stream corridors to allow efficient operation and maintenance, and appropriate amenity.
 - i. The assessment criteria outlined in Part 3, Chapter H, Section 5.4.
2. The assessment criteria for subdivision within the National Grid Subdivision Corridor are in Appendix 6.6.11.
 3. In addition to the matters in Appendix 6.6.11, subdivision design and layout should consider the amenity of future residents, and where practicable the National Grid corridors are provided within the road or open space networks.

Possible design options for subdivision layouts are illustrated in Figure 13 below.

Note:

- The Illustrations represent possible design outcomes and are not intended to represent the only design options available.
 - The illustrations are not to scale.
 - Where any options in Figure 13 conflicts with a requirement of the Transmission Corridor Overlay (National Grid) and/or Appendix 6.6.11 and/or NZECP 34:2001, the Appendix 6.6.1, Overlay and/or NZECP 34:2001 provisions prevail.
4. For any non-compliance with Rule 11.5.4, the following assessment criteria are applicable:

- a. Whether the ability to achieve a park edge road is constrained by topography or geotechnical limitations
- b. Where the park edge road would result in an inefficient subdivision, block or roading pattern
- c. Whether compliance with the rule would result in significant earthworks or retaining structures
- d. The extent to which the proposed alternative provides for appropriate passive surveillance of the Green Infrastructure Corridor and manages the heights of fences

Figure 12. Murphys Road Interface Options

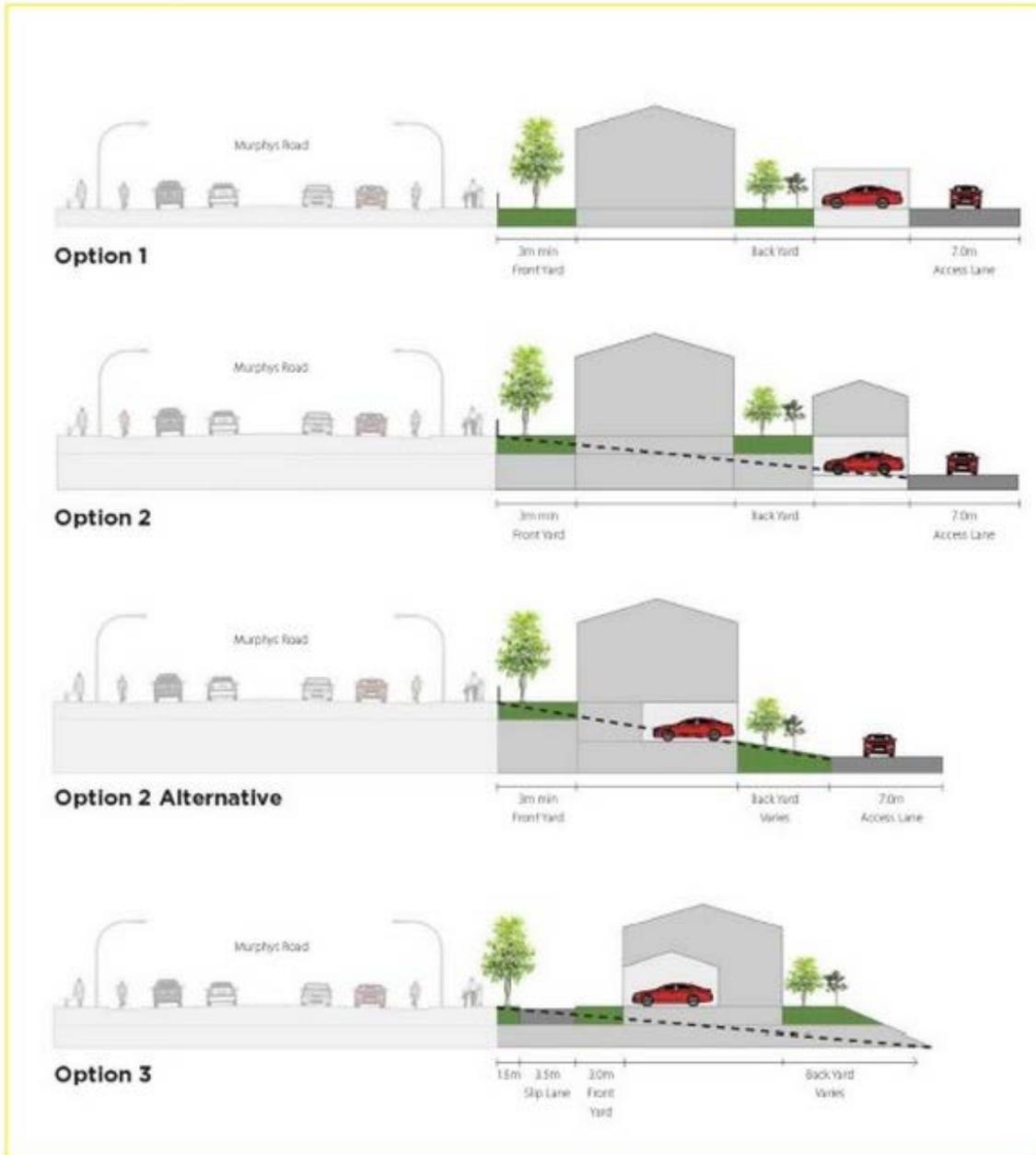


Figure 13. Possible design options for subdivision layouts within the National Grid Subdivision Corridor



OPTION A - MID SPAN

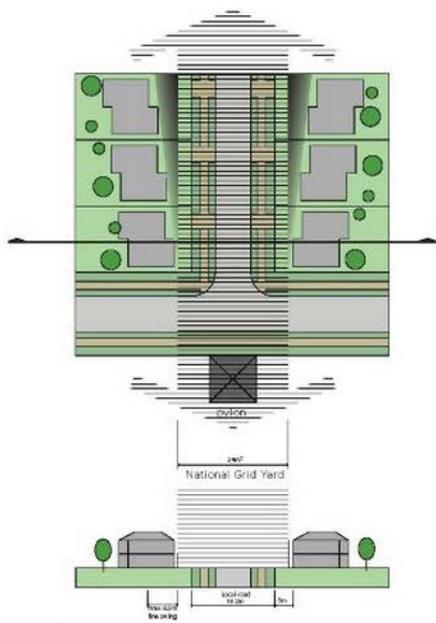
BUFFER ZONE ACROSS REAR YARDS

- * Increased buffer zone may be required due to line swing
- + Front lot boundary to be a minimum of 20m from the edge of transmission buffer extent (depends on line swing)
- Front yard illustrated as min 3m
- 4m rear yard clear of buffer zone to accommodate private open space

OPTION A - AROUND PYLON

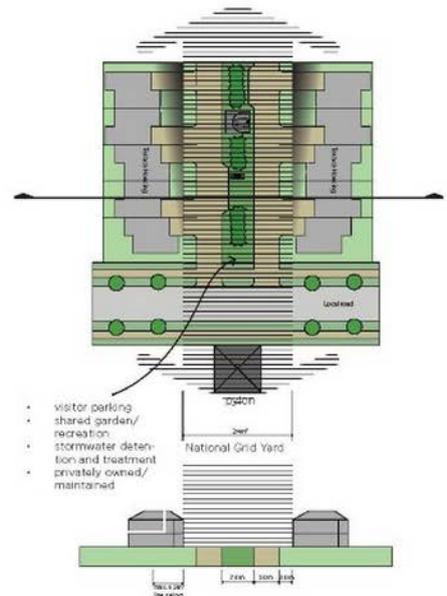
BUFFER ZONE ACROSS REAR YARDS

- * Increased buffer zone may be required due to line swing
- + Front lot boundary to be a minimum of 20m from the edge of transmission buffer extent (depends on line swing)
- Front yard illustrated as min 3m
- 4m rear yard clear of buffer zone to accommodate private open space



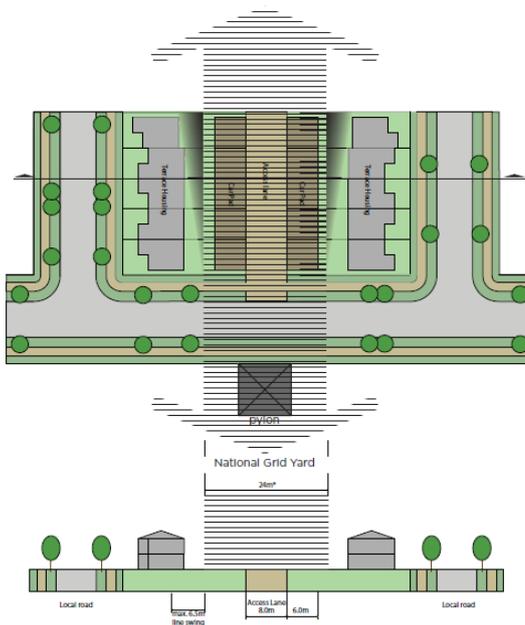
OPTION B
BUFFER ZONE ACROSS ROAD CORRIDOR

- ⌞ * increased buffer zone may be required due to line swing
- ⌞ Trees and street lights in road reserve and front yards to comply with relevant regulations
- ⌞ Front yard illustrated as min 3m, this may increase depending on line swing



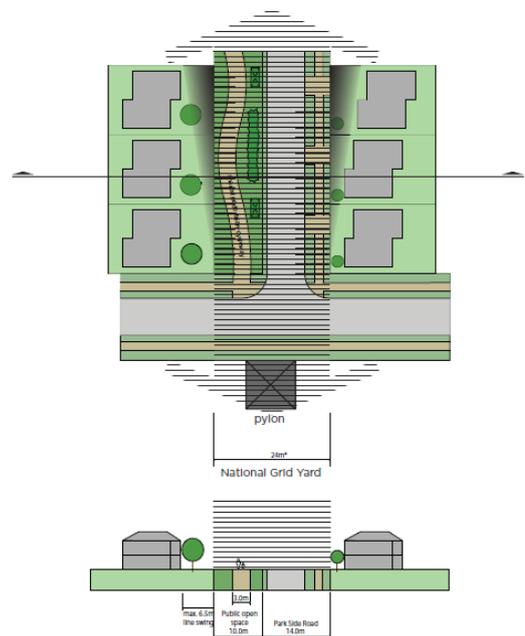
OPTION C
BUFFER ZONE ACROSS SHARED ACCESS LOT

- ⌞ * increased buffer zone may be required due to line swing
- ⌞ Easement may be required in favour of Transpower for line maintenance etc
- ⌞ Front yard illustrated as 3.0m. Greater front yard may be required in MHS Zones or if line swing dictates.
- ⌞ Trees in buffer zone to comply with Electricity Hazards From Trees Regulations 2003



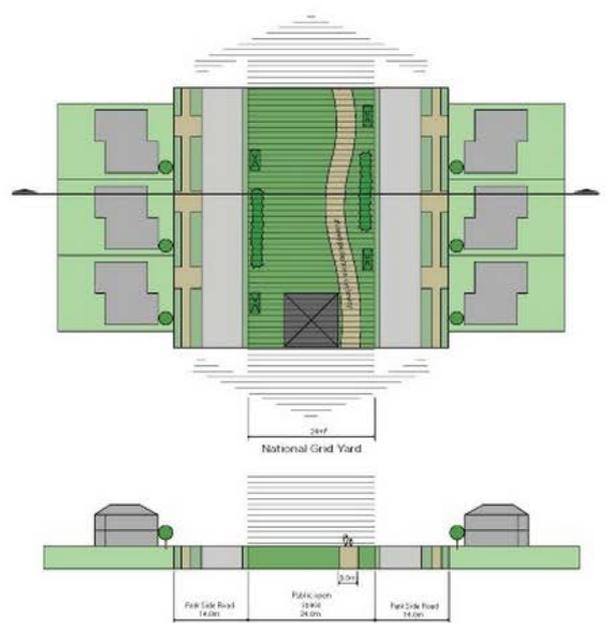
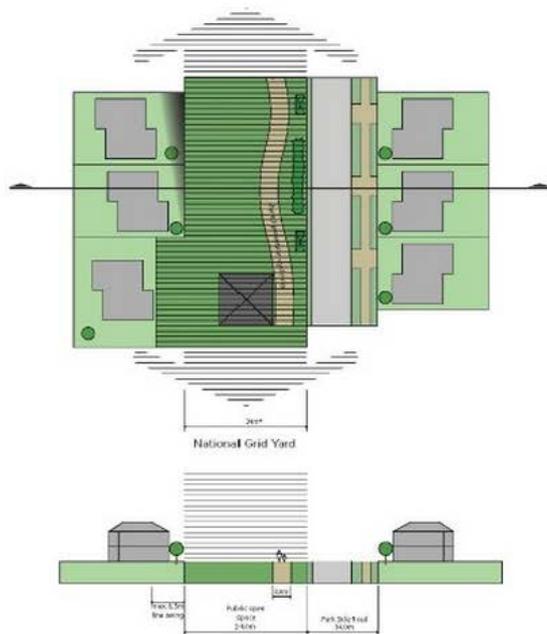
OPTION D
BUFFER ZONE ACROSS REAR LANE

- ⌞ * increased buffer zone may be required due to line swing
- ⌞ Trees in buffer zone to comply with Electricity Hazards From Trees Regulations 2003



OPTION E1
BUFFER ZONE ACROSS GREENWAY/CYCLEWAY

- ⌞ * May increase due to line swing and corresponding increase in buffer zone
- ⌞ Assumed to be vested with Auckland Council as public open space as part of wider movement network
- ⌞ Trees in road and greenway to comply with Electricity Hazards From Trees Regulations 2003
- ⌞ Fencing control required adjacent to greenway



OPTION E2
BUFFER ZONE ACROSS GREENWAY/CYCLEWAY

- * May increase due to line swing and corresponding increase in buffer zone
- Assumed to be vested with Auckland Council as public open space as part of wider movement network
- Trees in road and greenway to comply with Electricity Hazards From Trees Regulations 2003
- Fencing control required adjacent to greenway

OPTION E3
BUFFER ZONE ACROSS GREENWAY/CYCLEWAY

- * May increase due to line swing and corresponding increase in buffer zone
- Assumed to be vested with Auckland Council as public open space as part of wider movement network
- Trees in road and greenway to comply with Electricity Hazards From Trees Regulations 2003
- Fencing control required adjacent to greenway

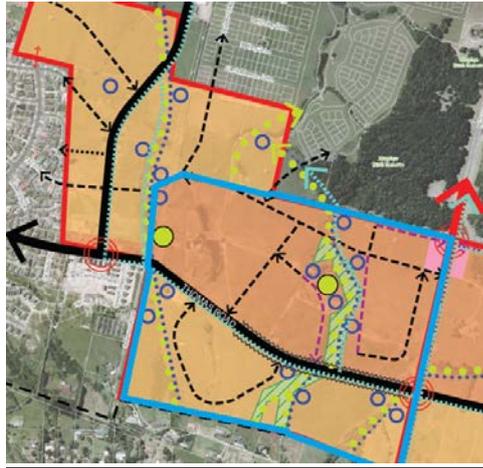


OPTION F
BUFFER ZONE ACROSS OPEN SPACE AREA

- * May increase due to line swing and corresponding increase in buffer zone
- This example possible only mid span
- Trees within open space and park edge road to comply with Electricity Hazards From Trees Regulations 2003

11.9 SPECIAL INFORMATION REQUIREMENTS

1. A riparian planting plan must be provided as part of any application for land modification, development and subdivision which adjoins a stream.
2. For any subdivision on land within the area shown in the area outlined in blue in the below figure which triggers Rule H:1.2.3.1(ii) the Transport Impact Assessment must specifically address effects on the intersection of Thomas/Murphys Road.



Appendix 6.6.11 to the FLAT BUSH SUB-PRECINCT C RULES ELECTRICITY TRANSMISSION CORRIDOR (NATIONAL GRID)

1. Definitions

The following definitions are applicable:

National Grid lines

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

National Grid subdivision corridor

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

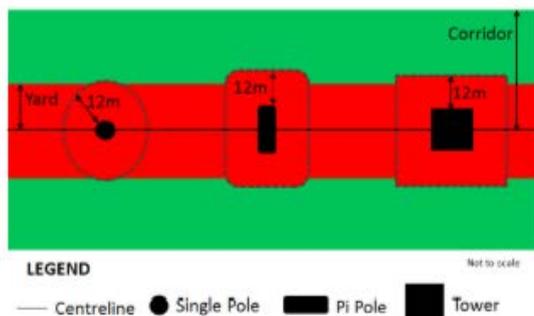
- 37m for the 220kV National Grid lines.

National Grid support structure

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

National Grid Yard (shown in red in diagram below) Means:

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



2. Activity table

1. The location of the electricity transmission corridor must be updated if any National Grid support structure or line is relocated, replaced or removed.

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

Activities and structures	Activity Status
Within the National Grid Subdivision Corridor	
Subdivision for a network utility or electricity transmission	P
Creation of lots involving the location of a building platform within National Grid Yard	NC
All other subdivision	RD
Within the National Grid Yard	
Under the National Grid conductors (wires)	

Any building or structure within 12m of the support structure unless it is otherwise provided for below.	NC
Network utilities and transmission lines between electricity generation facilities and the National Grid	P
Fences less than 2.5m high and no closer than 5m from the outer visible edge of a support structure foundation	P
Alterations to existing buildings that do not increase the building envelope or footprint	P
Establishing activities sensitive to National Grid lines in an existing building	NC
Increasing** the intensity or scale of existing activities sensitive to National Grid lines in an existing building	NC
Any building that has a minimum vertical clearance distance of less than 10m from a National Grid Line that cannot demonstrate that compliance with the NZECP34:2001 performance standard is maintained under all National Grid Line operating conditions.	NC
All other buildings.	NC
Within 12m of the Outer Visible Edge of the foundation of a National Grid Support Structure	
Any building or structure within 12m of the outer visible edge of a National Grid support structure foundation unless it is otherwise provided below:	NC
Network utilities and transmission lines between electricity generation facilities and the National Grid	P
A fence less than 2.5m in height and more than 5m from the nearest support	P

structure	
Earthworks anywhere within a National Grid Yard	
Earthworks that comply with Development Control 1A1.1	P
Earthworks that do not comply with Development Control 1A1.1.1.	RD
Activities and structures Activity Status	
Earthworks that do not comply with Development Control 1A1.1.2. or Development Control 1A1.1.3.	NC

Notes

* Compliance with the NZECP34:2001 is mandatory under the Electricity Act 1992. All activities regulated by NZECP34:2001, including any activities that are otherwise permitted by the Unitary Plan, must comply with this regulation. Compliance with the permitted activity status in this plan does not ensure compliance with NZECP34:2001.

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

1A Development Controls

1A.1 Permitted Activities

1A.1.1 Earthworks within the National Grid Yard

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

1. Be no deeper than 300mm within 12m of any National Grid support structure foundation

Except that

Vertical holes not exceeding 500mm in diameter beyond 1.5 from the outer edge of pole support structure or stay wire are exempt.

2. Not create an unstable batter that will affect a National Grid support structure; and

3. Not result in a reduction in the ground to conductor clearance distances below what is required by Table 4 of NZECP34:2001

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

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

3. Notification

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

4. Assessment - Restricted discretionary activities - subdivision

4.1 Matters of discretion

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

1. Subdivision around lines

- a. Impacts on the operation, maintenance, upgrade and development of the National Grid, including reverse sensitivity effects.
- b. Compliance with NZECP34:2001.
- c. The ability of the applicant to provide a complying building platform.
- d . Location, design and use of the proposed building platform or structure as it relates to the National Grid transmission line.
- e . The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
- f . The nature and location of any vegetation to be planted within the vicinity of the National Grid lines
- g. the design and layout of roads.

2. Earthworks

- a. Impacts on the operation, maintenance, upgrade and development of the National Grid.
- b. Compliance with NZECP34:2001.

- c. The risk to the structural integrity of the National Grid.
 - d. Any impact on the ability of the National Grid owner (Transpower) to access the transmission lines.
 - e. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.
3. Buildings or Structures within the National Grid Yard
- a. The extent to which the development may adversely affect the efficient operation, maintenance, upgrading and development of the National Grid.
 - b. The extent to which the proposed development design and layout enables appropriate separation distances between activities sensitive to National Grid lines, including safe separation distances in the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP:34 2001).
 - c. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

5. Assessment Criteria

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

1. Subdivision

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

2. Earthworks

- a. The effects on the ability of the National Grid owner (Transpower) to operate, maintain, upgrade and develop the transmission network; including access to the line.

b. Compliance with NZECP34:2001.

c. The risk to the structural integrity of the National Grid.

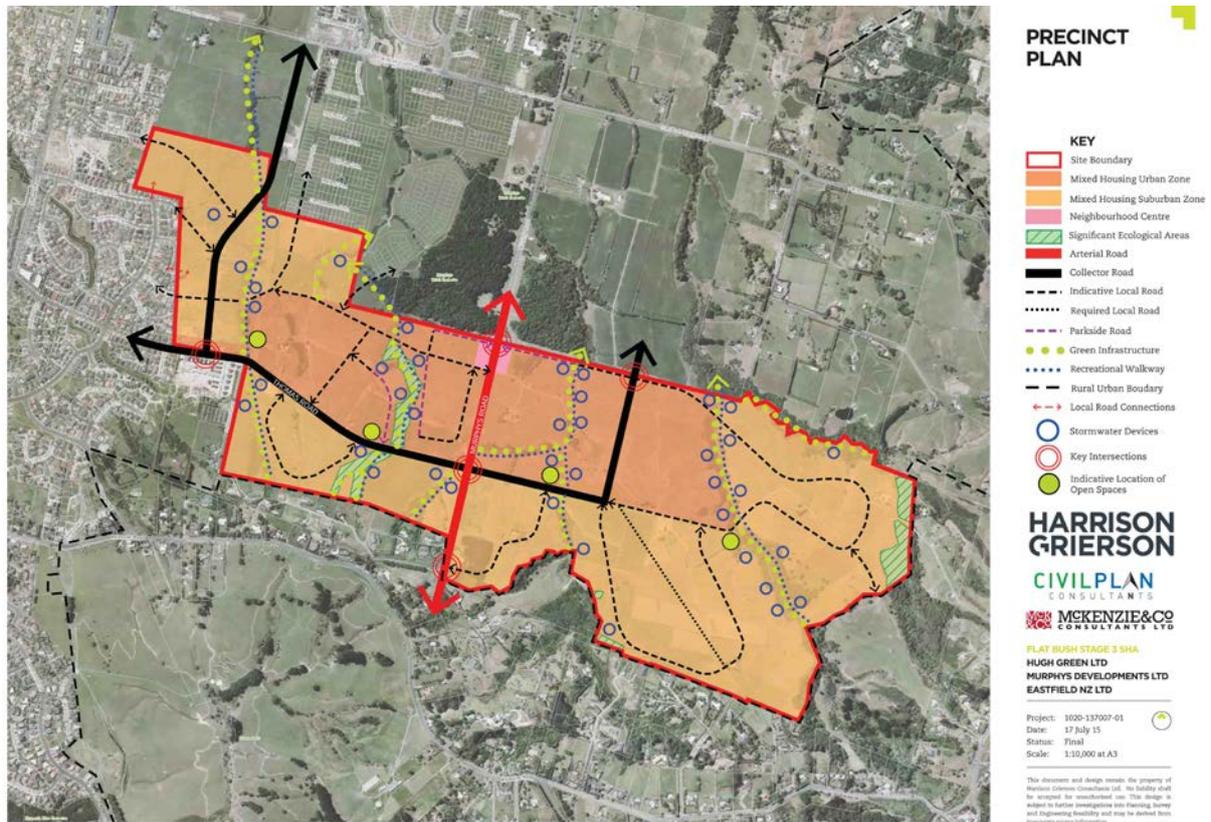
d. The risk of electrical hazards affecting public or individual safety, and the risk of property damage.

6. Special information requirements

1. In addition to the general information requirements in section 2.7 of the general provisions, an electrical engineering assessment prepared by a suitably qualified person may also be required to demonstrate compliance with NZECP34:2001

11.10 PRECINCT PLAN

Precinct Plan 6: Flat Bush Sub-Precinct C



Attachment 2:

[QD1 CONDITIONS]

64 Thomas Road Qualifying Development Conditions – Reference 47902

General Conditions

1. The 71 (residential) lot and 2 large lot 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 number 47902.
 - Application Form, and Assessment of Environmental Effects titled 'Qualifying Development Resource Consent Application and Assessment of Effects on the Environment' Referenced 1857 RC001V2, prepared by Renee Fraser-Smith of CivilPlan Limited, dated August 2015.

Specialist Reports			
Title	Author	Reference	Date
Environmental Management Plan	Harrison Grierson	136822-01	03/08/15
Flocculation Management Plan	Harrison Grierson	136822-01	03/08/15
Proposed Flat Bush Stage 3 Subdivision Archaeological Assessment	Russell Foster & Associates		05/02/15
Murphys West Geotechnical Report	Coffey		05/02/15
Traffic Impact Report	Commute		07/08/15
Contamination Report	Focus Environmental Services Ltd		05/02/15
Qualifying Development Design Statement	Harrison Grierson	136822	05/08/15

Engineering Drawings			
Ref. number	Title	Originator	Date
136822-000	Cover Sheet	Harrison Grierson	
136822-100	Proposed Subdivision of Lot 3DP 17253 and Sec 1	Harrison Grierson	05/10/15
136822-101	Proposed subdivision of Lot 3 DP 17253 and Sec 1	Harrison Grierson	05/10/15
136822-102	Context Plan	Harrison	05/10/15

		Grierson	
136822-110	Topographical Plan Sheet 1 of 3	Harrison Grierson	05/10/15
136822-111	Topographical Plan Sheet 2 of 3	Harrison Grierson	05/10/15
136822-112	Topographical Plan Sheet 3 of 3	Harrison Grierson	05/10/15
136822-200	Earthworks Plan	Harrison Grierson	05/10/15
136822-201	Cut Fill Isopacs Plan	Harrison Grierson	05/10/15
136822-202	Detention Pond Earthworks and Cut Fill Isopacs Plan	Harrison Grierson	05/10/15
136822-210	Clearing Plan	Harrison Grierson	05/10/15
136822-220	Sediment and Erosion Control Plan Sheet 1 of 2	Harrison Grierson	05/10/15
136822-221	Sediment and Erosion Control Plan Sheet 2 of 2	Harrison Grierson	05/10/15
136822-290	Sediment and Erosion Control Standard Details Sheet	Harrison Grierson	05/10/15
136822-291	Sediment and Erosion Control Standard Details Sheet	Harrison Grierson	05/10/15
136822-292	Sediment and Erosion Control Standard Details Sheet	Harrison Grierson	05/10/15
136822-300	Road Layout Plan	Harrison Grierson	05/10/15
136822-301	Road schedule of Coordinates	Harrison Grierson	05/10/15
136822-320	Roading Longitudinal Sections Sheets 1 of 4	Harrison Grierson	05/10/15
136822-321	Roading Longitudinal Sections Sheet 2 of 4	Harrison Grierson	05/10/15
136822-322	Roading Longitudinal Sections Sheet 3 of 4	Harrison Grierson	05/10/15
136822-323	Roading Longitudinal Sections Sheet 4 of 4	Harrison Grierson	05/10/15
136822-330	Typical Road Cross Sections Sheet 1 of 6	Harrison Grierson	15/10/15
136822-331	Typical Road Cross Sections Sheet 2 of 6	Harrison Grierson	15/10/15
136822-332	Typical Road Cross Sections Sheet 3 of 6	Harrison Grierson	15/10/15

136822-333	Typical Road Cross Sections Sheet 4 of 6	Harrison Grierson	15/10/15
136822-334	Typical Road Cross Sections Sheet 5 of 6	Harrison Grierson	15/10/15
136822-335	Typical Road Cross Sections Sheet 6 of 6	Harrison Grierson	05/10/15
136822-340	Road Intersection Details Road 1 and Thomas Road	Harrison Grierson	05/10/15
136822-341	Road Intersection Details Road 1, 4 and 5	Harrison Grierson	05/10/15
136822-342	Road Intersection Details Road 4 and Road 6	Harrison Grierson	05/10/15
136822-343	Road Intersection Details Road 1, 2 and 3	Harrison Grierson	05/10/15
136822-344	Road Intersection Details Road 2, 5 and 7	Harrison Grierson	05/10/15
136822-345	Road Intersection Details Road 3, 4 and 8	Harrison Grierson	05/10/15
136822-350	Swale Cross-section	Harrison Grierson	05/10/15
136822-360	Raingarden Plan and Detail	Harrison Grierson	
136822-361	Raingarden Typical Section	Harrison Grierson	
136822-362	Raingarden Specification and Cross Section	Harrison Grierson	
136822-363	Raingarden Formwork Plan Sheet 1 of 2	Harrison Grierson	
136822-364	Raingarden Formwork Plan Sheet 2 of 2	Harrison Grierson	
136822-370	Road Marking Plan	Harrison Grierson	05/10/15
136822-390	Roading Standard Details Sheet 1 of 2	Harrison Grierson	05/10/15
136822-391	Roading Standard Details Sheet 2 of 2	Harrison Grierson	05/10/15
136822-400	Drainage Plan Sheet 1 of 2	Harrison Grierson	15/10/15
136822-401	Drainage Plan Sheet 2 of 2	Harrison Grierson	05/10/15
136822-402	Swale Cross Sections	Harrison Grierson	05/10/15
136822-403	Drainage Schedule of Coordinates	Harrison	05/10/15

		Grierson	
136822-410	Swale Longsection	Harrison Grierson	05/10/15
136822-411	SW Line 1 Outlet Detail	Harrison Grierson	05/10/15
136822-412	SW Line 6 Outlet Detail	Harrison Grierson	05/10/15
136822-420	Stormwater Longitudinal Sections Sheet 1 of 4	Harrison Grierson	05/10/15
136822-421	Stormwater Longitudinal Sections Sheet 2 of 4	Harrison Grierson	05/10/15
136822-422	Stormwater Longitudinal Sections Sheet 3 of 4	Harrison Grierson	05/10/15
136822-423	Stormwater Longitudinal Sections Sheet 4 of 4	Harrison Grierson	05/10/15
136822-430	Wastewater Longitudinal Sections Sheet 1 of 3	Harrison Grierson	05/10/15
136822-431	Wastewater Longitudinal Sections Sheet 2 of 3	Harrison Grierson	05/10/15
136822-432	Wastewater Longitudinal Sections Sheet 3 of 3	Harrison Grierson	05/10/15
136822-460	100 Year Overland Flowpath	Harrison Grierson	05/10/15
136822-470	Detention Pond Plan	Harrison Grierson	05/10/15
136822-471	Detention Pond Sections	Harrison Grierson	05/10/15
136822-472	Detention Pond Emergency Spillway Sections	Harrison Grierson	05/10/15
136822-473	Detention Pond Outlet Structure Section	Harrison Grierson	05/10/15
136822-474	Detention Outlet Structure and Other Details	Harrison Grierson	05/10/15
136822-490	Stormwater Standard Details Sheet 1 of 3	Harrison Grierson	05/10/15
136822-491	Stormwater Standard Details Sheet 2 of 3	Harrison Grierson	05/10/15
136822-492	Stormwater Standard Details Sheet 3 of 3	Harrison Grierson	05/10/15
136822-493	Wastewater Standard Details Sheet 1 of 2	Harrison Grierson	05/10/15
136822-500	Watermain Plan	Harrison Grierson	05/10/15

13682-501	Watermain Details Sheet 1 of 2	Harrison Grierson	05/10/15
136822-502	Watermain Details Sheet 2 of 2	Harrison Grierson	05/10/15
136822-520	Ducting Plan	Harrison Grierson	05/10/15
136822-590	Watermain Standard Detail	Harrison Grierson	05/10/15
136822-600	Landscaping and Streetlight Plan	Harrison Grierson	05/10/15

Other Additional Information	
Reference	Date
Additional information includes clarification of the dam removal methodology provided by email from Harrison Grierson Consultants Ltd on 24 August 2015	24/08/2015

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

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - (a) All fixed charges relating to the receiving, processing and granting of this resource consent applied under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013;
 - (b) All additional charges imposed under section 76 the HASHAA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge; and
3. The consent holder shall pay any subsequent further charges imposed under section 77 of the HASHAA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under sections 77(2) of the HASHAA and 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

4. The consent holder shall pay any subsequent further charges imposed under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 77 HASHAA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

5. Under section 51 of the Housing Accords and Special Housing Area Act (HASHAA) 2013, the subdivision consent lapses 1 year after the date it is granted.

EARTHWORKS

Pre- Construction Conditions

6. Prior to the commencement of earthworks at the site, a revised Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Senior Compliance Advisor, HPO. The plan shall include as a minimum:
 - (a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
 - (b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
 - (c) Details of optimum dosage (including assumptions);
 - (d) Results of initial chemical treatment trial;
 - (e) A spill contingency plan; and
 - (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note:

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

7. Prior to the commencement of the earthworks or construction activity on the subject site, a Traffic Management Plan (TMP) shall be prepared by a qualified site traffic management supervisor person or Traffic Engineer and shall ensure that the following matters are included at a minimum:

- (a) the control of the movement of earthmoving vehicles to and from the site
- (b) a designated heavy vehicle entry and exit point or points
- (c) a designated haulage route on the public roading network for heavy vehicles accessing the site
- (d) signage proposed to warn pedestrians and road users of heavy vehicle movements
- (e) measures to ensure that any mud, dirt or debris tracked on to the surrounding roads by heavy vehicles accessing the site is avoided and/or cleaned up if it occurs
- (f) any restrictions on the hours of site access on Thomas Road and Tir Conaill Avenue due to traffic concerns.

The TMP shall be submitted to the Senior Compliance Advisor, HPO. No earthworks or construction on the subject site shall commence until confirmation is provided from council that the TMP is satisfactory and any required measures referred to in that plan have been put in place.

Advice Note:

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

- 8. Prior to the commencement of the earthworks or construction activity on the subject site, a Construction Management Plan(CMP) shall be prepared and provided to the Senior Compliance Officer of the HPO for approval prior to the commencement of works. The CMP will cover issues relating to noise governed by NZ6803:1999 and vibration by the German Standard DIN 4150-3:1999. In addition the CMP will address issues of Health and Safety pertaining to the site and restriction of access to minors.

Pre-Construction Meeting

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

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;

- Erosion and Sediment Control Plan; and
- Chemical Treatment Management Plan.

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

Advice Note:

To arrange the pre-start meeting please contact the Senior Compliance Advisor, HPO to arrange this meeting at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

10. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Senior Compliance Advisor, HPO 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 pond, decanting earth bunds, cleanwater diversions, contour drains and super sit fences. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

Noise during Construction

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

Hours of Construction

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

- Monday to Saturday: 7:30a.m. to 6p.m
- Sundays or Public Holidays: no works

No obstruction of access

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

No deposition of soil or debris on road

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

Advice Note:

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

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

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

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Dust Control

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

Maintenance of Sediment Control

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

Stabilisation

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

Advice Note:

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 Senior Compliance Advisor, HPO to arrange this meeting at 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.

Seasonal Restrictions

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

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; and*
- *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 Senior Compliance Advisor, HPO 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.

Instability affecting neighbouring properties

20. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Senior Compliance Advisor, HPO.

Contamination

21. Any imported fill materials shall be tested in compliance with clean fill criteria as outlined in the Ministry for the Environment Guide for Managing Clean fills (2002), and evidence thereof provided to the Senior Compliance Advisor, HPO.
22. If evidence of contamination including asbestos containing material/fibre, which has not been identified through the site investigation, is discovered during excavation, the consent holder shall immediately cease the works in this vicinity and notify the Senior Compliance Advisor, HPO. In the event contamination is identified, a site contamination report and remedial action plan shall be submitted for approval by Senior Compliance Advisor, HPO.

SUBDIVISION

Street naming

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

Advice Note

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

Engineering Plan Approval (EPA) Requirements

24. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, HPO 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

- Earthworks and any retaining walls in accordance with the Geotechnical Investigation Report.
- Design and location of any counterfort and/or subsoil land drainage required and the proposed ownership and maintenance of the counterfort and/or subsoil land drainage.
- Finalised Construction Management Plan / Traffic Management Plan.

Roading

- Detailed design of all roads to be vested in Council including: intersections, bus stop relocation, bus stops, parking bays, cycling routes, pedestrian crossings, footpaths (including shared path connection to Thomas Road) and frontage improvements to Thomas Road. All roads shall be designed in accordance with the Auckland Transport Code of Practice.
- Detailed design of all traffic calming devices, street lighting, marking, signage, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (including traffic calming devices and safety measurements) shall be designed in accordance with the Auckland Transport Code of Practice.

Note: 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.

- Visibility assessment of all proposed roads - in particular the visibility at intersections and forward visibility around bends must meet design standards.
- Design of the vehicle crossing for Lot 26.

Services

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

Stormwater

- Stormwater management devices proposed to mitigate the impervious surfaces associated with the road reserve shall be designed and sized to meet the following requirements to mitigate runoff from all impervious area prior to discharge to streams:
 - Retention of 5mm of runoff depth at source; and
 - Detention (temporary storage) of 17.7mm for runoff from the 95th percentile 24 hour rainfall event either at source and the balance (if any) within communal devices.

The design of these devices shall meet the following criteria:

- i. Generally follow the proposed layout as shown on the Harrison Grierson stormwater plan referenced 136882, 400 rev D.

- ii. Ensure that the internal water storage volume for retention requirements is set below the subsoil outlet pipe.
 - iii. Be set offline from the primary stormwater reticulation network.
 - iv. Inflow and outflow arrangements are to be discussed and agreed with both Council and Auckland Transport prior to submitting for EPA.
 - v. Mulch or bark specification shall take into account the issue of floating mulch blocking outlets. This may require a higher density and specific weight of mulch.
 - vi. Outfalls designed to minimise erosion.
- Retention and detention for park edge roads (i.e. road 8 and part roads 4 and 6) be fully achieved via appropriately designed swales as generally shown on H&G Plan 136882, 400 rev D.

The Park Edge roads shall be designed to enable runoff to flow from the roads to the swales without restriction.

Note:

The retention and detention volume requirements have been revised from 10mm and 24.5mm respectively to 5mm and 17.7mm respectively, and this has been agreed with the Stormwater Unit.

- With respect to the dry detention device, detailed Engineering Plans shall be submitted as part of the EPA process showing:
 - the specific design details to achieve detention functions and to ensure the stormwater from the catchment can feasibly enter the stormwater device,
 - the position in relation the contours, stream and green infrastructure corridor, any walkways or other green infrastructure requirements including maintenance access, and
 - the design and location of the outlet pipes and outfalls
- Communal Devices:

Where stormwater devices and/or outfalls that are within the Transpower transmission corridor, the design of these devices shall show complete conformance with Transpower's requirements as provided in NZECP34.

This shall be provided at EPA stage and may affect the location, form and function of these devices.

Overland Flowpath

- Detailed engineering plans and calculations showing the location, depth, width and velocity of overland flow paths (OLFPs) through and within the site.
 - i. Calculation and designs shall show compliance with Councils code of practice. Where there is a deviation from this standard, it shall be noted and reasons given for this deviation.
 - ii. Where these OLFPs pass adjacent or through private residential lots, consent notices (and easements if necessary) shall be placed on the private titles requiring minimum floor levels based on the flood depth plus freeboard requirements of the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater.

As part of the application for Engineering Plan Approval, a suitably qualified and experienced engineering professional shall:

- Certify that all public roads and associated structures/facilities or accessways have been designed in accordance with the most current Auckland Transport Code of Practice at the time of EPA application.
- Certify that the proposed stormwater system or devices proposed have been designed in accordance with the most current Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater at the time of EPA application.
- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited (WSL).
- Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset.
- Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.

Advice Note

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 Stormwater Unit and Watercare Services Limited, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.

Section 223 Condition Requirements (s45 of HASHAA)

25. Within one year of the decision of the subdivision consent, the Consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with the approved subdivision plans in Condition 1 of this consent. The consent holder shall ensure that the following conditions have been met to the satisfaction of the SHA Consenting Manager, HPO:
- (a) Lot 74 shall be vested in Council as a road.
 - (b) Drainage easement in gross in favour of Auckland Council in relation to the dry detention device on Lot 75 and the associated infrastructure connected to it. The easement area shall include a 5m buffer from the edge of the device or flow.
 - (c) A registered surveyor or chartered professional engineer shall provide an as-built survey plan of the overland flow paths and required minimum finished floor levels for all private lots within or adjacent to the overland flow path.
 - (d) Easements shall be required where overland flow paths pass through private lots to protect these areas from future development including altering ground levels. The overland flow easement shall be duly granted and reserved.

- (e) Easements shall be registered on Lot 75 protecting the overland flow paths between the site and the streams. This is required to protect these necessary flow routes and ensure that no inappropriate development takes place in these areas. The overland flow easement shall be duly granted and reserved.

Section 224 Condition Requirements (s46 of HASHAA)

- 26. 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 (conditions 25-59):
- 27. The consent holder shall ensure that inspections are undertaken in accordance and recorded Development Engineering As-built requirements Ver1.2 September 2012 (DEAR) Quality assurance forms.

The consent holder shall prepare and submit asbuilts, statement of certification, asset register and RAMM data in accordance with the DEAR and submitted to Council for acceptance prior to the release of the 224(c) certificate.

Geotechnical Completion

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

The report shall also provide as-built information regarding earthworks, retaining walls and subsoil drainage.

Roads and Traffic

- 29. All roads (including Thomas Road upgrade) and ancillary facilities such as traffic calming devices, bus stop relocation, street lighting, marking, street signs, and street furniture (if any) to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.

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, 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

- 30. 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 SHA Consenting Manager, HPO.

Stormwater

31. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.
32. Individual private stormwater connections to the public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.
33. Video inspections of all public stormwater pipes and as-built plans for all public 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 of the lodgement of the application for the 224(c) certificate.
34. The consent holder shall prepare an Operation and Maintenance Manual for the stormwater management device, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management device(s). The Operation and Maintenance Manual shall submit to the SHA Consenting Manager, HPO 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 Auckland Council's Stormwater Pond / Wetlands Design Guideline 2005; most recent Auckland Council Technical Publications and Guidance Documents; Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater at the time of EPA application;
 - all the requirements as defined within network discharge consent and any subsequent variations;
 - details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
 - a programme for regular maintenance and inspection of the stormwater system;
 - a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
 - a programme for post storm maintenance;
 - a programme for inspection and maintenance of outfall erosion;
 - general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;
 - a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
 - recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Overland Flow Easement

35. The easement instrument for the overland flow paths shall be prepared by the Council's solicitor at the cost of the consent holder. The instrument shall require that:

- the owner of the lot is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, vegetation, fences, or any other impediments to prevent free flow of water.
- the owner of the lot is responsible to repair and maintain the overland flow path in its approved state and to prevent it from becoming a danger or nuisance;
- the owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.

36. The easement document shall include the following requirements:

- The land owner shall be responsible for the operation and maintenance of these devices and discharge channels in generally accordance with the Operation and maintenance manuals required to be developed at EPA stage and finalised at 224c.
- The landowner accepts the stormwater flows to and from these devices.
- No development or earthworks shall take place within these easements without the approval of Council as the dominant party to the easement.
- These easements shall be surrendered at the time of the land and devices are vested in Council.
- No compensation (financial or otherwise) shall be paid by Council to acquire these devices or the land associated with them

Minimum Floor Levels

37. The consent holder shall provide a stormwater report from a suitable qualified and experienced engineering professional to the satisfaction of HPOs Development Engineer identifying:

- The 1% AEP flood level for the site and the surrounding road reserves; AND
- A layout plan of the overland flow paths for the site and the adjacent land along the boundary in accordance with the standards in the conditions of this consent before Section 223 approval; AND
- The overland flowpath plan shall include as built cross sections of all roads including the ponding areas with levels before overtopping. Cross sections shall include the depth, width and velocity.
- At the completion of earthworks and after the formation of building platforms, a site survey of the contours are to be undertaken to assess if there are potentially overland flows generated within private property of the subdivision. A suitably qualified and experienced engineering professional is to advise if any private overland flowpaths generated exceed Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater requirements so the appropriate easements in favour of council can be provisioned.

Where either existing or proposed overland flow paths cross lot boundaries, the consent holder shall provide to Council plans to accompany easement(s) in favour of the Council. Any easement documentation shall be prepared by the Consent Holder's Solicitors to the satisfaction of Council's Solicitors. All costs are to be at the expense of the Consent Holder. The terms of these easements must prevent buildings, structures or other obstructions being erected in the overland flow path, and must require the land owner to maintain, weed and clean the overland flow paths to ensure an unobstructed flow of stormwater.

- The minimum floor level of all habitable buildings must be specified in the stormwater report at least 500mm higher than the 1%AEP flood level specified in the report. The free board of habitable buildings shall comply with the Stormwater Unit Code of Practice 2013. This can be enforced through a consent notice on the property unless the building consents have already been issued; AND
- No buildings, structures or other obstructions may be erected in the overland flow paths without written permission from the Council.

Wastewater

38. 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 the SHA Consenting Manager, HPO.
39. 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.
40. Video inspections of all public wastewater pipes as-built plans for all public 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 of the lodgement of the application for the 224(c) certificate.
41. 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

42. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.
43. 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.
44. Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans. Ducting of provide lines is recommended where they cross driveways.

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

Fire Hydrants

46. 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 SNZ PAS 4509:2008 to the satisfaction of Council. Detailed design and location of fire hydrant shall be submitted to Council for approval via Engineering Plans.
47. 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.
48. Evidence of undertaking the hydrant flow test and compliance with the standards above shall be provided with the 224 application.

Network Utility Services

49. 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.
50. 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 Trees

51. Street tree planting shall be implemented in accordance with the approved Harrison Grierson landscaping plan referenced 136822-600 dated 10.2015 in the first planting season following completion of the construction or upgrade works of the roads. Any conflict between the location of street trees and street lights shall be avoided. The street tree locations and frequency along Road 3 shall be amended to better reflect the street tree locations and frequency along Road 2.
52. The consent holder shall continue to maintain all plantings on the roads for a period of two years or three planting seasons whichever is the longer following written approval from the Manager, Local and Sports Parks (South) stating that the planting has been implemented in accordance with the approved Landscape Planting Plan.

A maintenance bond may be payable if a 224(c) Certificate pursuant to s46 of the HASHAA is to be issued within the maintenance period. The bond shall be held for a period of two years from the issue of the 224c certificate. The amount of the bond shall be 1.5 x the contracted rate for maintenance and shall be agreed with the SHA Consenting Manager, HPO.

Advice Note

At Council's discretion the above conditions relating to street trees may be satisfied at the issue of a 224(c) Certificate by a suitable payment to Council relating to the supply and maintenance of the required number of street trees.

Replacement of Damaged Plants

53. If any damage to the existing planting on the roads occurs during the 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 Manager, Local and Sports Parks (South).

Landscape Planting

54. The specimen trees and swale planting within Lot 75 as identified on the approved Harrison Grierson landscaping plan referenced 136822-600 dated 10.2015 shall be implemented by the consent holder prior to issue of the s224(c) certificate. The consent holder shall notify the SHA Consenting Manager, HPO once the planting is completed.

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

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

Consent Notices

56. Pursuant to s44 of the HASHAA and 221 of the RMA, consent notices shall be registered against the following Certificate(s) of Title to ensure that the following requirements will be complied with on a continuing basis:

Affordable Dwellings

Lots 27, 28, 29 and 30 shall be retained affordable dwellings and shall meet the affordability criteria set out in Criteria B of the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014.

Before title to Lots 27, 28, 29 and 30 are transferred to the registered community housing provider, the consent holder shall provide adequate proof to the SHA Consenting Manager, HPO that the sale price meets the criteria set out in Criteria B of the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014.

Stormwater Management

A Consent Notice shall be required for each residential lot requiring the installation and maintenance in perpetuity of a stormwater management system to ensure the following measures are provided for all impervious surfaces:

- Retention of 5mm of runoff depth, plus,
- Detention (temporary storage) of 17.7mm for runoff from the 95th percentile 24 hour rainfall event.

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

Geotechnical Completion Report

For each residential lot, the recommendations contained in the Geotechnical Completion Report or any addendums produced as part of the development, specifying information and recommendations relating to foundation design, minimum floor levels, retaining walls, and stormwater disposal plus any additional restrictions shall be continually upheld.

All buildings are to be designed and constructed in accordance with the recommendations of a suitably qualified engineer that is familiar with the site constraints and the contents and recommendations of the various geotechnical reports for the site.

Minimum floor level

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

Acoustic Design

For all lots, acoustic insulation and related ventilation and/or air conditioning system(s) shall be installed to achieve an internal environment in all habitable rooms, with all external doors of the building and all windows of the habitable rooms closed, of Ldn40dBA.

A report from a suitably qualified and experienced acoustic engineer stating that the building has been designed demonstrating compliance with the above shall be provided with a building consent application for the dwelling.

Stormwater Device on Lot 75

The lot owner is responsible for the operation and on-going maintenance of the stormwater dry pond device on Lot 75 in accordance with the approved operation and maintenance manual until such time as it is either vested in council or a body corporate that is responsible for the ownership and maintenance of the device is established, to the satisfaction of council. This does not imply or guarantee that the device will ever be accepted for vesting in council.

Attachment 3:

[QD2 CONDITIONS]

125 and 125A Murphys Road Qualifying Development Conditions – Reference 47901

General Conditions

57. The 53 lot 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 number 47901.

- Application Form, and Assessment of Environmental Effects titled 'Resource consents for a Qualifying Development associated with a subdivision application, land use application and associated works, 125 & 125A Murphys Road and 187 Flat Bush School Road, Flat bush, Assessment of Environmental Effects, dated August 2015, prepared by Mark Tollemache of Tollemache Consultants Limited.

Specialist Reports			
Title	Author	Reference	Date
Engineering Report	McKenzie & Co Consultants		07/08/15
Preliminary Site Investigation Addendum 125,125A & 125D Murphys Road, Flatbush	FOCUS Environmental Services Ltd		May 2014
Preliminary Site Investigation 187 & 241 Flatbush School Road	FOCUS Environmental Services Ltd		December 2014
QD Addendum NES Assessment letter	FOCUS Environmental Services Ltd		30/07/2015
ECR Assessment for Tributary A box Culvert	Freshwater Solutions		July 2015
Urban Design Statement	Construckt Urban Design Architecture		July 2015
Commute Traffic Impact Assessment	Commute Transportation Consultant		03/08/15
Proposed Road Embankment - Landscape and Visual Effects Assessment	LA4 Landscape Architects		07/08/15
Response to request for Further Information Under Section 28 of HASHAA	McKenzie & Co		1/10/15

Architectural and Landscape Drawings			
Ref. number	Title	Originator	Date
A.101	Compliance Schedule	Construkt Urban Design Architecture	9/06/15
A.102 B	Ground Floor Plans Unit A	Construkt	9/06/15
A.103 B	Ground Floor Plans Unit B	Construkt	9/06/15
A.201 B	Elevations – Unit A	Construkt	9/06/15
A.202 B	Elevations – Unit A	Construkt	9/06/15
A.203 B	Elevations – Unit B	Construkt	9/06/15
A.204 B	Elevations – Unit B	Construkt	9/06/15
A.301 B	Perspectives – Unit A	Construkt	9/06/15
A.302 B	Perspectives – Unit A	Construkt	9/06/15
LP01	Proposed Road Embankment Site Wide	LA4	07.08.15
LP02	Proposed Road Embankment	LA4	07.08.15
LP03	Proposed Riparian Planting	LA4	07.08.15
LP03	Proposed Road Embankment Steel Gabion Basket Retaining Wall Images	LA4	07.08.15

Engineering Drawings			
Ref. number	Title	Originator	Date
CO000	Cover Sheet	McKenzie & Co Consultants	06/10/15
TA000	Drawing Plans Table	McKenzie & Co	06/10/15
SP001	Proposed overall Scheme Plan with Aerial	McKenzie & Co	14/10/15
SP002	Proposed overall Scheme Plan with Aerial	McKenzie & Co	14/10/15
SP003	Proposed Scheme plan (Sheet 1 of 2)	McKenzie & Co	14/10/15
SP004	Proposed Scheme plan (Sheet 2 of	McKenzie &	14/10/15

	2)	Co	
SP005	Proposed Scheme Plan with balance Area	McKenzie & Co	14/10/15
SP006	Proposed Scheme Plan with Vector Gas Corridor(Sheet 1 of 2)	McKenzie & Co	14/10/15
SP007	Proposed Scheme Plan with Vector Gas Corridor(Sheet 2 of 2)	McKenzie & Co	14/10/15
EW001	Proposed Overall Earthworks Plan	McKenzie & Co	05/10/15
EW002	Finish Contour Plan (Sheet 1 of 3)	McKenzie & Co	05/10/15
EW003	Finish Contour Plan (Sheet 2 of 3)	McKenzie & Co	01/10/15
EW004	Finish Contour Plan (Sheet 3 of 3)	McKenzie & Co	07/08/15
EW005	Cut and Fill Contours Plan(Sheet 1 of 3)	McKenzie & Co	07/08/15
EW006	Cut and Fill Contours Plan(Sheet 2 of 3)	McKenzie & Co	07/08/15
EW007	Cut and Fill Contours Plan(Sheet 3 of 3)	McKenzie & Co	07/08/15
EW008	Overall Sediment and Erosion Control Plan	McKenzie & Co	01/10/15
EW009	Sediment and Erosion Control Plan(Sheet1 of 5)	McKenzie & Co	01/10/15
EW010	Sediment and Erosion (Sheet 2 of 5)	McKenzie & Co	01/10/15
EW011	Sediment and Erosion (Sheet 3 of 5)	McKenzie & Co	01/10/15
EW012	Sediment and Erosion (Sheet 4 of 5)	McKenzie & Co	01/10/15
EW013	Sediment and Erosion (Sheet 5 of 5)	McKenzie & Co	05/10/15
EW020	Erosion and Sediment Control Details (Sheet 1 of 2)	McKenzie & Co	05/10/15
EW021	Erosion and Sediment Control Details (Sheet 2 of 2)	McKenzie & Co	05/10/15
EW031	Culvert Construction Plan	McKenzie & Co	05/10/15
EW040	Extent of Earthworks Qualifying Development	McKenzie & Co	14/15/10
RD001	Overall Rooding Plan	McKenzie & Co	12/10/15

		Co	
RD002	Roading Plan (Sheet 1 of 2)	McKenzie & Co	05/10/15
RD003	Roading Plan (Sheet 2 of 2)	McKenzie & Co	01/10/15
RD004	Road Plan Intersection Detail Plan(Sheet 1 of 2)	McKenzie & Co	01/10/15
RD005	Road Plan Intersection Detail Plan(Sheet 2 of 2)	McKenzie & Co	05/10/15
RD008	Manukau Standard Kerb Channels and Pram Access Standard	McKenzie & Co	06/08/15
RD009	Typical Vehicle Crossing Plan	McKenzie & Co	06/08/15
RD010	Roading Plan Long Sections (Sheet 1 of 6)	McKenzie & Co	14/10/15
RD011	Roading Plan Long Sections (Sheet 2 of 6)	McKenzie & Co	14/10/15
RD012	Roading Plan Long Sections (Sheet 3 of 6)	McKenzie & Co	12/10/15
RD013	Roading Plan Long Sections (Sheet 4 of 6)	McKenzie & Co	12/10/15
RD014	Roading Plan Long Sections (Sheet 5 of 6)	McKenzie & Co	05/10/15
RD015	Roading Plan Long Sections (Sheet 6 of 6)	McKenzie & Co	05/10/15
RD020	Roading Plan Typical Cross Section (Sheet 1 of 2)	McKenzie & Co	06/08/15
RD021	Roading Plan Typical Cross Section (Sheet 2 of 2)	McKenzie & Co	05/10/15
RD030	Stream Crossing Plans Culvert & Retaining Wall Plan – Box Culvert	McKenzie & Co	05/10/15

	Options		
RD031	Stream Crossing Plans Retaining Wall Cross Section–Box Culvert Option	McKenzie & Co	05/10/15
RD032	Stream Crossing Plans Culvert Long Section Box Culvert Option	McKenzie & Co	05/10/15
RD033	Stream Crossing Plans Inlet & Outlet Details Box Culvert Options	McKenzie & Co	05/10/15
RD034	Stream Crossing Plans Retaining Wall-Long Sections–Box Culvert Option	McKenzie & Co	01/10/15
RD035	Stream Crossing Plans Culvert Elevation & Flow–Box Culvert Option	McKenzie & Co	30/09/15
RD036	Gabion and Pedestrian Barrier Fence Long Sections	McKenzie & Co	30/09/15
RD037	Pedestrian Barrier Fence Detail Plans	McKenzie & Co	05/10/15
RD038	Pedestrian Barrier Fence Long Sections	McKenzie & Co	05/10/15
RD040	Roading Plan Future Final Intersection	McKenzie & Co	05/10/15
RD041	Indicative Future Park Footpath Network	McKenzie & Co	14/10/15
RD042	Murphys and Park Edge Road-Tracking Curve (Sheet 1 of 4)	McKenzie & Co	14/10/15
RD043	Murphys and Park Edge Road-Tracking Curve (Sheet 2 of 4)	McKenzie & Co	05/10/15
RD044	Park Edge and Collector -Tracking Curve (Sheet 3 of 4)	McKenzie & Co	05/10/15
RD045	Park Edge and Collector -Tracking Curve (Sheet 4 of 4)	McKenzie & Co	05/10/15
RD046	Park Edge Road Pedestrian Crossing Detail	McKenzie & Co	05/10/15
RD050	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 1 of	McKenzie & Co	05/10/15

	10)		
RD051	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 2 of 10)	McKenzie & Co	06/10/15
RD052	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 3 of 10)	McKenzie & Co	05/10/15
RD053	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 4 of 10)	McKenzie & Co	06/10/15
RD054	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 5 of 10)	McKenzie & Co	06/08/15
RD055	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 6 of 10)	McKenzie & Co	06/08/15
RD056	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 7 of 10)	McKenzie & Co	06/08/15
RD057	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 8 of 10)	McKenzie & Co	06/08/15
RD058	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 9 of 10)	McKenzie & Co	06/08/15
RD059	Stream Crossing Works Road Section + Ex-Gas Mains(Sheet 10 of 10)	McKenzie & Co	06/08/15
DR001	Overall Stormwater plan and Overland Flow path	McKenzie & Co	14/10/15
DR002	Stormwater Plan (Sheet 1 of 2)	McKenzie & Co	14/10/15
DR003	Stormwater Plan (Sheet 2 of 2)	McKenzie & Co	01/10/15
DR006	MCC Stormwater Standard Details	McKenzie & Co	06/08/15
DR007	Typical Raingarden Details	McKenzie & Co	14/10/15
DR008	Typical Stepped Raingarden	McKenzie & Co	14/10/15
DR009	Culvert Crossing Plan	McKenzie & Co	14/10/15
DR010	Typical Level Spreader	McKenzie & Co	14/10/15

DR011	Stormwater Line Long Sections (Sheet 1 of 5)	McKenzie & Co	14/10/15
DR012	Stormwater Line Long Sections (Sheet 2 of 5)	McKenzie & Co	14/10/15
DR013	Stormwater Line Long Sections (Sheet 3 of 5)	McKenzie & Co	14/10/15
DR014	Stormwater Line Long Sections (Sheet 4 of 5)	McKenzie & Co	14/10/15
DR015	Stormwater Line Long Sections (Sheet 5 of 5)	McKenzie & Co	14/10/15
DR020	Overall Sewer Plan	McKenzie & Co	14/10/15
DR021	Sewer Plans (Sheet 1 of 5)	McKenzie & Co	14/10/15
DR022	Sewer Plans (Sheet 2 of 5)	McKenzie & Co	14/10/15
DR023	Sewer Plans (Sheet 3 of 5)	McKenzie & Co	14/10/15
DR024	Sewer Plans (Sheet 4 of 5)	McKenzie & Co	14/10/15
DR025	Sewer Plans (Sheet 5 of 5)	McKenzie & Co	14/10/15
DR026	Sewer Plans Provisioning for possible future connection	McKenzie & Co	14/10/15
DR031	Sewer Line Long Sections (Sheet 1 of 4)	McKenzie & Co	14/10/15
DR032	Sewer Line Long Sections (Sheet 2 of 4)	McKenzie & Co	14/10/15
DR033	Sewer Line Long Sections (Sheet 3 of 4)	McKenzie & Co	14/10/15
DR034	Sewer Line	McKenzie & Co	14/10/15

	Long Sections (Sheet 4 of 4)		
DR035	Sewer Flow Calculation Sheet	McKenzie & Co	14/10/15
DR040	Tree Pit and Raingarden Detail plans (Sheet 1 of 5)	McKenzie & Co	14/10/15
DR041	Tree Pit and Raingarden Detail plans (Sheet 2 of 5)	McKenzie & Co	01/10/15
DR042	Tree Pit and Raingarden Detail plans (Sheet 3 of 5)	McKenzie & Co	01/10/15
DR043	Tree Pit and Raingarden Detail plans (Sheet 4 of 5)	McKenzie & Co	14/10/15
DR044	Tree Pit and Raingarden Detail plans (Sheet 5 of 5)	McKenzie & Co	01/10/15
DR050	Sewer manhole Pipe Dropper and Benching Detail Plan (Sheet 1 of 3)	McKenzie & Co	06/10/15
DR051	Sewer Manhole Pipe Dropper and Benching Detail Plan (Sheet 2 of 3)	McKenzie & Co	06/10/15
DR052	Sewer Manhole Pipe Dropper and Benching Detail Plan (Sheet 3 of 3)	McKenzie & Co	06/10/15
DR053	Sewer Manhole Typical Stainless Steel Safety Grille	McKenzie & Co	06/10/15
UT001	Utilities Overall Plan	McKenzie & Co	01/10/15
UT002	Utilities Plan (Sheet 1 of 3)	McKenzie & Co	01/10/15
UT003	Utilities Plan (Sheet 2 of 3)	McKenzie & Co	01/10/15
UT004	Utilities Plan	McKenzie &	01/10/15

	(Sheet 3 of 3)	Co	
UT005	Detailed Water plan	McKenzie & Co	01/10/15
UT006	Detailed Power plan	McKenzie & Co	01/10/15
UT007	Detailed Gas plan	McKenzie & Co	01/10/15
UT008	Detailed Telecom plan	McKenzie & Co	01/10/15
UT009	Detailed Connection Plan(Sheet 1 of 2)	McKenzie & Co	01/10/15
UT010	Detailed Connection Plan(Sheet 2 of 2)	McKenzie & Co	05/10/15
UT011	Road Cross Section Utilities and Sewer Lines (Sheet 1 of 3)	McKenzie & Co	14/10/15
UT012	Road Cross Section Utilities and Sewer Lines (Sheet 2 of 3)	McKenzie & Co	
UT013	Road Cross Section Utilities and Sewer Lines (Sheet 3 of 3)	McKenzie & Co	01/10/15
UT020	Concrete Anchor Blocks Duct Tees and Bends detail plan 1	McKenzie & Co	01/10/15
UT021	Concrete Anchor Blocks Duct Tees and Bends detail plan 2	McKenzie & Co	01/10/15
UT022	Concrete Anchor Blocks Duct Tees and Bends detail plan 3	McKenzie & Co	01/10/15
UT023	Concrete Anchor Blocks Duct Tees and Bends detail plan 4	McKenzie & Co	01/10/15
CP001	Scheme Plan PC20 Structure plan Overlay	McKenzie & Co	01/10/15
CP002	Scheme plan Precinct Plan Overlay	McKenzie & Co	01/10/15
CP003	Scheme Plan Zoning Plan Overlay	McKenzie & Co	01/10/15
CP004	Scheme Plan PC20 Structure plan Overlay @ scale 1000	McKenzie & Co	01/10/15
CP005	Scheme plan Significant Ecological	McKenzie & Co	01/10/15

	Area Plan	Co	
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Section 28 Response - Other Additional Information	
Reference	Date
Preliminary Site Investigation Addendum 125,125A & 125D Murphys Road, Flatbush, FOCUS Environmental Services Ltd	May 2015
Addendum NES Assessment for the Proposed Waste Water Infrastructure FOCUS Environmental Services Ltd	30/07/15
Preliminary Site Investigation 125 Murphys Road, Flat Bush Groundwater and Environmental Services	06/05/2014
Preliminary Site Investigation 187 & 241 Flatbush School Road, FOCUS Environmental Services Ltd	December 2014
Memorandum; Bridge Design for Otara Creek Tributary A (Proposed Culvert 1), McKenzie & Co Consultants	18/09/15
Lighting Performance Predictions, Advanced Lighting Technologies	23/09/15
Stormwater Design Calculations-SMF Retentions & Detention for Roads McKenzie & Co Consultants	30/09/15
WSD Options for Lots, McKenzie & Co Consultants	September 2015
Overland Flow Paths, Qualifying Development, 125 Murphys Road, McKenzie & Co Consultants	30/09/15
Overland Flow path Calculations, McKenzie & Co Consultants	30/09/15
Wastewater Catchment Plan, Qualifying Development, 125 Murphys Road, McKenzie & Co Consultants	01/10/15
Wastewater Design Calculation Report, McKenzie & Co Consultants	01/10/15
Sewer Plans, Future Sewer Route Through Murphys Bush Park(OPTION 1) McKenzie & Co Consultants	01/10/15
Memorandum: Wastewater Options, Qualifying Development 125 Murphys Road, McKenzie & Co Consultants	07/07/2015
SS Flow Calculations, McKenzie & Co Consultants	01/10/15
Wastewater Through 187 Flat Bush School Road, Qualifying Development, McKenzie & Co Consultants	01/10/15
Proposed Water Supply Network Qualifying Development, McKenzie & Co Consultants	01/10/15
McKenzie & Co Consultants & Auckland Council Correspondence , McKenzie & Co Consultants	21/09/105

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

58. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
- (a) All fixed charges relating to the receiving, processing and granting of this resource consent applied under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013;
 - (b) All additional charges imposed under section 76 the HASHAA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge; and
59. The consent holder shall pay any subsequent further charges imposed under section 77 of the HASHAA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under sections 77(2) of the HASHAA and 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

60. The consent holder shall pay any subsequent further charges imposed under section 77 of the Housing Accords and Special Housing Area Act (HASHAA) 2013 relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 77 HASHAA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.

61. Under section 51 of the Housing Accords and Special Housing Area Act (HASHAA) 2013, the subdivision consent lapses two year after the date it is granted.

EARTHWORKS

Pre- Construction Conditions

62. Prior to the commencement of earthworks at the site, a revised Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Senior Compliance Advisor, HPO. The plan shall include as a minimum:

- (a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
- (b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
- (c) Details of optimum dosage (including assumptions);
- (d) Results of initial chemical treatment trial;
- (e) A spill contingency plan; and
- (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note:

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

63. Prior to the commencement of the earthworks or construction activity on the subject site, a Traffic Management Plan (TMP) shall prepared by a qualified site traffic management supervisor person or Traffic Engineer and shall ensure that the following matters are included at a minimum:
- (a) the control of the movement of earthmoving vehicles to and from the site
 - (b) a designated heavy vehicle entry and exit point or points
 - (c) a designated haulage route on the public roading network for heavy vehicles accessing the site
 - (d) signage proposed to warn pedestrians and road users of heavy vehicle movements
 - (e) measures to ensure that any mud, dirt or debris tracked on to the surrounding roads by heavy vehicles accessing the site is avoided and/or cleaned up if it occurs

The TMP shall be submitted to the Senior Compliance Advisor, HPO. No earthworks or construction on the subject site shall commence until confirmation is provided from council that the TMP is satisfactory and any required measures referred to in that plan have been put in place.

Advice Note:

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

64. Prior to the commencement of the earthworks or construction activity on the subject site, a Construction Management Plan (CMP) shall be prepared and provided to the Senior Compliance Officer of the HPO (or its successor) for approval prior to the commencement of works. The CMP will cover issues relating to noise governed by NZ6803:1999 and vibration by the German Standard DIN 4150-3:1999. In addition the CMP will address issues of Health and Safety pertaining to the site.

Pre-Construction Meeting

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

- (a) is located on the subject site;
- (b) is scheduled not less than 5 days before the anticipated commencement of earthworks;
- (c) includes Senior Compliance Advisor, HPO or alternative representative;
- (d) includes the supervising Registered Engineer; and
- (e) includes representation from the contractors who will undertake the works.

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Erosion and Sediment Control Plan; and
- Chemical Treatment Management Plan.

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

Advice Note:

To arrange the pre-start meeting please contact the Senior Compliance Advisor, HPO to arrange this meeting at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392. The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

66. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Senior Compliance Advisor, HPO 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 pond, decanting earth bunds, cleanwater diversions, contour drains and super sit fences. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

Noise during Construction

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

Hours of Construction

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

- Monday to Saturday: 7:30a.m. to 6p.m
- Sundays or Public Holidays: no works

No obstruction of access

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

No deposition of soil or debris on road

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

Advice Note:

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

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

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

It is recommended that you discuss any potential measures with the Senior Compliance Advisor, HPO who may be able to provide further guidance on the most appropriate approach to take.

Dust Control

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

Maintenance of Sediment Control

72. All Decanting Earth Bunds (DEBs) utilised during earthworks shall be designed to ensure that they:

- (a) have a two percent storage capacity, being at least two cubic metres of impoundment volume for every 100m² of contributing catchment;
- (b) have a level invert and two layers of geotextile covering and pinned securely to the emergency spillway to prevent erosion;
- (c) use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment;

All DEBs shall be chemically treated in accordance with the approved Chemical Management Plan.

Advice Note:

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

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

Stabilisation

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

Advice Note:

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 Senior Compliance Advisor, HPO to arrange this meeting at 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.

Seasonal Restrictions

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

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; and*
- *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 Senior Compliance Advisor, HPO 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.

Instability affecting neighbouring properties

77. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Senior Compliance Advisor, HPO.

LAND USE CONDITIONS – DWELLINGS ON LOTS 5, 14, 25, 34 AND 35

General

78. The construction of the dwellings on Lots 5, 14, 25, 34 and 45 shall be carried out in accordance with the approved plans and all information submitted with the application referenced in Condition 1, including the provision of an on-site stormwater management system in accordance with the approved plans and supporting technical documents.

Affordable Housing

79. As allocated by the applicant, the dwellings on Lots 5, 14, 25, 34 and 45 shall be "Affordable Dwellings". The Affordable Dwellings shall meet the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014.
80. Before any dwelling in the development that are deemed to be affordable under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014, is occupied, or title to that dwelling is transferred, the consent holder shall provide to the Senior Compliance Advisor, SHA Consenting a statutory declaration from the purchaser of the Affordable Dwelling that the purchaser meets all the following criteria
- (a) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
 - (b) The purchaser has paid a price for the Affordable Dwelling which is not more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014, which is \$461,250;
 - (c) 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;
 - (d) The purchaser is a first home buyer and has never owned any other real property; and
 - (e) 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.

Sustainability

81. At building consent stage for each new dwelling on Lots 5, 14, 25, 34 and 35, the consent holder shall provide for approval in writing of the SHA Consenting Manager, HPO, copies of the design ratings demonstrating that the dwellings achieve the 6 Homestar requirement of the Chapter H, Rule 6.4.2.1 of the Proposed Auckland Unitary Plan.
82. Within 3 months of the issuing of the Code of Compliance Certificate for the building the consent holder shall provide copies of all Homestar Certificates in order to demonstrate that each dwelling has been constructed in accordance with the design ratings to achieve the 6 Homestar requirement of the H.6.4.2.1 of the Proposed Auckland Unitary Plan, to the satisfaction of the SHA Consenting Manager, HPO.

Landscaping

83. For the dwellings on Lots 5, 14, 25, 34 and 35, prior to application for building consent, the consent holder shall provide for approval in writing by the SHA Consenting Manager, HPO, a detailed landscape planting plan including location, planting species and sizes on the residential lots. The plan shall also detail fencing designed in compliance with the respective Proposed Auckland Unitary Plan rules.
84. Prior to occupation of any of the units, the landscaping shall be implemented in accordance with the approved plans required above and shall be maintained thereafter.

SUBDIVISION CONDITIONS

Street naming

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

Advice Note

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

Engineering Plan Approval (EPA) Requirements

86. Prior to the commencement of any construction work or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, HPO 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

- Earthworks and any retaining walls in accordance with the Geotechnical Investigation Report.
- Design and location of any counterfort and/or subsoil land drainage required and the proposed ownership and maintenance of the counterfort and/or subsoil land drainage.
- Finalised Construction Management Plan / Traffic Management Plan.

Roading

- Detailed design of all roads to be vested in Council including: intersections, bus stops, parking bays, cycling routes, pedestrian crossings, footpaths (including shared path connection to Thomas Road) and frontage improvements to Thomas Road. All roads shall be designed in accordance with the Auckland Transport Code of Practice.
- Detailed design of all street lighting, marking, signage, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (including traffic calming devices and safety measurements) shall be designed in accordance with the Auckland Transport Code of Practice.

Note: 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.

- Visibility assessment of all proposed roads - in particular the visibility at intersections and forward visibility around bends must meet design standards.
- Design of the vehicle crossing for Lot 42 and 43.

Services

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

Stormwater

- Stormwater management devices proposed to mitigate the impervious surfaces associated with the road reserve shall be designed and sized to meet the following requirements to mitigate runoff from all impervious area prior to discharge to streams:
 - Retention of 5mm of runoff depth at source; and
 - Detention (temporary storage) of 17.7mm for runoff from the 95th percentile 24 hour rainfall event.

The design of these devices shall meet the following criteria:

- i. Generally follow the proposed layout as shown on the McKenzie & Co. Consultants Ltd SW Plan referenced DR003, rev B
- ii. Combine both retention and detention requirements in a single device

- iii. Ensure that the internal water storage volume for retention requirements is set below the subsoil outlet pipe
 - iv. Be set offline from the primary SW reticulation network
 - v. Inflow and outflow arrangements are to be discussed and agreed with both Council and Auckland Transport prior to submitting for EPA.
 - vi. Mulch or bark specification shall take into account the issue of floating mulch blocking outlets. This may require a higher density and specific weight of mulch.
 - vii. Outfalls designed to minimise erosion.
- In respect to the raingarden devices within Lot 501, detailed Engineering Plans shall be submitted as part of the EPA process showing:
 - the specific design details to achieve detention functions and to ensure the stormwater from the catchment can feasibly enter the stormwater device,
 - the position in relation the contours, stream and green infrastructure corridor, any walkways or other green infrastructure requirements including maintenance access,
 - the design and location of the outlet pipes and outfalls, and
 - An operation and maintenance manual.
 - Detailed engineering plans and calculations showing the location, depth, width and velocity of overland flow paths (OLFPs) through and within the site.
 - i. Calculation and designs shall show compliance with Councils code of practice. Where there is a deviation from this standard, it shall be noted and reasons given for this deviation.
 - ii. Where these OLFPs pass adjacent or through private residential lots, consent notices (and easements if necessary) shall be placed on the private titles requiring minimum floor levels based on the flood depth plus freeboard requirements of the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater.

Culvert Stream Crossing

- The stream crossing associated with the new public road shall be in general accordance with the McKenzie & Co. Consultants Ltd drawings referenced RD 030 to RD 033. The final design of the culvert associated with this stream crossing shall comply with the following technical specifications:
 - i. Auckland Council CoP, s4
 - ii. TP 131 & 366 for Fish Passage
 - iii. Auckland Transport CoP, c18 structures
 - iv. NZTA Bridge Manual, SP/M/022

As part of the application for Engineering Plan Approval, a suitable qualified and experienced engineering professional shall:

- Certify that all public roads and associated structures/facilities or accessways have been designed in accordance with the Auckland Transport Code of Practice.

- Certify that the proposed stormwater system or devices proposed have been designed in accordance with the 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, May 2015 prepared by Watercare Services Limited (WSL).
- Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset.
- Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.

Advice Note

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 Stormwater Unit and Watercare Services Limited, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.

Section 223 Condition Requirements (s45 of HASHAA)

87. Within two years of the decision of the subdivision consent, the Consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with the approved subdivision plans in Condition 1 of this consent. The consent holder shall ensure that the following conditions have been met to the satisfaction of the SHA Consenting Manager, HPO:
- (a) Lots 100 and 101 shall be vested in Council as a road.
 - (b) A certificate from a licensed cadastral surveyor that any retaining walls on the site and its ancillary and supporting structure are clear of the proposed lot boundaries immediately parallel to the wall.
 - (c) Drainage easement in gross in favour of Auckland Council in relation to the raingarden devices on Lot 501 and the associated infrastructure connected to it. The easement area shall include a 5m buffer from the edge of the devices.
 - (d) A registered surveyor or chartered engineer shall provide an as-built survey plan of the overland flow paths and required minimum finished floor levels for all private lots within or adjacent to the overland flow path.
 - (e) Easements shall be required where overland flow paths pass through private lots to protect these areas from future development including altering ground levels. Such easements shall be duly granted and reserved.
 - (f) Easements shall be registered on Lots 500 and 501 protecting the overland flow paths between the site and the streams. This is required to protect these necessary flow routes and ensure that no inappropriate development takes place in these areas. Such easements shall be duly granted and reserved.

- (g) Written approval from Natural Gas Corporation/Vector is required for the cancellation of easement A within the areas of the site required to be vested as road.

Section 224 Condition Requirements (s46 of HASHAA)

88. 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 (conditions 33-66):
89. The consent holder shall ensure that inspections are undertaken in accordance and recorded Development Engineering As-built requirements Ver1.2 September 2012 (DEAR) Quality assurance forms.
90. The consent holder shall prepare and submit asbuilts, statement of certification, asset register and RAMM data in accordance with the DEAR and submitted to Council for acceptance prior to the release of the 224(c) certificate.

Geotechnical Completion

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

The report shall also provide as-built information regarding earthworks, retaining walls and subsoil drainage.

Roads and Traffic

92. All roads (including the Murphys Road intersection upgrade) and ancillary facilities such as street lighting, marking, street signs, and street furniture (if any) to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.

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, 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.

Stormwater

93. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.
94. Individual private stormwater connections to the public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.

95. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved Engineering Plans and the 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.
96. 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 of the lodgement of the application for the 224(c) certificate.
97. The consent holder shall prepare an Operation and Maintenance Manual for the stormwater management devices, setting out the principles for the general operation and maintenance for the stormwater system and the associated management device(s). The Operation and Maintenance Manual shall submit to the SHA Consenting Manager, HPO 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 Auckland Council's Stormwater Pond / Wetlands Design Guideline 2005; most recent Auckland Council Technical Publications and Guidance Documents; Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater (at the time of EPA lodgement);
 - all the requirements as defined within network discharge consent and any subsequent variations;
 - details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
 - a programme for regular maintenance and inspection of the stormwater system;
 - a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
 - a programme for post storm maintenance;
 - a programme for inspection and maintenance of outfall erosion;
 - general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;
 - a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
 - recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Overland Flow Easement

98. The easement instrument for the overland flow paths shall be prepared by the Council's solicitor at the cost of the consent holder. The instrument shall require that:

- the owner of the lot is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, vegetation, fences, or any other impediments to prevent free flow of water.
- the owner of the lot is responsible to repair and maintain the overland flow path in its approved state and to prevent it from becoming a danger or nuisance;
- the owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.

99. The easement document shall include the following requirements:

- The land owner shall be responsible for the operation and maintenance of these devices and discharge channels in generally accordance with the Operation and maintenance manuals required to be developed at EPA stage and finalised at 224c.
- The landowner accepts the stormwater flows to and from these devices.
- No development or earthworks shall take place within these easements without the approval of Council as the dominant party to the easement.
- These easements shall be surrendered at the time of the land and devices are vested in Council.
- No compensation (financial or otherwise) shall be paid by Council to acquire these devices or the land associated with them.

Minimum Floor Levels

100. The consent holder shall provide a stormwater report from a Qualified Registered Engineer (CPeng) or Registered Professional Surveyor (RPSurv) to the satisfaction of HPOs Development Engineer identifying:

- The 1% AEP flood level for the site and the surrounding road reserves; AND
- A layout plan of the overland flow paths for the site and the adjacent land along the boundary in accordance with the standards in the condition above before Section 223 approval; AND
- The overland flowpath plan shall include as built cross sections of all roads including the ponding areas with levels before overtopping. Cross sections shall include the depth, width and velocity; AND
- At the completion of earthworks and after the formation of building platforms, a site survey of the contours are to be undertaken to assess if there are potentially overland flows generated within private property of the subdivision. A suitably qualified and experienced engineering professional is to advise if any private overland flowpaths generated exceed Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater requirements so the appropriate easements in favour of council can be provisioned; AND

Where either existing or proposed overland flow paths cross lot boundaries, the consent holder shall provide to Council plans to accompany easement(s) in favour of the Council. Any easement documentation shall be prepared by the Consent Holder's Solicitors to the satisfaction of Council's Solicitors. All costs are to be at the expense of the Consent Holder. The terms of these easements must prevent buildings, structures or other obstructions being erected in the overland flow path, and must require the land owner to maintain, weed and clean the overland flow paths to ensure an unobstructed flow of stormwater; AND

- The minimum floor level of all habitable buildings must be at least 500mm higher than the 1%AEP flood level specified in the report. This can be enforced through a consent notice on the property unless the building consents have already been issued; AND
- No buildings, structures or other obstructions may be erected in the overland flow paths without written permission from the Council.

Wastewater

101. 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 the SHA Consenting Manager, HPO.
102. 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.
103. Video inspections of all public wastewater pipes as-built plans for all public 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 of the lodgement of the application for the 224(c) certificate
104. 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

105. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the SHA Consenting Manager, HPO.
106. 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.
107. Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans. Ducting of provide lines is recommended where they cross driveways.

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

Fire Hydrants

109. 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.
110. 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.
111. Evidence of undertaking the hydrant flow test and compliance with the standards above shall be provided with the 224(c) application.

Network Utility Services

112. 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.
113. 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 Trees

114. The consent holder shall provide a street tree landscape planting plan including location, planting species and sizes on the proposed roads. The plan shall also detail landscaping of the portion of road reserve affected by the vector gas line adjacent to Lots 41-44. Species and locations of street trees shall avoid conflict with the locations of street lights.
115. Street tree planting shall be implemented in accordance with the approved landscaping plan in the first planting season following completion of the construction or upgrade works of the roads. Any conflict between the location of street trees and street lights shall be avoided.
116. The consent holder shall continue to maintain all plantings on the roads for a period of two years or three planting seasons whichever is the longer following written approval from the Manager, Local and Sports Parks (South) stating that the planting has been implemented in accordance with the approved Landscape Planting Plan.
117. A maintenance bond may be payable if a 224(c) Certificate pursuant to s46 of the HASHAA is to be issued within the maintenance period. The bond shall be held for a period of two years from the issue of the 224(c) certificate. The amount of the bond shall be 1.5 x the contracted rate for maintenance and shall be agreed with the SHA Consenting Manager, HPO.

Landscape Planting – Culvert Crossing and Raingardens within Lot 501

118. The consent holder shall provide a detailed landscaping plan for approval in writing by the SHA Consenting Manager, HPO, showing all landscape planting, trees and landscape works associated with the proposed culvert crossing and raingardens proposed within Lot 500 and 501 as indicated on the approved LA4 planting plans LP01, LP02 and LP03 and approved engineering plans. The detailed landscaping plan shall include riparian planting north of the culvert crossing to connect through to Murphys Bush SEA. In particular the plans shall:

- (a) be prepared by a suitably qualified landscape architect;
- (b) identify all new planting to be undertaken on the site;
- (c) identify all hard and soft landscape works;
- (d) include specifications for plant condition and planting methodology; and
- (e) include details of the intended species, spacing, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged, established and maintained.
- (f) The planting on Murphys Bush reserve requires right of entry. In the event this is not provided, the above planting on the northern side of the culvert is not required.

Advice Note:

It is recommended that discussion be held with Parks staff prior to submitting the planting plan in order to obtain advice on the most appropriate species and landscaping elements to use.

119. The approved landscape planting plan shall be implemented by the consent holder prior to issue of the s224(c) certificate. The consent holder shall notify SHA Consenting Manager, HPO once the planting is completed.

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

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

Consent Notices

122. Pursuant to s44 of the HASHAA and 221 of the RMA, consent notices shall be registered against the following Certificate(s) of Title to ensure that the following requirements will be complied on a continually basis:

Affordable Dwellings

Before titles to Lots 5, 14, 25, 34 and 45 that are deemed to be for affordable dwellings under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014, are transferred, the consent holder shall provide to the SHA Consenting Manager, HPO a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria:

- (a) The purchaser's gross income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
- (b) The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2014 - Schedule 4A, Flat Bush Stages 2 and 3 Strategic Special Housing Area dated 31 July 2014, which is \$461,250;
- (c) 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;
- (d) The purchaser is a first home buyer and has never owned any other real property; and
- (e) The purchaser is a natural person and is purchasing the Affordable Dwelling in their own name and not in the name of any other person.

This consent notice ceases to have effect 3 years after the date of transfer of title to the first purchaser.

Stormwater Management

A Consent Notice shall be required for each residential lot requiring the installation and maintenance in perpetuity of a stormwater management system sized to ensure the following measures are provided for all impervious surfaces:

- Retention of 5mm of runoff depth, plus,
- Detention (temporary storage) of 17.7mm for runoff from the 95th percentile 24 hour rainfall event.

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

Geotechnical Completion Report

For each residential lot, the recommendations contained in the Geotechnical Completion Report or any addendums produced as part of the development, specifying information and recommendations relating to foundation design, minimum floor levels, retaining walls, and stormwater disposal plus any additional restrictions shall be continually upheld.

All buildings are to be designed and constructed in accordance with the recommendations of a suitably qualified engineer that is familiar with the site constraints and the contents and recommendations of the various geotechnical reports for the site.

Minimum floor level

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

Stormwater Device on Lot 501

The owner(s) of this lot is responsible for the operation and on-going maintenance of the stormwater devices on Lot 501 in accordance with the approved operation and maintenance manual until such time as it is either vested in council or a body corporate that is responsible for the ownership and maintenance of the device is established, to the satisfaction of council. This does not imply or guarantee that the device will ever be accepted for vesting in council.