

**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 related to a qualifying development under the Housing Accords and Special Housing Areas Act 2013**

**SUBJECT:** Application by Karaka Brookview Limited for a variation to the Proposed Auckland Unitary Plan under section 61, and an associated application under section 25 for a qualifying development as a subdivision, pursuant to the Housing Accords and Special Housing Areas Act 2013 for an 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 1 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 QUALIFYING DEVELOPMENT APPLICATION IS GRANTED.**

**THE FULL DECISIONS ARE SET OUT BELOW**

<b>Site Address:</b>	95 Hinau Road and 241 Park Estate Road, Hingaia
<b>Applicant:</b>	Karaka Brookview Limited (plan variation and related qualifying development) and Others (additional areas pursuant to section 68)
<b>Hearing Commenced:</b>	23 November 2015, 9.30am

<p><b>Accord Authority:</b></p>	<p><b>Territorial</b></p> <p>Miss Leigh McGregor</p> <p>Mr Barry Kaye</p> <p>Ms Sheena Tepania</p> <p>Mr Bill McEntee and Mr Brent Catchpole (Local Board members)</p>
<p><b>Appearances:</b></p>	<p><u>For the Plan Variation Applicant:</u></p> <p>Mr Douglas Allan – senior legal counsel, with Ms Joanna Beresford, legal counsel</p> <p>Mr Nigel Hosken – applicant’s representative</p> <p>Ms Lauren White – urban designer</p> <p>Ms Stephanie Blick – planning consultant</p> <p>Mr Neville Smyth – infrastructure 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><u>For the Qualifying Development Applicant:</u></p> <p>Mr Douglas Allan – senior legal counsel, with Ms Joanna Beresford, legal counsel</p> <p>Mr Neville Smith – engineer</p> <p>Mr Colin Cranfield - stormwater engineer</p> <p>Ms Stephanie Blick– planning consultant</p> <p>Mr John Parlane – traffic engineer</p> <p>Mr Mark O’Brien – applicant’s representative</p> <p><u>For the Submitters:</u></p> <p><i>Parklands Properties Limited</i> represented by:</p> <p>Mr Michael Savage – legal counsel</p> <p>Ms Kim Hardy – planning consultant</p> <p>Mr Paul Edmond – urban designer</p> <p>Mr Shane Lander – geotechnical engineer</p> <p>Mr Tom Halpin - infrastructure</p>

*Hugh Green Limited*, represented by:

Ms Asher Davison – legal counsel

Ms Renee Fraser-Smith - planning consultant

Ms Lauren White – urban designer

Mr Chris Maday - surveyor

Mr Colin Cranfield – stormwater engineer

Ms Ida Dowling – traffic engineer

*Grande Meadow Developments Ltd* represented by:

Ms Asher Davidson – legal counsel

Mr Mark Tollemache – planning consultant

Mr Ian Munro – urban designer and planning consultant

Dr Andrew Hunter – stormwater engineer

Ms Ida Dowling – traffic engineer

*Transpower New Zealand Limited* represented by:

Mr Andrew Beatson – legal counsel

Ms Sylvia Allan – planning consultant

Mr Andrew Renton – senior principal engineer

Ms Jenna Fincham – environmental planner

*New Zealand Bloodstock Limited* represented by

Mr Carey Pearce – planning consultant

For the Council:

Ms Alina Wimmer – principal planner, Development Programme Office, Auckland Council (plan variation)

Mr Colin Hopkins – lead project planner (qualifying development)

Mr Evan Keating – traffic planner, Auckland Transport

Mr Richard Davison – urban designer

Ms Katja Uls – stormwater engineer

Mr Mark Iszard – stormwater specialist, new developments

Mr Minesh Patel – water and wastewater engineer

	Mr James Mather – democracy advisor, hearings
<b>Hearing adjourned</b>	26 November 2015
<b>Commissioners’ site visit</b>	Wednesday 18 November 2015
<b>Hearing Closed:</b>	16 February 2016

## DECISIONS OF THE ACCORD TERRITORIAL AUTHORITY

### 1.0 INTRODUCTION

- 1.1 A new residential area to be known as Karaka Lakes South is situated in one of three Special Housing Area areas (“SHA’s”) on the Hingaia Peninsula constituted by an Order in Council made pursuant to the Housing Accords and Special Housing Areas Act 2013 (“HASHAA”) in December 2013. Karaka Brookview Limited subsequently applied to the Development Programme Office<sup>1</sup> at the Auckland Council for a variation to the Proposed Auckland Unitary Plan (“PAUP”) to rezone land it owns in the southern Hingaia SHA in order to facilitate an urban redevelopment which will ultimately produce around 300 dwellings over four sub-stages. At the same time an associated application for subdivision consent was made by Karaka Brookview Limited for the proposed first stage, 1A, to be undertaken on a portion of this land.
- 1.2 If the plan variation is accepted the area will then be described as the Hingaia 1 Precinct in the PAUP and the site-specific provisions applying to it will be operative. Once the Unitary Plan has been finalised and made operative its relevant rules will apply except where they have been specifically superseded by the Hingaia 1 Precinct provisions. As the HASHAA requires that any “qualifying development” must supply houses, as first lodged the subdivision application that was made was more correctly termed as “relating to” such a development as it did not contemplate any houses. However a later version of the subdivision plan that was submitted to the Council, and considered at the hearing, showed where houses would be located on the subdivision site and it can therefore be considered as a qualifying development under the HASHAA rather than as an application that ‘relates to a qualifying development’.
- 1.3 Plans to urbanise the Hingaia area have been formulated over a number of years, including a structure planning process conducted by the former Papakura District

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<sup>1</sup> Formerly the Housing Projects Office

Council. One outcome of that earlier work was application of the current Future Urban zone to most of the Hingaia Peninsula including the stage 1A area of the Karaka Brookview site. Future Urban is effectively a holding zone, designed so that infrastructure, open space and roading can be considered at the time of full urbanisation. It allows only very limited subdivision and that applies only to boundary adjustments of up to 10% and for the installation of infrastructure. Hingaia lies inside the Rural Urban Boundary (“RUB”) that is being established by the PAUP but is outside the Metropolitan Urban Limit described by the operative Auckland Regional Plan.

- 1.4 The 26.4 hectare Karaka Brookview site lies south of the existing 500 lot ‘Karaka Lakes’ subdivision and will form an extension of that development through to Park Estate Road. The Hingaia 1 Precinct is envisaged as providing a logical extension to the existing Hingaia urban area, with development to be guided by the Hingaia 1 Precinct Plan.
- 1.5 Stage 1A of the qualifying development involves 15.913 hectares to be developed as 60 residential lots ranging from 400m<sup>2</sup> to 685m<sup>2</sup>, along with two ‘superlots’ lots of 1333m<sup>2</sup> and 1825m<sup>2</sup> in the northern part of the site adjacent to Karaka Lakes. It has been proposed through the plan variation that dwellings on all these lots will be a permitted activity. Three further lots in the development are to be vested as roads, a further five lots will be vested as recreation reserves, and an access lot will also be created. Four balance lots are to be set aside and may be further subdivided as part of future qualifying development applications.
- 1.6 Both applications were notified on a limited basis. Initially six submissions were lodged with the Council in respect of the proposed variation and four others addressed the subdivision application. We record that there was one late submission on the plan variation that was sent to the Council by Clinton Waishing. However, section 29 (11) of the HASHAA says “*any submission received after the closing date must not be considered by the authorising agency*”. Consequently we cannot take that submission into account.
- 1.7 Three submissions requested that further land be subject to the proposed variation. These were lodged by Aote Co Ltd, Parklands Properties Ltd and Hugh Green Limited pursuant to section 68 of the HASHAA which enables a proposed variation to be expanded to apply to other land so long as it is in the same SHA. A further round of submissions on the variation application was required because of those requests

and that round produced seven submissions. A third notification process was then required because some submitters had requested that even more land in the area be rezoned, and infrastructure providers with interests in the additional land needed an opportunity to be involved also. As the submitters concerned did not own the land they had volunteered for inclusion in the variation, notification to the owners of that land was also required. This final notification round produced a further five submissions in respect of the proposed variation. Altogether nine submissions were concerned with the qualifying development application (including those lodged in the first notification round).

- 1.8 The combined section 68 requests along with the original variation proposal now comprise virtually all of the southern Hingaia SHA, an area of more than 160 hectares. Karaka Brookview was not opposed to the submissions that sought to extend the urban zonings over the balance of the SHA to the south and east of its land. However it does not consider itself obliged to provide all the infrastructure those additional areas will require, particularly in terms of roads and/or roading upgrades.
- 1.9 Following receipt of all the submissions, reports on the applications were prepared by the Housing Projects Office (“HPO”)<sup>2</sup> at the Council with Ms Wimmer having reported on the proposed variation application and Mr Hopkins addressing the subdivision proposal, with input from a range of specialists in both cases. We refer to these as “the Council’s report(s)”. The application materials and the Council’s reports convey considerable detail of the area involved as well as the proposals and the relevant plans and statutory instruments. Because of that 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.
- 1.10 The applications and submissions were heard by the Accord Territorial Authority comprised of three independent Hearings Commissioners and a Local Board member. The Authority has delegated power to make the decisions on both applications. The applications were heard at a combined hearing where plan variation and qualifying development applications made for two other SHAs in Hingaia were also presented. Together these three SHAs are expected to provide around 900 affordable houses on the peninsula. The decisions on the other two

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<sup>2</sup> Now the Development Programme Office (“DPO”)

SHAs in Hingaia have been considered separately as different applicants were involved as well as different parts of the Peninsula.

- 1.11 After the introductory and descriptive sections which are common to both Karaka Brookview applications, this decision document is then divided into two parts: first the discussion and decision relating to the plan variation followed by consideration of and a decision on the qualifying development application. As the applications are interconnected, with the subdivision consent aspect being wholly reliant on the variation being approved, it is appropriate to issue one comprehensive decision covering both. This format will also avoid duplication. We discuss the expanded areas being sought as part of the decisions.
- 1.12 Section 71 of the HASHAA requires that when concurrent plan variation and resource consent applications are heard together, a decision on the variation must be made before any decision on the resource consent can be made (mainly because the zoning of the land and/or classification of some of the proposed activities could change if the variation is approved). In this case, the PAUP presently prohibits subdivision in the Future Urban zone but that activity would be recognised by the rezonings sought through the plan variation so logically the variation decision must be made before the decision on the subdivision application can be considered.
- 1.13 In the same manner the Council's report addressed both applications and the section 68 requests with, where appropriate, a combined commentary and assessment of certain issues.
- 1.14 We have made findings on the issues actively in contention, however the statutes do not require us to address or make a finding in respect of each individual submission. The discussion therefore tends to focus on topics rather than on separate submitters except where a particular submitter raised issues specific to its circumstances.

## **2.0 THE SITES AND SURROUNDING AREA**

- 2.1 The land is located in the southern part of the Hingaia peninsula and is currently used for a variety of horticultural and agricultural activities with a sprinkling of houses. The southern boundary of the Karaka Brookview land is marked by Park Estate Road while the Karaka Lakes development, and Wawatai Drive and Kuhanui Road in particular, form its northern extent. The Drury Creek is approximately 270 metres to the west of the Karaka Brookview site and flows to the Pahurehure Inlet and the

Slippery Creek mouth, a tidal estuarine environment that drains to the Manukau Harbour and defines the western and southern extents of the peninsula. The eastern extent of Hingaia is defined by State Highway 1 ("SH") which is the principal motorway route through Auckland.

- 2.2 The section 68 land holdings are to the south and west of the Karaka Brookview land. The Parklands Properties site at 72 Hinau Road is bounded by the southern motorway and adjoins the NZ Bloodstock centre as well as the Karaka Brookview sites while the Hugh Green Ltd sites and the property now owned by Grande Meadow Ltd are based in Park Estate Road, with the Grande Meadow land being to the west on the perimeter of the peninsula and adjacent to the Drury Creek. Each of these holdings is described in more detail later.
- 2.3 There has been a relatively recent 500 lot residential development at Karaka Lakes and another subdivision known as 'Karaka Harbourside' which is comprised of 442 lots in the north of the area. In the north-western portion of Hingaia is an established residential settlement of around 46 houses at Bottletop Bay. The peninsula already contains land zoned for a town centre at the intersection of Hingaia and Hinau Roads with Harbourside Drive to the north of the site. The Council has purchased approximately 4.2 hectares on the northern side of Hingaia Road for sports and recreation purposes and there is a new primary school also located in Hingaia Road. There are a number of other educational facilities in the area, including the private Strathallan College in the northern Hayfield SHA area.
- 2.4 The nearest rail station is 2 kilometres to the east in the Papakura town centre. Hingaia is not currently serviced by public transport although a future bus route is anticipated as are a number of off-road cycle lanes along collector routes by way of a three metre wide combined footpath and cycleway. Transport routes to the area include the main arterial of Hingaia Road, which provides access to Papakura, the southern motorway and to Franklin to the west. Park Estate Road is an alternative route across the southern motorway but does not provide direct access to SH1. This road presently serves around 20 houses and is the only existing route to the section 68 sites. Kuanui Road has recently been connected to Hingaia Road and has been constructed to a connector road standard. It is considered to be a potential bus route. Bayvista Drive to the north of the Karaka Brookview site is a local residential road.

- 2.5 Three streams traverse the Karaka Brookview site from east to west, two of these are permanent. The streams<sup>3</sup> converge prior to discharging into the Hingaia maritime marsh. No freshwater habitats of high ecological value were identified by the applicant's materials with the streams assessed as having been highly impacted by the past agricultural and horticultural activities. The non-statutory layer diagrams in the PAUP show a 1% AEP flood-prone area and a 1% AEP floodplain through the site along the path of one of the streams. The land is classified as a Stormwater Management Area – Flow 2 (“SMAF2”) area in the PAUP, an overlay which applies to streams. The PAUP also provides a coastal inundation overlay that covers a portion of the Aote/Grande Meadow developments land to the west along a stream margin. The area of encroachment comprises the riparian margins of the stream. It will be contained by the riparian margins of a proposed ‘Green infrastructure Corridor’. As a result the natural inundation hazard will not be accelerated or worsened by the proposed Karaka Brookview qualifying development. Riparian planting will provide natural attenuation and filter flood flows.
- 2.6 An infrastructure report prepared by Harrison Grierson advised that some areas of the Karaka Brookview land will be unable to connect to the gravity main trunk sewer because of the site topography – which rises to the north and is incised by the streams – as that would require prohibitively deep and expensive reticulation. However, there is an existing pump station located in a local purpose drainage reserve to the south western boundary of Lot 1 DP 400575 adjacent to the Bayvista Drive termination point that Harrison Grierson believes could provide for this.
- 2.7 Geotechnical investigations by Coffey Geotechnics Ltd found the land to be generally suitable for residential subdivision and development. Its report referred to a number of earlier investigations that had been conducted by Coffey and others.

### **3.0 THE PROPOSALS**

- 3.1 The proposed plan variation has been based on a structure plan developed in 2000-2002 by the former Papakura District Council. The vision and development principles for ‘Karaka Lakes South’ (i.e, the Hingaia 1 Precinct minus the section 68 sites) set out to support and expand on the structure plan principles, and to refine certain aspects more relevant to the plan variation area, relying on three guiding principles:

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<sup>3</sup> Which form part of catchment 7 and sub-catchment 4

- a range and appropriate distribution of residential densities and typologies (while not exceeding the capacity of the infrastructure available);
  - good access and integration with adjacent existing and future urban development; and
  - retaining and enhancing open space corridors.
- 3.2 The Hingaia 1 Precinct provisions address the key roads, open space areas and staging, and introduce a new definition and rule to provide for integrated residential standards for the Mixed Housing Suburban zone but will not vary any regional rules or overlays in the PAUP.
- 3.3 The structure plan that was originally lodged for the variation to the PAUP was amended by the Council during the reporting phase. These amendments affected the extent of the plan variation area because of the alignment of a potential extension to Hinau Road, and the structure plan also indicated an “amenity collector” road as well as the locations of intersections on Park Estate Road. The opinion of Karaka Brookview’s urban design witness, Ms White, was these recommendations and their respective outcomes would deliver a high quality suburban residential outcome.
- 3.4 The PAUP standards proposed to be varied by the Karaka Brookview application include:
- garaging, with the provisions seeking an allowance for garage doors to occupy 45% of lot frontages as opposed to the 40% requirement in the PAUP. The allowance would allow narrower lot frontages and maximise private space to the rear of the properties
  - glazing requirements
  - an increase in maximum impervious areas from 60% to 70% in order to allow for a greater intensity of development
  - maximum building coverage and minimum landscaped areas to allow for higher density development
  - dwellings that front the street and building length

- rules for subdivision requiring 80% of the lots to meet the Mixed Housing Suburban zone lot sizes
- setting road standards and including figures showing road cross-sections; assessment criteria to achieve consistency with the Precinct Plan, and
- criteria to assess the suitability of the shape and location of proposed subdivision sites greater than 800m<sup>2</sup> which may be used for integrated residential development.

These amendments have been proposed to provide for additional design flexibility. In common with other SHA proposals, the garaging amendments were sought to allow garage doors to occupy 45% of the frontage, rather than the 40% recognised by the PAUP, so there can be narrower lot frontages and private space to the rear of a dwelling is maximised.

- 3.5 Through the proposed variation the Karaka Brookview SHA area is proposed to be rezoned as Mixed Housing Suburban which envisages a minimum lot size of 400m<sup>2</sup>, although the integrated residential development which may also be established will have a higher density in pockets of dwellings such as duplexes or terrace houses on the 800m<sup>2</sup> lots that are expected to be located where they can capitalise on the amenity provided by public open spaces. Later we discuss the submissions that sought a smaller lot size be recognised in this SHA area. The overall number of houses will be limited to the available wastewater capacity.
- 3.6 The structure plan does not identify any specific locations for the affordable housing component as those lots are planned by Karaka Brookview to be allocated at the subdivision stages. However, a revised version of the qualifying development stage 1A plan was provided to the Council in October (Dwg number 136185-1-100 Rev 4) which shows seven affordable homes in three locations. Superlot 501 is anticipated to supply three duplexes while a pair of duplexes, comprised of four units, is indicated on Kuhanui Drive. Together these constitute the initial affordable housing quota in the qualifying development area. The size, shape and locations of the lots that remain will not preclude further affordable housing from being established. No house designs form part of the applications but the lot sizes are such that the development will support residential development of six storeys or less.

- 3.7 No business land zoned land is included on the Karaka Brookview site, although a neighbourhood centre on the southern side of Park Estate Road was identified by the Papakura District Council 2002 structure plan and was shown on a draft concept plan prepared on behalf of Hugh Green Ltd.
- 3.8 Open space amenity is envisaged by a 'green network' based on the streams that will provide for passive recreation with active recreational opportunities being available at the nearby Hingaia sports park. The applicant's landscape reports identified that the riparian margins and stream corridors will provide opportunities for a strong green framework, open space, and a neighbourhood character. Street trees will be planted along all the roads in the development. While there is some erosion at the coastal edge, which forms the western boundary of the Aote Ltd site and is a potential constraint, this was also viewed as an opportunity for enhancement. A landscape evaluation conducted for Karaka Brookview concluded that Karaka Lakes South could be an area of relatively high potential residential amenity.
- 3.9 For the initial stage 1A, the northern entry to the Karaka Brookview plan variation area will be gained from a new intersection on Bayvista Drive, with access to the arterial road network achieved through the existing Karaka Lakes development. A key north-south linkage will be partially provided for by the qualifying development through a link to Bayvista Drive across 95 Hinau Road which is a little south of the Parklands Properties land at number 72. (Hinai Road is a tree lined boulevard which runs behind the Karaka Bloodstock centre and currently terminates at its intersection with Wawatai Road. The Bloodstock Centre adjoins the Parklands site.) This new section of road will cross over a stream which in Ms White's opinion will function as an attractive gateway for the new development.
- 3.10 Future stages will expand the linkages by extending Kuhanui Drive as a collector road, a step anticipated to be undertaken as part of stage 2 of development, and an 'amenity corridor' linking Hinai Road with a potential open space area will traverse the stage 1 area from west to east. Stage 1C of the development will gain access from both Park Estate Road to the south and Bayvista Drive in the north. Local road connections will be provided to adjacent properties to facilitate connectivity.
- 3.11 According to the Integrated Transport Assessment ("ITA") lodged with the application this Precinct does not require Hinai Road access but at the same time the Karaka Brookview proposal does not preclude it from being built. A local road connection is required from the land to Bayvista Drive as part of the first stage of development. A

collector road is also needed to connect to Park Estate Road and this was proposed to be extended to Kuhanui Road to form a north-south collector route from Hingaia Road to Park Estate Road as part of stage 2. The collector road will link with the additional section 68 areas also.

- 3.12 The ITA says none of the works recommended in a report prepared for the Council by Flow Transportation Specialists are required for Karaka Lakes South as none relate specifically to that development. It advised that the area can be developed without triggering or requiring any upgrades to the existing road network. Mr Allan's opening submissions for Karaka Brookview noted that the additional section 68 sites will necessitate upgrades to Park Estate Road and an extension to Hinau Road. Expansion of the plan variation area as a result of those additional sites will also require broader discussions with infrastructure providers than have been conducted by Karaka Brookview. He pointed out that there is no obligation on this applicant to resolve all issues with respect to integration and comprehensive development of all the land in the SHA, saying "*those are matters that can be addressed incrementally through the qualifying development process or pursuant to the RMA as development advances in accordance with the revised Precinct Plan and in a way that provides appropriate flexibility for each landowner without compromising or constraining options for others*".
- 3.13 Karaka Lakes South will be accessible to a number of transport modes as the road network will cater for vehicle, cycle and pedestrian connections – both internally and on the external network - although not all of these will necessarily be formed as part of the stage 1 works. Cycle paths are provided for by way of shared paths on the Kuhanui Drive extension and an "amenity connector" road. The ITA concluded that Bayvista Drive and Kuhanui Drive have sufficient capacity for the traffic flows to be generated by the Karaka Brookview development.
- 3.14 Earthworks for stage 1 of the Karaka Brookview development will take one season. Overall the bulk earthworks volumes for its area are comprised of 72,000m<sup>2</sup> of cut and 77,000m<sup>2</sup> of fill across 13.6 hectares. Fourteen retaining walls are to be installed to create level and stable building platforms. The streamworks include recontouring stream banks, removing and upgrading culverts, including installing five culverts, as well as realigning a portion of a stream in order to 'future proof' it to accommodate anticipated increases in stormwater flows. Temporary diversions of water will be required during the streamworks. Riparian planting of between 35.2m and 35.7m

and the natural rock stream bed will form part of a new, realigned section of stream. Once the bulk earthworks have been completed the portion of the site proposed for residential subdivision will not be located in the 1% AEP floodplain.

- 3.15 A 'geotechnical completion' report will be required once the earthworks are finished and this is to supply final recommendations with respect to the foundation design for any buildings.
- 3.16 Being rural land, a number of activities are likely to have taken place which will be recorded on the Ministry for the Environment's 'Hazardous Activities and Industries List (known as the "HAIL")'. A detailed site investigation ("DSI") found there were calcium and organic compound pesticide concentrations above normal background levels on the Karaka Brookview land although these were not above the adopted human health or permitted activity criteria. However, lead discovered in the southern portion of the qualifying development site did exceed those levels. The DSI report says the conditions are such that it is likely that the source of this contamination is a product of temporary storage of a farm tank or trough in the area concerned. It is within the earthworks area but not part of the land to be subdivided at this stage. Remediation is to be required as part of the Karaka Brookview earthworks proposal.
- 3.17 A reticulated stormwater system serving all the proposed Karaka Brookview lots will be constructed in conjunction with stage 1A as there is currently no Council-owned stormwater network in this area. The system will eventually discharge to the CMA through a single outlet structure in the north-west. On-site management is the applicant's preferred option as that should reduce stormwater contaminant volumes and peak flows from entering the receiving environment. The system will be designed to avoid scouring and the flow velocities will be less than 2.5 cubic metres per second ("cumecs"). As the system will be able to discharge directly to the CMA, on-site detention and retention has not been proposed. At-source treatment measures will provide for stormwater discharges along the roads, including associated intersections and carparks, including tree pits to be installed in the road reserves. No development is proposed on any overland flowpaths, the 100 year floodplain or the riparian margins.
- 3.18 In his evidence Mr Cranfield described the water sensitive design measures adopted for the Karaka Brookview site. In respect of stormwater he said "*the overall design is fundamentally based on capturing a specified volume of first flush rainwater as close to where that water falls as possible. Devices that will achieve this include rain tanks,*

*porous paving, rain gardens and tree pits, and swales. Once the capacity of these devices is exceeded they will be bypassed and water will flow to the pipe system and to the nearest appropriate stream or coastal outlet*'. Treatment devices and the pipe network together will accommodate run-off generated by a 10 year storm event. Above that, and up to the 100 year storm event, stormwater flows (secondary or overland flows) will be managed in the road reserves. A 43m culvert being installed under Kuhanui Road as part of the qualifying development works will retain the natural stream invert at that location.

- 3.19 The Parklands Properties submission confirmed that from its perspective the stormwater network has been designed and will be implemented to accommodate upstream capacity along with additional capacity for future upstream upgrades.
- 3.20 New wastewater infrastructure will be installed as part of stage 1A of the Karaka Brookview project. This will connect to an existing pump station to the north with a connection to a main trunk line currently under construction along the site boundary. Potable water will be supplied from a reticulated supply at the proposed extension of Bayvista Drive.
- 3.21 The information provided, including the evidence, has satisfied the Authority that sufficient power, gas and telecommunications infrastructure will be available to service the area.

#### **4.0 PLAN VARIATION PROCESS**

- 4.1 Section 61 provides a framework for consideration of a plan variation in the context of the HASHAA. Under sub-section (4) these considerations, in a 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;
  - (c) the matters in section 74 (2)(a) of the RMA (namely: any proposed regional policy statement ("RPS"), any proposed regional plan with respect to any matter of national significance, any management plans and strategies prepared under other statutes, any relevant entry in the Historic Places register, and the extent to which the district plan needs to be consistent with plans or proposed plans of adjacent territorial authorities);

(d) other matters set out in sections 74 to 77D of the RMA (with some exceptions);

(e) any other relevant provision or relevant statute.

4.2 The purpose of the HAASHA is stated in section 4 to be to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues. That provision can be taken to have been satisfied by the fact that this SHA has been approved and the application for the variation has subsequently been made. The evidence has satisfied us that the proposed Mixed Housing Suburban zoning is appropriate for the location and that it will provide for a variety of housing forms, including higher density development on front sites with public road accesses, which should increase the potential yield of this land. The section 68 requests made on behalf of Parklands Properties and Grande Meadows Ltd (previously Aote Co) both indicated that those parties sought the Mixed Housing Suburban zoning while the submission on behalf of Hugh Green Limited sought the higher density Mixed Housing Urban zoning and it appeared that a neighbourhood centre will probably also form part of its future applications and that is likely to service the southern Hingaia area. Application of those zonings will also increase the housing supply in the area. Consequently it is not necessary to discuss section 4 further.

4.3 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 in section 5(2). Section 6 requires that all persons exercising functions and powers under the RMA in relation to managing the use, development and protection of natural and physical resources are to recognise and provide for seven matters of national importance which are listed. In this case the applicable matters of national importance are the protection of historic heritage from inappropriate subdivision, use and development; enhancement of the natural character of the streams and their margins (section 6(a)); and enhancement of public access along the streams on the site (section 6(d)).

4.4 The esplanade reserves and, potentially, a headland neighbourhood park to be established on the Grande Meadow Developments site will provide for public access to the coast and will also protect the natural character along with identified archaeological features and a Significant Ecological Area, including an area of saltmarsh. The proposals for riparian enhancement and plantings fulfil both section 6

(a) and (d). The proposal to schedule some or all of the notable London Plane trees in, or very close to, Hinau Road will protect heritage values in the area.

- 4.5 We have found that requirement of the HAASHA is satisfied by the proposed variation (and the subdivision application also) making express provision for protection of the streams and their margins and avoiding development that would serve to detract from their importance. Provision is being made for public access.
- 4.6 In section 7 other matters are to be paid 'particular regard' and these include: the efficient use and development of natural and physical resources; maintenance and enhancement of amenity values; any finite characteristics of natural and physical resources; and the intrinsic values of ecosystems. As will be apparent further on in the decision on the variation, we have paid particular regard to those matters when reaching our decision.
- 4.7 Section 8 requires that the principles of the Treaty of Waitangi are to be taken into account. Cultural Impact Assessments ("CIAs") considering the proposed variation and prepared by Te Ākitai Waiohū, Ngāti Tamaoho and Ngāti Te Ata were provided with the Karaka Brookview applications. Their principal concerns were ensuring water sensitive design, ensuring that accidental discovery protocols are required, and implementation of erosion and sediment controls. 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.
- 4.8 Ngāti Tamaoho is not opposed to the development in principle or to the proposed rezoning. It foresees an opportunity to enhance the entire area and to return some historically known native tree species which in turn would see the return of native fish. Its CIA pointed out the Pahurehure Inlet has a current health status of "F" which is the lowest rating available. Its CIA said "*while some of this can be attributed to the causeway built to accommodate the motorway, the cause of pollutants is past land use*". Ngāti Tamaoho is determined that past poor practices will not be repeated on the proposed new greenfields housing development sites and said in its CIA it was keen to work with developers to ensure this does not happen. It wishes to enhance the coastal margins and to improve water quality in the area through appropriate land use patterns, good management of effects, and restoration planting. It also seeks protection and recognition of existing archaeological sites along with protection or appropriate mitigation for other as yet unidentified sites. It made a number of

additional recommendations for inclusion such as cultural monitoring, sod turning and ongoing involvement. These measures accord with its kaitiaki responsibilities.

- 4.9 Te Ākitai Waiohū echoed these sentiments in its CIA. It said the *mauri* (life force) of the land and water resources had been depleted over time to the point where there is little native vegetation or fish species left in the area. Te Ākitai viewed the positive effects of the proposed development as more people gaining access to the waterways that will be daylighted and replanted with native species. In the short term, measures needed to be put in place to manage the effects of run-off from bulk earthworks and to minimise the effects of that downstream and in the coastal environment. Its recommendations were similar to those made by Ngāti Tamaoho with a particular emphasis on water quality and accidental discovery protocols as well as recognition for iwi input and involvement. Te Ākitai Waiohū neither supported nor opposed the proposal but in the words of Mr Denny, who authored the CIA, “*accept that development will occur in this location*”.
- 4.10 Ngāti Te Ata Waiohū provided comments to supplement the CIA prepared by Ngāti Tamaoho. The effects were summarised as relating to bulk earthworks, changing land use, sediment control and stormwater run-off. Like Te Ākitai, Ngāti Te Ata also highlighted access to the waterways that are proposed to be daylighted and re-vegetation of stream banks as being positive effects of the development. Mr Flavell, the author of the CIA, was concerned about the prospect of unidentified sites being discovered and recommended accidental discovery protocols while also emphasising the need to minimise adverse effects on waterways.
- 4.11 In terms of the section 68 submitters Parklands Properties and Hugh Green Group Ltd, both Ngāti Tamaoho and Ngāti Te Ata provided Cultural Impact Assessments (“CIA”s) with respect to 72 Hināu Road. Ngāti Tamaoho does not oppose those proposals but highlighted issues in relation to the waterways, stormwater treatment and water sensitive design. Ms Rutherford wrote the Ngāti Tamaoho assessment and recorded a concern that a stream carrying stormwater from an up-stream catchment that passes under the motorway through a culvert needs enlargement because it causes flooding. She also discussed a need for enhancement to promote better treatment of existing and future stormwater runoff with pooling and rippling as a possible method of treating water quality as it passes through the land. The CIA made recommendations for best practicable water quality enhancement, cultural monitoring and ongoing engagement.

- 4.12 The comprehensive Ngāti Te Ata CIA prepared for Parklands Properties Ltd records Ngāti Te Ata, along with the other iwi, are recognised kaitiaki of the Manukau Harbour, Hingaia Peninsula, and the surrounding environs and concluded that while there will be an impact on intangible (spiritual) and tangible cultural values, the nature of the site and its heavily modified condition means that these impacts will be less than minor. The CIA stated *“from a cultural perspective there is no reason why the proposed subdivision should not proceed on condition that the recommendations of that report are provided for”*. There is no Parklands subdivision application before us so that point is noted for future reference.
- 4.13 While the CIA was prepared in relation to 72 Hinau Road it set out the occupational history of the area and referred specifically to the recorded site R12/171 south of Park Estate Road, on the Hugh Green Ltd land. It highlighted concerns regarding unidentified sites saying:
- “... most of Papakura District remains to be surveyed for cultural heritage sites meaning there are substantial gaps in information where there has been no survey and consequently no recorded sites. Of those sites recorded Maori archaeological sites make up the greater part of all cultural heritage sites in the Papakura District. The majority of sites in Hingaia are shell midden deposits along the esplanade reserve. Maori heritage values and sites are places or associations of significance to Tangata Whenua because they have a connection with the ancestors and atua. The protection of such sites is considered to be paramount”*.
- 4.14 The CIA also confirmed the special relationship that Ngāti Te Ata and other iwi have with the land, water and coast and the importance of water sensitive design, stream retention and riparian planting. It included recommendations relating to water quality, stormwater and waste water treatment, ecological restoration, protection of cultural heritage sites and resources and ongoing involvement and dialogue. It also recorded support for the Ngāti Tamaoho recommendations concerning the Parklands site.
- 4.15 Overall, the Council’s report on the proposed variation concluded that iwi values have been taken into account and provision has been made for accidental discovery protocols, water sensitive design, eco-sourcing of riparian vegetation, incorporation of water sensitive design, and management of erosion and sediment controls. We agree with its conclusion.

- 4.16 We considered the appropriate Iwi Management Plan and Issues Statements for this area, which are relevant planning documents for the purposes of section 74 (2A)(a) of the RMA. Having perused 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, coupled with the more site-specific CIAs prepared by these iwi, we are satisfied that nothing in the proposed variation, or in the Karaka Brookview subdivision application, offends the intentions of any of those documents.
- 4.17 Archaeological values are a different concept to cultural values and are also a matter for Part 2 of the RMA. Numerous archaeological sites around the Peninsula have been recorded on Heritage New Zealand's register of historic places and features. These tend to be at, or very close to, the coast and are comprised mainly of shell midden deposits. Several buildings and trees are also scheduled, however there are no protected archaeological features on the Karaka Brookview qualifying development site. A report following a cultural heritage investigation by archaeologists Clough & Associates Ltd in 2000 advised that following their investigations apart from the coastal margins its archaeological survey of the Peninsula indicated that it had not been extensively or intensively used in pre-European times. Its report said "*this presumably reflects a lack of suitable resources in the hinterland*". It noted seasonal campsites would have been part of the coastal-riverine occupation by Te Ākitai which was then part of Te Waiohū. Since the 14<sup>th</sup> century these groups have been part of the Tainui confederation.
- 4.18 The Hingaia area does not appear to have been affected by the New Zealand wars although several nearby areas such as Papakura and Drury were. The CIA prepared by Ngāti Tamaoho and a March 2003 Architage cultural heritage report prepared by Ms Harlow advised that land between the Manukau Harbour and the Hunua Ranges was highly utilised as a link between the Auckland Isthmus and the Waikato, although the area was mainly occupied on the western slopes of the Drury hills and the shores of the Manukau Harbour which would have brought the occupants into the Hingaia area. Ms Harlow noted that "*owing to the strategic location of the catchment, it was occupied by a number of tribal groups who could trace their ancestry back to the earliest occupants of the land, and in particular the crew of the Tainui. These groups included Ngāti Tamaoho, Te Akitai, Ngai Tai and Ngāti Pou, all being unified as part of the wider tribal confederation known as Te Waiohū*". Their main settlements and cultivations were close to their pā, two of which were near the mouth of Slippery Creek while two others were in the Pukekiwiriki or Red Hill area. At the

beginning of the New Zealand wars, the pā and neighbouring settlement at Te Aparangi were under the control of the chiefs Ihaka Takanini te Tihi and Mohi Ahi A Te Ngu. No known tracks passed through the Hingaia Peninsula but on the Papakura side of the peninsula, at Chalky Point, was a canoe landing from where a track led to Waipapa at the head of the Pahurehure Inlet and which is described as having been used by Maori for generations.

- 4.19 There are three recorded archaeological sites on the Hugh Green Ltd land with R12/743, R12/689, and R12/171 listed in the PAUP as significant historic places, the latter two sites also being identified as Sites of Value to Mana Whenua in the PAUP. The Park Estate Road archaeological assessment conducted by Mr Russell Foster on behalf Hugh Green assessed the recorded archaeological sites. In reference to site R12/689 he concluded that it is likely to be entirely within a coastal reserve in this area and threatened by continuing erosion and potential works to stabilise the shoreline when the inland area is developed. In relation to site R12/743, Mr Foster queried whether or not this site continues to exist but if it does then it would be on the edge of a coastal wetland and unlikely to be affected by any development. He considered, however, that if development is proposed in this vicinity then further efforts should be made to determine whether the site still exists and whether it can be avoided. Mr Foster suggested that an accidental discovery protocol be included in all contracts for earthworks when the area is finally developed as undiscovered archaeological evidence might still exist elsewhere in the area. These matters are for future consent applications and are not being determined here.
- 4.20 The Council's consultant archaeologist Dr Matthew Campbell also reviewed the archaeological features at 279 Park Estate Road (Aote Ltd/Grande Meadow Developments) and the Hugh Green Group Ltd holding at 144 Park Estate Road. In his archaeological review he noted that Ngāti Te Ata, Ngāti Tamaoho and Te Akitai were concerned about potential destruction of the R12/171 site. His review stated that "*R12/171 is not a pa*" however, he recommended a precautionary approach in the absence of more detail and suggested that R12/171 be treated as an archaeological site with the protections available to it through the Heritage New Zealand Pouhere Taonga Act 2014 and the PAUP being enforced.
- 4.21 Dr Campbell considered management options for the three known archaeological sites at 279 Park Estate Road and supported the Council purchasing that land for reserve purposes on the basis that this would protect the sites from potential

development and possible destruction. He considered an esplanade reserve to be an appropriate protective mechanism for sites R12/689 and R12/743, as well as other, unrecorded, sites on the banks of the Drury Creek. Should works be required within the esplanade reserve or on the banks of the creek, he recommended that an archaeological authority be applied for from Heritage New Zealand. Protecting a knoll and any archaeology on it associated with site R12/171 in a wetland was considered an appropriate protective mechanism and, among other things, he recommended that this measure be adopted in the final “concept plan” prepared for Hugh Green Ltd with no earthworks to take place on the knoll or within a defined buffer around it, and that no machinery should be placed on it either. These are also matters for future consent applications and are not required to be determined by this decision.

- 4.22 On behalf of Hugh Green Ltd, Ms Fraser-Smith’s advice was that the design of the subdivision, reserves and so forth for its land would take account of any features which are required for protection given that heritage sites are protected by the regional provisions in the PAUP. We agree that the overlay provisions of the PAUP should not be duplicated as they already apply.
- 4.23 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. Consultation with the community has been ongoing for many years and we referred earlier to the former Papakura District Council’s structure planning process. We understand the Future Urban zone in the PAUP was based on this.
- 4.24 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. The PAUP is the primary document to be considered. We record further that there was no challenge on this matter. We have no power to amend the RPS in the PAUP as part of the current process.
- 4.25 In terms of the “quality urban growth” policy in the PAUP, various urban design matters are covered later in the decision. The open space proposals in the variation are also discussed further on, particularly the proposed location of a neighbourhood park which was contested by one of the section 68 parties.

- 4.26 Turning to district matters for the purpose of section 74 (2) of the RMA, the Hingaia Peninsula forms an important part of the Council's strategy for the Papakura area. From materials we have seen, Statistics New Zealand has predicted that by 2040 some 125,000 more people will live in the Papakura and Franklin ward areas.
- 4.27 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.
- 4.28 Sections 74 to 77D of the RMA are effectively procedural provisions which set out various matters to which a consent authority is to pay 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.

## **5.0 ISSUES**

### ***Issues Raised by Submissions***

- 5.1 The Precinct plan included a number of road typologies for use across the plan variation area. Counties Power Limited requested these be amended to maintain a service corridor which is clear of planting and hard surfaces adjacent to the front boundaries of the lots for its electricity infrastructure. The typologies were subsequently amended to take account of this and the variation provisions reflect the Counties Power requirements. In particular footpaths were shifted closer to the road boundaries. On narrower roads, an easement in the front 0.7m of lots on one side of the road has been included to provide for this infrastructure and its maintenance. Sufficient room for tree planting, car parking and pedestrian access will remain. We understand from Ms White's evidence that Counties Power is satisfied with the amendments made.
- 5.2 Parklands Properties Ltd owns a 17.2ha site at 72 Hinau Road, immediately adjacent to the plan variation area and inside the Hingaia SHA. The eastern boundary of its land is the Southern Motorway. It has aspirations to develop its site for up to 300 dwellings and at the time of the hearing was in the process of developing its own applications to facilitate this.

- 5.3 A preliminary 'combined structure plan' dated October 2015 was prepared for Parklands Properties by Mr Edmonds, a senior architect and urban designer, and was annexed to his evidence along with detail of the residential subdivision anticipated for that land. He explained that a 20 metre landscaped buffer will be provided alongside the Southern Motorway to screen residents from motorway noise. There will also be an 80 metre acoustic buffer which will require specific conditions for house construction in the affected areas. Other constraints are a high pressure gas pipeline that generally follows the motorway edge and two high voltage Transpower New Zealand electricity transmission corridors that converge toward the southern boundary of the site. Mr Edmonds advised that the qualifying development application being prepared on behalf of Parklands Properties will include 10% affordable housing (approximately 24 homes), with the affordable lots being distributed at block ends and in a cluster at the south-western corner of its land. These will be duplexes, zero-lot houses or corner stand-alone dwellings.
- 5.4 While supporting the plan variation request in principle, in its first submission Parklands Properties challenged what it described as the 'limited scope' of the proposed structure plan, and specifically the exclusion of Hinau Road "as a fundamental element of the Hingaia Peninsula planning context". It acknowledged that the plan variation and qualifying development areas did not directly adjoin the likely extension of Hinau Road but in its view eastward connections to Hinau Road should nevertheless be shown on the Precinct plan. The submission said the traffic modelling had not taken account of any future surrounding land use activities. It submitted that Kuhanui Road should also be extended as part of Stage 1 for "efficient connectivity" for the wider structure plan area and to avoid the intensity of all the proposed site development being obliged to use Bayvista Road. Various amendments to the proposed plan variation provisions were suggested in this submission.
- 5.5 The second submission lodged on behalf of Parklands Properties Ltd requested that its land be zoned Mixed Housing Suburban and identified as "Hingaia Precinct 2". The submission included proposed Precinct 2 provisions, and a combined structure plan and Precinct 2 plan, all of which it urged be adopted. The New Zealand Transport Agency ("NZTA") opposed inclusion of the Parklands Properties site in the plan variation area because sensitive activities, such as housing on that land, establishing near existing State Highways can be affected by issues such as road noise which in turn can lead to health effects such as sleep disturbance. In the

PAUP reverse sensitivity effects such as these are managed by a High Land Transport Noise overlay (“HLTN”). The NZTA has submitted on the PAUP asking that the HLTN overlay, which applies region-wide, be extended to 100 metres. Whether the overlay will be extended or not it is a matter that will be addressed when the Council makes its final decisions on the content of the PAUP.

- 5.6 A further submission, in the form of a letter to the Council, on behalf of Parklands Properties advised that it had consulted with the NZTA in relation to the HLTN. It believed the reverse sensitivity issues the NZTA had raised are matters that can be addressed through a combination of development controls and consent conditions when Parklands comes to develop its land. In the meantime it supported amendments in the Precinct plan provisions to enable area and site-specific ‘contextual based’ development outcomes rather than a blanket approach being applied across the whole Peninsula.
- 5.7 Aote Co Limited owned a site at 279 Park Estate Road to the south west of, and adjoining, the Karaka Brookview plan variation and qualifying development area. This land was subsequently sold to Grande Meadow Developments Limited which was represented at the hearing as Aote’s successor in title. The site was described in some detail in Mr Munro’s urban design evidence and Dr Hunter’s surveying and engineering evidence. The submission supported the proposed variation but sought two amendments, namely that the subdivision controls be amended to enable the smallest vacant lot to be 300m<sup>2</sup> before consent is required for an integrated development rather than an average of 400m<sup>2</sup>, and realignment of some roads on the Precinct plan to facilitate connections to its land, to create urban blocks and to integrate connections with adjacent blocks. It did not actively ask for its land to be included in Precinct 1 in its first submission but through its second submission expressly sought that its land be rezoned Mixed Housing Suburban and that it be included in the Precinct. At the hearing it was apparent from the legal submissions on behalf of Grande Meadow Developments Ltd that the extended area it sought related to 253, 257, 273, 277 and 279 Park Estate Road.
- 5.8 The NZTA was opposed to that part of Aote’s submission seeking a reduction in the smallest vacant lot size to 300m<sup>2</sup> because that request was not accompanied by any matching analysis of the traffic implications the increased density might cause, including impacts it could have on the State Highway network and the Papakura interchange in particular.

- 5.9 A submission on behalf of the Daval family trust (D and V Campbell) of Park Estate Road opposed both the plan variation request and the qualifying development application on the grounds that connectivity, infrastructure and the wider area had not been sufficiently considered. This submission appeared to rely on the former Papakura District Council's structure plan area as the basis for its concerns.
- 5.10 The Hugh Green Limited submission advised it had been advancing a structure plan process for its SHA land south of Park Estate Road. As with the Grande Meadow (Aote) materials, considerable detail of its proposals was supplied, including background technical reports. It considered that rezoning its 98 hectares of land in the context of the current plan variation application would support integrated management and support the purpose of the HASHAA. Ms Davison advised on its behalf that around 1500 residential sections can be provided on the land Hugh Green owns or manages, with 200 anticipated to be produced by the first stage of development. Hugh Green Ltd supported the proposed variation in principle and requested that its land be included in an expanded variation area. It also raised issues relating to Hingaia south, such as transportation and associated funding concerns which need to be resolved to implement the variation if the area is expanded.
- 5.11 It proposed a Mixed Housing Urban zoning be applied to its land which is comprised of large sites at 180, 200 and 252 Park Estate Road with the proposed structure and precinct plans annexed to its submission showing a neighbourhood centre at the intersection of Park Estate Road and a new north-south road crossing its land. The land has a considerable length of coastal frontage to the Drury Creek where esplanade reserves will be created.
- 5.12 The Council proposed an increase to the neighbourhood centre zone so it would then cover two corners rather than one, a proposition that Ms White supported. An area of wetland will also be protected. The Council's recommendations also proposed that the Mixed Housing Suburban zone be applied to all the Hugh Green land other than the neighbourhood centre, while Hugh Green Ltd was proposing that a combination of Mixed Housing Urban and Mixed Housing Suburban zones be applied. The denser, Mixed Housing Urban, zone would be based around the proposed neighbourhood centre and in Ms White's opinion this would create a sense of place while still being largely compatible with the current and developing character of Hingaia as a whole.

- 5.13 The Hugh Green Ltd submission acknowledged that road upgrades would be required if its land, and that of others who had invoked section 68, were to be included in the variation area and noted in particular that works will be required to widen Park Estate Road, the Park Estate Rd bridge and to form the intersection of Park Estate Road with Great North Road. Hugh Green Ltd did not support any suggestion that might be made that any north-south connections across the Karaka Brookview land should continue across Park Estate Road and into its block. The timing of, and funding for, any key transport infrastructure were also concerns. In the submitter's view these infrastructure works should be funded by a number of parties as the demand would be based across the whole SHA area. If this issue was to be resolved then in Hugh Green's view the potential for growth in the southern portion of the Hingaia SHA would be unlocked.
- 5.14 The submission requested integrating the Hugh Green sites into the variation area could be achieved through including the land in the structure and Precinct plans by expanding their areas of influence, or by creating a sub-precinct which would then be subject to its own rules and assessment criteria. This relief was not strongly opposed by any of those who appeared at the hearing, and as will be apparent from the approved variation text (attached), this land has been included in the SHA area as has that of Grande Meadow Developments and Parklands Properties.
- 5.15 The pattern of roading to be provided for the area was raised by New Zealand Bloodstock Limited in its submission. It considered the use and conduct of its site at 10 Hinau Road would be advantaged by extending Hinau Road through to Park Estate Road. It also requested that the plan variation area be expanded to include the landholdings sought in the first round of submitters (which included the neighbouring site owned by Parklands Properties) and all the land between Park Estate Road and the existing development (by which we assume it was referring to the existing Karaka Lakes development).
- 5.16 Mr G J Hoffmann lodged a submission in the third notification round. He was opposed to a through road being created from Kuhanui Road to Park Estate Road until such time as the Southern Motorway has been widened between Drury and Takanini. His submission said the motorway and surrounding streets are gridlocked from 6am and the proposed development would exacerbate that situation as well as creating a 'rat run' from Great South Road in Papakura. The Commissioners are

aware that applications by the NZTA to widen the Southern Motorway, including the Takanini bridge, were heard in May 2015.

- 5.17 Transpower New Zealand Limited (“Transpower”) submitted in respect of any additional section 68 properties where its National Grid lines are located or are close by. Two of the National Grid lines run parallel in a generally north-south direction and cross through the variation area as it sought to be amended by the section 68 submissions, with inclusion of the Parklands Properties and Hugh Green Ltd sites in particular (but not limited to those). Transpower wished to ensure that its ability to operate, maintain, upgrade and develop its National Grid lines is not compromised. It had no concerns with the Karaka Brookview qualifying development application as the land involved is well separated from its lines. It sought that the variation recognises the importance of, and manages the effects on, the National Grid.
- 5.18 In respect of the Parklands Properties’ land, materials annexed to Mr Edmonds’ evidence on its behalf included an illustrative site plan<sup>4</sup> for 72 Hinau Road showing the eastern-most road, parallel to SH1, as ‘kinked’ around a Transpower pylon and marked with no “gathering places” near the pylon or under the transmission lines.

***Issues Raised by the Reporting Officers:***

- 5.19 The hearing agenda contains the Council’s reports which included detail of the issues raised by the reporting officers. We are not repeating that material here as it was traversed during the hearing with the issues having been resolved in many cases. The next section of the decision covers the issues in some detail.

***Issues Raised by the Commissioners***

- 5.20 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 the legal counsel present at the hearings to comment on these provisions.

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<sup>4</sup> IP-UD-101-A, dated 17/11/15

- 5.21 For Karaka Brookview Mr Allan said in its reply that the proposed provisions went beyond the statutory requirement. He said 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 purchaser to another party - for instance should the purchaser die or become incapacitated, or the purchaser fails to comply with their contractual obligations and the mortgagee is forced to put the property on the market in order to recover its funds.
- 5.22 In the Council’s final comments Ms Wimmer proposed to delete that particular requirement. 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 reference. The Commissioners agree with this for the reasons traversed above.
- 5.23 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.

## **6.0 PRINCIPAL ISSUES IN CONTENTION AT THE HEARING**

- 6.1 A number of common themes emerged through the various presentations. The principal issues in contention can be summarised as:
- the need or otherwise for Hinau Road to be extended to the south at an early stage to connect with Park Estate Road along with other roading upgrade issues;
  - whether the variation provisions should include trigger points, based on the quantum of development that has been reached when an application is made, requiring the next developer to provide infrastructure upgrades;
  - how any such upgrades would be funded;
  - the affordable housing provisions included in the recommended plan variation text;
  - whether all or some of the London Plane trees established in or very close to Hinau Road should be scheduled as notable specimens;

- the Council's desire to indicate a suburban park on the Grande Meadow Developments' landholding on the Precinct plan, and the number and location of neighbourhood parks on the Hugh Green land;
- a dispute over the location in relation to property boundaries, and the consequent maintenance obligations, of the retaining walls required to establish building platforms in the northern part of the Karaka Brookview site;
- the zoning to be applied to the Hugh Green land (as already summarised).

We cover these issues below. The discussion is followed by a number of other, arguably less contentious, issues that arose for our attention.

### Extension of Hinau Road

- 6.2 For Parklands Properties Mr Savage said there were four important matters in relation to the proposed variation that require amendment or deletion. These were: that an indicative alignment for Hinau Road needs to be shown on the Precinct plan; provision for infrastructure upgrades and the timing of development (“triggers”); the London Plane trees in Hinau Road including those growing on an access strip to the Parklands site at 72 Hinau Road; and concerns with the affordable housing provisions in the plan variation text recommended in the Council’s report. We deal with the points made regarding the road extension first.
- 6.3 Mr Savage’s submission was because the Hinau Road extension will traverse land in multiple ownership, the alignment of the extension will be finalised as part of the detailed design and later resource consent processes. For that reason, he said it is important that it is identified as an “indicative” road rather than have the Precinct plan suggest that it is a confirmed alignment.
- 6.4 Mr Pearce developed the transportation issues that were raised by the New Zealand Bloodstock submission. He said the company sees significant value in an extension to Hinau Road on an alignment which would allow that road to connect effectively with Park Estate Road to the south. It also considers that delivery of such a link will add value to the movements in the general area and would also greatly assist its operations by providing for the safe movement of horses to and from its 18 hectare sales centre site in Hinau Road. Alternate access for horse floats is important to New Zealand Bloodstock, with Mr Pearce saying “*an opportunity to get off the motorway at Drury and access the site that way would be really good*”. He noted that

the extension to Hinau Road had been supported in the Council's report and also in a report prepared on behalf of Auckland Transport.

- 6.5 Mr Pearce said discussions with Parklands Properties had revealed a possibility that some of New Zealand Bloodstock's land, or a sliver of it, may be required to achieve a workable alignment through the Parklands Properties site. A 367m<sup>2</sup> strip will also need to be sliced off the NZ Bloodstock site to widen the existing section of Hinau Road. He did not express any concern about either of those prospects.
- 6.6 Ms White's evidence for Karaka Brookview Ltd confirmed that the Stage 1 qualifying development works will not preclude or stifle the extension and final alignment of Hinau Road. Those matters are subject to additional technical investigation and further consultation by the parties with the Council and Auckland Transport.
- 6.7 Parklands Properties requested that the Hinau Road alignment be identified as being 'indicative' on the Precinct plan. In response to this Mr Keating of Auckland Transport advised that while he recognised the practical difficulties which may arise in vesting and constructing this road, the general alignment will not change as it will follow the Veolia sewer alignment and will meet Park Estate Road at a 90 degree angle (or close to that). In his view it was also relevant that no evidence had been presented which had disputed the practicality or desirability of that alignment. In addition, he said the Precinct plan did not attempt to define the alignment of the road precisely and some degree of flexibility is inherent when identifying features on a map of this scale. To provide certainty and clarity for future developers and planners, he said the accepted alignment should remain as it was.
- 6.8 Our finding is that while we generally agree with Mr Keating, the arguments put by Mr Savage and Mr Pearce as to the need for flexibility around final layout and design are sensible. In our view it would be imprudent in our view to confirm an alignment as accurate which ultimately may require variation and thus lead to a need for complicated planning processes in order to rectify the problem. For that reason we prefer that the position of the road be shown as indicative and that the final position is confirmed at the time of detailed design.

#### Neighbourhood Parks

- 6.9 Grande Meadow Developments Ltd ("Grande Meadow") owns a 10.4 hectare site at 279 Park Estate Road in the south west of the Hingaia 1 SHA area and was a section

68 submitter. Its submission sought for its land to be rezoned Mixed Housing Suburban and that a Precinct plan is to apply to it. On its behalf Ms Davison said if its land was to be rezoned as requested that would enable approximately 150 houses to be constructed. The Council's report had recommended that the rezoning be accepted.

- 6.10 By the time of the hearing three areas of dispute remained between this submitter and the Council: the appropriateness of the Council having shown a 'suburban park' on the Grande Meadow land; the appropriateness of a development cap proposed through the Council's report; and whether there should be a trigger rule requiring infrastructure upgrades before any further development could be undertaken. The development cap and trigger issues were addressed in Ms Davison's submissions on behalf of Hugh Green Ltd with those submissions being expressly adopted by Grande Meadow.
- 6.11 In respect of the 3 hectare suburban park notated on the Precinct plan by the Council, Ms Davison said if this was to remain on the plan then any proposal that did not involve that park "*would face a very difficult path to approval*". Grande Meadow had not been consulted about the proposed park, nor had it given its approval for it. She referred to the Environment Court decision in *Capital Coast Health v Wellington City Council* (W101/98 and W4/2000) where the Court had said as a general principle private land should not be zoned for reserve purposes unless it is already reserved for those purposes, the landowner agrees, or it is incapable of being used for another purpose. The Court held that if a council wished to protect land for reserve purposes it should do that through a designation or by acquiring it. Ms Davison said the suburban park indicated on Grande Meadow's land was not required to achieve coastal access nor to preserve a site of value to mana whenua. Those features will be protected by esplanade reserves and, in this case, by a neighbourhood reserve at a headland on the boundary of the Grande Meadow site. A much larger suburban park was therefore not required for protective purposes.
- 6.12 Ms Davison submitted further that there had been no cost or benefit assessment of the proposed park nor any assessment of alternatives, plus any 'proper' section 32 reporting was noticeably absent. She submitted that "*the Council officers are attempting to bypass the important statutory obligations imposed on it when it wishes to acquire private land*". While a report from the Council's Parks department had been included with the Council's reply to the evidence, in a communication to the

Council Ms Davison strongly objected to that report being taken into account as it had not been presented to the hearing and there had accordingly been no opportunity for the parties appearing to consider it and to comment if necessary. We agree with her position.

- 6.13 Mr Tollemache noted in his planning evidence that no submissions had been lodged seeking a suburban-scale park in either the Precinct or on the land at 279 Park Estate Road. As he saw it “ *the suburban park is solely an officer preference as to their desired outcome. It does not implement any identified matters from the legacy Hingaia structure plan or the Karaka Brookview PV*”. He disagreed with the concept of a plan variation effectively holding land without any commitment, budget or analysis on the Council's part exhibiting a firm intention to acquire it and went into some detail about the steps that should have been demonstrated in the Council's materials. He said there was no pedestrian catchment and accessibility analysis to justify the Council's proposed location for the suburban park. His advice was that up to 60 dwellings could be provided on the area involved which is around three hectares, being nearly a third of Grande Meadow's land.
- 6.14 Mr Munro presented urban design evidence on behalf of Grande Meadow. He also did not believe the suburban park had been justified and traversed a number of reasons for taking that view. He referred to the Council's 'Parks and Open Spaces Interim Provision Guidelines' (greenfield) 2014 which emphasise that suburban parks should be located in a prominent position in a suburb and have good transport access. Having assessed the location preferred by the Council, he was unable to understand what characteristics of the site the Park's adviser Mr Barwell had identified that would make it the 'most appropriate', or even just 'appropriate', for a suburban park that will meet the needs of the Hingaia peninsula residents. This was primarily because the location indicated on the Precinct plan was “simultaneously poorly accessible and very expensive (being the prime coastal edge)”. Most users would need to drive to the park which is inconsistent with the Council's policy of promoting walking and cycling. Added to this was the fact that almost two-thirds of the walkable catchment around the park had been “wasted” as the notation had been applied over water, which by definition is not habitable. Because of its poor walkability relative to the suburb it would serve, Mr Munro's opinion was it did not offer good transport access. If the suburban park was to remain where it had been indicated, in Mr Munro's view it would serve its catchment very poorly. However he had no difficulty with a *neighbourhood* park being created in the same location.

- 6.15 The relevant resource management question as put by Mr Munro was whether the suburban park was shown in the 'most appropriate' location having regard to the objectives and policies in the PAUP, including the compact urban form directed by its Regional Policy Statement section. Mr Munro believed it had not been.
- 6.16 He presented a conceptual urban design analysis of six alternative locations for a suburban park. The 'most appropriate' location resulting from this analysis was on the northern side of Park Estate Road, relatively close to the Southern Motorway. Among other things that he listed this location would connect the two green infrastructure corridors and create a 'super recreation route' or series of circuits. Placing the park near the neighbourhood centre and other amenities such as the Park Estate School and churches would reinforce the sense of community destination for the central part of the suburb which in turn would create a cumulative prominence for the central area.
- 6.17 Ms White considered the number and locations of the two neighbourhood parks proposed by Hugh Green Ltd to be superior to those indicated by the Council on the Hingaia South Precinct plan with regard to walking catchments and the ability for the parks to add amenity and value to higher residential development. The Hugh Green plan showed these parks situated centrally on the site and away from the coast in order to render them as potential focal points and also to support higher density residential development. The eastern-most park was located to retain the existing knoll which is subject to the Site of Value to Mana Whenua overlay in the PAUP, which accords with the comments made in Dr Campbell's archaeological review for the Council referred to earlier. It is also associated with a wetland area so the intention is that open spaces with different functions would be clustered together.
- 6.18 The wetland and the nine watercourses on the Hugh Green site were described in Mr Cranfield's evidence. He said the watercourses are dominated by artificial channels or ephemeral reaches of streams with limited reaches of intermittent or permanent streams. A report by Freshwater Solutions had identified all the streams and wetlands on the Hugh Green land as degraded. Mr Cranfield disagreed that the Council's recommended stormwater measures should apply to all streams and he recommended amendments to the variation text to have it applying to permanent and intermittent streams only as the ephemeral streams might not be retained as part of the land development process. In this context we note that the regional provisions in the PAUP seek retention of permanent and intermittent watercourses only. We

agree with Mr Cranfield that the retention of only permanent and intermittent watercourses is appropriate in this context.

- 6.19 In a similar vein, Ms Fraser-Smith requested that the notation on the Hugh Green Ltd wetland be amended from “protect” (which is inherent in the PAUP) to “Indicative Wetland – Final Extent to be Determined”. In respect of the wetland area we consider that showing it as being ‘indicative’ is appropriate as the spatial extent of that area has yet to be finally determined.
- 6.20 The Council’s report showed three neighbourhood parks with their locations being indicated as ‘flexible’. Two were shown adjacent to the esplanade reserve and Ms White said they “*therefore cannot provide for full walking catchments (only “half” catchments)*” as a result. She considered the third park to offer a good location but its inclusion had produced an overlap of the 400m walking catchments and consequently it might not be desired or purchased by the Council.
- 6.21 The Council’s final comments maintained the view that the suburban park should remain in the location indicated in its reports as it intended to purchase the land concerned and had taken some steps toward that outcome. Mr Davison said in conjunction with this it was important for planning purposes that an amenity collector road with a shared path in this location is not precluded as it was critical to ensure the quality of the access to the potential park.
- 6.22 We note the Council’s advice that there is a prioritised need for the suburban park in the location shown and that the location it had indicated is appropriate. But having considered the opposing viewpoints we prefer Mr Munro’s evidence and the reasoning he gave for it. As for the neighbourhood parks, given the proximity of two of these to the esplanade reserve our view is that they should be indicative with the final locations being settled at the time of detailed design. Whether or not a particular neighbourhood park is developed, and its exact location and configuration if it is, will be matters for future resource consent applications.

*Development cap and upgrade triggers*

- 6.23 In the subdivision rules the variation as recommended by the Council provided for infrastructure upgrades linked to the timing of development. A Table in those provisions specified a rate of development and the number of households that may establish before road and infrastructure upgrades will then be required. As drafted

the provisions were considered to impose a burden on the developer who wished to build the very next house after the trigger limit has been reached as consent would then be required as a non-complying activity. The provisions at that time were numbered 6.X.5.5 of the Precinct rules and Activity Table 6.1.1.1.2 respectively.

- 6.24 Mr Savage described the proposed measures as unfair, a disincentive - particularly in the context of the purpose of the HASHAA – lacking any statutory basis, and unlawful. He referred to section 197AA of the Local Government Act 2002 which enables a local authority to recover a fair, equitable, and proportionate portion of the total cost of the capital expenditure involved. Such development contributions are required only if the effects, or cumulative effects, of developments will create, or have created, a requirement for the local authority to provide new or additional assets, or assets with increased capacity. Counsel's argument was the Table in the proposed variation provisions cannot be reconciled with the guiding principles in section 197AA. Alternatives to requiring development contributions are developer agreements (which are entered into with a council), and consent conditions. Mr Savage requested that the Table be deleted from the provisions.
- 6.25 On behalf of Hugh Green Ltd, Ms Davison expressly adopted Mr Savage's legal submissions with respect to the proposed trigger rule. She submitted that as well as being an illegal method, the infrastructure funding triggers would result in inequitable outcomes as between different landowners and would function as a disincentive to development which would be in direct conflict with the purpose of the HASHAA, to which the Authority must accord the greatest weight when reaching our decision. It was stressed that Hugh Green Ltd did not seek to avoid paying a reasonable and equitable contribution towards the required upgrades but the trigger rule potentially cut across a reasonable solution being reached between the Council and the landowners.
- 6.26 Funding for any upgrades is inevitably linked to any trigger discussion. In her planning evidence for Parklands Properties, Ms Hardy said funding is a matter that should be managed outside the statutory planning process. However, in the event that the Authority was to disagree with that view, she suggested an amendment whereby consent as a restricted discretionary activity would be required for creation of any dwelling or subdivision which is affected by the trigger levels. The matter for discretion when deciding whether or not to grant consent would then be the actual

trip generation of the activity being proposed and the effects of the quantum of that development on the efficient operation of the roading network.

6.27 In her traffic engineering evidence on behalf of Grande Meadow, and later for Hugh Green Ltd, Ms Dowling outlined the requirements the proposed trigger points would create in respect of Park Estate Road when the thresholds in the proposed rule were met. These were:

- upgrading the carriageway to local road standard, and at the same time providing a pedestrian/cycle bridge over SH1, when legal road access or any increase in the households accessing Park Estate Road was proposed;
- upgrading the street to collector standard when 450 households would then access it;
- installing signals on the intersection of Park Estate Road and Great South road when the threshold of 1000 households is reached;
- installing traffic signals on the intersection of Hinau Road and Park Estate Road when there are 1500 households south of Park Estate Road and 1400 households elsewhere in the plan variation area.

6.28 She did not support the proposed rule and said for it to be effective it needed to be linked to a funding mechanism. With respect to the specific triggers included in the rule, she viewed the pedestrian/cycle bridge requirement as particularly onerous and noted that 1.5m wide footpaths are already provided on both sides of the existing road bridge. Creating a new pedestrian/cycleway on the bridge could cost up to \$6 million and as presently drafted the rules would require this before any lots were developed. As Park Estate Road is its only access, each of the Grande Meadow site and Hugh Green's land would then be effectively sterilised while other developments requiring no access to Park Estate Road could continue to build (and recover costs related to transport infrastructure in the course of that).

6.29 Ms Dowling otherwise supported the concepts of improving Park Estate Road to local road standard, and to collector road standard when 450 households gain access as well as the need for signalisation of the two intersections. She noted however that the 'local road' cross section that was included in the recommended version of the plan variation did not include a shared pedestrian/cycle path or any other cycle infrastructure. In her opinion it would be more appropriate that any trigger for cycle

facilities to be installed on the Park Estate Road bridge related to the trigger to provide a collector road (which would include cycling infrastructure). She expected Auckland Transport would provide for the upgrades of the Park Estate/Great South Road and Park Estate/Hinau Road intersections from development contributions obtained from all development in Hingaia.

- 6.30 According to Ms Davison's legal submissions the rule would allocate Hugh Green Ltd a cap of 1300 dwellings in its sub-precinct (although Ms Fraser-Smith was not convinced about that as we discuss shortly). She said it was unclear what the caps are intended to achieve. As they were inconsistent with the purpose of the HASHAA to facilitate an increase in housing "*there must be some strong resource management basis for their confirmation*" yet there had been no section 32 analysis of alternative methods to achieve whatever the outcome was that the cap was setting out to achieve. Furthermore there are already methods in the PAUP to ensure traffic effects are assessed on a progressive basis, with an integrated traffic assessment being required for any application creating 30 or more lots or dwellings. As a result any further development cap would not achieve any benefit in terms of environmental outcomes to justify the cost of foregoing any development above it.
- 6.31 Ms Davison submitted that the proposed non-complying activity status for exceeding the development cap was particularly onerous. While the cap had presumably been recommended to control effects on transportation infrastructure, the non-complying status meant a proposal would be subject to scrutiny on much wider grounds with notification being probable. This was viewed as a significant cost which was not justified by any environmental outcomes sought to be achieved.
- 6.32 Mr Tollemache explained his understanding that the development cap had been based on the potential yield estimated from the Precinct areas and used for the background traffic modelling, but said this did not necessarily reflect the actual development potential of the land. His evidence was no justification had been provided in the Council's reports for the development cap restriction or its accompanying non-complying activity status.
- 6.33 He drew attention to objective 4 and policy 5 in the recommended plan variation provisions which set out to achieve coordinated provision of transport infrastructure but did not at the same time state that development potential must be capped, or that housing is to be avoided at certain thresholds. His opinion was if there are relevant effects those can be addressed through a resource consent assessment supported

by appropriate traffic impact assessments, which are in any event required by the PAUP to accompany any applications for 30 vacant lots or dwellings. Mr Tollemache said the proposed restriction would unnecessarily impact on affordability and the housing supply issues which the HASHAA sets out to address.

- 6.34 In respect of the recommended trigger points he was concerned that they would function as a disincentive for landowners to establish road connections between the northern and southern areas of Hingaia and, furthermore, that final stages of development might not be completed because of the obstacle they created.
- 6.35 In a memorandum prepared on behalf of Auckland Transport Mr Keating advised after having heard all the evidence that further research had been carried out by Opus on behalf of the Council and it had concluded that sub-precinct caps were not required in this area. Among the reasons he gave for this was a statement that, based on the timeframes, uncertainties and the multiple assumptions which are inherent in the traffic modelling, there was an insufficient level of certainty regarding adverse effects to justify a planning rule as originally proposed.
- 6.36 Mr Keating's memorandum for Auckland Transport addressed this issue at some length. In it he said -

*A number of submitters have interpreted this rule to be a mechanism for allocating cost for these upgrades which is incorrect as this would be a separate process. .. [The] Auckland Council has developed a LRGF (Local Residential Growth Fund), for use on residential growth projects, including SHAs. This fund can be used to 'bridge the gap' when multiple landowners are involved with the costs of works to be recovered via the Council's abilities under the Local Government Act. This is the mechanism to determine the allocation of costs for wider transport upgrades.*

*The development triggers are a planning tool to ensure that development does not precede the required infrastructure and that any associated traffic effects are addressed. This rule gives effect to various objectives and policies in the PAUP and the proposed PVs which concern the integration of development with infrastructure. The inclusion of this rule also has the following benefits:*

- *Certainty for developers and the Council – each subsequent resource consent does not have to re-litigate the required transport infrastructure*

- *Consistency across multiple land holdings – each applicant is aware of the responsibilities and constraints of other applicants and no one is perceived to be getting an unfair advantage*
- *Simplicity in interpretation – the original Opus report had a complex list of upgrades expressed in traffic engineering terms. The rule as proposed has converted this data into a short, consolidated list which is suitable for wording as a planning rule. If the rule is not included in the PV in some form, there is a high likelihood that this interpretation and the results of comprehensive traffic modelling will be lost*
- *Related to the above point, some of the upgrades are essential to avoid significant adverse safety effects and it would be misleading to future applicants to not make this clear in the precinct plan provisions. In particular, the need for the Park Estate Road upgrade prior to any further development has been comprehensively assessed, including at the Environment Court and accepted by Ms Dowling for Hugh Green Ltd. In the case before the Environment Court, it was determined that a limited operation of the proposed church (a maximum of 350 persons) and its associated traffic was the limit which could be accommodated by the road in its existing condition. Following a hearing and based on this precedent, the adjacent site was also consented for a church but with a condition preventing any use prior to the road upgrade. As these consents form part of the existing environment (as confirmed of recent case law<sup>5</sup>) the Council/AT will be obliged to oppose any applications prior to this upgrade taking place.*

6.37 As revised version of the Table was included in the memorandum. Among other things, this required the pedestrian/cycle path on the Park Estate Road bridge to be installed after 450 households have been constructed rather than when development is first carried out.

6.38 In respect of the activity status Mr Keating's memorandum said he did not consider that a non-complying activity status for a breach of the rule was appropriate as any adverse effects would be confined to discrete traffic effects. He supported the

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<sup>5</sup> *Far North District Council v Te Rūnanga-ā-Iwi o Ngāti Kahu* [2013] NZCA 221 confirmed that unimplemented consents which are likely to be implemented form part of the existing environment. In this case, the Brethren Church has carried out site clearance works in Park Estate Road and is therefore considered likely to implement its consent.

change suggested in the evidence of Ms Hardy for Parklands Properties to make it a restricted discretionary activity. Mr Keating said a further option would be to include the matters covered as an assessment criterion for subdivision, with the exception of the Park Estate Road upgrade which will require some form of rule due to the level of adverse effects involved and the Environment Court precedent.

- 6.39 Ms Wimmer advised in her final comments that she agreed with the traffic specialists that the density cap development control is flawed and would not achieve its intended resource management purpose. Her further advice was that she agreed the transport triggers should be deleted from the Precinct provisions and that the data informs non-regulatory processes. In her view the Local Residential Growth Fund or a targeted rate should be implemented outside the current process to fund the range of projects identified in the FLOW transport modelling and the Integrated Transport Assessment.
- 6.40 Our finding is that the density (or dwelling number) threshold trigger for determining when certain traffic related works should occur is a clumsy and inequitable method and should be deleted from the variation. We agree with Ms Wimmer's advice that the Local Residential Growth Fund or a targeted rate method is a more appropriate vehicle to achieve the outcomes envisaged. The proposed trigger method is effectively a 'first through the door' control and we consider it has little merit in the context of the future development being enabled by the variation. As for the suggested alternative of any development proposed once the suggested trigger has been reached being addressed as a restricted discretionary activity, while that may appear on its face to be a simple solution it would not create any certainty for an applicant, particularly when the other reasons why a consent is required may make an application discretionary or non-complying overall anyway. Our view is that any trigger provision in the rules will prove to be problematic and that it and the relevant Table are to be deleted.

*Recommended affordable housing provisions*

- 6.41 Objection was made to objective 7 in the recommended variation text that required a range of price options as well as a range of housing densities and typologies. For Parklands Properties Mr Savage submitted that there is no statutory reference or requirement to include a range of price options. It was therefore inappropriate to constrain a consent by requiring them.

- 6.42 He was critical also of objective 9 which required that affordable housing is promoted to first home buyers and/or community housing providers, saying this requirement went beyond the statute and should be deleted. In elaboration he said the recommended variation provisions attempt to launch a regime that is well beyond the Order in Council and therefore the Act itself. If the Council wanted houses to be occupied for three years, it has power to build them but the recommended provisions “...appear to establish a regime with the Council, not authorised through the statute, trying to do a social check on people, getting the right person in the right house, and requiring them to stay there”. He said the real purpose of the HASHAA in section 4 is to facilitate an increase in the supply of housing, and ‘tacked onto that’ is a component which is affordable, but affordability is not the primary purpose.
- 6.43 The Council's final comments on this issue were brief and stated that the intent of the affordable housing provisions is to ensure that those landowners who are about to receive an ‘upzoning’ without providing for vacant lots during the term of the HASHAA still have to supply the market with affordable housing in future. Ms Wimmer stated however that the rules should not create any unintended mischief or hardship to third parties.
- 6.44 We consider that both objective 7 and 9 have problems, as discussed by Mr Savage. The idea that the HASHAA principles will continue after the demise of the statute has obvious merit in that the relevant housing developments will contain a range of housing and thus a range of housing prices, including some at the lower end of the price spectrum that may be seen as affordable in the future market context. Whether that is something that should be mandated in planning provisions is another matter. While Part 2 of the RMA clearly requires that the social and economic wellbeing of the community is taken account of that may be achieved through a range of methods including requiring a mix of housing types (in any development exceeding 15 units for example). These two objectives have been deleted and replaced with a single objective (8) which simply seeks that affordable housing is dispersed throughout the variation area. This is supported by policy 3.

#### London Plane trees

- 6.45 Ms Hardy disagreed with the entire stand of 30 London Plane trees, including those on the access strip to 72 Hinau Road and at 65 Hinau Road, being scheduled as notable as part of this plan variation process. She said at least four of these trees will need to be removed to build the extension to Hinau Road and it would therefore

be futile to schedule those ones. In her opinion it was counter-intuitive to the purpose of the HASHAA to develop a rule framework that included the protection of four trees on rural land earmarked for residential development when removal of those trees will be required to provide access to urban zoned land and to enable the development of 250 dwellings.

- 6.46 These trees were shown on a plan handed up by each of Mr Pearce<sup>6</sup> and Ms Hardy with the cluster of four marked in red. Mr Pearce supported any initiative to retain them.
- 6.47 Having inspected the area, we consider that the Plane trees have high amenity value and should be retained but at the same time we agree that the four trees that will need to be removed to provide for road access should not be protected by scheduling. Accordingly we have found that all of the London plane trees should be scheduled apart from those four trees that fetter the access to be developed.

#### Zoning of the Hugh Green land

- 6.48 Ms White said the scale of the Hugh Green site and its contained location provided an opportunity to create its own identity and point of difference. The ability to provide for higher density residential development in appropriate locations - close to public facilities, amenities and public transport – had been a consideration in preparing the Precinct plan which accompanied its submission. A “refined” Precinct plan for this land was provided as part of Ms White’s urban design evidence. This differed from the plan attached to the submission by amending its preferred zoning from Mixed Housing Urban to predominantly Mixed Housing Suburban with a pocket of MHU being based on a 400m radius around the potential neighbourhood centre at what will be the intersection of Kuanui and Hinai Roads which will also be on a future bus route on a collector road.
- 6.49 The Council’s report had shown a Mixed Housing Suburban zoning being applied to the full extent of the Hugh Green land (although the land between the National Grid lines and the Southern Motorway was recommended by Mr Davison to be Single House zone, but the Council’s report did not reflect that). The ‘refined’ plan Ms White handed up was therefore not entirely consistent with the Council’s position.

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<sup>6</sup> Drawing 61104-SK-2000, November 2015, prepared by Wood and Partners Ltd

- 6.50 The main difference between the Mixed Housing Suburban and Mixed Housing Urban zones is in the permitted height of buildings. Ms White highlighted other differences such as a greater density of development being enabled, greater height in relation to boundary, decreased front yards and the variety of lot size that can occur. She said also that the MHU zone can provide for a slightly different ‘look and feel’ to a residential neighbourhood through the differences in development controls and subdivision controls which in her opinion is a desirable outcome particularly in the case of a site of the size that this one is.
- 6.51 Ms Fraser-Smith’s planning evidence adopted a similar stance. She drew attention to the other two proposed variations for the Peninsula, saying a higher density sought around the proposed neighbourhood centre sought in those cases had been supported in the Council’s reports on those applications. Enabling higher density in proximity to both a neighbourhood centre and a public transport route is consistent with the PAUP and she referred to the RPS objective B2.1.3 and policy B2.1.2 in support of this contention. These identify that higher density is appropriate to locate in areas close to centres, frequent public transport and close to areas of existing or proposed large areas of open space, where the density can be adequately serviced by infrastructure. (Indicating the suburban park in a more central location as covered earlier also assists with achieving this objective.)
- 6.52 The reason the reporting officer had recommended an uniform Mixed Housing Suburban zoning was the Integrated Residential Development recognised by that zone would achieve a similar density to Mixed Housing Urban, but Ms Fraser-Smith said this view was “too narrow” as the MHS zone does not enable the higher density when developing vacant lots and not every developer builds houses as part of the initial package or subdivision and nor in her opinion should they be required to.
- 6.53 We agree with the submitter on this matter and note that the provision of Mixed Housing Urban zoned land with 400 metres of the future neighbourhood centre aligns with good urban design. While an Integrated Residential Development approach might well increase opportunities for higher density it would not provide the same certainty that a MHU zoning would. For that reason we find that the land within a 400m radius (adjusted to reflect cadastral patterns) of the future neighbourhood centre should be zoned as Mixed Housing Urban. This is also consistent with other decisions we have made for the Hingaia Special Housing Area when considering neighbourhood centres.

Other issues raised

*Sub-precincts*

- 6.54 A further aspect addressed in Ms Hardy's evidence for Parklands Properties was the notation of sub-precincts A to D on the Precinct plan. Together these will comprise the Hingaia 1 Precinct. What was at that time recommended policy 13 required sub-precincts B, C and D to be developed in general accordance with the Precinct diagram 1 but it made no mention of sub-precinct A. Ms Hardy queried why sub-precinct A had apparently been intended to be exempt from the requirement given that diagram 1 will set the underpinning urban design framework for the whole Precinct and consent applications for sub-precinct A were yet to be lodged with the Council. She queried also how the sub-precincts had been labelled and assumed they had been based on land ownership.
- 6.55 Ms Fraser-Smith addressed this issue for Hugh Green Ltd. She noted that the Precinct plans in the Council's report had inconsistently labelled sub-precincts B and D in respect of the Parklands Properties and Hugh Green landholdings. It was therefore unclear which was proposed to apply in either case. In Hugh Green's case clarification of this was critical in her view because if the rules relating to the maximum number of dwellings were to remain and the Precinct plans were correct, then Hugh Green was allocated only 500 dwellings for its 98 hectare site while Parklands Properties would enjoy an increase from 500 to 1300 houses. An amendment to Table 2 of the Activity Table (6.1.1) in the Precinct rules and assessment criteria was sought accordingly. She noted also that the Precinct plans included land owned by Watercare Services Ltd at the southern tip of the Hugh Green land, even though no submission had been made seeking to include it. Consequently she queried the appropriateness of its inclusion, particularly as Hugh Green Ltd was not aware of any intention on Watercare's part to develop its holding for residential purposes.
- 6.56 Mr Davison explained in his final urban design comments on behalf of the Council that the sub-precincts will assist in managing the section 68 parties in the Karaka Brookview SHA area as their level of reporting and stormwater catchments required further analysis and design which can be accommodated through the sub-precinct tool.

- 6.57 Overall we agree with the evidence of Ms Fraser-Smith and Ms Hardy. We have had the Precinct plans amended to reflect the correct sub-precinct labels for each of the Parklands Properties and Hugh Green land. As resource consent applications for the full development of sub-precinct A are yet to be lodged with the Council, and diagram 1 will set the underpinning urban design framework for the whole Precinct, our finding is this sub-precinct should apply to the Karaka Brookview land so that coordinated development can occur and the underlying urban design framework is respected in the process.
- 6.58 As the Watercare Services land was shown with a residential zoning on the Precinct plans and there was no objection to that, our view is it should remain so as that will enable stormwater solutions to be developed on an integrated basis along with future residential development.

*Transpower New Zealand Limited*

- 6.59 The high voltage transmission grid lines owned and maintained by Transpower New Zealand Ltd as part of the National Grid cross the Hingaia 1 Precinct land at 72 Hinau Road and at 115, 144, 145, 147 and 152 Park Estate Road. It had consulted with Hugh Green Ltd and had initial discussions with Parklands Properties who are owners of the directly affected properties. Transpower relies on corridors and yards to protect its assets from the potential effects of other activities, including the effects that can be heralded by subdivision. The corridors protect the grid from third party use and development, and go some way to protecting human health and safety as well as providing room for Transpower's maintenance, upgrade and development activities.
- 6.60 It sought to have corridor provisions included in the variation text to manage risks from development being otherwise too close to its lines and their supporting structures, both vertically and horizontally, and as part of that to give effect to the National Policy Statement on Electricity Transmission 2008 ("NPSET"). We have had regard to the NPSET, and policies 10, 11 and 4 in particular, as well as the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 and the NZ Electrical Code of Practice for Electrical Safe Distances ("ZECP 2001").
- 6.61 Mr Beatson said in his legal submissions that the Electricity Transmission Corridor overlay currently provided in the PAUP is deficient as it fails to include adequate

limitations on buildings being established under the transmission lines and does not provide areas beyond a setback of 12 metres from the centreline of an overhead transmission line and the same distance from the outer edge of a transmission structure. Interim measures were therefore required in Transpower's view, with those measures proposed to fall away pursuant to a sunset clause once the PAUP has been finalised. It sought provisions relating to subdivisions to protect an area out to 32m from the centreline of all 110kV National Grid lines and 37m from the centreline of all 220kV lines, each of which would recognise the extent of potential line swing. The 12m corridor either side of centreline where certain activities are restricted is "the National Grid Yard" while the 32m or 37m clearance distance for potential line swing is known as "the National Grid Subdivision Corridor".

- 6.62 Transpower also sought to be recognised as a party to be notified of any proposals in the areas of interest to it as there is nothing to prevent subdivision and development being consented for parts of the Precinct, and perhaps even implemented, before the content of the PAUP has been finally settled.
- 6.63 The points made by Mr Beatson were illustrated in evidence given by Ms Fincham which contained several examples of development in Auckland occurring either within or very close to pylons and/or high voltage overhead lines. It was apparent that Transpower had not been notified of any of the proposals concerned, many of which were relatively recent examples.
- 6.64 Mr Renton explained that the two transmission lines over the Precinct are known as the Huntly to Otahuhu A 220kV line ("HLY-OTA- A") and the Bombay to Otahuhu A 110 kV line ("BOB-OTA-A"). These lines now supply around 94% of Auckland's power and run parallel in a generally north-south direction. They cross through the eastern side of the plan variation area. As with many of the National Grid lines these were constructed at times when the areas concerned were away from settlements and intensive land uses. Development is now encroaching in many areas and he said Transpower is "*facing increased unacceptable impacts from third party activities*". Mr Renton provided a number of examples of these, including the impact of canopy and other tall trees. He said if new activities are properly designed and managed, these effects can be reasonably managed.
- 6.65 Ms Allan's evidence included the interim provisions Transpower was proposing. She described these as the minimum corridor provisions it could accept for an interim period. They included a rule for garages and other buildings within 12m of the

centreline or from the outer edge of a support structure which would be classified as non-complying activities. She said they reflect the current position in the PAUP (although we note the activity status in the PAUP is actually discretionary for Future Urban land). If that is the case, then clearly the distances and activity status in the PAUP already apply and there is no need to include specific provisions in the Hingaia 1 Precinct text to cover the situation. However, where land is removed from the Future Urban zone by being 'upzoned', which is the purpose of the proposed plan variation, the relevant rule will become redundant so far as this land is concerned. However the PAUP provision as notified does include the following rule which covers the upzoning situation envisaged by the proposed variation as well as the concern expressed on behalf of Transpower:

New buildings and structures for activities sensitive to transmission lines within the Electricity Transmission Corridor except as provided for in (i) below:	NC
i. the building or structure is less than 10m <sup>2</sup> in area and 2.5m high	P*

- 6.66 The Council's report recommended a new objective and policy to recognise the National Grid. Transpower supported this although Ms Allan considered the variation should also include two new policies that reflect the NPSET and which would provide a basis for the rules sought by Transpower. The Council's report also recommended changes to the limited notification rule to allow for limited notification of subdivision and resource consent proposals for development adjacent to overhead high voltage lines unless written approval has been provided. Ms Allan suggested some minor amendments to this so that it would apply to all applications within 37m of the centreline of a National Grid transmission line rather than refer to 'development adjacent to overhead high voltage powerlines' which she considered ambiguous.
- 6.67 We do not did not consider it appropriate that the more restrictive provisions Transpower is seeking in its submissions on the PAUP should be duplicated in the variation even if a sunset clause was to be included as we need to ensure the PAUP does not eventually have inconsistent provisions. It is not our role to pre-empt the Council's decisions on the final content of the PAUP. We agree with the limited notification amendments that were recommended. Any concerns Transpower has with a specific future proposal can therefore be addressed at any hearing of that matter. We have found that the NPSET is given effect to through the attached modified variation provisions.

*Minimum lot size*

- 6.68 The question of minimum lot sizes was raised by Grande Meadow Developments Ltd. Mr Munro provided evidence on this issue including supplying a comprehensive urban design assessment and discussing suitable subdivision patterns and lot sizes. We do not intend repeating the details of his analysis save to record that we found it to be compelling evidence.
- 6.69 Ms Wimmer's final comments advised that the minimum subdivision site size for the Mixed Housing Suburban zone was proposed to be 400m<sup>2</sup> in net site area for vacant lots with an ability to reduce that amount by up to 20%, and where there are lots of 800m<sup>2</sup> or more those sites would be excluded from the calculation, i.e. they would be suitable for re-subdivision into smaller lots as Integrated Residential Development or other size lots. Mr Tollemache and Mr Munro presented alternative rules that would essentially make more efficient use of land for subdivision and housing by reducing the 400m<sup>2</sup> minimum lot size to 300m<sup>2</sup>. She affirmed that this change to the rules had been raised through submissions and the hearings process and would be consistent with the purpose of HASHAA. Ms Wimmer said "*In my view there is scope in the greenfields setting to do integrated residential development and provide a mix of site sizes that give housing choice. I support the reduced minimum site size as it provides another regulatory method for achieving the same outcome.*"
- 6.70 We agree with the submitters who sought that the minimum lot size be reduced to 300m<sup>2</sup>. It is apparent from Ms Wimmer's comments that the Council also supports this approach. While the New Zealand Transport Agency had expressed concerns in its submission about the implications of smaller lots with respect to increasing pressure on the roading network we received no evidence to that effect. An Integrated Residential Development approach as noted by Ms Wimmer may also achieve a similar density in any case and that was not opposed by the NZTA as a planning method.

*Coastal Density and Coastal Yard*

- 6.71 In this and other SHA's in the Hingaia area the Council proposed that any lots on the coastal edges, to a depth of 50 metres, be a minimum of 600m<sup>2</sup> with any lot smaller than this requiring consent as a restricted discretionary activity. In the case of the Hingaia 1 Precinct the subdivision controls also imposed a minimum lot requirement of 400m<sup>2</sup>. Ms White generally agreed with the 600m<sup>2</sup> but said it should also be

recognised that the coast affords an amenity that should be capitalised on and enjoyed by many, not just those who can afford a large section. She said this is a design issue rather than a density issue and provision should be made for smaller sections and dwellings so long as additional consideration is to be given to housing design outcomes which recognise the coastal amenity value. She was opposed to the minimum of 400m<sup>2</sup> saying it had not been mentioned in relation to the Hingaia 2 Precinct (i.e., the Hayfield SHA). She did not believe the Hingaia 1 Precinct required more stringent provisions than those considered appropriate for Hayfield.

- 6.72 Another similarity with the Hingaia 2 (Hayfield) provisions was a recommendation by the Council that a 10m coastal yard is required to adjoin the esplanade reserves. Ms White pointed out that this would oblige developers to utilise the full width of a site whereas when gaps are left between houses this enables views to the coast from inland and contributes to a perceived (lower) density when viewed from the coast. Setting back the houses by requiring the yard setback would also reduce opportunities for passive surveillance of the esplanade areas. In Ms White's opinion the yard requirement should be removed from the variation text.
- 6.73 Mr Maday's evidence was the provisions already require a coastal hazards and geotechnical assessment for any subdivision, or development if it precedes subdivision, within 50 metres of the coastline. These would identify if any setback was actually needed. Eco Nomos Ltd had prepared a coastal inundation and erosion assessment for Hugh Green Ltd and a geotechnical report was prepared by Coffey Geotechnics. A low lying area by the Drury Creek was assessed as being subject to inundation over the next 100 years. To mitigate the effects of this, he said future consents for earthworks will seek to raise the ground levels to ensure that the future dwellings have a freeboard of 500mm above the anticipated sea level rise. The Eco Nomos report identified areas of potential erosion, particularly on the inside bends of the Creek. Mr Maday had concluded that the erosion setback can be contained in a future esplanade reserve and no further setback is required. Consequently, in Mr Maday's opinion the coastal yard requirement should be deleted from the variation.
- 6.74 In her final comments after having heard all the evidence Ms Wimmer advised that she agreed that the coastal yard rule should be deleted although Mr Davison took the opposite view. In terms of density on the coastal edges his advice was he did not support the proposal to allow lots less than 600m<sup>2</sup> as that would add unnecessary bulk (through attached dwellings) with narrow one metre side yards adjacent to the

esplanade, and would reduce and erode the objective and policies of the Precinct which seek for views to the coast and the coastal character to be maintained.

- 6.75 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. This finding is consistent with our decisions on the other plan variations for the Hingaia Peninsula also.

*Additional Road Typologies*

- 6.76 Ms White raised a need for different roading typologies for the Hugh Green land in order to allow for variety, and specific responses to site-specific opportunities and constraints. These typologies were a “reserve edge link” and a “park edge road”. Ms Fraser Smith and Ms Dowling agreed with Ms White on this matter with Ms Dowling noting that the suggested cross sections complied with Auckland Transport’s Code of Practice standards. Ms Fraser Smith suggested that while those new cross sections for the additional roading types were suggested in relation to sub-precinct B they could equally and sensibly be applied to the other sub-precincts as well.
- 6.77 For Auckland Transport Mr Keating supported use of the ‘Minor Residential Street’ typology (in other words, the two types of roads suggested by Ms White) in principle - but only in the context of a comprehensive development process and not as a standard ‘toolbox’ road. After having heard the evidence he said in his final comments in relation to the ‘Minor Residential Street’ road design that the Authority should ensure the variation is clear that no other area apart from Karaka Brookview may utilise the ‘Minor Residential Street’ typology. The basis for that recommendation is not clear to us, although it may reflect that when his original memorandum was written none of the section 68 parties were involved in the process and thus only the Karaka Brookview land was being considered. In his original memo Mr Keating had suggested that the variation include a definition for ‘Minor Residential Street’ if that typology was to be provided for. He suggested the definition for this be as follows:

*“This is a narrow street which is not anticipated to have high traffic volumes as it serves primarily as access to properties, rather than a through movement function. Such streets can only be utilised as part of a comprehensive development and not for vacant lot subdivision. If widespread use of such a street is proposed, specific traffic calming measures will need to be incorporated”.*

6.78 We agree with Ms White and Ms Fraser-Smith that the additional roading types suggested would provide useful design flexibility which responds to the land in the area, not only that in sub-precinct B. For instance, the typology could recognise access for those lots which are precluded by 'no access' or vehicle access restrictions (VARs) from accessing roads that include cycle facilities but cannot provide rear access laneways (for instance because of constraints that may be created by the Southern Motorway and/or the National Grid corridor). In our view there is no reason why 'Minor Residential Street' cross sections should not be shown as an alternative design in the diagrams in the variation on the basis that any comprehensive development will later need to justify the appropriateness of using that typology in both a site-specific and wider area analysis context as such roads may have adverse safety, stormwater and amenity effects that will need consideration at the time. Subject to some correction to reflect the drafting style used in the variation, we have adopted Mr Keating's definition of Minor Residential Street.

#### Shared paths

6.79 In order to address the safety of users on shared paths Ms White advised us that using a restricted discretionary activity process would enable an assessment of vehicle access to properties in order to ensure no potential use or safety conflicts will arise. This links with the previous topic and is a sensible approach in our view. The variation provisions provide for it.

## **7.0 PURPOSE OF THE HASHAA AND PART 2 OF THE RESOURCE MANAGEMENT ACT**

7.1 We have concluded that the purpose of the HASHAA is satisfied by the variation as modified in that a supply of affordable housing, to be serviced by adequate and appropriate infrastructure, will be facilitated by the proposed development of the Hingaia 1 Precinct. The affordability provisions of the HASHAA will be implemented through the variation provisions and as a result the benefits of affordable housing will apply into the future (including after the HASHAA expires later this year).

7.2 We have taken account of Part 2 of the RMA in the course of reaching our decision. Overall we have found that the variation, as modified, meets the purpose of the RMA in section 5 as well as the matters to which regard must be paid, or may be paid, in sections 6 to 8 of the Act. The proposed Hingaia 1 Precinct development provides for sustainable use of the Karaka Brookview land and enables a net environmental

benefit in terms of riparian and stream protection and enhancement. The archaeological items which have been identified will be protected and several notable trees will be scheduled for protection. While subject to some debate about their location, open space areas have been planned as an integral part of the development and will benefit the health and wellbeing of the new community. Walking and cycling are encouraged by the proposed provisions. The views of tangata whenua have been incorporated, particularly in the stormwater management and water design provisions (but not limited to those).

- 7.3 The NPSET has been mentioned earlier. Two other National Policy Statements are also relevant to our deliberations, namely the National Policy Statement on Freshwater Management and the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health (“NES: Soil”). These were addressed in the technical reports accompanying the applications and will arise when the later resource consents are obtained. For present purposes, no issues were identified in terms of either document that would prompt us to reject the variation or to decline the qualifying development application.

## 8.0 DECISION ON THE VARIATION APPLICATION

- 8.1 Pursuant to section 71 of the Housing Accords and Special Housing Areas Act 2013 the application by Karaka Brookview Ltd to vary the Proposed Auckland Unitary Plan is **ACCEPTED WITH MODIFICATIONS**. The Plan provisions which are annexed as Attachment 1 shall be deemed operative on the date of public notice of this decision (section 73 HASHAA) for the land identified as follows:

<i>Address</i>	<i>Legal Description</i>
72 Hinau Road	Lot 601 DP 3866486
65 Hinau Road	Lot 603 DP 406125
95 Hinau Road	Lot 1 DP 400575, Lot 150 DP 455230
115 Park Estate Road	Allot 430SO45673 BLKS III IV Drury SD
141 Park Estate Road	Lot 1 DP 84769 BLK III Drury SD
161 Park Estate Road	Lot 3 DP 84769 BLK III Drury SD subject to proposed drainage easement

	DP119813
169 Park Estate Road	Pt 2 Lot 2 DP 14863 BLK III
179 Park Estate Road	Lot 2 DP 88207 BLK III Drury SD
181 Park Estate Road	Lot 1 DP 88207 BLK III Drury SD
189 Park Estate Road	Pt Lot 1 DP 14863 BLK III Drury SD
185 Park Estate Road	Lot 1 DP 41268 BLK III Drury SD
241 Park Estate Road	Lot 2 DP152325 Lots 2,3 DP 18052 BLK III Drury SD
209 Park Estate Road	Lot 1 DP 51712 BLK III Drury SD
221 Park Estate Road	Lot 1 DP 152325
253 Park Estate Road	Lot 1 DP 44322 BLK III Drury SD
257 Park Estate Road	Lot 1 DP 10399 BLK III Drury SD
273 Park Estate Road	Lot 2 DP 103099 BLK III Drury SD
277 Park Estate Road	Lot 1 DP 43805 BLK III Drury SD
279 Park Estate Road	Pt Lot 14 DP4963 BLK III Drury SD
252 Park Estate Road	Lot 13 DP4963 BLK III Drury SD
200 Park Estate Road	Lot 12 DP4963 BLK III Drury SD
180 Park Estate Road	Lot 11 DP4963 BLK III Drury SD
152 Park Estate Road	SEC 1 SO432649
144 Park Estate Road	Allot 434 ON SO 6184 OPAHEKE PSH BLKS III IV Drury SD

- 8.2 The Auckland Council is directed to amend the PAUP accordingly.
- 8.3 The submissions lodged on the variation, including those lodged pursuant to section 68 of the HASHAA, are accepted, rejected or accepted in part as indicated throughout the decision text.
- 8.4 The reasons for this decision are:

- (a) Overall the proposed plan variation supports an efficient use of land within the RUB and the structure planning that has occurred for this Special Housing Area indicates that if the sites are re-zoned as requested they will enable a mix of housing to be developed, including affordable housing. The re-zoning fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and the housing supply.
- (b) The variation provides for net benefits in the context of Part 2 of the RMA in terms of the protection of notable trees, creating parks and residential land, and restoring and enhancing streams and habitat. The Cultural Impact Assessments have not raised any significant issues in relation to the proposed provisions that have not been accommodated. The changes made to the Precinct and zoning diagrams will provide for better land use in this area which has been earmarked for urban development for many years.
- (c) Relevant section 74 (2)(a) RMA matters have been taken into account in reaching this decision, as have the relevant matters in sections 74 to 77D.
- (d) Many of the matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan and the variation incorporates only those considered necessary or appropriate to tailor solutions for this area such as specific objectives, policies, rules and assessment criteria along with changes to aid interpretation. For the avoidance of any doubt, we have found that the modified provisions will give effect to the National Policy Statement on Electricity Transmission and related instruments.

## **9.0 THE APPLICATION FOR THE QUALIFYING DEVELOPMENT (R/JSL/2014/5302)**

- 9.1 The location and many aspects of the proposed stage 1A subdivision for which consent has been sought by Karaka Brookview for an applicant relating to a qualifying development have already been described. This application is to be considered under the provisions of the PAUP as varied by our decision on the plan variation. Stage 1A will ultimately supply 74 dwellings on 58 vacant lots, two of which will be subdivided into four lots and two superlots to be the subject of future integrated residential development applications producing 14 houses. The locations of the affordable homes to be created by this stage of development were shown on plan 136185-1-100 revision 4, dated 21 October 2015.

9.2 The application requires consent for a number of reasons, including:

- Earthworks exceeding 2500m<sup>2</sup> or 2500m<sup>3</sup> in the Mixed Housing Suburban zone and within the 1% AEP floodplain require consent as restricted discretionary activities;
- The in-stream culvert longer than 30 metres is a non-complying activity;
- Areas subject to natural hazards, in this case inundation, require consent as a restricted discretionary activity for any new buildings, structures and infrastructure;
- New roads on such land require consent pursuant to Part 3, Chapter H, Section 4.11.1 of the PAUP;
- Subdivision is a restricted discretionary activity under the Hingaia 1 Precinct Plan (check that it still is). Subdivision in the 1% AEP floodplain has the same activity classification;
- The proposed retaining walls along the site boundary which are more than 1.5 metres high qualify as a 'building' under the plan provisions and would therefore infringe the rear yard controls in the Mixed Housing Suburban zone. The infringement is a product of the site topography and is also needed to create level and stable building platforms. The infringement is to be considered as a restricted discretionary activity under the PAUP;
- Development that does not comply with the on-site hydrology mitigation measures required for the SMAF2 overlay in the PAUP is a restricted discretionary activity, while diversion of stormwater from new public roads greater than 5000m<sup>2</sup> where the stormwater quality requirements are met is a controlled activity;
- Consent is required under the NES: Soil as the soil contamination exceeds the applicable standard in regulation 7.

9.3 Overall the application is to be considered as a non-complying activity. This means that in addition to considering the relevant matters in the HASHAA we must find for the purpose of section 104D of the RMA that the subdivision proposed is either not contrary to the objectives and policies of the PAUP (as modified by the variation), or that its effects on the environment will be minor (taking account of the mitigation proposed and the requirements of the conditions of consent to be imposed).

- 9.4 Matters for discretion with regard to the subdivision in accordance with the Hingaia 1 Precinct include: consistency with the Precinct Plan, consistency with the Karaka Lakes South stormwater management plan (“SMP”), and other matters of discretion set out in Part 3, Chapter H, Section 5.4, Table 123 of the PAUP. We have borne those provisions in mind.
- 9.5 Limited earthworks will be required on the upper terrace of the land to form a generally level platform for the residential sections there. In areas closer to the streams that traverse the site cut and fill operations using retaining walls will create level sections that will step down the slopes toward the riparian margins. Mr Cranfield advised that the permanent stream environments will be improved as a result of long lengths of undersized and perched culverts that have formed ponds, caused local flooding, and created barriers to migratory aquatic species.
- 9.6 Mr Parlane’s traffic engineering evidence advised that the only road connection necessary to mitigate the traffic effects of the proposed development, over the entire plan variation area, is the proposed connection from the Kuhanui Drive extension to Bayvista Drive. He said Bayvista Drive has adequate capacity to cater for all of stage 1 and the extension to Kuhanui Drive is necessary to cater for development of the wider Hingaia area rather than the Karaka Brookview proposal. The stream crossing of C5 required for the northern road into the area was envisaged by Ms White as functioning as an attractive gateway to the new development.
- 9.7 Connecting Karaka Lakes South to Park Estate Road is not required for stage 1A of the Karaka Brookview development but Mr Parlane regarded it as a desirable outcome. He recommended the connection occurs at stage 1C even though there would still be sufficient capacity in Bayvista Drive at that time. His further advice was an extension of Hinau Road is not needed for the Karaka Brookview development, and nor is upgrading Park Estate Road to collector standard either.
- 9.8 To enable north-south access to their landholdings Hugh Green Limited and Parklands Properties Ltd sought a connection be made from Kuhanui Drive to Park Estate Road as part of stage 1A. Karaka Brookview’s intention is to consider creating that link when stage 1C is reached with Mr Parlane’s view being that the Karaka Brookview development does not require this link.
- 9.10 The qualifying development application referred to a 2000 archaeological report prepared by Clough & Associates which was reviewed by the archaeologists for

Hugh Green Ltd (Mr Foster), the Council (Dr Campbell) and Ngāti Te Ata (Dr Campbell) in more recent assessments. The applicant also referred to the Cultural Impact Assessments that were attached to the concurrent plan variation application and noted that the proposal inherently addressed those matters identified by the iwi, namely that “water sensitive design is employed, that accidental discovery protocols are respected and sediment and erosion controls are implemented to mitigate potential silt effects on the receiving stream and coastal environment”.

## **10.0 SUBMISSIONS ON THE QUALIFYING DEVELOPMENT (SUBDIVISION) APPLICATION**

- 10.1 In its submission Parklands Properties queried two drawings which showed a small area of cut extending into its property. This appeared to be associated with the streamworks. While it had been consulted, Parklands sought further clarification as to the potential effects and extent of works on its land. We understand as this is a private property matter that further discussions have, or will, resolve this concern. The remainder of its submission dealt with plan variation matters.
- 10.2 Grande Meadows Ltd (previously Aote Co Ltd) lodged a brief submission on the qualifying development. This sought to follow through on the amendments it had requested for the plan variation, notably that the qualifying development implements the realigned roads it had requested. It otherwise supported the application.
- 10.3 New Zealand Bloodstock Ltd wished to ensure that the configuration of the proposal in terms of infrastructure and roading allows for the logical development of the SHA to the north of Park Estate Road.
- 10.4 Mr G J Hoffmann’s submission was opposed to a through road connecting Kuanui Road with Park Estate Road until such time as the Southern Motorway is widened between Drury and Takanini. His submission said the motorway and surrounding streets are gridlocked from 6am and the proposed development would exacerbate that situation as well as creating a ‘rat run’ from Great South Road in Papakura.

## **11.0 EFFECTS ON THE ENVIRONMENT**

- 11.1 The proposed subdivision will have a number of positive effects. These include continuing the residential development of the area which in turn should contribute to the viability of other areas such as the Hingaia Town Centre; reintroducing native

vegetation; creating a green linkage and ecological corridor; and meeting the development and residential use outcomes envisaged by the HASHAA. Flooding issues on the land will also be rectified.

- 11.2 The topography of the qualifying development site falls from its central area where it is above the 15 metre contour towards the stream ("C5"). Parts of this slope are relatively steep, reaching gradients of 1:5 in some of the western parts. Retaining walls will be required to achieve level building platforms and to maintain the ground levels of adjacent properties. Ms White explained these are generally located mid-block rather than along street boundaries to limit their visual impact and their effects on access. Although recontouring the land has potential to generate adverse effects, no natural landforms or features, or items of significant visual interest, were identified. The finished levels will tie in with the existing ground levels of the wider environment, particularly the existing Karaka Lakes residential development. We return to the retaining walls further on.
- 11.3 Associated erosion and sediment discharges associated with the development activities are potentially adverse. However, the earthworks design incorporates a number of sediment and erosion controls to mitigate effects on stream water quality including silt fences along the perimeter. The methodology has been designed to avoid unnecessary soil compaction, for instance haul routes will be established where appropriate, and stripped topsoil will be redistributed and stabilised. The earthworks and sediment control measures to be implemented should ensure that adverse effects should be avoided, remedied or mitigated.
- 11.4 The effects of construction noise and dust during construction were assessed to be insignificant. Potential dust and construction noise will nevertheless be controlled through conditions of consent.
- 11.5 While some existing overland flowpaths will be re-diverted when the land is contoured, all the overland flowpaths up to the 100 year event are to be accommodated on the Karaka Brookview site and will run along the verges and other defined pathways in the road network. There will be no residential development in the 100 year floodplain identified in the PAUP maps. Additional water sensitive design is being incorporated into the design of roads and reserves, including installing tree pits. Retaining walls along the stormwater reserve boundaries will be located in the adjoining lot rather than the stormwater reserve. There was some

debate about their proposed location, and the associated maintenance obligations, during the hearing which we will address shortly.

- 11.6 The stormwater proposals for the development adopt a water sensitive design approach which should improve the quality of water entering the stream network and ultimately the CMA. The proposal was that the SMAF 2 stormwater requirements in the PAUP would be met by creating sub-catchments across Karaka Lakes South with a number of distributed discharges to waterways. However due to the proximity of the CMA, the original Stormwater Management Plan ("SMP") was amended to pipe stormwater directly there rather than to the streams on the site. The plan variation has specific stormwater rules to ensure consistent treatment across the catchment.
- 11.7 The amendment to the SMP followed consultation with the Council's Stormwater Unit when it became apparent to the applicant's representatives that the Council's preference was for greater provision for groundwater recharge through on-site retention and, in particular, to recharge the streams. An alternative approach was then offered. This did not fully match the PAUP requirements but the extent of detention proposed was considered by the applicant's engineer to be the best practicable outcome for the site, while at the same time facilitating efficient development in an economically viable manner. At-source treatment is to be adopted for any stream discharges with small communal treatment measures such as vegetative swales where higher density development is proposed. Any adverse effects on the stream or downstream receiving environment were considered by the engineer to be insignificant.
- 11.8 The ecological and landscape effects of the proposed development were evaluated as positive. Ms Blick told us that instead of riparian reserves along the streams, these areas will be covenanted because they will remain in private hands.
- 11.9 In terms of visual effects, there will be an obvious change from rural activities to residential development but to an extent this was already anticipated by the existing Future Urban zoning and is now confirmed by the approved plan variation. Visual permeability of fencing on roadsides has been addressed by introduction of a new Precinct rule addressing that.
- 11.10 The Karaka Brookview qualifying development does not require any new arterial road improvements or changes to those approved as part of the plan variation. The materials advised there are no unfunded yet incomplete works that would preclude

immediate development although the intersection of Kuhanui Road and Park Estate Road is identified in the ITA as requiring 'future proofing'. The traffic prepared by Parlane & Associates recommended a staged approach to the development so that a northern connection to Kuhanui Drive is created in conjunction with the second stage of development because of the effects of additional traffic for residents of Bayvista Drive. Ms White's urban design evidence was the Karaka Brookview development will be "*particularly well connected to the wider area through both the Kuhanui Drive and Hinau Road extensions*".

11.11 Park Estate Road is to be upgraded in the future to accommodate traffic generated by the qualifying development and neighbouring developments to the south and south-east. The potential upgrades are notated on the Precinct plan and are discussed in the plan variation decision. Access for the Karaka Brookview lots with frontage to the amenity connector road will be created through the approved Precinct plan subdivision criteria. Seven lots on the southern side of the road require access and this will be created in two clusters. One of three other lots is to be provided with rear access or can be accessed from an alternate road boundary. The reason for this is the proposed shared paths for pedestrians and cyclists on each of the Kuhanui Road extension and the 'amenity corridor' as shared path proposals raise concerns about potential conflicts with vehicles entering and exiting driveways across the paths. Karaka Brookview has proposed that access to properties on such roads is to be considered as a restricted discretionary activity and we have agreed with that classification.

11.12 A total of 64 on-street parking spaces will be provided in bays, six of which will be single bays.

## **12.0 ISSUES IN CONTENTION FOR THE QUALIFYING DEVELOPMENT APPLICATION**

### Retaining walls

12.1 The retaining walls proposed by Karaka Brookview have been designed to respond to the topographical constraints of the site and to provide level sections. They are generally located in the middle of blocks to minimise their impact on public areas and where they would not constrain access. The wall for 'superlot 1' varies in height up to a maximum 4.2m at a point near the western corner. Ms White said it is expected that the adjacent land (lot 601) will be developed for residential use. The houses to

the north of the wall will then partially screen it from public view. The level of the building platform had dictated the height of the top of the wall and is linked to the level of one of the roads which will drain to another. If the wall was to be lowered then the building platform would be lower than the adjoining road. In Ms White's opinion this would not produce an attractive or functional streetscape.

- 12.2 The Council's urban designer was concerned about the height of this and another two retaining walls and recommended that they are terraced or that comprehensive landscaping is applied to the surface of the walls above 1.5m. Ms White agreed with the officer's recommendation that a fence on the top of the retaining wall for lot 17 where it adjoins the riparian corridor is limited to a height of 1.5m.
- 12.3 The question of which lot a retaining wall should be 'attached' to, and hence the ongoing maintenance obligations for it, arose during the hearing. Essentially the difference between the applicant and the Council was the applicant's view that lower lots should contain the retaining walls while the Council's view was that they should be included within the boundaries of the upper lots.
- 12.4 A hand drawn plan dated 25/11/15 which illustrated the issue was handed up to the Authority on behalf of the applicant. Notes on the plan explained that if the wall was to form part of an upper lot a void would then be created between the wall and the legal boundary of that property. As retaining walls are required to be constructed and maintained from the front, an easement for maintenance work would need to be granted by the owner of the lower lot. Drainage was also described as impractical as the outlet would be too deep if it was to be located on the upper lot. On the other hand, if the retaining wall was to form part of the lower property, maintenance could be undertaken with no easement being required as it would be owned as part of the lot that would then be obliged to maintain it. Boundary setbacks would also reduce loads on the walls, and the drainage required on the lower lot would be shallow and practical.
- 12.5 In his final comments on behalf of the Council after hearing all the evidence Mr Hopkins stated the purpose of this condition is to ensure that where the development pattern proposed by the applicant necessitates retaining walls to be constructed that sufficient consideration is given to the need to maintain the walls in the future. In the absence of any other mechanism proposed by the applicant (for instance, maintenance easements) the Council recommended that retaining walls are contained within the boundary of the property they will provide support for. In his

view, considering this matter as part of the consent process accords with section 106 of the RMA.

- 12.6 Having regard to the need for certainty in respect of the maintenance obligations for any retaining walls we were persuaded by the applicant's evidence that these need to be located on the lower lots to avoid the use of easements in order to enable access to the walls where they are located in upper lots.

Stormwater infrastructure

- 12.7 On behalf of Parklands Properties Ms Hardy requested that a condition is included in the qualifying development consent requiring that the stormwater infrastructure is designed to accommodate existing and future upstream flows, including flows from 72 Hinau Road. She advised that flows emanating from that direction will not arise from development of the Parklands Properties site but instead from the future upgrade of an existing motorway culvert which will direct flows from the eastern side of SH1 through the Hingaia 1 Precinct area. Ms Rutherford had also raised this issue in the CIA she prepared for Ngāti Tamaoho on the plan variation. Solutions addressing any upstream flows in respect of the Karaka Brookview qualifying development site are captured by condition 56 (j) in the attached consent conditions.

Remaining issues

- 12.8 By the time the Reply to the evidence had been received by the Commissioners, only two issues remained to be resolved between Karaka Brookview Ltd and the Council. These related to the requirements of proposed condition 1 of the consent and whether it should list all the materials that were lodged, and condition 56 which deals with retaining walls (as discussed above).
- 12.9 Condition 1 is a standard, general condition that appears in all consents and lists the materials provided to the Council (and hence to Hearings 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 primary 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. 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 that are listed in condition 1.

- 12.10 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 that were given on its behalf.

### **13.0 RELEVANT PLANNING INSTRUMENTS**

- 13.1 The most relevant planning instrument for present purposes is the PAUP as amended by the Authority's decision on the variation because that contains the most recent provisions for this land.
- 13.2 The Auckland Housing Accord, which is a relevant matter for the purposes of section 10-4(1)(c) of the RMA, directs that SHAs are not subject to the operative Regional Policy Statement or any other operative district plan. While the provisions in a district plan are technically a matter to which regard must be paid under section 34(1)(d) of the HASHAA, the status of subdivision activity in this area has been dramatically changed by the approved variation in that the prohibited activity status no longer applies - and the district plan provisions now have little to no weight as a result because they have been superseded.
- 13.3 The National Policy Statement for Freshwater Management 2011 ("NPSFM") is also relevant to this proposal. The PAUP provides for adoption of the directions of the NPSFM in the Water section of that plan. We have found that the proposal is consistent with the relevant principles of the NPSFM. The ongoing involvement of iwi in the development process should also ensure that tangata whenua roles and interests are provided for.
- 13.4 Overall Mr Hopkins' conclusion in the section 42A report was that the qualifying development accords with the intent of the Hingaia Precinct Plan and the objectives and policies of the Mixed Housing Suburban zone as it applies to the Karaka Brookview land. We agree with his conclusion.

## 14.0 PART 2 OF THE RMA

- 14.1 The future provision of affordable housing and comprehensive development of a residential community will contribute to and enable the social, economic, and cultural wellbeing of people and communities. We have found that any adverse effects of the development will be adequately avoided, remedied, or mitigated. Overall the proposal is consistent with the purpose of the RMA.
- 14.2 The relevant matters of national importance provided in section 6 of the RMA as they relate to this application are appropriately provided for, particularly the protection of riparian stream margins including the avoidance of any inappropriate development impacting the streams on the land.
- 14.3 The relevant 'other matters' set out in section 7 of the RMA have been paid regard and in particular the amenity values of this area will be maintained, the proposal is consistent with the efficient use and development of the site, and no ecosystems will be adversely affected by the proposed subdivision.
- 14.4 The proposal is consistent with the principles of the Treaty of Waitangi because it has taken account of iwi values and there are no waahi tapu that will be affected as a result of the subdivision. Consultation with iwi has been undertaken and the applicable iwi management plan has been taken into account when reaching the decision on the application.

## 15.0 DECISION ON THE SUBDIVISION APPLICATION RELATING TO A QUALIFYING DEVELOPMENT (R/JSL/2014/5302, R/REG/2015/5342, R/REG/2014/5343, R/REG/2014/5344, and R/REG/2014/534)

- 15.1 Pursuant to sections 34 to 38 of the Housing Accords and Special Housing Areas Act 2013 ("HASHAA") and, as referenced by those provisions, sections 104, 104A, 104B, 104C, 105, 106, 108 and 220 of the Resource Management Act 1991 (the "RMA"), consent to the application by Karaka Lakes Limited Ltd to authorise a 60 lot residential subdivision and associated land uses related to a qualifying development at 241 Park Estate Road and 95 Hinau Road, Hingaia, being Lots 2 and 3 DP 18052, Lot 2 DP152325, and Lot 1 DP 400575 is **granted**.
- 15.2 The reasons for this decision are:

- The proposal is consistent with the purpose of HASHAA and also with the intent of Part 2 of the RMA;
- We have found that the proposal is consistent with the objectives and policies of the Hingaia 1 Precinct variation (as modified) to the PAUP and, further, that this particular application will not result in any adverse effects on the environment that will not be avoided, remedied or mitigated. The application therefore passes the threshold test provided by section 104D of the RMA;
- The application is generally consistent with the outcomes sought by the Proposed Auckland Unitary Plan, the approved Hingaia Precinct provisions, the National Environmental Standard on Assessing and Managing Contaminants in Soil to Protect Human Health and the National Policy Statement for Freshwater Management
- The proposal will deliver urban design outcomes that are consistent with the New Zealand Urban Design Protocol and is also consistent with the outcomes that the PAUP Urban Design Manual describes;
- Sufficient information is available to identify that the Stage 1A area anticipated for development by this consent can be serviced adequately and should meet the needs of future qualifying development applications;
- No issues arise for the purpose of section 106 of the Resource Management Act.

## 16.0 CONDITIONS OF CONSENT

Pursuant to sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 106 and 220 of the Resource Management Act 1991, this consent is subject to the conditions annexed to this decision as Attachment 2.



**Leigh McGregor** (Chair)

Date: 8 March 2016

**Attachment 1:****Hingaia 1 Precinct Provisions****Part 2 – Regional and District Objectives and Policies>>Chapter F; Precinct objectives and policies>> 6 South>>****Hingaia 1 Precinct****1.0 PRECINCT DESCRIPTION**

The Hingaia 1 Precinct is located approximately 2.4km west of Papakura and is located in the southern part of the Hingaia Peninsula, to the south of the existing 'Karaka Lakes' residential subdivision.

The Hingaia 1 Precinct is the area shown on the Hingaia South zoning map showing all Hingaia 1 Sub-Precincts A-D.

The whole of the Hingaia Peninsula was structure planned for growth in 2000-2002. However, only Stage 1A was re-zoned at that time. This Precinct is to be developed to provide for a logical extension of the existing Hingaia urban area, and development in the Precinct will be guided by the Hingaia 1 Precinct plan.

The purpose of the Hingaia Precinct 1 is to provide for comprehensive and integrated residential development on the Hingaia Peninsula, to increase the supply of housing (including affordable housing), to facilitate the efficient use of land, and to co-ordinate the provision of infrastructure.

It is envisaged that future land use, development and subdivision consents will give effect to the key elements of the Precinct plan and provide opportunities for pedestrian and roading connections into future development areas.

**2.0 OBJECTIVES**

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

1. Subdivision and development occurs in a co-ordinated way that implements the Hingaia 1 Precinct plan, provides a logical extension to the existing urban environment, and provides for connections to future development on adjoining land.
2. Development achieves a high standard of amenity while ensuring there is a choice of living environments and affordability options.
3. Retain and enhance the existing stream network and provide stream corridors as illustrated on the Hingaia 1 Precinct plan.
4. Subdivision and development occurs in a manner that achieves the co-ordinated delivery of infrastructure, including transport, wastewater, and water services. Stormwater management approaches should promote the use of water sensitive design options.
5. Control the location of vehicle crossings to individual properties which adjoin shared paths.

6. Significant adverse effects of stormwater run-off on communities, the marine receiving environment and freshwater systems are avoided to the extent practical, or otherwise mitigated using water sensitive design principles.
7. Major overland flowpaths are retained or provided for in the site layout to manage risks from flood events up to the 1% AEP, taking account of maximum probable development in the upstream catchment.
8. To ensure that affordable housing provided in any residential development is distributed throughout the development.
9. Subdivision and development adjoining the coast has larger site sizes to provide for enhanced amenity and to avoid coastal erosion.
10. Subdivision and development in the Precinct will not adversely impact on the safe and efficient operation of the adjoining State Highway network and/or the National Grid.
11. Develop a neighbourhood centre that provides for small scale convenience retail, service and commercial activities that meet the day-to-day needs of the area, and which does not undermine the viability and role of either the Hingaia Mixed Use Town Centre or the Papakura Metropolitan Centre.

### **3.0 POLICIES**

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

1. Require the structural elements of the Hingaia 1 Precinct plan to be incorporated into all subdivision and development.
2. Require the construction of new roads, as generally indicated on the Hingaia 1 Precinct plan, to achieve integration with the existing urban area and to enable future connections to link into adjoining sites to ensure that an interconnected movement network can be achieved on the Hingaia Peninsula.
3. Ensure that a range of lot sizes, housing typologies and densities is enabled to reflect a choice of living environments and affordability by enabling higher density integrated residential development to be dispersed between lower density vacant lots.
4. 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).
5. Ensure subdivision and development, including road design, achieves a high standard of amenity, pedestrian safety and convenience, and contributes to a positive sense of place and identity.
6. Require subdivision and development to be staged to align with the co-ordinated provision of infrastructure, including transport, water and wastewater.
7. Subdivision and development should use water sensitive design principles as the core development approach to manage stormwater run-off, water quality, and flooding and mimic the natural hydrological regime and provide baseflow to streams.
8. Require subdivision and development to restore and to enhance the stream network to achieve a natural appearance with appropriate native species and wetland areas.
9. Create walkways along stream corridors. Where possible, walkways should integrate with existing open space areas and enable future connections to adjoining undeveloped sites.
10. Stormwater retention devices in public areas are designed to be integrated with the surrounding area and to contribute to multi-use benefits for public areas. Where appropriate, the devices should be natural in appearance.
11. Stormwater infrastructure and devices are designed and sized to incorporate projected climate change.
12. Protect and enhance the natural character of the coast and avoid erosion through:

- a) restoration planting with eco-sourced plants at the time of subdivision
  - b) requiring larger site sizes adjoining the coast or proposed esplanade reserve
  - c) providing for viewshafts out to the coast along roads and from the esplanade reserve back into the development
  - d) providing for ecological corridors through Hingaia.
13. Subdivision and development promote enhancement and protection of coastal character, heritage items, cultural and ecological features.
14. New residential developments containing 15 or more dwellings/sites provide for affordable housing.
15. New retirement village developments containing 15 or more dwellings provide for affordable housing.
16. Require sites in sub-precincts A-D to be developed in general accordance with Precinct diagram 1.
17. Require subdivision to be consistent with the Electricity Transmission and High Noise Land Transport overlay provisions.
18. Ensure that in the Neighbourhood Centre zone:
- a) the total land area for the neighbourhood centre is limited in extent to a maximum of 4,000m<sup>2</sup> in the Hingaia 1 Precinct
  - b) a range of convenience retail and commercial services is provided that meets the day-to-day needs of local residents and wider public
  - c) activities are compatible with adjoining residential land uses
  - d) 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.
19. Subdivision and development contribute to a positive sense of place and identity through in-street landscape elements, including retaining existing landscape features, and maximising coastal vistas.

### **Hingaia 1 Precinct Rules & Assessment Criteria**

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

##### **6.## HINGAIA 1 PRECINCT**

The activities, controls and assessment criteria in the underlying Mixed Housing Urban zone, Mixed Housing Suburban zone, Neighbourhood Centre and Auckland-wide rules apply in the Hingaia 1 Precinct unless otherwise specified.

For the purposes of this Precinct the definition of “Integrated Residential Development” applies with the following modification:

*“Residential development on sites more than 800m<sup>2</sup> where elements of the development such as building design, open space, landscaping, vehicle access, roads and subdivision are designed to form an integrated whole. The height in relation to boundary, and yards*

*development controls do not apply to internal site boundaries in the Integrated Residential Development. The maximum density land use controls do not apply to Integrated Residential Development.”*

### 6.1.1 ACTIVITY TABLE

- The activities in the Auckland-wide rules, Mixed Housing Urban zone, and Mixed Housing Suburban zone apply in the Hingaia 1 Precinct unless otherwise specified in the activity table below.

**Residential Activity Table 1 – HINGAIA 1 PRECINCT**

ACTIVITY	ACTIVITY STATUS
Residential	
Integrated Residential Development on front sites	RD
Dwelling(s) on sites that adjoin the coast/and or esplanade reserve and that have a net site area of 600m <sup>2</sup> or less	RD

#### Land Use Controls – All Zones

##### A. Affordable Housing

*Purpose: To ensure that the Precinct contains affordable housing to help address Auckland’s housing affordability needs.*

- 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.
- 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.
- Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one cluster.
- 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.
- 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.
- 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.
- 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.

##### B. Relative Affordable

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

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

1. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 10% 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.

### **C. 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 B.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 C.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 B.1(a);
  - (c) the purchase 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, 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.

#### **D. Retained Affordable**

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

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

1. Purchasers in respect of retained affordable housing must be a registered community housing provider or the Housing New Zealand Corporation. This rule does not apply to Retirement Villages which are dealt with by rule E below.

##### **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.

## **E 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 E 1(a)(i) below.
  - (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.

### **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.

### **Neighbourhood Centre Zone Activity Table**

The activities in the Auckland-wide rule and the Neighbourhood Centre zone apply to the Hingaia 1 Precinct unless otherwise specified in the activity table below

<b>Activity</b>	<b>Activity Status</b>
<b>Retail</b>	
Individual retail tenancies not exceeding 450m <sup>2</sup> (gross)	P

floor area)	
Individual retail tenancies exceeding 450m <sup>2</sup> (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 <sup>2</sup>	NC

### 6.1.2 NOTIFICATION

1. The notification provisions for sub-precincts A and C outlined in Chapter G.2.4 and Chapter I.1.2 apply.
2. Subdivision and resource consent applications for urban development within 37m of the centerline of a National Grid transmission line, or over underground Counties Power electricity lines, or adjoining the southern motorway in sub-precincts B, C or D will be notified on a limited basis to Transpower, the New Zealand Transport Agency and/or Counties Power if written approval from these parties is not included with the resource consent application.
3. Subdivision and resource consent applications that do not meet the minimum berm width adjacent to the road boundary shown in the figures referenced in Activity Table 6, and/or where planting is proposed on berms accommodating services, will be notified on a limited basis to Counties Power if written approval from this party is not included with the resource consent application.
4. All other restricted discretionary activities will be considered without public or limited notification, or the need to obtain written approval from affected parties, unless otherwise specified in the Unitary Plan or special circumstances exist in accordance with section 95A(4) of the RMA that make notification desirable.

### 6.1.3 LAND USE CONTROLS

1. The land use controls in the Mixed Housing Urban zone, Mixed Housing Suburban and Neighbourhood Centre zone apply to the Hingaia 1 Precinct.

### 6.1.4 DEVELOPMENT CONTROLS

The development controls in the Mixed Housing Urban zone, Mixed Housing Suburban and Neighbourhood Centre zone apply to the Hingaia 1 Precinct subject to any additional or more permissive rules provided below. For the avoidance of any doubt, where the same development control is provided in the underlying zoning and in this section, the more permissive control will apply.

#### 1. Impervious area, building coverage and landscaping

*Purpose: To provide for flexibility of built form for higher density development*

1. Integrated residential development
  - a) Maximum impervious area: 70%
  - b) Maximum impervious surface within riparian yard: 10%
  - c) Building Coverage: 50%

- d) Landscaping: 30%
- e) 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.
- f) At least 40 per cent of the front yard must comprise landscaped area.

### **1. Dwellings fronting the street**

*Purpose: To provide for flexibility of built form for higher density development*

- 1. Integrated residential development
  - a) The front façade of a dwelling or dwellings on a front site must contain:
    - (i) glazing that is cumulatively at least 20 per cent of the area of the front façade (excluding the garage door)
    - (ii) a main entrance way that is visible from the street.

### **2. Maximum building length**

*Purpose: To manage the length of buildings along side boundaries and the separation between buildings on the same site, to integrate them visually with the surrounding neighbourhood*

- 1. Integrated residential development
  - a) Where any part of a building is within 5m of a side boundary, the maximum length of the building along the side boundary is to be 20m, after which there must be a separation of at least 5m along the same boundary to any other building on the same site.

### **3. Fencing**

*Purpose: To ensure a safe and inviting streetscape for pedestrians*

- 1. Where there is no separation between the lot and the adjacent footpath, fencing located within 0.6m of the front boundary must not exceed 1.2m in height and be 50% visually permeable (i.e. with 50% material spaced evenly across the width of the fence).

### **4. On-site Stormwater Management – new impervious surfaces**

- 1. In the catchments on Precinct plan 2 (catchments draining to intermittent or permanent streams) all new impervious surfaces of 50m<sup>2</sup> and over are to be designed to achieve the following:
  - (a) Provide retention (volume reduction) of at least 5mm of run-off 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 90<sup>th</sup> 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 all other catchments (catchments draining to the coast) all new impervious surfaces of 50m<sup>2</sup> 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, alternatively the equivalent of the retention component can be met by filtration devices or a first flush diverter.
3. Stormwater run-off must be directed to an on-site device designed and sized to accommodate stormwater runoff from the areas described in 1 and 2 above.
4. 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 (a), the rainwater tank must be dual plumbed to non-potable uses such as the toilet as a minimum.
5. Compliance shall be demonstrated to the Council in conjunction with any application for building consent, or by way of certificate of compliance or at the time of subdivision.

## 5. Garages

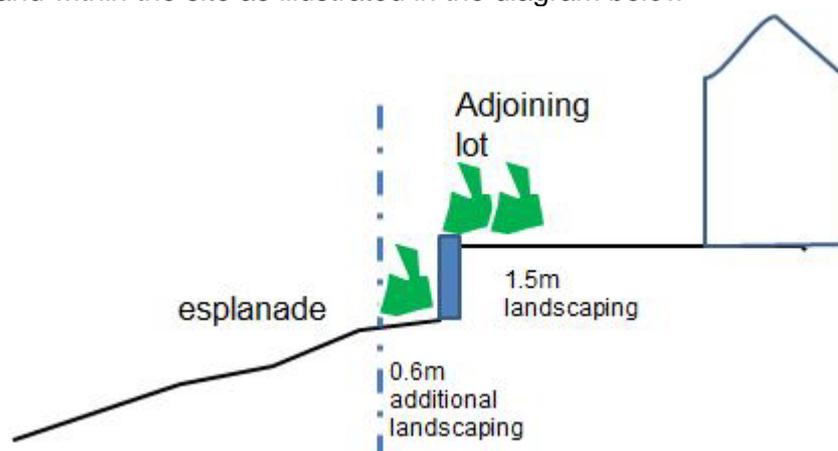
*Purpose: To ensure garages are not a dominant feature of the streetscape*

1. A garage door facing a street must be no greater than 45 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. Landscaping for Coastal Retaining Walls

*Purpose: To soften the visual impact of retaining walls from the esplanade reserve*

1. 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.X.5 SUBDIVISION CONTROLS

## 1. Activity Table

The Activity Table 1 – General and Activity Table 2 – Residential Zones in Part 3, Chapter H Section 5 of the Unitary Plan, and related controls, apply to the Hingaia 1 Precinct, except as otherwise specified in Table 5 below.

### Activity Table 5 – HINGAIA 1 PRECINCT

SUBDIVISION ACTIVITY	ACTIVITY STATUS
Vacant lot subdivision in accordance with the Hingaia 1 Precinct plan	RD
Vacant lot subdivision not in accordance with the Hingaia 1 Precinct plan	D
Vacant lot subdivision adjoining the coast and/or esplanade reserve of 600m <sup>2</sup> net site area or more	RD
Vacant lot subdivision adjoining the coast and/or esplanade reserve of less than 600m <sup>2</sup> net site area	NC
Subdivision of sites in accordance with an approved (or concurrent) land use consent, resulting in sites less than 600m <sup>2</sup> net site area adjoining an existing or proposed esplanade reserve	RD

## 2. Development Controls

The subdivision controls in the Hingaia 1 Precinct are those listed in the Auckland-wide rules - subdivision except as specified below.

1. In addition to the controls in table 1 of Chapter H Section 6 rule 2.3, 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 for the zone below, provided that the proposed minimum net site area is no less than 20 per cent less of the required minimum net site areas for the relevant zone and that the average lot size is not less than:
  - a) 300m<sup>2</sup> net site area for the Mixed Housing Suburban Zone
2. Any lot which is 800m<sup>2</sup> or greater (and identified for future development) will be excluded from the calculation of average lot size under clause 2.1 above.

## 3. Roading Standards

1. Roads must be provided in accordance with the Hingaia 1 Precinct plan.
2. New roads are to be constructed to the standards contained in Table 6: Road Construction Standards for Additional Road Types.
3. New roads in sub-precinct A must be constructed in accordance with the road construction standards in figures 1 – 4 in Table 6: Road Construction Standards and the corresponding figure in the Precinct diagrams.

4. New roads in sub-precincts B - C must be constructed in accordance with figures 1 – 3 in Table 6: Road Construction Standards and the corresponding figure in the Precinct diagrams.
5. New roads in sub-precinct D must be constructed in accordance with figures 1, 2, 3, 5 and 6 in Table 6: Road Construction Standards and the corresponding figure in the Precinct diagrams.
6. On Collector, Amenity Connector and Local Roads an unsealed strip of land with a minimum width of 600mm must be provided immediately adjacent to the road boundary of all lots for electricity supply infrastructure installation and maintenance.
7. In the Minor Residential Street, an easement in favour of Counties Power Limited must be provided over a strip of land with a minimum width of 700mm in all residential allotments immediately adjacent to the road boundary as outlined in Figure 4 in Table 6 and the corresponding figure in the Precinct diagrams.
8. The unsealed strip of land required by standards 5 and 6 must be kept free of planting, fencing, buildings and structures.
9. No vehicle access to allotments adjoining a Collector or Amenity Connector road is to be provided over the combined cycle / footpath.
10. For the avoidance of doubt:
  - a) Construction of a Minor Residential Street will require resource consent as a restricted discretionary activity;
  - b) Private vehicle access over a combined cycle/footpath to allotments adjoining a Collector and/or Amenity Connector road will require consent as a restricted discretionary activity.

**Activity Table 6 – Minimum Road Construction Standards**

TYPES OF ROAD	ROAD WIDTH	CARRIAGEWAY	FOOPATH WIDTH	COMBINED CYCLE/FOOTPATH	FIGURE
Collector	21m	7.0m	1.8m (one side)	3.0m (one side)	Figure 1
Amenity Connector	18m	6.0m	1.8m (one side)	3.0m (one side)	Figure 2
Local Road	16m	6.0m	1.8m	NA	Figure 3
Minor Street	12m	5.6m	1.8m	NA	Figure 4
Reserve Edge Link	12	6m	1.8m	NA	Figure 5
Park Edge Road	14.7	5.8m	1.8	NA	Figure 6

#### 4. Riparian Margins

1. Riparian margins shall be established either side of the banks of a perennial stream (shown on sub-precincts A-D as Indicative Intermittent Stream and Stream Buffer) 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. Those margins shall be planted in native vegetation and shall vest in the Council as local purpose drainage reserves.

## **6.X.6 ASSESSMENT OF RESTRICTED DISCRETIONARY ACTIVITIES**

### **1. Matters for Discretion**

#### **1. Integrated Residential Development**

The Council will restrict its discretion to those matters listed under “four or more dwellings” in the Mixed Housing Suburban zone.

#### **2. Subdivision in accordance with the Hingaia 1 Precinct**

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

- a) Consistency with the Hingaia Precinct 1 plan
- b) Limitations on access for future lots adjoining a Collector and/or Amenity Connector road
- c) Shape of lots earmarked for Integrated Residential Development
- d) Distribution of lots earmarked for Integrated Residential Development
- e) The matters for discretion outlined in Part 3, Chapter H, Section 5.4, Table 13.

#### **3. Development Control Infringements**

The Council will restrict its discretion to those matters listed in Part 3, Chapter I, Section 1.11, and Part 3, Chapter G, Section 2.3 for development in the Hingaia 1 Precinct

### **2. Assessment Criteria**

For development that is a restricted discretionary activity in the Hingaia 1 Precinct, the following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary activities in the Mixed Housing Urban zone, Mixed Housing Suburban zone and Auckland Wide Rules:

#### **1. Integrated Residential Development**

The Council will consider the assessment criteria applying to four or more dwellings in the underlying Mixed Housing Suburban zone.

#### **2. Subdivision**

- a) The structural elements of the Hingaia 1 Precinct plan are incorporated into the subdivision design including:
  - (i) Roads; and
  - (ii) Stream Corridors
- b) Staging of development accords with the Hingaia 1 Precinct plan.
- c) Development is consistent with the Hingaia 1 Precinct objectives and policies.
- d) Vehicle access to lots adjoining that portion of the Amenity Connector which has the wider of the two berms should be provided by way of a rear access, or from an alternative road boundary where possible. Where this is not practical

or feasible, the layout should provide alternative solutions for access to individual properties which minimise the frequency with which the berm will be crossed by vehicles entering or exiting the properties and maximise the safety of pedestrians and cyclists.

- e) Pedestrian access to an Amenity Connector from all adjoining allotments.
- f) Compliance with the on-site stormwater management solutions contained in the relevant approved Stormwater Management Plan.
- g) The assessment criteria outlined in Part 3, Chapter H, Section 5.4.
- h) Vacant front sites which are 800m<sup>2</sup> (or greater):
  - (i) The shape and dimensions of the lot should be at least 20m wide at the frontage of the site, for at least 80% of the length of site boundaries; and
  - (ii) The location of the lot(s) should be distributed across the proposed subdivision in clusters.

### 3. Development Control Infringements

The Council will restrict its discretion to those matters listed in Ch I.1.11, Ch G.2.3, for development in the Hingaia 1 Precinct.

### 6.X.7 SPECIAL INFORMATION REQUIREMENTS

For Integrated Residential Development, the Special information requirements applying to four or more dwellings in the underlying Mixed Housing Suburban zone apply.

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

For subdivision that includes a Collector and/or Amenity Connector road, proposed vehicle crossings to proposed allotments adjoining these roads must be shown on the subdivision scheme plan.

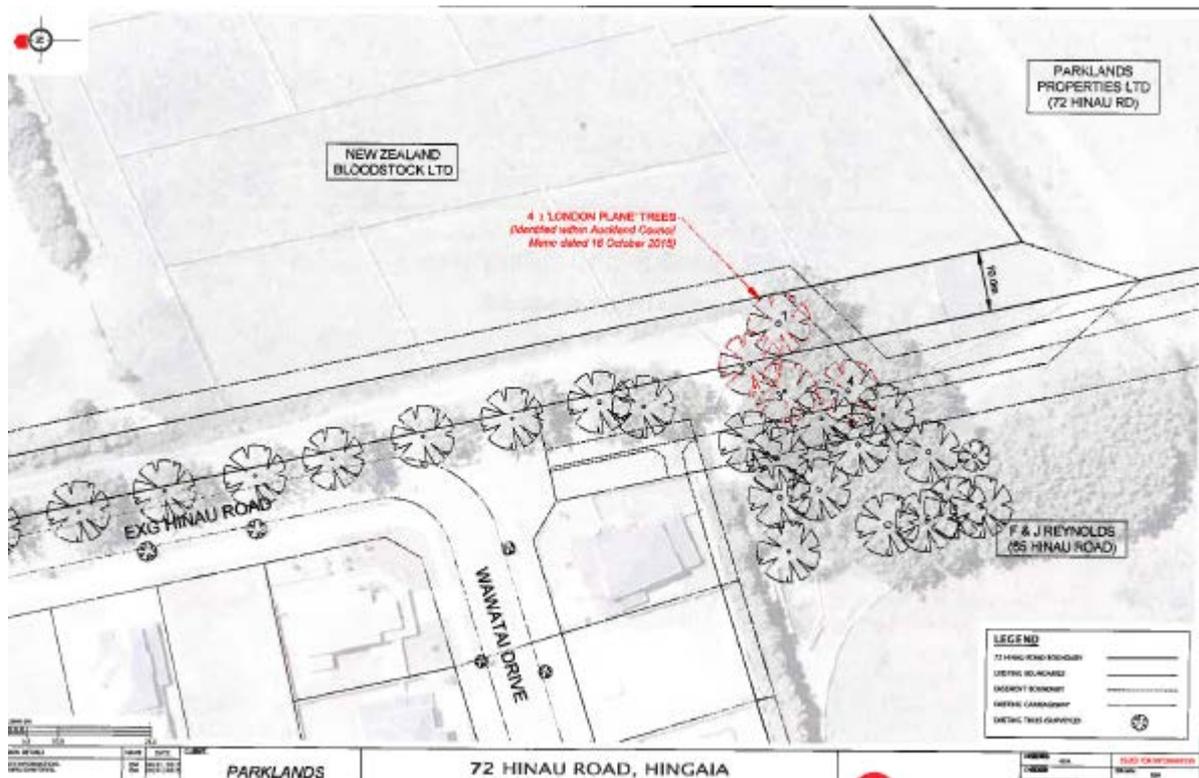
Subdivision and development within 50m of the coast requires a coastal erosion and geotechnical assessment.

Amend Appendix 3 Natural Heritage, Appendix

3.4 Schedule of Notable Trees to include the following:

I D	Botanical Name	Commo n Name	Auckland District	Number of trees	Location/Street Address	Legal Description
1	Platanus Acerifolia	London Plane	Papakura	21	Hinau Road Hinau Road, road reserve	Hinau Road, road reserve

The following four trees marked in red adjacent to 72 Hinau Road are specifically excluded from the Schedule:



## 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

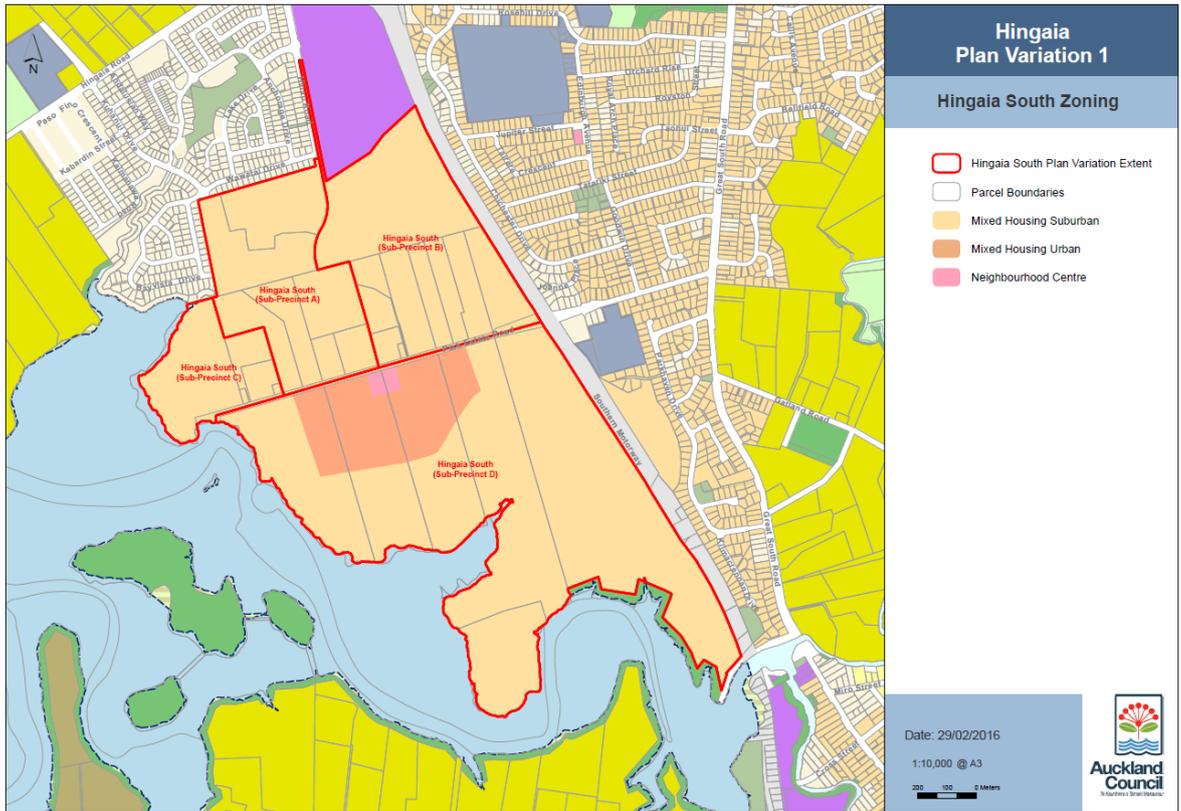
**“Household Income”**

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

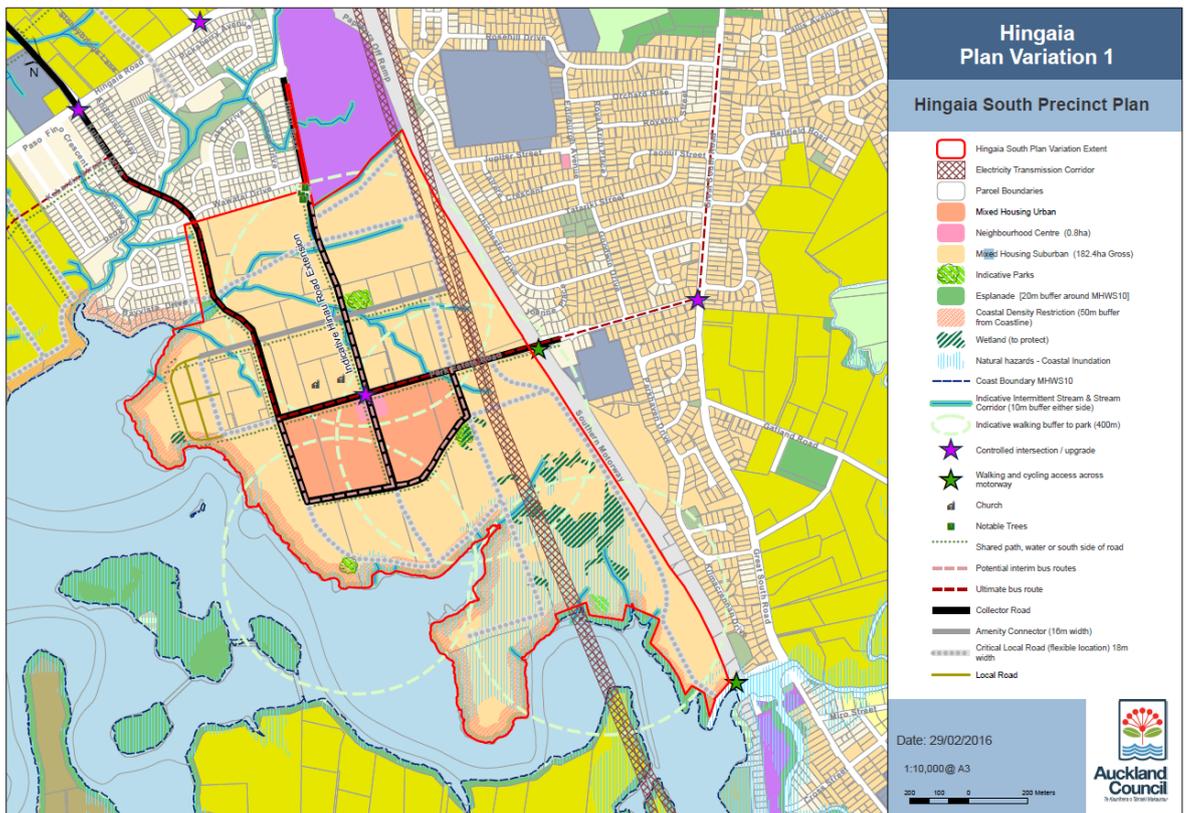
**“Minor Residential Street”**

Means a narrow street which is not anticipated to have high traffic volumes as it serves primarily as access to properties, rather than a through movement function. Such streets can be utilised only as part of a comprehensive development and not for vacant lot subdivision. If widespread use of such a street is proposed, specific traffic calming measures will need to be incorporated in the design

ZONING MAP



PRECINCT PLAN



ROAD CONSTRUCTION FIGURES

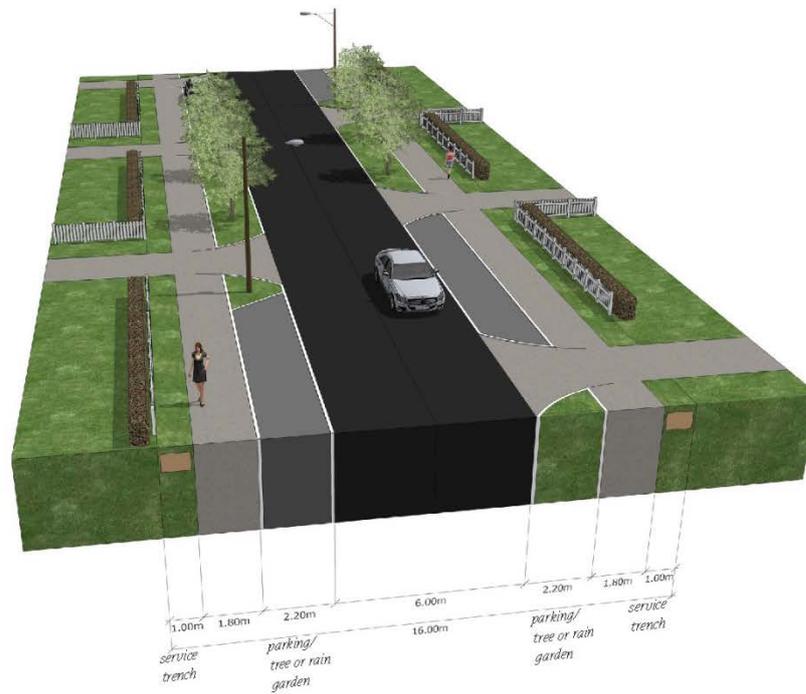
FIGURE 1: COLLECTOR ROAD



FIGURE 2: AMENITY CONNECTOR ROAD



**FIGURE 3: LOCAL ROAD**

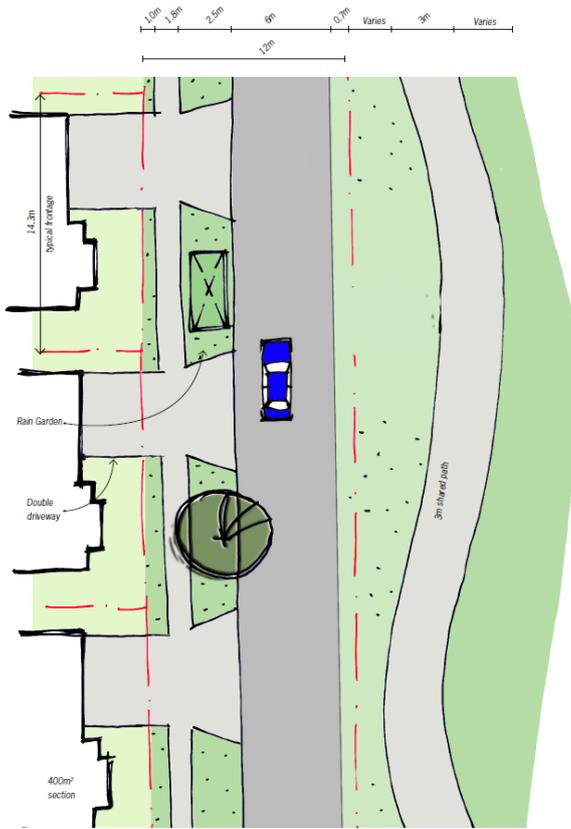


**FIGURE 4: MINOR RESIDENTIAL ROAD**

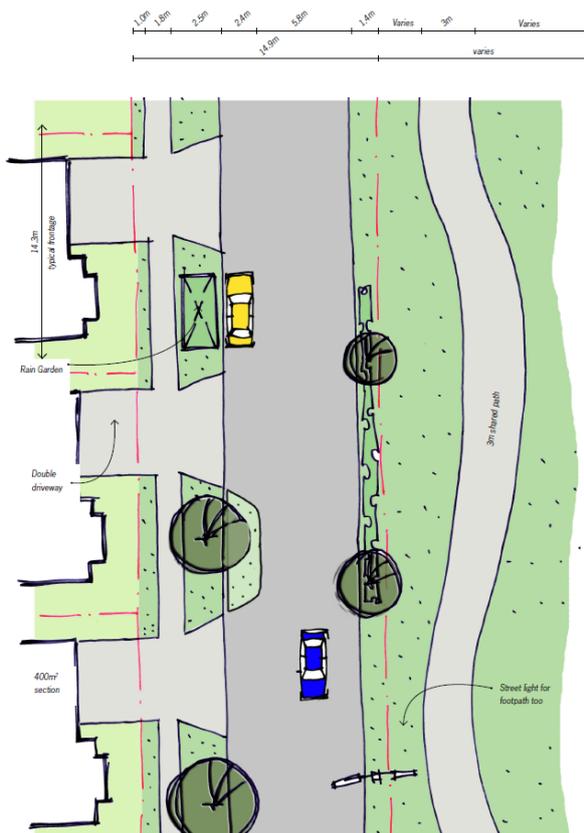
**Minor Residential Street**



**FIGURE 5: RESERVE EDGE LINK**



**FIGURE 6: PARK EDGE ROAD**



## Attachment 2

### **KARAKA BROOKVIEW QUALIFYING DEVELOPMENT - CONDITIONS OF CONSENT**

Pursuant to sections 37 and 38 of the HASHAA and sections 108 and 220 of the Resource Management Act 1991 (“RMA”), this consent is subject to the following conditions:

#### **GENERAL CONDITIONS**

1. The development of 58 vacant residential lots, 2 residential superlots, three balance lots, and associated earthworks and infrastructure, shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent numbers R/JSL/2014/5302, R/REG/2014/5342, R/REG/2014/5343, R/REG/2014/5344 and R/REG/2014/5346:
  - The application and Assessment of Effects prepared by Harrison Grierson Ltd, titled Karaka Brookview Limited, Qualifying Development Application Stage 1A, dated December 2014;
  - Letter by Harrison Grierson Ltd, titled “Response to Further information in accordance with sections 28 and 64 of the Housing Accords and Special Housing Areas Act 2013, Karaka Brookview Limited – 241 Park Estate Road”, dated 11 March 2015
  - Email from Stephanie Blick of Harrison Grierson, titled “Karaka Brookview: Stormwater”, dated 20 October 2015
  - Email from Stephanie Blick of Harrison Grierson, titled “Karaka Brookview: Final Plans”, dated 27 October 2015
  - Plans:

<b>Plans</b>	<b>Title</b>	<b>Prepared by</b>	<b>Rev</b>	<b>Date</b>
From the plan set: <i>Karaka Brookview Limited Karaka South – Stage 1 Hingaia</i>				
136185-1-101	Stage 1a Scheme Plan of lots 2 & 3 DP18052 Lot 2 DP152325, Lot 1 DP400575 and Lot 150 DP455230	Harrison Grierson	R3	27.10.2015
136185-1-100	Overall development stages 1a, 1b & 1c Subdivision plan of lots 2 & 3 DP18052 Lot 2 DP152325, Lot 1 DP400575	Harrison Grierson	R4	21.10.2015

136185-1-110	Proposed Clearing Plan	Harrison Grierson	R3	20.10.215
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- Specialist reports:
  - Environmental Management Plan, prepared by Harrison Grierson, dated November 2014;
  - Integrated Traffic Assessment, prepared by Parlane and Associates, dated December 2014;
  - Stormwater Management Plan, prepared by Harrison Grierson, dated December 2014;
  - Infrastructure Assessment, prepared by Harrison Grierson, dated 15 December 2014;
  - Design Statement, prepared by Harrison Grierson, dated December 2014
  - Archaeological Heritage Report, prepared by Clough & Associates, dated 13 September 2000;
  - Landscape Visual Assessment, prepared by Harrison Grierson, dated October 2001;
  - RUB Landscape Evaluation, prepared by ENPAD, dated July 2013
  - Geotechnical Investigation Report, prepared by Coffey, dated 28 November 2014;
  - Desktop Environmental Assessment, prepared by Coffey, dated 15 July 2014;
  - Detailed Site Investigation, prepared by Coffey, dated 24 November 2014;
  - Ecological Assessment, prepared by Golder and Associates, dated April 2009;
  - Cultural Impact Assessments, prepared by Ngati Tamaoho, Te Akitai Waiohua and Ngati Te Ata.

### **Charges**

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:
  - All fixed charges relating to receiving, processing and granting this resource consent under section 77(1) of the HASHAA; and
  - All additional charges imposed under sections 77(2) of the HASHAA and 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, being costs which are beyond challenge.

The consent holder shall pay any subsequent further charges imposed under section 77 of the HASHAA relating to receiving, processing and granting this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under sections 77(2) of the HASHAA and 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

Advice Note:

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

### **Consent Durations**

3. The bulk earthworks permit R/REG/2014/5342 shall expire 3 years after the date this consent is granted unless it has lapsed, been surrendered or been cancelled at an earlier date.
4. The contaminated discharge permit R/REG/2014/5343 shall expire 3 years after the date this consent is granted unless it has lapsed, been surrendered or been cancelled at an earlier date.
5. The streamworks permit (R/REG/2014/5344) required to pipe stream C5 shall expire 3 years after the date this consent is granted unless it has lapsed, been surrendered or been cancelled at an earlier date.

### **Lapse of Consent**

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

### **Monitoring Charges**

7. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$ 1500 (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.

Advice Note:

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

**PRE-COMMENCEMENT CONDITIONS****Pre-construction meeting**

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

- is located on the site
- is scheduled not less than 5 days before the anticipated commencement of earthworks
- includes the Senior Compliance Advisor – Development Programme Office (“DPO”)
- includes the project manager and supervising registered engineer
- includes representation from the contractors who will undertake the works
- includes Kaitiaki representatives from Te Ākitai Waiohua, Ngāti Te Ata and the Ngāti Tamaoho Trust.

The following information shall be made available to the Senior Compliance Advisor (DPO) by the consent holder five working days prior to the pre-construction meeting:

- timeframes for key stages of the works authorised by this consent
- the approved Erosion and Sediment Control Plan for earthworks
- the approved Chemical Treatment Management Plan
- the approved Traffic Management Plan
- Remedial Action Plan
- evidence that the heritage briefing required by condition 9 has been conducted.

In the event that earthworks are required over two separate seasons, a pre-construction meeting is to 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 (DPO) on 373 6292 or email [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz).*

### Heritage Briefing

9. Prior to the earthworks activity commencing on the site a contractors' briefing shall be conducted by the consent holder. 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, and contact information for the relevant agencies (including the project archaeologist/ historic heritage expert, the Senior Compliance Advisor (DPO), the Auckland Council Heritage Unit and Heritage NZ Pouhere Taonga) and mana whenua. Documentation demonstrating that the contractors briefing has occurred shall be provided to the Senior Compliance Advisor (DPO) by the consent holder at the pre-start meeting required by condition 8.

### Road and Traffic Management

10. Prior to commencement of the earthworks or construction activity on the site, a Traffic Management Plan ("TMP") shall prepared by a qualified traffic engineer who shall ensure that the following matters are included as a minimum:
- the control of the movement of earthmoving vehicles to and from the site
  - a designated heavy vehicle entry and exit point or points
  - a designated haulage route on the public road network for heavy vehicles accessing the site
  - signage proposed to warn pedestrians and road users of heavy vehicle movements
  - measures to ensure that any mud, dirt and/or debris tracked on to the surrounding roads by heavy vehicles accessing the site is avoided and/or cleaned up should it occur
  - any restrictions on the hours of site access due to traffic concerns.
11. The TMP shall be submitted to the Senior Compliance Advisor, DPO. 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 the TMP have been put in place. The approved TMP is to be implemented and maintained for the duration of the works authorised by this consent.

Advice Note:

*It is the responsibility of the consent holder to seek approval for the Traffic Management Plan from Auckland Transport if approval is required. Please contact Auckland Transport on (09) 355 3553 and review [www.beforeudig.co.nz](http://www.beforeudig.co.nz) before you begin works.*

### Ecology

12. Prior to piping stream C5, any native fish species in the stream shall be rescued and relocated by an appropriately qualified and experienced ecologist. Evidence that

relocation has occurred, or that no relocation was required, shall be provided to the Senior Compliance Advisor (DPO) prior to these works commencing.

13. A final Riparian Planting and Maintenance Plan for stream restoration and enhancement shall be provided to the Council's Senior Compliance Advisor (DPO) for approval prior to any earthworks beginning on the site. The Riparian Planting and Maintenance Plan shall include plant species and planting sizes, details of where the plants will be eco-sourced from, a planting methodology and schedule, and maintenance programmes. The areas covered by this Plan shall be planted by the consent holder to achieve 90% vegetation coverage within the first planting season following completion of the construction work on the site. The consent holder shall notify the Council's SHA Consenting Manager once the planting is completed.
14. The consent holder shall thereafter maintain the planting for a minimum of 5 years or until such time as ground cover and/or canopy closure has been reached, whichever is the longer. The consent holder shall also replace any planting that fails within the maintenance period.
15. All plants to be used in the re-vegetation planting shall be plants adapted to riparian environments, and shall be eco-sourced.

#### **Earthworks Conditions**

16. The earthworks activity shall be carried out in accordance with the plans and all information submitted with the application and as detailed below unless otherwise updated or finalised as a requirement of these conditions:
  - *Proposed Bulk Earthworks Overall Contour Plan, Stage 1', drawing number 136185-EW-200, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Contour Plan, Sheet 1', drawing number 136185-EW-201, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Contour Plan, Sheet 2', drawing number 136185-EW-202, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Contour Plan, Sheet 3', drawing number 136185-EW-203, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Overall Isopach Plan Stage 1', drawing number 136185-EW-220, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Isopach Plan Sheet 1', drawing number 136185-EW-221, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Isopach Plan Sheet 2', drawing number 136185-EW-222, dated 26 November 2014 and prepared by Harrison Grierson,*
  - *'Proposed Bulk Earthworks Detail Isopach Plan Sheet 3', drawing number 136185-EW-223, dated 26 November 2014 and prepared by Harrison Grierson,*

- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Stage 1', drawing number 136185-EW-230, dated 26 November 2014 and prepared by Harrison Grierson,*
- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Standard Details Sheet 1', drawing number 136185-EW-235, dated 26 November 2014 and prepared by Harrison Grierson,*
- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Standard Details Sheet 2', drawing number 136185-EW-236, dated 26 November 2014 and prepared by Harrison Grierson,*
- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Standard Details Sheet 3', drawing number 136185-EW-237, dated 26 November 2014 and prepared by Harrison Grierson,*
- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Standard Details Sheet 4', drawing number 136185-EW-238, dated 26 November 2014 and prepared by Harrison Grierson,*
- *'Proposed Bulk Earthworks Design Sediment and Erosion Control Standard Details Sheet 5', drawing number 136185-EW-239, dated 26 November 2014 and prepared by Harrison Grierson.*
- *Report: 'Application for Resource Consent for Bulk Earthworks, Karaka Lakes South, Hingaia', prepared by Harrison Grierson Ltd and dated November 2014,*  
*'Karaka Lakes South Bulk Earthworks – Environmental Management Plan, Karaka Brookview Limited', prepared Harrison Grierson Ltd and dated November 2014.*
- *Section 92: 'Response to Requests for Further Information in Accordance with Sections 28 and 64 of the Housing Accords and Special Housing Areas Act 2013 – Karaka Brookview Limited – 241 Park Estate Road, Karaka' dated 11 March 2015, sent by Harrison Grierson Ltd.*

### **Erosion and Sediment Control Plan**

17. Prior to commencement of any earthworks activity on the site (or prior to each stage of earthworks commencing as may be agreed with the Senior Compliance Advisor, DPO), a final Erosion and Sediment Control Plan ("ESCP") shall be prepared and submitted to the Senior Compliance Advisor, DPO for approval.

The ESCP shall include the following as a minimum:

- Confirmation of the proposed erosion and sediment control measures to be employed on site;
- Confirmation of the erosion and sediment control measures to be installed for all outfall structures from the site;
- Details of all design and associated calculations;

- Groundwater management details which confirms how dirty groundwater will be treated and all clean ground water will be diverted away from the sediment retention ponds and bypass the earthworks activities; and
- Progressive stabilisation techniques and methodologies.

Advice note:

*The Erosion and Sediment Control Plan is to be based on the approved Harrison Grierson sediment control plans and contain sufficient detail to address the following matters:*

- *specific erosion and sediment control works (location, dimensions, capacity)*
  - *supporting calculations and design drawings*
  - *catchment boundaries and contour information*
  - *location of stockpiles*
  - *hours of work and associated noise limits*
  - *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*
18. The final ESCP required by condition 16 shall also show the location of any required soil stockpile locations. Soil stockpiles shall be established in the shortest timeframe possible, sealed off and stabilised either by vegetative means or by mulching once established, to the satisfaction of the Senior Compliance Advisor, DPO.

**Chemical Treatment Management Plan**

19. Prior to commencement of bulk earthworks on the site, a Chemical Treatment Management Plan ("Chem MP") shall be submitted for the written approval of the Senior Compliance Advisor, DPO. The Chem MP shall include as a minimum:
- Specific design details of the chemical treatment system based on a rainfall activated methodology for all sediment retention ponds and any decanting earth bunds;
  - Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
  - Details of chemical type and effects on ecological systems and fauna/flora and optimum dosage (including any assumptions);
  - Proposals for an initial chemical treatment trial and the results of that;
  - A spill contingency plan; and
  - Details of the person or bodies who will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

### **General Earthworks Conditions**

20. Within ten working days following implementation and completion of the specific erosion and sediment control works required by the conditions of this consent, and prior to commencement of earthworks activity on the site, an appropriately qualified and registered engineering professional shall provide written certification to the Senior Compliance Advisor (DPO) that the erosion and sediment control measures have been constructed and completed in accordance with TP90 and the detailed plans that form part of the application. The written certification shall be in the form of a report or any other form acceptable to the Council.

Advice note:

*Certification of the sediment and erosion control structure should contain sufficient details to address the following matters:*

- *Contributing catchment area;*
  - *Shape of structure (dimensions of structure);*
  - *Position of inlets/outlets; and*
  - *Stabilisation of the structure.*
21. All clean groundwater shall be diverted away from all sediment retention ponds and earthwork locations to ensure that the full volume of clean groundwater is discharged to a stable and clean location.
22. All practicable actions shall be taken to prevent dust generation. Dust shall be controlled in accordance with the good practice guidelines for Assessing and Managing the Environmental Effects of Dust Emissions, prepared by the Ministry for the Environment (2001).
23. All earthworks activity on the site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise. The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and/or earthworks activity on the site are restricted to between the following hours to comply with this Standard:
- Mondays to Saturdays: 7:30am to 6pm
  - Sundays and Public Holidays: no works

Advice Note:

*Works may be undertaken outside these hours but only with the written approval of the Senior Compliance Advisor, DPO. This will be granted in special circumstances only, for example in the event of urgent stabilisation works or inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to approval of any neighbouring residents or other affected parties as may be identified by the Senior Compliance Advisor, DPO.*

24. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity. All materials and equipment shall be stored within the site boundaries.
25. 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 of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpits or enviropods.*

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

26. The site shall be progressively stabilised against erosion at all stages of the earthworks activity and work 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.*

27. 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, DPO at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to that document.
28. The sediment and erosion controls at the site of the works shall be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date, time

and any maintenance undertaken in association with this condition which shall be forwarded to the Senior Compliance Advisor, DPO on request.

29. Within 10 working days following completion or abandonment of earthworks on the site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Senior Compliance Advisor, DPO.

Advice Note:

*Should the earthworks be completed or abandoned at any time, bare areas of earth shall be permanently stabilised against erosion. Measures may include:*

- *use of 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.*

*On-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's Senior Compliance Advisor, DPO who will guide you on the most appropriate approach to take.*

**Contamination**

30. Prior to the commencement of earthworks taking place outside of the area illustrated on Plan 136185-EW-200 a final Remedial Action Plan ("RAP") shall be submitted to the Senior Compliance Advisor, DPO for approval.

No earthworks on the site shall commence until confirmation is provided by the Senior Compliance Advisor, DPO that the RAP is satisfactory and all measures identified in that plan as required to be put in place prior to commencement of works have been installed.

31. Where contaminants are identified that have not been anticipated by the application, works in the area containing the unexpected contamination shall cease until the contingency measures outlined in the RAP have been implemented, and have also been notified to the Senior Compliance Advisor, DPO. Any unexpected contamination and contingency measures shall be documented in the Site Validation Report ("SVR") required by the conditions of this consent.

Advice Note:

*Unexpected contamination may include contaminated soil, perched water, groundwater, or underground tanks. The consent holder is advised that where unexpected contamination is significantly different in extent and concentration from that anticipated in the original site investigations, handling the contamination may be outside the scope of this consent. Advice should be sought from the Senior Compliance Advisor; DPO prior to carrying out any further work in the area of the unexpected contamination to ensure it is within scope of this consent.*

32. Contaminated soil or waste materials removed from the site shall be deposited at an authorised disposal site.

Where it can be demonstrated that the soil or waste materials have been fully characterised in accordance with the Ministry for the Environment's 'A Guide to the Management of Cleanfills' (2002) and meets the definition of 'cleanfill', removal to a consented disposal site is not required. In such circumstances, the Senior Compliance Advisor, DPO shall be advised prior to its removal from the site.

33. Imported fill materials shall be tested in compliance with the cleanfill criteria outlined in the Ministry for the Environment Guide for Managing Cleanfills (2002), and evidence of the testing is to be provided by the consent holder to the Senior Compliance Advisor, DPO prior to any importation of such material to the site.
34. At all times the consent holder is to control any dust in accordance with the Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions, Ministry for the Environment (2001).
35. Within 10 working days following the completion of earthworks, the appropriately qualified engineering professional responsible for supervising the works shall provide written evidence to the Senior Compliance Advisor, DPO that all fill used on the site has the characteristics required by the conditions of this consent. The written evidence shall be in the form of a receipt, compaction certificate(s) or similar.
36. To minimise the spread of contaminated material, all stockpiles of excavated potentially contaminated material shall be located on an impermeable surface inside the catchment of the erosion and sediment controls for the site. All stockpiles are to be covered with either polythene or an equivalent impermeable material when the site is not being worked and during periods of heavy rain.
37. Within 3 months of completion of the contamination remediation earthworks on the site, a Site Validation Report shall be provided to the Senior Compliance Advisor, DPO. The SVR shall be prepared by an appropriately qualified contaminated land professional in accordance with the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health. The person preparing the SVR shall also provide a statement certifying that all works have been carried out in accordance with the requirements of the consent.

Advice Note:

*The SVR should contain sufficient detail to address the following matters:*

- *a summary of the works undertaken, including a statement confirming whether the excavation of the site has been completed in accordance with the consent*
- *a statement of compliance with the Remedial Action Plan during the works*
- *the location and dimensions of the excavations carried out, including a relevant site plan*
- *a summary of any testing undertaken, including tabulated analytical results, and interpretation of the results in the context of the contaminated land rules in the Proposed Auckland Unitary Plan*
- *copies of the disposal dockets for the material removed from the site*

- *records of any unexpected contamination encountered during the works, if applicable*
- *details regarding any complaints and/or breaches of the procedures set out in the RAP and the conditions of this consent*
- *details of the validation sampling undertaken on materials re-used on the site*
- *a description of additional monitoring undertaken(if applicable).*

### **Retaining Walls**

38. Prior to commencement of earthworks on the site, the consent holder shall submit a final retaining wall plan for the Council's approval. This plan shall provide details of the mitigation proposed for retaining walls 1, 2, and 6. Mitigation shall be either in the form of a stepped or terraced design, or through application of comprehensive landscaping/planting on the portions of the walls greater than 1.5m high, or any other method to the satisfaction of the Senior Compliance Advisor, DPO (in liaison with the Council's Urban Designer – DPO Consenting). Where fences are proposed on top of a retaining wall, fence details shall be provided with the Retaining Wall Plan. For Lot 17 where it adjoins the riparian corridor any fence on top of the retaining wall shall be no higher than 1.5m.

### **Stormwater**

39. In association with reclaiming stream C5, provision shall be made for a pipe sized for the 10% AEP and an overland flow path sized for the 1% AEP. Design details shall be provided as part of the engineering plan approval process.
40. Any required communal devices shall be designed in accordance with the Auckland Council's Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater (1 November 2015) and the design details shall be provided as part of the engineering approval process.
41. Prior to commencement of construction of permanent impervious surfaces and stormwater works for the site, the consent holder shall submit a finalised Karaka South Stormwater Management Plan ("SMP") for approval of the Manager Auckland Council Stormwater Unit. The SMP(s) shall include, but not be limited to:
- (a) Design details of how any required communal devices shall be designed in accordance with the Auckland Council's Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater (1 November 2015);
  - (b) Design details and a description of how stormwater devices in roads are designed and sized to comply with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater (1 November 2015);
  - (c) A description of how the general provisions of TP10 have been applied in developing the design details;
  - (d) A description of the extent to which Water Sensitive Design has been included as part of the stormwater management system;
  - (e) Supporting calculations for the sizing of pipework and associated stormwater systems.

42. The consent holder shall construct the stormwater management systems in accordance with the approved SMP. Any amendments that may affect the capacity or performance of the stormwater management systems shall be approved by the Senior Compliance Advisor, DPO in writing prior to construction of the stormwater management system(s).
43. All subsoil drainage including that proposed within the parts of stream C5 to be filled shall remain private with easements applying to the lots that these private pipes pass under, requiring maintenance of these pipes to be the joint responsibility of the affected owners. As-built plans showing the location and details of these subsoil drains shall be included in the final drainage as-built plans with specific notations that these subsoil drains are private. The easements required to secure the maintenance obligations shall be prepared to the satisfaction of the Senior Compliance Advisor, DPO and registered on the relevant Certificates of Title, all at the consent holder's cost.
44. At the time of engineering approval the consent holder shall provide a suitably sized reticulated stormwater system to serve the contributing development upstream catchment including all existing and future upstream flows and specifically including flows from 72 Hinau Road and 253, 257 and 273 Park Estate Road.

Advice note:

*For those properties upstream that have direct connections to streams C4 and C7 identified in the Golder ecological report dated 2009 it is expected that these properties will construct their own reticulated stormwater network with a discharge(s) to the stream as anticipated by the stormwater Network Discharge Consent for the Hingaia Peninsula.*

45. Stormwater flows and existing stream catchments shall be maintained within the existing natural sub-catchment boundaries.
46. At the time of subdivision and/or land use consent the consent holder shall remove all stream culverts within the area of works and carry out restoration of the stream bed and banks to the satisfaction of the Senior Compliance Advisor, DPO.
47. The design of any road culverts, as well as being designed in accordance with the Auckland Transport Code of Practice 2013 ("ATCOP") shall include provision for fish passage and account for the loss in pipe capacity caused by setting the pipe(s) lower than the invert levels to provide a natural substrate within the pipe barrel.
48. At the engineering plan approval stage the consent holder shall ensure the proposed stormwater reticulation network is rationalised to avoid the stormwater line passing under or close to retaining walls higher than 2.0m measured from toe to top.
49. All retaining walls adjacent to streams and reserves that support private property shall be located fully inside the lot they support (including in-ground components) and an allowance in terms of space and access made for the continual maintenance and eventual replacement of these walls.
50. Where the toes of these structures is less than 0.5m higher than the extent of the 1% AEP flood flows, then the base of the wall and surrounding ground shall be protected

from the effects of erosion and scour caused by flooding as well as high ground water levels.

Advice notes:

- *All stormwater assets are to be designed, constructed, and funded by the consent holder, and any streams (and their margins) are to be vested at no cost to the Council.*
- *Refer to condition 43 for private owner obligations to maintain private pipes.*
- *Any public stormwater assets are to be vested at no cost to the Council. Vesting of assets must be designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater (1 November 2015) and comply with the relevant Network Discharge Consent.*

**Affordability**

51. Affordable housing shall be provided in accordance with the affordable housing lots indicated in plan 136185-1-100 R4 (dated 21.10.15).

The price at which a dwelling on these lots may be sold shall not exceed 75% of the Auckland Region Median House Price published by Real Estate Institute of New Zealand for the month of September 2015.

52. Before any dwelling in the development that qualifies as affordable under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Hingaia Special Housing Area dated 12 December 2013, is occupied, or Title to that property is transferred, the consent holder shall provide a statutory declaration from the purchaser of the dwelling to the Council's SHA Consenting Manager that the purchaser meets all the following criteria:
- The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
  - The purchaser has paid a price for the affordable dwelling which is no more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland) Amendment Order 2013 Hingaia Special Housing Area dated 12 December 2013;
  - The purchaser is a first home buyer and has never owned any other real property;
  - The purchaser is a natural person and is purchasing the affordable dwelling in their own name and not in the name of any other person.
53. No more than 46 dwellings shall be constructed on the lots approved by this consent before commencement of construction for the dwellings identified as 'affordable' on plan 136185-1-100 Rev 4 (dated 21.10.15).

**Road Markings**

54. Road marking and signage shall be in general accordance with plans DWG – 13685 -1 300 (R2) approved as part of this consent. The consent holder shall provide evidence

to the Council that the parking restrictions have been authorised by the road control authority.

Advice Note:

*Authorisation of the parking restrictions and traffic controls is achieved through a resolution process. The consent holder, at its cost, will need to engage an Auckland Transport nominated contractor to carry out consultation with the affected landowners (if any) and to prepare the resolution report for the Auckland Transport Traffic Control Committee ("TCC") approval in order to legalise the proposed road markings. The consent holder needs to contact Auckland Transport (Minnie Liang [Minnie.liang@aucklandtransport.govt.nz](mailto:Minnie.liang@aucklandtransport.govt.nz)) to initiate the resolution process at least 8 weeks prior to installation of the markings. No installation of any road markings will be allowed before the resolution has been approved by the TCC.*

## **ENGINEERING PLAN APPROVALS**

### **Engineering Plan Requirements**

55. Prior to commencement of any construction work or prior to the lodgement of the survey plan pursuant to sections 45 of the HASHAA and 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, DPO 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.
56. The engineering plans shall include, but not be limited to, the following information regarding the engineering works:
  - a) Earthworks and any retaining walls in accordance with the Geotechnical Investigation Report prepared by Coffey, dated 28 November 2014;
  - b) 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;
  - c) A final Traffic Management Plan in accordance with the conditions of this consent;
  - d) Detailed design of all roads to be vested in the Council including intersections, bus bays (on Road 1 between Road 4 and Road 16), parking bays (Note: the parking bay shown outside Lot 14 shall be relocated to provide for the future vehicle crossing), cycling routes, pedestrian crossings and footpaths. All roads shall be designed in accordance with Auckland Transport's Code of Practice;
  - e) The Traffic Marking and Signage Plan approved as part of the engineering approval process;
  - f) Detailed design of all street lighting, street furniture and other structures/facilities on roads to be vested in Auckland Transport (including street furniture, traffic calm devices and safety measurements, marking and street sign etc.) shall be designed in general accordance with Auckland Transport's Code of Practice;

- g) A visibility assessment of all proposed roads, in particular visibility at intersections and forward visibility around bends must meet Auckland Transport's Code of Practice design standards;
- h) Detailed landscape planting plan and maintenance programmes for all street planting and landscaping on the proposed roads and reserves in accordance with the conditions of this consent;
- i) Details of any services to be laid including pipes and other ancillary equipment to be vested in the Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015;
- j) Detailed design of the stormwater system and devices for management of both the quantity and quality of the stormwater runoff from the contributing development upstream catchment including all existing and future upstream flows and specifically including flows from 72 Hinau Road and 253, 257 and 273 Park Estate Road (and 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 and in particular:
  - i) The stormwater system shall be designed to identify health and safety risks during the life of the asset and shall ensure safety to the public, property and to operating personnel, contractors and Council employees
  - ii) The stormwater system shall have a minimum asset life of 100 years
  - iii) The principles of Water-Sensitive Design and "Best Management Practices" to minimise stormwater run-off volumes and peak flow rates and to improve the quality of stormwater run-off entering the receiving environment shall be utilised for the design of the stormwater system proposed
  - iv) The system shall cater for stormwater run-off from the site together with any run-off from upstream catchments in accordance with the Council's technical publication 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 ("MPD") scenario (full development to the extent defined in the Proposed Auckland Unitary Plan). In the event that the upstream catchment includes areas outside the Rural Urban Boundary, the MPD shall be agreed with the Council
  - v) 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.
- k) Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015;

- l) Details of the hydrology mitigation measures in accordance with the SMAF 2 standards;
  - m) Detailed design of the soakage devices proposed in accordance with the Council's Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater, 2013;
  - n) Details of any drainage reserve, esplanade reserve including the post-development contours, walkways, sign boards, lighting and reserve furniture (e.g. seating and rubbish disposal bins etc.) in accordance with the conditions of this consent;
  - o) Approval from the Council's Stormwater Unit and Veolia for any structure to be located within 2 metres of a pipe or manhole;
  - p) Information relating to gas, electrical or telecommunication reticulation (should hard-wired telecommunications reticulation be required) including ancillary equipment;
  - g) Vehicle crossing locations and dimensions for the paired driveways on lots 3 and 4, 21 to 24, and 46 to 48 and 49 are to be shown on the engineering approval plans.
57. As part of the application for engineering plan approval, a registered engineer shall:
- a) Certify that all public roads and associated structures/facilities or accessways have been designed in accordance with the Auckland Transport Code of Practice;
  - b) 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, 2013;
  - c) Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited, and Veolia's requirements;
  - d) Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset;
  - e) Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset.

Advice Note

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

**Geotechnical Completion Report**

58. Within one month of the completion of earthworks, a Geotechnical Completion report in accordance with the Council's Code of Practice for Land Development and Subdivision section 2.6, signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. The Geotechnical Completion report shall also include all associated as-built plans for earthworks and subsoil drains and a statement of professional opinion on suitability of the land for building construction in accordance with Schedule 2A of the Code of Practice.

## **SUBDIVISION CONDITIONS**

### **Street Naming**

59. 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:

*The road naming application shall provide suggested street names (one preferred plus two alternative names) and include evidence of consultation with mana whenua groups including Ngāti Tamaoho, Ngāti Te Ata and Te Ākitai Waiohua. The street naming approval for the proposed roads shall be obtained from the Local Board prior to the 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. The consent holder is therefore advised to submit the road naming application for approval as soon as practicable after the approval of this consent*

### **Section 223 Conditions**

60. Within one year of this decision, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 45 of the HASHAA. The survey plan shall be in accordance with the approved subdivision plans referenced in the conditions of this consent.
61. The consent holder shall ensure that the following conditions have been met to the satisfaction of the Council's SHA Consenting Manager:
- The proposed easement shown on the approved subdivision plans shall be shown as a Memorandum of Easement on the survey plan and shall be duly granted or reserved;
  - Lots 300, 301 and 302 are to be vested in the Auckland Council as public road without compensation;
  - A certificate from a licensed cadastral surveyor that any retaining walls on a site and its ancillary and supporting structures are located within the site and are clear of the lot boundary immediately behind the wall;
  - The riparian margin over Lots 601-602 is to be shown as an 'area to be subject to a covenant'.

### **Section 224 Conditions**

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

### **Retaining**

62. Any retaining wall and its ancillary and supporting structures retaining an adjoining higher lot shall be clear of the boundary of the lot within which it is located. A certificate from a licensed cadastral surveyor shall be provided certifying compliance with this requirement at the time of lodgement of the survey plan for approval.

### **Geotechnical**

63. 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 within the road reserve or on the lot that is owned or to be vested in the Council.
64. A geotechnical completion report by an appropriately qualified and registered engineer shall be provided to the Council with the section 224 application. The report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site.

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

### **Roads**

65. All roads and ancillary facilities such as traffic lights, street lighting, traffic calming devices, markings, street signs, and street furniture to be vested in the Council shall be constructed in accordance with the approved engineering plans to the satisfaction of the Council's SHA Consenting Manager.
66. An engineering completion certificate, certifying that all proposed roads and the ancillary structures on the roads to be vested in the Council have been constructed in accordance with the approved engineering plans, shall be provided in support of the section 224 application.
67. All RAMM as-built plans and data for all new roads shall also be provided with the section 224(c) application. This shall include kerb lines, cesspits, footpaths, intersection control devices, pavement markings, bus bays, street lighting, street furniture, street name, directional signs and landscaping etc.
68. A report from an appropriately qualified and registered electrician shall be supplied with the section 224(c) application. This report shall certify that all street lighting complies with the relevant safety standards, that they are connected to the network and they are operational.

69. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's SHA Consenting Manager.
70. An Engineering Completion certificate certifying that these conditions have been met shall be provided in support of the section 224 application.

### **Stormwater Connections**

71. The consent holder shall install a complete public stormwater system to serve all lots in the development in accordance with the approved engineering plans required by the conditions of this consent to the satisfaction of the Council's SHA Consenting Manager.
72. Individual private stormwater connections to the proposed public stormwater system 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 Council's SHA Consenting Manager.
73. An Engineering Completion certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved engineering plans and the Council's Code of Practice for Land Development and Subdivision – Chapter 4: Stormwater 2013 shall be provided in support of the section 224(c) application pursuant to section 46 of the HASHAA.
74. Video inspections of all public stormwater pipes and as-built plans for all public 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 prior to 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 shall be in accordance with the current version of the 'Development Engineering As-built Requirement' (currently version 1.2). A valuation schedule for all assets to be vested in the Council is to be included as part of the as-built documentation.*

### **Wastewater**

75. The consent holder shall install a complete public wastewater system to serve all lots in accordance with the approved engineering plans to the satisfaction of the Council's SHA Consenting Manager.
76. Individual private wastewater connections to the proposed public wastewater systems for each residential lot at the lowest point within the lot boundary shall be provided in accordance with the approved engineering plans.
77. An Engineering Completion certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved engineering plans and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited, and any Veolia requirements shall be provided in support of the section 224(c) application pursuant to section 46 of the HASHAA.

78. Video inspections of all public wastewater pipes as-built plans for all public and individual private wastewater 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 prior to the lodgement of the application for the section 224(c) certificate.
79. A certificate from Veolia confirming that separate wastewater connections have been provided for each residential lot shall be provided in support of the section 224(c) application.

### **Water Supply**

80. The consent holder shall install a complete water supply reticulation system to serve all lots in accordance with the approved engineering plans to the satisfaction of the Council's SHA Consenting Manager.
81. The consent holder shall complete a successful pressure test to the satisfaction of the Council for all new watermains prior to the connection to the existing public water supply reticulation system. Evidence of undertaking a successful pressure test for new watermains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited and any Veolia requirements shall be supplied with the application for a section 224(c) certificate.
82. Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved engineering plans. Each lot shall have an individual water meter at the road reserve boundary. Ducting of provide lines is recommended where they cross driveways.
83. An Engineering Completion certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved engineering plans and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited, and any Veolia requirements shall be provided in support of the section 224(c) application pursuant to section 46 of the HASHAA.
84. As-built plans for all public and individual private water supply lines and a certificate from Veolia confirming that separate water supply connections have been provided for each residential lot shall be supplied with the section 224(c) application pursuant to section 46 of the HASHAA.

### **Fire Hydrants**

85. Fire hydrants shall be designed 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 the Water and Wastewater Code of Practice to the satisfaction of the Senior Compliance Advisor (DPO). Detailed design and location of the fire hydrants shall be submitted to the Senior Compliance Advisor (DPO) for approval through the engineering plans.
86. The consent holder shall undertake a comprehensive hydrant flow test result to confirm or otherwise that the existing public water supply system will meet the fire flow requirement for the development as stipulated in the New Zealand Fire Service Code

of Practice (SNZ PAS 4509:2008) and the domestic supply will meet the minimum 250 kPa residual pressure at the proposed connection to the public main.

87. Evidence of undertaking the hydrant flow test and compliance with the New Zealand Fire Service Code of Practice (SNZ PAS 4509:2008) shall be provided with the section 224 application.

#### **Network Utilities**

88. Individual private connections to electricity and telecommunication services (should reticulated telecommunication services be required) to the boundary of each lot shall be provided and installed to the satisfaction of the relevant network utility providers. Certificates from the network utility providers and certified 'as-built' plans providing the locations of all plinths, cables and ducts shall be supplied to the Council as part of the section 224 application.

#### **Street Tree Planting**

89. A Street Tree Landscape Planting Plan shall be submitted to the Manager, Local and Sports Parks (South) for approval prior to the first stage of any roading works being completed. The approved plan shall be implemented in the first planting season following completion of the construction works for a particular stage. The consent holder shall continue to maintain all plantings on the roads in that stage for a period of two years or three planting seasons, whichever is the longer, following written approval from the Manager, Local and Sports Parks (South) that the planting has been implemented in accordance with the approved Street Tree Landscape Planting Plan.

A maintenance bond is payable if a section 224(c) certificate pursuant to section 46 of the HASHAA is to be issued during the maintenance period.

#### **Solicitor's Undertaking**

90. A solicitor's undertaking on behalf of the consent holder shall be provided to the Senior Compliance Advisor (DPO) prior to issue of the certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA. The undertaking shall confirm that the solicitor will undertake the following actions at the consent holder's expense:

- Register all legal documents (including all consent notices and easement instruments) on the Certificates of Title for the relevant lots; and
- Provide post-registration copies of all relevant Certificates of Title to the Senior Compliance Advisor (DPO).

#### **Riparian Margin Planting**

91. Confirmation that the Riparian Planting and Maintenance Plan required by the conditions of this consent has been implemented shall be submitted to the Council as part of the section 224(c) application.
92. A maintenance bond shall be payable if a certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA is to be issued within the maintenance period. The bond will be held by the Council for a period of 5 years from the date of the release of the section 224(c) certificate pursuant to section 46 of the HASHAA and shall cover the cost of implementation of the maintenance plan and replacement planting.

93. The consent holder shall provide a report from an appropriately qualified and experienced ecologist to the satisfaction of the Council's SHA Consenting Manager certifying that planting required by the conditions of this consent has been met. The report shall be submitted to the Council as part of the section 224(c) application.

#### **Consent Notices**

94. Pursuant to sections 44 of the HASHAA and 221 of the RMA, the following consent notices shall be registered on the Certificates of Title for lots 601 and 602:

##### Riparian Margins

The owner(s) of the lot is responsible for maintaining the planting and landscaping within the riparian margins area marked 'A', and 'B' on Lots 601 and 602 hereon in accordance with the approved Riparian Planting and Maintenance Plan required by the conditions of this consent until such time as ground cover and/or canopy closure has been reached, whichever is the earlier. The consent holder shall replace any planting that fails within the maintenance period in accordance with the approved Riparian Planting and Maintenance Plan.

##### Superlots 601 -603

The owner(s) of each of the lots acknowledge that public wastewater, stormwater or water service connections may not be available within the boundary of any part of the land.

95. Pursuant to sections 44 of the HASHAA and 221 of the RMA, the following consent notice shall be registered on the Certificates of Title for the affordable lots identified on plan 136185-1-100 R4 (dated 21.10.15):

This lot is identified for the provision of affordable dwellings that meet the criteria set out in the Housing Accords and Special Housing Areas (Auckland) Order 2013.

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

96. Pursuant to sections 44 of the HASHAA and 221 of the RMA, the following consent notice shall be registered on the Certificate of Title for lot 17:

##### Fencing (Lot 17)

Any fencing/structure/planting on the boundary of Lot 17 immediately adjacent to the riparian margin shall be graffiti-proofed and visually permeable to provide adequate surveillance of the margin. The owner(s) of this lot shall thereafter maintain the fence in perpetuity. Any fencing on top of retaining walls adjoining the riparian margin shall be no more than 1.5m high.

Any vegetation/planting or structure between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to have a maximum height of no more than 1 metre at any time.

## ADVICE NOTES

1. *The consent holder shall obtain all other necessary consents and permits required, including those 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 2004.*
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 Council's Senior Compliance Advisor (HPO) 09 373 6292 or email [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz) and 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 consent does not in any way allow the consent holder or any party on its behalf to enter and construct drainage or other works on neighbouring properties without first obtaining the agreement of all owners and occupiers of that land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the consent holder, and is a private agreement that does not involve the Council in any capacity whatsoever.*
4. *The Council acknowledges that the management plans approved as part of the consent are intended to provide flexibility both for the consent holder and the Council for management of the development. Accordingly, the management plans may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.*
5. *If any archaeological features are uncovered on the site, works should cease and the Monitoring Officer at SHA Consenting and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. 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 relating to the history of New Zealand. 'Archaeological features' may include old whaling stations, shipwrecks, 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.*