

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

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”) Hingaia SHA – Hayfield plan variation and subdivision consent decisions

(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.



ATTACHMENT ONE: APPROVED PLAN VARIATION

Hingaia 2 Precinct - Hayfield Special Housing Area

Part 1: Hingaia 2 Precinct - description, objectives and policies

1. Precinct Description

The Hingaia 2 Precinct comprises 57 hectares of land located in the western portion of the Hingaia Peninsula, to the west of the existing “Karaka Lakes” and “Karaka Harbourside” residential developments, and to the east of the established residential settlement at Bottle Top Bay. The underlying zones of the Hingaia 2 Precinct are:

- Mixed Housing Suburban
- Mixed Housing Urban
- Neighbourhood Centre; and
- Green Infrastructure Corridor (the location and extent of which will be confirmed at the time of subdivision).

The purpose of the Hingaia 2 Precinct is to provide for comprehensive and integrated residential subdivision and development that will contribute towards increasing the supply of housing (including affordable housing), and to enable the efficient use of land and the provision of infrastructure prior to, or concurrent with, development. The Precinct enables a range of lot sizes and house types and will ensure that residential subdivision and development is integrated with the provision of key road links, appropriately manages stormwater, the water quality of streams and water bodies, and the ecological and amenity values of the coastal margin.

The Hingaia 2 Precinct also enables a neighbourhood centre to establish on the north-western corner of the intersection of Oakland Road with Hingaia Road. This centre will provide for a range of retail, commercial and community facilities that will meet the day-to-day needs of the local population.

2. Objectives

The objectives are as listed in the underlying Mixed Housing Urban, Mixed Housing Suburban and Neighbourhood Centre zones and the relevant Auckland-wide objectives, in addition to those below.

1. Subdivision and development occurs in a coordinated manner that implements the Hingaia 2 Precinct Plan.
2. Development achieves a range of housing types and densities, living environments and affordability options while ensuring that a high standard of amenity is provided, particularly adjoining the coastal edge where larger lots are generally provided for.

3. Subdivision and development maintains coastal landform, streams and riparian corridors, and enhances the ecological and amenity values of the coastal, estuarine and stream environments. Public access is provided along streams and adjacent to the coast. Neighbourhood parks of up to 4,000m² in area are provided in appropriate locations for recreation.
4. Subdivision and development occurs in a manner that retains, where practicable, trees that have high amenity value in subdivision design and layout.
5. Subdivision and development occurs in a manner that facilitates views of, and access to, the coast.
6. Subdivision and development occurs in a manner that achieves the coordinated delivery of infrastructure including transport, wastewater, stormwater and water services.
7. Subdivision and development implements stormwater management that:
 - a) Uses water sensitive design as a core development approach;
 - b) Protects and, where practicable, enhances the ecological values of the receiving environment; and
 - c) Integrates with open space, road and pedestrian/cycling networks.
8. Promote the development of a defined neighbourhood centre that is developed in a manner that achieves its key function and role of providing a small scale centre for convenience retail, service and commercial activities that meets the day to day needs of the area, and which does not undermine the viability and role of the Hingaia Mixed Use Town Centre or the Papakura Metropolitan Centre.
9. Ensure that affordable housing is distributed throughout the location in which resource consent is sought.
10. Promote the availability of affordable housing to first home buyers and/or Community Housing Providers.
11. Adverse effects of stormwater runoff on communities, the marine receiving environment and freshwater systems are avoided to the extent practical or otherwise mitigated using water sensitive design principles.
12. Major overland flow paths are retained or provided for within the site layout to manage risks from flood events up to the 1% AEP, taking into account maximum probable development in the upstream catchment.

3. Policies

The policies are as listed in the underlying Mixed Housing Urban, Mixed Housing Suburban Zone and Neighbourhood Centre zones and the Auckland-wide policies, in addition to those specified below:

1. Require the structural elements of the Hingaia 2 Precinct Plan to be incorporated into all subdivision and development to achieve:

- a) A range of housing choice and section sizes that enable views from public roads to the coast;
 - b) Key roads that promote an integrated road network;
 - c) Restricted vehicle access along specified roads to safeguard safety for road users and cyclists and to reinforce the stormwater management approach;
 - d) A viable and sustainable neighbourhood centre that will meet the day-to-day convenience needs of local residents;
 - e) Two Neighbourhood Parks;
 - f) A network of pedestrian and cycle paths; and
 - g) Public access to the coast.
2. Enable a range of residential living opportunities (including a range of lot sizes) with more intensive housing to be generally located in close proximity to the neighbourhood centre and locations with high amenity (e.g. locations close to public open space) and lower density forms of housing along the coastal margin.
 3. Ensure that subdivision and development, including road design, achieves a high standard of amenity, and contributes to a positive sense of place and identity consistent with the existing urban areas on the Hingaia Peninsula.
 4. New residential development containing 15 or more dwellings/sites provide for affordable housing that is distributed throughout the development.
 5. New retirement village developments containing 15 or more dwellings provide for affordable housing.
 6. Ensure that subdivision development adjacent to the coast and esplanade reserve safeguards the visual and other amenities of the coastal environment and, in particular, that dwellings are located, and are of a scale, form and design, to maintain views of the coast, and to enhance the amenities of, and safe public access to, the esplanade reserve.
 7. Ensure that subdivision and land use activities provide an interconnected road network which:
 - a) Is consistent with the locations and road types identified on the Hingaia 2 Precinct Plan to achieve an appropriate hierarchy of roads on the Hingaia 2 Precinct as well as connections to the wider Hingaia Peninsula;
 - b) Enables a transport network that provides for the safe and efficient movement of motor vehicles, pedestrians, and cyclists;
 - c) Provides and aligns, where practicable, north-south roads that provide viewshafts and public access to the coast;

- d) Makes appropriate provision for stormwater management and low impact stormwater management devices, consistent with the principles of the Hingaia 2 Precinct Stormwater Management Plan;
 - e) Contributes to a positive sense of place and identity through in-street landscape elements, including retention of existing landscape features, and maximising coastal vistas.
8. Require subdivision and development to provide coordinated infrastructure, including stormwater, wastewater, water, public utilities and transport infrastructure.
9. Require all new developments to manage stormwater impacts on receiving environments in a manner that is consistent with the Hingaia 2 Stormwater Management Plan, and which has regard to principles of water sensitive design.
10. Ensure that riparian corridors and recreational and amenity spaces are provided in the Hingaia 2 Precinct by requiring:
- a) Restoration and enhancement of the riparian corridors identified on the Precinct Plan and to provide the long term protection of these areas;
 - b) Vesting esplanade reserves adjacent to the coast;
 - c) The creation of coastal places as identified on the Precinct Plan;
 - d) Connectivity within, and through, the Precinct to the coastal and riparian margins by providing and aligning, where practicable, north-south roads that provide viewshafts and public access to the coast, and by providing pedestrian and cycle paths and open space linkages;
11. Neighbourhood Parks as shown indicatively on the Hingaia 2 Precinct Plan. Ensure that subdivision design and layout appropriately considers, and responds to, opportunities to retain existing trees that have high amenity value and which are suitable to be retained in an urban environment.
12. Ensure that, in the Neighbourhood Centre zone:
- a) The total land area for the neighbourhood centre is limited in extent to a maximum of 4,000m² in the Hingaia 2 Precinct;
 - b) A range of convenience retail and commercial services are provided that meet the day-to-day needs of residents and wider public;
 - c) A maximum of 1,000m² gross floor area of convenience retail and commercial activities is provided;
 - d) Activities do not detract from the amenities of, and are not incompatible with, adjoining residential land uses;
 - e) Development of the neighbourhood centre achieves a high standard of amenity and is designed to be pedestrian and cycle friendly; and

- f) Development of the neighbourhood centre occurs in a manner that protects and safeguards the viability and roles of the Hingaia Mixed Use Town Centre and the Papakura Metropolitan Centre.

13. Facilitate the safe and effective movement of all modes of transport between the Precinct and Hingaia Road through signalling the Oakland Road and Hingaia Road intersection if and when required.

PART 3 – REGIONAL AND DISTRICT RULES>>CHAPTER K: Precinct rules>>6 SOUTH

6.## Hingaia 2 Precinct

The activities, controls and assessment criteria in the underlying Mixed Housing Suburban, Mixed Housing Urban and Neighbourhood Centre zones and the Auckland-wide rules apply in the Hingaia 2 Precinct unless otherwise specified. Refer to the Planning Maps for the location and extent of the Precinct. In addition, the following rules apply.

6.X.1 ACTIVITY TABLE

Residential zones

The activities in the Auckland-wide rules, the Mixed Housing Urban and Mixed Housing Suburban and Neighbourhood Centre zones apply in the Hingaia 2 Precinct unless otherwise specified in the activity table below.

6.X.1.1 Mixed Housing Suburban Zone

Table 1: Activity status in the Mixed Housing Suburban zone

Activity	Activity Status
Residential	
Dwelling(s) on sites that adjoin the esplanade reserve and that have a net site area of 600m ² or less per dwelling	RD

6X.1.2 Neighbourhood Centre zone

The activities in the Auckland-wide rules and Neighbourhood Centre zone apply in the Hingaia Precinct unless otherwise specified in the activity table below.

Activity Table 2 - Activity Status in the Neighbourhood Centre zone

Activity	Activity Status
Retail	
Individual retail tenancies not exceeding 450m ² (gross floor area)	P
Individual retail tenancies exceeding 450m ² (gross floor area)	NC

Any Retail Activity that results in the total gross floor area of all Commercial and Retail Activities in the Neighbourhood Centre zone exceeding 1,000m ²	NC
Commerce	
Commercial sexual services	NC
Drive-through facilities	NC
Taverns	D
Entertainment Facilities	NC
Service Stations	NC
Any Commercial Activity that results in the total gross floor area of all Commercial and Retail Activities in the Neighbourhood Centre zone of the Hingaia 2 Precinct exceeding 1,000m ²	NC
Industry	
Repair and Maintenance Services	NC

6.X.2 NOTIFICATION

The notification provisions outlined in G2.4 General and I1.2 Residential apply to the Hingaia 2 Precinct.

6.X.3 LAND USE CONTROLS IN ALL ZONES

1. The land use controls in the underlying zones apply except as varied below.

6.X.3.1 AFFORDABLE HOUSING

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

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/vacant sites that are either (b) relative affordable or (c) retained affordable that will meet the requirements of rules 2-9 below.
2. All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of affordable dwellings/vacant sites.
3. Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.
4. For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with rule 3 above.
5. For apartments, no more than one-third of the total number of identified affordable dwellings shall be located on a single building level/storey, unless the development is two levels, in which case no more than half of the identified affordable dwellings shall be located on a single level.

6. If the calculation of the percentage of dwellings (and/or vacant sites) that must be affordable dwellings (and/or vacant sites) results in a fractional dwelling (or vacant site) or one-half or more, that fraction is counted as 1 dwelling (or vacant sites) and any lesser fraction may be disregarded.
7. For avoidance of doubt, the land use rules in this section 6.X.4 do not apply to resource consent applications processed under the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) as the provisions specified in the relevant Order in Council apply. The above provisions apply to consents that are not processed under the HASHAA.

6.X.3.2 Relative Affordable

Number of Relative Affordable Dwellings or Sites

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

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

6.X.3.2.1 Eligibility for Relative Affordable Housing

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

1. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites that are identified for affordable dwellings), the consent holder shall provide the Council with a statutory declaration that confirms the sale complies with the following eligibility requirements:

- (a) the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income at the date the sale and purchase agreement was made unconditional.
 - (b) the consent holder has sold the dwelling (and any associated parking that is required by resource consent and storage) at a price which is not more than that defined by the 75 percent median price in accordance with rule 3.2.1(a).
 - (c) the purchaser is a first home buyer and has never owned any other real property.
 - (d) the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
2. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser shall be made aware of the consent notice mechanism required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in 3.2.1 or is a building associated with such a dwelling.
3. Prior to the transfer of a vacant site identified for an affordable dwelling, the consent holder shall provide the Council with a statutory declaration executed by the intended purchaser that confirms the sale complies with the following eligibility requirements:
 - (a) the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date the sale and purchase agreement became unconditional;
 - (b) any development of the site shall be such that the combined value of the dwelling and the land on completion, as confirmed by a registered valuation, shall be no more than that defined by the 75 percent median price in accordance with rule 3.2.1(a);
 - (c) the purchase is a first home buyer and has never owned any other real property;
 - (e) the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name, or on behalf, of any other person or entity.
4. A consent notice shall be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria to be met for 3 years from the date of transfer to the first eligible purchaser.

6.X.3.3 Retained Affordable

Eligibility for Retained Affordable Housing

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

- 9.1 Purchasers in respect of retained affordable housing must be a registered community housing provider or the Housing New Zealand Corporation. This rule does not apply to Retirement Villages which are dealt with by rules 6.X.3.4 and 6.X.3.4.1 below.

6.X.3.3.1 Number of Retained Affordable Dwellings or Sites

1. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 5% of the total number of dwellings, or vacant sites in any development must be retained affordable and meet the following criteria:
 - (a) The price at which a dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter calculated as an average of 3 calendar months previous to the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) would not exceed 30 per cent of the household's gross monthly income, based on the assumptions that:
 - i. The dwelling is purchased with a 10 per cent deposit; and
 - ii. The balance of the purchase price is financed by a 30-year reducing loan, secured by a single mortgage over the property, at a mortgage interest rate equal to the most recent average two-year fixed rate. The interest rate used is to be that published most recently by the Reserve Bank of New Zealand, in relation to the date the application for resource consent is made.
2. As part of the resource consent application evidence shall be provided to demonstrate a community housing provider will purchase the dwellings/sites. Prior to transfer of the retained affordable dwellings/sites a Council approved statutory declaration must be returned to the Council by the consent holder to demonstrate the dwellings/sites are to be sold at the price point outlined in clause 1 above.

6.X.3.4 Affordable Housing in Retirement Villages

Purpose: To ensure affordable housing is provided in retirement village complexes

1. For retirement village developments (including any redevelopment creating additional units) containing 15 or more units,:
 - (a) At least 10% of the total number of units must be relative affordable for three years from the date of purchase. If a dwelling is transferred (including by way of lease or licence) during this timeframe it must continue to meet the required price point set out below in clause 1(a)(i).

- (i) The units classed as relative affordable will be valued at no more than 65 per cent of the Auckland region median house price published by the Real Estate Institute of New Zealand for the most recent full calendar month preceding the date on which the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later.
- (ii) The price point required by clause 1(a)(i) above shall include annual charges for maintenance and refurbishment at the retirement village but exclude entry costs, transfer costs, periodical charges, rates and insurance.

6.X.3.4.1 Eligibility for Relative Affordable in a Retirement Village

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

- 1. The purchaser(s)/resident(s) shall have a gross household income that does not exceed 150% of the NZ superannuation income receivable, current at the date of purchase.

6.X.5 LAND USE CONTROLS - NEIGHBOURHOOD CENTRE ZONE

- 1. The land use controls in the Neighbourhood Centre zone apply in the Hingaia 2 Precinct unless otherwise specified in the Precinct rules.

The total gross floor area for all retail and commercial activities (refer to the nesting table for definition) that establish in the Neighbourhood Centre zone shown on the Hingaia 2 Precinct Plan shall not exceed 1,000m².

6.X.6 DEVELOPMENT CONTROLS – MIXED HOUSING SUBURBAN ZONE

The development controls in the Mixed Housing Suburban zone apply in the Hingaia 2 Precinct unless otherwise specified below:

1. Building Height

Purpose: To manage the height of buildings to generally maintain a low-rise suburban residential character of the zone while ensuring that the height provides for diversity of built form.

- 1. Buildings must not exceed 9m in height.

2. Rear Yards

Purpose: To provide additional setback and open space areas between the rear of buildings.

Table 4

Activity	Yard (m)
Sites with a density less than or equal to one dwelling per 400m ²	3m
Rear sites	1m

3. Maximum Impervious Area

Purpose: To provide for flexibility of built form for higher density development while managing stormwater runoff generated by development.

1. All developments with a density less than or equal to one dwelling per 400m² the maximum impervious area shall not exceed 60 per cent.
2. All developments with a density greater than one dwelling per 400m² the maximum impervious area shall not exceed 70 per cent.

4. Landscaping

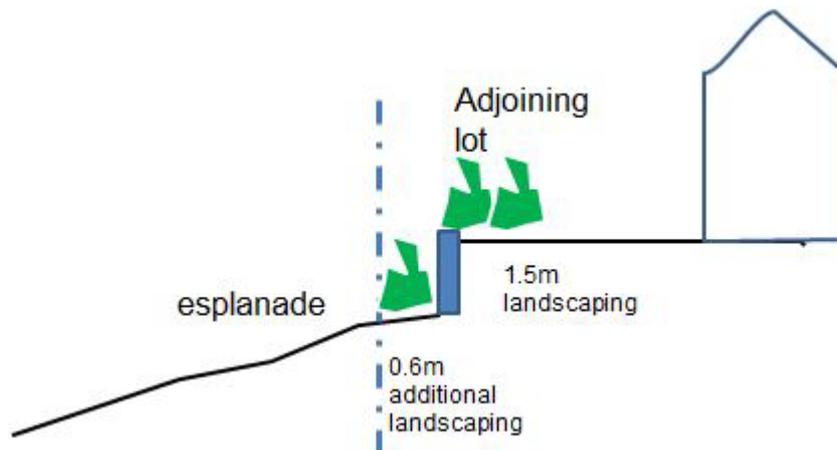
Purpose: To provide for on-site amenity and an attractive streetscape character, to improve stormwater absorption on-site, and to provide for an attractive interface between residential lots located adjacent to the esplanade reserve, and the coast.

1. Developments with a density less than or equal to one dwelling per 400m², at least 40 per cent of a site must comprise landscaped area.
2. Developments with a density greater than one dwelling per 400m², at least 30 per cent of a site must comprise landscaped area.
3. For clause 2 above, the following must be met
 - a) at least 10 per cent of the required landscaped area must be planted including at least one tree that is PB95 or larger at the time of planting.
 - b) At least 40 per cent of the front yard must comprise landscaped area.
4. For proposed sites that are adjacent to the esplanade reserve, landscaping must be provided along the esplanade reserve boundary in conjunction with any boundary fence that exceeds 1.2m in height. Landscaping must be undertaken within the site (not within the esplanade reserve), have a minimum depth of 1.5m, and be provided along the entire length of the fence.

5. Landscaping for Coastal Retaining Walls

Purpose: To soften the visual impact of the retaining walls when viewed from the esplanade reserve.

Retaining walls of 1.0m or more in height adjoining the esplanade reserve boundary must have trees planted for a depth 0.6m in front of the retaining wall and within the site as illustrated in the diagram below:



6. Dwellings Fronting the Street

Purpose: To ensure dwellings are oriented to provide for passive surveillance of the street and to contribute to streetscape amenity.

1. The front façade of a dwelling or dwellings on a front site must contain:
 - a) Glazing that overall comprises at least 20 per cent of the area of the front façade (excluding the garage door)
 - b) A main entrance door that is visible from the street.

7. Fences

Purpose: To maintain and enhance passive surveillance of the street and public open space, including the esplanade reserve, and to enhance the visual amenity of, and view from, sites that are located adjacent to the esplanade reserve, to the coast.

1. Fences in the front yard must not exceed 1.2m in height.
2. Fences along any boundary that adjoins public open space, including the esplanade reserve, must have a maximum height of 1.5m and be a minimum of 70% visually permeable. The exception to this rule is that where fences are proposed on retaining walls or structures that are more than 0.5m above the ground level at the base of the retaining wall or structure, the maximum fence height shall be 1m.

8. Garages

Purpose: To ensure garages are not a dominant feature in the streetscape.

1. A garage door facing a street must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.
2. Garage doors must not project forward of the front façade of a dwelling.
3. The garage door must be set back at least 5m from the site frontage.

9. On-site Stormwater Management – new impervious surfaces

1. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to intermittent or permanent streams all new impervious surfaces of 50m² and over must be designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b) Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
2. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to the coast all new impervious surfaces of 50m² and over are to be designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area.
3. In catchments shown on the Hingaia Indicative Stormwater Management Plan shown as requiring retention and half the detention volume, all new impervious surfaces of 50m² and over are to be designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b) Provide half the detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (5.75mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required, provided that
 - c) The remaining detention volume (5.75mm) is directed to a communal device designed and sized to accommodate flows from the site.
4. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to a wetland all new impervious surfaces are to be directed to a wetland that is designed and sized to accommodate flows from the site or are directed to devices designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b) Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
5. Stormwater runoff must be directed to an on-site device designed and sized to accommodate stormwater runoff from 1, 2, 3 (a) and (b), and 4 (a) and (b) above.
6. Stormwater device/s on private land:
 - a) Must be maintained by the site owner in perpetuity. A consent notice must be registered on the Certificate of Title to that effect.

- b) If rainwater tanks are proposed for a dwelling to achieve the retention requirements of clause a) above, the rainwater tank must be dual plumbed to non-potable uses such as the toilet as a minimum.
7. Compliance shall be demonstrated to the Council in conjunction with any application for building consent, or by way of a certificate of compliance or at the time of subdivision.
8. Non-compliance with clauses 1-7 above is a restricted discretionary activity.

6.X.7 Development Controls – Mixed Housing Urban Zone

The development controls in the Mixed Housing Urban zone apply in the Hingaia 2 Precinct unless otherwise specified below.

1. Rear Yards

Purpose: To provide additional setback and open space areas between the rear of buildings

1. For developments less than or equal to one dwelling per 300m² the rear yard setback is 3m.
2. For developments less than one dwelling per 300m² the rear yard setback is 1m.
3. For all rear sites yards the setback is 1m.

2. Landscaping

Purpose: To provide for on-site amenity and an attractive streetscape character, to improve stormwater absorption on-site.

1. Developments with a density less than or equal to one dwelling per 400m², at least 40 per cent of a site must comprise landscaped area.
2. Developments with a density greater than one dwelling per 400m², at least 30 per cent of a site must comprise landscaped area.
3. For clause 2 above, the following must be met:
 - a. At least 10 per cent of the required landscaped area must be planted including at least one tree that is PB95 or larger at the time of planting; and
 - b. at least 40 per cent of the front yard must comprise landscaped area.

3. Dwellings Fronting the Street

Purpose: To ensure dwellings are oriented to provide for passive surveillance of the street and contribute to the streetscape amenity.

1. The front façade of a dwelling or dwellings on a front site must contain:
 - a. Glazing that overall comprises at least 20 per cent of the area of the front façade (excluding the garage door).

- b. A main entrance door that is visible from the street.

4. Fences

Purpose: To maintain and enhance passive surveillance of the street and public open space, including the esplanade reserve, and to enhance the visual amenity of, and views from, sites that are located adjacent to the esplanade reserve, to the coast.

1. Fences in the front yard must not exceed 1.2m in height.
2. Fences along any boundary that adjoins public open space, including the esplanade reserve, must have a maximum height of 1.5m and be a minimum of 70% visually permeable. The exception to this rule is where fences are proposed on retaining walls or structures that are more than 0.5m above the ground level at the base of the retaining wall or structure, the maximum fence height shall be 1m.

5. Garages

Purpose: To ensure garages are not a dominant feature of the streetscape.

1. A garage door facing a street must be no greater than 50 per cent of the width of the front façade of the dwelling to which the garage relates.
2. Garage doors must not project forward of the front façade of a dwelling.
3. The garage door must be set back at least 5m from the site frontage.

6. On-site Stormwater Management – new impervious surfaces

1. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to intermittent and permanent streams all new impervious surfaces of 50m² and over are designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b) Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
2. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to the coast all new impervious surfaces of 50m² and over are to be designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area.
3. In catchments shown on the Hingaia Indicative Stormwater Management Plan as requiring retention and half the detention volume, all new impervious surfaces of 50m² and over are to be designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.

- b) Provide half the detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (5.75mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required; provided that
 - c) The remaining detention volume (5.75mm) is directed to a communal device designed and sized to accommodate flows from the site.
4. In catchments shown on the Hingaia Indicative Stormwater Management Plan as draining to a wetland all new impervious surfaces are to be directed to a wetland that has been designed and sized to accommodate flows from the site OR are to be directed to devices designed to achieve the following:
 - a) Provide retention (volume reduction) of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required.
 - b) Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) or any greater retention volume that is achieved over the impervious area for which hydrology mitigation is required.
 5. Stormwater runoff must be directed to an on-site device designed and sized to accommodate stormwater runoff from 1, 2, 3 (a) and (b), and 4 (a) and (b) above.
 6. Stormwater device/s on private land:
 - a) Must be maintained by the site owner in perpetuity.
 - b) If rainwater tanks are proposed for a dwelling to achieve the retention requirements of clause a) above, the rainwater tank must be dual plumbed to non-potable uses such as the toilet as a minimum.
 7. Compliance shall be demonstrated to the Council in conjunction with any application for building consent or by way of a certificate of compliance, or at the time of subdivision.
 8. Non-compliance with any of clauses 1-7 above is a restricted discretionary activity.

6.X.8 Subdivision Activity Table

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

Table 4 – Activity Table Hingaia 2 Precinct	
Subdivision Activity	Activity Status
Subdivision in accordance with the Hingaia 2 Precinct Plan	RD

Subdivision not in accordance with the Hingaia 2 Precinct Plan	D
Subdivision adjoining the existing or proposed esplanade in which all proposed sites are 600m ² net site area or more	RD
Vacant lot subdivision adjoining the existing or proposed esplanade with proposed sites of less than 600m ² net site area	NC
Subdivision of sites in accordance with an approved land use consent or a concurrent comprehensive subdivision and land use consent for subdivision adjoining the existing or proposed esplanade with proposed sites of less than 600m ² net site area	RD
Subdivision of a site with road access to a vehicle access restriction (VAR) road	RD

6.X.9 Subdivision Development Controls

1. The subdivision controls in the Neighbourhood Centre zone of the Hingaia 2 Precinct are those listed in H5.2.3.1 Auckland-wide Rules - Subdivision.
2. The subdivision controls in the Mixed Housing Suburban and the Mixed Housing Urban zones of the Hingaia 2 Precinct are those listed in H5.2.3.1 Auckland-wide rules – Subdivision, except as specified in rule 6.X.9.3 below.
3. **Residential Zones – Site Size**
 1. In addition to the controls in Table 1 [of H5.2.3.1 Subdivision] subdivision of a parent site of 1ha or more, and where 15 or more vacant sites are proposed, each site that will contain a building must comply with the average net site area below for the zone, provided that the proposed minimum net site area is no less than 20 per cent of the required minimum net site areas for the relevant zone and that the average lot size is not less than:
 - a) 600m² net site area for vacant sites adjoining the coast in the Mixed Housing Suburban zone
 - b) 400m² net site area for the Mixed Housing Suburban zone
 - c) 300m² net site area for the Mixed Housing Urban zone.
 2. Any site which is 1,200m² or greater (and identified for future development) will be excluded from the calculation of average lot size in relation to clause 1 above.

4. Roading Standards

1. Roads, apart from those local roads marked as “indicative”, must be provided in general accordance with the Hingaia 2 Precinct Plan.
2. The road network shall be constructed to the standards contained in Table 4: Road Construction Standards for Additional Road Types and be consistent with the applicable Figure or, where contained in Table 4, the relevant Auckland-wide rules shall apply.

Table 4 – Road Construction Standards					
Types of Road	Road Width (metres)	Carriage way (Metres)	Footpath Width (Metres)	Cycleway (metres)	Figure (Precinct diagrams 1-5)
Hingaia Road	31	14	NA	3m combined footpath/cycleway (both sides)	1
Collector Road (Oakland Road)	22.5	7	1.8m (one side)	3m combined footpath/cycleway (one side)	N/A
Hayfield Way	20	6.6	1.8m (one side)	3.6m combined footpath/cycleway (one side)	2
Swale Street	20	6	1.8m (one side)	3m combined footpath/cycleway (one side)	3
Local Road	16	6	1.8m (both sides)	N/A	4

3. Where local roads are proposed along the north-south pedestrian and cycle path shown on the Precinct Plan, the local road typology shall include a 3.0m combined cycle and footpath on one side.
4. Direct vehicle access to any Mixed Housing Urban lots located on the south side of the Swale Street should not be obtained from the road.
5. Direct access to any lots located on the north side of Hingaia Road shall not be obtained from Hingaia Road.
6. Unsealed berm, free of planting and of sufficient dimensions, shall be made available immediately adjacent to the road boundary of all lots for the installation, operation, maintenance and upgrading of electricity supply infrastructure on all categories of road, consistent with the Road Construction Standards in Table 4 and the applicable Figure in Precinct diagrams 1-5.

5. Riparian Margin

1. Riparian margins shall be established either side of the banks of a stream (shown on the Precinct Plan as riparian corridor) to a minimum width of 10m measured from the bank of the stream, where the location of the

bank can be physically identified by ground survey, or from the centreline of the stream where the bank cannot be physically identified by ground survey. These margins shall be planted in native vegetation and shall be offered to the Council as local purpose drainage reserves.

6. Landscaping

Purpose: To ensure that landscaping on lots adjoining public open space, including the esplanade reserve, is provided in perpetuity.

1. A consent notice must be registered on the Titles for all lots that adjoin public open space, including the esplanade reserve, requiring that landscaping be undertaken in accordance with land use rules 6.X.6.4, 6.X.6.5 and 6.X.7.1 of the Hingaia 2 Precinct.
2. The detailed design of landscaping in roads and public open spaces (including the esplanade reserve), and on lots that adjoin public open space areas, shall be undertaken in parallel with the Engineering Plans Approval process.

7. Fences

Purpose: To maintain and to enhance passive surveillance of the street and public open space, including the esplanade reserve, and to enhance the visual amenity of, and views to the coast from, sites located adjacent to the esplanade reserve.

1. A consent notice must be registered on the Titles for lots requiring that fences are erected in accordance with the relevant land use rules 6.X.6.7, 6X.7.4 of the Hingaia 2 Precinct.

8. Affordable Housing

1. Refer to the Affordable Housing clauses in the land use and development control sections above.

9. On-site Stormwater Management

- a) Where the detention component of the On-site Stormwater Management rule (6.X.6.9, 6.X.7.6) is to be provided in a communal device, the device must be provided at the time of subdivision and be designed and constructed to Auckland Council standards.
- b) Stream channels shall be used to convey flood flows and shall be capable of passing the 1% AEP without generating effects on adjacent properties and designed to Auckland Council standards.

6.X.9 Assessment of Restricted Discretionary Activities

Matters for Discretion

1. Subdivision in the Hingaia 2 Precinct

The Council will restrict its discretion to those matters listed for subdivision under the Auckland-wide rules as well as the following matters:

- a) Consistency with the Hingaia 2 Precinct Plan;
- b) Limitations or restrictions on access for future lots adjoining the Swale Street (Mixed Housing Urban lots) and Hingaia Road;
- c) The extent to which the proposed subdivision facilitates views of, and access to, the coast;
- d) The extent to which proposed subdivision at the coastal interface minimises the need for retaining structures and, where retaining structures are required, the extent to which the proposal minimises the length, height and visual prominence of all retaining structures;
- e) The extent to which the proposed subdivision will provide for an appropriate connection between public open space and any esplanade reserves;
- f) Opportunities to retain existing trees and vegetation where practicable and to integrate them into subdivision design and layout;
- g) Consistency with the Hayfield Way Stormwater Management Plan;
- h) The matters for discretion outlined in H5.4 Subdivision, Table 13; and
- i) Vehicle access:

The Council will restrict its discretion on vehicle access to the following matters:

- (i) The location and design of vehicle and pedestrian access;
- (ii) The effects on safety, particularly for pedestrians and cyclists.

2. Buildings on sites that have a net site area of less than 600m² that adjoin the esplanade reserve in the Hingaia 2 Precinct

The Council will restrict its discretion to the following matters:

- a) Dwelling location, scale, form and design, and the extent to which the dwelling will maintain viewshafts to the coast from public places, support surveillance of the esplanade reserve, and present an overall design that respects high amenity values at the coastal edge.

3. Development Control Infringements

The Council will restrict its discretion to those matters listed in I1.11 Residential, and Chapter G, G2.3 General, for development in the Hingaia 2 Precinct except where otherwise specified below.

- a) Landscaping and Landscaping for Coastal Retaining Walls
 - (i) Those matters listed in I1.11.5.1;

- (ii) The amenity values and landscape character of the esplanade reserve and coastal environment;
 - (iii) The interface between residential lots and the esplanade reserve ;
 - (iv) The nature of the landscaping proposed at the interface with the esplanade reserve, including the species to be planted and the density of planting proposed.
- b) Fences
- (i) The matters listed in I1.11.5.1;
 - (ii) The effect on amenity values and character of the public open space.
- c) On-site Stormwater Management
- Impervious areas unable to comply with rules 6.X.6.9, 6.X.7.6 and 6.X.8.9:
The Council will restrict its discretion to:
- (i) items (a)-(d) listed in H4.14.2.4.2.4.1_Stormwater Management – Flow in the Auckland-wide rules;
 - (ii) H4.14.3.4.1 stormwater quality management requirements for minimising adverse effects.

Assessment Criteria

For development that is a restricted discretionary activity in the Hingaia 2 Precinct, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the Mixed Housing Suburban zone, Mixed Housing Urban zone, the Neighbourhood Centre zone and the Auckland-wide rules:

1. Subdivision

- a) The structural elements of the Hingaia 2 Precinct Plan are incorporated into the subdivision design including:
 - Key roads;
 - Vehicle access or no access restrictions along Hingaia Road and along the Mixed Housing Urban land on the southern side of Swale Street;
 - Riparian (green infrastructure) corridors; and
 - Neighbourhood Parks (which may be relocated).
- b) Development is consistent with the Hingaia 2 Precinct objectives and policies.
- c) Where any lots are created that are affected by the Vehicle Access Restriction notation on the Precinct Plan, the lots shall be provided with rear vehicle accessways, and pedestrian access only should be provided off the road.

- d) Where any lots are created adjacent to the esplanade reserve, or to a public open space, use of retaining structures should be minimised where possible. Where retaining structures are required, they will be assessed having regard to:
 - (i) The location of the retaining structure and its visual impact on the amenity of the public open space and/or the coast;
 - (ii) The length, height and design of the retaining structure, including the materials to be used in its construction; and
 - (iii) What landscaping is proposed in order to minimise the prominence of the retaining structures.
- e) Whether existing trees are to be retained, having regard to the following:
 - (i) The health, form and condition of the tree (or group of trees);
 - (ii) The extent to which the tree (or group of trees) can be appropriately accommodated into the subdivision design and layout in a manner that will safeguard the future health, form and condition of the tree; and
 - (iii) The amenity value of the tree (or group of trees) and its contribution to the overall landscape character and visual amenities of the Precinct.
- g) Compliance with the on-site stormwater management solutions in the approved Stormwater Management Plan for the Hingaia 2 Precinct.
- h) The assessment criteria outlined in H5.4 Subdivision.

2. Buildings on sites that have a net site area of less than 600m² that adjoin the esplanade reserve in the Hingaia 2 Precinct

- a) The location, scale, form and design of the building;
- b) The extent to which the location, scale, form and design of any building will facilitate or maintain views of the coast;
- c) The extent to which the building will respect the amenity values of the coastal environment; and
- d) The extent to which the building will provide an appropriate interface with the coast, in particular the extent to which the design encourages surveillance of the esplanade reserve.

3. Landscaping and Landscaping for Coastal Retaining Walls

- a) Those matters listed in 1.11.1.5;
- b) Whether the proposed planting will eventually grow to soften the visual effects of the retaining wall/fencing as viewed from the esplanade reserve; and
- c) Whether the materials selected for the retaining wall/fence are appropriate to the location and context.

4. Vehicle access

- a) Vehicle crossings and accessways should be designed to reduce vehicle speed, be visually attractive by using quality paving and landscaping, and clearly signal the presence of a vehicle crossing or accessway.
- b) Vehicle crossings and accessways should enable pedestrian access. The spaces may be integrated where designed as a shared space with pedestrian priority.
- c) The design of pedestrian routes between dwelling entries, parking areas, private and communal open space and the street should provide equal physical access for people of all ages and physical abilities and provide a high level of pedestrian safety and convenience.
- d) Whether vehicle access to lots adjoining shared paths on Oakland Road and Hayfield Way can be practicably provided by way of 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 should be provided 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.
- e) Ramps, where necessary, should be integrated into the design of the building and landscaping.
- f) Effects on safety for all road users and on the streetscape amenity

5. Impervious areas unable to comply with rules 6.X.6.9, 6.X.7.6 and 6.X.8.9

- a) The Council will consider assessment criteria H4.14.2.4.2 (a) – (f) listed under Stormwater Management – Flow in the Auckland-wide rules; and
- b) Assessment criteria H4.14.3.4.2 a) to (f) listed under Stormwater Management – Quality in the Auckland-wide rules.
- c) Whether consent notices are required to be registered on the Certificates of Title for new lots to ensure compliance with the on-site stormwater management requirements.

6.X.11 Special Information Requirements

For subdivision, the relevant special information requirements in the Auckland-wide subdivision rules apply as well as the following.

- A coastal erosion and geotechnical report should be provided with subdivision and land use applications.

Definitions

“Retained affordable”

Housing that is:

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

“Relative affordable”

Housing that is:

- a) Bought by first home buyers, where the purchaser has a gross household income that does not exceed 120 per cent of the Auckland median household income as set at the date of signing the sale and purchase agreement.
- b) Sold at a price that does not exceed 75 per cent of the Auckland region median house price published by the Real Estate Institute of New Zealand and calculated as an average of the 3 calendar months previous to the date of application for resource consent is approved or the date on which all appeals to the resource consent application are finally resolved, whichever is the later.

“Community Housing Provider”

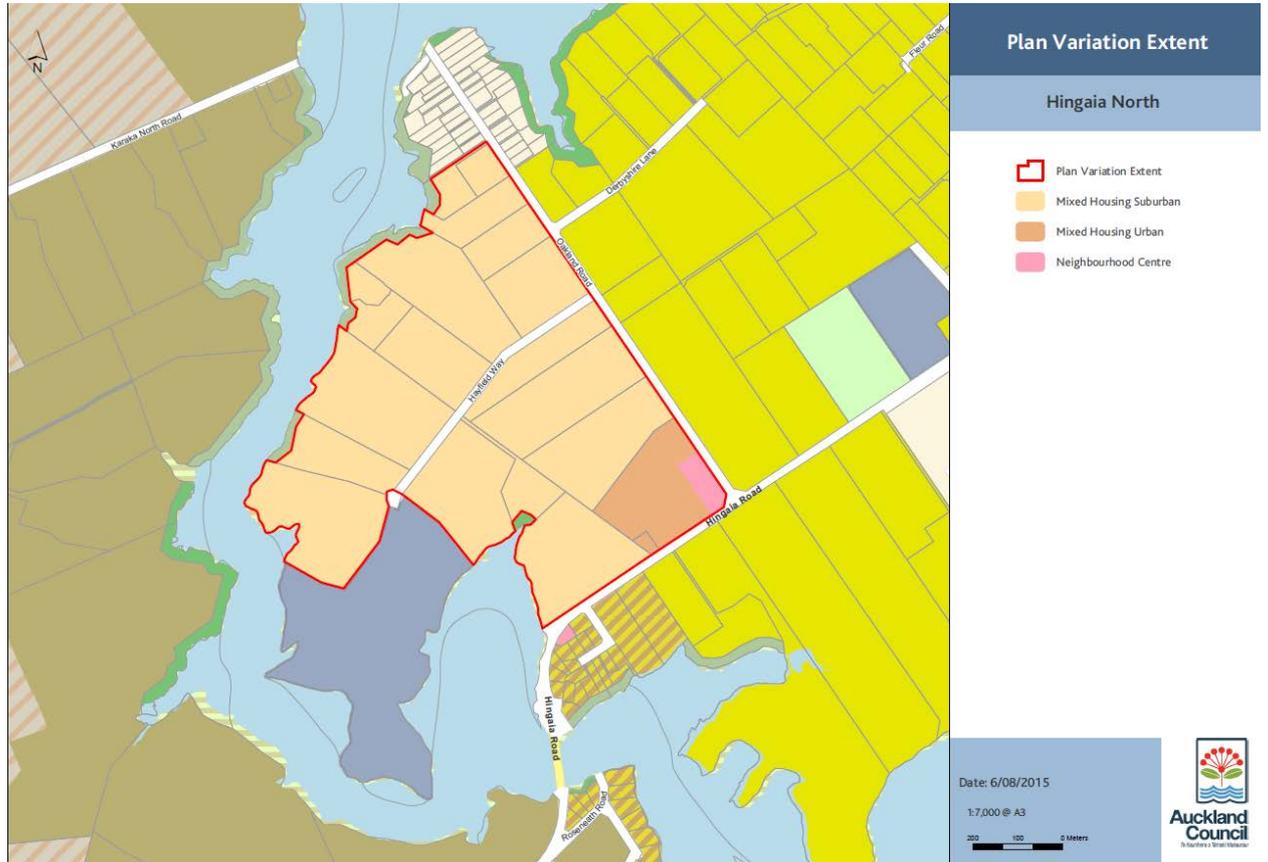
Means a housing provider (other than the Housing New Zealand Corporation) that has, as one of its objectives, the provision of one or both of the following types of housing:

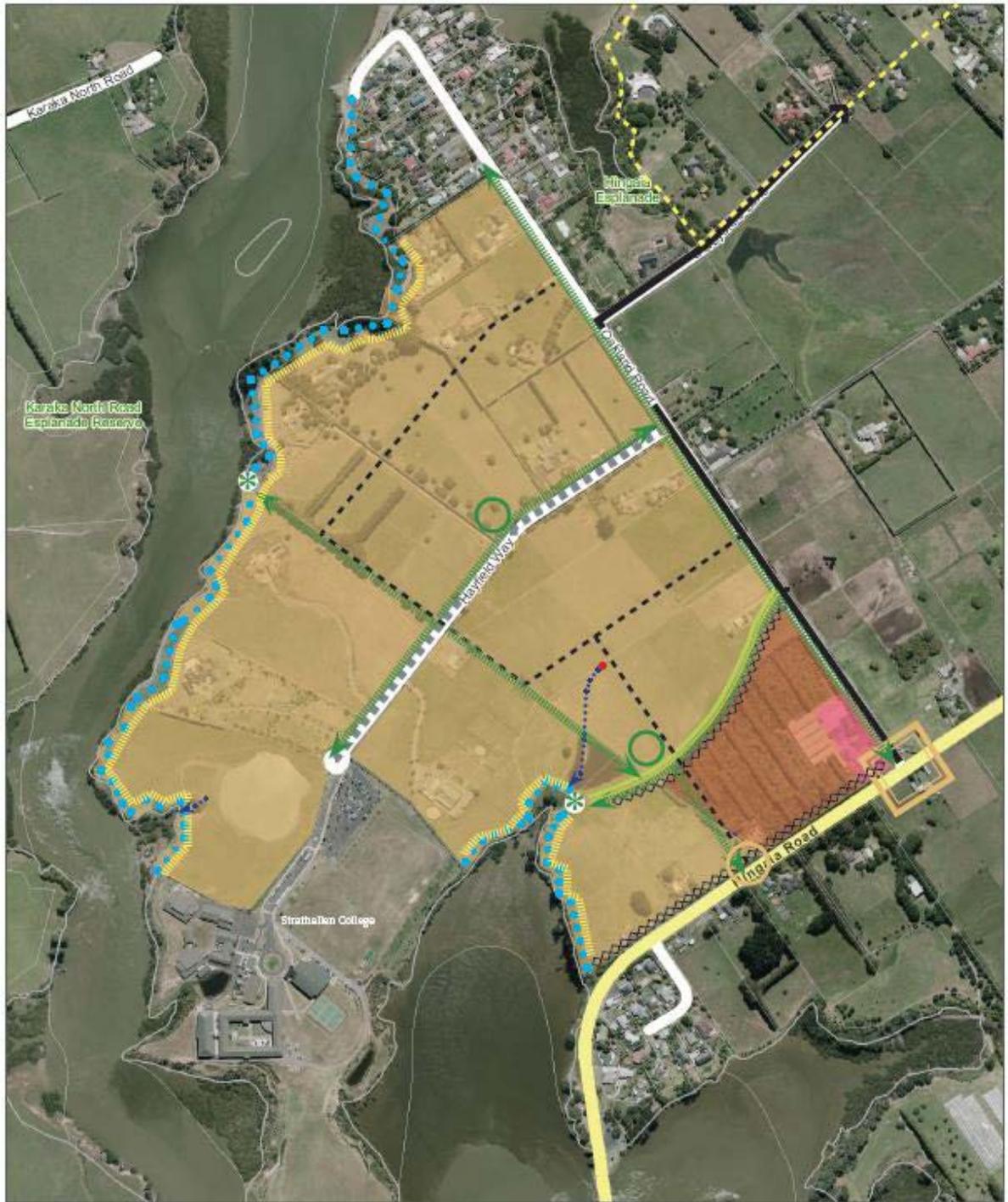
- a) Social rental housing
- b) Affordable rental housing

“Household Income”

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

Proposed Plan Variation 6: Hingaia 2 (Hayfield) zoning map





KEY

-  Precinct Area
-  Arterial Road
-  Collector Road
-  Connector Road
-  Vehicle access restriction
-  Indicative local road
-  Key Pedestrian and cycle path
-  Movement link to adjacent area

-  Intersection upgrade
-  Turning movement restriction
-  Mixed Housing Suburban Zone
-  Mixed Housing Urban
-  Neighbourhood centre

-  Coastal Interface Control
-  Esplanade reserve
-  Riparian corridor
-  Coastal Plaza
-  Neighbourhood park
-  Swale street
-  Indicative location of spring

PRECINCT PLAN MAP

Hingaia 2
HAYFIELD SHA LTD

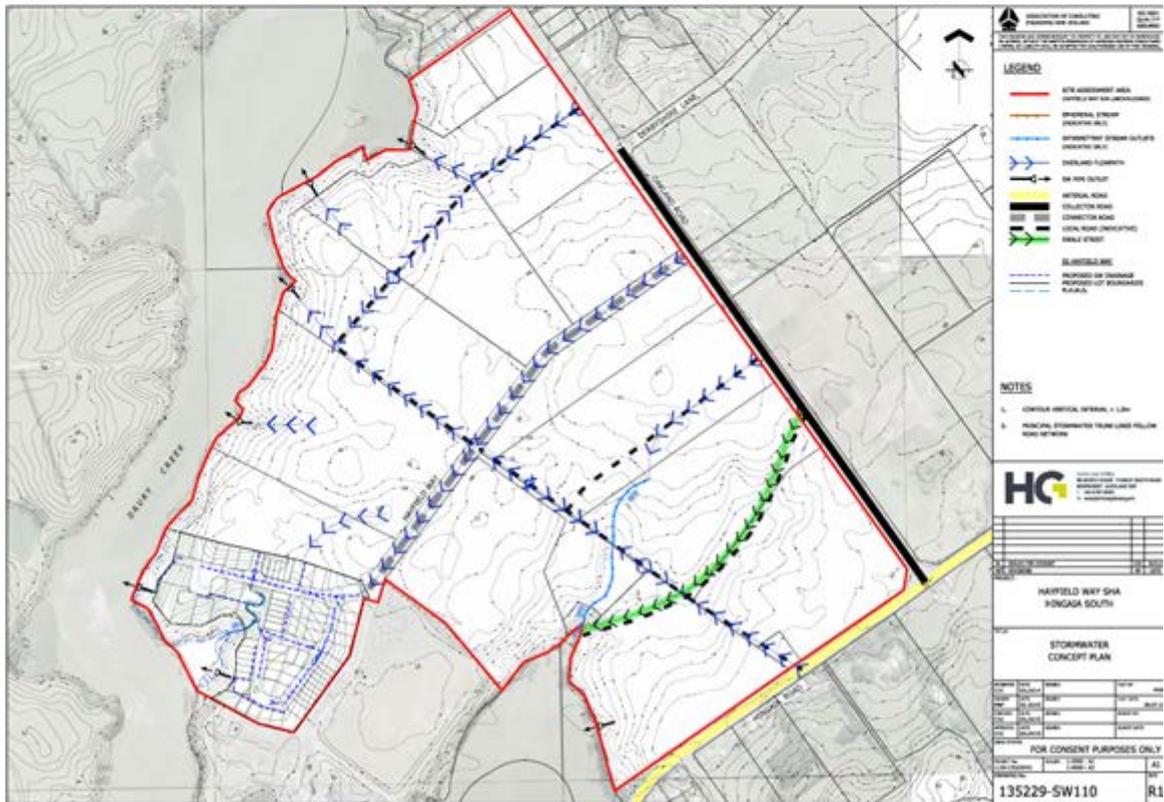
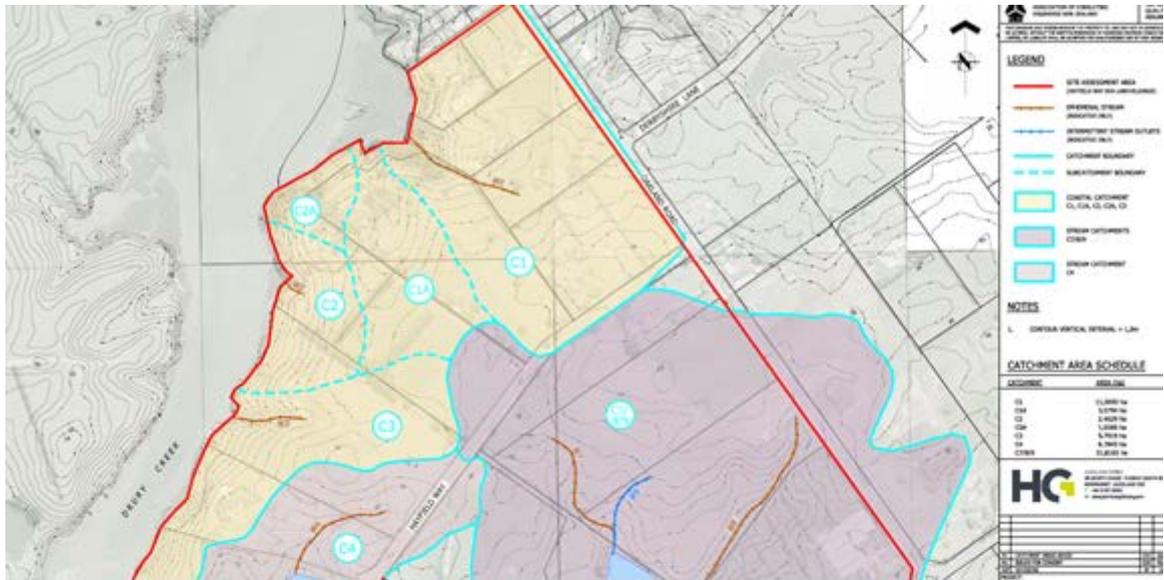
**HARRISON
GRIERSON**

Project No: 1120-135229-01
Date: 16 October 2015
Scale: 1:5000 at A3



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Precinct Plan 2 Stormwater



Precinct Diagrams 1-5

HINGAIA ROAD (ARTERIAL)



HAYFIELD WAY (CONNECTOR)



ROAD CROSS SECTIONS

Hayfield Way, Hingaia

HAYFIELD WAY SHA LTD

SWALE STREET



LOCAL ROAD



LOCAL ROAD WITH CYCLEPATH



ROAD CROSS SECTIONS

Hayfield Way, Hingaia
HAYFIELD WAY SHA LTD

Attachment 2

CONDITIONS OF CONSENT

Qualifying Development at 55 Hayfield Way, Hingaia (LUC-2015-2201 and REG-2015-2205)

Under sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 ("HASHAA") and sections 108 and 220 of the Resource Management Act 1991 ("RMA"), these consents are subject to the following conditions:

General Conditions

1. The vacant lot subdivision for 31 residential lots, eight future development superlots with associated roads and infrastructure, including provision of a coastal esplanade, a private drainage reserve and a new intermittent stream and associated works, shall be carried out in accordance with the plans and all information submitted with the application detailed below and all referenced by the Council as consent numbers "LUC-2015-2201" and "REG-2015-2205"
 - Application form, and Assessment of Effects titled 'Application for Resource Consent for a Qualifying Development in the Hingaia Special Housing Area' prepared by Harrison Grierson Consultants Ltd, dated 12 April 2015; Queries Register dated by column 23 October 2015; Queries Register for SMP matters dated by column 9 October 2015; Drawings, plans and specialist reports as detailed below. In the event of any inconsistency between the approved drawings and supplementary documentation, the approved drawings will prevail.

<i>Drawing Number</i>	<i>Title</i>	<i>Author</i>	<i>Date</i>
137800-000	Index and Cover Sheet	Harrison Grierson Consultants Ltd	October 2015
137800-100 Rev B	Overall Topographical Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-101 Rev B	Topographical Plan-Sheet 1	Harrison Grierson Consultants Ltd	27/10/15
137800-102 Rev B	Topographical Plan-Sheet 2	Harrison Grierson Consultants Ltd	27/10/15
137800-103 Rev B	Topographical Plan-Sheet 3	Harrison Grierson Consultants Ltd	27/10/15
137800-104 Rev B	Topographical Plan-Sheet 4	Harrison Grierson Consultants Ltd	27/10/15
137800-105 Rev B	Topographical Plan-Sheet 5	Harrison Grierson Consultants Ltd	27/10/15
137800-106 Rev B	Topographical Plan-Sheet 6	Harrison Grierson Consultants Ltd	27/10/15
137800-110 Rev C	Scheme Plan	Harrison Grierson Consultants Ltd	25/11/15
137800-200 Rev B	Existing Contour Plan	Harrison Grierson Consultants Ltd	27/10/15

137800-210 Rev C	Proposed Earthworks – Finished Contour Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-220 Rev C	Proposed Earthworks - Isopach Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-230 Rev C	Sediment and Erosion Control - Overall Layout Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-231 Rev C	Sediment and Erosion Control - Standard Details - Sheet 1	Harrison Grierson Consultants Ltd	27/10/15
137800-232 Rev C	Sediment and Erosion Control - Standard Details - Sheet 2	Harrison Grierson Consultants Ltd	27/10/15
137800-233 Rev C	Sediment and Erosion Control - Standard Details - Sheet 3	Harrison Grierson Consultants Ltd	27/10/15
137800-234 Rev C	Sediment and Erosion Control - Standard Details - Sheet 4	Harrison Grierson Consultants Ltd	27/10/15
137800-235 Rev C	Sediment and Erosion Control - Standard Details - Sheet 5	Harrison Grierson Consultants Ltd	27/10/15
137800-270 Rev B	Overall Proposed Retaining Wall Layout Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-271 Rev B	Proposed Retaining Wall 1 Plan and Elevation - Sheet 1	Harrison Grierson Consultants Ltd	27/10/15
137800-272 Rev C	Proposed Retaining Wall 2 Plan and Elevation - Sheet 2	Harrison Grierson Consultants Ltd	27/10/15
137800-273 Rev C	proposed retaining wall 3 plan and elevation - sheet 3	Harrison Grierson Consultants Ltd	27/10/15
137800-280 Rev C	Proposed Stormwater Catchment Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-281 Rev D	Proposed Overland Flowpath - Road 1 & Road 2 Details	Harrison Grierson Consultants Ltd	27/10/15
137800-300 Rev B	Road Layout Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-320 Rev B	Proposed Road Longitudinal Sections	Harrison Grierson Consultants Ltd	27/10/15
137800-335 Rev C	Typical Road Cross Sections	Harrison Grierson Consultants Ltd	27/10/15
137800-360 Rev B	Intersection and Kerb Returns Details Overall Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-361 Rev C	Intersection and Kerb Returns Details - Sheet 1	Harrison Grierson Consultants Ltd	27/10/15

137800-362 Rev C	Intersection and Kerb Returns Details - Sheet 2	Harrison Grierson Consultants Ltd	27/10/15
137800-363 Rev B	Intersection and Kerb Returns Details - Sheet 3	Harrison Grierson Consultants Ltd	27/10/15
137800-364 Rev C	Intersection and Kerb Returns Details - Sheet 4	Harrison Grierson Consultants Ltd	27/10/15
137800-365 Rev C	Intersection and Kerb Returns Details - Sheet 5	Harrison Grierson Consultants Ltd	27/10/15
137800-366 Rev C	Intersection and Kerb Returns Details - Sheet 6	Harrison Grierson Consultants Ltd	27/10/15
137800-400 Rev C	Overall Stormwater Drainage Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-405 Rev C	Overall Sewer Drainage Plan	Harrison Grierson Consultants Ltd	27/10/15
137800-470 Rev B	Stormwater Outlet Details	Harrison Grierson Consultants Ltd	27/10/15
137800-480 Rev C	Roadside Raingarden Details	Harrison Grierson Consultants Ltd	27/10/15
137800-500 Rev B	Proposed Watermain Layout Plan	Harrison Grierson Consultants Ltd	27/10/15

Specialist Report	Title	Author	Date
Design Statement	Design Statement, Karaka Waters – 55 Hayfield Way, Hingaia	Harrison Grierson Ltd	July 2015
Traffic Report	Karaka Waters, 55 Hayfield Way, Hingaia Qualifying Development – Transportation Assessment	Parlane & Associates Ltd	June 2015
Heritage Impact Assessment	Proposed Residential Subdivision, 55 Hayfield Way, Karaka, Auckland: Heritage Impact Assessment	Clough & Associates Ltd	May 2015; updated June 2015
Ecology Assessment	55 Hayfield Way, Hingaia SHA – Freshwater Ecological Values and Effects Assessment	PDP Ltd	10 June 2015
Terrestrial Ecology Assessment	Proposed Subdivision at 55 Hayfield Way, Hingaia	Wildlands Consultants Ltd	28 May 2015
Stormwater Management Plan	Hayfield Way, Stormwater Management Plan	Harrison Grierson	October 2015
Geotechnical Report	Geotechnical Investigation Report – 55 Hayfield Way, Hingaia	Lander Geotechnical	11 May 2015

Coastal Hazard Assessment	Coastal Hazard Assessment: 55 Hayfield Way	Eco Nomos Ltd, Thames	June 2015
Contamination Report	Preliminary Site Investigation	PDP	16 July 2014
Fish Relocation Plan	Fish Relocation Plan for 55 Hayfield Way, Hingaia	PDP Ltd	24/11/2015

Advice Note:

Please note that the final design of the teardrop roundabout and the cul-de-sac as shown on drawings (137800-330 Rev 2, 137800-361 Rev R1 and 137800-365 Rev R1) requires some minor amendments to achieve Auckland Transport standards. Its approval of the final design will be required for engineering plan approval.

All Charges Paid

2. This consent (or any part thereof) shall not commence until such time as the following charges, owing at the time this decision is notified, have been paid to the Council in full:
 - (a) All fixed charges relating to receiving, processing and granting this resource consent under section 36(1) of the RMA; and
 - (b) All additional charges imposed under section 36(3) to enable the Council to recover its actual and reasonable costs in respect of this application, being costs which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to receiving, processing and granting this resource consent within 20 working days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 working days of receipt of the relevant decision.

Advice Note:

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

Monitoring Charges

4. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions of this consent. The \$1500.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

Advice Note:

Compliance with the consent conditions will be monitored by the Council in accordance with section 35(d) of the RMA. The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc, all being

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

Lapse of Consent (LUC-2015-2201 and REG-2015-2205)

5. Under section 51 of the HASHAA (section 125 of the RMA), this consent will lapse two years after the date it is granted unless the consent is given effect to or on application the Council determines to extend the period after which the consent will lapse.

Advice Note:

The level of works proposed is anticipated to take two years from the date this consent is granted so the lapse period has been adjusted accordingly.

PRE-DEVELOPMENT CONDITIONS

Pre-construction Meeting

6. Prior to commencement of the construction or earthworks activity, the consent holder shall arrange and conduct a pre-construction meeting that:
- (i) is located on the site
 - (ii) is scheduled not less than 5 working days before the anticipated commencement of earthworks
 - (iii) includes the Council's Senior Compliance Advisor, SHA Consenting
 - (iv) includes the engineer/s to the contract
 - (v) includes representation from the contractors who will undertake the works
 - (vi) includes project ecologist both aquatic and terrestrial
 - (vii) includes the project archaeologist
 - (viii) includes Kaitiaki representatives from Te Akitai Waiohau, Ngati Te Ata and Ngati Tamaoho Trust

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

- (a) Timeframes for key stages of the works authorised under this consent
- (b) These resource consent conditions
- (c) Approved Erosion and sediment control plan
- (d) Approved Chemical Treatment Management Plan
- (e) Approved Traffic Management Plan
- (f) Approved Fish Relocation Plan

- (g) Approved Lizard Management Plan
- (h) Approved Historic Heritage Management Plan
- (i) Authority (ref. 2016/269) dated October 2015 granted by Heritage New Zealand.

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

Advice Note:

To arrange the pre-construction meeting please contact the Senior Compliance Advisor, SHA Consenting, on specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392.

Heritage Briefing

7. Prior to the earthworks activity commencing on the site a contractors' briefing shall be undertaken by the project archaeologist/ historic heritage expert. This briefing is to provide information to contractors regarding what constitute archaeological/ historic heritage materials, the legal requirements for unexpected archaeological discoveries; the appropriate procedures to follow if archaeological/ historic heritage materials are uncovered while the project archaeologist is not on the site to safeguard materials, and contact information for the relevant agencies (including the project archaeologist/ historic heritage expert, the Auckland Council Senior Compliance Advisor (DPO), Auckland Council Heritage Unit and Heritage NZ Pouhere Taonga) and mana whenua. Documentation demonstrating that the contractor briefing has occurred shall be provided to the Senior Compliance Advisor, Development Programme Office ("DPO") by the consent holder at the pre-start meeting required by condition 6.

Final Erosion and Sediment Control Plan

8. Prior to commencement of the earthworks activity on the site, a finalised Site Specific Erosion and Sediment Control Plan, including an updated Universal Soil Loss Equation, shall be prepared and submitted to the Senior Compliance Advisor, DPO for written approval. No earthworks activity on the site shall commence until confirmation from the DPO has been provided that the final management plan is satisfactory.

Advice Note:

The finalised ESCP should be based on the approved erosion and sediment control plans (Engineering Drawing 'Sediment and Erosion Control Overall Layout Plan', Drawing No's 137800- 230, Rev C) contained in the Earthworks and Infrastructure Report prepared by Harrison Grierson Consultants Ltd and dated 27 October 2015. The ESCP should contain sufficient detail to address the following matters:

- *Details of specific erosion and sediment controls to be utilised, (location, dimensions, capacity)*
- *supporting calculations including an updated USLE and design drawings*
- *catchment boundaries and contour information*
- *details of construction methods*

- *timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
- *details relating to the management of exposed areas (e.g. grassing, mulching)*
- *monitoring and maintenance requirements*

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

Chemical Treatment Management Plan

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

Advice Note:

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

Erosion and Sediment Control Certification

10. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Senior Compliance Advisor (DPO) to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans required by condition 8.

The certified controls shall include the sediment retention ponds, decanting earth bunds, cleanwater diversions, and silt fences. Certification for these subsequent measures shall be supplied immediately on completion of construction of those measures. The information supplied, if applicable, shall include:

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

Road and Traffic Management

11. Prior to commencement of the earthworks or construction activity on the site, a Traffic Management Plan ("TMP") shall be prepared by a qualified site traffic management supervisor and submitted for approval by the Senior Compliance Advisor, SHA Consenting. No earthworks or construction on the site shall commence until confirmation has been provided by the Council that the TMP is satisfactory and any required measures referred to in that plan have been put in place. The TMP shall ensure that the following matters are included as a minimum:
 - (i) control of movements of earthmoving vehicles to and from the site
 - (iii) a designated haulage route on the public road network for heavy vehicles accessing the site
 - (iv) the signage proposed to warn pedestrians and road users of heavy vehicle movements
 - (v) measures to ensure that any mud, dirt or debris tracked on to the surrounding roads by heavy vehicles accessing the site is avoided and/or cleaned up should it occur
 - (vi) any restrictions on the hours of site access due to traffic concerns, in particular with respect to adjacent Strathallan College.

Advice Note:

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

Fish Relocation Plan

12. All fish relocation on the site shall be undertaken in accordance with the Fish Relocation Plan ("FRP") titled 'Fish Relocation Plan for 55 Hayfield Way', prepared by PDP Ltd and dated 24 November 2015 to the satisfaction of the Senior Compliance Advisor (DPO).

Within 2 months following completion of dewatering, the Senior Compliance Advisor (DPO) shall be provided with evidence of how many fish and species of fish were relocated prior to dewatering and at dewatering.

Lizard Management Plan

13. Prior to the commencement of any earthworks on the site, a Lizard Management Plan ("LMP") must be prepared by an appropriately qualified ecologist and submitted to the

Senior Compliance Advisor (DPO) for approval in writing prior to works commencing. The LMP shall include but not be limited to:

- (a) The appointment of a project herpetologist with a DOC authority to relocate native lizards in the project area;
- (b) A lizard capture-relocation programme – including methodology and timeframe details – to be undertaken over a minimum of 8 weeks (outside winter months) prior to the commencement of works;
- (c) Identification of release site(s) for relocated lizards;
- (d) Provision for appropriate monitoring, habitat enhancement and predator management at any release sites utilised; and
- (e) Reporting on the results of the lizard relocation and any follow-up management and monitoring.

The development shall then be undertaken in accordance with the approved LMP to the satisfaction of the Senior Compliance Advisor (DPO).

Advice Note:

The purpose of the LMP is to ensure that any native lizards present in areas affected by works are relocated to suitable protected habitat elsewhere on the site or surrounding area prior to works commencing.

Historic Heritage Management Plan

14. Prior to the commence of any earthworks on the site, a Historic Heritage Management Plan (“HHMP”) must be prepared by an appropriately qualified archaeologist and submitted to the Senior Compliance Advisor (DPO) for approval in consultation with the Heritage Manager, Auckland Council prior to works commencing. The HHMP shall include but not be limited to:
- (a) Description of the development area (including location plan and development map);
 - (b) Summary of historic heritage sites in the development area;
 - (c) Identification of direct and indirect effects on historic heritage in the development area;
 - (d) Identification of the proposed management process for each indirect and direct effect on historic heritage;
 - (e) Details of any protocols to be followed;
 - (f) Description of project team roles and responsibilities;
 - (g) Identification of which project team members will be on site and when they will be on site during the earthwork phase;

- (h) Training requirements for the project team (i.e. how will this occur, who will provide the training and who will receive the training) and how these will be documented; and
- (i) Details on the storage and curation of the site archive and dissemination of the results of any fieldwork investigations undertaken in relation to historic heritage.

The development shall be undertaken in accordance with the approved HHMP to the satisfaction of the Senior Compliance Advisor (DPO).

Tree Removal, Vegetation Protection and Weed Management

15. Prior to commencement of any physical works in the proposed private drainage reserve or esplanade including tree removals, a vegetation protection and weed management plan shall be submitted to the Senior Compliance Advisor (DPO) for written approval. This plan is clearly to identify the vegetation to be removed and retained, and also to identify any vegetation protection measures proposed for the retained vegetation in relation to the construction works proposed (i.e. earthworks, construction of the boardwalk/footpath in the esplanade and private drainage reserve, wetland improvement and stream works). The plan is also to identify weeds in the reserve areas, the recommended control methods for the identified weeds, and the timeframes for implementing the approved weed management plan and associated responsibilities. The development shall then be undertaken in accordance with the approved plan to the satisfaction of the Senior Compliance Advisor (DPO).

Dewatering Methodology

16. Prior to dewatering of the irrigation pond on the site a methodology for its dewatering shall be submitted to the Senior Compliance Advisor (DPO) for written approval. The methodology is to set out the method for draining the pond with particular reference to sediment control measures, ecology matters and the method for discharging the water to an existing vegetated area away from adjacent watercourses along with management of any sediment-laden water at the bottom of the pond. The development shall then be undertaken in accordance with the approved plan to the satisfaction of the Senior Compliance Advisor (DPO).

Advice note:

The presence of pest species in the existing irrigation pond means that discharging water in the pond directly to the adjacent Drury Creek could pose a biosecurity risk.

DEVELOPMENT IN PROGRESS CONDITIONS

Archaeology/Historic Heritage

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

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

Advice Note:

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

- 18. If any unrecorded historic heritage site (i.e., any site that meets the definition of historic heritage in the RMA) is exposed as a result of any activity associated with the development then these sites shall be recorded in the Auckland Council's Cultural Heritage Inventory by a project archaeologist/ historic heritage expert.
- 19. The site record forms in the Auckland Council Cultural Heritage Inventory for R12/684 are to be updated by the project archaeologist/ historic heritage expert within 20 working days after completion of project works that affect an historic heritage/ archaeology site. Electronic copies of all historic heritage reports, relating to the historic heritage investigations in whatever form (i.e. evaluation, monitoring and excavation) in relation to the development are to be submitted by the project archaeologist/ historic heritage expert to the Council's Cultural Heritage Inventory within 12 months after the completion of the project works that affect the historic heritage/ archaeology site.

Earthworks

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

Advice Note:

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

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

In no circumstances should washing deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Senior Compliance Advisor, SHA Consenting who may be able to provide further guidance on the most appropriate approach to take. For more details please contact specialhousingarea@aucklandcouncil.govt.nz or phone 09 373 6392. Alternatively, please refer to the Council's Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

21. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of this consent, or by the approved Erosion and Sediment Control Plan, shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
22. All excavation in the work areas shall be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water from beyond the site to either land, stormwater drainage systems, watercourses or receiving waters. All sediment and erosion controls shall be installed in accordance with the Council's *Guidelines for Land Disturbing Activities in the Auckland Region* (TP90).
23. The site shall be progressively stabilised against erosion at all stages of the earthworks activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.

Advice Note:

Interim stabilisation measures may include:

- *use of waterproof covers, geotextiles, or mulch*
- *top-soiling and grassing otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Senior Compliance Advisor, SHA Consenting for more details. Alternatively, please refer to the Council's Technical Publication No. 90.

24. All perimeter controls shall be operational before earthworks commence. All 'cleanwater' runoff from stabilised surfaces including catchment areas above the site shall be diverted away from the earthworks areas by way of a stabilised system in order to prevent surface erosion.

Advice Note:

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

25. No sediment laden run-off shall leave the site without prior treatment by way of an approved sediment control device.

Seasonal Restriction

26. No earthworks on the site shall be undertaken between 30 April and 1 October in any year without the prior written approval of the Senior Compliance Advisor (Development Programme Office) at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in the Council's Technical Publication TP90 and any amendments to that document.

Completion or Abandonment of Earthworks

27. On abandonment or completion of earthworks on the site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

Advice Note:

The stabilisation measures may include:

- *The use of mulch.*
- *Top-soiling, grassing and mulching otherwise bare areas of earth.*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

Ongoing monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Senior Compliance Advisor, SHA Consenting on specialhousingarea@aucklandcouncil.govt.nz or phone 09 373 6392 for more details. Alternatively, please refer to TP90.

Dust Management

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

Advice Note:

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

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

Noise

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

- Mondays to Saturdays: 7:30am to 6.00pm
- Sundays or Public Holidays: No works

Engineering Plan Requirements and Approvals

30. Prior to the commencement of any earthworks/construction or prior to the lodgement of the survey plan pursuant to section 45 of the HASHAA (section 223 of the RMA), whichever is the earlier, the consent holder shall submit two hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, Development Programme Office for approval. Details of the registered engineer who will act as the consent holder's representative for the duration of the development shall also be provided with the application for engineering plan approval.

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

- Design and details of any retaining walls in the road reserve or parks reserves or adjacent to the reserve(s), and any other structures in the reserves.
- Design and location of any counterfort and/or subsoil land drainage required and the proposed ownership and maintenance of the counterfort and/or subsoil land drainage.

- Detailed design of all roads to be vested in the Council including intersections, parking, vehicle crossings, pedestrian crossings and footpaths, and in particular, the works necessary for the teardrop roundabout and the adjacent road reserve in terms of upgrade works to the road carriageway and provision of additional footpaths. All roads shall be designed in accordance with Auckland Transport's Code of Practice ("ATCOP").
- Detailed design of all street lighting, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (including street furniture, traffic calming devices, tree pits and safety measurements, marking and street sign etc.) shall be designed in accordance with ATCOP.
- Visibility assessment of all proposed roads; in particular visibility at intersections and forward visibility around bends, must be designed in accordance with ATCOP.
- A detailed landscape planting plan and maintenance programmes until confirmed establishment for all street planting and landscaping on the proposed roads and reserves.
- Detailed design of the stormwater system and devices for management of both quantity and quality of stormwater run-off from the contributing development upstream catchment (including treatment devices and all ancillary equipment/structures etc.). The stormwater system and devices shall be designed in accordance with the Council's Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater. In particular:
 - The proposed stormwater system shall be designed to minimise health and safety risks for the public, operating personnel, contractors and Council employees.
 - The proposed stormwater system shall have an asset life of a minimum of 100 years.
 - Principles of water sensitive design and "best management practises" to minimise stormwater run-off volumes and peak flow rates and to improve the quality of stormwater run-off entering the receiving environment shall be utilised for the design of the proposed stormwater system.
 - The system shall cater for stormwater run-off from the site being developed together with any run-off from upstream catchments in accordance with TP108 (*Guidelines for Stormwater Runoff Modelling in the Auckland Region 1999*) and allowances for climate changes. The upstream catchment shall be considered for the Maximum Probable Development scenario (full development to the extent as defined in the Proposed Auckland Unitary Plan).
 - Mitigation measures (e.g. peak flow attenuations and/or velocity control) to mitigate the downstream effects shall be taken into account during the design of the stormwater system.

- Details of the stormwater discharge outlets including engineered erosion protection measures designed in accordance with the Council's Technical Publication number 10 ("TP10").
- Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Council's Water and Wastewater Code of Practice for Land Development and Subdivision.
- Details of the hydrology mitigation measures in accordance with the following standards:

(a) All new impervious surfaces associated with upgrades to the existing Hayfield Way road reserve cul-de-sac in the north of the qualifying development area

Where discharges are directed to a stream:

- provide 5mm 24hour rainfall runoff retention on site in devices acceptable and vested to Auckland Transport.
- provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development run-off volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) in devices that are acceptable and vested to Auckland Transport.

(b) All new impervious areas associated with internal road reserves as shown on Precinct Plan shall:

Where discharges are directed to a stream:

- Provide 5mm 24hour rainfall runoff retention on site in devices acceptable and vested to Auckland Transport.
- Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development run-off volumes from the 90th percentile, 24 hour rainfall event minus the 5mm retention volume (11.5mm) in devices acceptable and vested to Auckland Transport.

Where discharges are directed to the coast:

- Provide stormwater quality treatment in devices acceptable and vested to Auckland Transport, and sized in accordance with the previous two bullet points above but without the retention component.
- Details confirming that the maximum depth and velocity of overland flows in roads are to be 200mm and 0.6m/s respectively.
- Information relating to gas, electrical and/or telecommunications reticulation including ancillary equipment.

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

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

Advice Note:

1. *In the former Papakura district water and wastewater services are provided by Veolia under a franchise agreement. The consent holder deals directly with Veolia in relation to all water and wastewater servicing matters throughout the subdivision process. Compliance with Veolia's water and wastewater requirements (as evidenced by Veolia issuing a compliance certificate) is necessary prior to the issue by the Auckland Council of a completion certificate under section 224(c).*
 2. *If the EPA drawings require any permanent traffic and parking restrictions, e.g. broken yellow lines, then the development will require Traffic Control Committee ("TCC") resolutions from Auckland Transport. The consent holder is expected to prepare and submit a resolution report to the TCC for this.*
31. At the engineering plan approval stage(s) a comprehensive set of calculations, designs and specifications and an up to date issue of the Stormwater Management Plan shall be submitted to the Council for approval for the management of stormwater to achieve the following requirements:
- (a) All rain tanks are to be designed in accordance with manufacturer's guidelines including the position of first flush diverters, and sized to achieve (c) below.
 - (b) All infiltration trenches are to be designed in accordance with manufacturing guidelines with a void ratio of 0.45, and sized to achieve (c) below:
 - (c) Where discharges are directed to a stream:
 - Provide 5mm 24hour rainfall runoff retention on the site in devices acceptable to and vested in Auckland Transport.
 - Provide detention (temporary storage) and a drain down period of 24 hours for the difference between the pre-development and post-development runoff volumes from the 90th percentile, 24 hour rainfall

event minus the 5mm retention volume (11.5mm) in devices acceptable to and vested in Auckland Transport.

- Where rain tanks are fitted with first flush diverters, these are to be designed so that the amount of water diverted to garden irrigation is a minimum of 20 litres and a maximum of 40litres per 100 square metres of roof area

(d) Where discharges are directed to the coast:

- Provide stormwater quality treatment in devices acceptable to and vested in Auckland Transport, and sized in accordance with (c) but without the detention component.

Intermittent Stream Engineering Design

32. At the same stage that the engineering plan approval request is lodged with the Council the consent holder shall also submit the detailed engineering design of the proposed intermittent stream channel in Lot 500 to the SHA Consenting Manager, Development Programme Office for approval. The stream shall be designed to reduce velocities and erosion of the channel and to take the stormwater flows from the upstream catchment. The following information shall be submitted:

(a) The design is to provide:

- i. Inclusion of in-stream woody debris and logs, stilling basins/pools, cascades and rock riffles, together with robust and suitably sized rock material forming the stream bed and embankments. The substrate should be diverse;
- ii. Appropriate design measures and stream-side planting to reflect the requirements of condition 33;
- iii. Appropriate energy dissipation measures integrated into the stream design as required to maintain stream velocities and erosion risks to a minimum, while continuing to achieve the ecological function.

(b) Adjacent slopes either side of the reserve corridor shall be designed to avoid any requirement for safety fencing or fall barriers.

(c) A planting plan in accordance with the Council's riparian planting guidelines.

The stream shall then be constructed in accordance with the approved engineering details to the satisfaction of the Senior Compliance Advisor, DPO.

Stream Mitigation Plan

33. A Stream Mitigation Plan shall be submitted at the same time that the engineering details are submitted to the Council for written approval by the SHA Consenting Manager, DPO. The Stream Mitigation Plan shall include the following information:

- (a) Detailed and conceptual cross sections and long sections specifically identifying the locations of pools and runs in the proposed channel.

- (b) Species lists and planting densities.
- (c) How the detailed design of the channel meets the recommendations in section 10 of the PDP Ecological Report dated June 2015.
- (d) Provision and methodology for replacement planting of the lot planting.
- (e) Monitoring and maintenance programme and an annual reporting methodology, including who will be responsible for this.
- (f) The proposed legal mechanism for protection in perpetuity of the stream channel.

The stream shall then be constructed in accordance with these details to the satisfaction of the Senior Compliance Advisor, DPO.

Advice Note:

An easement, consent notice and creation of a residents' association are considered to be an appropriate legal mechanism to meet (f) in this condition.

Retaining Walls

34. All retaining walls shown on approved drawings 1387800-270 Rev B, 1387800-271 Rev B, 137800-272 Rev C and 1387800-273 Rev C shall be constructed out of river stone as identified in the AEE dated 12 April 2015 to the satisfaction of the Senior Compliance Advisor, DPO.

Landscaping

Landscape Planting Plans (Esplanade and Private Drainage Reserve)

35. Final landscape planting plans for planting on the proposed esplanade and Lot 500 shall be prepared by a qualified landscape architect and submitted for approval of the Senior Compliance Advisor, SHA Consenting in conjunction with the engineering plan approval. The landscaping plan shall include the species and sizes of trees/vegetation at the time of planting and any associated improvements in the reserves (e.g. seating, footpath/ boardwalk and pavement.) and shall demonstrate that the species proposed are suitable and appropriate regards to the purpose of the proposed reserves. The riparian planting adjacent to the stream channel shall be designed in accordance with the Council's riparian planting guidelines. A maintenance plan for all planting to be established shall be included. The maintenance plan shall include:

- Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates/frequencies for the first two years of commencement of the consent by an appointed contractor with arboricultural experience; and
- An irrigation system.
- Weed and pest management plan

Landscape Planting Plan (Street Trees)

36. A landscape planting plan for street planting (including rain gardens, tree pits, and formation of the berm to an urban standard) on the proposed roads shall be submitted to the Senior Compliance Advisor, SHA Consenting for approval in conjunction with the engineering plan approval. This landscape planting plan shall include final species and planting sizes, details of tree pits and planting methodology and the maintenance programmes of the street planting. The approved plan is to be implemented.

Advice Note:

Berms should be a minimum of 1.8m wide to accommodate street trees and the trees must be placed at regular intervals to create a boulevard. Tree pits should be a minimum of 2x width of the tree bag and 1m deep.

POST-DEVELOPMENT CONDITIONS

Intermittent Stream Monitoring

37. An annual monitoring report demonstrating and confirming the ecological function of the intermittent stream and wetland shall be submitted to the SHA Consenting Manager, DPO for approval on an annual basis for the five year period following construction of the stream and enhancement of the wetland. The report shall be prepared by an appropriately qualified and experienced ecologist and shall confirm the performance of the stream and recommend any remedial actions to ensure that the ecological and stormwater function of the stream and wetland is achieved. Any remedial actions will then need to be completed in full to the satisfaction of the Council.

GENERAL SUBDIVISION CONDITIONS

Maintenance of Landscaping in Streets and Esplanade Reserves

38. All soft landscape works (including street planting and soft landscape work in the esplanade reserves proposed) are to be maintained by the consent holder in accordance with the Council's Planting and Lawn Specifications for a minimum of two years from the issue of practical completion certificate by the Manager, Park Sport and Recreation (South). The practical completion certificate must be provided as part of the section 224(c) application (section.46 of the HASHAA).
39. The consent holder is responsible for any defects relating to any hard landscape features in the esplanade reserve for a period of 12 months following issue of the practical completion of landscape works by the Manager, Park Sport and Recreation (South). A provisional defects meeting is to be held between the Parks Department and consent holder prior to the end of the 12 month period to confirm defects, if any. The practical completion certificate for all hard landscape features must be provided as part of the section 224(c) application (section 46 of the HASHAA).

40. Landscape works for the street planting and in the esplanade reserve must be completed in accordance with the approved landscape planting plans by the time the consent holder applies for a section 224(c) certificate (section 46 of the HASHAA) and the consent holder is to request a meeting on the site with the Parks Specialist South to review the work. A practical completion certificate will be issued by the Manager, Park Sport and Recreation (South) on completion of the works to the standards required by these conditions and the two year maintenance programme is to commence from this time.

Advice Note:

If there are any uncompleted works the Parks specialist may agree these can be completed following the section 224(c) and will be noted on the practical completion. A bond will be required by the Council for any uncompleted works.

41. In accordance with section 108(2)(b) of the RMA, the consent holder is pay to the Council a refundable maintenance bond in respect of any weed removal and weed management, planting, landscape works or rubbish removal required under the conditions of this consent prior to the issue of a certificate under section 224(c) of the RMA. The maintenance bond will be held for a period of two years from practical completion of the works. The amount of the bond is to be 1.5 times the contracted rate for maintenance.
42. The consent holder is to provide certified as-built plans in Dwg or Pdf form as part of the section 224(c) application (section 46 of the HASHAA) for all trees, planted areas, grassed areas, and all hard structures. These must be certified for as-built purposes.

Maintenance of Landscaping in the Private Drainage Reserve

43. All soft and hard landscaping works in the private drainage reserve (Lot 500) shall be implemented in accordance with the approved landscape planting plan prior to issue of the section 224(c) certificate pursuant to section 46 of the HASHAA.

The consent holder shall provide a report from an appropriately qualified and experienced arborist certifying that the landscaping on Lot 500 has been established in accordance with the approved landscape planting plan to the satisfaction of the Senior Compliance Advisor, DPO. The report shall be submitted to the Council as part of the section 224(c) application. In addition, a landscape maintenance plan shall be submitted as part of the section 224(c) application for approval clearly identifying the maintenance regime and responsibilities proposed for the private drainage reserve. In particular, this plan needs to address maintenance of all hard and soft landscaping, riparian planting, pest control, and weed management

The consent holder shall continue to maintain all plantings on the drainage reserve thereafter in perpetuity to the satisfaction of the Senior Compliance Advisor, DPO.

Retaining Walls

44. All retaining walls shall be constructed in accordance with the approved engineering plans. Any ancillary and supporting structures (e.g. post, rail and subsoil drain) of a retaining wall shall be clear of the proposed lot boundary immediately parallel to the wall. A certificate from a licensed cadastral surveyor shall be provided to the Council certifying compliance with this requirement at the time of lodgement of the survey plan for approval.
45. In the event that a retaining wall is to be constructed in order to retain a public road, Council owned land, or a lot to be vested in the Council on completion of the subdivision; the retaining wall shall be located in the road reserve or the lot that is owned or to be vested in the Auckland Council.

Street Naming

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

Advice Note:

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

Roads

47. The tear drop roundabout and pedestrian upgrades shall be completed in full in accordance with the approved engineering drawings required by these conditions prior to issue of the section 224(c) certificate pursuant to section 46 of the HASHAA. Alternatively, the consent holder shall submit a copy of an agreed Infrastructure Funding Agreement which deals with Hayfield Way teardrop upgrade to the satisfaction of the Council.

Section 223 Condition Requirements (section 45 of the HASHAA)

48. Within two years of the subdivision consent being granted, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 45 of the HASHAA (section 223 of the RMA). The survey plan shall be generally in accordance with the approved subdivision plans listed in condition 1 and the following requirements:
- A certificate from a licensed cadastral surveyor that any retaining wall to retain a residential lot and its ancillary and supporting structure is clear of the proposed lot boundary immediately parallel to the wall.
 - Lot 201 shall be vested in the Auckland Council as a Local Purpose Reserve (Esplanade).

- Lots 100, 101 and 102 shall be vested in the Council as public roads.
49. Easements in gross in favour of the Auckland Council for the purpose of providing public access / drainage of water and overland flow of stormwater shall be created over parts of lots 12, 13 and 500 (as detailed below) and shall be included in a Memorandum of Easements endorsed on the survey plan and be granted or reserved. The consent holder shall meet the costs of preparation, review and registration of the easement instruments on the relevant computer registers (Certificates of Title).
- An easement to drain water over Lot 500 in favour of the Auckland Council shall be created in accordance with the as-built and cross section plans approved by the Council and shall be duly granted and reserved.
 - An easement over Lot 500 in favour of the Auckland Council to provide public access over the private drainage reserve to the adjacent esplanade reserve shall be duly granted and reserved.
 - The overland flow easement over Lots 12 and 13 in favour of the Auckland Council shall be duly granted and reserved.
50. The existing easements for the purpose outlined below shall be cancelled under section 243(e) of the RMA. The consent holder shall prepare the section 243(e) resolution in the Land Information NZ Landonline Territorial Authority certifications portal as part of the survey plan application for this subdivision.
- Right to Convey water created by easement instrument D220058.10 over Lot 3 DP206639 CT 135A/374; and
 - Right to drain stormwater in gross created by easement instrument D242396.1 over Lot 3 DP206639 CT 135A/374.

SECTION 224 CONDITION REQUIREMENTS (section 46 of the HASHAA)

Infrastructure

Roads

51. All proposed roads (including the tear drop intersection and pedestrian upgrade) and ancillary facilities such as street lighting and traffic calm devices if any, marking, street sign, and street furniture to be vested in the Council shall be constructed in accordance with the approved engineering plans to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

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

All RAMM as-built plans and data for the new roads shall also be provided with the section 224(c) application (section 46 of the HASHAA). This shall include kerb lines, cesspits, footpath, intersection control devices, pavement marking, street lighting, street furniture, street name, directional signs and landscaping, etc.

A report from an appropriately qualified and registered electrician shall be supplied with the section 224(c) application (section 46 of the HASHAA). The report shall certify that all street lighting has complied with the relevant safety standards and that they are connected to the network and are operational.

Wastewater Connections

52. The sewer system required by this consent shall be designed and adequately sized to service future development of upstream lots and lots in that area as defined in the Catchment Management Plan.
53. The consent holder shall provide and install a complete public wastewater system to serve all lots in accordance with the *Water and Wastewater Code of Practice for Land Development and Subdivision* to the satisfaction of the Auckland Council.
54. A certificate from Veolia Water confirming that separate wastewater connections have been provided for all lots shall be provided in support of the section 224(c) application for each stage pursuant to section 46 of the HASHAA. No buildings in the development are to be occupied until confirmation from Veolia Water has been provided to the Council.

Advice Note:

In the former Papakura District water and wastewater services are provided by Veolia under a franchise agreement. The consent holder deals directly with Veolia in relation to all water and wastewater servicing matters throughout the subdivision process. Compliance with Veolia's water and wastewater requirements (as evidenced by a compliance certificate issued by Veolia) is necessary prior to the Auckland Council issuing a completion certificate under section 224(c).

Water Supply

55. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the *Water and Wastewater Code of Practice for Land Development and Subdivision* to the satisfaction of the Council.
56. A certificate from Veolia Water confirming that separate water supply connections for all residential lots have been provided for all lots shall be provided in support of the section 224(c) application for each stage pursuant to section 46 of the HASHAA.

Fire Hydrants

57. Fire hydrants shall be designed, provided and installed within 135m of the furthest point on any property and within 65m of the end of a cul-de-sac in accordance with *Water and Wastewater Code of Practice* to the satisfaction of the Auckland Council.

A certificate from Veolia Water confirming that evidence of undertaking the hydrant flow test and compliance with the relevant standards has been undertaken shall be provided in support of the section 224 application pursuant to section 46 of the HASHAA.

Network Utility Services

58. Individual private connection to the underground reticulation of electricity, gas and telecommunications services (if the telecommunications services require underground reticulation) to the boundary of each lot shall be provided and installed to the satisfaction of the appropriate network utility providers. Certificates from the network utility providers and certified 'as-built' plans giving locations of all plinths, cables and ducts shall be supplied to the Senior Compliance Advisor, SHA Consenting as part of the section 224 application pursuant to section 46 of the HASHAA.

Geotechnical Completion Report

59. A geotechnical completion report by an appropriately qualified and registered engineer shall be provided to the Council with the section 224 application in accordance with the Council's "Code of Practice for Land Development and Subdivision" section 2.6. This report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site. The geotechnical completion report shall also include all associated as-built plans for earthworks and subsoil drains and a statement of professional opinion on the suitability of the land for building construction.

Advice Note:

The findings of this completion report may necessitate a requirement for a consent notice on the residential lots with respect to future development of a dwelling.

Stormwater

Private Drainage Reserve Completion Certificate

60. The stream is to be constructed in accordance with the approved engineering details. The Stream Mitigation Plan shall also be implemented to the satisfaction of the Senior Compliance Advisor, DPO in accordance with the conditions of this consent.
61. A completion certificate and certified as-built plans from an appropriately qualified engineer and a qualified freshwater ecologist shall be supplied to the Council as part of the section 224 application, pursuant to section 46 of the HASHAA. This certificate shall confirm that the intermittent stream channel on Lot 500 has been constructed in accordance with the approved design and details and is fully operational.

Overland Flowpath

62. Prior to issue of the certificate pursuant to section 46 of HASHAA and section 224(c) of the RMA the consent holder shall provide evidence confirming the minimum floor levels of any sites affected by overland flows in the 1% AEP storm event. The defined minimum floor level and other restrictions shall be presented in tabulated form (showing lot number, minimum habitable floor level and other restrictions) and also identified on each lot shown on the final survey plan. The required evidence is to be based on the finished road and site ground levels and the likely future stormwater flows on completion of the construction works for the subdivision.

Operation and Maintenance Manual for the Stormwater Management Devices

63. The consent holder shall prepare an Operation and Maintenance Manual for the stormwater network of the private drainage reserve including the intermittent stream channel and any associated stormwater devices which form part of the network and the associated soft and hard landscaping work on Lot 500, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the management of the stream channel. The Operation and Maintenance Manual shall be submitted to the SHA Consenting Manager DPO for approval. The Operation and Maintenance plan is to include, but not be limited to:

- a detailed technical data sheet
- all the requirements defined in the latest Auckland Council technical publications and guidance documents;
- all the requirements of the regional discharge consent or subsequent variations;
- details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices and creation of the appropriate legal mechanism to ensure this in perpetuity;
- a programme for regular maintenance and inspection of the stormwater system;
- a programme for collection and disposal of debris and sediment collected by the stormwater management device or practices;
- a programme for post storm maintenance;
- a programme for inspection and maintenance of outfall erosion;
- general inspection checklists for all aspects of the stormwater system, including visual checks of the stream channel, wetlands and outfalls structure;
- a programme for inspection and maintenance of vegetation associated with the stormwater devices i.e. the riparian planting;
- a recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas;
- a programme for maintenance of the soft and hard landscaping work in the private reserve.

Public Stormwater System

64. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved engineering plans to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

Individual private stormwater connections to proposed public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in

accordance with the approved engineering plans to the satisfaction of the Senior Compliance Advisor, SHA Consenting.

An engineering completion certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved engineering plan and the Council's Code of Practice for Land Development and Subdivision – Chapter 4: Stormwater shall be provided in support of the section 224(c) application pursuant to section 46 of HASHAA.

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

Advice Note:

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

Legal Easements – Public Access across the Private Drainage Lot

65. An easement instrument in favour of the Auckland Council for the public access easement shall be prepared by the Council's solicitor at the cost of the consent holder. The easement instrument shall advise that the owner of the lot is responsible to form and to maintain the easement to provide public access from Lot 500 to the adjacent esplanade reserve. The easement shall be available for public access at any time and unobstructed by buildings, earthworks, solid walls, fences, or any other impediments. The owner of the lot is responsible for maintaining the pedestrian footpaths within the easement area in its approved state to the satisfaction of the Council.

Drainage Easement for Lot 500

66. The easement instrument for the drainage easement over Lot 500 in favour of the Auckland Council shall be prepared by the Council's solicitors at the cost of the consent holder. The easement instrument shall advise:
- a) The owner of the lot will own and provide the stream channel to collect stormwater runoff from the development and the wider public catchment.
 - b) The owner is responsible for keeping the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments to obstruct, alter or divert free flow of water.
 - c) The owner of the lot is responsible for maintaining the stream channel in its approved stated in accordance with Operation and Maintenance Manual and for preventing it from becoming a danger and/or a nuisance.
 - d) The owner of the lot is responsible for the cost of all required repair and maintenance works associated with the stream channel.

Drainage Easement for lots 12 and 13

67. The easement instrument for the overland flow path easement in favour of the Council to drain water over Lots 12 and 13 shall be prepared by the Council's solicitor at the cost of the consent holder. The easement shall advise:
- a) The owner of the lot is responsible for maintaining the overland flowpath in its approved states and to prevent it from becoming a danger and/or a nuisance;
 - b) The owner is responsible for keeping the easement unobstructed by buildings, earthworks, solid walls, fences, or any other impediments preventing the free flow of water.
 - c) No buildings, earthworks, solid walls, fences or other impediments shall be placed within any easement areas in such a manner that it would alter or divert the flow of flood waters unless approval from the Auckland Council has been obtained.
 - d) The owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flowpath easement.

Consent Notice for Lot 500

68. A consent notice pursuant to section 44 of the HASHAA (section 221 of the RMA) shall be registered on the Title for Lot 500 to ensure that the following conditions are complied on a continuing basis:
- a) Lot 500 will be used as a private drainage reserve to provide a stormwater discharge system to serve the approved subdivision development at Hayfield Way. No further development is to be undertaken on this lot unless approval from the Council's SHA Consent Manager or Manager, Resource Consents has first been obtained.
 - b) The owner of Lot 500 is responsible for maintenance of the private drainage reserve (including the stream channel, soft and hard landscaping works) in accordance with the Operation and Maintenance Manual and landscape maintenance plan to the satisfaction of the Auckland Council at the expense of the lot owner.
 - c) An annual monitoring report certifying that the stream channel has been maintained in accordance with the approved Operation and Maintenance Manual shall be submitted to the Council's Stormwater Unit.
 - d) An annual monitoring report for the first five years following completion of the soft landscaping works along the stream shall be submitted to the SHA Consent Manager, Auckland Council. This report shall be prepared by an appropriately qualified and experienced ecologist and shall certify that the weed and animal control programmes have been implemented on the site and also confirm the

ecological function of the intermittent stream and wetland. The report is to confirm the performance of the stream and recommend any remedial actions to ensure that the ecological and stormwater function of the stream required by these conditions is achieved. Any remedial actions will then need to be completed in full to the satisfaction of the Council.

Residents' Association

69. Prior to issue of section 224 certificate, a residents' association is to be established by the consent holder for the purpose of owning and managing the private drainage reserve (Lot 500). The residents' association is to be maintained in perpetuity and shall meet the following requirements as a minimum:

- Every owner at any time of lots 1-74 in the development shall be required to be a member of the residents' association and to maintain that membership for the full period of their ownership;
- The residents association will own and maintain the private drainage reserve (Lot 500) and all the members of the residents' association will be responsible for paying their share of the cost of maintenance through residents association levies;
- Under the rules of the residents' association:
 - The stream channel in the private drainage reserve is to collect stormwater run-off from the residential development and roading approved by this consent and the catchment that drains to this discharge point from the wider area;
 - The owners/members will not prevent public access and/or use of the private drainage reserve.

The consent holder shall provide evidence that the residents association has been established, including a copy of the residents' association rules, to the satisfaction of the SHA Consenting Manager prior to approval of the section 224(c) certificate.

Consent Notice - Fencing adjacent to public and private reserves

70. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificates of Title for lots 1, 36-38, 62, 68, 70-74 to ensure that the following conditions are complied with on a continuing basis:

(a) Any fencing on the boundary immediately adjacent to the esplanade or private reserves shall be no more than 1.5m high and shall be graffiti-proofed and 70% visually permeable to provide adequate surveillance to the reserves. The exception to this rule is where fences are proposed on retaining walls or structures that are more than 0.5m above the ground level at the base of the retaining wall or structure, in which case the maximum fence height shall be 1m and 70% visually permeable;

(b) The owner(s) of the lot shall thereafter maintain the fence in perpetuity. Close-boarded fencing on the boundary immediately adjacent to the reserves or between that boundary and any dwelling/building on the lot is prohibited;

(c) Any vegetation/planting between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to ensure a clear view from the house to the reserve(s).

Consent Notice – Fencing to the Street Frontage

71. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificates of Title for all lots to ensure that the following condition is complied with on a continuing basis:

(a) Any fencing in the front yard shall be no higher than 1.2m in height in accordance with rule 6.X8.8.1 of the Hingaia 2 Precinct Plan.

Consent Notice – Stormwater Devices

72. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificates of Title for all residential lots to ensure that the following conditions are complied with on a continuing basis:

- (i) On-site stormwater treatment, retention and attenuation devices such as rain gardens, permeable paving, water tanks or infiltration devices shall be provided for any development in the lot. The on-site stormwater treatment, retention and attenuation devices shall be designed to meet the following requirements:
- Provide detention (temporary storage) with a volume equal to the run-off volume from the 95th percentile, 24 hour rainfall event for the impervious areas; and
 - Provide retention (volume reduction) of a 10mm, 24 hour rainfall event for the impervious areas.

Consent Notice – Geotechnical

73. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificates of Title for any residential lots which are recommended for specific engineering investigation or design as outlined in the foundation completion report required by these conditions to ensure that the conditions set out in that report are complied with on a continuing basis.

The consent notices shall be prepared by the Council's solicitor, executed and registered on the Computer Freehold Register (Certificate of Title) for the land at the consent holder's expense, and are to require the owner of the land to comply with this condition on a continuing basis.

Consent Notice – Minimum Floor Levels

74. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificates of Title for any residential lots which are subject to a recommended minimum finished floor level in the stormwater assessment required by these conditions to ensure that those levels are complied with on a continuing basis.

Consent Notice – Affordability Criteria

75. A consent notice pursuant to section 221 of the RMA (section 44 of the HASHAA) shall be registered on the Certificate of Title for Lot 22 to ensure that future development and subdivision of this lot provides at least seven affordable dwellings, in accordance with Criteria A of the affordability criteria set out in Schedule 5B of the Housing Accords and Special Housing Areas (Auckland) Order 2013 Hingaia Special Housing Area dated 31 July 2014.
76. If Lot 22 is further developed or subdivided, a new consent notice or covenant is then to be registered on the relevant Certificates of Title for seven affordable dwellings to replace the consent notice required by this condition. These new consent notices or covenants will cease to have effect 3 years after the date of the transfer of Title to the first purchasers.

Advice Note:

This application has been granted for creation of 31 residential lots with 8 superlots that may potentially yield 74 residential dwellings. If less or more than 74 residential dwellings/ lots are created/constructed then the number of dwellings required to be affordable on Lot 22 may change. Further discussions with the Council must be undertaken by the consent holder if this occurs and a variation to the consent may be required.

Solicitor's Undertaking

77. A solicitor's undertaking from the lawyer acting for the consent holder shall be provided as part of the application for the section 224c certificate, pursuant to section 46 of the HASHAA. The undertaking is to confirm that the solicitor acting for the consent holder will undertake the following actions at the consent holder's expense:
- (i) Register all legal documents (including consent notices and/or easement instruments, etc);
 - (ii) Complete the legal process to vest the proposed roads and esplanade reserve(s) in the Council.
 - (iii) Provide a post-registration copy of the relevant Certificates of Title to the Auckland Council within one month of the Titles being issued.

ADVICE NOTES

1. *The consent holder is to obtain all other necessary consents and permits, including those required under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable statutes (including the Property Law Act 2007), regulations, relevant bylaws, and rules of law. This consent does not constitute a building consent approval. Please check whether a building consent is required under the Building Act.*
2. *A copy of this consent should be held on the site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify the Council, in writing, of its intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the specialhousing area@aucklandcouncil.govt.nz and needs to include the following details:*

- *site address to which the consent relates;*
 - *name and telephone number of the project manager and the site owner;*
 - *activity to which the consent relates; and*
 - *the expected duration of works.*
3. *This resource consent does not in any way allow the consent holder and/or its delegates to enter and construct drainage within neighbouring properties without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve the Council in any capacity whatsoever.*