

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

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

PURSUANT TO SECTION 61 OF THE HOUSING ACCORDS AND SPECIAL HOUSING AREAS ACT 2013 PROPOSED PLAN VARIATION 6 TO THE PROPOSED AUCKLAND UNITARY PLAN IS APPROVED SUBJECT TO MODIFICATIONS.

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

THE FULL DECISIONS ARE SET OUT BELOW

Application Number (s):	
Site Address:	Hayfield Special Housing Area at Hingaia; 55 Hayfield Way (qualifying development)
Applicants:	Hayfield SHA Limited (plan variation); Gar Gar Limited (qualifying development)
Hearing Commenced:	23 November 2015, 9.30am

Application Number (s):	
Accord Territorial Authority Panel:	Miss Leigh McGregor Mr Barry Kaye Mrs Sheena Tepania Mr Bill McEntee (Local Board member)
Appearances:	<p><u>For the Plan Variation applicant:</u></p> Mr Douglas Allan, senior legal counsel, with Ms J Beresford Mr Nigel Hosken, applicant's representative Ms Lauren White, urban design Ms Alice Lin, planning consultant Mr Neville Smyth, engineer Mr Colin Cranfield, stormwater engineer Mr John Parlane, traffic engineer Ms Karen Sky, ecologist Dr Sarah Phear, archaeologist Mr Jim Dahm, coastal engineer Mr Tim Heath, economist Mr Shane Lander, geotechnical engineer
	<p><u>For the Qualifying Development applicant:</u></p> Mr Douglas Allan, senior legal counsel, with Ms J Beresford Mr Nigel Hosken, applicant's representative Ms Lauren White, urban design Ms Alice Lin, planning consultant Mr Neville Smyth, engineer Mr Colin Cranfield, stormwater engineer Mr John Parlane, traffic engineer
	<p><u>For the Council:</u></p> Ms Alina Wimmer, principal planner, Development Programme Office (plan variation) Ms Ila Daniels, project planner (qualifying development)

Application Number (s):	
	Mr Evan Keating, transport planner Auckland Transport Dr Aut Karndacharuk, traffic engineer Auckland Transport Mr Richard Davison, urban designer Ms Katja Huls, stormwater engineer Mr Mark Iszard, stormwater engineer Mr James Mather, democracy advisor, hearings
Hearing adjourned	26 November 2015
Commissioners' site visit	Wednesday 18 November 2015
Hearing Closed:	19 January 2016

DECISIONS OF THE ACCORD TERRITORIAL AUTHORITY

1.0 INTRODUCTION

1.1 These decisions follow a public hearing of concurrent applications made on behalf of Hayfield SHA Limited ("Hayfield") under the Housing Accords and Special Housing Areas Act 2013 ("HASHAA") for a variation to the Proposed Auckland Unitary Plan ("PAUP") to create what will be known as the Hingaia 2 Precinct and a subsequent subdivision consent application by Gar Gar Limited to facilitate development of a 57 hectare parcel of land in the Hingaia Special Housing Area located on the Hingaia Peninsula in South Auckland. Ultimately the SHA as a whole is expected to provide around 900 affordable houses.

1.2 The Hingaia SHA was approved as part of the Auckland Council's second tranche of special housing areas and was formally established by an Order in Council in December 2013, although plans to urbanise this area have been formulated over a number of years, including a structure planning process conducted by the former Papakura District Council. One outcome of that earlier work was application of the Future Urban zone to most of the Hingaia Peninsula. This is effectively a holding zone, designed so that infrastructure, open space and roading can be considered at the time of full urbanisation. The zone allows only very limited subdivision and that applies only to boundary adjustments of up to 10% and for the installation of infrastructure. Hingaia lies within the Rural Urban Boundary ("RUB") established by

the PAUP but does not fall inside the Metropolitan Urban Limit described by the operative Auckland Regional Policy Statement.

- 1.3 The current applications were heard by the Accord Territorial Authority, comprised of three independent Hearings Commissioners and a Local Board member, with delegated power to make the decisions on the applications on behalf of the Auckland Council.
- 1.4 Two other applications, involving separate variations to the PAUP and proposals for qualifying developments under the HASHAA, were heard at the same time. The decisions on those matters are being considered separately as different applicants were involved along with different parts of the Hingaia SHA area. One of those applications (“KARLA”) was also heard by a differently constituted Accord Territorial Authority because of a conflict on the part of Mr McEntee.
- 1.5 The proposed plan variation sought by Hayfield affects an area bounded by Oakland Drive to the east, Hingaia Road to the south, Strathallan College to the west and Bottle Top Bay and Drury Creek to the north. Hayfield has sought to rezone this area from Future Urban in the Papakura section of the Auckland District Plan as well as the PAUP as notified to a combination of the Mixed Housing Suburban, Mixed Housing Urban and Neighbourhood centre zones, and to establish a new Hingaia 2 Precinct which will have its own specific provisions and precinct plans in the PAUP. The neighbourhood centre is to be established on the corner of Oakland and Hingaia Roads and the Mixed Housing Urban zone will be adjacent to it so the more intensive development in this area will be based around that intersection. (A similar zoning pattern was proposed by the KARLA variation application for the opposite, eastern, corner of Hingaia and Oakland Roads.)
- 1.6 Any objectives, policies, rules, maps and overlays in the PAUP which are not amended by the specific provisions in the approved variation text will continue to apply to the land once the PAUP becomes operative. Among other things, the Precinct provisions proposed, should we agree to all of them, would introduce new rules that: limit the gross floor area of retail tenancies, create a more restrictive consent status for certain types of commercial activities, allow for a slightly higher height limit, amend a landscaping rule, make changes to the rear yard requirements in the Mixed Housing Suburban and Mixed Housing Urban zones, and classify dwellings on sites of less than 600m² that adjoin an esplanade reserve as a restricted discretionary activity. A new rule introducing landscaping requirements for either

side of a stream bank will be introduced as well as for privately owned sites adjoining public open space.

- 1.7 Pursuant to section 59 of the HASHAA we have no jurisdiction to amend any regional provisions, including those in the proposed Regional Policy Statement that is contained in the PAUP. The required assessment is to be made against those regional provisions as they were notified in September 2013 – and not as they may have subsequently evolved during the PAUP hearing process.
- 1.8 The subdivision application by Gar Gar Limited must be considered only after the decision on the proposed plan variation has been made. Accordingly, the variation is considered first and once that decision has been reached it is followed by our decision on the subdivision matter.
- 1.9 The proposed subdivision is for land at 55 Hayfield Way in Hingaia. Consent has been sought for a comprehensive vacant lot subdivision for 31 residential lots that range in size from 407m² to 1379m², eight superlots of between 1322m² and 1782m² for future development, a coastal esplanade, drainage reserves, a new intermittent stream and associated roads and infrastructure. The Gar Gar development will eventually produce seven affordable homes, intended to be located on the eastern side of the application land using land in one of the superlots (Lot 22), with 74 such houses being provided overall.
- 1.10 An esplanade reserve of a minimum 20 metre width is to be provided along the coastal edge. This will include landscaping and planting installed by the consent holder. Three internal roads have been proposed and will be vested in the Council. These will be designed in accordance with cross sections and will include footpaths, on-street parking bays, rain gardens, street trees and street lighting along with vehicle crossings. In the vicinity of Strathallan College, Hayfield Road will be upgraded including creating a new footpath on the north western side and a pedestrian refuge to connect with the existing pathway. The earthworks proposed involve removing an existing irrigation pond and associated spillway structure and construction of a new intermittent stream in a new private drainage lot. The stream will be privately maintained.
- 1.11 Both applications were notified on a limited basis. While eight submissions were lodged with the Council in respect of the proposed variation and four others addressed the subdivision application, all had been withdrawn by the time the

hearing was held. Consequently, the decisions on both applications address a limited range of issues which were raised by Council officers and consultants and also by the Commissioners themselves and which had not been resolved by the time the hearing concluded.

- 1.12 Following receipt of the submissions, reports on each of the applications were prepared by the Housing Projects Office (“HPO”)¹ at the Council with Ms Wimmer having reported on the proposed variation application and Ms Daniels dealing with the subdivision proposal with input from other specialists in both cases. We refer to these as “the Council’s report(s)”. The application materials and the HPO reports convey considerable detail of the area involved as well as the proposals and the relevant plans and statutory instruments. Because of this, and also because there are no ‘live’ submissions required to be considered, it is not necessary for much of that detail to be repeated except to the extent that it relates directly to the issues under discussion.

2.0 THE PROPOSED VARIATION TO THE PAUP

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

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

¹ Now the Development Programme Office (“DPO”)
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(e) any other relevant provision or relevant statute.

- 2.2 The purpose of the HAASHA as set out in section 4 is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues. That provision can be taken to have been satisfied by the fact that this SHA has been approved and gazetted and the application for the variation has subsequently been made. If the zonings proposed by Hayfield are approved, a variety of housing forms will be provided, including higher density development around the neighbourhood centre which will increase the potential yield for this land.
- 2.3 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 sustainable management, as that expression is defined by section 5(2). Section 6 requires that all persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources are to recognise and provide for seven matters of national importance which are listed. In this case the applicable matters of national importance are the protection of historic heritage from inappropriate subdivision, use and development; enhancement of the natural character of the coastal edge (section 6(a)); and enhancement of public access along the coastal marine area (section 6(d)).
- 2.4 We have found that the heritage requirement is satisfied by the proposed variation (and the subdivision application also) recognising one registered heritage item, the remnants of a midden ("R12/684"), in this part of the Hingaia Peninsula and providing for avoidance of any damage to it. The qualifying development conditions also include requirements for training and reporting, and an accidental discovery protocol.
- 2.5 The midden site is identified in the PAUP as a site or place of value to Mana Whenua as well as being scheduled for protection in the district plan and as a historic heritage place in the PAUP under Category B (considerable significance) on the basis of its knowledge values. In her archaeological assessment on behalf of the applicant Dr Phear advised that this site can no longer be located and, further, concluded that the site has low archaeological value based on the Heritage NZ criteria. Overall her conclusion was that adverse effects on archaeology are likely to be minor and can be mitigated.

- 2.6 However while the scheduled midden could not be located despite investigations by Clough & Associates she noted it might actually still be present in some form and, further, that there is potential for unrecorded archaeological sites relating to Maori settlement to be present in the north-western extent of the development area. Her assessment of the contextual value of the site stated “... *there are 10 other Maori sites within 500m of R12/684, the majority being midden, but also a pa located on the opposite shoreline. The midden should be considered part of this larger archaeological landscape related to Maori settlement / resource procurement in the area. It plays a minor but valuable role in the archaeological landscape*”. In terms of Heritage New Zealand’s cultural associations criteria she recorded that the site and landscape have Maori cultural associations, the significance of which is for Mana Whenua to determine.
- 2.7 Dr Phear’s report stated that “...*it is possible that any remaining midden may be located within the development boundaries, in particular within lots 70-74, where the earthworks plan indicates some cutting works will be required. Similarly, any tree clearance, planting and landscaping works within the esplanade reserve in this area may also disturb any remains of the midden. A footpath is proposed through the esplanade reserve, located on the upper slope near the boundary with the residential lots, and it passes through the area where the midden was recorded. Therefore an Authority will be required.*” We understand that an Authority dated 12 October 2015 (ref. 2016/269) has been granted by Heritage New Zealand to the applicant and covers the whole development area.
- 2.8 In section 7 of the RMA other matters are to be paid ‘particular regard’ and these include: the efficient use and development of natural and physical resources; maintenance and enhancement of amenity values; any finite characteristics of natural and physical resources; and the intrinsic values of ecosystems. As will be apparent further on, we have paid particular regard to those matters when reaching our decision.
- 2.9 Section 8 of the RMA requires that the principles of the Treaty of Waitangi are to be taken into account. In that context, relevant matters for section 6 can also arise. Three Cultural Impact Assessments (“CIAs”) were provided with the applications. These were prepared on behalf of each of Ngāti Tamaoho, Te Ākitai Waiohua and Ngāti Te Ata.

Ngāti Tamaoho

- 2.10 The CIA prepared by Lucie Rutherford of the Ngāti Tamaoho Trust affirmed the connection of Ngāti Tamaoho to the *wai* (waters) and *whenua* (lands) of the Tamaki Isthmus and Waikato region. It highlights Hingaia as an area of great importance, in particular as the name originates from a Ngāti Tamaoho tupuna who held mana over the area. It noted the traditional importance of the area due to its strategic location and acknowledged the significance of the area to Ngāti Tamaoho as kaitiaki. A primary concern related to the inherent quality of the waters of the Manukau Harbour and its environs. The CIA recorded some of the history of the area, the value of water, traditional foods of the area, treatment of contaminants and the appropriate management of effects.
- 2.11 Some of the recommendations made by Ngāti Tamaoho included: provision for the “Te Aranga Design Principles” in the project design; adoption of recommendations made by the project archaeologist Dr Phear to mitigate effects on historic heritage; protection of the natural landform around the coastal perimeter; removal of weed species; that viewshafts are to be retained and protected; that the overland flow and streams are to be retained and enhanced; that all stormwater is based around water sensitive design with vegetated swales and rain gardens being provided for as the main stormwater devices; provision for cultural monitoring during all topsoil removal; and provision for naming roads.

Te Ākitai Waiohua

- 2.12 The CIA prepared by Te Ākitai Waiohua Waka Taua Incorporated dated 2015 sets out the history the iwi has with the area and their strong spiritual (*Taha wairua*) association with the land which provides its people with a sense of meaning, connection and purpose. This CIA recorded the longstanding relationship that Te Ākitai Waiohua has with Karaka, Hingaia and the surrounding environs, all of which play an integral part of their history, *whakapapa* (genealogy), mythology and tribal stories. Papakura, Hingaia and Karaka were noted as important sites of occupation and cultivation for Te Ākitai Waiohua through to the mid-19th century, with the Pahurehure Inlet and Karaka shoreline along the east coast of the Manukau Harbour also used and occupied by Waiohua through to at least the 1850s and providing a ready supply of food (*kaimoana*) and transport to the wider Manukau Harbour.

- 2.13 Some of the recommendations made by Te Ākitai Waiohūa to address their concerns are based on their support for the seven Te Aranga Cultural Landscape Principles as they relate to this application. In terms of participation, Te Ākitai Waiohūa recommended ongoing participation, consultation and involvement of Te Ākitai Waiohūa in all phases of the project, including sharing information about the application as it becomes available. Te Ākitai Waiohūa recommended that provision is made for blessings (*karakia*) before commencement of earth or waterworks. They noted their desire to explore opportunities for Te Ākitai Waiohūa to resume a role as kaitiaki in the area and acknowledgment of the history of Te Ākitai Waiohūa in the area through accurate 'historical' signage of landmarks and correct naming. The CIA also recommended iwi monitoring of earth and water works, use of stormwater proprietary devices to maintain and improve water quality and flow, water sensitive design, and separation of fresh water from stormwater. Te Ākitai Waiohūa supported the development of internal neighbourhood parks for passive and active recreation, preservation of the natural and cultural landscape in the design, and long term maintenance of the area where possible.

Ngāti Te Ata

- 2.14 The 2015 Kaitiaki Plan prepared by Ngāti Te Ata records Ngāti Te Ata as one of the recognised mana whenua iwi of the Karaka area and surrounding land including Waitete Pa (Waiau Pa) and Titi Hill (Patumahoe), the ancestral *maunga* (mountain) westward and in close proximity to the variation site. The Kaitiaki Plan sets out the kaitiaki outcomes sought for Ngāti Te Ata, a general description of their cultural landscape and historical association with the area, and highlights that the Karaka region has always been regarded by iwi as having a strategic position in relation to Tamaki Makaurau.
- 2.15 Ngāti Te Ata also supported the 'Te Aranga Cultural Landscape Principles and Design Approaches' recommending naming rights, landmark acknowledgment, and reintroduction of natural landscape elements and native planting. They suggested careful stormwater management, ways to recognise their kaitiaki status, water sensitive design, and appropriate accidental discovery protocols. Ngāti Te Ata stated that they supported the recommendations made by Ngāti Tamaoho and indicated strong support for the recommendations made by Dr Phear as reiterated in their CIA. They stated:

“Given recorded archaeological sites at the stream mouth and historic Maori and colonial use of the Manukau Harbour, the treatment of the esplanade reserve is key to identifying cultural and natural heritage values and their management. Those residential sites located immediately adjacent to the stream and foreshore need to be set back sufficiently to allow for high-quality environmental management and public access to the stream and foreshore.

It is recommended that the history of the Karaka area be recognised as one aspect of the site’s historic heritage value and that consideration be given as to how the history of the village is be acknowledged in tandem with the Maori cultural and amenity values of the site.”

- 2.16 For the most part the principles of these CIAs and their respective recommendations have been recognised and provided for through water sensitive design and the ability to require replanting with native vegetation at the time of subdivision, the proposed stormwater provisions for the Precinct that will address on-site effects, setting aside land for reserve purposes, and qualifying development consent conditions which address effects on historic heritage and cultural values. The applicant also confirmed that ongoing consultation will occur with interested iwi groups and the outcomes from the consultation will be reported to the Council. No issues were raised in any of the CIAs that would preclude consideration of the applications or result in a finding that they should be declined.
- 2.17 We were also provided with copies of the relevant Iwi Management Plan and Issues Statements for this area which are planning documents for the purposes of section 74 (2A)(a) of the RMA. In the Council’s report Ms Wimmer provided a brief summary and analysis of the Iwi Management Plan prepared by Ngāti Te Ata, the Iwi Issues and Values paper by Ngāti Tamaoho, and the Issues and Priorities statement of Te Ākitai. Having perused the content of these documents, we agree with her analysis and, coupled with the more site-specific CIAs, we find that nothing in the proposed variation, or in the subdivision application, offends the intentions of any of those documents.
- 2.18 The Council’s report informed us with respect to the Regional Policy Statement embodied in the PAUP that quality urban growth is identified as a key regional outcome in Part 1, Chapter B sections 2.1 and 2.2. It was apparent that consultation with the local community has been ongoing for many years. The Future Urban zone in the operative section of the District Plan and currently in the PAUP were each

based on this. The proposed Hingaia 2 Precinct sought by the variation is consistent with the expectation that the land would be developed for residential use (as the name “Future Urban” implies).

- 2.19 For the avoidance of any doubt, under section 61(4) of the HASHAA the variation is not required to give effect to the operative Auckland Regional Policy Statement or to the operative regional plans to the extent that the proposed RPS and regional plans in the PAUP are more consistent with the purpose of the Act. We accept the advice that the relevant provisions of the PAUP are more consistent and that the PAUP is the primary document to be considered. We record further that there was no challenge to this. As already mentioned, there is no power to amend the RPS in the PAUP as part of the current process.
- 2.20 In terms of the “quality urban growth” policy in the PAUP the urban design measures incorporated into the proposed variation and/or recommended by the Council have satisfied us that this policy will be met as has the applicant’s design statement which expressly worked through all the relevant criteria in the New Zealand Urban Design Protocol.
- 2.21 The open space proposals in the variation request were proposed to be amended by the Council’s recommendations shifting the applicant’s proposed neighbourhood parks from inland to the coast. We discuss this aspect later. We have concluded that overall the proposal aligns with the Council’s strategy and outcomes for open space as expressed in Chapter B, section 3.6 of the RPS in the PAUP. Whether or not a particular park is developed, and its configuration if it is, will be matters for future resource consent applications. The liveability of residential neighbourhoods is related to the close proximity of houses to small, as well as medium and large, areas of open space. In this case, the area has the benefit of a coastal frontage as well.
- 2.22 Turning to district matters for the purpose of section 74 (2) of the RMA, the Hingaia land forms an important part of the Council and the Local Board’s growth aspirations for the Papakura area. Consideration of the operative District Plan (Papakura Section) before reaching our decision on the variation is technically required by section 74 of the RMA but that consideration is actually precluded by the HASHAA provisions.
- 2.23 Sections 74 to 77D of the RMA are effectively procedural provisions which set out various matters to which a consent authority is to have regard whenever formulating

and finalising the provisions of a district plan, including proposed changes to such a plan. We have borne those provisions in mind when considering the variation application and finalising the provisions to be included in the PAUP. The final version of the text to be inserted in the PAUP is attached at the end of this decision document as Attachment 1.

3.0 THE PLAN VARIATION

- 3.1 Hayfield is seeking a plan variation under the HASHAA to rezone 57 hectares of land on the western end of the Hingaia Peninsula. The variation seeks to rezone this land under the PAUP to Mixed Housing Suburban, Mixed Housing Urban and Neighbourhood Centre with overlaid precinct provisions.
- 3.2 The peninsula presents a combination of gently rolling and flat topography with mature shelterbelts throughout. The plan variation area is typical of this. It has two coastal edges, one to the north in the Bottletop Bay area and the other on Drury Creek adjacent to the site of Strathallan College at the western end of Hayfield Way. The intention is to continue an esplanade reserve around the entire peninsula to create a continuous movement network as well as good interface and surveillance options. However there are large properties of high value on the northern coast and as these may never be subdivided or developed opportunities for connections along the coast could be limited as a result.
- 3.3 A large multi-functional space surrounded by higher density housing is shown at the centre of the plan variation land and will function as a drainage reserve as it responds to the natural topography and drainage patterns. This feature will be described in more detail in our decision on the qualifying development application as it is a key component of that proposal. Two neighbourhood parks are shown on the proposed Precinct plan: both of those are inland also. The Council's urban designer sought that the indicative parks be relocated to the coast, a suggestion the applicant strongly opposed. That issue is discussed later in the decision.
- 3.4 Access to the plan variation area is achieved from a major arterial, Hingaia Road, and from there along from Oakland Road which is proposed to be a collector road from its intersection with Hingaia Road in the south to its intersection with Derbyshire Lane (located on what is known as the "KARLA" plan variation land) to the north. Hingaia Road is the principal access from both the Southern Motorway and the Papakura township to the east and carries traffic not only to Hingaia but also to the

Franklin district to the west. The Hingaia local centre is based on Hingaia Road. The proposed Neighbourhood Centre for the Hayfield SHA will be based on one side of the Hingaia Road-Oakland Road intersection and we were satisfied by Mr Heath's economic analysis that the proposed floorspace limit to be applied to it is both appropriate and necessary to ensure it does not compete with larger centres.

- 3.5 Hayfield Way forms the "spine" of the plan variation area and has a reserve width of 20 metres. As a connector road it will be formed with a seven metre carriageway and an off-road cycle path. It culminates at the private road to Strathallan College where the entry to the qualifying development area, to be developed as stage 1 of "Karaka Waters", will be formed as a gateway feature.
- 3.6 The proposed movement hierarchy is aligned with future development on the wider peninsula and will support options for walking, cycling and public transport. Hayfield Way has a road reserve width of 20 metres and forms the spine of the area. As a connector road it will have a 7 metre formed carriageway and an off road cycle path. Some local roads were proposed by the applicant, but the Council required more.
- 3.7 The open space network shown in the plan variation area includes the esplanades, stream corridors, stormwater basins, pedestrian connections and neighbourhood parks. As noted, the design statement prepared by Ms White of Harrison Grierson addressed the matters required by the PAUP and assessed the proposed qualifying development against the New Zealand Urban Design Protocol as required by section 34 (1) of the HASHAA.
- 3.8 The proposed Precinct provisions include landscaping rules which address the boundary of the esplanade reserve to ensure an appropriate interface. A rule requires that if a fence of over 1.2 metres is erected on the boundary with the esplanade, a vegetated strip is to be provided for the full length of that boundary. Fencing controls will also apply to any lot adjoining the central drainage reserve. These require that fences may be a maximum height of 1.5m and 70% visually impermeable in order to secure passive surveillance over that reserve. As well as that retaining walls, which are needed to create building platforms, are to have a maximum height of a metre and are to be constructed or faced with stone to provide an attractive edge. Any fences placed on top of the retaining walls over half a metre may not exceed one metre.

- 3.9 Weed species and inappropriate exotic trees will be removed and replaced with native vegetation considered suitable for the coastal environment and harbour escarpment. Clusters of native coastal trees will be planted to frame views of the harbour. The esplanade reserve will include a three metre wide combined walkway and cycleway with sections of boardwalk wherever level changes are greater than a metre.
- 3.10 The Council proposed a 10 metre building yard restriction along the coastal frontage of any lots on the coast, and justified this in part on apprehensions regarding potential coastal erosion. Mr Dahm's evidence as a very experienced coastal scientist who is well known to the Commissioners, was that even with the worst likely coastal erosion over the next 100 years a considerable width of the esplanade reserve would nevertheless remain. He saw no issue with sea level rise. As there was no evidence to contradict his expert opinion, the 10 metre building yard requirement has been removed.
- 3.11 The Council required that coastal lots are a minimum of 600m² in area. There was an issue as to whether any under-dimensioned (smaller) coastal lots are to be considered as a restricted or non-complying activity. Ms Lin's planning evidence argued that a non-complying classification would conflict with a proposed rule in the Mixed Housing Suburban zone activity table in the variation provisions. She recommended a change to the text so that vacant lots would be considered as non-complying activities while subdivisions of sites with an already approved land use consent for dwellings would have the less stringent restricted discretionary activity classification applied. The reason for that is although any reduction in vacant lot sizes would potentially compromise the desired built form and coastal amenity outcomes where dwellings have already been designed and approved, any subdivision around the approved built form requires a lower level of scrutiny given the overarching assessment that will have already occurred when considering the buildings and associated development.
- 3.12 Adjacent to the central drainage reserve and very close to the coast a 191m² wetland, considered by freshwater ecologist Ms Sky to be highly degraded, will be restored and enhanced. This work will include native specimen plantings, weed removals and flow augmentation. The qualifying development provides for stormwater attenuation and treatment in the drainage reserve which should protect

water quality in the Drury Creek. Stormwater treatment will also be provided through raingardens in the road reserves and future on-site treatment devices.

- 3.13 New wastewater reticulation will be constructed and connected to the Watercare network through existing infrastructure managed by Veolia in this area. Veolia has recently completed an extension to the trunk gravity main in this area which previously terminated at the southern end of Hinau Road to the east of the site. This now extends to the existing Watercare wastewater pump station at Drury. The trunk system enables servicing for the majority of the residential development envisaged for the Hayfield plan variation area. Where the soils are not impervious, site-specific solutions for stormwater soakage at a slow rate will be developed.
- 3.14 Mr Smyth's evidence was a new reticulated water supply will be constructed in the development. A bulk watermain is located on the northern side of the Hingaia Road-Kahuanui Drive intersection relatively close by. This will be extended and will supply a link through to the Oakland and Hingaia Road intersection for the Hayfield plan variation area.
- 3.15 Overall we were satisfied that the plan variation area will be appropriately serviced in terms of infrastructure. This conclusion had also been reached by Hayfield's infrastructure engineer, Mr Smyth, and the Council's reporting engineer and was not challenged. (While we have made no direct mention of telecommunications infrastructure in the preceding text this can be readily achieved through use of microwave technology if desired so we do not regard it as an issue of any moment.)

4.0 ISSUES RAISED FOR THE PLAN VARIATION

- 4.1 A number of issues with the detail of the proposed text for the variation were raised. The first was objective 9 (previously objective 11) of the plan variation which sets out to "ensure that affordable housing is distributed throughout the location in which resource consent is sought". The applicant argued that, as drafted, this objective appeared to focus on the area subject to each resource consent application rather than the distribution of affordable housing throughout the Precinct. As a result if the objective was to remain as currently expressed it could result in an uneven distribution of such housing which would be determined by the extent of land subject to each application, which in turn may compromise the integrity of the layout and efficiency of each development.

- 4.2 Hayfield proposed that this objective be amended to read “to ensure that affordable housing is distributed throughout the Precinct” instead. This revised wording was supported by the Council and has been adopted.
- 4.3 Part “6.X.7.8”, which deals with the Oakland and Hingaia Road intersection, provided a trigger requiring that this intersection is to be signalised once 700 building consents have been issued. Hayfield objected to the measure on the grounds that it predetermines the method required to address untenable cumulative traffic effects when they will actually be a function of many factors, not necessarily the development being proposed (and from our experience not necessarily occurring in the immediate area). From Hayfield’s perspective any mitigation measures should be designed with reference to those factors and those will be manifest only at the time when the application is being made. Mr Allan said it would be preferable for the nature and extent of adverse effects to be determined at the relevant time along with the method required to resolve them. In the reply to the evidence he said this issue relates to the area as a whole and the proposed rule would unfairly place a burden on whoever happens to seek consent for the 701st dwelling in the area.
- 4.4 Mr Parlane agreed in his traffic evidence that eventually traffic signals will be needed at this intersection but he did not support the proposed trigger which had been inserted into the variation text. He said if approved it would sit in the PAUP as an economic penalty for whoever happens to develop the next houses (after the 700 unit limit is reached) as that person would be required to pay for the signals. After that everyone else would be able to develop without making any contribution. Secondly, the signals will be required only if all of the other traffic growth assumptions made by Opus International Consultants in the modelling eventuate. If the Hayfield Way area and neighbouring KARLA development occur more rapidly than the growth in traffic assumed by the modelling “the lights will end up being installed before they are needed to mitigate traffic effects”.
- 4.5 A memorandum prepared on behalf of Auckland Transport was provided as part of the final comments from the Council officers and consultants. The advice from Mr Keating in this memorandum was development triggers are a planning tool to ensure that required infrastructure keeps pace with development and ensure that any associated traffic effects are addressed. He said triggers also mean that each subsequent resource consent application does not have to re-litigate the required

transport infrastructure, and there would be consistency across the multiple land holdings.

- 4.6 His memorandum advised that the trigger of 700 units having been constructed in either or both of the Hayfield or KARLA areas which then required the Hingaia Road-Oakland Road intersection to be signalised was not intended to be a mechanism for allocating cost for the required upgrades. The Council has developed a Local Residential Growth Fund for use on residential growth projects including Special Housing Areas. He said this fund can be used to 'bridge the gap' where there are multiple landowners with the costs of any works to be recovered under Local Government Act processes. He recommended that the trigger remain in the variation provisions. He said these two areas along with all the others on the peninsula should be subject to a trigger requiring Hingaia Road to be widened when a level of 1300 units is reached overall.
- 4.7 In her final comments Ms Wimmer recommended the requirement to signalise the intersection when 700 units have been constructed to be removed because there was no consensus between the transport specialists and this requirement also relied on effects shared between this plan variation and the neighbouring KARLA variation proposal.
- 4.8 We consider that the proposed trigger is a cumbersome tool that would be locked into the PAUP provisions and thus create issues around adaptive management appropriate to this aspect of future development and effects management. The Local Residential Growth Fund would potentially provide a mechanism whereby at least part of any development contributions would be 'banked' to grow a fund that can be used to address installing traffic signals at the time when they are clearly established to be necessary. Even if that is not ultimately the best method, we are not convinced that the crude 700 unit trigger is an appropriate RMA tool to be enshrined in the plan provisions. For that reason we are not including it in the approved variation provisions.
- 4.9 Other traffic proposals that had been inserted by the Council were also contentious and we cover those shortly.
- 4.10 The Commissioners queried the relationship between the proposed Precinct's stormwater rules dealing with stormwater management because the applicant's evidence and the Council's technical reports referred to PAUP provisions as

discussed and proposed to be amended during the continuing Unitary Plan hearings. The HASHAA makes it clear that we must address the PAUP as it was originally notified and not as it may have subsequently been aired and/or agreed through the hearings that are considering its content, and furthermore the statute also specifies that we have no power to amend regional rules in the PAUP through the HASHAA process. No final decisions on any of the PAUP provisions have yet been made and in any event the Panel which has been constituted to consider it has no power to make decisions, it can only recommend: the final decisions on the content of the PAUP rest with the Council itself. Consequently we suggested that this evidence could be inappropriate.

- 4.11 The reply argued that the stormwater rules for the Precinct are necessarily district rules in nature and would also affect a very limited area. In the applicant's view they identify an adequate and appropriate response in terms of stormwater to the circumstances and characteristics of this Precinct area and the relevant receiving environment.
- 4.12 Given that the purpose of these HASHAA variations is to tailor provisions to a specific area, and in many cases the variation provisions will replace rather than supplement those in the PAUP, together with Mr Allan's argument that these are district rather than regional rules, we are prepared to accept the proposed measures as a response for this particular Hingaia land.
- 4.13 As summarised by Ms Wimmer in her final comments on behalf of the Council after hearing all the evidence, along with an additional issue of concern to the Commissioners, the principal issues that remained actively in contention for the proposed plan variation once the hearing had concluded were:
 - (a) Whether a cap of 650 dwellings to be established in the Precinct as recommended should be maintained;
 - (b) The extent of any VAR restrictions, no access restrictions, and the proposed rule requiring that the Hingaia Road-Oakland Road intersection be signalised when a specified level of development had been issued with building consents;
 - (c) Whether a separated cycle lane is required along Oakland Road and the associated Oakland Road cross-section in the Precinct Plans;

- (d) A recommended rule requiring a 10 metre coastal yard on lots adjacent to the esplanade reserves;
- (e) A proposed rule for on-site stormwater management and whether it should apply only to intermittent and permanent streams;
- (f) Details of the rear yard and landscaping provisions;
- (g) The Precinct diagram map and the Council's recommended changes to it;
- (h) The location of proposed parks on the Precinct Plan; and
- (i) Concerns regarding newly introduced affordable housing requirements, and in particular a recommended requirement that any person buying an affordable home must occupy it for at least three years.

4.14 To the extent that we have not already done so we comment on each issue she listed. We note that most had been resolved by the time the applicant's reply to the evidence was received after the hearings concluded with only three issues then remaining actively in contention. We cover those under the sub-headings that follow (which also address other issues as well).

Proposed development cap of 650 dwellings

- 4.15 The Commissioners understand from Mr Parlane this cap was derived by Flow Transportation consultants, and used in its Integrated Transport Assessment for the entire SHA, from an estimation of likely yields for the Hayfield plan variation area. Mr Parlane's opinion was the figure was "simply an assumption" and had been shown to work well with the assumed road improvements. He did not support a firm cap on the number of dwellings to be built, saying it was not supported by the evidence and is inconsistent with the goals of the HASHAA.
- 4.16 Ms White said she was not aware of the justification for the proposed restriction but from an urban design perspective she could not support it. She said good urban design practice requires inherently sustainable design which maximises the use of the valuable land resource and promotes public transport which is more viable where higher residential densities are enabled. The Hingaia 2 Precinct can and should support higher density residential development in appropriate locations around

amenity. That outcome would be significantly compromised by the yield cap proposed which in her opinion would be contrary to the purpose of the HASHAA.

- 4.17 In the memorandum lodged on behalf of Auckland Transport in response to the evidence, its senior transport planner Mr Keating advised that due to the complex nature of the peninsula with numerous plan variations and multiple landowners the traffic modelling had been conducted on an holistic basis to determine which roads and intersections needed to be upgraded and at what level of development. Further research had been conducted by Opus International Consultants and this concluded that sub-precinct caps were not required. Mr Keating said based on the timeframes, uncertainties and multiple assumptions which are inherent in traffic modelling there was an insufficient level of certainty regarding adverse effects to justify a planning rule as proposed for the sub-precincts.
- 4.18 Ms Wimmer's view was a development control that imposes a density cap is flawed and would not achieve its intended resource management purpose. She supported the comments made by Mr Keating on this aspect.
- 4.19 Our decision is that there is no fundamental evidential basis for the proposed cap on dwelling numbers particularly when the overarching purpose of HAASHA is to facilitate the provision of dwellings in SHAs. The effects of density are more properly addressed by a suite of focussed urban design management tools rather than by using a housing number limit which has little empirical basis.

VAR restrictions, no access restrictions, and signalisation of intersection

- 4.20 The question of the proposed trigger requiring traffic signals to be installed at the Oakland Rd-Hingaia Road intersection was covered earlier. The other contentious traffic matters were the Council's proposals for Vehicle Access Restrictions ("VARs"), or no access restrictions, to be required on some roads in the plan variation area, and Auckland Transport's desire for separated rather than shared cycle paths to be created in the development. The cycle paths are discussed under the next sub-heading (although inevitably arise under the access restrictions topic as well).
- 4.21 The Council's report recommended that 'no access' controls should be imposed on the Hingaia Road frontage of the variation area and the western side of Oakland Road. This would prevent any traffic movements onto and from the properties that have frontage to those streets. Vehicle access to these properties is proposed to be

classified as a restricted discretionary activity. Any site adjoining the shared path on Oakland Road must secure alternative access because of this control. Those on the southern side of Hayfield Way must be able to accommodate on-site manoeuvring in order to prevent vehicles from reversing over the shared path there as Hayfield Way will be subject to a VAR control.

- 4.22 Mr Parlane said in his traffic engineering evidence for Hayfield that it is common practice to restrict access on arterial roads particularly in close proximity to intersections and other locations where access could pose a safety hazard or where access could compromise the road's function. He said the PAUP (in Chapter C1) already provides for limiting access to arterials and provides the Council with a discretion when considering any application which involves access to and from such roads. His advice was that it is appropriate to use a 'no access' control on arterial roads and to restrict access so that local roads join the arterial(s) at well designed intersections. In the case of Hingaia Road he expected there will be a need for one intersection from the Hayfield Precinct to Hingaia Road and ideally that would be located so it forms a cross road with Towai Road on the southern side.
- 4.23 The recommendation that there be 'no access' restriction(s) on Oakland Road was not supported by Mr Parlane on the basis that this is a collector road and functions as a local through route as well as supplying access for those sites which will have frontage to it. In his experience it would be "highly unusual" to impose a 'no access' restriction on a collector road. He suggested the restriction could also lead to an undesirable speed limit. He explained this by referring to a document titled 'Speed Limits New Zealand', published by the New Zealand Transport Agency in consultation with the Ministry of Transport, which sets speed limits based on the number of accesses and the nature of the roadside development. Mr Parlane said most roads with access on only one side would have a 70km/h speed limit unless there happened to be a school in the same road.
- 4.24 Ms White said in the course of her urban design evidence for Hayfield that rear lane accesses – which would be required if no access can be gained directly from the road – are very restrictive and inefficient as they use a lot of land. She said this is not appropriate in the Mixed Housing Suburban zone but could be expected in the Mixed Housing Urban zone. She said "*.. rear lanes which remove individual property access from public roads and shared paths are a practical and beneficial solution in higher density residential developments*" but are unlikely to "*..be economic in*

significant numbers as required by the Council's proposed controls in the Mixed Housing Suburban zone where the majority of the houses will be detached and on sections of 400m² or more". Other potential solutions involve paired driveways to reduce the number of crossings over a shared path, or ensuring that vehicles can turn on the front of a property and then exit in a forward movement. Her opinion was these issues should be addressed at the time of subdivision when the conditions of a subdivision consent and/or consent notices can be used as mechanisms to require use of shared driveways. She considered it desirable to provide flexibility with respect to how vehicle access is to be achieved.

- 4.25 The PAUP policies and objectives, contained in Chapter C1.2, allow for access prohibitions at motorways and arterial roads and in certain busy commercial areas. They do not go so far as to support a ban on vehicle access on a collector road in a residential zone. If the proposed rules are to be consistent with the objectives and policies in the PAUP then a no access restriction could be placed on Hingaia Road but not on Oakland. Mr Parlane's advice was an access restriction is not required on Oakland Road. The measure is also not supported by the PAUP policies. Having considered the opinions put to us on this issue, we agree with the applicant that a 'no access' restriction is appropriate for Hingaia Road as it is a major arterial route, but the restriction is not appropriate for Oakland Road for the reasons advanced on behalf of the applicant.
- 4.26 For this plan variation area VARs were proposed by the Council along the interface with Hingaia Road, Hayfield Way and the "Swale Street" between Oakland Road and the coast on the western side, a road that forms the northern boundary of the proposed Mixed Housing Urban zone and where the restriction would apply on its southern side for approximately two-thirds of its length. VARs do not prohibit access but trigger a requirement for an assessment and, following that, could require driveways to be designed to ensure on-site turning manoeuvres can be achieved so no vehicles will have to reverse off a site.
- 4.27 Mr Parlane drew attention to the PAUP already containing rules that address reverse manoeuvring. These are found in Chapter H1.2 (Citywide Rules Transport), see 3.3.4. Those rules do not apply to the full length of a local road such as Hayfield Way. He said the proposed restrictions being advanced by the Council in its amendments to the proposal as originally lodged were not justified by any evidence and were inconsistent with the PAUP requirements. His understanding was they had

been advanced because of an apprehension on the part of Auckland Transport about vehicles crossing over shared pedestrian/cycle paths when in his experience it is common practice in New Zealand and elsewhere for driveways to do so. His conclusion was there should be a 'no access' restriction on Hingaia Road and no limitations on access on either Oakland Road or Hayfield Way by way of a VAR or a 'no access' restriction. Hayfield's development director, Mr Hosken, echoed these sentiments.

- 4.28 The Auckland Transport memorandum said some form of a restriction on vehicle access needs to be utilised in the plan variation area to reduce the number of potential conflict points. Mr Keating's preference was for VARs as in his view that method is effective, clear in intent, and simple to enforce. This technique has been employed in other SHA areas such as Scott Point at Hobsonville. Another option would be to consider such restrictions at the subdivision stage of future development proposals.
- 4.29 If access restrictions are to be imposed, the affected dwellings would need alternative access. Wording for a VAR assessment criterion to address this issue at the subdivision stage was recommended by Ms White as part of her evidence for Hayfield. Mr Keating supported her suggested text, subject to the underlined and struck out amendments shown below, should this method be preferred to a rule in the plan variation text. This criterion, including his amendments, would then state:

"Vehicular access to lots adjoining proposed or existing shared paths or separated cycleways ~~on Oakland Road and Hayfield Way~~ should be provided via a rear access, or from an alternative road boundary where possible. Where this is not practical or feasible, alternative solutions for access to individual properties which minimise the frequency and extent to which the berm is crossed by vehicles entering or exiting the properties and maximise the safety of users of the berm should be provided. Consent notices may be imposed to control driveway location and design and fence heights".

Mr Keating recommended the assessment criterion, in the form as he had amended it, for all three plan variations.

- 4.30 We determined above that 'no access' restrictions would be inappropriate in this area apart from on Hingaia Road and refer to the earlier discussion on that aspect. As to the VAR proposals advanced by the Council through its reporting, the Authority takes the view that VARs can create high speed environments which are confronting to proposals that set out to establish friendly and safe neighbourhoods. We therefore

do not agree that there should be a *rule* requiring such restrictions in this area and that an assessment criterion is the appropriate approach. This is subject however to limited application of any VAR restrictions in this plan variation area. We agree with Mr Parlane and Mr Hosken that no limitations on access on either Oakland Road or Hayfield Way are required by way of a VAR and adopt their reasoning for that. Although a VAR was shown on the “Swale Street” in the Precinct plans, we heard very little evidence as to whether or not it would be appropriate there. However an examination of the plans shows a VAR on the “Swale Street” on its southern side, which forms the interface between the Mixed Housing Urban and Mixed Housing Suburban zones. As the former will be developed to a higher intensity, and can therefore be presumed to generate more traffic movements, we have found that a VAR restriction would be appropriate in that location. Having adopted the assessment criterion approach, how access for those Mixed Housing Urban properties is actually to be achieved in fact is a matter to be considered at the time when detailed development plans are made for that locale.

Separated cycle lanes

- 4.31 Hayfield proposed a shared cycle path on the western side of Oakland Road. Mr Parlane said this would be “a wonderful facility for the area” and remarked that there had been no cycle accidents on nearby Harbourside Drive since the shared path there opened. The applicant was opposed to having a separated rather than a shared cycle path, although one had been included on the Precinct plans produced by the Council as part of its reports on the plan variation application.
- 4.32 With respect to shared paths versus separated cycle facilities, the Auckland Transport memorandum said Oakland Road will be subject to heavy traffic flows of around 9000 vehicles per day and will provide access to the neighbourhood centre, the school, and future cycle lanes on Hingaia Road which in turn will lead to the local centre and the proposed shared path on SH1 to Takanini. In AT’s view it should therefore feature separate cycle facilities on both sides of the road, not a shared path as proposed by Hayfield (and also by ‘KARLA’ for its area). Mr Keating said shared paths are no longer standard practice and are generally suitable for use only in limited areas such as reserves or in constrained corridors such as bridges.
- 4.33 As well as the need for a separated cycle facility Auckland Transport said in order to reduce conflicts between people on bikes and vehicles, some form of restriction on vehicle access needs to be utilised to reduce the number of potential conflict points

(i.e. movements to and from private driveways cutting across cyclists). According to an excerpt from the Cycling Safety Panel, December 2014, which was attached to Mr Keating's memorandum, the majority of vehicle-cycle crashes occur at urban intersections and driveways although Mr Parlane commented that the Cycling Safety document does not actually link vehicle crossings over cycleways with risk.

- 4.34 A related matter that arose was Auckland Transport's preference for the Oakland Road cross-section to be removed from the Precinct plans and replaced with text covering both sides of the road in the plan variations for each of the Hayfield and KARLA areas. Mr Keating's memorandum said using text instead of the cross-section would capture the core requirements for this road while avoiding any suggestion of detailed design. We agree for the reason that text is inherently more flexible than a locked-in design and have amended the variation accordingly.
- 4.35 In Ms Wimmer's opinion, creation of separated cycleways is "aspirational". She noted there is no specific requirement in the PAUP to provide for separated cycleways in greenfields areas such as this, pointing out that it is a matter that arises in Auckland Transport's draft Code of Practice, which is not a statutory document - and therefore we are not obliged to follow it.
- 4.36 Our decision on balance is that shared cycleways are appropriate and are preferred to separated cycleways. We agree with Ms Wimmer in that respect. While separated cycleways may be an ultimate goal as a starting point, that goal needs to be tempered with considerations of costs, land use, the immediate and wider built environment context, and related safety considerations. Based on the evidence provided we have concluded that shared cycleways are functional and will deliver the appropriate balance of safety and convenience to users.

10 metre coastal yard

- 4.37 The building restriction yard has been described earlier and we will not repeat that detail or the applicant's objection to it, the basis for which was spelled out in Ms White's urban design evidence and Mr Dahm's coastal erosion report. Ms Wimmer agreed to deletion of this building setback yard. As Ms White said in her urban design evidence on behalf of Hayfield, keeping the requirement for the yard in the variation provisions could force wider building platforms pushing development closer to side boundaries which in turn could undermine views to the coast and supply a less spacious appearance to development in the coastal areas.

- 4.38 After considering the evidence our decision is the coastal building setback yard should be deleted as there is a suite of development controls that enable development to be managed so that retention of coastal amenity and consideration of erosion risk can be balanced out in subsequent decision making.

On-site stormwater management

- 4.39 Mr Cranfield advised that the stormwater management approach to be used in the Hayfield SHA had adopted the “water sensitive design” concept in the planning and layout of both the plan variation area and the qualifying development proposal. These water design principles satisfy the SMAF2 hydrology mitigation measures in the PAUP. Where possible the Hayfield development is being planned around: managing and minimising flows and contaminants, including sediment, at source through hydrology mitigation on lots and in road berms; managing activities that generate high contaminant loads the use of stormwater management devices that achieve design efficient quality requirements if necessary; minimising temperature effects; providing a green infrastructure corridor; providing overland flowpaths and locating development outside the 1% AEP floodplain; restoring/realigning and improving the two intermittent streams, habitats and riparian margins; and minimising erosion of streams and coastal margins.
- 4.40 In terms of the proposed development controls for on-site stormwater management in relation to new impervious surfaces Mr Cranfield generally agreed with the proposed provisions to apply to the Mixed Housing Urban and Mixed Housing Suburban zones but did not consider it appropriate to apply them to all streams through proposed rules 8 and 10, clauses 1 and 2. He recommended these rules be changed to refer to intermittent and permanent streams only. That would clarify that ephemeral streams might not be retained as part of the land development process. This recommendation was accepted by Ms Wimmer in her final comments and amendments to the text have been made accordingly.
- 4.41 The Council’s Stormwater Unit had advanced provisions that required any flowpaths carrying a greater volume than 2 cumecs are to be located on public land. Mr Cranfield considered it inappropriate to restrict overland flowpaths on private land to 2 cumecs so long as sufficient land was available to contain the flowpath and appropriate engineering was provided to pass flows safely to their point of discharge or a connection to the public stormwater network. He recommended that proposed rule 10(c) reflecting the Council’s requirement be deleted as a result. Ms Lin

considered this provision to be overly restrictive and not supported by any technical justification specific to the Hayfield plan variation area. Furthermore, she did not believe the recommended provision met the section 32 (RMA) requirements in any event. In her opinion the provision was not required to achieve the objectives of the Hingaia 2 Precinct which do not seek to restrict the location of overland flow paths. We understand from Ms Huls' memorandum in the Council's final response that the Stormwater Unit has accepted this deletion.

- 4.42 Ms Huls' memorandum also offered a revised stormwater diagram showing the positions of flowpaths identified in the area. This related to the applicant's argument that only intermittent and permanent streams should be subject to the variation controls.
- 4.43 Ms Wimmer disagreed with Ms Huls saying the proposed stormwater rules relate to a precinct diagram that identifies permanent and intermittent streams, the extents and ecological values of which had been reported on by Pattle Delamore and Golder & Associates and accepted by the HPO. In her view the diagram offered by Ms Huls would add introduce another layer of less accurate information in the form of desk top data that relates to overland flowpaths or would serve to defer decision making to future consent applications.
- 4.44 Our decision is the rules for on-site stormwater management should apply only to intermittent and permanent streams and not to ephemeral streams/waterways. Those streams are defined on the Precinct diagram as noted by Ms Wimmer and serve as a useful basis for assessing any proposals for development. We agree with Mr Cranfield's evidence that flowpaths over 2 cumecs on private land may well be appropriately managed on site and according the rules requiring any flows over 2 cumecs to be on public land should be deleted.

Rear yard and landscaping provisions

- 4.45 Although the proposed rear yard and landscaping provisions in the variation text tend to duplicate parts of the rules that are already applied by the PAUP, the applicant sought to reintroduce them so a complete package will appear in the same place. Ms Wimmer agreed with this approach in her final comments.
- 4.46 Our decision is that while duplication may well cumulatively lead to the PAUP increasing in volume it does make sense to consolidate provisions in the Precinct

rules so that administration of those provisions is less complicated. For that reason we agree with the applicant and Ms Wimmer the rules should be contained as a complete package in the Precinct provisions.

Precinct diagram map

- 4.47 Hayfield requested that additional indicative roads inserted by the HPO on the Precinct plans be deleted, with one exception. This exception is a local road indicated in the south western corner of the site which would require an intersection opposite Towai Road.
- 4.48 In respect of the indicative roads requested to be removed, Mr Parlane's evidence was it is too early to know exactly where these roads will be located (other than in the qualifying development area). While local roads will be required to access the lots yet to be created in the variation area, their exact location and number needs to be part of the future design process in order to get an efficient yield from the land. He said it would be appropriate to record that there will be one new intersection on Hingaia Road but to leave the local roads off the associated diagram included in the rules. He attached an amended structure plan to his evidence which shows only the significant roads in the area and no indicative local roads. He recommended this plan for approval as part of the plan variation documents.
- 4.49 Ms White and Ms Lin also addressed this matter with Ms White saying the Hayfield version of the Precinct plan includes the key local roads to ensure connections are provided and these create 'super blocks' around 200 to 250m apart. She considered this level of connection to be appropriate for securing a walkable neighbourhood. Ms Lin noted the Precinct plan map recommended by the Council in its hearing report had not been based on the latest version supplied by the applicant in October 2015 (when the Council's reporting work would have been well underway). The applicant's new plan had identified an alternative location for a proposed north-south road linking Hayfield Way with Hingaia Road. That was a response to a submission from Parkland Properties Ltd which had expressed concern over the ability for this proposed road to cross an intermittent stream if it was to be formed in its originally proposed location along the eastern boundary line between 30-40 Hayfield Way and 295 Hingaia Road. The amended Precinct plan formed the basis for Parkland Properties having withdrawn its submission and the applicant was keen for the Precinct plan to show the road in its new position as a result. Ms Wimmer appeared to have accepted this position.

- 4.50 Mr Keating did not support the applicant's request to delete the local roads from being shown on the Precinct plan. He said the indicated roads were logical continuations of existing or proposed roads and should be shown and formed where possible to create connected and legible road network. As they are 'indicative' Mr Keating said there is an expectation that the alignment of the indicative roads may alter when detailed development applications are made. Ms White's evidence conveyed her understanding that any indicative road needs to be created within 20 to 30 metres of the location shown on the Precinct plan to be considered "in general accordance with it". Added to that there were uncertainties about which landholdings in the plan variation area will subdivide and then be able to provide the connections anyway. She said a number of existing houses may restrict these local roads from ever being delivered. Added to that, the PAUP subdivision rules include matters for discretion and assessment criteria which enable the Council to consider and to assess the level of connectivity to adjacent areas that any subdivision would provide.
- 4.51 Our decision after considering the matters traversed is the north-south road linking Hayfield Way with Hingaia Road as agreed to by Parkland Properties is to be shown on the Precinct plan particularly as it resolves matters of dispute between various parties. In respect of the other indicative local roads it is our decision that there needs to be some indicative form that drives the patterning of lots, and roading is the simplest means to achieve that. However if there is a need to vary any such indicative roading patterns for whatever reason then the process to do so should be simple and not result in developments becoming subject to lengthy notification driven proceedings. For that reason while we support the indicative roading patterns preferred by the Council remaining on the Precinct plan, these should clearly remain *indicative* only (and not be made a rule by virtue of any controls that require them to be 'in accordance with' the Precinct plan).

Proposed neighbourhood parks

- 4.52 A debate over whether the two neighbourhood parks would remain on the Precinct plan in the inland positions originally advanced by the applicant, or be moved to the coastal locations preferred by Mr Davison on behalf of the Council remained live when the hearings concluded.
- 4.53 Each of these parks is proposed by the applicant to be around 3000m² in area. According to Ms White's evidence in the locations proposed by Hayfield they would satisfy the Council's preference for flatter land, would be accessible, visible to the

wider community, and would have symbiotic benefits such as surveillance, usage and outlook.

- 4.54 To locate them on the periphery of the plan variation area as recommended by the Council, with only half a pedestrian catchment as well as being on the generally steeper landform that presents on the coast, the indicative parks would not then satisfy the Council's other requirements for them to be relatively flat and suitable as "kick around" activity spaces. Ms White said the Council's preferred northern coastal location, for instance, has slopes of approximately 1:7 or 1:8, and furthermore the land concerned had recently been developed and now contains a substantial private dwelling. Mr Hosken told us the owner of this property would be "extremely unimpressed" by this proposal on the part of the Council. The other location the Council proposed was further south on even steeper land. Both locations would therefore require significant landform modifications before any parks could be established. Ms White considered this does not accord with the overall design intent to capitalise on coastal character while Mr Hosken said the ecological habitat represented by the coastal reserve would not be appropriate for cars (among other reasons he gave for opposing the recommended relocation of these parks). In contrast the applicant's proposed inland locations were generally flat, would retain an existing landmark tree, add value to the wider neighbourhood, and could be shared by a number of landowners who would be relatively nearby.
- 4.55 Ms Wimmer's final comment on this issue was to remove any neighbourhood park notations from the Plan because of the disagreement over their final locations and also the Council would retain flexibility with respect to where they will be developed. Hayfield on the other hand sought for them to be shown on the plans as lodged so certainty would then be provided for the landowners.
- 4.56 We were persuaded by the applicant's evidence and accordingly our decision is to leave the neighbourhood park notations on the Precinct plans in the locations shown by the applicant. This is also consistent with Appendix 1.1 of the PAUP which requires the Council to consider open space networks as part of the development of structure plans and precinct plans.
- 4.57 A further matter noted by Ms Wimmer in her final comments was in respect of servicing. At that stage a final agreement had not yet been reached between Veolia, the applicant and Watercare Services Ltd regarding the wastewater reticulation arrangement being relied on but this was apparently imminent. In February 2016 the

Council received written confirmation from Veolia that wastewater servicing will be achievable on the qualifying development site (subject to engineering and other approvals).

Proposed affordable housing requirements

- 4.58 The Commissioners queried some of the provisions inserted by the Council into the proposed variation text which we doubted were enforceable and/or appropriate. An example is a purported requirement that those who purchase an affordable home must occupy it for at least three years. Occupation is not an environmental issue and there is no resource management reason to require this. Accordingly, we invited all legal counsel present at the hearings to comment on these provisions.
- 4.59 For Hayfield Mr Allan said in reply that the proposed provisions went beyond the statutory requirement. A minimum 3 year retention requirement for any affordable house was “*inherently problematic*”. There could be circumstances in which there may be no alternative but to transfer the property concerned from the current owner to another party, for instance should the purchaser die or become incapacitated, or a purchaser fails to comply with their contractual obligations and the mortgagee is forced to put the property on the market to recover its funds.
- 4.60 In the Council’s final comments Ms Wimmer proposed to delete that particular requirement. The applicant and the Commissioners agree with her approach for the reasons traversed above.
- 4.61 The final version of the variation text supplied to the Commissioners, which had been worked on by the Council and then the applicant, deleted the proposed three year occupation requirement.
- 4.62 In a similar vein exceptions were proposed from the stormwater mitigation requirements for affordable houses. No resource management or technical justification was offered for this beyond development expenditure and accordingly we do not accept it.

5.0 CONCLUSION AND DECISION

- 5.1 On balance, and subject to the conclusions we have reached on particular matters of contention, and to the various modifications to the proposed provisions discussed, we have determined that the proposed Variation 6 is **ACCEPTED WITH**

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

<i>Legal description</i>	<i>Physical Address</i>
Lot 7 DP 13823	257 Hingaia Road
Lot 1 DP49825	285 Hingaia Road
Lot 9 DP 180550	295 Hingaia Road
Lot 8 DP 170295	36 Oakland Road
Lot 9 DP 170295	40 Oakland Road
Pt Lot 9 DP 13823	48 Oakland Road
Lot 1 DP 104645	76 Oakland Road
Lot 14 DP 17458	86 Oakland Road
Lot 1 DP 108164	110 Oakland Road
Lot 2 DP 108164	120 Oakland Road
Lot 2 DP 104645	7 Hayfield Way
Lot 7 DP 180550	40 Hayfield Way
Lot 8 DP 180550	30 Hayfield Way
Lot 3 DP207830	35 Hayfield Way
Lot 1 DP 414787	29 Hayfield Way
Lot 2 DP414787	27 Hayfield Way
Lot 1 DP354818	25 Hayfield Way
Lot 1 DP 186470	21 Hayfield Way

Lot 3 DP 206639	55 Hayfield Way
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- 5.2 The modified variation text is attached to this decision (with the modifications made since the variation was notified included) and is not repeated here.
- 5.3 The submissions lodged on the variation and which have not subsequently been withdrawn are accepted, rejected or accepted in part as indicated throughout the preceding decision text.
- 5.4 The reasons for this decision are:
- (a) As modified the plan variation meets the purpose of the Housing Accords and Special Housing Areas Act 2013 as it will result in an ability to deliver housing in accordance with the overarching goals of the statute and enhance housing affordability by facilitating an increase in land and housing supply. Overall the proposed plan variation supports an efficient use of land within the Rural-Urban Boundary and the structure planning that has occurred for this Special Housing Area indicates that if the area is re-zoned it will enable a mix of housing, including affordable housing, to be developed;
- (b) The modified variation is consistent with the purpose and principles of the Resource Management Act as set out in Part 2 as it provides for the sustainable use and management of land and will provide net benefits in terms of creating residential land, parks, a neighbourhood centre, and application of water sensitive design and stormwater management. The Cultural Impact Assessments have not raised any significant issues in relation to the proposed provisions which have not been addressed;
- (c) The modified provisions reflect careful consideration of the local context and the nuances that need to be reflected in planning provisions and the variation will facilitate the delivery of a range of appropriate housing which will contribute to Auckland's housing supply and will create a new housing development with a high quality of residential amenity in a coastal setting that will be enhanced through the provision of parks, local retail and a mix of housing types in the Precinct;
- (d) There are no traffic management or other obstacles to approving the variation subject to the changes that arise from our decisions;

(e) There is an ability to service the development anticipated by the variation, including delivery of the necessary infrastructure;

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

(g) The variation incorporates only those matters considered necessary or appropriate to tailor solutions for this area such as access and stormwater provisions, objectives, policies, rules and assessment criteria, and changes to aid interpretation.

5.5 To the extent that a particular issue may not have been mentioned in the text above we expressly adopt the discussion set out in the Council's report.

5.6 The Auckland Council is therefore directed to vary the provisions of the Proposed Auckland Unitary Plan by inserting the approved Plan Variation text and associated Precinct plans attached to this decision as Attachment 1.

6.0 THE QUALIFYING DEVELOPMENT APPLICATION

6.1 Gar Gar Ltd has sought consent for a qualifying development subdivision for 31 vacant lots including eight superlots on a site of approximately 5.41 hectares in the plan variation area at 55 Hayfield Way as the first stage of development of the Hingaia 2 Precinct which will be known as "Karakā Waters". The site has a potential dwelling yield of 74 houses and the proposed lots range from 407m² to 1787m². On the subdivision plan as lodged the larger lots are generally located along the esplanade reserve, at the entry to the development, or on street corners.

6.2 The site is 1.5km away from Clotworthy Park and the Hingaia Peninsula Primary School and around 2.5km west of the Southern Motorway ("SH1") and is bounded to the south and east by the Strathallan College site while the western boundary is defined by the Drury Creek. The northern boundary is adjacent to a relatively large landholding occupied by a substantial single dwelling. The application site is generally gently rolling with a gradual slope toward the Creek. It is currently used for grazing.

6.3 All lots proposed along the coastal edge are either large lots over 600m² or three of the superlots (lots 7, 38 and 62 on the subdivision plan) all of which are proposed to have a strong relationship with the coastal environment. The coastal lots will be subject to additional design controls. The superlots are anticipated to have higher

density development although the Council's urban designer, Mr Davison, advised that the 600m² density requirement will affect proposed superlot 38 which is beside the coast. He did not favour high density development located along the coast as it would restrict views and he considered it would also affect the general ambience of the coastal area.

- 6.4 A coastal interface control will apply along the esplanade reserve to protect coastal amenity and the esplanade reserves on the areas that have frontage to the coast (i.e., excluding the Strathallan site) including the northern edge at Bottletop Bay. The earthworks design for the development has a three metre setback from the coastal edge to ensure a gradual and natural looking contour.
- 6.5 Most of the superlots will be located away from adjacent landholdings in order to limit their potential effects. Some will be developed as duplexes (lot 38) or terraced housing (lots 7 and 62). Other superlots (22, 44, 49, 54 and 58) will be designed as compact/zero lot or terrace houses. Superlot 22 in the south-east adjacent to the Strathallan College boundary will be developed with at least 7 terrace houses that are intended to qualify as affordable homes. These double storey units can accommodate three or four bedrooms and will have what the applicant described as generous rear yards. Another of the internal superlots, lot 7 adjacent to the eastern boundary, will have access from a rear laneway. An adjacent local road from where this access will be gained also allows for a potential connection to the adjacent land at 45 Hayfield Way should that ever be subdivided.
- 6.6 Higher density development will be established around an area where there is an existing farm pond that is to be infilled and formed into a landscaped drainage reserve resembling a stream. This reserve will have a riverstone floor and tussock edging. It will provide stormwater attenuation and treatment. This area will be planted with native shrubbery and clusters of specimen trees. Fencing controls are applied to any lot which adjoins it so that passive surveillance of the space will be achieved. This area will provide amenity and will function as a central open space. It will be connected to an adjacent wetland and the coast by way of a path or boardwalk. Other than this reserve, no neighbourhood parks are proposed in the qualifying development application area.
- 6.7 The qualifying development site is bisected by drainage corridors, a spillway channel from an attenuation pond to the coast and an overland flowpath from the adjacent property at 45 Hayfield Way. A primary overland flowpath is being retained and a

stream environment is to be created at the pond location. The secondary flowpath from 45 Hayfield Way is being accommodated through a local road connection. Low impact and water sensitive design will be provided through requirements to adhere to the recommendations of an approved Stormwater Management Plan (“SMP”).

- 6.8 The only existing road connection to the qualifying development site is through Hayfield Way which is a cul-de-sac that terminates at the end of Hayfield Way beside the entrance to Strathallan. There is currently no public transport servicing the Hingaia area, with the nearest bus and train facilities being located in the Papakura Town Centre. There is an existing footpath on the southern side of Hayfield Way. The qualifying development proposal provides for pedestrian footpaths along all public roads and to the esplanade reserve as well as into and through the drainage reserve.
- 6.9 The addendum Integrated Transport Assessment prepared by Mr Parlane and lodged as part of the application materials advised that the current size and form of the roundabout proposed for the end of the cul-de-sac is sufficient for proposed the development of the qualifying development site, including its future development. The entry point includes a central median finished with riverstones to allow for additional street tree planting plus a special lot at the entrance to the subdivision in order to supply an unique entry and ‘sense of place’ for this area.
- 6.10 In effect the roading pattern provides for vehicle movements to occur in two halves after entry to the development: to the south west in the direction of the coast and Strathallan College, or to the north-west in the direction of Bottletop Bay. A parking court is to be created in the north-western to allow for turning, visitor parking and landscaping because a loop road at this point is considered to be impractical. No road connection is anticipated for the drainage reserve area for interface reasons, namely garage doors would then face the adjacent residential properties and this will also avoid access on the northern boundary.
- 6.11 All roads in the qualifying development area itself will be 16 metre wide local roads. Along with pedestrian and cycle paths they will enable direct access to the coast. Rain gardens will be installed in the roads for stormwater purposes.
- 6.12 A midden has been identified in the qualifying development area and has been recorded and scheduled as “R12/684”. Dr Pheat’s archaeological evidence advised that during site investigations this could not be located and it is therefore believed to

have been largely destroyed. She advised that an authority, 2016/269, has been granted by Heritage New Zealand for the proposed development and covers the whole site. As a result some aspects of the condition numbered 17 recommended by the Council had been superseded and required amendment.

- 6.13 In a similar vein, Mr Allan queried whether the recommended condition 15(c) for the subdivision consent was necessary as it required relevant PAUP policies and rules to be identified, a task which is undertaken regardless of whether or not a consent condition expressly requires it. This condition has been removed.

7.0 ISSUES RAISED FOR THE QUALIFYING DEVELOPMENT

- 7.1 As indicated at the outset, there were few issues that require a decision from the Panel. By the end of the hearing the only matter remaining outstanding between the Council and the applicant related to the Council's recommended condition 1. This is a standard, general condition appearing in all consents that lists the materials provided to the Council (and hence to the Commissioners) in support of an application. Mr Allan objects to documents such as reports and other information submitted with the application being listed in this condition, his reason being that a large volume of material could then require examination later if any issues arise. The Council on the other hand routinely lists all materials it receives as a form of check-list and also to assist with the later administration of a file (including, potentially, any enforcement proceedings) which may involve completely different personnel depending on the time elapsed in the meantime.
- 7.2 Ms Daniels said in the Council's final comments on the qualifying development application that referencing these documents as well as the plans ensures that the scope of an application is clear for any future monitoring and potential variation matters. Furthermore, a number of the other conditions cross-reference to documents listed in condition 1.
- 7.3 We do not accept the applicant's argument on this and agree with the Council that all materials should be recognised by the conditions for the reasons given on its behalf by Ms Daniels in her final comments on behalf of the Development Programme Office.
- 7.4 As part of its reply to the evidence Gar Gar submitted a plan which shows at least 7 affordable dwellings on the superlot 22 which is to be subject of a future qualifying

development application. This is dealt with by a condition which requires that a consent notice is to be registered on the Certificate of Title for that lot to secure that obligation. Subject to tidying up the wording of the draft condition we agree with it as it achieves the purpose of the affordable housing legislation, especially in circumstances where the HASHAA is due to expire in September this year.

- 7.5 A further plan submitted with the reply was an amended subdivision plan (Drawing 137800-110 Rev C, 25/11/15) which provides for pedestrian access across the private drainage reserve, lot 1. This shows the esplanade as being extended to capture a boardwalk which connects the northern and southern esplanades because the location of the existing wetland means this is the only pedestrian connection between the two esplanade areas.
- 7.6 It was apparent from the final comments that the Council preferred the entire drainage lot to be publicly vested for future maintenance purposes, but that is not the applicant's intention (including for health and public safety reasons) and the Council has accepted its position. In the absence of public vesting, the Stormwater Unit wishes to ensure that the obligations for stream management is tied to the landowners in the surrounding development to avoid the "asset" and associated consent from being orphaned should the development company ever be wound up. This is being secured by conditions requiring a residents association to be formed with all owners of the relevant lots required to be permanent members of it.
- 7.7 There was some discussion during the hearing regarding the lots proposed for the coastal frontage and the reasons why a 10 metre management yard on the coastal side of such lots was being recommended on behalf of the Council. The detail of this has been covered in our decision on the plan variation. The applicant apprehended that if it was to be applied this building restriction would result in development extending as close as possible to side boundaries and result in a loss of views through those sites.
- 7.8 In his evidence Mr Smyth queried parts of the recommended condition 30. The third bullet point in its content required a traffic management plan to be prepared as part of the Council's engineering plan approval process. As the requirement for TMPs was covered elsewhere in the conditions, and these management plans are approved separately from the engineering plan approval process in any event, we infer he was requesting it to be deleted from that condition. The ninth bullet point of the same condition required designs in accordance with "HEC14 guidelines". He said the

proposed outlets have been designed in accordance with the Council's technical publication number 90 ("TP90") and this bullet point should be amended to reflect that. Those amendments were made to the final version of the conditions.

- 7.9 While various other issues arose in respect of the qualifying development none of those was significant or such that consent to this application should be declined and, in any event, were all resolved by the time the reply was received after the hearing.

8.0 CONCLUSION AND DECISION

- 8.1 Pursuant to sections 34 to 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 104D, 104, 105, 106, 107, and 220 of the Resource Management Act 1991, and having considered the application made on behalf of Gar Gar Ltd and all its supporting materials, the submissions lodged on the application, the reports and recommendations prepared on behalf of the Council, undertaken an inspection of the site and the area, and the evidence and submissions presented at the hearing, the Commissioners have determined that the application for resource consent to undertake a vacant lot subdivision for 31 residential lots and eight future development superlots, including provision of an esplanade reserve, private drainage reserve and new intermittent stream at 55 Hayfield Way, Hingaia, is **GRANTED**.

- 8.2 The reasons for this decision are:

(a) The proposal is consistent with the purpose of the HASHAA and the purpose and principles of the Resource Management Act as set out in Part 2;

(b) Subject to compliance with the conditions of consent imposed the effects on the environment of the proposed subdivision will be no more than minor, and furthermore the proposal is consistent with the objectives and policies of the Proposed Auckland Unitary Plan as varied by a plan variation which has established the Hingaia 2 Precinct with precinct-specific requirements. The threshold test in section 104D of the RMA is passed as a result;

(c) Pursuant to section 34 (2) – (3) of the HASHAA it has been demonstrated that there will be sufficient and appropriate infrastructure to support the qualifying development;

(d) The proposal will generate positive effects on the environment in terms of creating a number of residential lots and superlots in accordance with the approved

structure and precinct plans which will accommodate a range of housing typologies and densities and contribute positively to Auckland's housing supply, providing for affordable dwellings that will be appropriately interspersed through the development area;

(e) The land and structures on the land will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source; any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; and sufficient provision has been made for legal and physical access to each allotment created by the subdivision;

(f) The Order in Council which established this SHA requires consideration of the Urban Design Protocol. This has been addressed in the course of finalising the variation to the PAUP and we have found that the qualifying development is consistent with its principles.

9.0 CONDITIONS OF CONSENT

9.1 The conditions appended as Attachment 2 to these decisions apply to the qualifying development (subdivision) at 55 Hayfield Way, Hingaia authorised by this decision.

