

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2016-AKL-

IN THE MATTER of the Local Government (Auckland Transitional Provisions) Act 2010 (**LGATPA**) and the Resource Management Act 1991 (**RMA**)

AND

IN THE MATTER of an appeal under section 156(3) of the LGATPA against a decision of the Auckland Council on a recommendation of the Auckland Unitary Plan Independent Hearings Panel (**Hearings Panel**) on the proposed Auckland Unitary Plan (**Proposed Plan**)

AND

IN THE MATTER of Proposed Plan Hearing Topic 081b Rodney – Precincts (Silverdale North)

BETWEEN **WFH PROPERTIES LIMITED**

Appellant

AND **AUCKLAND COUNCIL**

Respondent

NOTICE OF APPEAL

Dated 16 September 2016

To: The Registrar
Environment Court
Auckland

1. WFH Properties Limited (**WFH**) appeals against a decision of the Auckland Council (the **Council**) on the proposed Auckland Unitary Plan (**Proposed Plan**).
2. WFH has the right to appeal the Council's decision under section 156(3) of the LGATPA because the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the Proposed Plan. The Council's decision resulted in a matter being excluded from the Proposed Plan. WFH will be unduly prejudiced by the exclusion of the matter.
3. Further details of the reasons for the appeal are provided below.
4. WFH is not a trade competitor for the purposes of section 308D of the RMA.
5. WFH is directly affected by an effect of the subject of the appeal that:
 - (a) adversely affects the environment; and
 - (b) does not relate to trade competition or the effects of trade competition.
6. WFH received notice of the decision on 19 August 2016.
7. The decision that WFH is appealing is the decision of the Council to accept the out of scope recommendation of the Hearings Panel on Topic 081b Rodney – Precincts (Silverdale North) that the Silverdale North Precinct no longer apply to WFH's land at Silverdale North.
8. The reasons for the appeal are as follows:
 - (a) WFH owns land at Silverdale North.
 - (b) The underlying zoning of the land under the notified version of the Proposed Plan was Single House, but subject to the Silverdale North Precinct provisions.
 - (c) Pursuant to the Silverdale North Precinct provisions the land was in sub-precinct B.
 - (d) Resource consents were granted by the Council on 15 October 2014 for subdivision of the land in accordance with an approved Development Concept Plan (**Concept Plan**) and most of the land has been developed in accordance with that plan, but the land shown in orange as high density on the Concept Plan has not been developed.
 - (e) The Concept Plan is consistent with the Silverdale North sub-precinct B provisions.
 - (f) WFH made a submission on the notified version of the Proposed Plan seeking amendments to the Silverdale North sub-precinct B provisions.
 - (g) The Hearings Panel recommended that the Silverdale North Precinct not be adopted and Appendix 3 to the Hearings Panel Report notes that the deletion of the Silverdale North Precinct was not sought in a submission and is, therefore, out of scope.

- (h) As a result of (g) above, the Hearings Panel did not make any decisions on the amendments sought to the Silverdale North Precinct B provisions in WFH's submission.
 - (i) Attachment 3 to the decisions of the Council dated 19 August 2016 notes that the Council has accepted the Hearings Panel's recommendation not to adopt the Silverdale North Precinct.
 - (j) Given the above, the only provisions that would apply to the undeveloped WFH land pursuant to the decisions version of the Proposed Plan are the Single House provisions.
 - (k) The Single House zoning and provisions are entirely inappropriate for the high density undeveloped land shown on the Concept Plan.
 - (l) WFH has entered into conditional sale and purchase agreements for the high density undeveloped land on the basis that the land can be developed in accordance with the Concept Plan and the Silverdale North sub-precinct B provisions.
 - (m) Given the above, WFH will be unduly prejudiced if the high density undeveloped land retains its Single House zoning only.
 - (n) The most appropriate provisions to apply to the land to achieve the purpose and principles of the Resource Management Act 1991 are the Silverdale North Precinct B provisions, subject to the amendments sought by WFH in its submission on the Proposed Plan.
9. WFH seeks the following relief:
- (a) Reinstatement of the Silverdale North sub-precinct B provisions in respect of the WFH land, subject to the amendments sought by WFH in its submission and consequential amendments as shown in the marked up version of the provisions that are attached.
 - (b) Such further or other relief, including consequential relief, as may be necessary to address the reasons for this appeal.
10. An electronic copy of this notice is being served today by email on the Auckland Council at unitaryplan@aucklandcouncil.govt.nz. Waivers and directions have been made by the Environment Court in relation to the usual requirements of the RMA as to service of this notice on other persons.
11. The following documents are **attached** to this notice:
- (a) A copy of the relevant decision – **Attachment 1.**
 - (b) Marked up version of the Silverdale North Precinct provisions – **Attachment 2.**
 - (c) The Concept Plan applying to the land – **Attachment 3.**
 - (d) The resource consent applying to the land and two change of conditions decisions – **Attachment 4.**
 - (e) The notified version of the Proposed Plan map for Silverdale North (Precinct B) – **Attachment 5.**
 - (f) The decisions version of the Proposed Plan map for Silverdale North (Precinct B) – **Attachment 6.**

(g) A list of names and addresses of persons served with a copy of this notice – **Attachment 7.**

12. Any person served with a copy of this appeal may obtain a copy of the above documents by requesting them from the appellant.



S J Simons / C D H Malone
Counsel for WFH Properties Limited

16 September 2016

Date

Address for service of appellant:

WFH Properties Limited

c/o Berry Simons

Level 1, Old South British Building, 3-13 Shortland Street, Auckland

PO Box 3144, Shortland Street, Auckland 1140

Contact person: S J Simons, Partner / CDH Malone, Senior Associate

Telephone: 09 909 7311 / 09 969 2302

Email: sue@berrysimons.co.nz / craig@berrysimons.co.nz

Note to appellant

You may appeal only if—

- (a) the Council rejected a recommendation of the Hearings Panel in relation to a provision or a matter you addressed in your submission on the proposed plan and the Council decided on an alternative solution that resulted in a provision being included in the proposed plan or a matter being excluded from the proposed plan; or
- (b) you are, were, or will be unduly prejudiced by the inclusion of a provision in or the exclusion of a matter from the proposed plan in relation to which the Council accepted a recommendation of the Hearings Panel that the Hearings Panel had identified as being beyond the scope of the submissions made on the proposed plan.

Your right to appeal may be limited by the trade competition provisions in Part 11A of the RMA.

You must lodge the original notice with the Environment Court, and serve a copy on the Council (by email to unitaryplan@aucklandcouncil.govt.nz), within 20 working days after the Council notifies its decisions in relation to the recommendations of the Hearings Panel under section 148(4)(a) of the LGATPA (i.e. by no later than **16 September 2016**).

You must pay the filing fee required by regulation 15 of the Resource Management (Forms, Fees, and Procedure for Auckland Combined Plan) Regulations 2013 at the time you lodge this notice with the Environment Court.

If your appeal concerns a regional coastal plan provision / the coastal marine area, you must serve a copy of this notice on the Minister of Conservation within 5 working days after this notice is lodged with the Environment Court.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may become a party to the appeal if you are one of the persons described in section 274(1) of the RMA.

To become a party to the appeal, you must, within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003) with the Environment Court by email (to unitaryplan.ecappeals@justice.govt.nz) and serve copies of your notice by email on the Auckland Council (to unitaryplan@aucklandcouncil.govt.nz) and the appellant.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the RMA.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38 of the Resource Management (Forms, Fees, and Procedure) Regulations 2003).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland.

ATTACHMENT 1

A COPY OF THE RELEVANT DECISION

ATTACHMENT 2

MARKED UP VERSION OF THE SILVERDALE NORTH PRECINCT PROVISIONS

ATTACHMENT 3

THE CONCEPT PLAN APPLYING TO THE LAND

ATTACHMENT 4

THE RESOURCE CONSENT APPLYING TO THE LAND AND TWO CHANGE OF CONDITIONS
DECISIONS

ATTACHMENT 5

THE NOTIFIED VERSION OF THE PROPOSED PLAN MAP FOR
SILVERDALE NORTH (PRECINCT B)

ATTACHMENT 6

THE DECISIONS VERSION OF THE PROPOSED PLAN MAP FOR
SILVERDALE NORTH (PRECINCT B)

ATTACHMENT 7

A LIST OF NAMES AND ADDRESSES OF PERSONS SERVED WITH A COPY OF THIS NOTICE

Auckland Council

unitaryplan@aucklandcouncil.govt.nz



**Decisions of the Auckland Council on
recommendations by the Auckland Unitary
Plan Independent Hearings Panel on
submissions and further submissions to the
Proposed Auckland Unitary Plan**

Attachment C

A list of the Panel's out of scope recommendations that have been accepted by the Council, including maps which show the out of scope recommendations within the GIS Viewer.

19 August 2016

Attachment C - Summary of Panel's recommendations out of scope of a submission

Topic	Matter(s) that is out of scope
006 Natural Resources	Objective 1 - Minerals objective. The Panel has redrafted the Objective from "Auckland's mineral needs are met largely from within Auckland" to "an objective requiring that mineral resources are effectively and efficiently utilised"
027 Artworks, signs and temporary activities	Exemption to definition of 'billboard' for election signage approved under the Auckland Transport Election Signs Bylaw 2013
028 Future Urban	Deletion of the Green Infrastructure Corridor Zone Deletion of indicative roads and open space overlays
032 Historic heritage schedules	Amendments to Schedule 14.1 Historic Heritage: inclusion of the interior of the Corban's Estate Winery homestead; exclusion of the 1960s shed and rear pavilion
080 Rezoning and precincts (general)	See below for precincts
081 Rezoning and precincts (geographical areas)	See below for precincts
Precinct	Matter(s) that is out of scope
Bombay 1	Include BP service centre at 216 Mill Road as sub-precinct A (Council)
Greenhithe	Extension of sub-precinct B into A
Hayman Park	Deletion of Precinct
Karaka North	Relief sought by Karaka North Village Limited not as in the original submission.
Matakana 2	Relief sought following Environment Court decision on Plan Change 148 and after the close of

submissions on the notified proposed Auckland
Unitary Plan

Newmarket 2	Deletion of precinct - rezoned wider area to Metropolitan Centre
Papakura	Reduction in the extent of the precinct.
Silverdale North	Deletion of precinct not sought in original submission of Highgate Business Park Limited but proposed at hearing.
Swanson North	Amend Precinct Plan 1 to remove the subdivision allocation number from 37 and 44 Crow's Road and 39 Sunnydale Road

Please refer to the following maps (and on the GIS viewer) for the Independent Hearing Panel's recommendations that are beyond the scope of a submission on zoning changes that have been accepted by Auckland Council.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Deletions in ~~red~~

Additions in green

PART 3 – REGIONAL AND DISTRICT RULES»Chapter K: Precinct rules»5-North»

5.44 I550.Silverdale North

The activities, controls and assessment criteria in the underlying zones and the Chapter ~~H E~~ Auckland-wide rules apply in the following precinct and sub-precincts unless otherwise specified below. Refer to the planning maps for the location and extent of the precinct and sub-precincts.

Refer to clause 8 below for definitions that are specific to this precinct.

1. Activity table

1. The following table specifies the activity status of activities in the precinct.
2. Except as specified, the activities in the underlying ~~General Business (sub-precinct A)~~, Single House (sub-precinct B), ~~Town Centre (sub-precinct C) and Neighbourhood Centre (sub-precinct D1, D2 and D3)~~ zones apply.

~~Table 1: Activity table sub-precinct A~~

Activity	Activity Status
Accommodation	
Visitor accommodation	D
Commerce	
Drive-through facilities	NG
Food and beverage up to 100m ² GFA	P
Food and beverage greater than 100m ² GFA	NG
Garden centres	NG
Offices	P
Research and development	P
Retail accessory to an activity on the site, where the goods sold are manufactured on site and the retail GFA does not exceed 200m ²	P
Retail up to 200m ² GFA per site	D
Retail up to 450m ² GFA per site	NG
Retail greater than 450m ² GFA per site	NG
Storage and lock up facilities	NG
Supermarkets	NG
Trade suppliers	NG
Community	
Care centres	P
Healthcare facilities	P
Industrial	
Industrial activities	RD
Development	
Construction, additions, alterations to or relocation of buildings complying with an approved framework plan	RD
Subdivision complying with an approved framework plan	RD

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Table 2: Activity table sub-precinct B

Activity	Activity Status
Accommodation	
Two dwellings on a site	P
Three or more dwellings on a site complying with an approved framework plan	RD
Development	
Construction, additions, alterations to or relocation of three or more dwellings on a site complying with an approved framework plan	RD
Buildings and works in a Physical Limitations area shown on precinct plan 1	D
Development in the Weiti Landscape area complying with an approved framework plan	RD
Subdivision complying with an approved framework plan	RD

Table 3: Activity table sub-precinct C

Activity	Activity Status
Commerce	
Drive-through facilities complying with an approved framework plan	RD
Garden centres	D
Motor vehicle sales	NC
Supermarkets	NC
Trade suppliers	NC
Industrial	
Light manufacturing and servicing	NC
Warehousing and storage	NC
Development	
Construction, additions, alterations to or relocation of buildings complying with an approved framework plan	RD
Subdivision complying with an approved framework plan	RD

Table 4: Activity table sub-precinct D

Activity	Activity Status
Accommodation	
Visitor accommodation	D
Commerce	
Drive-through facilities	NC
Food and beverage up to 100m² GFA	P
Food and beverage greater than 100m² GFA	D
Retail Boutique Food up to 1500m² GFA in sub-precinct D3	RD
Development	
Construction, additions, alterations to or relocation of buildings complying with an approved framework plan	RD
Subdivision complying with an approved framework plan	RD

Table 5: Framework plans and development in all sub-precincts

Activity	Activity Status
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The Proposed Auckland Unitary Plan (notified 30 September 2013)

	Sub-precinct A	Sub-precinct B	Sub-precinct C	Sub-precinct D
Framework plan				
A framework plan, amendments to an approved framework plan or a replacement framework plan complying with clause 3.1 below	RD	RD	RD	RD
A framework plan, amendments to an approved framework plan or a replacement framework plan not complying with clause 3.1 below	NG	NG	NG	NG
Development				
Any buildings, subdivision or development complying with an approved framework plan	RD	RD	RD	RD
Any buildings, subdivision or development not complying with an approved framework plan	NG	NG	NG	NG

2. Notification

1. ~~Restricted discretionary resource consent applications for framework plans, and amendments to framework plans, will be considered without the need for public notification. However, limited notification may be undertaken, including notice being given to any land owner within the sub-precinct who has not provided written approval to the application.~~

3. Land use controls

1. Any activity that does not comply with the land use controls is a non-complying activity unless otherwise stated.
2. Except as specified, the land use controls in the underlying zones apply in the sub-precincts.

3.1 Framework plan

1. ~~A resource consent application for a framework plan amendments to a framework plan or a replacement framework plan must:~~
 - a. ~~be prepared for each development area identified in Precinct Plan 2; and~~
 - b. ~~apply to the whole of the development area except that sub-precincts D1, D2 and D3 may be developed in a separate framework plan.~~
 - c. ~~be consistent where relevant with the Silverdale North precinct plan in Precinct Plan 3, the Development Areas and Road Layout plan in Precinct Plan 2 and the Silverdale North Development Area 9A and 9B plan in Precinct Plan 3.~~
 - d. ~~comply with:~~
 - i. ~~the general rules and information requirements applying to framework plans specified in Chapter G clause 2.6~~
 - ii. ~~the special information requirements for framework plans specified in clause 7 below.~~
 - e. ~~seek consent for the following land uses and subdivisions:~~
 - i. ~~earthworks associated with the development~~
 - ii. ~~the design and location roads and pedestrian linkages~~
 - iii. ~~stormwater management devices~~
 - iv. ~~the design and location of vehicle accessways~~
 - v. ~~subdivision lot sizes in the Physical Limitations area.~~

3.2 Staging

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- ~~1. All activities must comply with the Silverdale North staging provisions below.~~
- ~~2. All activities that do not comply with the staging provisions clauses 3.3-3.5 are a non-complying activity.~~

3.3 Activities in sub-precinct A

- ~~1. Any retailing of any goods manufactured on the site must not exceed 25 per cent of the gross floor area set aside for manufacturing or 250m² whichever is less.~~
- ~~2. Development that does not comply with clause 1 above is a non-complying activity.~~

3.4 Activities in sub-precinct B

- Densities are those allowed in the Single House zone except for the following:
- The number of dwellings on a site must not exceed the limits specified below:

Table 1

Density – site size per dwelling	Percentage of dwellings in development area
150m ² -449.9m ²	20 25-35 per cent
450m ² -649.9m ²	25-45 30-50 per cent
650m ² +	45-65 20-40 per cent

- Where two dwellings are proposed on a site, each dwelling must front a street.
- Where two to four dwellings are proposed on a site, the site must be at least 15m wide:
 - at the site frontage
 - for at least 80 per cent of the length of its side boundaries.
- Where five or more dwellings are proposed on a site, the site:
 - has a minimum net site area of 1200m² and
 - is at least 20m wide:
 - at the site frontage
 - for at least 80 per cent of the length of its side boundaries.
- Development that does not comply with clause 3.4 is a discretionary activity.

3.5 Activities in sub-precinct C

- ~~1. Individual tenancies must not exceed 400m² gross floor area.~~
- ~~2. Development that does not comply with clause 1 above is a non-complying activity.~~

3.6 Activities in sub-precinct D

- ~~1. Individual tenancies must not exceed 200m² gross floor area, with the exception of one site in sub-precinct D3 which may be used and developed for the purpose of a boutique food retail establishment to a maximum gross floor area of 1500m².~~
- ~~2. Development that does not comply with clause 1 above is a non-complying activity.~~

4. Development controls

- Development controls 4.1-4.7 below apply in sub-precinct B.
- ~~2. Development control 4.8 below applies in sub-precinct A, C and D.~~
- ~~3. Development control 4.9 below applies in sub-precinct A.~~
- ~~4. Development control 4.10 below applies in sub-precinct C.~~

~~5.—Development control 4.11 below applies in sub-precinct D.~~

~~Development within sub-precincts A, C and D that do not comply with clauses 4.9-4.11 is a discretionary activity unless provided for as part of an approved framework plan.~~

4.1 Height

1. Buildings must not exceed a height of 9m.

4.2 Yards

1. Buildings must be set back:
 - a. 3m from one side yard
 - b. 1m from any other side yard except where a wall is located on a boundary as provided for in [clause 6.5](#) in the Single House zone.
 - c. ~~6~~3m from rear yard, or for rear sites, 3m from one rear yard and 1m for any other rear yard.

4.3 Building coverage

- ~~1.—Building coverage in the Physical Limitations area: 11.5 per cent unless the physical constraints are removed as provided for in clause 4.2.4.~~
- ~~2.—Development that does not comply with clause 1 above is a discretionary activity.~~

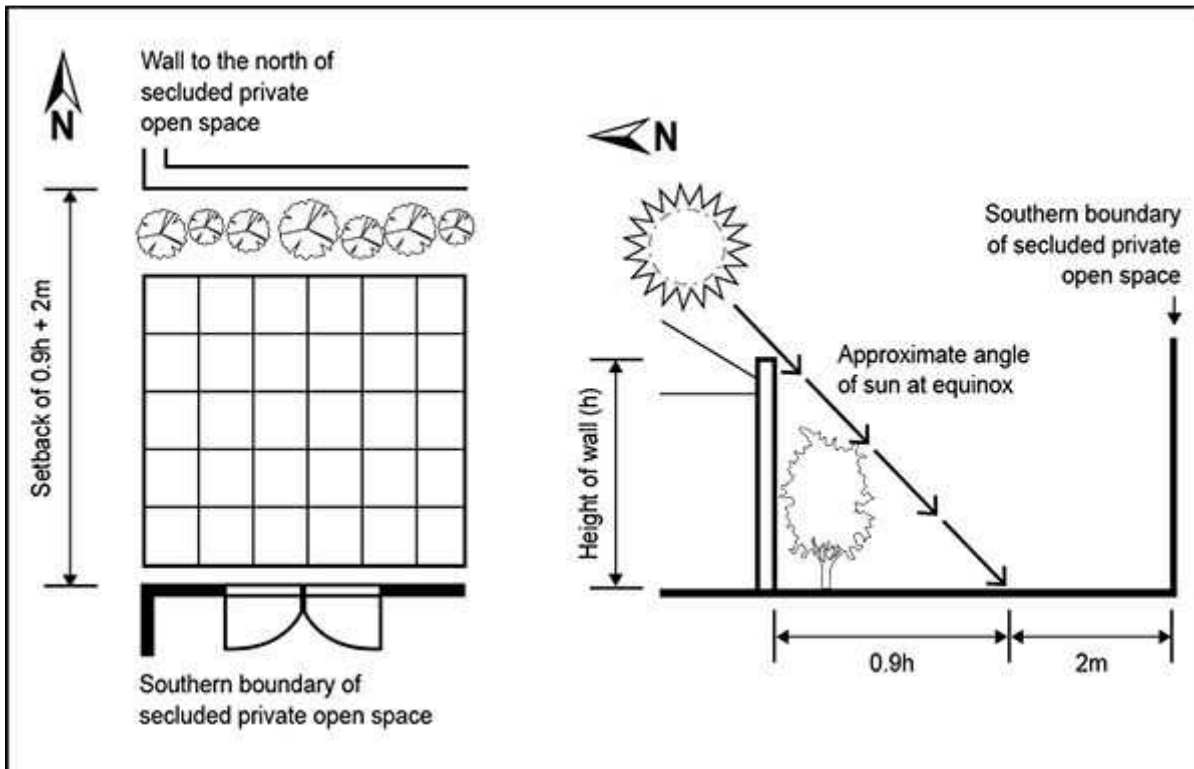
4.4 Private outdoor living space

1. For two or more dwellings, each dwelling must have an outdoor living space with a minimum area of 40m² that:
 - a. is free of buildings, car parking, servicing and manoeuvring areas
 - b. excludes any area with a dimension less than 1m.
2. The 4.5m by 4.5m square of outdoor living space required in the Single House zone is deemed to be private outdoor living space and:
 - a. must be located behind the street façade of a dwelling
 - b. must not exceed 1.5m above ground floor level.

4.5 Sunlight access to the private outdoor living space of proposed and existing dwellings

1. Private outdoor living space must be located to receive at least five hours of sunshine between 9am and 3pm on 22 March/September.
2. A wall or building on a side or rear boundary allowed by [clause 6.5](#) in the Single House zone must not reduce sunlight to the private outdoor living space of another dwelling to less than five hours between 9am and 3pm on 22 March/September. The private outdoor living space of another dwelling is deemed to be any area behind the front facade of the dwelling that contains a square measuring at least 4.5m by 4.5m. If existing sunlight to the private outdoor living space of another dwelling is already less than required by this rule, the amount of sunlight must not be further reduced.
3. The southern boundary of any private outdoor living space must be set back from a wall on the north of the space at least $(2 + 0.9h)$ metres, where 'h' is the height of the wall (Refer Precinct Plan 1) .

Figure 1: Sunlight access to private outdoor living space



4.6 Additional controls for sites 450m² to 650m² sub precinct B

4.6.1 Height in relation to Boundary

1. No part of any building shall exceed a height equal to 3m plus the shortest horizontal distance between that part of the building and any site boundary, except a front boundary and except that on side boundaries within 14m of the road frontage the maximum height of a building shall not exceed a height equal to 5m plus the horizontal distance between that part of the building and the side boundary.
2. This rule shall not apply to:
 - a. chimneys, radio and television aerials, domestic satellite dishes less than 1m in diameter;
 - b. the apex of any roof or gable end not exceeding 1m² in area;
 - c. dormers not exceeding 2m in width (not more than two per building facing the same boundary);
 - d. those parts of buildings that share a common wall on a site boundary
3. Where a site boundary adjoins a site in the precinct with a site size of 650m² or greater that is not part of a multi unit development then rule single house height in relation to boundary rule shall apply to that boundary.

4.6.2 Yards

Table 2

Yard	Dimension
Front	3m
Side	One yard of 1m and one yard of 3m
Rear	See 4.6.3 below

Front Yards: The siting of the building does not cause vehicles parked on site to protrude over the front boundary of the site.

Notwithstanding the above, the following additional rules also apply.

1. Bay windows, steps, verandas, porches and balconies may protrude into the 3m maximum front yard but shall not be closer than 1.5m to the front boundary;

2. No fence, wall, or screen located within the front yard must exceed 0.8m in height;
3. Where a garage faces the street, then the front wall (containing the garage door) of the garage shall be set back a minimum of 6m from the front boundary.

4.6.3 Rear Yards/Open Space

1. The minimum rear yards dimensions must be as follows;
 - a. For sites accessed from street frontages oriented between NW (315o) and NE (45o) of the lot:
 - i. The minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 6m wide by 406m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated dwelling.
 - b. For sites accessed from street frontages oriented between SW (225o) and SE (135o) of the site:
 - i. The minimum rear yard depth extending across the entire width of the site must be sufficient to accommodate a 6m wide by 6m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated dwelling.
 - c. For site accessed from street frontages oriented between NE (45o) and SE (135o) and NW (315o) and SW (225o) of the site:
 - i. The minimum rear yard depth extending across the entire width of the site shall be sufficient to accommodate a 4.5m wide by 86m deep private open space that is directly adjoining and accessible from the living room or kitchen of the associated dwelling.

4.6.4 Building Frontages

1. The total area of all attached or detached garages doors or the open façade of a carport fronting the street shall not occupy more than 35 per cent of the active building frontage.

The active building frontage is defined as;

The front façade of a dwelling including any attached or detached garage that faces the street but excludes;

- Any vertical faces that are located more than 3m to the rear of the garage door;
- Any roof.

4.7 Additional controls for two or more dwellings sub Precinct B

1. The Mixed Housing Suburban zone development controls except for building height apply in sub-precinct B where two or more dwellings are proposed on a site.

4.8 View Protection

1. Buildings and structures (including a parapet, chimney, communication device, tank or building services component, ornamental tower or lift tower) on any land identified within the view shafts shown on Precinct Plan 3 must not exceed the height limits specified in the development control rules for the underlying zone.
2. Development that does not comply with clause 1 above is a non-complying activity.

4.9 Sub-precinct A

- ~~1. Buildings must not exceed 15m in height unless 35 per cent of the required parking is provided within the envelope of the building in which case the maximum height is 20m.~~
- ~~2. No more than 85 per cent of the site may be covered by impervious surfaces.~~
- ~~3. Buildings must be set back at least 5m from the front yard.~~
- ~~4. Buildings must be set back at least 3m from each side yard or 6m from one side yard.~~
- ~~5. All buildings on sites adjoining State Highway 1A must be set back from that boundary by at least 18m.~~

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- ~~6.— All buildings must be set back at least 6m from a residential site or a stormwater detention pond.~~
- ~~7.— A minimum of 50 per cent of the front yard must be landscaped and each landscaped area must have a minimum dimension of 3m. Fencing must not be constructed along the outside boundary of or within the area required to be landscaped.~~
- ~~8.— Any storage or service areas must be fully enclosed or screened from public view by a wall not less than two metres in height or must be screened by densely planted landscaping with a minimum dimension of 3m.~~
- ~~9.— Retaining walls must not exceed a maximum height of:
 - a.— 1.5m in a front yard
 - b.— 3m in a side or rear yard.~~

4.10 Sub-precinct C

- ~~1.— Buildings in sub-precinct C must not exceed 13m in height except if a site is proposed for a service station on the Hibiscus Coast Highway in which case it must not exceed 9m in height.~~
- ~~2.— No more than 85 per cent of a site in sub-precinct C may be covered by impervious surfaces.~~
- ~~3.— The front yard along Silverdale Parkway must not be used for car parking.~~
- ~~4.— Retaining walls must not exceed a maximum height of:
 - a.— 1.5m in a front yard
 - b.— 3m in a side or rear yard.~~
- ~~5.— A minimum of 60 per cent of the area of each site between 5m and 10m from the boundary with Silverdale Parkway or Silverdale Street must be built upon. Where a building is within 10m of the road boundary, at least 50 per cent of the lineal length of the building within 10m must be 5m from the road boundary.~~
- ~~6.— Any part of the land referred to in clause 5 above that is not built on must be landscaped for 20 per cent of its area. Fencing must not be constructed along the outside boundary of or within the area required to be landscaped.~~
- ~~7.— The facade of buildings facing Silverdale Parkway must contain at least 40 per cent glazing on each floor level.~~

4.11 Sub-precinct D

- ~~1.— Buildings in sub-precinct D1 must not exceed 10.5m in height and buildings in sub-precinct D2 must not exceed 9m in height.~~
- ~~2.— Buildings in sub-precinct D2 must be setback 5m from Silverdale North Parkway and must be landscaped except for land used for ingress and egress.~~
- ~~3.— Where any site adjoins a residential zone, buildings must be set back 3m.~~
- ~~4.— Yards must include a 2m wide strip planted with trees, shrubs and grasses. Fencing must not be constructed along the outside boundary of or within the landscape area required to be planted.~~
- ~~5.— The maximum setback from any street frontage must be 1m (although a site boundary may be set back to allow a single row of on-street angle parking).~~
- ~~6.— Where the front or part of the front of a site is occupied by car parking, the building must be setback a minimum of 2m and that area must be landscaped.~~
- ~~7.— At least 75 per cent of the site frontage at road level must be devoted to display areas or windows.~~
- ~~8.— Each site in sub-precinct D1 and D2 must provide a veranda along the full extent of its frontage. The veranda must:
 - a.— be related to its neighbours to provide continuous pedestrian cover of the footpath, excluding vehicle access~~

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- b. ~~have a minimum height of 3m, a maximum height of 4m above the footpath immediately below~~
- c. ~~be set back no greater than 600m from the kerb.~~

5. Subdivision controls

1. The subdivision controls in the Silverdale North precinct are those listed in Chapter ~~H~~ E Auckland-wide rules – ~~subdivision~~ except as specified below.

5.1 General

1. ~~A framework plan must be prepared in accordance with the special information requirements in this precinct.~~
2. Subdivision must comply with ~~an approved framework plan and~~ the Silverdale North precinct plan in Precinct Plan 1 and Silverdale North Development Areas and Road Layout Plan in Precinct Plan 2.
3. ~~An application for subdivision consent may be made for all or part of the land contained within a framework plan.~~

5.2 Sub-precinct A

1. ~~The following subdivision controls apply in sub-precinct A.~~
2. ~~Sites must comply with the following minimum road frontage width~~
 - a. ~~Front sites: 25m~~
 - b. ~~Rear sites: 9m.~~
3. ~~A landscape plan must accompany every application for subdivision.~~
4. ~~Landscaping must be provided on land contained in the Gateway area on Precinct Plan 1 to screen development from State Highway 1A. The landscaping must:~~
 - a. ~~include a densely planted landscaped strip at least 6m wide~~
 - b. ~~be landscape designed and planted with specimen trees at a maximum of 10m. The trees should exceed a height of 3m at the time of planting and should be selected to achieve a height of 10m after 10 years.~~
 - c. ~~incorporate mounding at least 1m high except where it may interfere with an overland flow path.~~
5. ~~Landscaping proposed on land surrounding stormwater detention ponds and the Gateway area must be implemented prior to the issue of a certificate under s. 224(c) of the RMA.~~
6. ~~Landscaping of streets must provide for the planting of one tree on each side of the road at 15m intervals.~~
7. ~~Landscaping proposed on publicly owned land must be implemented prior to the issue of a certificate under s. 224(c) of the RMA.~~
8. ~~A consent notice must be registered on the title of each new site requiring landscaping prior to occupation of any buildings.~~

5.3 Sub-precinct B

1. The following subdivision controls apply in sub-precinct B.
2. Site sizes must comply with the net site area specified in the table below:

Table 3

Sub precinct or management area	Minimum net site size
Sub-precinct B (excluding the Physical Limitation and Weiti Landscape areas)	150m ² for 25-35 per cent of sub-precinct B 450m ² for 30-50 per cent of sub-precinct B 650m ² for 45-65 20-40 per cent of sub-precinct B
Physical Limitations area in Development Area 2	1500m² with an average of 5000²

The Proposed Auckland Unitary Plan (notified 30 September 2013)

Physical Limitations area in Development Area 9B	4000m ²
Weiti Landscape area	3000m ² with an average site size of 4000m ²

- ~~3. A smaller site area or average site area may be approved in a Physical Limitations area if approved in an application for a framework plan or it can be demonstrated that a smaller site area or average site area is justified in geotechnical terms.~~
- ~~4. Within Development Area 9A and 9B (excluding land covered by the Weiti Landscape area), the minimum net site area must exclude protected vegetation shown in the Silverdale North Development Area 9A and 9B plan in Precinct Plan 3.~~
5. All residential sites must have:
- a. a minimum frontage and access of 6m.
 - b. a minimum 0.5m landscaped strip on each side of a carriageway within a jointly owned accessway or right of way.

5.4 Public Open Space

1. Public open space adjoining the Orewa Estuary, excluding riparian reserves, must be bounded for their full perimeter by estuary and streets.
2. Sites provided as public open space sites must be bounded by public streets for 75 per cent of their entire perimeter excluding any coastal frontage.
3. Development that does not comply with clauses 1-2 above is a discretionary activity.

5.5 Roads

1. A road connection must not be provided over the Weiti River to East Coast Road in advance of Penlink being constructed or completion of the Whangaparaoa Road widening.
2. Vehicle access (including roads) must not be provided
 - a. from land within Development Area 9B to Wainui Road, or
 - b. which links Silverdale North Parkway to Wainui Road through Development Areas 9A and/or 9B.
3. Development that does not comply with clauses 1-2 above is a prohibited activity.

5.6 Staging

- ~~1. Subdivision and development in development areas 2-10 in Precinct Plan 2 is a non-complying activity unless the road network improvements for each of the following stages is completed in the order specified below. If road improvements required at Stage 3 and 4 are not completed by 1 January 2016 the activities for these stages are discretionary activities.~~

Stage One

- ~~2. The following road network improvements must be completed prior to commencement of activities listed in Table 1, or they will be considered as non-complying activities:~~
- a. ~~Design work for the south facing ramps to State Highway 1A at Wainui Road and improvements to the local road network that connects to the ramps. In the event that this infrastructure cannot proceed due to issues of tenure, an alternative site for the south facing ramps will be accommodated on adjoining land to the north.~~

Table 4

Development area	Activities
4	Earthworks, civil works, subdivision and construction of buildings equating to the creation of 200 dwellings
4, 5, 6 and 7	Earthworks, civil works and subdivision of additional lots equating to the creation of 200 dwellings (this does not include construction of buildings)

The Proposed Auckland Unitary Plan (notified 30 September 2013)

8A1	Earthworks, civil works, subdivision and construction of buildings on lots equating to 8ha net site area
8A2	Earthworks, civil works and subdivision
8A3	Earthworks and civil works only

Stage Two

3. ~~The following road network improvements must be completed prior to commencement of activities listed in Table 2, or they will be considered as non-complying activities:~~
- a. ~~Completion of construction of the south facing ramps and local road network improvements referred to in Stage One.~~

Table 5

Development area	Activities
4, 5, 6 and 7	Construction of buildings on the lots provided for in Stage One
4, 5, 6 and 7	Earthworks, civil works, subdivision and construction of buildings equating to the creation of 200 dwellings
8A2	Construction of buildings on sites created in Stage One
8A3	Subdivision and construction of buildings

Stage Three

4. ~~The following road network improvements must be completed prior to commencement of activities listed in Table 3, or they will be considered as non-complying activities:~~
- a. ~~Commencement of construction of Penlink and associated local road improvements on the Whangaparaoa Peninsula including widening Whangaparaoa Road to four lanes between Hibiscus Coast Highway and Arklow Lane. Contractual arrangements must be in place so that those improvements will be completed within three years of the commencement of construction. (Note: this control does not oblige the Council to construct Penlink).~~

Table 6

Development Area	Activities
2 and 3	Earthworks, civil works, subdivision and the construction of buildings on all sites
4, 5, 6 and 7	Earthworks, civil works, subdivision and construction of buildings. Lots for the equivalent of up to 180 dwellings may be developed in development area 3 in lieu of the same number of lots being developed in development area 7.
9C	Earthworks, civil works, subdivision and construction of buildings

Stage Four

5. ~~The following road network improvements must be completed prior to commencement of activities listed in Table 4, or they will be considered as non-complying activities:~~
- a. ~~Construction of the southern connection to East Coast Road including contractual arrangements to ensure that the connection will be completed and operational within one year of commencement of construction. This connection must not be operational until Penlink or the alternative Whangaparaoa Road widening project is completed and operational.~~

Table 7

Development Area	Activities
9A, 9B	Earthworks, civil works, subdivision and construction of buildings
10	Earthworks, civil works, subdivision and the construction of buildings

6. Assessment - Restricted discretionary activities

The Proposed Auckland Unitary Plan (notified 30 September 2013)

6.1 Matters of discretion

- ~~1. The council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary land use activities in the relevant underlying zones:~~
 - ~~a. all activities in a framework plan~~
 - ~~b. industrial activities in sub-precinct A.~~
2. The council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary development activities in the relevant underlying zones:
 - ~~a. all activities in a framework plan~~
 - b. the siting, design, appearance and landscaping of buildings and development
 - c. protection of views as identified by the view shafts in Precinct Plan 1
 - d. protecting the visual amenity values of the Weiti Landscape area
 - e. within sub-precinct B:
 - i. siting, scale, form, design, appearance and landscaping of buildings and development
 - ii. side and rear setbacks
 - iii. sunlight access to outdoor living space
 - iv. additional development controls applying to two or more dwellings.
3. The council will restrict its discretion to the following matters, in addition to the matters specified for the relevant restricted discretionary subdivision activities in the Auckland wide rules - subdivision:
 - a. subdivision in accordance with an approved framework plan
 - b. road layout
 - c. site frontage widths
 - d. landscaping
 - e. stormwater management
 - f. appropriate location of building platforms in the Weiti Landscape area.

6.2 Assessment criteria

- ~~1. The following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary land use activities in the relevant underlying zone:~~
 - ~~a. Land use activities should be consistent with an approved framework plan and the Silverdale North Design Guidelines in Appendix 11.5.8~~
 - ~~b. Industrial activities in sub-precinct A should not:~~
 - ~~i. Involve outdoor storage areas~~
 - ~~ii. Create any discharges to air or water which require a resource consent~~
 - ~~iii. Include any vehicle servicing and vehicle component and accessory fitting which is not accessory to a permitted activity.~~
2. The following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary development activities in the relevant underlying zone:
 - a. General
 - ~~i. Activities should be consistent with an approved framework plan and the Silverdale North Design Guidelines in Appendix 11.5.8.~~
 - ii. Landscaping and planting should enhance the amenity values and character of the streetscape and surrounding area and mitigate the visual effects of building and development.
 - iii. The location and height of any buildings or structures within the view shafts identified in Precinct Plan 1 should not obscure views to features or public places protected by the

The Proposed Auckland Unitary Plan (notified 30 September 2013)

relevant view shaft.

- iv. Additional building coverage or impervious surface area should not affect stormwater flows. Consideration will be given to the need.
- b. ~~Sub-precinct A~~
- ~~i. The construction, additions, alteration or relocation of any buildings should achieve high standards of urban design and should be developed and landscaped to comply with policy 15.~~
 - ~~ii. Buildings should have active edges to the street.~~
 - ~~iii. The design and external appearance of a building should not have a visual impact when viewed from State Highway 1A.~~
 - ~~iv. The signage, colours and materials of a building should be designed to create an attractive campus-like environment and minimise the use of bright corporate colours.~~
 - ~~v. Outdoor storage areas should not compromise the high quality built environment envisaged in the sub-precinct.~~
 - ~~vi. Sites should be landscaped to soften the appearance of development and create an attractive working environment.~~
 - ~~vii. Building heights and the height of a building in relation to the boundary should not compromise the campus-like character of the sub-precinct or reduce sunlight to outdoor areas provided for the use of employees or customers.~~
 - ~~viii. Activities and buildings should be consistent with the Silverdale North Design Guidelines in Appendix 11.5.8.~~
- c. Sub-precinct B
- ~~i. The construction, additions, alterations or the relocation of any buildings should be developed and landscaped to comply with policy 20~~
 - ii. The bulk, shape and design of buildings:
 - should be consistent with the buildings in the neighbourhood
 - should not adversely affect public enjoyment of public open space, including the street
 - should not adversely affect the provision of landscaping on the site, on neighbouring sites or on the street.
 - iii. The setback of a building from a side or rear boundary should allow for the efficient use of the site while respecting the character of the neighbourhood and the amenity of adjacent sites.
 - iv. The location of buildings:
 - should not result in significant shading effects
 - should not result in a significant reduction in visual and/or aural privacy
 - should not result in significant adverse visual impacts
 - should not adversely affect the safe and efficient operation including maintenance of any utility or network utility
 - should not adversely affect practical access to the rear of the site.
 - v. Any additional building coverage should not compromise the character of the streetscape and surrounding neighbourhood and should be off-set by additional landscaping.
 - vi. Garage(s) should not dominate the street frontage.
 - vii. Street frontages of dwellings should provide potential for surveillance of the street.
 - viii. Private outdoor living space should be located on the north side of the dwelling if practicable,

The Proposed Auckland Unitary Plan (notified 30 September 2013)

and if not, should be oriented to the side or rear of the dwelling to maximise solar access and avoid unreasonable overshadowing from a wall on its northern boundary. Consideration will also be given to:

- whether the private outdoor living space receives adequate levels of sunlight
 - the usability and amenity of the private outdoor living space based on the sunlight it will receive
 - whether the private outdoor living space is directly accessible to and part of the associated dwelling.
- ix. The location of any wall on a boundary should not unreasonably overshadow any north facing windows or the private outdoor living space of any adjacent property.
- x. Development of two or more dwellings will be assessed against the relevant assessment criteria in the Mixed Housing Suburban zone in addition to the following:
- xi. Direct views from habitable room windows balconies, decks or patios into the private outdoor living space of another dwelling should be limited.
- xii. In the Weiti Landscape area consideration will be given to:
- The extent to which site development is landscaped to avoid or mitigate adverse effects on the visual amenity values of the Weiti Landscape area.
 - The extent to which proposed planting will grow to a height that will screen or soften the appearance of the proposed buildings and structures when viewed from the Hibiscus Coast Highway.
 - The amount of native bush or other significant vegetation to be retained.

~~xiii. Activities and buildings should be consistent with the Silverdale North Design Guidelines in Appendix 11.5.8.~~

~~d. Sub-precincts C and D~~

- ~~i. The construction, additions, alteration or relocation of all buildings should achieve high standards of urban design and should be developed and landscaped to comply with policy 24.~~
- ~~ii. Yard reductions should not adversely affect the amenity values and visual character of adjacent sites. Opportunities for landscaping within side or rear yards should be retained.~~
- ~~iii. Front yards and impermeable surfaces should not compromise the creation of a campus-like environment and provision should be made to mitigate any potential adverse visual effects of car parking and storage areas when viewed from any public road.~~
- ~~iv. Landscaping and retaining walls within yards should soften and assist with the visual screening of buildings, car parking and storage areas, and maintain or enhance the overall cohesiveness of the urban and landscape form.~~
- ~~v. Verandas in sub-precincts D1 and D2 should avoid breaks in cover. Breaks should not adversely affect the appearance and integrity of the streetscape as a whole.~~

3. The following assessment criteria apply in addition to the criteria specified for the relevant restricted discretionary subdivision activities in the Auckland-wide rules - subdivision:

- ~~a. Subdivision applications should be consistent with an approved framework plan and the Silverdale North Design Guidelines in Appendix 11.5.8.~~
- b. The proposed layout of roads including roads to be stopped, should follow the alignment and extent of the road layout shown on the Silverdale North Development Areas and Road Layout Plan in Precinct Plan 2 and Roads to be Stopped in Precinct Plan 4.
- c. Site frontage widths should be designed to respect the pattern of subdivision and where applicable, the character of residential development in the surrounding neighbourhood.

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- d. The frontage, width and landscaping of rear sites in residential areas should respect the character of the surrounding residential area and be designed so that future development will not have an adverse effect on the amenity of adjacent properties.
- e. Landscaping and tree planting should be used to establish the emerging urban environment, soften its visual appearance from surrounding rural areas and motorway, and enhance the existing natural environment and the character of the neighbourhood.
- f. Landscaping in the Gateway area should include densely planted vegetation that screens development from the motorway (State Highway 1A).
- g. Landscaping and planting in the Weiti Landscape area should be located and use species that will minimise the visual impact of development when viewed from significant public viewing points.
- h. The disposal of stormwater should:
 - i. be designed to use best practice water sensitive urban design in the attenuation and treatment of stormwater
 - ii. ~~be consistent with the Silverdale North Integrated Catchment Management Plan and ARC Technical Publication 10~~
- i. For sites in the Weiti Landscape area whether subdivision provides for the following:
 - i. sites in Development Area 9B should be located on the lower parts of the western facing slope rather than the highly visible upper slopes
 - ii. building platforms and access drives should be identified on each site proposed for a dwelling and located to minimise their visual prominence when they can be viewed from Hibiscus Coast Highway, State Highway 1A and Wainui Road.
- j. Land outside areas identified for development should be protected from future buildings and earthworks by way of a consent notice registered on the certificate of title.
- k. Where subdivision does not comply with the minimum site sizes in the Physical Limitations area, consideration will be given to whether:
 - i. the geotechnical constraints have been removed
 - ii. the site sizes proposed are appropriate given geotechnical constraints remaining.

~~7. Special information requirements~~

~~Subdivision~~

- ~~1. All subdivision applications must be submitted with the latest approved framework plan which relates to the site.~~

~~Framework plans – general~~

- ~~2. A framework plan must cover the whole of the development area in which the site is located and provide the following information whether or not that land is owned by the applicant.~~
- ~~3. In all cases a framework plan must show where relevant:~~
 - ~~a. Existing site boundaries~~
 - ~~b. The location, width and function of all proposed streets (including roads to be stopped) in accordance with the Silverdale North Development Areas and Road Layout plan in Precinct Plan 2 and Roads to be stopped in Precinct Plan 4~~
 - ~~c. The location, width and function of cycle and pedestrian routes and the location, dimension and functions of public open spaces~~
 - ~~d. The distribution of various densities/site sizes throughout the application area. Layouts that provide for significant grouping of like site sizes should be avoided~~
 - ~~e. A landscape plan including:~~

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- ~~i. The landscape theme~~
- ~~ii. Street tree planting~~
- ~~iii. Species types that provide identity to the neighbourhood and compatibility to the local urban context~~
- ~~iv. Proposed landscaping on sites proposed for three or more dwellings~~
- ~~v. Provision for street gardens or ecological corridors where appropriate~~
- ~~vi. In the case of sub-precinct A, the landscaping must show a minimum of 10 per cent of the net site area of all sites set aside for landscaping. The landscaping must be densely planted and the landscape plan must show the density, species, depth and height at maturity of all planting~~
- ~~f. The existing and proposed finished contours at 2m intervals and approximate long sections of roads.~~
- ~~g. The general nature of any earthworks proposed.~~
- ~~h. Physical Limitations areas shown on Precinct Plan 1.~~
 - ~~i. Where a more intense subdivision is proposed in the Physical Limitations area, an engineering report must be prepared by an appropriately qualified and experienced person that demonstrates the land is suitable for building and any conditions of development, taking into consideration the geotechnical constraints in the area.~~
 - ~~j. The location and extent of scheduled items or sites of significance to Maori and any other known archaeological or geological sites of significance.~~
 - ~~k. Any protected trees, the location of existing significant vegetation in areas identified for vegetation protection and provision for planting in the Silverdale North Development Area 9A and 9B plan in Precinct Plan 3.~~
 - ~~l. The location and extent of proposed trunk utility services.~~
- ~~m. Sites for non-residential activities where these are known.~~
- ~~n. Proposals for stormwater disposal, including any stormwater treatment areas and integration with the Silverdale North Integrated Catchment Management Plan.~~
- ~~o. Means of protecting native vegetation.~~
- ~~p. The location scale and appearance of signage which avoids the use of bright corporate colours to reduce the visual impact on the surrounding environment.~~
- ~~q. Details of how the development on the application site will be staged.~~
- ~~4. Where a site is in the Gateway area shown in Precinct Plan 1, a perspective sketch or photomontage must be prepared showing the proposed scale and form of buildings when viewed from State Highway 1A.~~
- ~~5. Where the site is within the Wainui Road area in Precinct Plan 1, a photomontage or perspective sketch must be prepared showing the proposed scale and form of buildings when viewed from the adjacent portion of Wainui Road within the Silverdale North precinct plan.~~
- ~~6. Where three or more dwellings are proposed a design statement equivalent to that required for more than five dwellings in the Mixed Housing Suburban zone must be prepared in accordance with the Special Information requirements of the residential zones (refer to Chapter I clause 12).~~

Framework plans – sub-precinct A

- ~~7. A framework plan within sub-precinct A must include the additional information specified below.~~
- ~~8. Prepare conditions to control the location, scale, design and appearance of signs to establish a visual identity which supports policies 9-15.~~

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- ~~9. How development within sub-precinct A will integrate with land in sub-precinct D3.~~
- ~~10. The proposed utility layout, including provision for incorporating new technology within the sub-precinct as it becomes available.~~
- ~~11. Any proposals to limit or restrict types of activities within any part of the land affected.~~
- ~~12. Any proposal to limit building design or scale within any part of the land affected.~~
- ~~13. Identify how development can occur in sub-precinct A that achieves objective 9 and policies 9-15.~~

~~Framework plans – sub-precincts C and D1, D2 and D3~~

- ~~14. A framework plan within sub-precincts C and D1, D2 and D3 must include the additional information specified below.~~
- ~~15. Site development information, including plans showing:
 - a. Topographic land contours
 - b. Building platforms and footprints
 - c. Building subdivision including individual shop and business tenancy sizes where practicable
 - d. Pedestrian walkways
 - e. Car parking areas and vehicular circulation
 - f. Vehicle access points between the site and public roads
 - g. Landscaping areas
 - h. Service areas with appropriate screening
 - i. The position of adjacent properties in terms of contributing to an overall urban design and streetscape character including treatment of building frontages appropriate to the objectives and policies for the relevant sub-precinct or development area.~~
- ~~16. Carpark layout and accessways information, including plans showing:
 - a. The number of car parks to be provided
 - b. The layout and vehicle circulation within the site
 - c. Dimensions of car parks carriageways and accessways
 - d. The provision of landscaping and stormwater swales within the car park, and any artificial lighting within these areas.~~
- ~~17. Landscape elements, including plans/reports showing:
 - a. The type of landscaping to be provided in yards, car park areas, and other landscape areas and any artificial lighting to be used in these areas
 - b. A landscape management plan should identify plant and tree species to be used, the number and spacing of plants, appropriate garden preparation techniques and the on-going management of proposed landscaping.~~
- ~~18. Pedestrian areas, including plans showing:
 - a. The position of walkways
 - b. Linkages to adjacent sites
 - c. Veranda cover, and the position of street furniture such as public seating, rubbish bins, cycle racks, and protective bollards (including the intended design and materials to be used for such street furniture), and any artificial lighting to be used in these areas.~~
- ~~19. Elevations showing:
 - a. Building exterior design features including roofs, facades, verandas, exterior building materials, colours and finishes, any artificial lighting to exterior walls and features~~

The Proposed Auckland Unitary Plan (notified 30 September 2013)

- ~~b. — How the proposal integrates with adjacent properties in terms of contributing to an overall urban design and character of the streetscape appropriate to the sub-precinct or development area.~~
- ~~20. Street furniture, including policies, designs and specifications to demonstrate that proposed street furniture will achieve a high amenity public environment.~~
- ~~21. A signage plan showing all external signs proposed on buildings and in any freestanding positions, and any artificial lighting proposed for such signs.~~

8. Definitions

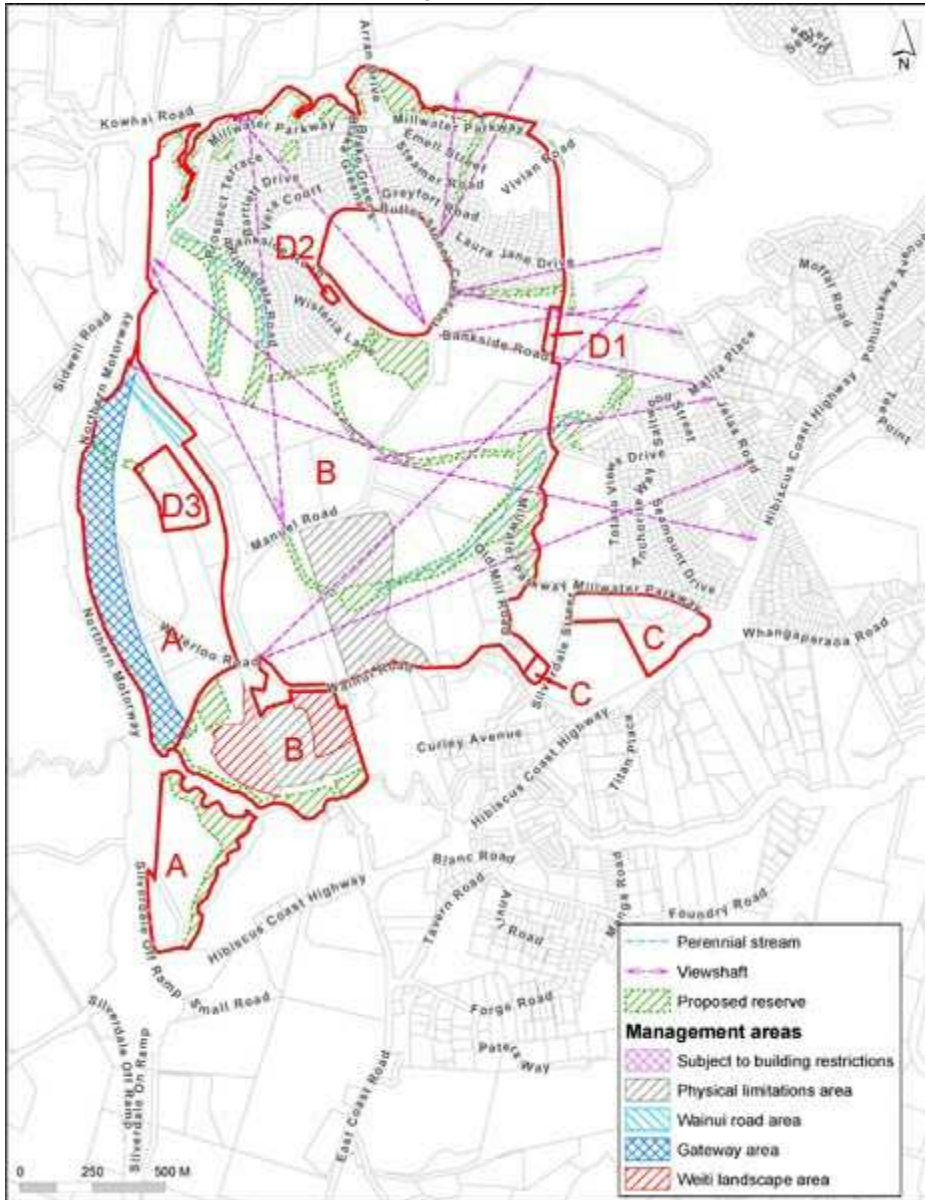
Active building frontage

The front façade of a dwelling including any attached or detached garage that faces the street and excludes:

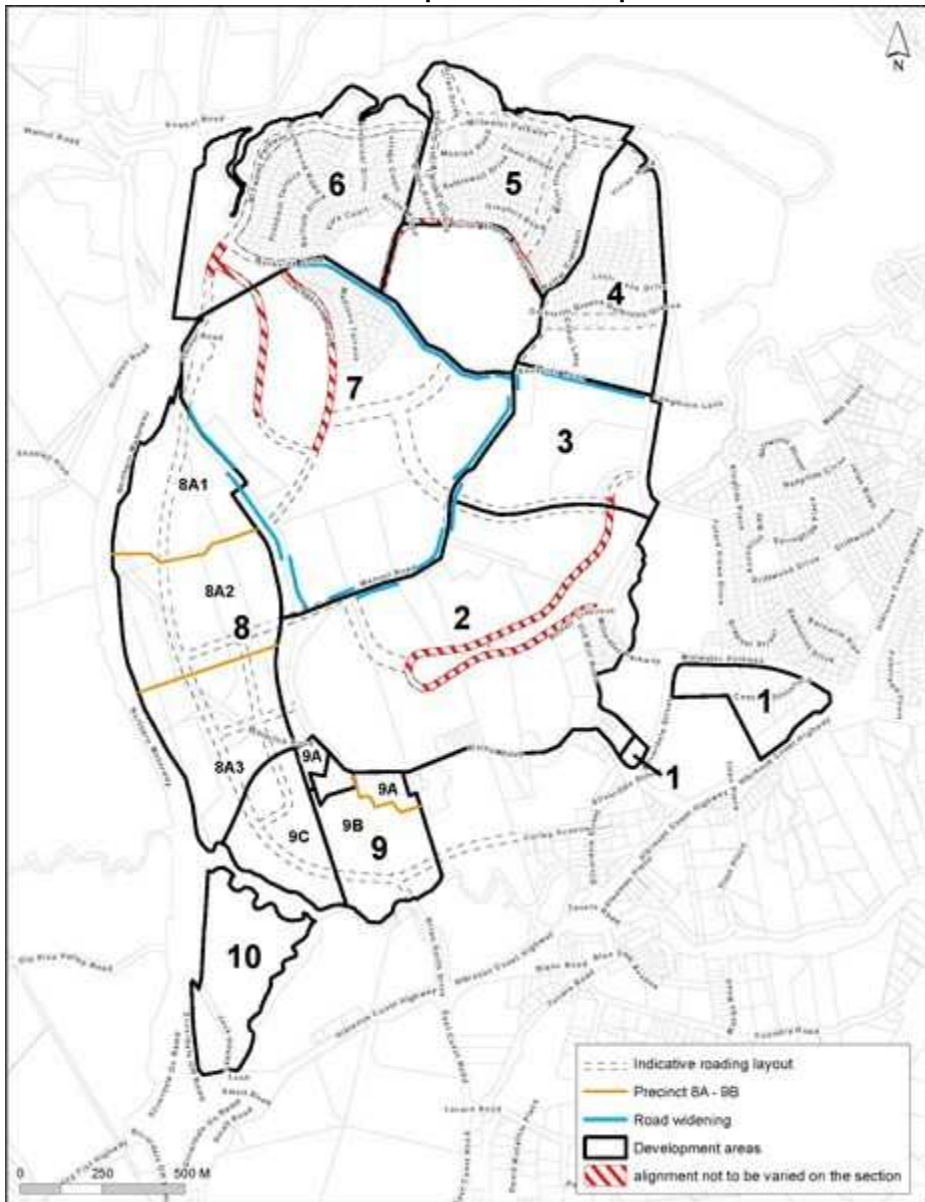
- any vertical faces that are located more than 3m to the rear of the garage door
- any roof.

9. Precinct plans

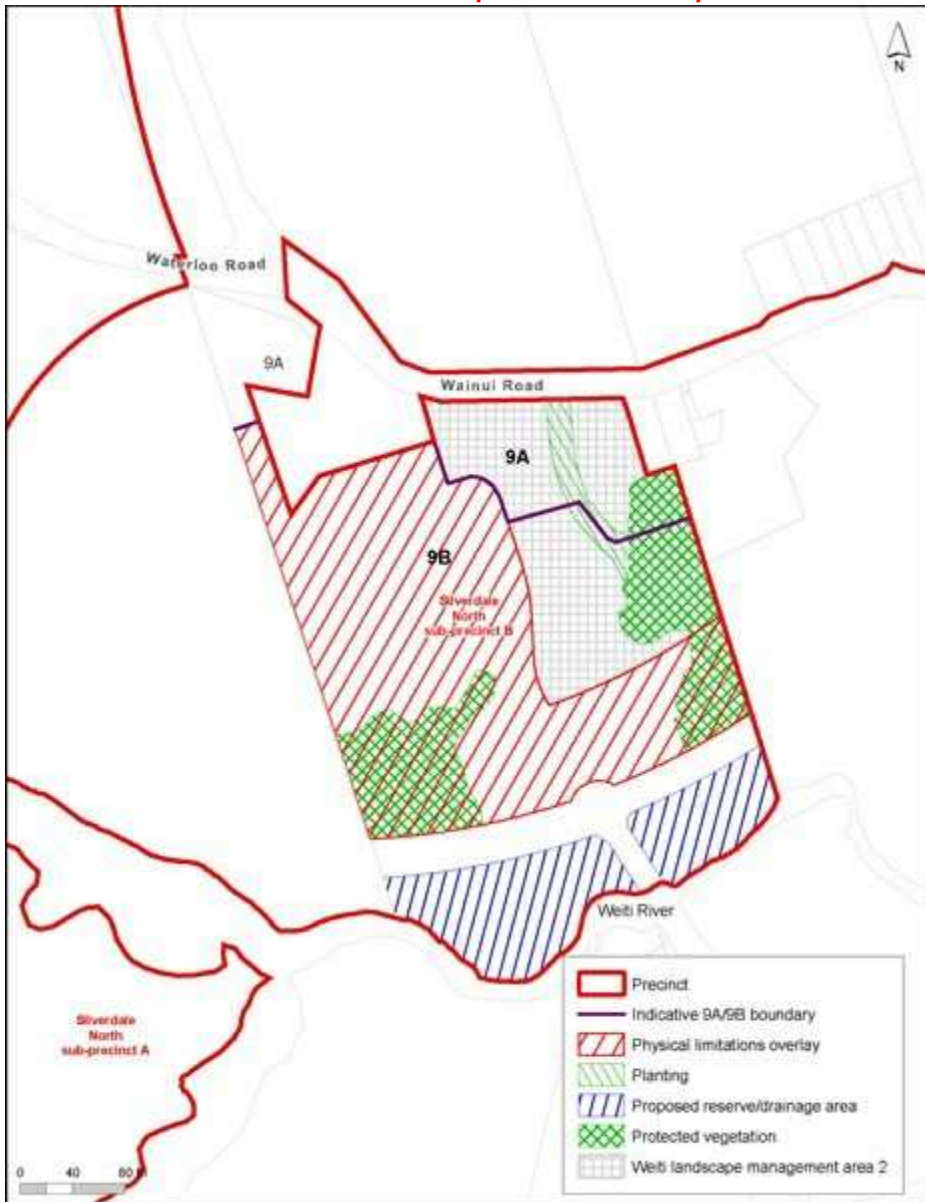
Precinct Plan 1: Silverdale North precinct [TO BE UPDATED ONLY TO HAVE SUB-PRECINCT B]



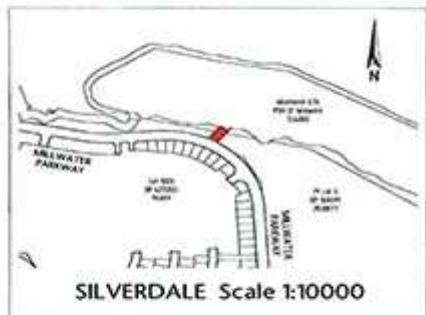
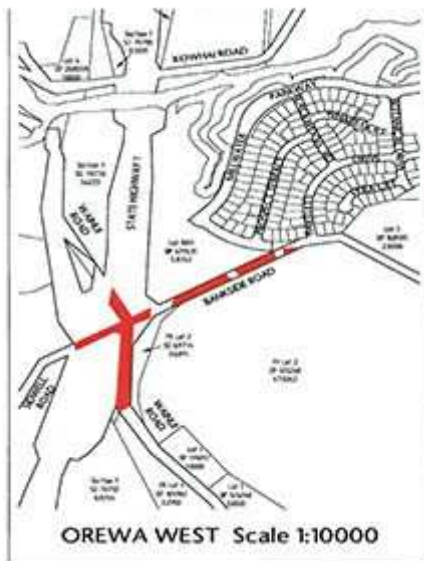
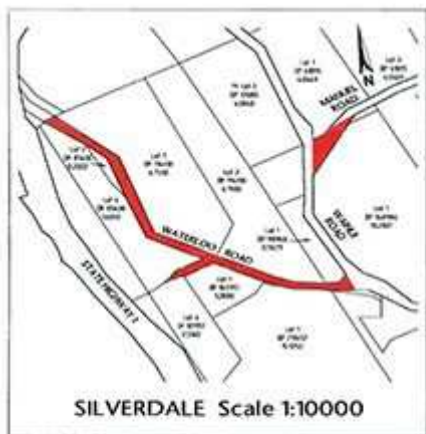
Precinct Plan 2: Silverdale North precinct development areas and road layout



Precinct Plan 3: Silverdale North sub-precinct B development areas



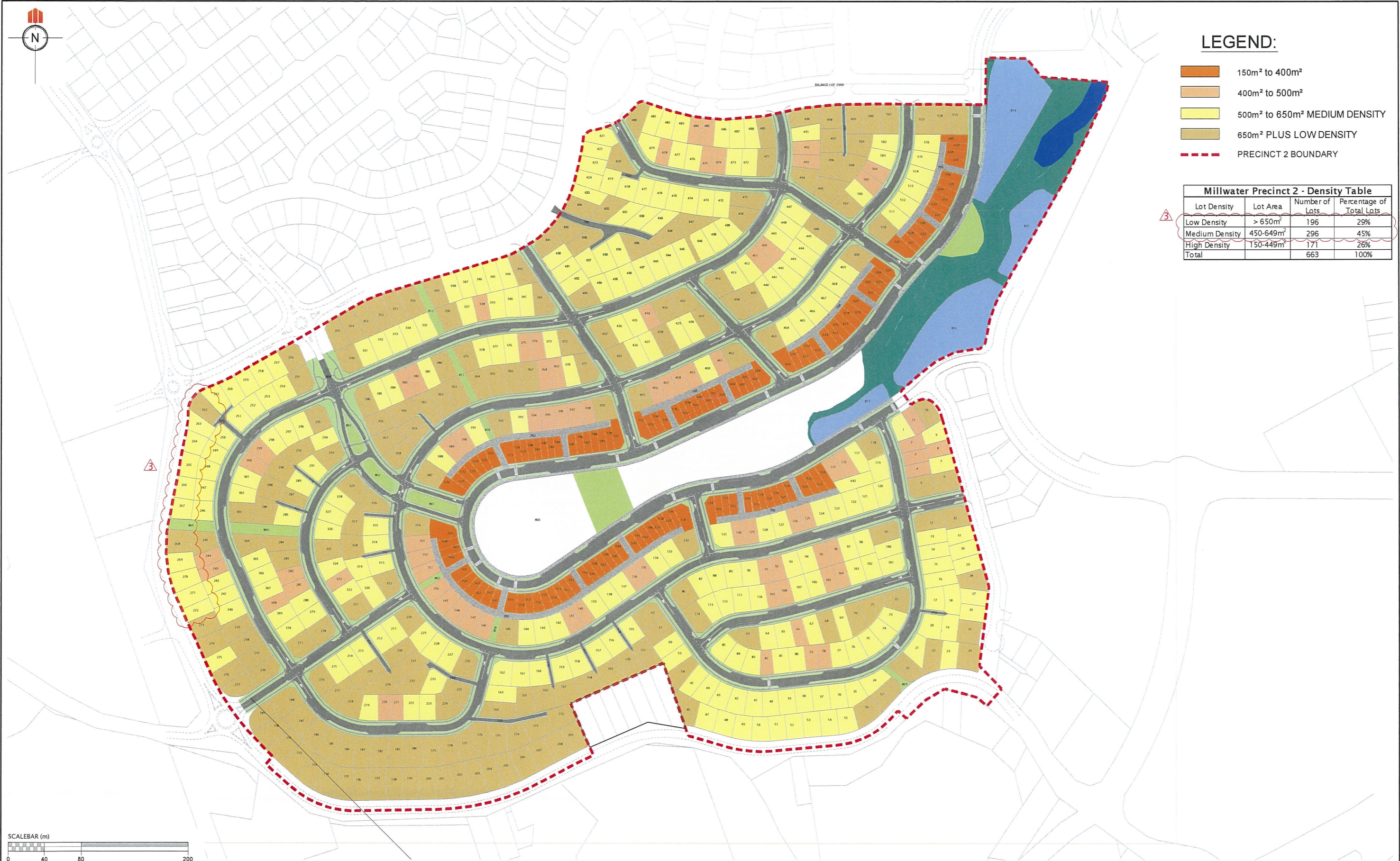
Precinct Plan 4: Silverdale North precinct road to be stopped



Silverdale North precinct plan 4:
Roads to be stopped

Section of Road to be Stopped
Land Parcel Legal Description and Area

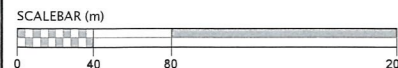





LEGEND:

- 150m² to 400m²
- 400m² to 500m²
- 500m² to 650m² MEDIUM DENSITY
- 650m² PLUS LOW DENSITY
- PRECINCT 2 BOUNDARY

Lot Density	Lot Area	Number of Lots	Percentage of Total Lots
Low Density	> 650m ²	196	29%
Medium Density	450-649m ²	296	45%
High Density	150-449m ²	171	26%
Total		663	100%




REVISION DETAILS	NAME	DATE	CLIENT:
1 FOR CONSENT DCP APPLICATION	RV	JUNE 2014	
2 FOR CONSENT INCLUSION OF WESTLAKE BLOCK	TJ	SEPT 2014	
3 LOTS BOUNDARIES 262-272 AMENDED	AC	FEB 16	

PRECINCT 2- STAGE 3
DEVELOPMENT CONCEPT PLAN
 AUCKLAND COUNCIL


WOODS
 Engineers. Surveyors. Planners.

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DESIGNED: RV	FOR CONSENT
CHECKED:	DRAWN: FA
APPROVED: 	SURVEYED: WOODS
JOB NUMBER: 33200	SCALE: 1:2000@A1 1:4000@A3
ISSUED: FEB 2016	
DWG. NO. 33200-01-GD-060	REV. 3

Decision on an Application for a Resource Consent under the Resource Management Act 1991



Application Number(s): R62477

Applicant's Name: WFH Properties Limited

Site Address: Precinct 2, Silverdale North

Legal Description:

Lot 1 DP 67675, Lot 1 DP 121041, Lot 2 DP 354443, Lot 1 DP 340986, Part Allot 60 PSH of Waiwera, Lot 4 DP 67675, Lot 2 DP 206067, Lot 1 DP 86940, Lot 1 DP 308959, Part Lot 2 DP 308959, Sect 10 SP 364653, Sec 3 SO 457160, Sec 4 SO 457160, Pt Allot 335 PSH of Waiwera, Lot 1 DP42190, Lot 1001 DP 472234

Proposal:

The applicant has submitted a proposed Development Concept Plan for Precinct 2, Millwater, Silverdale North, together with resource consent applications for subdivision, earthworks, sediment control, vegetation/tree removal and subdivision for (almost) the entire precinct.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on this application.

This requires resource consent for the following reasons:

Operative Plan

- Rule 12.8.19.6.1/12.8.19.11.1.1(a) and 12.8.19.11.1.1(b) - DCP proposing non-compliant density distribution - Non Complying activity
- Rule 12.8.19.16.1 - creation of new sites that have a site area greater than 450m², are consistent with a DCP that has been granted consent and do not comply with the relevant subdivision standards under Rule 12.8.19.17 - Restricted Discretionary Activity.
- Rule 12.8.19.10.2/Rule 18.9.2 - earthworks over 200m³ or 1000m² that do not comply with Rule 18.10. (This is specified in Rule 18.9.1.1(b)). – Discretionary Activity.

-
- Rule 18.9.3 Activity Table 2 – Vegetation removal – Restricted Discretionary Activity
- Consent is required for the creation of new sites in a manner that is consistent with a Development Concept Plan and complies with subdivision standards

Proposed Auckland Unitary Plan

- Part 3 Chapter H Subsection 4 Rule 4.2 – Earthworks – Restricted Discretionary Activity
- Rule H.4.14.2.1 - impervious areas greater than 25m² within SMAF 1 – Restricted Discretionary Activity

Auckland Council Regional Plan: Sediment Control

- Rule 5.4.3.1 Infringes maximum allowable earthworks where the land has a slope of 15° and located within a sediment control protection area.

Acting under delegated authority, under sections 104, 104B, 104D, and s106 this application is **GRANTED**.

Reasons

Under section 113 of the RMA the reasons for this decision are:

1 Development Concept Plan

- The type form and density of housing shown on the Development Concept Plan are in accordance with the intensity and density of housing anticipated within the Garden Residential Policy Area. The layout of the Precinct will provide a range of house types and site sizes and will promote a convenient and suitably self-contained neighbourhood thereby ensuring that the potential adverse effects of other activities on prospective residents will be no more than minor. The proposed percentage of low medium and high density sites are considered to be acceptable.
- The size, location and layout of housing sites will accord with the relevant objectives and policies of Special 19 Zone.
- The landscape proposals as set out in the landscape plan and visual impact of development will accord with the relevant objectives and policies of Special 19 Zone and with the guidelines contained in Councils Vegetation Strategy for Silverdale North and the Silverdale North Outline Plan.
- The DCP has provided for the retention and incorporation of significant natural and heritage features.
- The DCP in respect of the pattern of housing sites, densities and areas of open space/reserves has provided for the retention of the viewing shafts identified in the Silverdale North Outline Plan.

- The location of the non-residential activities as shown on the submitted DCP will be compatible with the Garden Residential environment anticipated in Special 19 Zone.
- The DCP has sought to retain dominant ridges and creases in the landform and where possible roads have been located so as to follow the topography of the land. However, where roads have bisected the contours of the site, the roads are at a maximum gradient of 1 in 8 in order to reduce the overall volumes of cut and fill.
- The DCP has adequately addressed the provision of essential services and utilities.
- The stormwater layout is generally acceptable to Council's Stormwater Engineers.
- It is not considered that any parties will be adversely affected by the Development Concept Plan.
- It is not considered that any special circumstances exist that warrant notification of this application.

2 Subdivision and Land-Use

- The final contours will still generally reflect the natural ridgelines and creases of the existing landform.
- The proposed lot and roading layout in Precinct 2 is in general accordance with subdivision standards and the Silverdale North Design Guidelines.
- New planting as proposed in landscape plans provided with the DCP will occur within public spaces to ensure an attractive living environment and reflection of the 'Garden Residential' character sought within Special 19 Zone.
- Cultural Heritage issues have been sufficiently addressed and effects are considered to be less than minor.
- Any noise and dust effects will be temporary in nature, and will only be a consideration over a relatively short duration of the life of the subdivision and appropriate conditions of consent will minimise effects.
- All fill is kept on site and reused elsewhere, which further reduces the impact of people movement and activity.
- Adverse effects relating to earthworks and sediment discharge are able to be avoided by appropriate mitigating conditions as recommended

- Ecological impacts have been extensively reported on and measures recommended to ensure adverse effects are no more than minor
- Character, amenity and visual impacts have all been given due regard with the conclusion that effects are no more than minor subject to conditions of consent and the proven track record of the applicant has been taken into consideration.
- The geotechnical information provided is sufficient to confirm that the land, following remedial measures and earthworks, within Precincts 2 will be suitable for residential development.
- The medium and low density residential lots are well spaced throughout the Precinct 2 subdivision, and the lots vary in size and shape, creating a non-uniform style of subdivision.
- The provision of reserves in the proposed subdivision is consistent with the DCP and Reserves and riparian margins are to be protected and enhanced and landscaping plans have been provided (subject to final approvals by way of conditions of consent);
- Traffic and transport impacts have been assessed and are no more than minor;
- The applicant has demonstrated that appropriate levels of servicing and infrastructure can be provided.
- New planting will occur within public open space areas and along streets.
- No parties are considered to be adversely affected more than de minimis in relation to amenity and development issues.
- The application is considered to be consistent with the objectives and policies of the ACDP:RS Special 19 Zone and the relevant objectives and policies in the PAUP.
- The application is consistent with the purposes and principles of Part 2 of the Resource Management Act 1991.

Conditions

Under section 108 and 220 of the RMA, this consent is subject to the following conditions:

General Conditions

1. The subdivision and land-use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SLC62477 & REG6278
 - Application Form, and Assessment of Environmental Effects prepared by Woods, dated 13 June 2014

Drawing reference number	Title	Architect / Author	Dated
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GD-000	<i>Drawing Index and Location Plan</i>	Woods Ltd	1/6/2014
GD-010	<i>Special Zone 19 Area Plan</i>	Woods Ltd	1/6/2014
GD-020	<i>Precinct Plan</i>	Woods Ltd	1/6/2014
GD-030	<i>Existing Title Boundaries</i>	Woods Ltd	1/6/2014
GD-040	<i>Existing Feature Plan</i>	Woods Ltd	1/6/2014
GD-050 Revision 3	<i>Reserves and Open Spaces Plan</i>	Woods Ltd	1/6/2014
GD-060	<i>Development Concept Plan</i>	Woods Ltd	1/6/2014
GD-061	<i>Development Staging Plan</i>	Woods Ltd	1/6/2014
GD-070	<i>Proposed Road Hierarchy Plan</i>	Woods Ltd	1/6/2014
GD-080-083	<i>Typical Road Cross-Sections</i>	Woods Ltd	1/6/2014
GD-090	<i>Pedestrian and Cycle Network Plan</i>	Woods Ltd	1/6/2014
SC-100-105	<i>Scheme Plans</i>	Woods Ltd	1/6/2014
SC-120	<i>Road Stopping Plan</i>	Woods Ltd	1/6/2014
EW-130	<i>Existing Contours Plan</i>	Woods Ltd	1/6/2014
EW-131	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014
EW-140	<i>Cut and Fill Plan</i>	Woods Ltd	1/6/2014
EW-150	<i>Existing Slope Analysis Plan</i>	Woods Ltd	1/6/2014
EW-151	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014
EW-160	<i>Retaining Wall Layout Plan</i>	Woods Ltd	1/6/2014
EW-161-198	<i>Retaining Wall Long Sections</i>	Woods Ltd	1/6/2014
EW-200	<i>Sediment and Erosion Control Plan</i>	Woods Ltd	1/6/2014
EW-210	<i>Vegetation Removal Context Plan</i>	Woods Ltd	1/6/2014
RD-300-311	<i>Roading Layout Plans</i>	Woods Ltd	1/6/2014
RD-320-335	<i>Roading Longsections</i>	Woods Ltd	1/6/2014
RD-340	<i>Traffic Calming Details</i>	Woods Ltd	1/6/2014
DR-400-411	<i>Stormwater Drainage Plans</i>	Woods Ltd	1/6/2014

DR-420	<i>Stormwater Pond Catchment Plan</i>	Woods Ltd	1/6/2014
DR-500-511	<i>Low Pressure Sewer Plans</i>	Woods Ltd	1/6/2014
WM-600-611	<i>Water Reticulation Plans</i>	Woods Ltd	1/6/2014
Sheets 001-012	<i>Landscape Plans</i>	LASF	6 June 2014
1.1-1.8 & 2.1-2.14	<i>Urban Design Report/Plans</i>	Woods	June 2014

Specialist Report Title	Prepared by	Rev	Dated
Geotechnical Investigation Report	Tonkin & Taylor Ltd		May 2014
Preliminary Environmental Site Investigation	Groundwater and Environmental Services		4 June 2014
Asbestos Clearance Report	CEDA		19/4/14
Vegetation Inventory	Arborlab Consultancy Services Ltd		5 June 2014
Millwater Precinct 2: Assessment of Ecological Effects	Andrew Stewart		May 2014
Silverdale North – Precinct 2 Westlake Proportion: Archaeological Assessment	Clough & Associates Ltd		March 2006
Millwater, Precinct 2 – Archaeological Advice	Clough & Associates Ltd		5 June 2014
Croix Stream – Stream Classification	Boffa Miskell		5 June 2014
Transportation Assessment Report	TDG		3 June 2014
Millwater Density Distribution Table	Woods		11.01.11/7 April 2014
Millwater Precinct 2 Infrastructure Report	Woods		11 June 2014
Millwater Precinct 2 Preliminary Stormwater Management Framework	Woods		09/04/14
Millwater P2 Pressure Sewer Servicing Concept Report	GHD		30 May 2014
Millwater Precinct 2 Water Network Modeling Calculations	Woods		10/10/2013
Iwi Consultation (emails)	Woods		13 June 2014

Other Additional Information**Dated**

S92 Response – Woods

8 July 2014

Revised Urban Design Report Rev A

7 July 2014

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 - a. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 - b. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 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.
4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to by submitting a survey plan in respect of the subdivision that has been submitted to Council under s223, but shall thereafter lapse if the survey plan has not been deposited in accordance with s224 of the RMA or;
 - b. The Council extends the period after which the consent lapses.
5. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$810 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.
6. (development concept plan) Any further development within Precinct 2 Silverdale North, including any further development that may require resource consent shall be carried out in general accordance with the hereby approved Development Concept Plan. If however, any further development is proposed which does not generally accord with the hereby approved Development Concept Plan the proposal will be assessed as a non-complying activity by virtue of Rule 12.8.19.11.1.1 of Special 19 Zone

Alternatively, should the first Development Concept Plan be partly implemented (by way of a subdivision or comprehensively designed development), any further development proposed within Precinct 2 Silverdale North that does not generally accord with the hereby approved Development Concept Plan will require the submission of a revised Development Concept Plan.

7. The consent is to be undertaken in 5 Stages as shown on Plan 33200-01-GD-06 Rev 1.

Survey Plan Approval (s223) Conditions

8. (conditions to be shown on survey title plan) Before the Council will approve the Survey Plan pursuant to s.223 of the Act, the owner shall undertake to give effect and to show on the survey plan:

Amalgamation

a) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:

- i. That lot 700 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 642 & 1000 - 1002 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- ii. That lot 701 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 1003 - 1007 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- iii. That lot 702 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1008 - 1010 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- iv. That lot 703 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1011 - 1013 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- v. That lot 704 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1014 - 1016 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vi. That lot 705 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1017 - 1019 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vii. That lot 706 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 496, 497, 508 & 509 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- viii. That lot 707 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 407 - 410 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- ix. That lot 708 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 403 - 406 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- x. That lot 709 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 260 - 263 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xi. That lot 710 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 290 & 292 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xii. That lot 711 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 286 & 288 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiii. That lot 712 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 318 & 319 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiv. That lot 713 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 230, 231, 234 & 235 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xv. That lot 714 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 232 & 233 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xvi. That lot 715 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 165 & 172 - 175 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xvii. That lot 716 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 166 & 167 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xviii. That lot 717 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 168 & 169 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xix. That lot 718 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 170 & 171 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xx. That lot 719 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 18 & 19 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xxi. That lot 720 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 418 & 419 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

Vesting

- b) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:

- c) (vesting of roads) Show Lots 900 - 926 to vest in Auckland Council as road.
- d) (vesting of reserves) Show Lots 813, 814, 815, 816 & 817 to vest in Auckland Council as Local Purpose (Drainage) Reserves.
- e) (vesting of reserves) Show Lots 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811 & 812 to vest in Auckland Council as Local Purpose (Access) Reserves at no capital cost (or development contributions offset) to council and subject to final council approval
- f) (recreation reserve) An agreed portion (or the whole of) Lot 800 shall be acquired by council for recreation reserve purposes at market value (valuations to be prepared by registered valuers), (or at a value agreed with the Consent Holder) only if Council's Governing Body (Parks, Sport and Recreation Committee) resolves to do so prior to the Consent Holder's request for the survey plan to be approved under section 223 of the Resource Management Act 1991. The remaining portion of Lot 800 shall be either vested as Local Purpose (stormwater) reserve (as agreed between nominated Council's Parks and Stormwater Assets representatives) or held as a 'balance lot'.

If the approval to acquire Lot 800 (or part thereof) is not forthcoming by such date then:

- The council will not approve a survey plan that dedicates Lot 800 (or part thereof) in the council; and
- Lot 800 (or Portion thereof) shall be held as a balance lot

Easement

- g) The easements labelled A, B & C on the scheme plan are to be endorsed on a Memorandum of Easements attached to the cadastral survey dataset as a supporting document. (Lots 701 & 702 being the Servient Tenements and Auckland Council being the Grantee)
- h) The survey title plan shall show and identify the areas of riparian margins to be protected as 'areas to be subject to land covenant'
- i) The survey title plan shall show and identify the areas of earth batters/retaining to be protected as 'areas to be subject to land covenant.'

Section 224(c) Compliance Conditions

Subdivision Conditions (District) LAN-62000

- 9. (conditions to be complied with prior to s224(c)) Before the Council will issue a certificate pursuant to section 224(c) of the Act, the Consent Holder shall satisfy the following conditions at their full cost:

Engineering

- a) (developer's representative) Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms

of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.

- b) (insurance and warranties for engineering works) Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- c) (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- *Earthworks & retaining*
- *The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;*
- *Street lights, landscaping or structures on land vested, or to be vested, in the Council;*
- *The installation of gas, electrical or telecommunication reticulation including ancillary equipment;*
- *Any other works required by conditions of this consent.*

Advice Note: Detailed drawings to show the engineering and architectural details associated with the retaining wall construction shall be provided at engineering approval stage, in consultation with Built Environment Unit where considered necessary. This includes the landscaping measures used to mitigate the visual appearance of all retaining wall structures. Details of all boundary fencing (where applicable) to be established atop retaining walls or raised platforms, for safety and visual privacy shall similarly be identified and described.

This detail is sought to ensure such junctures maintain useable quality land above and below the line of delineation, and are as natural and attractive in appearance as can be. To this end, we note the positive commentary within the Urban Design Report that states there is 'potential' for climbing plant structures on each wall and that any timber shall be stained or painted. In addition then to the technical

construction details we seek, we require clarity in regards to measures proposed to mitigate visual appearance.

- d) (pre-construction meeting) The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.
- e) (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.
- f) (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

- g) (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The report shall include the foundation requirements for the lots.
- h) (stormwater reticulation) A public stormwater system shall be constructed to the requirements of the Council's "Standards for Engineering Design and Construction" to serve all Lots within the development to become part of the public services of the District. The as built plans for the stormwater reticulation shall detail the location of any stormwater overland flowpaths where these are within residential lots.
- i) (water supply reticulation) A public water supply system shall be constructed to the requirements of the Council's & Watercare's "Standards for Engineering Design and

Construction” to serve all Lots within the development to become part of the public services of the District.

- j) (pressure wastewater reticulation) A public wastewater system shall be constructed to the requirements of the Council’s & Watercare’s “Standards for Engineering Design and Construction” to serve all the lots within the development to become part of the public services of the District.
- k) (stormwater mitigation maintenance) The developer shall maintain the stormwater treatment wetland ponds 2 & 4A until either all the earthworks within the subdivision discharging to it, have been completed or for a period of 2 years from the date of the final 224(c) for the subdivision, whichever is the shortest period. The developer shall remove sediment from the ponds resulting from the development of the subject site, if required by the Council, prior to final handover of the facility to the Council for maintenance. At the time of handover there shall be a 95% plant survival rate. Updated operation and maintenance manuals for the pond shall be provided to the Council at the time of the handover of the pond. Unless otherwise agreed to, a bond may be required at the time of application for the 224(c) certificate to ensure the ongoing maintenance of the pond. The bond will be based on the cost to maintain the pond over the two year period plus 50% of the cost.
- l) (road construction) The proposed new roads shall be constructed to the agreed cross sections and the standards comprised in the Council’s “Standards for Engineering Design and Construction”.
- m) (new road name) The Consent Holder shall suggest to the Council names for the new roads shown on the Scheme Plan together with clearance from the ‘addresses@linz.govt.nz’, so that duplication of the name in any other part of the Auckland region is avoided. (Note: the Council shall determine the name having regard to any names so suggested and appropriateness to the area which the new roads will service.) When a name has been resolved by the Council the Consent Holder shall erect nameplates, in accordance with the Council’s “Standards for Engineering Design and Construction”.

Note: consultation with local iwi over road names is encouraged

- n) (provide for road/amenity lighting) All streets and public access ways shall be lit to the requirements of the Council’s “Standards for Engineering Design and Construction”. The type of light fittings shall be acceptable to the electricity network supplier responsible for the area and shall have the approval of the Council prior to installation.

Advice Note: Please note the importance of the lighting proposal in relation to both facilitating movement within the network and providing for safety of the users especially as they occupy the periphery of the site. Condition n) shall be undertaken in consultation with Built Environment Unit, where considered necessary

- o) (construction of private way) The private ways and the vehicle crossings thereto, shall be constructed to a residential concrete standard to the Council's "Standards for Engineering Design and Construction".
- p) (provide for electric power) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- q) (provide for telephone) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met.

Landscaping

- r) (landscape plan) Final Landscape Plans (including road reserve landscaping), with an implementation and maintenance programme shall be submitted to and approved by Council's Resource Consents Team Leader (or Council's Parks & Open Space Specialist) within 3 months of the commencement of works on the site. The following conditions relating to the Landscape Plan must be adhered to by the Consent Holder:
 - i. The plans shall include details of the tree and plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to ensure that the amenity and landscape values of the area are maintained in accordance with the submitted Landscape Plans prepared by LASF Sheets 001-012 dated June 2014 (and any approved amendments).
 - ii. The plans shall include details of riparian planting along the stream margins within Lot 800 including a planting and maintenance schedule
 - iii. The landscaping shall be implemented in accordance with the approved planting plan within the first planting season (May to October) following the completion of each stage of development and shall be maintained thereafter in accordance with the landscape planting plan for a period of not less than two years.
 - iv. The new plantings shall be mulched on completion of the planting and through the maintenance period
 - v. The planted trees must be staked for support in a preferred and recognised manner
 - vi. The new plantings shall be kept free from weeds and any other invasive plants that may inhibit the growth in its early stages (minimum 2 years) by the Consent Holder
 - vii. The new plantings shall be fertilized in initial planting to encourage good growth and form.
 - viii. Should any plant or tree die, it must be replaced as soon as practicably possible in the first available planting season.

- s) The consent holder shall provide to the Parks and Open Space Specialist 'as built' plans for landscape works (hard and soft) within reserves, accessway and streets in CAD and pdf form including the following details:
- a) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants
 - b) All underground services, irrigation and drainage
 - c) All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule
 - t) (fencing) Any fencing along boundaries or within 2m of boundaries of open spaces (reserves and pedestrian access ways) must be either low height (1.2m or at least 25% visually permeable (max height 1.8m). Landscape planting may be implemented on either side of the fence and must be maintained to ensure 25% visual permeability.

Note: This condition does not require fencing to be constructed

- u) All landscape works provided in the parks conditions relating to planting, grassing and maintenance methodology must comply with the Auckland Council planting and Lawn Specifications. All specifications must be included in the landscape contracts entered into by the applicant. All meetings and maintenance requirements must be complied with.

Ecology

- v) The consent holder shall provide a faunal mitigation plan prior to the commencement of any earthworks or vegetation removal; giving specific regard to herpetofauna. Copies of any Department of Conservation permits and/or consents that are required shall also be attached to the faunal mitigation plan. This program must be prepared by a qualified herpetologist and submitted for approval of the Council's Ecology Advisor prior to commencement of works.

The program shall include, but not be limited to:

- State the timing for implementation of the program
- Describe the nature and placement of artificial habitats intended for trapping of fauna; where captured fauna are to be relocated to, including the locality and nature of habitat to be created if applicable, and any follow up monitoring/management as required to ensure success of the translocation; if required, the nature of fauna protective fencing when and where it is to be erected, and what herpetofauna landscaping mitigation is to be undertaken if required;
- State the ecologist/herpetologist, to be approved by Council, and their contact details to manage the implementation of the program.

The approved program shall be commenced and/ or completed in consultation with and to the satisfaction of the Council's Ecology Advisor. The timing of earthworks, vegetation removal and the mitigation program shall be agreed between the Consent Holder and Council's Ecology Advisor. To this end the ecologist/herpetologist approved by the Council shall certify that the mitigation program has been carried out according to the approved program,; records should be submitted to Council's Ecologist that any species found have been removed and/or relocated; and where applicable the consultant herpetologist shall submit to DOC a completed Amphibian and Reptile Distribution Scheme (ARDS) card and a copy shall be forwarded to Council's Ecologist.

w) That the Landscape Proposal by LASF landscape architects dated June 2014 is implemented in full with respect to the specimen trees that provide a food source for native birds. Namely:

- 27 totara specimen trees (PB150) for the Greenways planting;
- 48 titoki, 69 pohutukawa and 19 kowhai (PB150) for street tree planting; and
- 29 totara, 12 karaka, 15 pohutukawa, 14 titoki and 12 kowhai specimen trees (PB95) for the reserve and riparian margins of the Croix Stream: With consideration to add 12 kahikatea.

Advice note: It would be desirable to include a reasonable number of kahikatea (Dacrycarpus dacrydioides) to the riparian planting as these trees are suitable in wetlands and streamsides, and are reliable fruiters providing abundant food for tui and kereru.

Transportation

- x) All through the engineering design process all aerial power lines along Wainui Road shall be undergrounded.
- y) Wainui Road, between Manuel Road and Old Mill Road shall be widened to accommodate a future bus route and provide for cyclists. Lanes shall be no less than 3.0m width in each direction and cycle lanes shall be provided at 1.25m.
- z) The Consent Holder shall ensure that the available carriageway width is suitable for an appropriate design vehicle (in this case a four axle semi-trailer) on all bends, such that the vehicle tracking does not encroach into the proposed adjacent cycle lane or cross the centreline, in either direction of travel. Road widening may be required to achieve this. Vehicle tracking diagrams will be required as part of the Engineering Approval process to confirm this requirement.
- aa) Prior to the commencement of the earthworks and construction activity on the subject site, a finalised Construction Traffic Management Plan (CTMP) shall be prepared and shall address the control of the movement of earthmoving vehicles to and from the site. The CTMP shall be submitted to the Team Leader, Compliance Monitoring North. No earthworks or construction on the subject site shall commence

until confirmation is provided from Auckland Council that the CTMP measures referred to in that plan have been put in place.

Advice Note:

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

bb) Subject to possible extension of SW to service road drainage at detailed design stage, speed tables intended for pedestrians to cross should be built flush to kerb, and where not at summit points, shall require a pair of Cess Pits (sumps)

Conditions specific to District Land-Use Conditions R62477

Amenity

10. (construction noise) Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS6803:1999 "Acoustics – Construction Noise".

11. (hours of operation) The activity shall be restricted to operating between the hours of:

- Monday to Friday 7.00am – 7.00pm
- Saturday 7am – 5pm
- No work authorised with this consent shall take place on Sundays or Public Holidays or outside the hours specified above.

12. (review) Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost:

(i) Following commencement of consent in order:

To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on residential amenity, relating to hours of operation, noise, vibration, dust and traffic.

(ii) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

Conditions applicable to Regional Land-Use Sediment Control Consent REG-62478 (NRSI:43204)

13. The earthwork activity shall be carried out in accordance with the plans and all information submitted with the application and under section 92, outlined below and all referenced by Council as REG-62478.

Reports

Millwater Precinct 2 – Development Concept Plan, Subdivision and Land Use Consent Application, prepared by Woods and dated 13 June 2014

Millwater Precinct 2, Infrastructure Report, prepared by Woods and dated 11 June 2014

Plans

Sediment and Erosion Plan, Drawing 33200-01-EW-200, Revision 1, issued 01/06/2014, prepared by Woods

Cut/Fill Plan, Drawing 33200-01-EW-140, Revision 1, issued 01/06/2014, prepared by Woods

S92

Letter from Woods dated 8 July 2014

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input prior to implementation to confirm that they are within the scope of this consent.

14. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input.

Advice Note:

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

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

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional

Duration

15. Permit REG-62478 shall expire five years from the date it has been granted unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Pre-commencement meeting

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

- is located on the subject site
- is scheduled **not less than five days** before the anticipated commencement of earthworks
- includes Auckland Council officer[s]
- includes representation from the contractors who will undertake the works

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan (required by condition (1))

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

Advice Note:

To arrange the pre-start meeting required by Condition (13) please contact the Team Leader – Northern Monitoring on Kerry.Flynn@aucklandcouncil.govt.nz The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

17. Prior to the commencement of bulk earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader - Earthworks & Contaminated Land, NRSI. The plan shall include as a minimum:

- a) Specific design details of the chemical treatment system based on a rainfall activated methodology for the site's sediment retention pond;
- b) Monitoring, maintenance (including post storm) and contingency programme (including a record sheet);
- c) Details of optimum dosage (including assumptions);
- d) Results of initial chemical treatment trial;

- e) A spill contingency plan; and
- f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

Advice Note:

In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader – Earthworks & Contaminated Land Team, NRSI prior to implementation to confirm that they are within the scope of this consent.

18. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 1 of this consent.

Certified controls shall include the sediment retention pond, any decanting earth bunds and diversion channels/bunds. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

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

Advice Note:

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

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

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

20. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 1 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

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

Advice Note:

In accordance with Condition (18) earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

Seasonal Restrictions

22. No earthworks or streamworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

Ongoing Conditions/Consent Notices

23. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.

- a) (building line restriction) Lot 358 shall demonstrate that minimum sight distance criteria can be met for the intersection of Road 12 / Road 4
- b) (fencing) All lots bordering reserves and pedestrian accessways shall have fencing along the common boundary of no more than 1.2m in height or up to 1.8m in height if the fences maintain 25% visual permeability (minimum).
- c) (entrance crossings) The owners or their successors in title of all the residential lots within the subdivision are advised that resource consent will not be required in regard to any crossings located within the "Defined Road Boundary" (as defined in Appendix 21A of the Auckland Council District Plan – Rodney Section) of the various street intersections, except where one of the streets at the intersection is Wainui Road. Consent has also been given to the construction of crossings that intersect parking bays within the road without the need to create additional berm parking to replace the space, or spaces lost because of the crossing. The developer has created more berm spaces than required by the District Plan in order to allow for the loss of usable spaces caused by the location of crossings. Any lot that has a residential crossing located within the 'Defined Road Boundary' shall ensure there is adequate on site manoeuvring to allow vehicles to exit the site in a forward gear.
- d) (land use restriction) The owners or their successors in title of all residential lots in Precinct 2 shall be limited from any further subdivision of these lots.
- e) (height in relation to boundary measurement on retaining walls) Where a retaining wall is located between residential lots the measurement point for the height in relation to boundary development control shall be taken from the top of authorised retaining walls and not from the approved ground level at the time of subdivision.

Advice Note:

1. *Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.*
2. *The consent holder shall obtain all other necessary consents and permits, 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 Acts (including the Property Law Act 2007), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.*

3. *A copy of this consent should be held on site at all times during the establishment and construction phase of the activity.*
4. *Compliance with the consent conditions will be monitored by Council in accordance with section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*
5. *Development contributions levied under the Local Government Act 2002 are payable in relation to this application. The consent holder will be advised of the development contributions payable separately from this resource consent decision. Further information about development contributions may be found on the Auckland Council website at www.aucklandcouncil.govt.nz.*
6. *The Consent Holder is advised that the improvements to the intersection of Millwater Parkway / Hibiscus Coast Highway / Whangaparaoa Road are to be undertaken in accordance with the plan 12655A2A (or as otherwise updated with the approval of Auckland Transport) within the TDG Transportation Assessment Report dated 3-6-2014*
7. *The Consent Holder is advised that a Road Safety Audit is to be undertaken by a suitable Road Safety Audit team if requested at engineering approval stage, should it be considered that further review is required in regard to road design to ensure that the design is safe.*
8. *The Consent Holder is advised that Local Area Traffic Management measures are to be in accordance with the principals outlined in chapter 8 of the Auckland Transport Code of Practice. This may include a suite of traffic calming features such as speed tables, chicanes and road surface treatments. The traffic calming measures are to be provided at locations as follows:*
 - i. *On Road 3 as a safety measure to slow vehicle speeds prior to the steepening grades that occur on each curve.*
 - ii. *On Roads 11 & 12 as a measure to slow vehicle speeds travelling down Road 12 toward Road 4. This is to ensure vehicles are slowed sufficiently prior to the intersection with Road 4 which does not meet Austroads Safe Intersection Sight Distance.*
 - iii. *Traffic calming shall be provided in areas where it is desirable to create a low speed zone around areas of higher density living and the provision of open space areas for the wider community (Road 2). Traffic calming shall be integrated into informal pedestrian crossings around pedestrian connections located at chainages 975m, 1095m and 1145m.*

- iv. *Traffic calming shall also be provided at both entrances to Road 2 from the existing ends of Bonair Crescent as a demarcation signifying entering a low speed zone. To reinforce the presence of a low speed zone on Road 2,*
 - v. *Traffic calming shall be provided on each side of any intersection with Road 2, as traffic will be entering after descending steep grades at speeds greater than desirable for Road 2.*
 - vi. *Traffic calming shall be provided as necessary on Road 4 and Road 8 to ensure these routes do not become alternative rat run routes to Road 2.*
9. *The intersections of Road 4 / Road 11 / Road 12 and Road 8 / Road 11 / Road 12 are to be designed to ensure they are simple and safe for vehicles to manoeuvre through and provide safe crossing facilities for pedestrians.*
 10. *The intersection of Road 10 / Road 11 / Road 12 shall be amended to ensure that access into and out of Road 10 is restricted to left turns only and no vehicle connection is allowed between Road 10 and Road 12.*
 11. *The Consent Holder is advised that Auckland Transport consider it preferable that a continuous 1.8m footpath be constructed along the northern side of Wainui Road from Manuel Road to Old Mill Road, including a footpath connection to Old Mill Road footpath at the end of the turning head. For the 1.8m footpath on the northern side of Wainui Road, Auckland Transport may be open to discussions on providing a contribution to widen this footpath to a 3m shared path. Please contact Auckland Transport consents engineer north should this be considered a favourable possibility.*
 12. *The engineering design must ensure that no retaining associated with residential development is proposed within existing or vested road reserve space. Any retaining must be wholly located within private lot boundaries.*
 13. *Based on the information provided with the Resource Consent application, the following advice note is recommended:*
 - *The Heritage New Zealand Pouhere Taonga Act 2014 (the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand. An authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under regional or district plan.*
 - *According to the Act (section 6) archaeological site means, subject to section 42(3),—*
 - (a) *any place in New Zealand, including any building or structure (or part of a building or structure), that—*

(i) was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

(ii) provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

(b) includes a site for which a declaration is made under section 43(1)

14. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader Resource Consents

Signed:



Date:

15/10/14

Decision on an application to change consent condition(s) under the Resource Management Act 1991



Application number(s): SLC-62477A
Applicant's name: WFH Properties Limited
Site address: Lot 1 DP 340986, Wainui Road, Silverdale
Legal description: Lot 1 DP 340986

Proposal:

To vary condition 1 and condition 23 to reduce the area of twelve lots between 2m² and 41m² and to provide for single household units to be constructed on single lots less than 450m² in area in compliance with the development controls in rule 12.8.19.11, and including 12.8.19.11.8.

I have read the application(s), supporting documents, and the report and recommendations on the consent application(s). I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application(s).

Acting under delegated authority, under sections 104, 104B, s127 & 108 the application(s) for variation are **GRANTED**.

1. Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under s104(1)(a) and s127(3) of the RMA the actual and potential effects from the variation will be acceptable as the intensity of development approved under the original consent will not be altered. The changes in lot areas are not considered significant and each of the lots will still be of a size and shape that can be developed in a complying residential manner.
3. In accordance with an assessment under s104(1)(b) and s 127(3) of the RMA the variation is consistent with the relevant statutory documents. In particular, the relevant objectives and policies of the Special 19 zone within the Auckland Council District Plan (Rodney Section). This zone aims to create a high quality environment with good urban design outcomes. The proposed variation will not alter the overall layout of the underlying approved residential scheme which was considered to provide a high level of urban amenity and contribution to the character of the area. Overall, the proposed variation is therefore considered to be consistent with the relevant objectives and policies of the Special 19 'Silverdale North' zone.
4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.

5. This variation achieves the sustainable management purpose of the RMA in Part 2 because the proposed development will have a less than minor effect on the environment and complies with the relevant planning documents.

2. Conditions

Under section 108 of the RMA, this variation is subject to the following additional conditions and amendments to existing conditions:

(amendments - underline for insertion and ~~strike-through~~ for deletion)

Condition 1

The subdivision and land-use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SLC62477 & REG6278 & SLC-62477A.

- Application Form, and Assessment of Environmental Effects prepared by Woods, dated 13 June 2014

Drawing reference number	Title	Architect / Author	Dated
GD-000	<i>Drawing Index and Location Plan</i>	Woods Ltd	1/6/2014
GD-010	<i>Special Zone 19 Area Plan</i>	Woods Ltd	1/6/2014
GD-020	<i>Precinct Plan</i>	Woods Ltd	1/6/2014
GD-030	<i>Existing Title Boundaries</i>	Woods Ltd	1/6/2014
GD-040	<i>Existing Feature Plan</i>	Woods Ltd	1/6/2014
GD-050 Revision 3	<i>Reserves and Open Spaces Plan</i>	Woods Ltd	1/6/2014
GD-060	<i>Development Concept Plan</i>	Woods Ltd	1/6/2014
<u>GD-060</u>	<u><i>Development Concept Plan</i></u>	<u>Woods Ltd</u>	<u>Feb 2016</u>
GD-061	<i>Development Staging Plan</i>	Woods Ltd	1/6/2014

GD-070	<i>Proposed Road Hierarchy Plan</i>	Woods Ltd	1/6/2014
GD-080-083	<i>Typical Road Cross-Sections</i>	Woods Ltd	1/6/2014
GD-090	<i>Pedestrian and Cycle Network Plan</i>	Woods Ltd	1/6/2014
SC-100-105	<i>Scheme Plan</i>	Woods Ltd	1/6/2014
<u>SC-100</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb 2016</u>
<u>SC-101</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
<u>SC-102</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb. 2016</u>
<u>SC-103</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb. 2016</u>
<u>SC-104</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
<u>SC-105</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
SC-120	<i>Road Stopping Plan</i>	Woods Ltd	1/6/2014
EW-130	<i>Existing Contours Plan</i>	Woods Ltd	1/6/2014
EW-131	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014
EW-140	<i>Cut and Fill Plan</i>	Woods Ltd	1/6/2014
EW-150	<i>Existing Slope Analysis Plan</i>	Woods Ltd	1/6/2014
EW-151	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014

EW-160	<i>Retaining Wall Layout Plan</i>	Woods Ltd	1/6/2014
EW-161-198	<i>Retaining Wall Long Sections</i>	Woods Ltd	1/6/2014
EW-200	<i>Sediment and Erosion Control Plan</i>	Woods Ltd	1/6/2014
EW-210	<i>Vegetation Removal Context Plan</i>	Woods Ltd	1/6/2014
RD-300-311	<i>Roading Layout Plans</i>	Woods Ltd	1/6/2014
RD-320-335	<i>Roading Longsections</i>	Woods Ltd	1/6/2014
RD-340	<i>Traffic Calming Details</i>	Woods Ltd	1/6/2014
DR-400-411	<i>Stormwater Drainage Plans</i>	Woods Ltd	1/6/2014
DR-420	<i>Stormwater Pond Catchment Plan</i>	Woods Ltd	1/6/2014
DR-500-511	<i>Low Pressure Sewer Plans</i>	Woods Ltd	1/6/2014
WM-600-611	<i>Water Reticulation Plans</i>	Woods Ltd	1/6/2014
Sheets 001-012	<i>Landscape Plans</i>	LASF	6 June 2014
1.1-1.8 & 2.1-2.14	<i>Urban Design Report/Plans</i>	Woods	June 2014

Specialist Report Title	Prepared by	Rev	Dated
Geotechnical Investigation Report	Tonkin & Taylor Ltd		May 2014
Preliminary Environmental Site Investigation	Groundwater and Environmental Services		4 June 2014

Asbestos Clearance Report	CEDA	19/4/14
Vegetation Inventory	Arborlab Consultancy Services Ltd	5 June 2014
Millwater Precinct 2: Assessment of Ecological Effects	Andrew Stewart	May 2014
Silverdale North – Precinct 2 Westlake Proportion: Archaeological Assessment	Clough & Associates Ltd	March 2006
Millwater, Precinct 2 – Archaeological Advice	Clough & Associates Ltd	5 June 2014
Croix Stream – Stream Classification	Boffa Miskell	5 June 2014
Transportation Assessment Report	TDG	3 June 2014
Millwater Density Distribution Table	Woods	11.01.11/7 April 2014
Millwater Precinct 2 Infrastructure Report	Woods	11 June 2014
Millwater Precinct 2 Preliminary Stormwater Management Framework	Woods	09/04/14
Millwater P2 Pressure Sewer Servicing Concept Report	GHD	30 May 2014
Millwater Precinct 2 Water Network Modeling Calculations	Woods	10/10/2013
Iwi Consultation (emails)	Woods	13 June 2014
Other Additional Information		Dated
S92 Response – Woods		8 July 2014

Condition 6

(development concept plan) Any further development within Precinct 2 Silverdale North, including any further development that may require resource consent shall be carried out in general accordance with the hereby approved Development Concept Plan. If however, any further development is proposed which does not generally accord with the hereby approved Development Concept Plan the proposal will be assessed as a non-complying activity by virtue of Rule 12.8.19.11.1.1 of Special 19 Zone


Alternatively, should the first Development Concept Plan be partly implemented (by way of a subdivision or comprehensively designed development), any further development proposed within Precinct 2 Silverdale North that does not generally accord with the hereby approved Development Concept Plan will require the submission of a revised Development Concept Plan.

For the avoidance of doubt, lots which are 400-449.9m2 in area, the erection, addition to or external alteration to and/or relocation of buildings associated with a single household unit per site, not exceeding 1 unit per site, that complies with rule 12.8.19.11 including 12.8.19.11.8, is a permitted activity.

3. Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.*

Delegated decision maker:

Name: Ian Dobson
Title: Manager Northern Resource Consenting
Signed: 
Date: 23 Feb 2016

Attachment 1: Consolidated conditions of consent as amended.

General Conditions

1. The subdivision and land-use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SLC62477 & REG6278 & SLC-62477A.

- Application Form, and Assessment of Environmental Effects prepared by Woods, dated 13 June 2014

Drawing reference number	Title	Architect / Author	Dated
GD-000	<i>Drawing Index and Location Plan</i>	Woods Ltd	1/6/2014
GD-010	<i>Special Zone 19 Area Plan</i>	Woods Ltd	1/6/2014
GD-020	<i>Precinct Plan</i>	Woods Ltd	1/6/2014
GD-030	<i>Existing Title Boundaries</i>	Woods Ltd	1/6/2014
GD-040	<i>Existing Feature Plan</i>	Woods Ltd	1/6/2014
GD-050 Revision 3	<i>Reserves and Open Spaces Plan</i>	Woods Ltd	1/6/2014
GD-060	<i>Development Concept Plan</i>	Woods Ltd	1/6/2014
<u>GD-060</u>	<u><i>Development Concept Plan</i></u>	<u>Woods Ltd</u>	<u>Feb 2016</u>
GD-061	<i>Development Staging Plan</i>	Woods Ltd	1/6/2014
GD-070	<i>Proposed Road Hierarchy Plan</i>	Woods Ltd	1/6/2014
GD-080-083	<i>Typical Road Cross-Sections</i>	Woods Ltd	1/6/2014
GD-090	<i>Pedestrian and Cycle Network Plan</i>	Woods Ltd	1/6/2014
SC-100-105	<i>Scheme Plans</i>	Woods Ltd	1/6/2014
<u>SC-100</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb 2016</u>
<u>SC-101</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
<u>SC-102</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb. 2016</u>
<u>SC-103</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>Feb. 2016</u>
<u>SC-104</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
<u>SC-105</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>01/06/2014</u>
SC-120	<i>Road Stopping Plan</i>	Woods Ltd	1/6/2014
EW-130	<i>Existing Contours Plan</i>	Woods Ltd	1/6/2014
EW-131	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014

EW-140	<i>Cut and Fill Plan</i>	Woods Ltd	1/6/2014
EW-150	<i>Existing Slope Analysis Plan</i>	Woods Ltd	1/6/2014
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EW-160	<i>Retaining Wall Layout Plan</i>	Woods Ltd	1/6/2014
EW-161-198	<i>Retaining Wall Long Sections</i>	Woods Ltd	1/6/2014
EW-200	<i>Sediment and Erosion Control Plan</i>	Woods Ltd	1/6/2014
EW-210	<i>Vegetation Removal Context Plan</i>	Woods Ltd	1/6/2014
RD-300-311	<i>Roading Layout Plans</i>	Woods Ltd	1/6/2014
RD-320-335	<i>Roading Longsections</i>	Woods Ltd	1/6/2014
RD-340	<i>Traffic Calming Details</i>	Woods Ltd	1/6/2014
DR-400-411	<i>Stormwater Drainage Plans</i>	Woods Ltd	1/6/2014
DR-420	<i>Stormwater Pond Catchment Plan</i>	Woods Ltd	1/6/2014
DR-500-511	<i>Low Pressure Sewer Plans</i>	Woods Ltd	1/6/2014
WM-600-611	<i>Water Reticulation Plans</i>	Woods Ltd	1/6/2014
Sheets 001-012	<i>Landscape Plans</i>	LASF	6 June 2014
1.1-1.8 & 2.1-2.14	<i>Urban Design Report/Plans</i>	Woods	June 2014

Specialist Report Title	Prepared by	Rev	Dated
Geotechnical Investigation Report	Tonkin & Taylor Ltd		May 2014
Preliminary Environmental Site Investigation	Groundwater and Environmental Services		4 June 2014
Asbestos Clearance Report	CEDA		19/4/14
Vegetation Inventory	Arborlab Consultancy Services Ltd		5 June 2014
Millwater Precinct 2: Assessment of Ecological Effects	Andrew Stewart		May 2014
Silverdale North – Precinct 2 Westlake Proportion: Archaeological Assessment	Clough & Associates Ltd		March 2006

Millwater, Precinct 2 – Archaeological Advice	Clough & Associates Ltd	5 June 2014
Croix Stream – Stream Classification	Boffa Miskell	5 June 2014
Transportation Assessment Report	TDG	3 June 2014
Millwater Density Distribution Table	Woods	11.01.11/7 April 2014
Millwater Precinct 2 Infrastructure Report	Woods	11 June 2014
Millwater Precinct 2 Preliminary Stormwater Management Framework	Woods	09/04/14
Millwater P2 Pressure Sewer Servicing Concept Report	GHD	30 May 2014
Millwater Precinct 2 Water Network Modeling Calculations	Woods	10/10/2013
Iwi Consultation (emails)	Woods	13 June 2014

Other Additional Information	Dated
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S92 Response – Woods	8 July 2014
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Revised Urban Design Report Rev A	7 July 2014
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2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 1. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 2. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 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.

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 1. The consent is given effect to by submitting a survey plan in respect of the subdivision that has been submitted to Council under s223, but shall thereafter lapse if the survey plan has not been deposited in accordance with s224 of the RMA or;
 2. The Council extends the period after which the consent lapses.
5. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$810 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.
6. (development concept plan) Any further development within Precinct 2 Silverdale North, including any further development that may require resource consent shall be carried out in general accordance with the hereby approved Development Concept Plan. If however, any further development is proposed which does not generally accord with the hereby approved Development Concept Plan the proposal will be assessed as a non-complying activity by virtue of Rule 12.8.19.11.1.1 of Special 19 Zone

Alternatively, should the first Development Concept Plan be partly implemented (by way of a subdivision or comprehensively designed development), any further development proposed within Precinct 2 Silverdale North that does not generally accord with the hereby approved Development Concept Plan will require the submission of a revised Development Concept Plan.

For the avoidance of doubt, lots which are 400-449.9m² in area, the erection, addition to or external alteration to and/or relocation of buildings associated with a single household unit per site, not exceeding 1 unit per site, that complies with rule 12.8.19.11 including 12.8.19.11.8, is a permitted activity.

7. The consent is to be undertaken in 5 Stages as shown on Plan 33200-01-GD-06 Rev 1.

Survey Plan Approval (s223) Conditions

8. (conditions to be shown on survey title plan) Before the Council will approve the Survey Plan pursuant to s.223 of the Act, the owner shall undertake to give effect and to show on the survey plan:

Amalgamation

- a) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:
 - i. That lot 700 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 642 & 1000 - 1002 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- ii. That lot 701 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 1003 - 1007 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- iii. That lot 702 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1008 - 1010 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- iv. That lot 703 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1011 - 1013 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- v. That lot 704 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1014 - 1016 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vi. That lot 705 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1017 - 1019 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vii. That lot 706 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 496, 497, 508 & 509 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- viii. That lot 707 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 407 - 410 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- ix. That lot 708 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 403 - 406 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- x. That lot 709 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 260 - 263 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xi. That lot 710 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 290 & 292 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xii. That lot 711 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 286 & 288 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiii. That lot 712 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 318 & 319 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiv. That lot 713 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 230, 231, 234 & 235 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xv. That lot 714 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 232 & 233 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xvi. That lot 715 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 165 & 172 - 175 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- xvii. That lot 716 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 166 & 167 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xviii. That lot 717 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 168 & 169 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xix. That lot 718 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 170 & 171 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xx. That lot 719 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 18 & 19 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xxi. That lot 720 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 418 & 419 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

Vesting

- b) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:
- c) (vesting of roads) Show Lots 900 - 926 to vest in Auckland Council as road.
- d) (vesting of reserves) Show Lots 813, 814, 815, 816 & 817 to vest in Auckland Council as Local Purpose (Drainage) Reserves.
- e) (vesting of reserves) Show Lots 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811 & 812 to vest in Auckland Council as Local Purpose (Access) Reserves at no capital cost (or development contributions offset) to council and subject to final council approval
- f) (recreation reserve) An agreed portion (or the whole of) Lot 800 shall be acquired by council for recreation reserve purposes at market value (valuations to be prepared by registered valuers), (or at a value agreed with the Consent Holder) only if Council's Governing Body (Parks, Sport and Recreation Committee) resolves to do so prior to the Consent Holder's request for the survey plan to be approved under section 223 of the Resource Management Act 1991. The remaining portion of Lot 800 shall be either vested as Local Purpose (stormwater) reserve (as agreed between nominated Council's Parks and Stormwater Assets representatives) or held as a 'balance lot'.

If the approval to acquire Lot 800 (or part thereof) is not forthcoming by such date then:

- The council will not approve a survey plan that dedicates Lot 800 (or part thereof) in the council; and
- Lot 800 (or Portion thereof) shall be held as a balance lot

Easement

- g) The easements labelled A, B & C on the scheme plan are to be endorsed on a Memorandum of Easements attached to the cadastral survey dataset as a supporting document. (Lots 701 & 702 being the Servient Tenements and Auckland Council being the Grantee)

- h) The survey title plan shall show and identify the areas of riparian margins to be protected as 'areas to be subject to land covenant'
- i) The survey title plan shall show and identify the areas of earth batters/retaining to be protected as 'areas to be subject to land covenant.'

Section 224(c) Compliance Conditions

Subdivision Conditions (District) LAN-62000

9. (conditions to be complied with prior to s224(c)) Before the Council will issue a certificate pursuant to section 224(c) of the Act, the Consent Holder shall satisfy the following conditions at their full cost:

Engineering

- a) (developer's representative) Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
- b) (insurance and warranties for engineering works) Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- c) (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- *Earthworks & retaining*
- *The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;*
- *Street lights, landscaping or structures on land vested, or to be vested, in the Council;*

- *The installation of gas, electrical or telecommunication reticulation including ancillary equipment;*
- *Any other works required by conditions of this consent.*

Advice Note: Detailed drawings to show the engineering and architectural details associated with the retaining wall construction shall be provided at engineering approval stage, in consultation with Built Environment Unit where considered necessary. This includes the landscaping measures used to mitigate the visual appearance of all retaining wall structures. Details of all boundary fencing (where applicable) to be established atop retaining walls or raised platforms, for safety and visual privacy shall similarly be identified and described.

This detail is sought to ensure such junctures maintain useable quality land above and below the line of delineation, and are as natural and attractive in appearance as can be. To this end, we note the positive commentary within the Urban Design Report that states there is 'potential' for climbing plant structures on each wall and that any timber shall be stained or painted. In addition then to the technical construction details we seek, we require clarity in regards to measures proposed to mitigate visual appearance.

- d) (pre-construction meeting) The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.
- e) (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.
- f) (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

- g) (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The report shall include the foundation requirements for the lots.
- h) (stormwater reticulation) A public stormwater system shall be constructed to the requirements of the Council's "Standards for Engineering Design and Construction" to serve all Lots within the development to become part of the public services of the District. The as built plans for the stormwater reticulation shall detail the location of any stormwater overland flowpaths where these are within residential lots.
- i) (water supply reticulation) A public water supply system shall be constructed to the requirements of the Council's & Watercare's "Standards for Engineering Design and Construction" to serve all Lots within the development to become part of the public services of the District.
- j) (pressure wastewater reticulation) A public wastewater system shall be constructed to the requirements of the Council's & Watercare's "Standards for Engineering Design and Construction" to serve all the lots within the development to become part of the public services of the District.
- k) (stormwater mitigation maintenance) The developer shall maintain the stormwater treatment wetland ponds 2 & 4A until either all the earthworks within the subdivision discharging to it, have been completed or for a period of 2 years from the date of the final 224(c) for the subdivision, whichever is the shortest period. The developer shall remove sediment from the ponds resulting from the development of the subject site, if required by the Council, prior to final handover of the facility to the Council for maintenance. At the time of handover there shall be a 95% plant survival rate. Updated operation and maintenance manuals for the pond shall be provided to the Council at the time of the handover of the pond. Unless otherwise agreed to, a bond may be required at the time of application for the 224(c) certificate to ensure the ongoing maintenance of the pond. The bond will be based on the cost to maintain the pond over the two year period plus 50% of the cost.
- l) (road construction) The proposed new roads shall be constructed to the agreed cross sections and the standards comprised in the Council's "Standards for Engineering Design and Construction".
- m) (new road name) The Consent Holder shall suggest to the Council names for the new roads shown on the Scheme Plan together with clearance from the

'addresses@linz.govt.nz', so that duplication of the name in any other part of the Auckland region is avoided. (Note: the Council shall determine the name having regard to any names so suggested and appropriateness to the area which the new roads will service.) When a name has been resolved by the Council the Consent Holder shall erect nameplates, in accordance with the Council's "Standards for Engineering Design and Construction".

Note: consultation with local iwi over road names is encouraged

- n) (provide for road/amenity lighting) All streets and public access ways shall be lit to the requirements of the Council's "Standards for Engineering Design and Construction". The type of light fittings shall be acceptable to the electricity network supplier responsible for the area and shall have the approval of the Council prior to installation.

Advice Note: Please note the importance of the lighting proposal in relation to both facilitating movement within the network and providing for safety of the users especially as they occupy the periphery of the site. Condition n) shall be undertaken in consultation with Built Environment Unit, where considered necessary

- o) (construction of private way) The private ways and the vehicle crossings thereto, shall be constructed to a residential concrete standard to the Council's "Standards for Engineering Design and Construction".
- p) (provide for electric power) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- q) (provide for telephone) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met.

Landscaping

- r) (landscape plan) Final Landscape Plans (including road reserve landscaping), with an implementation and maintenance programme shall be submitted to and approved by Council's Resource Consents Team Leader (or Council's Parks & Open Space Specialist) within 3 months of the commencement of works on the site. The following conditions relating to the Landscape Plan must be adhered to by the Consent Holder:
- i. The plans shall include details of the tree and plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to ensure that the amenity and landscape values of the area are maintained in accordance with the submitted Landscape Plans prepared by LASF Sheets 001-012 dated June 2014 (and any approved amendments).

- ii. The plans shall include details of riparian planting along the stream margins within Lot 800 including a planting and maintenance schedule
 - iii. The landscaping shall be implemented in accordance with the approved planting plan within the first planting season (May to October) following the completion of each stage of development and shall be maintained thereafter in accordance with the landscape planting plan for a period of not less than two years.
 - iv. The new plantings shall be mulched on completion of the planting and through the maintenance period
 - v. The planted trees must be staked for support in a preferred and recognised manner
 - vi. The new plantings shall be kept free from weeds and any other invasive plants that may inhibit the growth in its early stages (minimum 2 years) by the Consent Holder
 - vii. The new plantings shall be fertilized in initial planting to encourage good growth and form.
 - viii. Should any plant or tree die, it must be replaced as soon as practicably possible in the first available planting season.
- s) The consent holder shall provide to the Parks and Open Space Specialist 'as built' plans for landscape works (hard and soft) within reserves, accessway and streets in CAD and pdf form including the following details:
- a) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants
 - b) All underground services, irrigation and drainage
 - c) All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule
- t) (fencing) Any fencing along boundaries or within 2m of boundaries of open spaces (reserves and pedestrian access ways) must be either low height (1.2m or at least 25% visually permeable (max height 1.8m). Landscape planting may be implemented on either side of the fence and must be maintained to ensure 25% visual permeability.
- Note: This condition does not require fencing to be constructed*
- u) All landscape works provided in the parks conditions relating to planting, grassing and maintenance methodology must comply with the Auckland Council planting and Lawn Specifications. All specifications must be included in the landscape contracts entered into by the applicant. All meetings and maintenance requirements must be complied with.

Ecology

- v) The consent holder shall provide a faunal mitigation plan prior to the commencement of any earthworks or vegetation removal; giving specific regard to herpetofauna. Copies of any Department of Conservation permits and/or consents that are required shall also be attached to the faunal mitigation plan. This program must be prepared by a qualified herpetologist and submitted for approval of the Council's Ecology Advisor prior to commencement of works.

The program shall include, but not be limited to:

- State the timing for implementation of the program
- Describe the nature and placement of artificial habitats intended for trapping of fauna; where captured fauna are to be relocated to, including the locality and nature of habitat to be created if applicable, and any follow up monitoring/management as required to ensure success of the translocation; if required, the nature of fauna protective fencing when and where it is to be erected, and what herpetofauna landscaping mitigation is to be undertaken if required;
- State the ecologist/herpetologist, to be approved by Council, and their contact details to manage the implementation of the program.

The approved program shall be commenced and/ or completed in consultation with and to the satisfaction of the Council's Ecology Advisor. The timing of earthworks, vegetation removal and the mitigation program shall be agreed between the Consent Holder and Council's Ecology Advisor. To this end the ecologist/herpetologist approved by the Council shall certify that the mitigation program has been carried out according to the approved program,; records should be submitted to Council's Ecologist that any species found have been removed and/or relocated; and where applicable the consultant herpetologist shall submit to DOC a completed Amphibian and Reptile Distribution Scheme (ARDS) card and a copy shall be forwarded to Council's Ecologist.

- w) That the Landscape Proposal by LASF landscape architects dated June 2014 is implemented in full with respect to the specimen trees that provide a food source for native birds. Namely:

- 27 totara specimen trees (PB150) for the Greenways planting;
- 48 titoki, 69 pohutukawa and 19 kowhai (PB150) for street tree planting; and
- 29 totara, 12 karaka, 15 pohutukawa, 14 titoki and 12 kowhai specimen trees (PB95) for the reserve and riparian margins of the Croix Stream: With consideration to add 12 kahikatea.

Advice note: It would be desirable to include a reasonable number of kahikatea (Dacrycarpus dacrydioides) to the riparian planting as these trees are suitable in wetlands and streamsides, and are reliable fruiters providing abundant food for tui and kereru.

Transportation

- x) All through the engineering design process all aerial power lines along Wainui Road shall be undergrounded.
- y) Wainui Road, between Manuel Road and Old Mill Road shall be widened to accommodate a future bus route and provide for cyclists. Lanes shall be no less than 3.0m width in each direction and cycle lanes shall be provided at 1.25m.
- z) The Consent Holder shall ensure that the available carriageway width is suitable for an appropriate design vehicle (in this case a four axle semi-trailer) on all bends, such that the vehicle tracking does not encroach into the proposed adjacent cycle lane or cross the centreline, in either direction of travel. Road widening may be required to achieve this. Vehicle tracking diagrams will be required as part of the Engineering Approval process to confirm this requirement.
- aa) Prior to the commencement of the earthworks and construction activity on the subject site, a finalised Construction Traffic Management Plan (CTMP) shall be prepared and shall address the control of the movement of earthmoving vehicles to and from the site. The CTMP shall be submitted to the Team Leader, Compliance Monitoring North. No earthworks or construction on the subject site shall commence until confirmation is provided from Auckland Council that the CTMP measures referred to in that plan have been put in place.

Advice Note:

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

- bb) Subject to possible extension of SW to service road drainage at detailed design stage, speed tables intended for pedestrians to cross should be built flush to kerb, and where not at summit points, shall require a pair of Cess Pits (sumps)

Conditions specific to District Land-Use Conditions R62477

Amenity

- 10. (construction noise) Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS6803:1999 "Acoustics – Construction Noise".
- 11. (hours of operation) The activity shall be restricted to operating between the hours of:
 - Monday to Friday 7.00am – 7.00pm
 - Saturday 7am – 5pm
 - No work authorised with this consent shall take place on Sundays or Public Holidays or outside the hours specified above.

12. (review) Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost:

(i) Following commencement of consent in order:

To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on residential amenity, relating to hours of operation, noise, vibration, dust and traffic.

(ii) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

Conditions applicable to Regional Land-Use Sediment Control Consent REG-62478 (NRSI:43204)

13. The earthwork activity shall be carried out in accordance with the plans and all information submitted with the application and under section 92, outlined below and all referenced by Council as REG-62478.

Reports

Millwater Precinct 2 – Development Concept Plan, Subdivision and Land Use Consent Application, prepared by Woods and dated 13 June 2014

Millwater Precinct 2, Infrastructure Report, prepared by Woods and dated 11 June 2014

Plans

Sediment and Erosion Plan, Drawing 33200-01-EW-200, Revision 1, issued 01/06/2014, prepared by Woods

Cut/Fill Plan, Drawing 33200-01-EW-140, Revision 1, issued 01/06/2014, prepared by Woods

S92

Letter from Woods dated 8 July 2014

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input prior to implementation to confirm that they are within the scope of this consent.

14. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input.

Advice Note:

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

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

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

Duration

15. Permit REG-62478 shall expire five years from the date it has been granted unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Pre-commencement meeting

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

- is located on the subject site
- is scheduled **not less than five days** before the anticipated commencement of earthworks
- includes Auckland Council officer[s]
- includes representation from the contractors who will undertake the works

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan (required by condition (1))

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

Advice Note:

To arrange the pre-start meeting required by Condition (13) please contact the Team Leader – Northern Monitoring on Kerry.Flynn@aucklandcouncil.govt.nz The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

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

Advice Note:

In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader – Earthworks & Contaminated Land Team, NRSI prior to implementation to confirm that they are within the scope of this consent.

18. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 1 of this consent.

Certified controls shall include the sediment retention pond, any decanting earth bunds and diversion channels/bunds. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

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

Advice Note:

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

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

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

20. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 1 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

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

Advice Note:

In accordance with Condition (18) earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to

take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

Seasonal Restrictions

22.No earthworks or streamworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

Ongoing Conditions/Consent Notices

- 23.The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.
- a) (building line restriction) Lot 358 shall demonstrate that minimum sight distance criteria can be met for the intersection of Road 12 / Road 4
 - b) (fencing) All lots bordering reserves and pedestrian accessways shall have fencing along the common boundary of no more than 1.2m in height or up to 1.8m in height if the fences maintain 25% visual permeability (minimum).
 - c) (entrance crossings) The owners or their successors in title of all the residential lots within the subdivision are advised that resource consent will not be required in regard to any crossings located within the "Defined Road Boundary" (as defined in Appendix 21A of the Auckland Council District Plan – Rodney Section) of the various street intersections, except where one of the streets at the intersection is Wainui Road. Consent has also been given to the construction of crossings that intersect parking bays within the road without the need to create additional berm parking to replace the space, or spaces lost because of the crossing. The developer has created more berm spaces than required by the District Plan in order to allow for the loss of usable spaces caused by the location of crossings. Any lot that has a residential crossing located within the 'Defined Road Boundary' shall ensure there is adequate on site manoeuvring to allow vehicles to exit the site in a forward gear.
 - d) (land use restriction) The owners or their successors in title of all residential lots in Precinct 2 shall be limited from any further subdivision of these lots.
 - e) (height in relation to boundary measurement on retaining walls) Where a retaining wall is located between residential lots the measurement point for the height in relation to boundary development control shall be taken from the top of authorised retaining walls and not from the approved ground level at the time of subdivision.

Decision on an application to change consent conditions under the Resource Management Act 1991



Application number(s): SLC-62477B
Applicant's name: WFH Properties Ltd
Site address: Lot 4 DP 67675 & Lot 2 DP 206067, Wainui Road, Silverdale
Legal description: Lot 4 DP 67675 & Lot 2 DP 206067
Proposal:

To vary condition 1 to allow for the extension of JOAL 701 and as a result, a size reduction for Lot 535. It is also proposed to reconfigure Lots 1000-1002 and JOAL 700.

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the RMA and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, s127, 105 & 108 the application for variation are **GRANTED**.

1. Reasons

The reasons for this decision are:

1. The proposal is appropriately considered under s127 as the changes will not result in a fundamentally different activity or materially different effects.
2. In accordance with an assessment under s104(1)(a) and s127(3) of the RMA the actual and potential effects from the variation will be acceptable as the overall layout and intensity of development approved under the original consent SLC-62477 and amendment SLC-62477A will not be altered. The change to lot size and reconfiguration of JOAL's and super lots are not considered significant. In addition, Council's Development Engineer is satisfied that the additional impervious surface area created will not adversely affect the stormwater network.
3. In accordance with an assessment under s104(1)(b) and s 127(3) of the RMA the variation is consistent with the relevant statutory documents. In particular, the relevant objectives and policies of the Special 19 zone under the Auckland Council District Plan: Rodney Section. This zone aims to create a high quality environment with good urban design outcomes. The proposed variation will not significantly alter the overall layout of the development, which was considered to provide a high level of urban amenity and contribution to the character of the area. Overall, the proposed variation is considered to be consistent with the relevant objectives and policies of the Special 19 zone.
4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.

5. This variation achieves the sustainable management purpose of the RMA in Part 2 as the proposed development will have a less than minor effect on the environment and is consistent with the relevant planning documents.

2. Conditions

Under section 108 of the RMA, this variation is subject to the following amendments to existing conditions:

1. The subdivision and land-use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SLC62477 & REG6278 & SLC-62477A & SLC-62477B.
 - Application Form, and Assessment of Environmental Effects prepared by Woods, dated 13 June 2014

Drawing reference number	Title	Architect / Author	Dated
GD-000	<i>Drawing Index and Location Plan</i>	Woods Ltd	1/6/2014
GD-010	<i>Special Zone 19 Area Plan</i>	Woods Ltd	1/6/2014
GD-020	<i>Precinct Plan</i>	Woods Ltd	1/6/2014
GD-030	<i>Existing Title Boundaries</i>	Woods Ltd	1/6/2014
GD-040	<i>Existing Feature Plan</i>	Woods Ltd	1/6/2014
GD-050 Revision 3	<i>Reserves and Open Spaces Plan</i>	Woods Ltd	1/6/2014
GD-060	<i>Development Concept Plan</i>	Woods Ltd	Feb 2016
GD-061	<i>Development Staging Plan</i>	Woods Ltd	1/6/2014
GD-070	<i>Proposed Road Hierarchy Plan</i>	Woods Ltd	1/6/2014
GD-080-083	<i>Typical Road Cross-Sections</i>	Woods Ltd	1/6/2014
GD-090	<i>Pedestrian and Cycle Network Plan</i>	Woods Ltd	1/6/2014
SC-100	<i>Scheme Plan</i>	Woods Ltd	Feb 2016
<u>SC-100</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
SC-104	<i>Scheme Plan</i>	Woods Ltd	01/06/2014
<u>SC-101</u>	<u><i>Scheme Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
SC-102	<i>Scheme Plan</i>	Woods Ltd	Feb. 2016
SC-103	<i>Scheme Plan</i>	Woods Ltd	Feb. 2016

SC-104	<i>Scheme Plan</i>	Woods Ltd	01/06/2014
SC-105	<i>Scheme Plan</i>	Woods Ltd	01/06/2014
SC-120	<i>Road Stopping Plan</i>	Woods Ltd	1/6/2014
EW-130	<i>Existing Contours Plan</i>	Woods Ltd	1/6/2014
EW-131	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014
<u>EW-131</u>	<u><i>Final Contours Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
EW-140	<i>Cut and Fill Plan</i>	Woods Ltd	1/6/2014
EW-150	<i>Existing Slope Analysis Plan</i>	Woods Ltd	1/6/2014
EW-151	<i>Final Contours Plan</i>	Woods Ltd	1/6/2014
EW-160	<i>Retaining Wall Layout Plan</i>	Woods Ltd	1/6/2014
EW-161-198	<i>Retaining Wall Long Sections</i>	Woods Ltd	1/6/2014
EW-200	<i>Sediment and Erosion Control Plan</i>	Woods Ltd	1/6/2014
EW-210	<i>Vegetation Removal Context Plan</i>	Woods Ltd	1/6/2014
RD-300-311	<i>Roading Layout Plans</i>	Woods Ltd	1/6/2014
<u>RD-300</u>	<u><i>Roading Layout Plan - Overall</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>RD-301</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
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<u>RD-307</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
<u>RD-308</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
<u>RD-309</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>RD-310</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>RD-311</u>	<u><i>Roading Layout Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>

RD-320-335	<i>Roading Longsections</i>	Woods Ltd	1/6/2014
RD-340	<i>Traffic Calming Details</i>	Woods Ltd	1/6/2014
DR-400-411	<i>Stormwater Drainage Plans</i>	Woods Ltd	1/6/2014
<u>DR-400</u>	<u><i>Stormwater Drainage Plan – Overall</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>DR-401</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
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<u>DR-403</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
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<u>DR-406</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>DR-407</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
<u>DR-408</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>May 2016</u>
<u>DR-409</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>DR-410</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
<u>DR-411</u>	<u><i>Stormwater Drainage Plan</i></u>	<u>Woods Ltd</u>	<u>1/6/2014</u>
DR-420	<i>Stormwater Pond Catchment Plan</i>	Woods Ltd	1/6/2014
DR-500-511	<i>Low Pressure Sewer Plans</i>	Woods Ltd	1/6/2014
WM-600-611	<i>Water Reticulation Plans</i>	Woods Ltd	1/6/2014
Sheets 001-012	<i>Landscape Plans</i>	LASF	6 June 2014
1.1-1.8 & 2.1-2.14	<i>Urban Design Report/Plans</i>	Woods	June 2014

Specialist Report Title	Prepared by	Rev	Dated
Geotechnical Investigation Report	Tonkin & Taylor Ltd		May 2014
Preliminary Environmental Site Investigation	Groundwater and Environmental Services		4 June 2014

Asbestos Clearance Report	CEDA	19/4/14
Vegetation Inventory	Arborlab Consultancy Services Ltd	5 June 2014
Millwater Precinct 2: Assessment of Ecological Effects	Andrew Stewart	May 2014
Silverdale North – Precinct 2 Westlake Proportion: Archaeological Assessment	Clough & Associates Ltd	March 2006
Millwater, Precinct 2 – Archaeological Advice	Clough & Associates Ltd	5 June 2014
Croix Stream – Stream Classification	Boffa Miskell	5 June 2014
Transportation Assessment Report	TDG	3 June 2014
Millwater Density Distribution Table	Woods	11.01.11/7 April 2014
Millwater Precinct 2 Infrastructure Report	Woods	11 June 2014
Millwater Precinct 2 Preliminary Stormwater Management Framework	Woods	09/04/14
Millwater P2 Pressure Sewer Servicing Concept Report	GHD	30 May 2014
Millwater Precinct 2 Water Network Modeling Calculations	Woods	10/10/2013
Iwi Consultation (emails)	Woods	13 June 2014

Other Additional Information	Dated
S92 Response – Woods	8 July 2014
Revised Urban Design Report Rev A	7 July 2014


3. Advice notes

1. *A copy of the consolidated set of conditions of consent as amended is included as attachment 1 to this section 127 decision.*

Delegated decision maker:

Name: Steve Seager
Title: Team Leader, Resource Consents
Signed:

Date: _____

Page 6 of 24 

SLC 62477B

Approved by Delegated Officer

24/06/2016

Attachment 1: Consolidated set of conditions to resource consent SLC-62477, incorporating changes made by s127 applications SLC-62477A on 23 February 2016 and SLC-62477B on 24 June 2016.

1. The subdivision and land-use activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the Council as consent number SLC62477 & REG6278 & SLC-62477A & SLC-62477B.

- Application Form, and Assessment of Environmental Effects prepared by Woods, dated 13 June 2014

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DR-402	<i>Stormwater Drainage Plan</i>	Woods Ltd	1/6/2014

DR-403	<i>Stormwater Drainage Plan</i>	Woods Ltd	1/6/2014
DR-404	<i>Stormwater Drainage Plan</i>	Woods Ltd	1/6/2014
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Preliminary Environmental Site Investigation	Groundwater and Environmental Services		4 June 2014
Asbestos Clearance Report	CEDA		19/4/14
Vegetation Inventory	Arborlab Consultancy Services Ltd		5 June 2014
Millwater Precinct 2: Assessment of Ecological Effects	Andrew Stewart		May 2014
Silverdale North – Precinct 2 Westlake Proportion:	Clough & Associates Ltd		March 2006

Archaeological Assessment

Millwater, Precinct 2 – Archaeological Advice	Clough & Associates Ltd	5 June 2014
Croix Stream – Stream Classification	Boffa Miskell	5 June 2014
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Millwater Precinct 2 Preliminary Stormwater Management Framework	Woods	09/04/14
Millwater P2 Pressure Sewer Servicing Concept Report	GHD	30 May 2014
Millwater Precinct 2 Water Network Modeling Calculations	Woods	10/10/2013
Iwi Consultation (emails)	Woods	13 June 2014

Other Additional Information	Dated
S92 Response – Woods	8 July 2014
Revised Urban Design Report Rev A	7 July 2014

2. This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the Council's decision is notified, have been paid in full:
 1. All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
 2. All additional charges imposed under section 36(3) of the RMA to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
3. The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 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.

4. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 1. The consent is given effect to by submitting a survey plan in respect of the subdivision that has been submitted to Council under s223, but shall thereafter lapse if the survey plan has not been deposited in accordance with s224 of the RMA or;
 2. The Council extends the period after which the consent lapses.
5. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$810 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.
6. (development concept plan) Any further development within Precinct 2 Silverdale North, including any further development that may require resource consent shall be carried out in general accordance with the hereby approved Development Concept Plan. If however, any further development is proposed which does not generally accord with the hereby approved Development Concept Plan the proposal will be assessed as a non-complying activity by virtue of Rule 12.8.19.11.1.1 of Special 19 Zone

Alternatively, should the first Development Concept Plan be partly implemented (by way of a subdivision or comprehensively designed development), any further development proposed within Precinct 2 Silverdale North that does not generally accord with the hereby approved Development Concept Plan will require the submission of a revised Development Concept Plan.

For the avoidance of doubt, lots which are 400-449.9m² in area, the erection, addition to or external alteration to and/or relocation of buildings associated with a single household unit per site, not exceeding 1 unit per site, that complies with rule 12.8.19.11 including 12.8.19.11.8, is a permitted activity.

7. The consent is to be undertaken in 5 Stages as shown on Plan 33200-01-GD-06 Rev 1.

Survey Plan Approval (s223) Conditions

8. (conditions to be shown on survey title plan) Before the Council will approve the Survey Plan pursuant to s.223 of the Act, the owner shall undertake to give effect and to show on the survey plan:

Amalgamation

- a) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:
 - i. That lot 700 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 642 & 1000 - 1002 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
 - ii. That lot 701 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 1003 - 1007 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- iii. That lot 702 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1008 - 1010 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- iv. That lot 703 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1011 - 1013 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- v. That lot 704 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1014 - 1016 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vi. That lot 705 hereon (legal access) be held as to three undivided one-third shares by the owners of lots 1017 - 1019 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- vii. That lot 706 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 496, 497, 508 & 509 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- viii. That lot 707 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 407 - 410 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- ix. That lot 708 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 403 - 406 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- x. That lot 709 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 260 - 263 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xi. That lot 710 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 290 & 292 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xii. That lot 711 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 286 & 288 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiii. That lot 712 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 318 & 319 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xiv. That lot 713 hereon (legal access) be held as to four undivided one-quarter shares by the owners of lots 230, 231, 234 & 235 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xv. That lot 714 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 232 & 233 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xvi. That lot 715 hereon (legal access) be held as to five undivided one-fifth shares by the owners of lots 165 & 172 - 175 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xvii. That lot 716 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 166 & 167 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xviii. That lot 717 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 168 & 169 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

- xix. That lot 718 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 170 & 171 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xx. That lot 719 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 18 & 19 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.
- xxi. That lot 720 hereon (legal access) be held as to two undivided one-half shares by the owners of lots 418 & 419 hereon as tenants in common in the said shares and that individual computer registers be issued in accordance therewith.

Vesting

- b) Pursuant to s220 (1)(b)(iv) of the Act, have endorsed on the survey plan the following condition of amalgamation:
- c) (vesting of roads) Show Lots 900 - 926 to vest in Auckland Council as road.
- d) (vesting of reserves) Show Lots 813, 814, 815, 816 & 817 to vest in Auckland Council as Local Purpose (Drainage) Reserves.
- e) (vesting of reserves) Show Lots 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811 & 812 to vest in Auckland Council as Local Purpose (Access) Reserves at no capital cost (or development contributions offset) to council and subject to final council approval
- f) (recreation reserve) An agreed portion (or the whole of) Lot 800 shall be acquired by council for recreation reserve purposes at market value (valuations to be prepared by registered valuers), (or at a value agreed with the Consent Holder) only if Council's Governing Body (Parks, Sport and Recreation Committee) resolves to do so prior to the Consent Holder's request for the survey plan to be approved under section 223 of the Resource Management Act 1991. The remaining portion of Lot 800 shall be either vested as Local Purpose (stormwater) reserve (as agreed between nominated Council's Parks and Stormwater Assets representatives) or held as a 'balance lot'.

If the approval to acquire Lot 800 (or part thereof) is not forthcoming by such date then:

- The council will not approve a survey plan that dedicates Lot 800 (or part thereof) in the council; and
- Lot 800 (or Portion thereof) shall be held as a balance lot

Easement

- g) The easements labelled A, B & C on the scheme plan are to be endorsed on a Memorandum of Easements attached to the cadastral survey dataset as a supporting document. (Lots 701 & 702 being the Servient Tenements and Auckland Council being the Grantee)
- h) The survey title plan shall show and identify the areas of riparian margins to be protected as 'areas to be subject to land covenant'
- i) The survey title plan shall show and identify the areas of earth batters/retaining to be protected as 'areas to be subject to land covenant.'

Section 224(c) Compliance Conditions

Subdivision Conditions (District) LAN-62000

9. (conditions to be complied with prior to s224(c)) Before the Council will issue a certificate pursuant to section 224(c) of the Act, the Consent Holder shall satisfy the following conditions at their full cost:

Engineering

- a) (developer's representative) Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's "Standards for Engineering Design and Construction" to be the first point of contact for all engineering matters. Any subsequent change to the nominated Developer's Representative shall be immediately notified in writing to the Consents Engineer.
- b) (insurance and warranties for engineering works) Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties in full satisfaction of section 102 of the "Standards for Engineering Design and Construction".
- c) (engineering plans) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- *Earthworks & retaining*
- *The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;*
- *Street lights, landscaping or structures on land vested, or to be vested, in the Council;*
- *The installation of gas, electrical or telecommunication reticulation including ancillary equipment;*
- *Any other works required by conditions of this consent.*

Advice Note: Detailed drawings to show the engineering and architectural details associated with the retaining wall construction shall be provided at engineering approval stage, in consultation with Built Environment Unit where considered necessary. This includes the landscaping measures used to mitigate the visual appearance of all retaining wall structures. Details of all boundary fencing (where applicable) to be established atop retaining walls or raised platforms, for safety and visual privacy shall similarly be identified and described.

This detail is sought to ensure such junctures maintain useable quality land above and below the line of delineation, and are as natural and attractive in appearance as can be. To this end, we note the positive commentary within the Urban Design Report that states there is 'potential' for climbing plant structures on each wall and that any timber shall be stained or painted. In addition then to the technical construction details we seek, we require clarity in regards to measures proposed to mitigate visual appearance.

- d) (pre-construction meeting) The Developer's Representative shall give the Consents Field Supervisor named in the engineering plan approval at least 5 working days notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.
- e) (silt retention) Before commencement of any works, adequate silt retention structures as detailed in the Auckland Regional Council Technical Publication No. 90 "Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region" shall be installed. These structures shall be maintained and cleaned out as necessary until such time as complete grass cover, or other non-erodible surfacing, has been re-established over the site.
- f) (dust control) All necessary actions shall be taken to prevent a dust nuisance to neighbouring properties and public roads; including, but not limited to:
- The staging of areas of the works;
 - The retention of any existing shelter belts and vegetation;
 - The installation and maintenance of wind fences and vegetated strips;
 - Watering of all haul roads and manoeuvring areas during dry periods;
 - Spraying of load dumping operations;
 - Suspension of all operations if necessitated by the prevailing conditions.

The site, or parts thereof as appropriate, shall be regrassed or otherwise protected from wind and water erosion immediately on the completion of bulk earthworks whether or not other works are completed.

- g) (earthworks certification) On completion of earthworks, an Earthworks Completion Report and a Certificate in the form of Appendix J of the "Standards for Engineering Design and Construction" signed by the Chartered Professional Engineer who designed and supervised the works shall be provided to the Consents Engineer. The report shall include the foundation requirements for the lots.
- h) (stormwater reticulation) A public stormwater system shall be constructed to the requirements of the Council's "Standards for Engineering Design and Construction" to serve all Lots within the development to become part of the public services of the District. The as built plans for the stormwater reticulation shall detail the location of any stormwater overland flowpaths where these are within residential lots.
- i) (water supply reticulation) A public water supply system shall be constructed to the requirements of the Council's & Watercare's "Standards for Engineering Design and

Construction” to serve all Lots within the development to become part of the public services of the District.

- j) (pressure wastewater reticulation) A public wastewater system shall be constructed to the requirements of the Council’s & Watercare’s “Standards for Engineering Design and Construction” to serve all the lots within the development to become part of the public services of the District.
- k) (stormwater mitigation maintenance) The developer shall maintain the stormwater treatment wetland ponds 2 & 4A until either all the earthworks within the subdivision discharging to it, have been completed or for a period of 2 years from the date of the final 224(c) for the subdivision, whichever is the shortest period. The developer shall remove sediment from the ponds resulting from the development of the subject site, if required by the Council, prior to final handover of the facility to the Council for maintenance. At the time of handover there shall be a 95% plant survival rate. Updated operation and maintenance manuals for the pond shall be provided to the Council at the time of the handover of the pond. Unless otherwise agreed to, a bond may be required at the time of application for the 224(c) certificate to ensure the ongoing maintenance of the pond. The bond will be based on the cost to maintain the pond over the two year period plus 50% of the cost.
- l) (road construction) The proposed new roads shall be constructed to the agreed cross sections and the standards comprised in the Council’s “Standards for Engineering Design and Construction”.
- m) (new road name) The Consent Holder shall suggest to the Council names for the new roads shown on the Scheme Plan together with clearance from the ‘addresses@linz.govt.nz’, so that duplication of the name in any other part of the Auckland region is avoided. (Note: the Council shall determine the name having regard to any names so suggested and appropriateness to the area which the new roads will service.) When a name has been resolved by the Council the Consent Holder shall erect nameplates, in accordance with the Council’s “Standards for Engineering Design and Construction”.

Note: consultation with local iwi over road names is encouraged

- n) (provide for road/amenity lighting) All streets and public access ways shall be lit to the requirements of the Council’s “Standards for Engineering Design and Construction”. The type of light fittings shall be acceptable to the electricity network supplier responsible for the area and shall have the approval of the Council prior to installation.

Advice Note: Please note the importance of the lighting proposal in relation to both facilitating movement within the network and providing for safety of the users especially as they occupy the periphery of the site. Condition n) shall be undertaken in consultation with Built Environment Unit, where considered necessary

- o) (construction of private way) The private ways and the vehicle crossings thereto, shall be constructed to a residential concrete standard to the Council’s “Standards for Engineering Design and Construction”.

- p) (provide for electric power) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met.
- q) (provide for telephone) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met.

Landscaping

- r) (landscape plan) Final Landscape Plans (including road reserve landscaping), with an implementation and maintenance programme shall be submitted to and approved by Council's Resource Consents Team Leader (or Council's Parks & Open Space Specialist) within 3 months of the commencement of works on the site. The following conditions relating to the Landscape Plan must be adhered to by the Consent Holder:
- i. The plans shall include details of the tree and plant sizes at the time of planting and intended species. Such a plan shall include appropriate measures to ensure that the amenity and landscape values of the area are maintained in accordance with the submitted Landscape Plans prepared by LASF Sheets 001-012 dated June 2014 (and any approved amendments).
 - ii. The plans shall include details of riparian planting along the stream margins within Lot 800 including a planting and maintenance schedule
 - iii. The landscaping shall be implemented in accordance with the approved planting plan within the first planting season (May to October) following the completion of each stage of development and shall be maintained thereafter in accordance with the landscape planting plan for a period of not less than two years.
 - iv. The new plantings shall be mulched on completion of the planting and through the maintenance period
 - v. The planted trees must be staked for support in a preferred and recognised manner
 - vi. The new plantings shall be kept free from weeds and any other invasive plants that may inhibit the growth in its early stages (minimum 2 years) by the Consent Holder
 - vii. The new plantings shall be fertilized in initial planting to encourage good growth and form.
 - viii. Should any plant or tree die, it must be replaced as soon as practicably possible in the first available planting season.
- s) The consent holder shall provide to the Parks and Open Space Specialist 'as built' plans for landscape works (hard and soft) within reserves, accessway and streets in CAD and pdf form including the following details:
- a) All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants
 - b) All underground services, irrigation and drainage
 - c) All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule

- t) (fencing) Any fencing along boundaries or within 2m of boundaries of open spaces (reserves and pedestrian access ways) must be either low height (1.2m or at least 25% visually permeable (max height 1.8m). Landscape planting may be implemented on either side of the fence and must be maintained to ensure 25% visual permeability.

Note: This condition does not require fencing to be constructed

- u) All landscape works provided in the parks conditions relating to planting, grassing and maintenance methodology must comply with the Auckland Council planting and Lawn Specifications. All specifications must be included in the landscape contracts entered into by the applicant. All meetings and maintenance requirements must be complied with.

Ecology

- v) The consent holder shall provide a faunal mitigation plan prior to the commencement of any earthworks or vegetation removal; giving specific regard to herpetofauna. Copies of any Department of Conservation permits and/or consents that are required shall also be attached to the faunal mitigation plan. This program must be prepared by a qualified herpetologist and submitted for approval of the Council's Ecology Advisor prior to commencement of works.

The program shall include, but not be limited to:

- State the timing for implementation of the program
- Describe the nature and placement of artificial habitats intended for trapping of fauna; where captured fauna are to be relocated to, including the locality and nature of habitat to be created if applicable, and any follow up monitoring/management as required to ensure success of the translocation; if required, the nature of fauna protective fencing when and where it is to be erected, and what herpetofauna landscaping mitigation is to be undertaken if required;
- State the ecologist/herpetologist, to be approved by Council, and their contact details to manage the implementation of the program.

The approved program shall be commenced and/ or completed in consultation with and to the satisfaction of the Council's Ecology Advisor. The timing of earthworks, vegetation removal and the mitigation program shall be agreed between the Consent Holder and Council's Ecology Advisor. To this end the ecologist/herpetologist approved by the Council shall certify that the mitigation program has been carried out according to the approved program,; records should be submitted to Council's Ecologist that any species found have been removed and/or relocated; and where applicable the consultant herpetologist shall submit to DOC a completed Amphibian and Reptile Distribution Scheme (ARDS) card and a copy shall be forwarded to Council's Ecologist.

- w) That the Landscape Proposal by LASF landscape architects dated June 2014 is implemented in full with respect to the specimen trees that provide a food source for native birds. Namely:

- 27 totara specimen trees (PB150) for the Greenways planting;
- 48 titoki, 69 pohutukawa and 19 kowhai (PB150) for street tree planting; and

- 29 totara, 12 karaka, 15 pohutukawa, 14 titoki and 12 kowhai specimen trees (PB95) for the reserve and riparian margins of the Croix Stream: With consideration to add 12 kahikatea.

Advice note: It would be desirable to include a reasonable number of kahikatea (Dacrycarpus dacrydioides) to the riparian planting as these trees are suitable in wetlands and streamsides, and are reliable fruiters providing abundant food for tui and kereru.

Transportation

- x) All through the engineering design process all aerial power lines along Wainui Road shall be undergrounded.
- y) Wainui Road, between Manuel Road and Old Mill Road shall be widened to accommodate a future bus route and provide for cyclists. Lanes shall be no less than 3.0m width in each direction and cycle lanes shall be provided at 1.25m.
- z) The Consent Holder shall ensure that the available carriageway width is suitable for an appropriate design vehicle (in this case a four axle semi-trailer) on all bends, such that the vehicle tracking does not encroach into the proposed adjacent cycle lane or cross the centreline, in either direction of travel. Road widening may be required to achieve this. Vehicle tracking diagrams will be required as part of the Engineering Approval process to confirm this requirement.
- aa) Prior to the commencement of the earthworks and construction activity on the subject site, a finalised Construction Traffic Management Plan (CTMP) shall be prepared and shall address the control of the movement of earthmoving vehicles to and from the site. The CTMP shall be submitted to the Team Leader, Compliance Monitoring North. No earthworks or construction on the subject site shall commence until confirmation is provided from Auckland Council that the CTMP measures referred to in that plan have been put in place.

Advice Note:

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

- bb) Subject to possible extension of SW to service road drainage at detailed design stage, speed tables intended for pedestrians to cross should be built flush to kerb, and where not at summit points, shall require a pair of Cess Pits (sumps)

Conditions specific to District Land-Use Conditions R62477

Amenity

10. (construction noise) Noise from construction activities shall not exceed the limits recommended in, and shall be measured and assessed in accordance with, New Zealand Standard NZS6803:1999 "Acoustics – Construction Noise".

11. (hours of operation) The activity shall be restricted to operating between the hours of:

- Monday to Friday 7.00am – 7.00pm
- Saturday 7am – 5pm
- No work authorised with this consent shall take place on Sundays or Public Holidays or outside the hours specified above.

12. (review) Pursuant to section 128 of the RMA the conditions of this consent may be reviewed by the Manager Resource Consents at the consent holder's cost:

(i) Following commencement of consent in order:

To deal with any adverse effect on the environment which may arise or potentially arise from the exercise of this consent and which it is appropriate to deal with at a later stage, in particular adverse effects on residential amenity, relating to hours of operation, noise, vibration, dust and traffic.

(ii) At any time, if it is found that the information made available to the Council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

Conditions applicable to Regional Land-Use Sediment Control Consent REG-62478 (NRSI:43204)

13. The earthwork activity shall be carried out in accordance with the plans and all information submitted with the application and under section 92, outlined below and all referenced by Council as REG-62478.

Reports

Millwater Precinct 2 – Development Concept Plan, Subdivision and Land Use Consent Application, prepared by Woods and dated 13 June 2014

Millwater Precinct 2, Infrastructure Report, prepared by Woods and dated 11 June 2014

Plans

Sediment and Erosion Plan, Drawing 33200-01-EW-200, Revision 1, issued 01/06/2014, prepared by Woods

Cut/Fill Plan, Drawing 33200-01-EW-140, Revision 1, issued 01/06/2014, prepared by Woods

S92

Letter from Woods dated 8 July 2014

Advice Note:

In the event that minor amendments to the erosion and / or sediment controls are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the controls may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input prior to implementation to confirm that they are within the scope of this consent.

14. Upon abandonment or completion of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input.

Advice Note:

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

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

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

Duration

15. Permit REG-62478 shall expire five years from the date it has been granted unless it has been surrendered or cancelled at an earlier date pursuant to the RMA.

Pre-commencement meeting

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

- is located on the subject site
- is scheduled **not less than five days** before the anticipated commencement of earthworks
- includes Auckland Council officer[s]
- includes representation from the contractors who will undertake the works

The meeting shall discuss the erosion and sediment control measures, the earthworks methodology and shall ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information shall be made available at the pre-start meeting:

- Timeframes for key stages of the works authorised under this consent
- Resource consent conditions
- Erosion and Sediment Control Plan (required by condition (1))

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

Advice Note:

To arrange the pre-start meeting required by Condition (13) please contact the Team Leader – Northern Monitoring on Kerry.Flynn@aucklandcouncil.govt.nz The conditions of consent should be discussed at this meeting. All additional information required by the Council should be provided 2 days prior to the meeting.

17. Prior to the commencement of bulk earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Team Leader - Earthworks & Contaminated Land, NRSI. The plan shall include as a minimum:

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

Advice Note:

In the event that minor amendments to the CTMP are required, any such amendments should be limited to the scope of this consent. Any amendments which affect the performance of the CTMP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments should be provided to the Team Leader – Earthworks & Contaminated Land Team, NRSI prior to implementation to confirm that they are within the scope of this consent.

18. Prior to bulk earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 1 of this consent.

Certified controls shall include the sediment retention pond, any decanting earth bunds and diversion channels/bunds. The certification for these subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

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

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

Advice Note:

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

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

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

20. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan referred to in Condition 1 shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.

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

Advice Note:

In accordance with Condition (18) earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

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

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader - Earthworks and Contaminated Land Natural Resources and Specialist Input for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

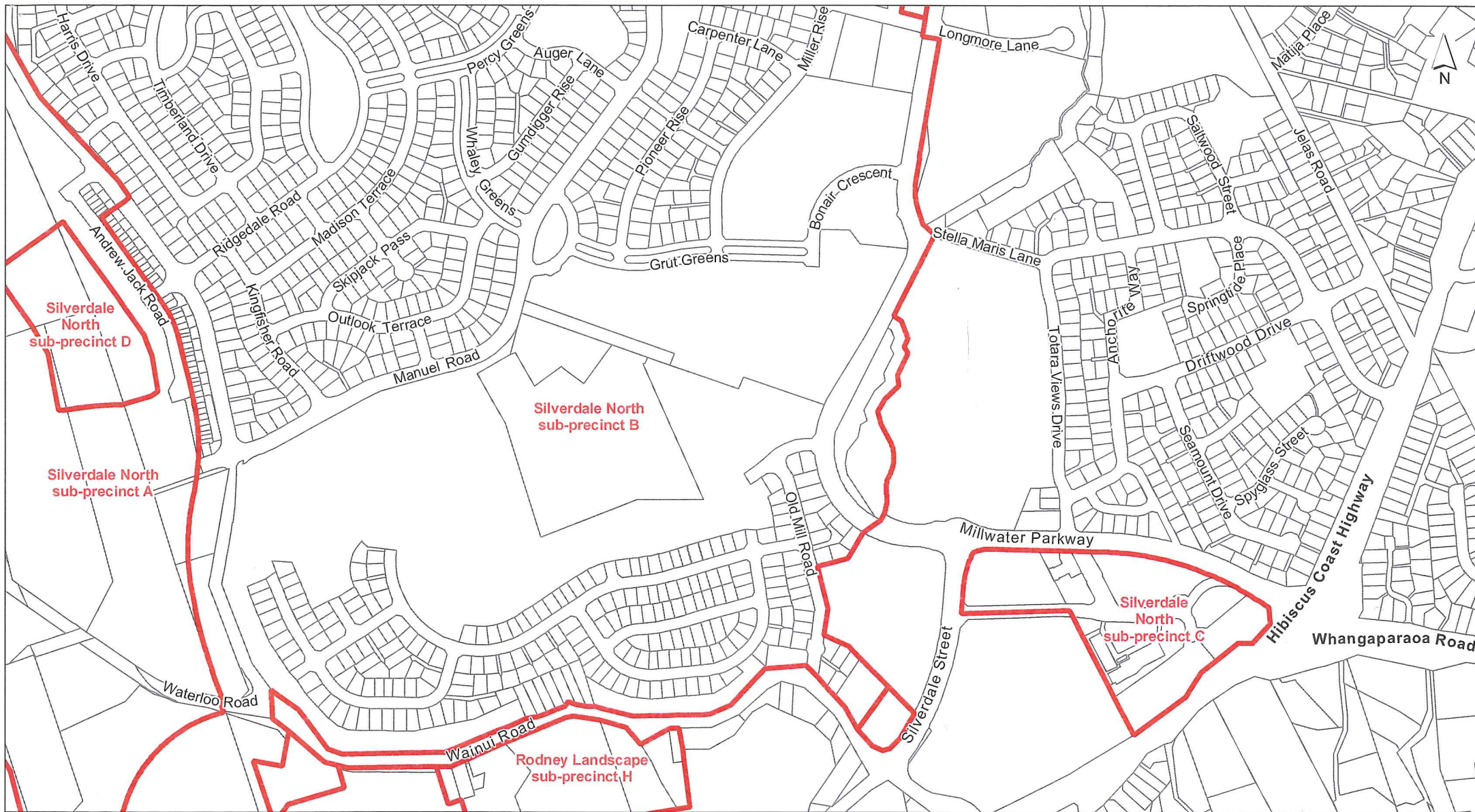
Seasonal Restrictions

22. No earthworks or streamworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader, Earthworks and Contaminated Land, Natural Resources and Specialist Input at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

Ongoing Conditions/Consent Notices

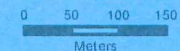
23. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.

- a) (building line restriction) Lot 358 shall demonstrate that minimum sight distance criteria can be met for the intersection of Road 12 / Road 4
- b) (fencing) All lots bordering reserves and pedestrian accessways shall have fencing along the common boundary of no more than 1.2m in height or up to 1.8m in height if the fences maintain 25% visual permeability (minimum).
- c) (entrance crossings) The owners or their successors in title of all the residential lots within the subdivision are advised that resource consent will not be required in regard to any crossings located within the “Defined Road Boundary” (as defined in Appendix 21A of the Auckland Council District Plan – Rodney Section) of the various street intersections, except where one of the streets at the intersection is Wainui Road. Consent has also been given to the construction of crossings that intersect parking bays within the road without the need to create additional berm parking to replace the space, or spaces lost because of the crossing. The developer has created more berm spaces than required by the District Plan in order to allow for the loss of usable spaces caused by the location of crossings. Any lot that has a residential crossing located within the ‘Defined Road Boundary’ shall ensure there is adequate on site manoeuvring to allow vehicles to exit the site in a forward gear.
- d) (land use restriction) The owners or their successors in title of all residential lots in Precinct 2 shall be limited from any further subdivision of these lots.
- e) (height in relation to boundary measurement on retaining walls) Where a retaining wall is located between residential lots the measurement point for the height in relation to boundary development control shall be taken from the top of authorised retaining walls and not from the approved ground level at the time of subdivision.



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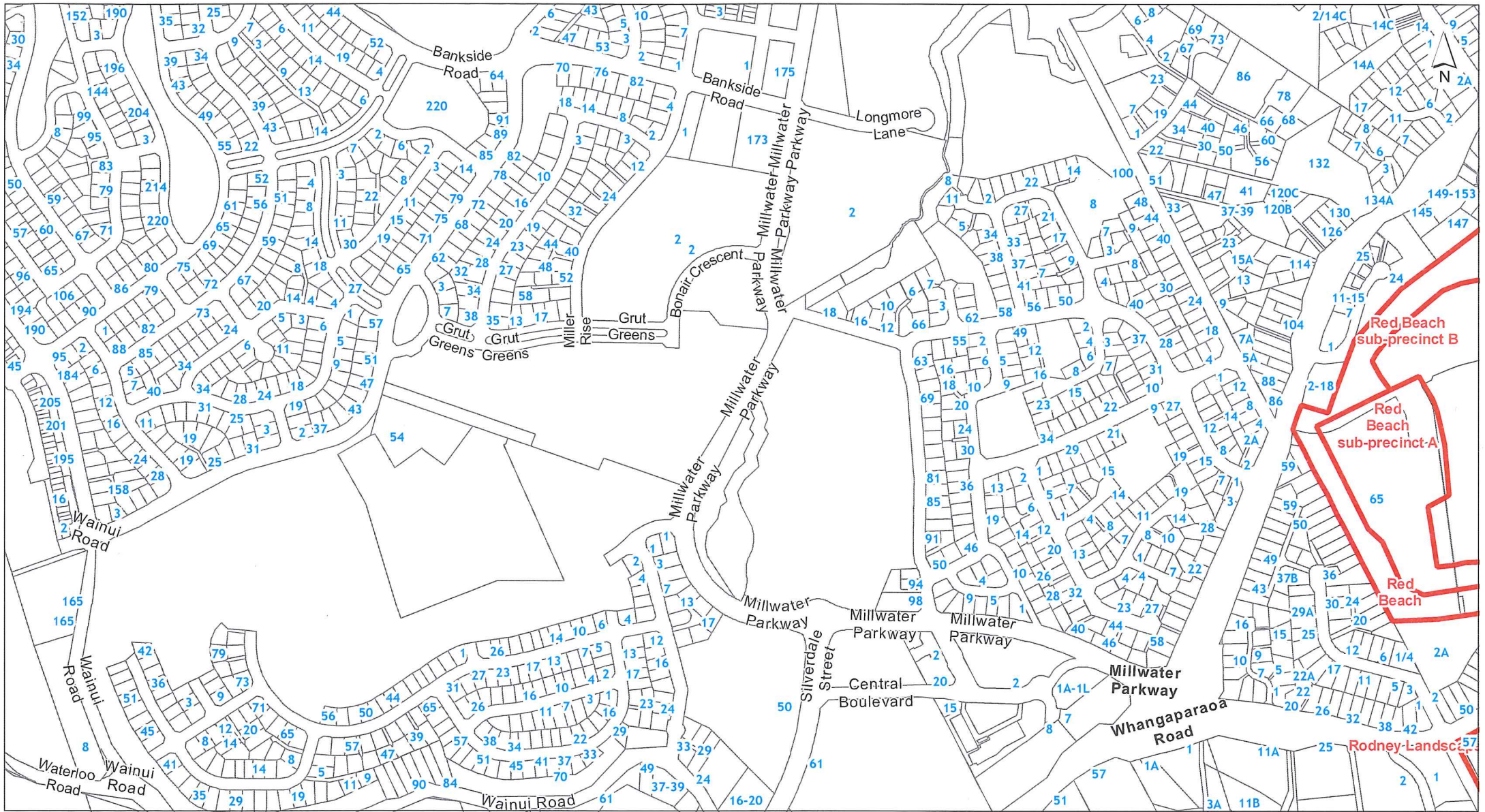
Precincts
 Silverdale North - Precinct B



Scale @ A4
 = 1:8,000

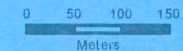
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Decisions version Precincts
Silverdale North - Precinct B - Decision



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