

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

Subject

Kahawai Point Developments Limited (KPDL) has requested a plan variation (Plan Variation 14 Glenbrook 3 Precinct) to the Proposed Auckland Unitary Plan under section 61 of the Housing Accords and Special Housing Areas Act 2013 (HASHAA), and applied for two qualifying development resource consents (QD1 and QD2) under section 25, of HASHAA for the approved Mclarin Road, Glenbrook Special Housing Area (SHA) at 35 Mclarin Road, north side of the road (Lot 2 DP 351480 0.8130ha); 35 Mclarin Road, south side of the road (Lot 1 DP 18680 1.8775ha); 127 Mclarin Road (Lot 1 DP 21692 29.0488ha); and un-numbered land, north side of Mclarin Road (Lot 1 DP 351480 36.3183ha) and which contains all of the land subject to QD1 and QD2 application.

PV14 was expanded over the adjacent Yorke / Clelland Future Urban zoned land to the south within the SHA by submission made under section 68 of HASHAA - being Lots 1 (0.3082 ha) and 2 (7.9870 ha) DP 204733, and Lots 3 (4.1980 ha) and 4 (6.2850 ha) DP160963 (at 80, 140 and 184 Mclarin Road respectively).

The Qualifying Development QD1 by KPDL for vacant lot subdivision of 61 residential lots, 3 Green Infrastructure Corridor zoned lots including the streams and streamside walkways, 2 drainage reserves, a pedestrian road linkage to a stream, a neighbourhood park at Pohutukawa Point, a lot for a coastal café, with associated roads, infrastructure, landscaping and earthworks at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha).

The Qualifying Development QD2 by KPDL for vacant lot subdivision of 170 residential lots, 2 Green Infrastructure Corridor zoned lots, drainage reserves, 2 pedestrian and cycle linkages between streets, with associated roads, infrastructure, landscaping and earthworks at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha).

The hearing was held 18, 19 and 22 August 2016 at Pukekohe which, being outside the 20 working day period set by section 69 HASHAA for a hearing following the closing of submissions, required an extension of time under section 37 and 37A of the Resource Management Act 1991 by section 76 HASHAA. KPDL confirmed its agreement to such an extension, which was granted. The hearing was closed on Wednesday 31 August 2016.

Pursuant to Section 61 of the Housing Accords and Special Housing Areas Act 2013, Proposed Plan Variation 14 to the Proposed Auckland Unitary Plan is APPROVED SUBJECT TO MODIFICATIONS.

Pursuant to Section 25 of the Housing Accords and Special Housing Areas Act 2013, resource consent for the qualifying development application QD1 (Council reference R/SUB/2015/3983) is GRANTED.

Pursuant to Section 25 of the Housing Accords and Special Housing Areas Act 2013, resource consent for the qualifying development application QD2 (Council reference R/SUB/2015/4046) is GRANTED.

The full decisions are set out below.

Accord Territorial Authority Hearings Panel of Independent Commissioners:

David Hill (Chair)

William Kapea

Richard Blakey

Bill McEntee

Council Officers and Technical Advisers

Trevor Mackie – Project Planner, Masterplanning

Colin Hopkins – Project Planner, SHA Consenting

Chris Butler – Principal Urban Design

Mark Iszard – Stormwater

Rob Pryor – Landscape

Don Munro, Stuart Bracey and Raj Nadarajah – Transport

For the Applicants

Stuart Ryan – Counsel

Ballu Khan – Applicant's representative

John Duthie - Planning

Dame Nganeko Minhinnick - Director

Dr Simon Bickler - Archaeology

Michael Hall - Engineering

John Gottler – Transport

Bronwyn Rhynd – Stormwater

Eddie Sides – Ecology

Jonathan Broekhuysen – Landscape

Tim Robinson – Urban Design

For Submitters

Aaron Yorke – Submitter; Kitt Littlejohn – Counsel; Vance Hodgson – planning; Kevin Wyborn – Stormwater.

Counties Power Limited – Rachel Bilbé and Carmen Yip

Decisions of the Commissioners

1.0 Introduction

These decisions follow a public hearing of concurrent applications made on behalf of Kahawai Point Developments Limited (KPDL) (and expanded by submission of O and A Yorke) under the Housing Accords and Special Housing Areas Act 2013 (HASHAA) for a plan variation (PV14) to the Proposed Auckland Unitary Plan (PAUP) and two qualifying development (QD1 & QD2) resource consents to facilitate the Mclarin Road Special Housing Area (SHA) at Glenbrook Beach. Ultimately this Special Housing Area as sought could provide for approximately 1,050 dwellings with 61 and 170 proposed for the first two qualifying developments.

The Mclarin Road SHA was approved as part of the Auckland Council's tranche 6 special housing areas and formally established by Order in Council (Order) on 29 June 2015. The request and applications under consideration in these decisions are confined to the approved SHA site.

The proposed Plan Variation (PV14) as lodged sought to re-zone 68.0576ha of land from Rural Coastal Zone to a combination of Single House, Green Infrastructure Corridor, Public Open Space – Informal Recreation and Neighbourhood Centre zones and to establish the Glenbrook 3 Precinct. PV14 was expanded by a further 18.77 ha through submission under section 68 of the HASHAA, being the Yorke / Clelland Future Urban zoned land to the south of the KPDL land, which is included in the SHA. Provisions that are not carried forward into the Decisions Version of the PAUP have been duly modified to their consequential – such as the Green Infrastructure Corridor to Open Space – Informal Recreation, and deletion of the word “public” from open space zones.

The associated QD1 and QD2 applications are made under section 25 of the HASHAA and rely on the PV being approved. Both applications satisfy the clause 5 Order criteria for “qualifying developments” for the purposes of the HASHAA – which states as follows:

Maximum number of storeys that buildings may have is: 5

Maximum calculated height that buildings must not exceed is: 27 metres

Minimum number of dwellings to be built in each QD is: 15

Percentage of dwellings that must be affordable dwellings: In each QD —

(a) 10%, according to criteria A; or

(b) 5%, according to criteria B.

The application is made under both Criteria A and B for the QDs. QD1, for 61 residential lots, has 7 smaller lots marked ‘A’ for affordable housing, which could be more than 10% under Criteria A or more than 5% under Criteria B. QD2, for 170 residential lots, has 16 lots marked ‘A’ which make up a cumulative 10% under Criteria A (affordable lots are double-counted if they also meet Criteria B). Although proposed as relative affordable residential lots, some of the lots may become retained affordable housing under Criteria B.

After the introductory and descriptive sections which are common to both applications, this decision document is then generally divided into two parts: first the discussion and decision relating to the plan variation followed by consideration of and decisions on the QD consent applications (as required under section 71(1) HASHAA).

The applications along with the reasons for them were described in considerable detail in the application materials and again in some depth in the Council's s42A report prepared for the hearing. As a result it is not necessary for much of that detail to be repeated except to the extent that it relates directly to the issues under discussion. Avoiding duplication has also aided us in releasing the decisions in accordance with the relatively short timetables imposed by HASHAA.

2.0 Preliminary Matters

The Panel raised a number of preliminary matters with counsel for the requestor/applicants during the hearing relating to: its jurisdiction to determine the request and applications; the scope of submissions; the weighting to be applied; the relevance of the Decisions Version of the PAUP (particularly the Regional Policy Statement); and lapsing of consents.

Jurisdiction

The Panel noted that Auckland Housing Accord signed by the Minister of Housing and the Mayor of Auckland on 3 October 2013 stated the following:

- 15 *SHAs are brownfield and greenfield areas inside the proposed Rural Urban Boundary (RUB), identified for the purpose of urban development, mainly for housing, but with provision for business and community services and amenities as well.*
- 16 *An SHA is not subject to the provisions of the operative Regional Policy Statement (RPS) including all references to the MUL, or any other operative District Plan, unless a Qualifying Development is pursued under an operative plan.*

That Accord was signed after the commencement of the HASHAA on 16 September 2013 and appears not to have been updated.

The signing of an Accord creates the territorial authority as an Accord Territorial Authority (ATA) under section 10(5) HASHAA and which, among other things, empowers that ATA to recommend to the Minister of Housing the establishment of special housing areas within its district under section 17 HASHAA.

Section 89 HASHAA provides for an ATA to appoint a panel with delegated functions and powers – effectively in this instance to hear and determine the plan variation request and concurrent qualifying development applications. We were so appointed.

The Order in Council establishing the Mclarin Road, Glenbrook SHA was made on 29 June 2015.

The question put to both counsel for the requestors/applicant was as to whether the fact that this SHA falls outside the strict terms of the Accord – not being located within the RUB either as notified or in the final decisions version – created a bar to our

appointment by limiting the ATA's jurisdiction to the matters identified in the Accord, and therefore to our hearing and determining the present matter.

In short, neither Mr Ryan nor Mr Littlejohn in oral submissions considered this to be the case. They submitted that the Order in Council having been made for an SHA within the district of the Auckland Council, this was sufficient authority for the appointment by the relevant territorial authority.

The Panel saw no need to pursue this further but notes that matter for the record.

Scope

Submissions on the plan variation ranged across the spectrum from approval to decline with or without modification. In response to a question from the Panel regarding the extent to which modifications to the spatial extent of the precinct might be considered under section 70(3)(b) HASHAA, Mr Ryan confirmed that there was sufficient scope within the generality of submissions for that purpose.

Weighting

Sections 34(1) and 61(4) HASHAA establish a weighting hierarchy of matters to be considered in determining qualifying development resource consents and plan changes or variations respectively.

Section 34(1) states:

- (1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
 - (a) the purpose of this Act:
 - (b) the matters in Part 2 of the Resource Management Act 1991:
 - (c) any relevant proposed plan:
 - (d) the other matters that would arise for consideration under—
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):
 - (e) the key urban design qualities expressed in the Ministry for the Environment's *New Zealand Urban Design Protocol (2005)* and any subsequent editions of that document.

Section 61(4) states:

- (4) The authorised agency, when considering a request for a plan change or variation to a proposed plan under this section, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
 - (a) the purpose of this Act:
 - (b) the matters in Part 2 of the Resource Management Act 1991:
 - (c) the matters in section 74(2)(a) of the Resource Management Act 1991:

- (d) the other matters in sections 74 to 77D of the Resource Management Act 1991, except that—
 - (i) section 74 includes the duty under section 32 of that Act only to the extent provided for in subsection (3)(b)(v); and
 - (ii) section 75(3)(c) and (4)(b) does not apply to the extent that the relevant provisions of a proposed regional policy statement or proposed regional plan are more consistent with the purpose of this Act than a regional policy statement or a regional plan; and
- (e) any other relevant provision of an enactment (such as the Waitakere Ranges Heritage Area Act 2008)

The Panel notes that while clearly the “*enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts*” purpose of the HASHAA “tops” the hierarchy, no further statutory guidance is given as to how much weight this carries. For example, had Parliament wanted to ensure that this factor dominated the weighting it could have structured the sections into only two subsections rather than five, thereby establishing its minimum “numerical” superiority at 51%. For guidance purposes therefore the Panel concludes that the weight to be ascribed to the purpose of HASHAA in our consideration is less than the sum of the other parts but more than any of the remaining four individual weights, each of which in turn is weighted more than its following matter – for example in terms of a descending series of weights such as 35% - 30% - 20% - 10% - 5%. While we have not ascribed such proportional weighting, we have observed that general principle.

Decisions Version of the Proposed Auckland Unitary Plan

Auckland Council released its Decisions Version of the PAUP at 5pm on Friday 19 August 2016 during the present hearing. In response to a question from the Panel, Mr Ryan confirmed that our consideration is not frozen in time to the notified PAUP 2013 as it was at the time the request and applications were made on 30 September 2015 but needs to take into account the recent Decisions Version – but being mindful that detailed evidence has not been given on that version.

A general matter to note in that regard is the Plan’s estimated “feasible capacity” provision of some 420,000 dwellings across housing typologies, with its emphasis on releasing land and enabling housing supply rather than setting “affordability” provisions – a matter that we return to later in this decision but which is clearly consistent with the purpose of HASHAA (and which is expected to continue to deliver on that purpose following the expiry of the HASHAA on 16 September 2016). However we note in passing that the Future Urban Zone land around Glenbrook Beach (i.e. proposed sub-precinct B) is not “live” zoned by the Plan and the surrounding rural land was not considered necessary for urban residential activity.

Lapsing of consents

The draft conditions provided by the applicant and Council contained an erroneous assumption regarding the lapsing of resource consent provision under section 51 HASHAA as it applies section 125 of the RMA. That assumption was of a 2 year default lapse period rather than the 1 year provided under section 51(a)(iii). The

applicant sought an amendment of that period to the 2 years assumed in order to coordinate better with the bulk earthworks consent already granted.

The Panel sees no significant consequential issue arising for any other party and agrees to that specified date period amendment under section 125(1) of the RMA.

3.0 Statutory Considerations and Procedural Matters

Decision-Making

Section 71 HASHAA requires that when concurrent plan variation and resource consent applications are being heard together, a decision on the plan variation must be made first and before a decision on the resource consent (which latter decision is then based on the plan variation decision). Accordingly, that part of this decision that relates to the Plan Variation is provided separately (and ahead of) the consideration of and decision on the QD applications. As these applications are interconnected, with the latter being reliant on the former, it is considered appropriate to issue one comprehensive decision. In the same manner in which the combined Reporting Officers' reports - Mr Mackie for the PV and Mr Hopkins for the QDs - (which is referred throughout this decision as the **Section 42A Report**) addressed both applications (with, where appropriate, a combined commentary and assessment). A similar format is adopted in this decision in order to avoid unnecessary duplication.

This decision is made on behalf of the Council by Independent Hearing Commissioners David Hill (Chair), William Kapea, Richard Blakey and Bill McEntee, appointed as an Accord Territorial Authority Panel and acting under delegated authority under section 89 of the HASHAA and sections 34 and 34A of the RMA.

The Commissioners visited the site prior to the hearing and drove/walked over the proposed PV and QD development areas, as well as around the Glenbrook Beach settlement generally, on 15 August 2016.

This decision covers the matters that were addressed in evidence presented at the hearing as well as technical discussions contained in the application documentation and the Section 42A Report. There was, inevitably, commonality between the information presented for each application. The decision acknowledges this and has recorded this where applicable. We note that in response to questions by the Commissioners, further explanation, changes and technical advice was presented during the course of the hearing, with further changes to the wording and plans associated with the PV, and the conditions for the QD, after the adjournment and before the hearing was closed. These amendments, along with some modifications to recommended conditions, are referenced in this decision as necessary to explain our overall findings.

We are advised, and accept, that the applications for subdivision consent and land use consent meet the requirements for a qualifying development under section 14 of HASHAA. As such HASHAA can be used to make decisions otherwise subject to the RMA, and the applicant has requested this pursuant to section 20 HASHAA.

In respect of the proposed PV request, and pursuant to section 59 HASHAA, only district plan-level provisions can be considered. Proposed regional policies and plans

cannot be varied under the HASHAA. Consequently the regional-level provisions of the PAUP, as amended on 19 August 2016, must be taken into consideration when assessing the resource consents for the QDs.

Section 71 HASHAA requires that when concurrent plan variation and resource consent applications are made, a decision on the plan variation must be made before any decision on the resource consent application can be made. This is because key provisions such as the zoning of the land and the classification of some of the proposed activities typically change if a variation is approved. In this case, subdivision of the nature proposed is a non-complying activity in the Rural Coastal zone (and the Future Urban zone) under the PAUP¹, but such subdivision would be enabled by the new Single House zoning that is sought. Similarly, of course, if the PV is declined then the QD applications necessarily fall away.

Accordingly, and as the applications are concurrent, with the QD aspects being wholly reliant on approval of the PV, it is appropriate to issue one comprehensive decision covering both applications. This format will also avoid duplication. In this manner we have set out those matters and issues common to both applications, but have separated our discussion of those matters in contention where they are specific to the PV or QDs, and have set out separate decisions in respect of both. The resulting text of the PV and conditions for the QDs are attached to the decision as **Appendix 1** and **Appendix 2** respectively.

We have made findings only on those few issues that remained in contention between the parties at, or by the end of, the hearing (or were raised by the Panel) in respect of the PV and the QDs.

4.0 The site and surrounding area

Chapter 2 of the s42A report describes the general locality and area of the site as follows:

The PV extends from the existing Glenbrook Beach rural and coastal settlement, across coastal farmland to the edge of the Taihiki and Waiuku Rivers. The KPDL land has been gazetted as a Special Housing Area in June 2015 (Tranche 6), although it was not zoned Future Urban zone in the PAUP. The remainder of the land within the SHA, not controlled by KPDL, was zoned Future Urban in the PAUP and is the subject of a submission by AKO and KO Yorke, seeking extension of the proposed re-zoning to Single House zone and accompanying precinct provisions. The Rural Urban Boundary does not include rural and coastal settlements.

The land is farmland used for cropping of onions and potatoes, and forage crops, and is bounded at its northern and southwestern edges by an unformed paper road following the coastline. We understand that the land within the proposed precinct outside the FUZ land to comprise predominantly LUC 2 prime soils. We were not advised that any of the land comprises LUC 1 elite soils. The Future Urban zoned land is used for dairy farm grazing. The KPDL land is of flattish contour with steeper banks within the coastal paper road. A series of wetlands and streams run through

¹ Decisions Version, Rule E39.4.2 (A12) and E39.4.3 (A28)

the site, with those in the western part planted and mainly fenced under a conservation covenant, and drain to the Taihiki and Waiuku Rivers.

Other physical infrastructure includes the main Watercare water supply and wastewater pipelines and the underground high voltage electricity cable, all following roughly the same alignment, running between Glenbrook Beach and Clarks Beach.

The land within the PV area contains no identified heritage items, however there are thirteen sites or places of cultural value to Mana Whenua located within the paper road, and with their areas of effect extending onto the subject site. They are all also identified as oven or midden archaeological sites.

There are areas of Significant Ecological Value in and adjoining the plan variation area. The PAUP identifies the coastal marine area (CMA) to the north of the site as a Significant Ecological Area (SEA) Marine (SEA-M2-31, and SEA-M2w-31). SEA-M2-31 (and M2w-31) (Taihiki River) is described in the PAUP as an inlet comprised of a diversity of sheltered harbour habitats ranging from predominantly sandy intertidal flats, to mangroves areas of saltmarsh. 23 SEA_T_586 is almost entirely within the coastal road reserve and extends into the stream mouths. It is classified 1 (Representative), 2 (Threat status and rarity), and 4 (Stepping stones, migration pathways and buffers). There are also two areas identified as 'Natural Hazards: Coastal Inundation' and those are confined to stream mouths within the covenanted stream areas.

5.0 The Proposals

PV14

The proposed Plan Variation (PV), as expanded through the Yorke submission, seeks to re-zone 86.8358 ha of land from Rural Coastal Zone to a combination of Single House, Green Infrastructure Corridor, Public Open Space – Informal Recreation and Neighbourhood Centre zones and establishing the Glenbrook 3 Precinct.

It is proposed to vary the underlying PAUP zones by precinct provisions:

- identifying the key roading network and key access points to the precinct
- providing for coastal walkways and ecological protection and treatment of the coastal fringe
- creating a network of walkways along the coast and alongside the streams and wetlands
- increasing the Single House zone residential density in the precinct to an average of one dwelling per 550m² net site area (minimum net site area 500m²), apart from a proportion of smaller affordable housing lots
- providing a Neighbourhood Centre zoned area with a building height limit (8m) for a small block of neighbourhood shop(s), and a coastal café site adjacent to a proposed park
- making particular provision for affordable housing on small lots of 300m², at a density higher than normally permitted within the 'Single House' zone, and allowing for zero lot development (ability to build to the boundary) on a side boundary of those sites

- carrying across affordable housing provisions from the HASHAA and applying them to developments made after HASHAA expires
- identifying a location of mixed accommodation which has the potential for group housing, papakainga housing or a retirement village
- providing for whanau (extended family) housing
- setting design development controls and assessment criteria which will manage new building in sensitive areas, including along the coastal margin and close to the wetlands and streams
- new on-site stormwater management controls developed as district plan level provisions
- identifying thresholds for development staging in relation to upgrading of water supply, wastewater and transport, and infrastructure funding contributions
- requiring flood mitigation to be provided prior to development of the currently Future Urban zoned land.

Further details are contained in the PV14 application documentation, legal submissions and evidence.

QD1

A description of the proposed works is set out in full in *Qualifying Development 1 Material – B Tattico Planning Report* (hereafter referred to as the AEE) prepared by Mr John Duthie and the accompanying specialist assessments, and the Updated QD1 and 2 Material (Scheme plan; stormwater plans; Stormwater Management Plan and Archaeology addendum).

The proposed QD1 application is for land use and subdivision resource consents at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha), Glenbrook Beach.

Following the submission of updated information in July 2016, and in response to submissions, some modifications to the proposal have been made, increasing the number of lots in QD1. The extent of QD1 is shown in the approved scheme plan. In summary, and based on the updated information in July 2016 and at the hearing the applicant seeks land use and subdivision to undertake the following:

- 61 vacant residential lots (originally 50 proposed);
- 7 lots are identified for affordable housing;
- 1 lot of 3,690m² to be vested as reserve for a public park (proposed lot 2000);
- 1 lot to be vested as road (proposed lot 1002);
- 2 stormwater drainage reserves (proposed lot 3000 and 3001);
- earthworks and land forming works across the QD1 area;
- construction of associated drainage; and
- removal of 100m of intermittent stream.

The works also require consideration under the National Environmental Standard for Assessing and Managing Soil Contaminants to Protect Human Health (NES), as a

HAIL activity is likely to have occurred on site, and the volume of earthworks exceeds the standards prescribed in the NES.

The application satisfies the requirement for a QD in an SHA, and the activity status overall is a non-complying activity under the request for the plan variation (if approved).

QD2

A description of the proposed works is set out in full in *Qualifying Development 2 Material – B Tattico Planning Report* (hereafter referred to as the AEE) prepared by Mr John Duthie and the accompanying specialist assessments, and the Updated QD1 and QD2 Material (Scheme Plan; Stormwater Plans; Stormwater Management Plan and Archaeology addendum).

The proposed QD2 application is for land use and subdivision resource consents at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha), Glenbrook Beach.

As with QD1, some changes have been made to QD2 as part of the updates to the proposal made in July 2016 and at the hearing, decreasing the number of lots in QD2. The extent of QD2 is shown in the approved scheme plan. In summary, the applicant seeks land use and subdivision to undertake the following:

- 170 vacant residential lots (originally 180 proposed);
- 16 lots are identified for affordable housing (Note: a total of 17 lots are required to be provided as affordable housing, however cumulatively with QD1 there are 10% affordable housing sites – i.e. 23 - in total);
- 1 lot of 190m² to be vested as reserve as a top up of the adjacent proposed esplanade area (proposed lot 2001);
- 7 lots to be vested as road, 2 of which are local roads (proposed lots 1003, 1004), and 5 of which provide pedestrian linkages (proposed lots 2002, 2003, 2004, 2005, and 2006);
- 2 jointly owned access lots (JOAL) (proposed lots 900 and 901)
- 1 stormwater drainage reserve (proposed lot 3002);
- earthworks and land forming works across the QD area;
- construction of associated drainage;
- easements relating to Right of Way (ROW) access and services for proposed lots 215, 216, 221 and 222, and electricity in favour of Counties Power on lots 900 and 901.

The works also require consideration under the National Environmental Standard for Assessing and Managing Soil Contaminants to Protect Human Health (NES), as a HAIL activity is likely to have occurred on site, and the volume of earthworks exceeds the standards prescribed in the NES.

The application satisfies the requirement for a QD in an SHA, and the activity status overall is a discretionary activity under the request for the plan variation (if approved).

6.0 Other resource consents

Bulk Earthworks Consent (Council Reference R/LUC/2015/4069 and R/REG/2015/4072)

Consent was granted on 8 December 2015 providing for bulk earthworks across an area of approximately 1.8ha - comprising approximately 56,000m³ of cut and 52,000m³ of fill. As part of these works, surplus earthworks of approximately 4,000m³ is to be stockpiled on site for future use, and the site management and erosion and sediment control will be undertaken in accordance with Auckland Council Technical Publication 90 (TP90). This consent does not include the works within the intermittent stream, earthworks associated with infrastructure, or any retaining walls or physical construction works – and which, therefore, are part of the present applications). At the time of hearing this consent had not been implemented; the 2016-2017 earthworks season having not yet begun.

Tree Removal Consent (Council Reference R/TRG/2015/3761)

Consent was granted on 30 October 2015 for the staged removal of trees within the coastal paper road. The three stages approved are:

- Stage 1 involves the removal of all Pine and Macrocarpa trees between the Glenbrook Beach boat-ramp reserve and the proposed new Pohutukawa Point park;
- Stage 2 involves the removal of trees exacerbating erosion and/or dead or diseased trees across the area of unformed road that fronts the proposed new Pohutukawa Point park to the east;
- Stage 3 involves the removal of all Pine and Macrocarpa trees along the unformed road from Pohutukawa Point to the end of the SHA area;

These works are to be undertaken such that tree stumps will be left in the ground, to avoid coastal erosion and instability. No vegetation will be removed from near the Glenbrook Beach Reserve/boat ramp located at that end of Mclarin Road. As part of the present proposal the coastal edge will be re-vegetated with eco-sourced native coastal species. At the time of hearing, this consent has not been fully implemented.

Network Discharge Consent (Council Reference R/REG/2015/4078)

Lodged contemporaneously with the PV and resource consents relating to the QD applications, the Network Discharge Consent (NDC) application is made on behalf of the Auckland Council Stormwater Unit. As this application is to be based on any agreement around the details of the Stormwater Management Plan (SMP) approved or granted as part of the PV and QD applications, the NDC application is on hold by agreement and will be considered and determined following and subject to the present process. No specific timeframes are given for the stages.

Coastal Walkway

As outlined in the application material, a coastal walkway forms part of the vision for the development of the SHA. Section 17.12 of the AEE for the resource consent applications for QD1 and QD2 states that landowner consent will be sought from

Auckland Council and Auckland Transport to implement this walkway. Once the necessary landowner approvals are provided, any relevant resource consents necessary to implement the coastal walkway will be sought. No formal agreement for this has been provided although the Panel understands that Council (and AT) support this option in principle).

7.0 Reasons for the Applications

Variation to the Proposed Auckland Unitary Plan

The applicant has requested under s.61 HASHAA to vary the PAUP as it applies to land approved as an SHA in accordance with HASHAA. The variation is required to enable the development of the SHA including the delivery of QD resource consents.

The applicant has proposed the variation under the provisions of s.63 - s.71 HASHAA as it has not provided the written approval of all persons deemed by the Council to be adversely affected.

Resource Consents for Qualifying Development 1

Based on the applicant's plan variation request, the resource consents that relate to a Qualifying Development are:

- Subdivision in accordance with the Glenbrook 3 Precinct Provisions requires consent as a **restricted discretionary activity**.

Note: when lodged the application for QD1 was originally anticipated to be processed in advance of the request for the Plan Variation and QD2, and on that basis the AEE submitted for QD1 refers to subdivision as a discretionary activity in accordance with section 25(4) HASHAA. Given the change in timeline for processing, the proposed application can be assessed against the PV provisions in accordance with s71 HASHAA under the above status.

Proposed Auckland Unitary Plan 2013 (i.e. as notified²)

Part 3, Chapter H – Auckland wide – Infrastructure

- The construction of stormwater retention/detention ponds as proposed requires consent as **controlled activity**, pursuant to Part 3, Chapter H, Section 1.1;
- As the total development exceeds the provision of 30 dwellings/lots, consent is required as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section 1.2.3.1;

Part 3, Chapter H – Auckland wide – Natural Resources

- Consent for a **restricted discretionary activity** is required to exceed the threshold of 2,500m³ or 2,500m², pursuant to Part 3, Chapter H, Section 4.2.1.1;

² Noting that the application lodgment activity status saving provision of s88A RMA applies under s27 HASHAA.

- As the earthworks are proposed within the 100 year ARI Flood plain consent is required as a **restricted discretionary activity**, pursuant to Part 3, Chapter H, Section 4.2.1.2;
- The proposed reclamation and drainage of an intermittent stream including the associated structures, bed disturbance or depositing any substance, diversion of water and incidental temporary damming of water requires consent as a **non-complying activity** pursuant to Part 3, Chapter H, Section 4.13.1;

Part 3, Chapter H – Auckland wide – Subdivision

- Subdivision of land within the 1 percent AEP floodplain, other than in any rural zone requires consent as a **restricted discretionary activity**, pursuant to Chapter 3, Chapter H, Section 5.1;

Part 3, Chapter J – Overlay – Mana Whenua

- Earthworks within an area identified as a site of value to mana whenua or within 50m of the site requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter J, Section 5.2.1. In this case earthworks will occur within 50m of two sites, identified as ID2528 and ID2188.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- As the proposal is not considered to be a permitted, controlled, or restricted discretionary activity, the proposal is considered to be a discretionary activity in accordance with regulation 11. As such, the proposal is a **discretionary activity** under the NES as per sections 9 and 15 of the RMA.

Note: the proposal is a permitted activity under the PAUP as the background levels meet the permitted activity criteria.

Status of the Resource Consent Applications for QD1

Overall the QD1 resource consent application is a non-complying activity.

Resource Consents for Qualifying Development 2

Based on the applicant's plan variation request, the resource consents that relate to QD2 are:

- Subdivision in accordance with the Glenbrook 3 Precinct Provisions requires consent as a **restricted discretionary activity**.

Proposed Auckland Unitary Plan 2013 (i.e. as notified)

Part 3, Chapter H – Auckland wide – Infrastructure

- The construction of stormwater retention/detention ponds as proposed requires consent as **controlled activity**, pursuant to Part 3, Chapter H, Section 1.1;
- As the total development exceeds the provision of 30 dwellings/lots, consent is required as a **restricted discretionary activity** pursuant to Part 3, Chapter H, Section 1.2.3.1;

Part 3, Chapter H – Auckland wide – Natural Resources

- Consent for a **restricted discretionary activity** is required to exceed the threshold of 2500m³ or 2500m², pursuant to Part 3, Chapter H, Section 4.2.1.1;
- As the earthworks are proposed within the 100 year ARI Flood plain consent is required as a **restricted discretionary activity**, pursuant to Part 3, Chapter H, Section 4.2.1.2;

Part 3, Chapter H – Auckland wide – Subdivision

- Subdivision of land within the 1% AEP floodplain, other than in any rural zone, requires consent as a **restricted discretionary activity**, pursuant to Chapter 3, Chapter H, Section 5.1;

Part 3, Chapter J – Overlay – Mana Whenua

- Earthworks within an area identified as a site of value to mana whenua or within 50m of the site requires consent as a **restricted discretionary activity** pursuant to Part 3, Chapter J, Section 5.2.1. In this case earthworks will occur within 50m of two sites, identified as ID2527 and ID2189.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

- As the proposal is not considered to be a permitted, controlled, or restricted discretionary activity, the proposal is considered to be a discretionary activity in accordance with regulation 11. As such, the proposal is a **discretionary activity** under the NES as per sections 9 and 15 of the RMA.

***Note:** However, the proposal is a permitted activity under the PAUP as the background levels meet the permitted activity criteria.*

Status of the Resource Consent Application for QD2

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

8.0 Notification and Submissions – Plan Variation 14

The HASHAA provides for limited notification or non-notification processes – section 67 (plan variations) and section 29 (resource consents). The notification letter requested that submitters separate their submissions on the plan variation and qualifying development. The proposal, including the PV and both QDs, was limited notified on the 27 April 2016 and submissions closed on 27 May 2016.

A submission was received from Mr K O Yorke and Mr A K O Yorke seeking extension of the PV over land within the SHA under section 68 of HASHAA. This initiated a second round of notification, which was limited notified on 3 June 2016 and submissions closed on 22 June 2016. The s42 report raised a technical question regarding scope for extending the PV over both the Yorke and Clelland Future Urban zoned land, as the relief sought applied only to the Yorke-owned land. However, we are satisfied that as the submission itself sought that the plan variation should be

expanded over the entire future urban zone, scope exists for that outcome. We understood that the Clelland's support that outcome – and the land is in fact farmed by the Yorkes.

Section 29(3) HASHAA describes those persons who may be limited notified, being owners of land adjacent to land subject to the application, local authorities, infrastructure providers/requiring authorities.

A submission (number 6) was received from the Glenbrook Beach Residents and Ratepayers Association, but that organisation does not have standing under s29(3) of HASHAA and is, accordingly rejected. Instead that submission was accepted as being from the eight individual signatories to that submission, who are all adjacent landowners.

Submission 1 (KO and AKO Yorke) sought extension of the Single House zone over the Future Urban zone, modified by the application of precinct provisions to achieve preliminary outcomes sought in the following areas:

- Mclarin Road future re-alignment;
- new road fronting the existing Reserve;
- indicative future park at Beach Road end of the block;
- residential development deferred until water and wastewater networks are upgraded (estimated 2021); and
- mitigation of the flooding hazard caused by run-off from the approximately 20ha of land, as part of stormwater management planning at the site's western edge.

The submission was accepted as a legitimate submission under section 68 HASHAA.

There were no submissions lodged or accepted seeking an extension of zoning beyond the Special Housing Area, which would be outside the scope of HASHAA and the Plan Variation. Submissions were received seeking review of the density and minimum site size as it applies to existing residential development at Glenbrook Beach, however that land is outside the SHA.

9.0 Amendments to PV and matters remaining

The s42A report identified a number of amendments to the PV proposed in the version provided on 4 August 2016, including changes arising from submissions and specialist assessments.

On 26 July 2016 a s41B RMA direction was issued by the Panel setting out a timetable for evidence exchange.

On 10 August 2016 the applicant's evidence was lodged as directed, and included a further amended version of the PV. Submitter evidence was received on 16 August 2016 on stormwater management for the Future Urban zoned land. The applicant's evidence and amended PV included responses to the matters raised in the Council report, and these are summarised as follows:

1. Objective 3 should refer to 'future public transport links' rather than 'public transport links' as there is currently no public transport at Glenbrook Beach
2. After discussions with the adjacent farmer, a provision is added for a fence along the potential reverse sensitivity boundary between the residentially zoned land and the adjacent working farm.
3. One section of new coastal road is proposed.
4. The 1.0m maximum fence height is increased to 1.2m to allow pool fences, and the fence permeability is reduced to 60% to allow for timber construction.
5. Stormwater Policy 9 is amended to clarify that it applies to management of the 95th% rainfall event.
6. Ecological objectives are amended to ensure marine water quality is 'maintained' rather than 'enhanced'.
7. 'Riparian margins' are clarified to apply to wetlands as well as to streams.
8. 'Whanau housing' is limited to sites with a minimum area of 800m².
9. Re-planting requirements for the esplanade reserve (stopped road) are proposed to extend for the full width of the esplanade reserve, which may be less than 20m in some places. Clarification is made that intensive planting excludes the walkway, cliff faces and the archaeological sites.
10. Proposals are advanced for staging, development triggers and funding arrangements for road improvement projects, including a draft Memorandum of Understanding for those timing and funding provisions.

The issues between the Council and the applicant, in respect of the PV provisions in the final version as recommended by the applicant, narrowed considerably leading into the hearing. Of the ten amendments proposed by the applicant in the previous section, all but two were agreed. The outstanding issues between the Council and the applicant were limited to items 3 and 10 above. These are discussed further below.

10.0 Statutory Framework

Plan Variation

Section 61 HASHAA provides the statutory framework for consideration of an application for a plan variation within a SHA.

As discussed above, Section 61(4) HASHAA prescribes the matters the Council must have regard to when considering applications for plan variations (and any submission received from notification).

In this case, the relevant plans and policy statements are considered to be:

- National Policy Statement on Freshwater Management 2011; and
- PAUP – Regional level objectives and policies.

All relevant matters were addressed to us in legal submissions, evidence or in the PV application documentation and the s42A report. We are therefore satisfied that sufficient “regard” had been given to them.

In determining the PV application, the HASHAA legislation directs the decision to be made in accordance with clauses 10(2) and (3) of Schedule 1 of the RMA (section 70 HASHAA), and section 61(4) HASHAA as described above.

The starting point for the statutory assessment of the Glenbrook 3 Precinct plan variation is the purpose of HASHAA. Section 4 of the HASHAA states:

The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.

We note that while section 61(4) of the HASHAA provides for a weighted attribute consideration, based on well-established RMA practice, such an exercise is only necessary if tension exists between the various assessed attributes. In other words, if a request satisfies all attributes, no weighting is necessary.

Qualifying Developments

Sections 34 and 35 HASHAA provide the statutory framework for consideration of an application for a qualifying development within a SHA. Where consent is granted, conditions may be imposed (sections 37 and 38 of the HASHAA).

As noted above, Section 34(1) HASHAA details the matters (and their associated weighting priority) to which we must have regard in considering these QD applications and any submissions received.

Other planning documents, to which regard has been had in considering these applications, are:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health; and
- National Policy Statement for Freshwater Management 2011.

These documents, along with the remaining matters in section 34(1) HASHAA for statutory consideration were addressed to us in legal submissions, evidence or in the application documentation for the QDs and the s42A report. We are therefore satisfied that sufficient “regard” had been given to them. We make further comment, where relevant, in our discussion of the principal issues in contention.

11.0 Principal issues in contention – PV and QDs

Many of the issues raised either in submissions or by Council were either resolved prior to the hearing by way of amendments introduced (e.g. agreements on fencing the boundary between the PV precinct and adjacent rural production land, or providing for no-complaints covenants to resolve potential farming reverse sensitivity issues) or were answered to the Panel’s satisfaction in the s42A report (which responses we adopt accordingly). In the interest of brevity we do not repeat or

paraphrase that substantial body of material but adopt the agreed overall conclusions as findings.

The Panel also notes Mr Ryan's confirmation that a number of conditions, including the coastal walkway and planting / foreshore restoration conditions and the offsite planting at Tahuna Marae condition, are offered on an *Augier* basis. These are accepted on that basis.

Issues that either remained in contention between the applicant and Council, or were identified by the Panel, were:

- the provision of coastal roads (which were resolved by the end of the hearing by agreement and a redrawn precinct plan);
- infrastructure provisions and arrangements for timing and funding of road improvements (which were resolved by agreement between both parties and Council at the hearing and a corresponding schedule provided);
- the extent to which the policy directions of the proposed RPS are to be weighed against the purpose of HASHAA as discussed above;
- the extent to which the benefits claimed and support for Ngati Te Ata are to be recognised;
- whether to include the Future Urban zoned land of proposed sub-precinct B; and
- whether to include the proposed provisions for papakainga and/or whanau (re-termed subsequently as *intergenerational*) housing.

Coastal Roads

At issue was the layout of the proposed QD subdivisions and the future proposed road network illustrated within the PV Precinct Plan. Council expressed concern about the roading layout, and in particular its lack of coastal or stream edge road along the full extent of the westernmost green finger and the northern coastline, noting that the pre-sale of lots based on the QD1 layout was potentially problematic in terms of its preferred solution. Furthermore the roading network to the east of the two QD areas effectively created a physical and visual separation from the coast (in particular) which would not be mitigated by the proposed coastal walkway.

While Mr Ryan clarified in closing that it was not intended to suggest that pre-sales deprived the Panel of jurisdiction in respect of either the PV or QD applications, he noted that substantial amendments to the proposed QD scheme would impact on the timely delivery of the subdivision and thereby of an increase in land and housing supply, and in this regard was a relevant matter for the Panel to consider. The Panel acknowledges that clarification, while also noting his reference to Mr Khan's evidence that nearly 50% of the pre-sales meet the affordability criteria – with the average section price (GST incl) across the 94 pre-sales being \$251,383.

With respect to the PV, the applicant supplied an amended version of the Precinct Plan that showed a new alignment for the road to the east of QD2, such that it looped along the coastal edge and adjacent stream. Mr Butler confirmed that this addressed

his concerns with respect to the PV Precinct Plan. It was generally agreed that the edge treatment of the central green finger on the western boundary of QD2 (both low planting and the proposed pedestrian coastal connection) and the loop road proposed to the west of the stream in any future subdivision satisfied Council's "public safety" concerns.

An earlier issue regarding the minimum 20m width esplanade reserve planting was resolved by the application including proposals to 'top-up' the esplanade reserve to 20m width in each place where survey showed coastal erosion had reduced the width of the unformed paper road to less than 20m (and which is to be measured from the toe of the cliff). We also note the applicant's clarification of areas to be excluded from planting (for cultural reasons for instance).

Finding

The Panel is satisfied that the proposed alignment of coastal roads and walkways are appropriate.

Infrastructure

We note that there is no infrastructure "requirement" under the HASHAA's PV provisions – the requirement under section 16(3)(a) is on the Minister, at the time of recommending an Order, to be satisfied that the provision of sufficient and appropriate infrastructure for servicing any SHA "exists or is likely to exist". HASHAA requires that the decision-makers be satisfied that the infrastructure *will be provided* to support the QDs (HASHAA s34(3)). This is an important distinction since the burden is intentionally different. Wastewater, for instance, *must* be available for a QD but is only required to be "planned available" for a SHA – and by implication for a PV. In other words, in our consideration of the PV request we are not required to go behind the Minister's decision, to recommend an Order, to re-examine the issue as to whether sufficient and appropriate infrastructure is likely to exist – that decision has already been made and confirmed through the existence of the Order. We are restricted to a consideration of the *certainty* of provision for the QDs.

In this case Watercare (evidence of Mr Allen) confirmed sufficient plant capacity at Clarks Beach for QD1 and QD2, and longer term capacity for the full PV once (i.e. provided) the proposed new sub-regional facility at Waiuku is fully consented and operational.

With respect to proposed road upgrading the issue for the hearing primarily concerned funding and timing. AT advised that it was able to access a funding contribution to the upgrading of Glenbrook Beach Road and the intersections at the Glenbrook steel mill, from the Local Residential Growth Fund, provided the PV is able to establish that the road upgrade projects would unlock the residential growth opportunity at Glenbrook Beach. By the end of the hearing the road upgrade projects, their staging and development triggers, and funding obligations for provision of works were agreed between the two applicants, the Council and AT.

Although such detailed funding arrangements are not commonly included as a PV provision, we need to be (and are) satisfied that the road infrastructure can and will be provided to support the qualifying developments enabled by those plan provisions.

Counties Power Limited gave evidence concerning the fact that because they had not been as closely involved in the subdivision design as was more usual, this appeared to create difficulties with the placement of transformers and switch gear in road berms – resulting in a non-standard reticulation layout. In reply Mr Ryan confirmed that the standard back berm reticulation layout for the 4 transformers could be accommodated either in the road berm or by adjusting lot dimensions. We understood that to resolve the issue.

With respect to stormwater infrastructure and management, there is agreement regarding how the PV could and the two QDs will manage stormwater within the KPDL land.

A measure of uncertainty remained regarding the extended zoning and precinct planning to include the Future Urban zoned land – notwithstanding its inclusion in the SHA Order - both because it contains wetland and streams, and also because flood mitigation is required to deal with the extensive run-off flooding that occurs in the Ronald Avenue area, and which is caused predominantly by the run-off from the approximately 19 ha of farmland within the Future Urban zone land.

Initially the stormwater engineering and planning experts for the Council did not support expanding the PV re-zoning to Single House zone, due to the lack of stormwater management planning for that land and the substantial flooding hazard at the lower western edge. However Mr Kevin Wyborn gave stormwater evidence for the Yorke demonstrating that dry detention ponds could be designed to mitigate the flooding to the level of pre-development hydrology for this land – he estimated a conservative maximum of 25,800m² of the land would be necessary, indicatively along its south western boundary. Council responded by accepting that the land could be re-zoned on that basis, with subdivision and development requiring detailed stormwater management planning, and being made contingent upon mitigation of the flooding hazard.

Finding

The Panel is satisfied that there are no significant infrastructure servicing impediments.

Proposed AUP RPS (Decisions Version)

The Panel records its surprise that this development was accepted for consideration as a SHA as it would appear to fail to accord with many key regional policy provisions, both of the notified PAUP and the Decisions Version, relating to growth, soils, the Rural Urban Boundary, the expansion of coastal settlements, proximity to public transport corridors, and requirements for structure planning (among others). On inquiry the Panel was advised that the background material to that decision was not available to it, being confidential. For the purposes of our inquiry, therefore, the Panel must assume that due consideration was given to those matters.

Accepting that the site has been properly identified as an SHA and that there is jurisdiction for our appointment to consider and determine the applications against the HASHAA legislation, we are required to assess the PV in particular against those matters set out in section 61(4).

As noted above, the purpose of HASHAA, and the matter to which we are required to give most weighting, is set out at section 4:

The purpose of this Act is to enhance housing affordability by facilitating an increase in land and housing supply in certain regions or districts, listed in Schedule 1, identified as having housing supply and affordability issues.

The Act came into effect in September 2013, and to a large extent the issue of increasing the planned housing capacity and land supply have been addressed in the Decisions Version of the PAUP, which has provided for an estimated “feasible capacity” provision of some 422,000 dwellings both within existing urban areas and extensions to these areas. That was the expected outcome of the PAUP hearing process, and the temporary solution to issues of supply provided by HASHAA is reflected in its imminent repeal date of 16 September 2016, which aligns with the close of the appeal period to the PAUP.

Read literally the proposal meets the purpose of HASHAA in that it provides for an increase in land for housing, which will likely enhance overall housing affordability as a result - notwithstanding the fact that the PAUP will now provide a broader and longer term framework for future development of the region, and sufficient expansion of land and housing supply for 30 years. Indeed, and as noted in Mr Ryan’s closing statement, that affordability “quotient” is multiplied through a significant number of pre-sales of lots across both QD1 and QD2 that have been transacted within an affordable lot band.

This must then be weighed against the matters set out in section 61(4)(b) – (e) HASHAA, including Part 2 of the RMA and the matters at section 74(2)(a). An important matter in that regard is consideration of the regional policy statement, noting that section 61(4)(d)(ii) HASHAA states that section 75(3)(c) and 4(b):

do not apply to the extent that the relevant provisions of a proposed regional policy statement or proposed regional plan are more consistent with the purpose of this Act than a regional policy statement or a regional plan ...

As the PAUP with its expanded growth capacity emphasis is more consistent with the HASHAA’s purpose, it is the regional policy statement as proposed, and now forming part of the PAUP Decisions Version, which is relevant. Section 75(3) of the RMA requires a district plan (and therefore any change / variation) to give effect to the RPS.

While there is no dispute that the Order is lawful, the decision to identify the site as an SHA does present some difficulties with respect to the alignment that might have been expected between HASHAA and the proposed (now Decisions Version) regional policy statement that has been established through the PAUP over the intervening period.

As noted above, the Accord apparently considered that potential issues associated with urban growth under the regional policy statement were largely addressed by confining SHA’s to “brownfield and greenfield areas inside the proposed Rural Urban Boundary (RUB)”. In that regard the proposed RPS, while more “liberal” than the operative RPS in encouraging more intensive and widespread housing development, maintained the direction that this be focussed within the RUB and certain identified

rural and coastal settlements. Furthermore, quite specific direction is given regarding structure planning the transition from a Future Urban Zone to a live residential zone. Glenbrook Beach is neither within the RUB nor was it one of those identified settlements. The potential 8-fold increase in Glenbrook Beach's existing residential capacity challenges the general sweep of those provisions.

Mr Ryan (and Mr Duthie) pointed us to some aspects of the proposal that were said to align with the proposed RPS, namely the policy direction regarding urban growth, issues of significance to mana whenua, sustainable management of the coastal and rural environment. However these appeared to us to be arguable when weighed against the proposed RPS as a whole - considering the eight identified growth issues (B2.1) and associated five objectives (B2.2.1) of a quality compact urban form, contained within defined non-rural areas. Indeed only subsequently has the only Future Urban zoned land come into the PV request – a matter we discuss further below.

Finding

The Panel finds there to be a not insignificant tension between the PV and the provisions of the PAUP (Decisions version).

Maori Cultural issues

Cultural Impact Assessment (CIA)

There was no dispute that a competent Cultural Impact Assessment (CIA) prepared by and covering Ngati Te Ata's traditional, cultural and historical association with Kahawai Point was provided with this application. What was less clear to the Panel was whether the land subject to the SHA and the present applications has on-going significance.

Dame Nganeko Minhinnick is both the Chair of Ngati Te Ata and one of the two Directors of Kahawai Point Development Limited (KPDL). She confirmed in her evidence that Ngati Te Ata gifts her tribal whakatauki to KPDL as an acknowledgement of Ngati Te Ata's support for the application.

The Panel was not aware until the second day of the hearing of the extent of Ngati Te Ata's involvement in KPDL, other than the fact that Dame Nganeko Minhinnick is a director of the company.

We were to learn on that day, when questioned by the Panel, that Dame Nganeko's late son, Tahuna Minhinnick, was up until last year the sole director and 100 percent shareholder in KPDL, and that the project was his initiative. In light of this evidence the Panel's condolences were conveyed directly to Dame Nganeko when she presented her oral evidence. As a consequence, his wife Lisa Minhinnick and mother Dame Nganeko currently hold directorships in KPDL and both Mr Ryan and Mr Duthie told us that they are both committed to fulfilling his legacy. KPDL is currently under the control of an Administrator.

While the Panel understands that the gifting and use of whakatauki is not uncommon, it did create confusion in this case as this was effectively gifting to oneself, the family being entitled to use the whakatauki as of right.

The family is thus both applicant and mana whenua representative. The Panel inquired how this was viewed by others within the iwi/hapu but received no satisfactory response.

While the Panel accepts that mana whenua have aspirations for Kahawai Point, the benefits identified clearly depend upon the success of KPDL's subdivision. The CIA does not go beyond that, and did not address the claim by submitters³ that Kahawai Point is tapu and therefore unusable, and hence the willingness by iwi to sell the land. Nor, given the obvious fertility of the soils, does the CIA account for any gardens or springs that must have provided fresh water - a taonga in its own right.

The applicant only acknowledged the historical occupation along the foreshore on Council land that sits outside the development area. When Dame Nganeko was questioned on the presence of tapu on the subject land she confirmed that it was tapu, that things happened there, and that it troubled her. In respecting her mana and recent loss the Panel felt it inappropriate to pursue this further other than to note that walking through or over tapu land has consequences for those who chose to do so.

Cultural Objectives

Cultural objectives were identified as a significant driver for the project, articulated through what are termed Te Aranga principles.

The concept of ahi kaa is of paramount importance in this context. However, the Panel has difficulty seeing anything substantive arising in the proposal before it. No specific land or subdivision is reserved to satisfy that principle – indeed it is clear that sections have already been offered to the open market. And while provisions are included for papakainga and whanau housing at a later subdivision stage, that remains too uncertain for the Panel to have any confidence those will eventuate. Indeed we note, from the wider area map helpfully provided, that the two local Marae are situated on the south-western side of the Waiuku River and that the subject site is many kilometres from those Marae.

Furthermore, we received no evidence to suggest that this development location would support a local kohanga reo, whanau ora or similar social facility, or even whether there is a need for these facilities. The nearest primary school is approximately 8 kilometres away, all the other services are even further away, and no public transport is available.

We also note that employment opportunities in the immediate area are limited – and while construction activities may provide some options, as any residential prospects through papakainga or whanau housing are in the later stages, these are unlikely to be available to Ngati Te Ata except as non-resident employees.

Wastewater

Auckland is currently facing major wastewater infrastructure works and evaluations to future proof the City's predicted growth. Mr Allen from Watercare Services

³ Karen and Joe McKewen et al citing CWW Ligar's 1847 report to the Colonial Secretary; Hearing Agenda p388

Limited (WSL) in his oral evidence informed the panel that the Clarks Beach Treatment Plant upgrade is underway and while there is capacity for growth at the plant, it is limited. That limitation also applies to the existing local wastewater reticulation, pump station and holding tank at Glenbrook Beach, being the existing services to which the subdivisions will connect. Mr Allen confirmed that the existing treatment plant could accept the wastewater from 230 dwellings at Glenbrook Beach without undue risk – indeed he confirmed that this was a conservative number but one agreed as a maximum at this point for stages QD1 and QD2. Longer term – Mr Allen estimated within 10 years - a new sub-regional wastewater treatment facility at Waiuku (for which application has recently been lodged) will take wastewater from Clarks Beach and Glenbrook Beach (and other areas) and enable further development.

Glenbrook Beach consists of a pump station and holding tank that appears to have an overflow connection into the existing stormwater culvert, which discharges directly onto the beach a few metres away from the pump station. While Mr Allen could not confirm the overflow discharge point, he did concede that it was possible, adding that it would only be used if the holding tank exceeded capacity but that WSL currently controls the outflow, which prevents that happening. While additional dwellings may increase that risk in the event of an outage at some point along the network, the Panel acknowledges that is not a matter directly relevant to these applications.

In that regard the Panel notes that full realisation of this SHA proposal is very dependent on utility service availability, and which must reflect both the cultural aspiration of the applicant and tangible benefits to mana whenua.

However, in her (undated) correspondence with the Housing Projects Office⁴ - some time before Mr Allen's reply of 15 September 2015 - Dame Nganeko states:

Consequently Ngati Te Ata is working with Watercare and supporting them in their interim upgrade to the Clarks Beach plant followed by a more comprehensive new plant servicing Waiuku, Glenbrook, Glenbrook Beach and Kingseat.

We see this as the predecessor to the long-term solution which will ultimately see the discharge from wastewater plants around the Manukau being piped to the Tasman.

Clearly not only is an eventual Tasman Sea discharge anticipated by Ngati Te Ata, it appears to be a fundamental requirement for the present development. It seems unlikely to the Panel that Ngati Te Ata, or at least Dame Nganeko as spokesperson, would countenance the present proposed development if its longer term result was continued discharge to the Manukau Harbour.

Understandably, WSL is less absolute on this question. The Panel understands that it has not yet determined its final discharge option, let alone made application. It cannot therefore be assumed that a Tasman Sea discharge will eventuate. While, as noted, this is not of direct moment for the Panel, it does raise the question of the likelihood of a Ngati Te Ata-based KPDL development being progressed beyond stages QD1

⁴ Hearing Agenda – Application Material – QDS 1 and 2, page 132

and QD2 if the Waiuku treatment plant eventually discharges to the Manukau Harbour over Ngati Te Ata's opposition. At that point few longer term benefits accrue.

Finding

The Panel finds that the expected benefits for mana whenua cannot be accepted with any degree of certainty but recognises the spirit in which these have been put forward.

Future Urban zoned land

As noted above, parties were in general agreement that the re-zoning of the Future Urban zoned land to Single House zone and application of precinct provisions could proceed with development for residential activities subject to water supply and wastewater upgrades, contribution to other bulk infrastructure including road improvements, and mitigation of the flooding hazard at the western edge of the Future Urban zoned land.

The Panel, however, is more concerned about the "rationale" for this uniform single house zoning, with its indicated c.250 residential lots additional to the 800 projected by KPDL (in the context of the existing settlement of Glenbrook Beach with its c.140 residential dwellings⁵).

All relevant planning documents – including the operative RPS incidentally, which we are required to effectively disregard – require detailed structure planning before live zoning a Future Urban area. That is re-affirmed under Appendix 1 of Chapter M Appendices to the PAUP Decisions Version. Other than the stormwater evidence provided by Mr Wyborn and some general effects-based commentary from Mr Hodgson, no structure planning appears to have been undertaken for this land. In itself this is not necessarily fatal – indeed if the land was simply a physical extension in the same plane and catchment as the KPDL land, this might be overlooked. However it is not. It is in a different sub-catchment, more directly connected with the coastal fringing community of Glenbrook Beach. Clearly that is one reason why it has been zoned Future Urban for some time. We accept that it constitutes a logical extension to that settlement.

However, in the Panel's mind the addition of this land as Single House zone to the extent proposed under the KPDL PV land raises questions about how this land should be used and how it is to be integrated both with the existing community and the proposed new extended KPDL community – including, for example, whether the neighbourhood centre zone would better be located here, what non-residential facilities might be appropriate for this enlarged community, and what roading and open space structure is appropriate. As recognised by its Future Urban zoning, this is a key piece of land that constitutes (or will when developed) the gateway to the Glenbrook Beach settlement.

While these matters and activities could be addressed subject to a discretionary activity resource consent application, simply extending the Single House zone across this land does not provide the opportunity to review those options in the interest of the

⁵ Note: this figure has been estimated only from the lot graphics provided in evidence.

settlement as a whole. That is precisely the point of structure planning – which has not been provided in anything like the detail that the KPDL proposal advances.

Finding

The Panel is not persuaded on the evidence that it is appropriate to include this land under a single house zoning within the precinct at this time, notwithstanding the apparent paradox that it is the land that has been recognised as appropriate for expansion of the community through its Future Urban zoning. That is not to deny its urban planned intention but to emphasise its spatial importance to the enlarged settlement. The Panel encourages that work in anticipation of a consequent plan change.

We acknowledge that this finding has some implications for the infrastructure funding agreement that has been reached between the parties in respect of roading infrastructure – and will not enable the east-west link for Mclarin Road across the northern corner of the subject land at this time. However, we understood that agreement to be necessarily provisional and dependent upon our decision, and will accordingly need to be amended to exclude reference to the Yorke interests at this time.

Papakainga and whanau / intergenerational housing

The PV contains a number of multiple household - or integrated - housing options. Of these, the papakainga and whanau / intergenerational housing options evoked submissions because of their uncertainty. Uncertainty with respect to papakainga housing because there is no proximate marae to which such would be attached; and whanau housing (as it was termed initially for submission) because this was not specified sufficiently to understand what was envisaged. The PV makes all these housing options subject to a restricted discretionary activity consent – retirement villages, group and papakainga housing an RDA in sub-precinct A with a minimum site size of 1200m², and whanau / intergenerational housing an RDA with a minimum site size of 800m² throughout the precinct. Retirement villages, group and papakainga housing are not prohibited in the wider precinct but would attract a higher activity status.

In its final draft recommended provisions, KPDL has amended the term *whanau housing* to *intergenerational housing*.

Finding

The Panel accepts that more flexible housing typologies are consistent both with HASHAA and the PAUP (Decisions Version). It notes that while larger section sizes are proposed for these “group” typologies, no minimum standard floor plate or other design standard is proposed, and while sub-precinct A enables them it is not restricted to them. As such the Panel accepts the provisions as aspirational, providing opportunities for subsequent development proposals that may or may not be taken up.

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

We have concluded that the purpose of the HASHAA is satisfied by the plan variation provisions as we have further modified them – and, in particular, by removing the proposed expansion Future Urban zoned land (referred to as sub-precinct B) from the precinct.

In the course of reaching our decision we have also had regard to the matters in Part 2 RMA and the relevant provisions of the Proposed Auckland Unitary Plan (Decisions Version), and the proposed Regional Policy Statement in particular.

Having satisfied ourselves on those matters, which three elements collectively attract the greatest decision making weight, we see little practical purpose in considering the remaining two section 61(4) HASHAA elements. The Panel confirms that it has not modified any regional planning provision.

In summary, we find that the PV, as modified by us, meets the section 5 sustainable management purpose of the RMA as well as the matters that we must recognise and provide for, have particular regard to, or take into account in sections 6, 7 and 8 of the RMA. The proposed Precinct development provides for the sustainable residential use of the land and enables a net environmental benefit in terms of further riparian and stream protection and enhancement, and conversion of the unformed coastal road (outside the Precinct and SHA) into a restored and replanted esplanade reserve. Open space areas, including an extensive continuous walkway network, have been planned as an integral part of the development (subject to landowner approval and resource consent) and will benefit the health and wellbeing of the new community. The views of tangata whenua are reflected in the design principles, stormwater management and water design provisions, coastal and stream management, protection of places of value to Mana Whenua, and provision for a cafe-based interpretation facility.

13.0 Section 32(3) and (4), 32A RMA

Section 61(3)(v) HASHAA requires that a request to change a plan or vary a proposed plan under s61: “*contain an evaluation in accordance with section 32(3) to (4) of the Resource Management Act 1991 for any objectives, policies, rules, or other methods proposed*”. The application documentation contained such an evaluation.

The Panel has imposed amendments to the notified version of the PV. Accordingly the Panel confirms that it has considered whether those amended provisions are the most appropriate way to achieve the objectives etc, including the existing (PAUP) objectives and the notified precinct objectives, and their efficiency and effectiveness, and finds that to be the case.

In summary those amendments better address matters of ecology, transport and stormwater management, and amenity more appropriate to the environmental and urban form outcomes sought.

14.0 Decisions on the Plan Variation application

Request for Plan Variation 14 to the Proposed Auckland Unitary Plan

1. The request to vary the Proposed Auckland Unitary Plan by Kahawai Point Developments Limited within the Mclarin Road, Glenbrook SHA made under section 61 of the Housing Accords and Special Housing Areas Act 2013 is **APPROVED WITH MODIFICATIONS** pursuant to section 70(3) of that Act.
2. The Plan provisions shall be deemed operative on the date of public notice of this decision (section 73 HASHAA) for the land identified in Appendix 2 of the Plan Variation request as follows:

Property Address	Legal Description
35 Mclarin Rd	Lot 2 DP 351480
35 Mclarin Rd	Lot 1 DP 18680
127 Mclarin Rd	Lot 1 DP 21692
Un-numbered land Mclarin Rd	Lot 1 DP 351480

The modified plan variation text is attached to this decision as **Attachment 1**.

3. The submissions lodged on the PV are **accepted in part** and **rejected in part or in whole**, to the extent that the re-zoning will proceed, and the precinct provisions and QD1 and QD2 consent conditions are varied accordingly.
4. The Panel accepts and adopts the recommendations on submissions made in the s42A report at section 7.2, pages 107 – 110, with the exception of that relating to Submission 1 by Kenneth Owen & Aaron Kenneth Owen Yorke, which is **rejected in part** relating to the submission seeking to rezone the land to Single House Zone.

That decision relates to the following land:

80 Mclarin Rd	Lot 2 DP 204733
140 Mclarin Rd	Lot 1 DP 204733
Un-numbered land Mclarin Rd	Lot 3 DP 160963
184 Mclarin Rd	Lot 4 DP 160963
11 Beach Rd	Lot 1 DP 79908

To avoid doubt, the above land is to remain Future Urban Zone for the time being outside the precinct, the Precinct Plan is to be redrawn accordingly, and the indicative cross connection of Mclarin Road on Lot 2 DP 204733 deleted.

The reasons for this decision are:

- (a) Overall, as modified, the proposed plan variation supports an efficient use of land for predominantly residential development, and the structure planning that has occurred for this Special Housing Area indicates that if the site is re-zoned it will enable a mix of housing, including affordable

housing, to be developed. The re-zoning fulfils the purpose of HASHAA to enhance housing affordability by facilitating an increase in land and housing supply.

- (b) The plan variation provides opportunities for net benefits in the context of Part 2 of the RMA in terms of creating parks, some employment in the neighbourhood centre, additional residential land, and restoring and enhancing stream margins and habitat and the coastal margin. The cultural impact assessment contributed to the PV and development designs, and did not raise any significant issues in relation to the proposed provisions, and no items of historic heritage have been identified for protection within the SHA. The changes made to the Precinct and zoning diagrams will provide for better land use and transport integration.
- (c) Relevant section 74 - 77D RMA matters have been taken into account in reaching this decision.
- (d) Other matters raised by submitters and specialists are addressed in other parts of the Proposed Auckland Unitary Plan, and the plan variation incorporates only those matters considered necessary or appropriate to tailor solutions for this site - such as access and transport provisions, ecological protection, coastal amenity and environment provisions, affordable housing provisions and changes to aid interpretation.

The Qualifying Development 1 and 2 Applications

An assessment of Environmental Effects (AEE) was prepared pursuant to section 27 of the HASHAA and submitted with the QD applications. Plan Variation 14 underpins the rezoning of the land to enable development of the sort sought to occur through the QDs. As we have approved PV14 with modifications (as reflected in that decision and the attached PAUP variation text) we have jurisdiction to consider the QD applications in terms of the new zonings and precinct provisions thereby applied.

The QDs have been described earlier above.

15.0 Notification and submissions – QD1 and QD2 applications

As noted above, the applications were limited notified to the same parties as the variation request.

Submissions to the Qualifying Development Resource Consents

Nine of the submissions received relating to the QD resource consent applications.

A total of 2 submissions stated that they supported the application, while 7 stated that they opposed the application.

A summary of the issues raised in the submissions with respect to the resource consents was included in the s42A report at section 4.2.2. That summary was not contested, we accept it accordingly and do not repeat that summary here.

Matters arising from submissions are discussed in the s42A report at section 5.3.3. We note that that discussion effectively covers both PV and QD submissions.

We record our summary findings on the broad issues raised in the submissions as follows:

1. Infrastructure is to be provided to service the proposed developments, and will involve some improvements available to existing residents, such as upgrading of roads, electricity supply and telecommunications, water supply and wastewater.
2. The existing residential amenity will generally be maintained, except to the extent that residential growth of this scale will inevitably change the overall character of this rural coastal settlement.
3. Delivery of Affordable Housing will be provided both through a defined proportion of affordable smaller sites, but also by enabling the controlled provision of alternative housing types such as intergenerational housing, papakainga housing and group housing, and by the fact that the average pre-sale market price of lots has already been shown to fall within an affordable band.
4. Commercial issues have been resolved by the re-location of the proposed Neighbourhood Centre zone back to its originally proposed location further East on Mclarin Road, and by applying a building height development control.

5. Road Reserve detail and design on Mclarin Road fronting existing residential properties will include full road cross-section formation, including swales but with no footpath provided on the southern side of the road.
6. Construction Management effects, including noise, silt and sediment, dust and construction traffic will be controlled by appropriate conditions of consent.
7. Stormwater management requires the discharging of stormwater and floodwater from the QD1 and QD2 land by means of a piped system and overland flow paths to detention basins, and then via streams to the coastal receiving environment.
8. Traffic will have a different character as the local resident population increases, and the roads will be upgraded for that more intensive use.

Submissions on the QDs are declined where they sought that the QDs be refused consent, and accepted in part where they sought relief by redesign of the scheme plans or construction effect conditions – as noted in the s42A report.

16.0 s42A Report

Section 6.0 of the s42A report reviews matters relating to the QDs, including with reference to the specialist reports included as Attachment 4 to the Hearing Agenda. In summary the report concludes that there are no significant issues that cannot be managed through appropriate conditions (imposed or offered), or side agreements such as memoranda of understanding. The Panel is in broad agreement with that conclusion.

17.0 s34 HASHAA

Section 34 of the HASHAA states the matters that the Panel must have regard to in considering QDs:

34. Consideration of applications

- (1) An authorised agency, when considering an application for a resource consent under this Act and any submissions received on that application, must have regard to the following matters, giving weight to them (greater to lesser) in the order listed:
 - (a) the purpose of this Act:
 - (b) the matters in Part 2 of the Resource Management Act 1991:
 - (c) any relevant proposed plan:
 - (d) the other matters that would arise for consideration under—
 - (i) sections 104 to 104F of the Resource Management Act 1991, were the application being assessed under that Act:
 - (ii) any other relevant enactment (such as the Waitakere Ranges Heritage Area Act 2008):
 - (e) the key urban design qualities expressed in the Ministry for the Environment's New Zealand Urban Design Protocol (2005) and any

subsequent editions of that document.

- (2) An authorised agency must not grant a resource consent that relates to a qualifying development unless it is satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development.
- (3) For the purposes of subsection (2), in order to be satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development, the matters that the authorized agency must take into account, without limitation, are —
 - (a) compatibility of infrastructure proposed as part of the qualifying development with existing infrastructure; and
 - (b) compliance of the proposed infrastructure with relevant standards for infrastructure published by relevant local authorities and infrastructure companies; and
 - (c) the capacity for the infrastructure proposed as part of the qualifying development and any existing infrastructure to support that development.

In that respect, and taking into account our decisions on the PV which effectively now condition these applications, we note that the only infrastructural issues of significance raised for our consideration related to road improvements. On that matter we are satisfied that sufficient and appropriate infrastructure will be provided to support the qualifying development (and conditions have been proposed and are imposed to that effect).

18.0 Relevant Planning Instruments

The most relevant planning instrument for present purposes is the PAUP, as amended by the Panel's decision on Variation 14, because that contains the most recent provisions for this land – both district/territorial and regional – and including the overlays and Auckland-wide provisions.

The National Policy Statement for Freshwater Management 2011 (“NPSFM”) is also relevant to this proposal. The PAUP provides for adoption of the directions of the NPSFM in the Water section of that plan.

19.0 Consideration of Resource Consent Applications for QDs

A summary description of the QD applications made, and consents sought, their activity status and related matters is covered earlier in this decision and is not repeated here.

To avoid unnecessary duplication the following assessment considers both QDs together unless otherwise stated. Separate decisions are provided on the QD1 and QD2 applications.

20.0 Purpose of the HASHAA (s34(1)(a))

The proposal seeks subdivision and remaining bulk earthworks resource consents for two QDs to give effect to the residential zoning now approved as Plan Variation 14, being part of the McLarin Road, Glenbrook Special Housing Area, through the provision of residential lots, and associated infrastructure to support development.

The two QDs are intended to set the development pattern and infrastructural framework for the whole precinct to enable residential development that consists of a variety of housing typologies, along with the provision of affordable housing in accordance the requirements in the Order in Council for the Mclarin Road SHA.

With respect to the purpose of HASHAA, there was no dispute that both QDs are consistent with that purpose, providing an increase in housing supply, including at least the minimum threshold affordable lots. The Panel agrees with that conclusion and sees little practical purpose in discussing the matter further.

21.0 Part 2 of the RMA (Purpose and Principles) - (s34(1)(b))

Section 5 sets out the purpose of the RMA, and requires a judgement as to whether a proposal is likely to promote the sustainable management of natural and physical resources, informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

22.0 Relevant Proposed Plan: Proposed Auckland Unitary Plan (s34(1)(c))

Part 1, Chapter B of the PAUP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought through the RPS. These align with the directions contained in the Auckland Plan.

23.0 Relevant Objectives and Policies (Regional and District)

Section 38.0 of the AEE identifies and provides an assessment against the notified PAUP objectives and policies considered relevant to the application for the resource consent applications, and in particular:

- Infrastructure (Chapter C, Section 1.1);
- Transport (Chapter C, Section 1.2);
- Earthworks (Chapter C, Section 5.2);
- Land Contamination (Chapter C, Section 5.6);
- Flooding (Chapter C, Section 5.13);
- Lakes, Rivers, Streams and Wetland Management (Chapter C, Section 5.14);
- Water (Chapter C, Section 5.15);
- Subdivision (Chapter C, Section 6);

- Affordable Housing (Chapter C, Section 7.8); and
- Sites and Places of Value to Mana Whenua (Chapter E, Section 5.2).

The following are the Panel's summary conclusions on those matters – noting that all matters had been resolved between the parties by the close of the hearing (and we are satisfied and accept the positions reached).

Infrastructure: As the HASHAA requires us to be satisfied that *sufficient and appropriate* infrastructure to service any QD will be provided, this formed a particular focus for our consideration. Of particular relevance to the proposal is the provision of water supply and wastewater reticulation, power and telecommunications, and an integrated transport network – all of which were thoroughly assessed in the various background reports, evidence and legal submissions of the applicant as well as the reporting officers and representatives of the respective infrastructure providers.

The critical factor in terms of the QDs is the agreement with Watercare Services Limited that the Clarkes Beach wastewater treatment facility can service in the order of 230 additional households at Glenbrook Beach – effectively the number of residential lots sought in combination of QD1 and QD2. Beyond that limit, development must await the new proposed operational facility at Waiuku that is currently planned. We understood the existing water supply reservoir has capacity to serve approximately 500 dwellings, with approximately 170 currently connected.

Transport: In regards to the proposed transport network, agreement was reached with Auckland Transport by the close of the hearing regarding the necessary scope of works, sequencing and general funding share – which broad agreement has been captured in an agreed set of conditions. Substantial walking and cycling paths are included as a key component of the precinct.

Furthermore, agreement was reached with Counties Power Limited to ensure sufficient and appropriate provision for a connection to power and telecommunication infrastructure.

Earthworks: With respect to earthworks, the proposal has been designed to ensure that all adverse effects on the receiving environment will be less than minor and will enable the earthworks to be undertaken and managed in a comprehensive and integrated manner.

KPDL proposes to manage the effects of the earthworks in accordance with Auckland Council's TP90 guidelines. Specifically, KPDL proposes to manage earthworks through a final site-specific Erosion and Sediment Control Plan, to be supported by a Chemical Treatment Management Plan and then a combination of the following measures: clean water diversions and runoff diversion bunds, sediment retention ponds and three decanting earth bunds, silt fences, and stabilised construction entrance (with wheel wash as necessary). That is considered to be consistent with a best practice land management approach, and conditions are imposed accordingly.

Contaminated land: Based on the Preliminary Site Investigation (PSI) potential areas of contamination (Asbestos) are identified within the QD2 area, and we understand that a Detailed Site investigation (DSI) is underway (which will also take into consideration potential effects from the widespread use of herbicides on the land).

Flooding: Overland flow paths are integrated into the design of the earthworks and are directed onto roads and green corridors.

Flood risk is addressed in the Stormwater Management Plan prepared for the development and is provided for within the design of the proposed road reserves and green corridors to ensure that no residential lots are exposed to surface flooding/overland flow.

Streams and wetlands: The importance that sensitive environments such as streams and wetlands have with respect to ecological values, and their associated functioning as part of the stormwater network, has been considered, and where residual or unavoidable effects are more than minor, offset mitigation is proposed.

Of most relevance to these applications is the proposed reclamation of a 100m length of an intermittent stream referred to as 2a. It was common ground that this upper reach had low ecological value and that offset mitigation by way of restoring wetland and riparian margins (over and above what is required under the PAUP) was appropriate and satisfactory.

Furthermore, KPDL has offered a commitment to fund Ngati Te Ata to plant an area equivalent to the loss of the stream along the coastline of Tahuna Marae in Tahuna Pa Road, which extends along the Waiuku River inlet. This offer is accepted as an *Augier* condition, reflecting the fact that it forms part of the proposal, recognises the partnership between Council and KPDL, and ensures that when the ecological benefits of the planting are achieved they are acknowledged as part of the wider outcome of the development of this SHA.

Water: The proposed approach to hydrological mitigation was accepted as appropriately managing stormwater and its potential effects on streams and the coastal receiving environment, subject to conditions relating to detailed design at Engineering Plan Approval stage, and the imposition of consent notices requiring the on-going operation and maintenance of stormwater devices.

Subdivision: The subdivisions will create lots that are of a suitable size and appropriate shape for future residential development.

Subdivision of QD1 and QD2 constitute two separate applications, and technically create balance lots in QD1, which are then further subdivided by QD2. This is shown in the scheme plans for subdivision produced at the hearing. Conditions are specifically proposed (and imposed) in keeping with the requirements of section 45 and 46 HASHAA, and in order to address the cancellation of the existing Encumbrance (Reference 9562408.1) which currently prevents further subdivision.

Initial urban design concerns raised with respect to QD2, relating to the limited provision of coastal/stream edge roads within the QD area, were subsequently resolved satisfactorily by the provision for additional streamside roads in the Precinct Plan for the future development areas.

The potential for coastal hazards is addressed through a proposed condition in relation to the coastal setback, requiring additional land to be vested in Council as Esplanade Reserve (being proposed lot 2001 in QD2), with additional wording to

provide a clear baseline for measurement of the width of the land from the toe of the existing bank.

Affordable housing: Within the Mclarin Road SHA and proposed Glenbrook 3 Precinct, up to 10% of the dwellings established in the SHA are to be provided as affordable housing meeting either criteria A or B in the Order in Council and Glenbrook 3 Precinct provisions.

At 300m² the sites identified as being for affordable housing are of a smaller area than the average minimum or minimum lot size. This smaller size is authorised by the precinct provision modifications for the Single House zone.

The scheme plan identifies 7 affordable lots to be provided as part of QD1 (Lots 1, 2, 54, 138, 139, 181 and 182), and 16 lots as part of QD2 (Lots 76, 77, 116, 118, 154, 155, 172, 173, 188, 190, 191, 194, 195, 204, 219, 220), satisfying the overall requirement for 10% of 231 lots.

Indicative plans were provided demonstrating that the lots are of a suitable size to accommodate dwellings. As one of the options shown includes semi-detached or zero-lot type housing, a clause in the s223 (s45 of the HASHAA) requirement is necessary should any party wall or maintenance easement be required on these lots.

A covenant is proposed on the title of lots identified for affordable housing in accordance with the requirements of the Order in Council. In this case, as the application includes subdivision consent, a consent notice is imposed instead.

Sites and places of value to Mana Whanua: As notified in the PAUP the identification of sites and places of value to Mana Whenua was to apply to sites that have been identified as having Mana Whenua cultural heritage, but where their significance has not yet been assessed in detail. However that overlay has not been carried through to the PAUP (Decisions Version) and is therefore technically no longer required.

Nevertheless, while evidence was that all such sites are known to be located within the unformed road, and are therefore not located within the QD1 and QD2 area of works, KPDL has indicated by proposed condition that a traditional cultural expert will be engaged to oversee works within the vicinity of such sites or places.

24.0 Other Matters that arise for consideration under s.104 to 104F of the RMA (s.34(1)(d))

Actual and Potential Effects on the Environment

Section 104(1)(a) of the RMA requires the decision maker to have regard to any actual and potential effects on the environment of allowing the activity. This includes both positive and adverse effects.

Permitted Baseline / Existing Environment

As we have approved Plan Variation 14, the site is to be considered zoned Single House and the provisions of the Glenbrook 3 Precinct effectively operative. As such, where the proposal is consistent with the provisions of the Single House zone and the

Glenbrook 3 Precinct, those associated effects are disregarded, being part of the permitted baseline.

In terms of the existing environment, the approved consent to undertake bulk earthworks on the site (Council Reference R/LUC/2015/4069 and R/REG/2015/4072) is relevant. While the scope of that consent is not as broad as the works proposed in this application (i.e. it avoided sensitive receiving environments such as streams, and did not include final levels or installation of infrastructure), we are entitled to assume that that bulk earthworks consent will be implemented if the present consents are granted. Clearly implementing that existing consent will alter the landscape and form and therefore the scale of “new” effects arising from the current applications is correspondingly lessened. In addition, the consent to remove exotic trees along the coastal paper road (Council Reference R/TRG/2015/3761) is also relevant.

With these matters in mind, and having considered the evidence, the following effects are relevant to the proposal:

Positive Effects

The proposed QDs will have a number of positive effects, including those associated with the provision of additional housing, affordable housing, the delivery of open space and parks, protection of archaeological values, economic benefits, and certain projected cultural benefits. Other effects that could be counted include improvements to the roading network, better telecommunication services, and potentially convenience retail in the proposed neighbourhood centre.

Adverse Effects on the Environment

Adverse effects were generally addressed in the background documentation, reports and evidence. In the main these were not considered significant – being largely addressed through design and conditions of consent so that they become positive effects (e.g. relating to stream and riparian vegetation restoration, and provision of walkways and cycleways to improve coastal access and amenity).

The one effect that some submitters do consider adverse, and that is not really amenable to resolution, is the intangible effect that growing the existing small coastal community to a significantly larger size could have. That, of course, cannot be neatly characterised since it will depend on a variety of future conditions – how quickly the uptake of sections results in built, occupied dwellings; the nature of the dwellings constructed and their occupants; whether the new community is full-time resident or casual; the demographics of the new residents, and so forth. The best that can be said on that score is that the jury is necessarily “out” – but there is no *a priori* reason for us to think the worst.

The Panel is persuaded that, having determined that this settlement is planned for growth, the relevant effects can be satisfactorily managed so that they are either avoided (e.g. unnecessary stream reclamation), remedied (e.g. coastal erosion and the removal of failing pine trees), or mitigated (e.g. riparian stream restoration planting).

25.0 National Policy Statement – Freshwater Management 2011 (s104(1)(b)(iii))

While no specific assessment of the National Policy Statement for Freshwater Management 2011 (NPSFM) was provided, but which is a relevant consideration for us, we are satisfied that the approach to the management of stormwater, both in the applications and within the Glenbrook 3 Precinct Provisions, is generally consistent with our understanding of the relevant provisions of the NPSFM.

26.0 New Zealand Coastal Policy Statement (NZCPS) s104(1)(b)(iv)

While technically the proposed QDs are not in, nor do they directly adjoin, the CMA (being separated by the coastal paper road), a number of the NZCPS provisions are relevant. Those particularly relate to the management of wastewater and stormwater, provision of access to the coast, and future re-vegetation of the coastal edge (as facilitated through the consents).

In terms of the management of wastewater, the proposals include grinder, pump and holding tank systems for each house to avoid contributing to wastewater overflows. Moreover, as the QDs intend to discharge to the Clarks Beach treatment plant in the short term, the management of wastewater through this process is consistent with the anticipated outcomes of the NZCPS. We also note that the Stormwater Management Plan is based on water sensitive design principles and provides for the appropriate management of contaminants that ultimately discharge through the stream network to the coastal environment.

Amenity effects on the coastal environment will be managed through the provision of access to the coastal edge, proposed complementary activities associated with the coastal walkway and re-vegetation of the coastal edge, and precinct provisions to ensure that future residential development is in accordance with the underlying subdivision scheme provided through the QD applications, and achieves the anticipated amenity outcomes.

Coastal hazard risk has been factored into the subdivision design and layout.

27.0 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (2011) (NES)

As noted above, a more detailed DSI is intended and will be more broadly based following Council advice. That is subject to a detailed condition.

28.0 Any Other Matter s.104(1) (c)

We have noted that Auckland Council and government entered into the Auckland Housing Accord on the 3rd October 2013. While that Accord is technically a relevant matter for consideration under s.104 of the RMA, the Panel considers it to have little real value in the current context as the SHA is in place.

29.0 Particular Restrictions on Non-Complying activities – RMA s104D

QD1 has an overall non-complying activity status and therefore cannot be granted unless it passes one of the two relevant statutory threshold or gateway tests of s104D.

In this case we accept the common ground conclusions of the respective assessments and evidence that demonstrate that the proposal will not have adverse effects on the environment that are more than minor (s104D(1)(a)) when the conditions to be imposed are taken into account. Lest that conclusion be in error, we have concluded that the application is not contrary to the objectives and policies of the relevant Plan (s104D(1)(b)), particularly as that has now been modified by PV14. On this basis the proposal meets at least one of the tests of s104D, and therefore consent can be granted.

30.0 Key Urban Design Qualities (HASHAA s.34(1)(e))

The final statutory consideration we are required to undertake relates to the NZ Urban Design Protocol (2005). As the QD applications are primarily for subdivision, not development, urban design issues were focussed on layout and roading. Once the issue of coastal and streamside roads was settled at the Precinct Plan level, consistency with that plan for the QDs was simply ensured.

31.0 Matters Relating to Subdivision (RMA s106)

Having considered the circumstances for refusal of subdivision consent outlined in section 106 of the RMA, we are satisfied that with respect to QD1 and QD2:

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

Grounds do not therefore exist under this section for refusal of subdivision consent.

32.0 Lapsing of Consent (s51)

Under section 51(a)(iii) HASHAA, both consents lapse 1 year after the date of commencement of the consent unless:

- The consent is given effect to; or
- The Council extends the period after which the consent lapses.

In this instance given the nature and extent of the works enabled by the applications, and to allow co-ordination with the bulk earthworks consent currently held by KPDL, we agree that it is appropriate to extend the lapse period as sought to 2 years from the date of commencement (as determined under section 116 of the RMA).

33.0 PART 2 OF THE RMA

Having decided that a residential special housing area should be established at Kahawai Point, and approved the precinct plan variation, the only real question remaining for the two subdivision QDs is whether either one or other (or both) fails to promote sustainable management because they contravene relevant principles under Part 2 of the RMA.

In this instance, no issue was taken by any party with respect to the section 6 RMA matters of national importance, section 7 RMA other matters, or section 8 RMA principles of the Treaty of Waitangi – all matters having been carefully considered and requisite protections put in place with respect to the relevant environmental and cultural values so identified.

Accordingly, resource consents for the QD1 and QD 2 can be granted.

34.0 Decisions on the QD1 and QD2 Applications

Pursuant to sections 34 to 38 HASHAA and also, as referred to in those sections, sections 104, 104B, 105, 106, 108 and 220 of the RMA, land use and subdivision resource consents are **granted** to Kahawai Point Developments Limited for the non-complying activity QD1 application and discretionary activity QD2 application at Glenbrook Beach as follows:

QD1

For land use and subdivision at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha), Glenbrook Beach, for the following:

- 61 vacant residential lots, 7 of which are identified for affordable housing;
- 1 lot of 3,690m² to be vested as reserve for a public park (proposed lot 2000);
- 1 lot to be vested as road (proposed lot 1002);
- 2 stormwater drainage reserves (proposed lots 3000 and 3001);
- earthworks and land forming works across the QD1 area;
- construction of associated drainage; and
- removal of 100m of intermittent stream.

QD2

For land use and subdivision at un-numbered land, north side of Mclarin Road (part of Lot 1 DP 351480 36.3183ha), Glenbrook Beach, for the following:

- 170 vacant residential lots, of which 14 are identified for affordable housing;

- 1 lot of 190m² to be vested as reserve as a top-up of the adjacent proposed esplanade area (proposed lot 2001);
- 7 lots to be vested as road, 2 of which are local roads (proposed lots 1003, 1004), and 5 of which provide pedestrian linkages (proposed lots 2002, 2003, 2004, 2005, and 2006);
- 2 jointly owned access lots (JOAL) (proposed lots 900 and 901)
- 1 stormwater drainage reserve (proposed lot 3002);
- earthworks and land forming works across the QD area;
- construction of associated drainage; and
- easements relating to Right of Way (ROW) access and services for proposed lots 215, 216, 221 and 222, and electricity in favour of Counties Power on lots 900 and 901.

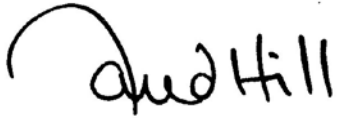
35.0 Reasons

The reasons for these QD decisions are:

- the QDs meet the purpose of HASHAA and Part 2 of the RMA;
- the QDs are consistent with the objectives and policies of the Glenbrook 3 Precinct Plan Variation 14 to the Proposed Auckland Unitary Plan, and appropriately manage any adverse effects on the environment;
- the QDs are generally consistent with the relevant provisions and outcomes sought by the pertinent statutory planning documents;
- sufficient and appropriate infrastructure required to service these developments will be provided;
- any actual and potential effects on the environment can be avoided, remedied or mitigated, and are acceptable from a resource management perspective;
- the QDs satisfy the NZ Urban Design Protocol (2005); and
- granting consent to the QDs will better promote the sustainable management purpose of the RMA in terms of the increased land and housing supply purpose of the HASHAA.

36.0 CONDITIONS OF CONSENT

Under sections 37 and 38 of the Housing Accords and Special Housing Areas Act 2013 and sections 108 and 220 of the Resource Management Act 1991, land use and subdivision resource consents are granted for QD1 And QD2 subject to the conditions respectively included as Attachment 2.

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

David Hill
Chairperson
Accord Territorial Authority Panel
Sitting with Commissioners Kapea, Blakey and McEntee

14 September 2016

Attachment 1

PROPOSED AUCKLAND UNITARY PLAN, CHAPTER I – PRECINCTS SOUTH

Glenbrook 3 Precinct

PV provisions – Decision 16 September 2016

Part C: Insert the following in Chapter I Precincts: Special Housing Areas

I7.10. Glenbrook 3

I7.10.1. Precinct Description

The underlying zoning of land within this precinct is Single House, Neighbourhood Centre and Open Space: Informal Recreation. Refer to the planning maps for the location and extent of the precinct.

Glenbrook 3 is located at Glenbrook Beach at the meeting of the Taihiki and Waiuku Rivers of the Manukau Harbour. This precinct will provide approximately 800 additional homes to this Glenbrook Beach coastal settlement. It is intended the precinct will be completed in general accordance with the Precinct Plan.

The precinct provisions take account of this special coastal location. New development will be sympathetic to the coastal location and wetlands and enable an extensive coastal walkway system giving public access to the water's edge and around the wetlands/streams. In the case of the walkways around the wetlands/streams, these will be formed on one side of the wetland/stream and be grassed on the other side.

The core housing area provides density concessions for homes meeting affordable housing criteria.

Sub Precinct A provides for a broader range of housing typologies with a particular focus on papakainga housing, housing for the elderly, and other forms of intensive group housing.

The precinct contains a small centrally located service centre.

There are green fingers which follow the natural drainage patterns within the site, including the streams and their margins, and areas subject to coastal inundation.

Along the coastal edge of the precinct there is an unformed road which will be stopped and vested as esplanade reserve. Within the precinct it is referred to as esplanade reserve.

Residential development near the eastern boundary will be designed to allow production farming activities to continue on the adjacent Mixed Rural and Rural Coastal zoned land.

The objectives and policies of the Auckland-wide sections and the underlying Single House, Neighbourhood Centre and Open Space – Informal Recreation zones apply in the following precinct except as specified below. Refer to the planning maps for the location and extent of the precinct.

I7.10.2. Objectives

1. Subdivision and development is undertaken in general accordance with the Precinct Plan.
2. Subdivision and development achieves a well-connected, adaptable, safe, attractive, healthy and pleasant environment for living with an emphasis on the importance of access to the public realm including parks, roads and the natural environment.
3. Subdivision and development establishes a safe, efficient and integrated transport system that provides strategic roading connections, a choice of travel modes, encourages walking and cycling and provides strong, legible connections to and through the precinct, whilst minimising crossings through natural features.
4. The Glenbrook 3 precinct is a comprehensive and integrated community that responds to its natural and coastal context.
5. Subdivision and development achieves a range of housing types.
6. Subdivision and development enhances and protects the coastal character within the precinct including streams, wetlands and walkways.
7. Significant Ecological Areas, freshwater and coastal habitats are protected, enhanced and restored to improve local biodiversity; marine water quality is maintained and enhanced.
8. Subdivision and development occurs in a manner which reflects the coordination and delivery of infrastructure including roading, wastewater, water supply and stormwater services
9. Development of Glenbrook 3 embraces the Te Aranga principles of mana, whakapapa, taiao, mauri tu, mahi toi, tohu, and ahi ka.
10. Freshwater and marine water quality is protected, with the adverse effects of stormwater runoff on the marine estuarine receiving environment and freshwater systems avoided to the extent practical or otherwise mitigated using water sensitive design principles.
11. Public access is provided along riparian margins and the marine esplanade reserve area.
12. Rural production activities can continue on the adjacent Mixed Rural and Rural Coastal zoned land.

Affordable Housing

13. Increased housing supply, variety and choice is promoted by creating well-designed residential developments comprising a range of housing

densities, typologies, and price options (including the provision of affordable housing).

14. Affordable housing provision is ensured in any residential development and is distributed throughout the location in which resource consent is sought.
15. Availability of affordable housing is promoted including to first home buyers and/or Community Housing Providers and iwi groups.

I7.10.3. Policies

1. Embody Te Aranga principles throughout the Glenbrook 3 development, taking into account the views of mana whenua. These principles may include Mana (status of iwi and hapu as mana whenua is recognised and respected); Whakapapa (Maori names are celebrated), Taiao (the natural environment is protected, restored and/or enhanced); Mauri tu (environmental health is protected, maintained and/or enhanced); Mahi toi (iwi and hapu narratives are captured and expressed creatively and appropriately); Tohu (mana whenua significant sites and cultural landmarks are acknowledged); and Ahi ka (iwi and hapu have a living and enduring presence and are secure and valued within their rohe).
2. Provide for the planned managed expansion of the Glenbrook Beach community with a range of dwelling types and a small retail area to serve residential daily needs in accordance with the Precinct Plan.
3. Provide a generally low intensity of development appropriate to a coastal settlement, but with the opportunity for higher density smaller sites for affordable housing.
4. Require a reticulated wastewater and water supply to be available to service any subdivision or development.
5. Require subdivision to be staged and designed to align with the provision and upgrading of infrastructure, including transport, water, wastewater and stormwater.
6. Avoid subdivision, use and development prior to availability of bulk water, wastewater and road infrastructure to service development in the Glenbrook 3 Precinct.
7. Create opportunities for innovative housing typologies including intergenerational housing, retirement village, group housing and affordable houses.
8. Provide a yard, planting, fencing and no-complaints covenant buffer to manage reverse sensitivity between residential and production farming activities.

9. Require that the design of any subdivision and development within the precinct incorporates the following elements of the Precinct Plan:
 - i The pattern, hierarchy and function of the transport network, including links to the existing Glenbrook settlement and amenities;
 - ii Pedestrian and cycle linkages;
 - iii Futureproof for public transport links on key roads;
 - iv Linkages to adjacent land;
 - v Key intersections;
 - vi Riparian margins;
 - vii Open space areas; and
 - viii Coastal edge links
10. Protect and enhance natural streams, wetlands and coastal marine environment by stormwater management, planting of riparian margins, yards, and stream and marine esplanade restoration.
11. Require subdivision and development to achieve SMAF1 mitigation through the use of a single device or combination of devices.
12. Require stormwater devices in public areas to be designed to integrate with the surrounding area and to contribute to multi-use benefits. Where appropriate they should be natural in appearance.
13. Maintain the existing catchment hydrology for rainfall events up to the 95th percentile through management of stormwater at-source and employing water-sensitive design principles prior to the discharge of stormwater to existing watercourses.

Affordable Housing

14. Require new residential developments containing 15 or more dwellings, or involving the creation of 15 or more vacant sites, to provide either:
 - a. 10 per cent of new dwellings to be relative affordable, with the purchase price to be set relative to the median house price in the Auckland region and sold to first home buyers and owned for at least three years; or
 - b. 5 per cent to be retained affordable, with the purchase price to be set relative to the median household income in Auckland region and sold to Community Housing or iwi based providers or Housing New Zealand and owned for long term retention; or
 - c. A combination of a. and b. provided that the allocation of homes between a. and b. is proportionate to the approved development.

15. Require new residential developments containing 15 or more dwellings/sites to provide affordable housing that is distributed throughout the development.
16. Require new retirement village developments containing 15 or more dwellings to provide affordable housing.
17. Provide an area of more intensive housing opportunity for a range of mixed accommodation including papakainga housing, housing for the elderly, and group housing.

I7.10.4. Activity Table

The provisions of the relevant zone, overlays and the Auckland-wide activity tables apply unless otherwise specified below.

Table I7.10.4.1 Activity table specifies the activity status of land use and development activities in the Glenbrook 3 Precinct pursuant to section 9(3) of the Resource Management Act 1991.

I7.10.4.1. Activity table

Activity Table 1 – Single House zone – Glenbrook 3 precinct	
Activity	Zone and Activity status
Rural	
Grazing of livestock and horticulture on sites greater than 2,000m ² net site area	P

Activity Table 1 – Single House zone – Glenbrook 3 precinct	
Activity	Activity status
Commerce	
Restaurant/cafe and information facilities located on area X shown on the Precinct Plan provided that landscaping and access to the Restaurant/café and information facilities may be provided on the adjoining residential lot to the south.	P

Building development for restaurant/café and information facilities located on area 'X' shown on the Precinct Plan	RD
Residential	
Retirement villages in Sub-Precinct A	RD
Group housing in Sub-Precinct A	RD
Papakainga housing in Sub-Precinct A	RD
Intergenerational housing	RD
Development that does not comply with Development Controls I7.10.5.10.1 or I7.10.5.11.5	NC
Any new dwelling or residential subdivision that does not comply with I7.10.5.1 Infrastructure and Staging	NC

Note: For the purposes of this precinct intergenerational housing is multi-generational housing typologies contained within one site and which provide accommodation either with shared living arrangements or communal/support living arrangements.

I7.10.5. Standards

The standards of the relevant zone, overlays and the Auckland-wide provisions apply unless otherwise specified below.

Sub-precinct A, multi-unit group housing and papakainga housing must comply with any Standards in the Mixed Housing Suburban zone.

I7.10.5.1 Infrastructure and Staging

1. Subdivision, building and development in Glenbrook 3 Precinct is to be staged in accordance with the availability of bulk water, wastewater and road infrastructure to service development in the precinct.

2. No residential or business sites shall be occupied until bulk water, wastewater and road infrastructure are available to service the sites in Glenbrook 3 Precinct.

17.10.5.2. Maximum Density

The maximum number of dwellings on a site must not exceed:

1. Single House zone:
 - (a) One dwelling per 550m², or
 - (b) One dwelling per 550m² average net site area, with no sites smaller than 500m² net site area; or
 - (c) One dwelling per 300m² for affordable housing, provided that the number of sites shall not exceed 20% of sites created within any stage of the precinct.
2. Sub-Precinct A:
 - (a) As per the Single House zone in clause 5.2.1 above; or
 - (b) One group housing or papakainga dwelling per 200m² for a parent site that has a minimum net site area of 1200m² and is at least 20m wide at the site frontage and for at least 80 per cent of the length of its side boundaries.
3. Development that does not comply with clauses 5.2.1 or 5.2.2 above is a discretionary activity.

17.10.5.3. Affordable Housing

1. New residential developments containing 15 or more dwellings/vacant sites must provide for affordable dwellings/ vacant sites that are either relative affordable or retained affordable that will meet the requirements of clauses 2-8 below.
2. All resource consent applications requiring the provision of affordable dwellings/vacant sites must be accompanied by details of the location, number and percentage of relative and/or retained affordable dwellings/vacant sites.
3. Affordable dwellings/vacant sites must be spread throughout the development, with no more than six in any one contiguous group.
4. For staged developments, a proportionate number of affordable dwellings and/or vacant sites must be provided at each respective stage on a pro rata basis and spread throughout the development in accordance with clause 3 above.

5. For apartments, no more than one-third of the total number of identified affordable dwellings must be located on a single building level/storey, unless the development is two levels, in which case no more than half of the identified affordable dwellings must be located on a single building level.
6. If the calculation of the percentage of dwellings (and/or vacant sites) that must be affordable dwellings (and/or vacant sites) results in a fractional dwelling (or vacant site) of one-half or more, that fraction is counted as 1 dwelling (or vacant site), and any lesser fraction may be disregarded.
7. On sites identified for affordable housing, the side yard and height in relation to boundary controls shall not apply to the common wall of any duplex or zero lot lined (built up to the boundary) development provided that for any zero lot lined development the land immediately adjacent is protected by way of a 1m easement to allow access and maintenance.
8. Affordable housing that does not comply with clause 5.3 is a discretionary activity.

17.10.5.4. Relative Affordable

Number of Relative Affordable Dwellings or Sites

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

reside in the dwelling and retain ownership for 3 years from the date of transfer.

17.10.5.4.1. Eligibility for Relative Affordable Housing

1. Prior to the first transfer of affordable dwellings (including new dwellings that have never been occupied and are built on vacant sites that are identified for affordable dwellings), the consent holder must provide to Council a statutory declaration that confirms the sale complies with the following eligibility requirements:
 - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date the sale and purchase agreement becomes unconditional.
 - b. the consent holder has sold the dwelling (and any associated parking that is required by resource consent and storage) at a price which is not more than that defined by the 75 percent median price in accordance with Standard 8.1(a) above.
 - c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase.
 - d. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
2. Prior to the transfer of a vacant site identified for affordable dwellings, the purchaser must be made aware of the mechanism e.g. a consent notice required to ensure any building built on the site is a dwelling that will meet the relative affordable criteria in 5.4.1 above or is a building associated with such a dwelling.
3. Prior to the transfer of a vacant site identified for an affordable dwelling to a purchaser that intends to develop, own and occupy the affordable dwelling themselves, the consent holder must provide to Council a statutory declaration executed by the intended purchaser that confirms the sale complies with the following eligibility requirements:
 - a. the purchaser has a gross household income, as at the date of the statutory declaration, that does not exceed 120 per cent of the Auckland median household income as set at the date the sale and purchase agreement becomes unconditional;
 - b. any development of the site must be such that the combined value of the dwelling and the land upon completion, as confirmed by a valuation carried out by a registered valuer, must be no more than

that defined by the 75 percent median price in accordance with Standard 5.4.1(a) above;

- c. the purchaser intends to own and occupy the affordable dwelling exclusively as their residence for no less than three years from the date of purchase; and
 - d. the purchaser is a natural person purchasing the affordable dwelling in their own name and not in the name of any other person or entity.
4. A consent notice must be placed on the computer freehold register for the respective affordable dwellings/vacant sites requiring the above eligibility criteria be met for 3 years from the date of the transfer to the eligible purchaser.
 5. Relative affordable housing that does not comply with clauses 5.4 and 5.4.1 above is a discretionary activity.

I7.10.5.5 Retained Affordable

Eligibility for Retained Affordable Housing

1. Purchasers in respect of retained affordable housing must be a registered community housing provider or an iwi authority providing not for profit housing to members of the iwi as lease or pathway to ownership housing, or Housing New Zealand Corporation. This Standard does not apply to Retirement villages which are dealt with under Standard 5.6 below.

I7.10.5.5.1. Number of Retained Affordable Dwellings or Sites

1. For new residential developments containing 15 or more dwellings or involving the creation of 15 or more vacant sites, (or a mixture of both with the total cumulative number of dwellings and/or vacant sites being 15 or more), at least 5% of the total number of dwellings, or vacant sites, in any development must be retained affordable and meet the following criteria.
 - (a) The price at which a dwelling may be sold would mean that the monthly mortgage payments for a household receiving the Auckland median household income (as published by Statistics New Zealand for the most recent June quarter before the date the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later) would not exceed 30 per cent of the household's gross monthly income, based on the assumptions that:
 - (i) the dwelling is purchased with a 10 per cent deposit; and
 - (ii) the balance of the purchase price is financed by a 30-year reducing loan, secured by a single mortgage over the property, at a mortgage interest rate equal to the most recent average

two-year fixed rate. This interest rate used is that published most recently by the Reserve Bank of New Zealand, in relation to the date application for resource consent is made.

2. As part of the resource consent application evidence must be provided to demonstrate a community housing or iwi provider will purchase the dwellings/sites. Prior to the transfer of the retained affordable dwellings/sites a Council approved statutory declaration must be returned by the consent holder to demonstrate the dwellings/sites are sold at the price point outlined in clause 1 above.
3. Retained Affordable housing that does not comply with clauses 5.5 and 5.5.1 above is a discretionary activity.

17.10.5.6. Affordable Housing in Retirement Villages

1. For retirement village developments (including any redevelopment creating additional units) containing 15 or more units, either:
 - a. at least 10% of the total number of units must be relative affordable for three years from the date of purchase. If a dwelling is sold within this timeframe it must continue to meet the required price point set out below in clause 1(a)(i) below until such time that it does not apply.
 - (i) The units classed as relative affordable will be valued at no more than 65 per cent of the Auckland region median house price that is published by the Real Estate Institute of New Zealand for the most recent full calendar month preceding the date on which the application for resource consent is approved or the date on which all appeals on the resource consent application are finally resolved, whichever is the later.
 - (ii) The price point as required by 1(a)(i) above must include annual charges for maintenance and refurbishment at the retirement village but exclude entry costs, transfer costs, periodical charges, rates, and insurance.
 - (iii) A disclosure statement as required by the Retirement Villages Act 2003 must be provided to Council to ensure that the estimated financial return that a resident, former resident, or the estate of a former resident, could expect to receive on the sale or other disposal of a vacant residential unit is consistent with any other unit being sold at market rate within the retirement village complex.

17.10.5.6.1. Eligibility for Relative Affordable in a Retirement Village

1. The purchaser(s)/ resident(s) must have a gross household income that does not exceed 150% of the NZ superannuation income receivable, current at the date of purchase.
2. Affordable Housing in Retirement Villages that does not comply with clauses 5.6 and 5.6.1 above is a discretionary activity.

17.10.5.7. Restaurant/cafe and/or Information facilities located on area X shown on the Precinct Plan

1. The gross floor area of the building containing the Restaurant/cafe and/or Information facilities should be no greater than 200m².
2. This facility must be located on the site identified on the Precinct Plan for this purpose provided that landscaping and access may utilise adjoining lots.
3. Any dwellings on the site identified on Precinct Plan as a restaurant/café or information facility is a Non-Complying Activity.
4. Restaurant, cafe and Information facilities that do not comply with clause 1. above is a discretionary activity.

17.10.5.8. Intergenerational Housing

1. Intergenerational Housing must not be located on sites smaller than 800m² and must be for extended family only.
2. Intergenerational Housing which does not comply with clause 1. above is a discretionary activity.

17.10.5.9. Water and Wastewater Capacity

1. The first 231 residential lots within Glenbrook 3 Precinct shall connect to the existing wastewater and potable water network.
2. Development in excess of 231 residential lots shall demonstrate that the lots can be connected to an approved reticulated waste water and water system.

17.10.5.10 Yards

Except as provided for in 17.10.5.3.7 above, the yard standards in the Single House zone, Neighbourhood Centre zone and Open Space: Informal Recreation zone apply with the addition of the following specific yards:

1. A 6m rear yard free of habitable buildings, of which 3m is densely planted to a height no greater than 1.5m when mature, shall be provided on all sites which adjoin Lot 2 DP 21692 for as long as a farming operation is being undertaken on Lot 2 DP 21692.

Note: Non-habitable buildings may be located within the 6m yard outside of the 3m planted area.

2. Where a site abuts the esplanade reserve, or a stream or wetland zoned Open Space: Informal Recreation the following additional yards shall apply:

Table 1: Yards

Yard	Minimum Depth	Maximum impervious area within the yard
Any site which adjoins esplanade reserve on the coastal edge of the Taihiki River or the Waiuku River. This control applies to the unformed legal road adjacent to the Tahiki and Waiuku rivers until such time as the road is stopped and declared an esplanade reserve.	6m from the esplanade reserve boundary	10%
Any site which adjoins a stream or wetland zoned Open Space: Informal Recreation	3m from the zone boundary	10%

- (a) Any retaining wall within the yards identified in Table 1 above must not exceed 1m in height and must be screened by the planting of native species.
- (b) The yards identified in Table 1 above must be landscaped with the planting of native species.

17.10.5.11 Fences

1. For sites that front the esplanade reserve on the Taihiki River or Waiuku River, or land zoned Open Space: Informal Recreation, fences on those boundaries or located above a retaining wall must not exceed a height of 1.0m. Those fences shall be at least 60% visually permeable.
2. Should additional retained height be required, this shall be stepped back into the property in 1.2m increments so as to comply with a 45° recession plane.
3. Fences on the front boundary must not exceed 1.2m in height and must be at least 50% visually permeable.

4. Fences fronting a neighbourhood park open space shown on the precinct plan must not exceed 1.2m in height and must be at least 60% visually permeable.
5. A solid fence with a minimum height of 1.5m shall be constructed on the common boundary of all sites adjoining Lot 2 DP 21692 for as long as the farming operation is being undertaken on Lot 2 DP 21692.
6. All other fences must not exceed a height of 1.8m.

17.10.5.12 Sites adjoining land zoned Open Space

1. Where a site or dwelling adjoins land zoned Open Space: Informal Recreation, or fronts a public walkway, the following applies:
 - (a) The facade of a dwelling or dwellings facing the open space must contain glazing that is cumulatively at least 30 per cent of the area of the facade (excluding the garage door).

17.10.5.13 Building Height

1. The building height standards in the Single House zone shall apply.
2. In the Neighbourhood Centre zone the maximum building height shall be 8m.

17.10.5.14. On-site stormwater management new impervious areas

1. Development of new impervious areas greater than 50m² that discharge to a stream environment upstream of RL2m is a permitted activity provided that:
 - a. stormwater from the total site impervious area must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff plus detention (temporary storage) of 20.8mm of runoff with a draw down period of 24 hours.

Advice note: compliance with clause 1.a may be deemed to satisfy the permitted and controlled activity controls in E10.6
 - b. stormwater runoff may be directed to one or more on-site device to achieve the volume requirements in Table 2 where:
 - i. the retention volume must be achieved; and
 - ii. where the total volume requirement is met then a greater retention volume and a corresponding decrease in detention volume can be provided.
 - c. any stormwater management device or system is built generally in accordance with design specifications by a suitably qualified service provider and is fully operational prior to use of the impervious area.

- d. 'as built' plans for any stormwater management device or system are provided to council within three months of practical completion of the works.
 - e. any stormwater management device or system is operated and maintained in accordance with best practice for the device or system.
2. Development of new impervious areas greater than 50m² that discharges to directly to the coast is a permitted activity provided that:
 - a. First flush devices are fitted for roof water on all residential lots to divert the first flush of stormwater runoff to ground or an alternative device which are sized to manage runoff from the first 5mm of runoff.
 - b. Stormwater runoff from other impervious areas is directed to a bio-retention device that is an Approved Stormwater Quality Device in accordance with the permitted activity controls in section E9.6.1 of the Auckland-wide provisions.
 3. Where a vacant lot is being developed new impervious surfaces associated with driveways shall be directed to a bio-retention device that is an Approved Stormwater Quality Device in accordance with the permitted activity controls in section E9.6.1 of the Auckland-Wide provisions. For clarity this requirement will not apply where pervious paving is utilised.

Table 2 Retention and detention volume requirements			
m²	Retention (m³)	Detention (m³)	Combined total to be provided (m³)
1	0.005	0.0208	0.0258
Example of device sizing			
Impervious Area (m²)	Retention	Detention	Total
Roof (150m²)	0.75	3.12	3.87
Paved (50m²)	0.25	1.04	1.29
Total (200m²)	1.00	4.16	5.16

17.10.6.Subdivision

The controls in E38 Subdivision shall apply in the Glenbrook 3 Precinct unless specified in the following provisions:

17.10.6.1 Activity Table

The Activity Table – E38.4.1 and E38.4.2 apply in Glenbrook 3 Precinct, except as specified in Activity Table 2 below.

Activity Table 2 - Glenbrook 3 Precinct	
Subdivision and Associated Development Activity	Activity Status
Subdivision in accordance with the Precinct Plan	RD
Subdivision not in accordance with the Precinct Plan	NC
Subdivision that does not comply with Development Control 6.2.9	NC
Subdivision and associated development which does not comply with standard 6.2.6, but proposes alternative measures to achieve required transport access, capacity and safety	RD
Subdivision and associated development which does not comply with standard 6.2.6 and does not provide an alternative measure to achieve required road upgrades	NC

17.10.6.2. General Standards

The General Standards in E38.6 Subdivision apply in this precinct except as specified below.

17.10.6.2.1 Site size

Site sizes for proposed sites must comply with the following minimum net site areas:

1. Single house zone:
 - a. 550m², or
 - b. One dwelling per 550m² average net site area, with no sites smaller than 500m² net site area, or
 - c. 300m² for affordable housing, provided that the number of sites shall not exceed 20% of sites created within any stage of the precinct.

2. Sub-Precinct A:
 - a. 1,200m² for vacant proposed sites
 - b. Where subdivision relates to a developed site, the minimum site area shall meet the density requirements for Sub-Precinct A – land use controls.

Subdivision that does not comply with this control is a discretionary activity.

I7.10.6.2.2. Riparian Margins

1. Riparian margins identified in the Precinct Plan must:
 - a. be established either side of the banks of a permanent/intermittent stream or wetland shown on the Precinct Plan to a minimum width of 10m measured from the top of the bank of the stream or wetland. For the avoidance of doubt the 10m shall be measured from the edge of wetlands (as defined in the RMA) not the edge of any existing riparian vegetation. The purpose of this is to define where the riparian margin shall be measured from in the absence of a defined stream bank.
 - b. be planted with native vegetation either side along the full 10m width in accordance with a landscape plan approved by Council at a density of 10,000 plants per hectare, using eco-sourced native vegetation consistent with local biodiversity. Planting within the 10m riparian margin cannot be used as part of any offset/environmental compensation requirement associated with works or structures in a stream.
 - c. Pedestrian/cycle paths shall be located adjacent to, and not within the 10m planted strip.
2. The riparian margins created in clause 1 above must either be offered to Council for vesting at no cost to Council, or be protected by a consent notice on the title.
3. Subdivision that does not comply with this control is a non-complying activity.

I7.10.6.2.3 Parks and Open Space: Informal Recreation

1. Land shown on the Precinct Plan as Pohutukawa Park or Possible Future Park must be offered to Council for vesting as recreation reserve in general accordance with the Precinct Plan. Stream-side land shown as Open Space: Informal Recreation must be offered to Council for vesting at no cost to Council in general accordance with the Precinct Plan.

17.10.6.2.4 Walkways and Boardwalks

1. Land shown as walkways and boardwalks (over streams) must be formed and constructed and offered to Council for vesting at no cost to Council in general accordance with the Precinct Plan.

17.10.6.2.5 Rooding Standards

1. All roads within the Precinct must be located in general accordance with the Precinct Plan.
2. All roads provided within the Precinct must be constructed to the standards contained within the cross-section diagrams in Figures 1, 2, 3 below or, where not contained in those figures, the relevant Auckland-wide rules shall apply.

Note – raised tables along the shared cycleway / footpath to be adopted across intersections.

Figure 1: Type A Principal Road

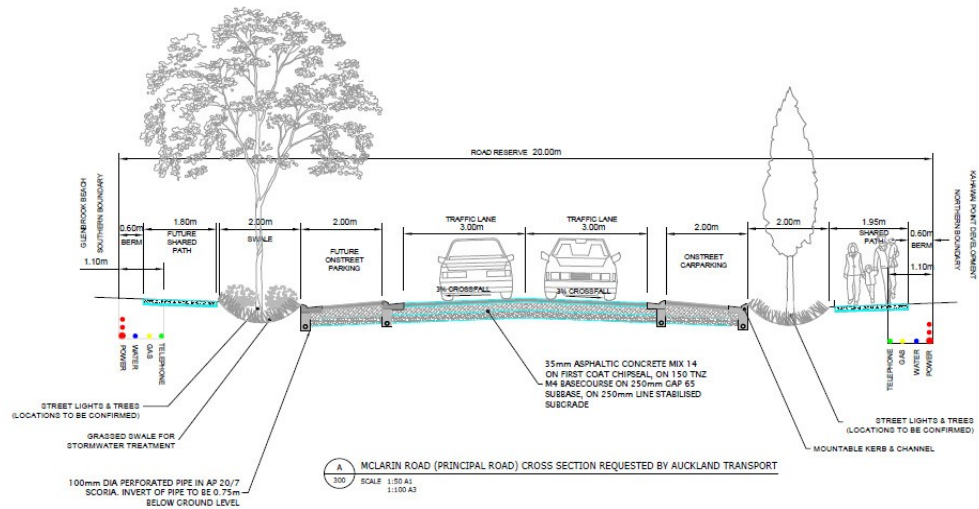


Figure 2: Type B Critical Local Road

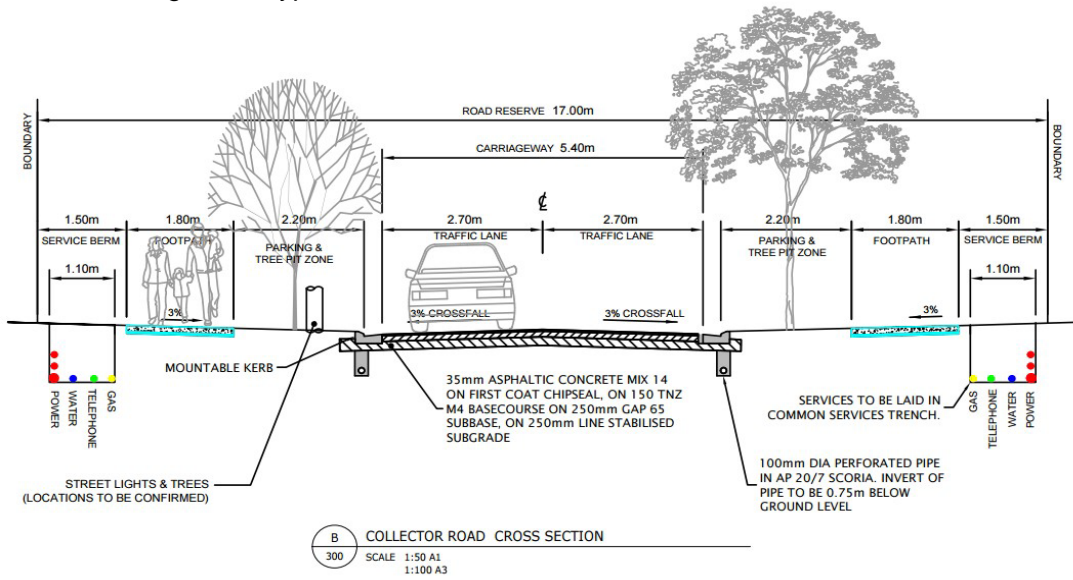
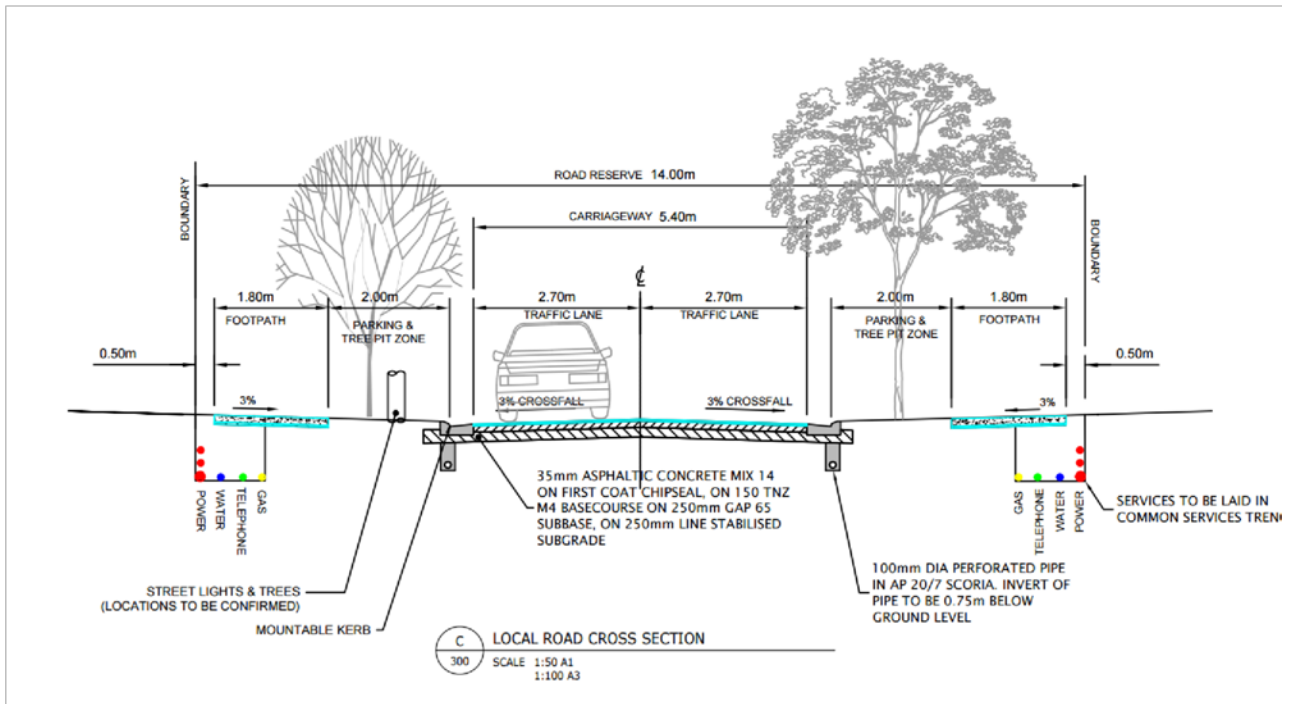
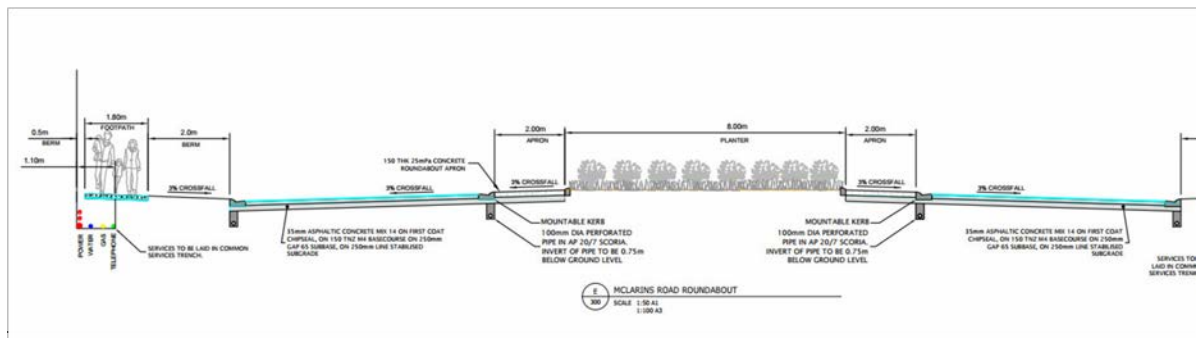
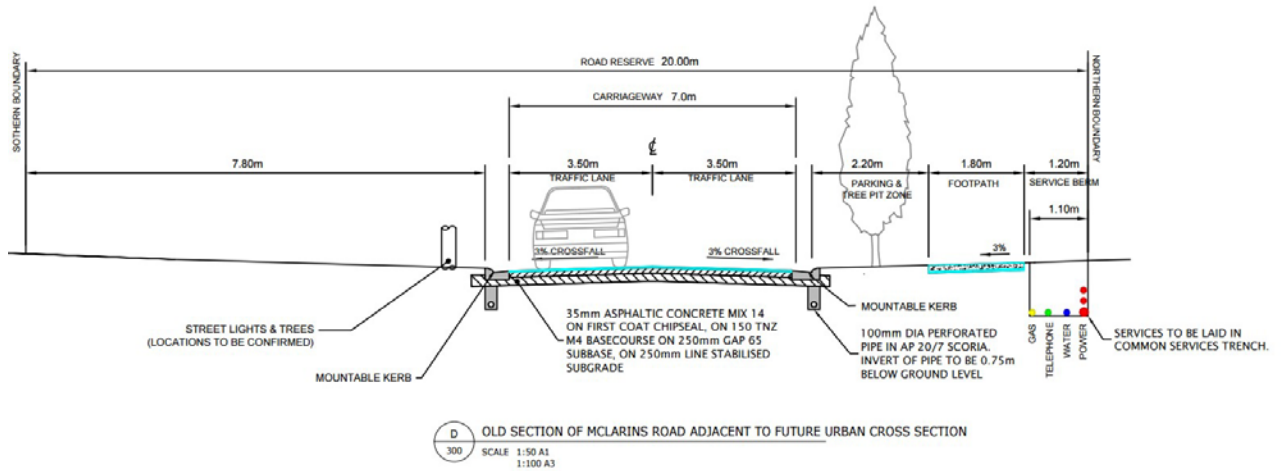


Figure 3: Type C Minor Local Road





17.10.6.2.6. Infrastructure Upgrades and Timing of Development – Transport

1. In addition to Development Contributions required from residential development and subdivision, the following funding arrangements are required for roading upgrades from the development of the Glenbrook 3 Precinct.
2. The number of dwellings within the precinct may not exceed the dwelling thresholds or timeframes in Table 3 or Table 4 until such time that the identified infrastructure upgrades have been constructed or committed to. This standard will also support funding applications to be made to cost share infrastructure costs. For the purposes of this standard “committed to” means the letting and commencement of a contract of works for the totality of upgrades required by the particular dwelling thresholds.
3. The transport infrastructure upgrade costs elements in Table 3 are to be 100% funded by the developer of QD1 and QD2.
4. Unless otherwise identified the transport infrastructure upgrade costs in Table 4 are to be funded in proportionate shares as follows:

- a. 75% = Owner of all land within the Glenbrook 3 Precinct; and
- b. 25% = Council.

Table 3 - Infrastructure Work Required to Exceed the Dwelling Threshold Dwelling threshold

64 dwellings or 6 months after the release of the Section 224(c) RMA certificate for the subdivision of QD1

Works
1. Upgrade of McLarin Road from the harbour reserve entrance to the boundary of Lot 2 DP 204733 – to an urban standard.
2. Upgrade of McLarin Road from the western end of Lot 2 DP 204733 to the new roundabout at the eastern end of QD2. The carriageway and the northern side of the road shall be developed to an urban standard
3. Upgrade of McLarin Road from the new roundabout at the eastern end of QD2 to the intersection of Glenbrook beach and Dunsmuir roads to a rural road standard (8m wide carriageway).
4. Construction of the roundabout at Hill Road, McLarin Road and the roundabout at the eastern end of QD2.

Table 4 - Infrastructure Work Required to Exceed the Dwelling Threshold
Dwelling threshold

232 Dwellings
 or 6 months
 after the
 release of the
 Section 224(c)
 RMA certificate
 for the
 subdivision of
 QD2

Works	Objective	Funding
Speed Limits		
5. Lower speed limits: Speed Environment – Rural (Steelmill to Dunsmuir)	Reduce Speed limits to below 80kph	Cost Share
6. Lower design speed: Speed Environment – Residential (McLarin Road)	Shift the residential environment boundary 50kph to south of Beach Road	Cost share
7. Existing Intersections and accesses: Safety improvements		
• Brookside Road and Mission Bush Road intersection upgrade	Upgrade the intersection	Cost share
• Brookside Road and Glenbrook Beach Road	Upgrade the intersection	Cost share
• Brookside/Glenbrook/ Glenbrook Waiuku intersection	Upgrade the intersection	Cost share
• Mission Bush/Glenbrook Waiuku intersection	Upgrade the intersection	Cost share
General road safety improvements		
8. Glenbrook Beach Road	realignment	Cost share

safety improvements - Improve signage and sealing of driveways within the berm to improve safety at the right angle bend approximately 1km north of the steel mill		
9. Dunsmuir sealing adjacent to intersection and pole relocation	upgrade	Owner of all land within the Glenbrook 3 Precinct
10. Glenbrook Beach Road Edge delineation (5.6km)	Upgrade	Cost share
11. Glenbrook Beach Road Curve Delineation	Upgrade curves including speed warning signs	Cost share
12. Glenbrook Beach Road - No overtaking markings and central median	Add yellow no overtaking lines on crest curves.	Cost Share
13. Glenbrook Beach Road - Road Side Hazards		Cost share
<ul style="list-style-type: none"> • Power Poles 	Provide safety barriers	Cost Share
<ul style="list-style-type: none"> • Side drains and culverts 	Upgrade areas of step drains and provide traversable headwalls to the ends of exposed culverts.	Cost Share
<ul style="list-style-type: none"> • Trees and shelter belts 	Remove large trees in the road reserve or provide safety barriers	Cost Share
<ul style="list-style-type: none"> • Edge Breaks and upgrade to 	Repair edge	Cost Share

8m rural road carriage way	breaks - widen the pavement where necessary	
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I7.10.6.2.7. Rear sites

1. The number of rear sites must not exceed 5% of the lots created in any subdivision.

I7.10.6.2.8. Esplanade Pine Trees

1. The staged removal of Pine trees within the esplanade reserve shall be replaced with a full width of native revegetation planting, measured from the bottom of the cliff to the adjoining private property within the first available planting season following removal, at a density of 10,000 plants per hectare, using eco-sourced native vegetation consistent with local biodiversity; provided that the calculation of the requirement for planting shall not apply to the area occupied by walkways / boardwalks, archaeological sites, sites specifically identified (currently or as part of any consent) as being of cultural significance to mana whenua, and cliff faces with a gradient steeper than 1:1.
2. Where the esplanade reserve is less than 20m wide, then at the time of subdivision, land shall be vested with the Council to achieve the full 20m.

I7.10.6.2.9. Reverse Sensitivity

1. At the time they are created as separate lots, sites adjoining Lot 2 DP 21692 shall be subject to a 'no complaints' covenant in favour of the adjoining farming operation for as long as that farming operation continues. The no-complaints covenant shall apply to activity which complies with the relevant Auckland wide and rural zone provisions applicable to Lot 2 DP 21692.

I7.10.7. Assessment – restricted discretionary activities

I7.10.7.1 Matters of discretion

For development that is a restricted discretionary activity in the Glenbrook 3 precinct, the Council will restrict its discretion to the following matters in addition to the matters specified for the relevant restricted discretionary activities in the underlying zones.

1. Subdivision in accordance within the Glenbrook 3 Precinct the Council will restrict its discretion to those matters listed for subdivision under the Auckland-wide rules, and the following matters:

- a) Glenbrook 3 Precinct Plan;
 - b) design and location of the subdivision;
 - c) integration of Te Aranga principles;
 - d) transport;
 - e) building platforms;
 - f) wastewater / water;
 - g) stormwater management;
 - h) walkways, boardwalks and pedestrian bridges;
 - i) any relevant matters for discretion outlined in E38.12.1; and
 - j) reverse sensitivity.
2. Retirement Village, group housing, papakainga housing in Sub-Precinct A and Intergenerational Housing
- a) neighbourhood character;
 - b) relationship to the street and open spaces;
 - c) building location, form and appearance;
 - d) land form;
 - e) on site amenity and outdoor living space;
 - f) design of parking and access;
 - g) infrastructure and services;
 - h) the integration of matauranga mana whenua; and
 - i) for papakainga housing also refer to the matters of discretion in H27.8.1.
3. Restaurant / café and information centre development at the location shown on the precinct plan:
- a) building interface with the road, esplanade reserved and the park;
 - b) building location, scale, materiality, form and external appearance;
 - c) on-site amenity and landscaping;
 - d) safety; and
 - e) services.

17.10.7.2. Assessment criteria

For development that is a restricted discretionary activity in the Glenbrook 3 precinct, the following assessment criteria apply in addition to the criteria

specified for the relevant restricted discretionary activities in the underlying zones.

1. Subdivision in accordance with the Glenbrook 3 Precinct

(a) The Glenbrook 3 Precinct Plan:

i. The subdivision is consistent with and gives effect to the key elements in the Glenbrook 3 Precinct Plan including:

- roads, their locations, purpose and cross-sections;
- coastal areas and riparian areas;
- open space areas;
- subdivision facilitates view of, and access to, the coast;
- a series of walkways linking public roads to the wetlands and coast;
- subdivision facilitates protection of the coastal environment;
- protection of the Open Space: Informal Recreation zone through the creation of separate title;
- subdivision minimises the need for retaining structures and, where retaining structures are required, minimises the length, height and visual prominence of retaining structures;
- subdivision will provide for an appropriate interface between lots and open spaces, including the esplanade reserve; and
- opportunities to retain existing trees and vegetation where practicable, and to integrate them into subdivision design and layout.

(b) The integration of Te Aranga principles:

i. The subdivision embraces Te Aranga principles and in particular:

- the recognition and protection of sites of cultural significance;
- the enhancement of stormwater quality and the successful treatment of stormwater within the subdivision;
- the protection of wetlands;
- street layout and design maximises solar orientation;
- setback from the coastal fringe;
- facilitate a broad network of walkways;

- provision of sediment and erosion controls and other measures to ensure water quality; and
 - opening up public access to the water's edge.
- (c) The assessment criteria outlined in E38.12.2.
- (d) Transport:
- i. Provision of an interconnected roading network which follows the land form of Glenbrook 3 and reflects the road layout in Precinct Plan.
 - ii. Where public roading infrastructure is required to be upgraded, preparation of an Infrastructure Funding Agreement or other such means must be agreed with the service provider (AT) to ensure infrastructure to service the subdivision can be funded and provided in a timely manner.
 - iii. Road design promotes a low speed network suitable for pedestrians, cyclists and cars.
 - iv. The cross-sections of the roads are consistent with the cross-section for different road types set out in the Precinct Plan Diagram.
 - v. The design of a network which interconnects with the Glenbrook community, particularly at McLarin Road and Hill Road.
 - vi. Management of the key intersection as shown on the Precinct Plan Diagrams to provide safe access to Glenbrook 3 precinct and the Glenbrook Beach community.
 - vii. Road stormwater management is carried out in accordance with best practice.
 - viii. Any new roads proposed in the vicinity of the coastal edge must be supported by an approved Coastal Hazard Assessment Report and any mitigation required incorporated into the road design or the road relocated out of the hazard area.
- (e) Building platforms
- i. The creation of sites is consistent with the Precinct Plan.
 - ii. The subdivision creates a range of lot sizes within the parameters of the subdivision standards, and by resource consent, to encourage different housing forms and to cater for a diverse coastal settlement community.
 - iii. The number of rear sites is limited and does not exceed 5% of lots.

- (f) Wastewater / Water
- i. Stages the release of land consistent with adequate wastewater and water servicing in the broader Glenbrook Beach and Franklin West area.
 - ii. Ensures all sites can be adequately serviced by wastewater and water;
 - iii. Provides an appropriate wastewater system which connects to the Glenbrook Beach pump station.
- (g) Stormwater
- i. Provides a stormwater management system appropriate to the scale of development and consistent with any stormwater discharge consent for Glenbrook 3 precinct or any effective global stormwater consent for network operations and discharges.
 - ii. Provides sufficient space to achieve the hydrology mitigation requirements in Standard E10.6 with treatment of stormwater early in the catchment through the use of swales and rain gardens within roads and by channelling stormwater through the existing wetlands.
 - iii. For communal stormwater devices:
 - the extent to which the device can be accommodated adjacent to the stream corridors to allow efficient operation and maintenance, and appropriate amenity; and
 - whether the use of communal devices achieves the best practicable alternative to on-site management
- (h) Integration of Te Aranga Principles including mātauranga mana whenua:
- i. Development should integrate appropriate mātauranga mana whenua into the design of the built environment open space and public works. In determining this, consideration will be given to the expression of Māori values and the type of development proposed, including where appropriate, for example:
 - the design, landscaping and management of open spaces;
 - the creation of the information centre and the ability to tell the story of Kahawai Point and early Maori occupation of this area and the environmental attributes of the Tahiki and Waiuku river environments;

- the commitment to native re-vegetation and the removal of exotics;
- importance of the river margins and access to the coastline;
- retention and enhancement of the wetlands;
- communal facilities and spaces;
- relationship between buildings and public access ways e.g. marae atea, wharenui, wharekai and waharoa if present;
- landscaping which reflect the natural features of the surrounding environment; and
- awareness of local history and whakapapa through design.

2. Retirement Village, Group Housing and Intergenerational Housing:

a. Neighbourhood character:

i. Development should contribute to a coastal settlement of Glenbrook Beach including:

- setting taller buildings back from the coast and from adjoining private land to the south;
- retaining or adapting features of the site such as site contours and/or mature native trees where these features contribute significantly to local neighbourhood character; and
- providing for new large scale native trees where large scale trees are a defining feature of local neighbourhood character.

b. Relationship to the street and open spaces:

i. Development should contribute to the visual amenity and safety of streets and open spaces by:

- maximising frontage orientation, including doors, windows and balconies to the street and open space clearly defining the boundary between the site and the street or open space by planting or fencing;
- using quality materials on the facades of buildings fronting the street and open spaces;
- ensuring dwellings closest to the street each have direct and clearly defined pedestrian access from the street in preference to a single shared building entrance, where this is compatible with building and activity type;

- avoiding breezeways to upper level dwellings that front the street or in locations that are visually prominent from the street; and
 - providing soft landscaping within the front yard that balances outlook and privacy for dwellings at ground floor level and provides visual interest along the street.
- ii. Ground level balconies or patios to a street or open space should be designed to provide privacy for residents while enabling sightlines to the street or open space.
- c. Building location, form and appearance:
- i. Development should introduce visual interest and reduce the perceived bulk of development, particularly when the building is of a greater height, bulk or length than surrounding buildings. Primary methods to achieve this include:
- breaking up the mass of a building into visually distinct elements, including expression of individual dwellings or groups of dwellings within a multi-unit development;
 - variations in building height and form; and
 - building separation, setbacks and recesses.
- Secondary methods to achieve this include:
- horizontal and vertical rhythms;
 - façade modulation and articulation; and
 - variation of building materials.
- d. Landform:
- i. Where retaining or changes to ground levels are necessary they should be incorporated as a positive landscape or site feature by:
- integrating retaining as part of the building design by including the level difference within the building where practicable; and
 - retaining walls or changes in ground level over 1m in height should be attractively designed and landscaped, and stepped where practicable, to avoid visual dominance or overshadowing effects as viewed from the street or the boundary of the application area.
- e. On site amenity:

- i. Dwellings, and units within a retirement village, should be located, and orientated within a site to provide high quality on-site amenity by:
 - clearly defining communal, semi-private and private areas, including outdoor living spaces;
 - optimising sunlight access to habitable rooms, particularly to the principal living room or main living / dining room;
 - providing for natural cross ventilation by window openings facing different directions within a dwelling, where practicable; and
 - maintaining a reasonable level of outlook and separation between buildings and outdoor living spaces.

f. Design of parking and access:

Connections to the neighbourhood

- i. Where practicable and appropriate, developments on larger sites with frontages to two or more streets should extend and connect pedestrian and cycle links, or, a public street through the site.

Location and design of parking

- ii. Individual or communal car parking areas should be located and designed to:
 - be close and convenient to dwellings;
 - be secure, well lit, or visible from dwellings;
 - minimise the effects of noise and fumes by providing separation from bedroom windows; and
 - provide visual interest and an attractive appearance.
- iii. Parking areas and garages should be designed and located to minimise the number of vehicle crossings at the street frontage.
- iv. Parking, should be in locations that are either not visible or screened from the street, except visitor parking.
- v. A monotonous repetition of garage doors within areas visible from the street or common areas providing outlook for dwellings within a site should be avoided. Methods to achieve this include:
 - breaking large numbers of garages into smaller groups;
 - varying their alignment, widths and orientation and providing recesses of either the dwelling or garage; and

- interspersing garages at ground level with landscape features, habitable rooms and dwelling entrances.

Location and design of vehicle and pedestrian access

- vi. Vehicle access ways should be designed to reduce vehicle speed and moderate the visual effects of long driveways and large areas of hard paving with landscaping. Methods to achieve this include offsetting or articulating the driveway, using paving patterns or a combination of materials to give visual interest and, in particular, the use of landscaping along the driveway.
- vii. Vehicle crossings and access ways should be clearly separated from pedestrian access or integrated where designed as a shared space with pedestrian priority to ensure a safe pedestrian environment.
- viii. Any vehicle crossing proposed to go through a stormwater treatment device (e.g. roadside swale) shall be designed to the approval of Council prior to works commencing.
- ix. Accessways and routes within the site should be clear and logical, enhance way-finding and safety and contribute to the quality of open spaces through the development.

Accessibility of common areas

- x. Internal common areas within the site and where practicable, external common areas should be designed to have universal access, with reference to NZS 4121:2001 'Design for access and mobility; buildings and associated facilities'.

g. Infrastructure and servicing:

- i. There should be adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development. All service connections and on site infrastructure must be located within the boundary of the proposed site it serves or have access to the public network by an appropriate legal mechanism.
- ii. Required infrastructure should integrate into the design of the site. This includes low impact stormwater design devices, overland flow paths/floodplains, wastewater systems, and water supply.
- iii. Rubbish storage areas should:
 - comply with the standards for multi-unit development in the Council's Solid Waste Bylaw;

- be easily accessible from the dwellings / units; and
 - be incorporated into the design of the building or screened to be visually unobtrusive and not dominate the main entrance to any dwelling or neighbouring dwellings.
- iv. Plant, exhaust, intake units and other mechanical and electrical equipment located on either the facades or roof of a building should be integrated into the overall design and be screened from public view.
 - i. Site landscaping should be located and designed to enhance on-site amenity within purpose built private and communal open spaces.
3. Papakainga Housing in Sub-Precinct A
 - a. Refer to the assessment criteria in clause 2. above.
 - b. Refer to the assessment criteria in H.27.8.2.
 4. Restaurant / café and information facility development at the location shown on the precinct plan:
 - a. Development should contribute to the visual amenity and safety of the open space by:
 - i. maximising frontage orientation, including the proportion of glazing (doors and windows), to open space;
 - ii. clearly defining the boundary between the site and the open space, to ensure the café activities can be contained within the site; and
 - iii. maximising coastal and river views from the park past and through the building.

17.10.8. Assessment – Development Control Infringements

8.1 Matters of discretion

The Council will restrict its discretion to those matters listed in H3.8, and C1.9 for development within the Glenbrook 3 Precinct unless otherwise specified below.

1. Coastal Protection Yards and Riparian Yards:
 - a. effects on the function of the yard;
 - b. effects on natural hazards;
 - c. amenity and character;
 - d. public access;

- e. the matters of discretion in E10.7 and E10.8 Stormwater Management –Flow; and
 - f. making retaining walls a positive landscape or site feature.
2. Fences:
- a. effects on the open space, coastal or riparian area; and
 - b. effects on streetscape amenity.
3. On-site Stormwater management - new impervious areas:
- Impervious areas unable to comply with Standard I710.5.14. The Council will restrict its discretion to:
- a. Items listed in E10.8.1 Stormwater Management – Flow in the Auckland-wide rules and whether the non-compliance occurs on sites intended for affordable housing; and
 - b. Stormwater quality management requirements for minimising adverse effects.

8.2 Assessment Criteria

For development that is a restricted discretionary activity in the Glenbrook 3 Precinct, the following assessment criteria apply in addition to the assessment criteria specified for the relevant restricted discretionary activities in the Single House zone, the Neighbourhood Centre zone and the Open Space: Informal Recreation zone and Auckland-wide rules:

1. Coastal Protection Yards and Riparian Yards
- a. Function of the yard:
 - i. The infringement should minimise adverse effects on the function of the yard particularly in regard to flooding, erosion, stream health or water quality, taking into account any mitigation measures, including planting with native plants and/or providing a wider setback elsewhere that will enhance the function of the yard.
 - ii. The continuity of any vegetation corridor should be maintained.
 - iii. Site works and associated vehicle movements should be minimised within the yard.
 - iv. Whether there is no practicable alternative to development or impervious area within the yard, and that the development or impervious area is located as far from the CMA or stream as practicable.

- v. Whether development or impervious area within the yard is required for the reasonable use and development of the site, including for the provision of public access or infrastructure such as recreational trails, bridges/culverts, underground utilities, wastewater or stormwater infrastructure.
 - b. Effects on natural hazards:
 - i. Development within the yard should not exacerbate the risk or potential of natural hazards on the site or surrounding area.
 - c. Amenity and character:
 - i. Development within the yard should not detract from the amenity and character values of the site, the coastal environment or the stream corridor.
 - d. Public access:
 - i. Infringing the yard should not unduly preclude future opportunities for developing public access, particularly through esplanade reserves.
 - e. The assessment criteria in E10.8.2 Stormwater Management – Flow.
 - f. Where retaining or changes to ground levels are necessary they should be incorporated as a positive landscape or site feature by:
 - i. integrating retaining as part of the building design by including the level difference within the building where practicable; and
 - ii. retaining walls or changes in ground level over 1m in height, should be attractively designed and landscaped, and stepped where practicable, to avoid visual dominance or overshadowing effects as viewed from the street or the boundary of the application area.
- 2. Fences:
 - a. the amenity values and character of the open space, coastal or riparian area;
 - b. the interface between sites and the open space, coastal or riparian area;
 - c. effects on streetscape amenity; and
 - d. impacts on sightlines and opportunities for passive surveillance of pedestrian walkways or public spaces.
- 3. On-site Stormwater management - new impervious areas:

- a. The Council will consider assessment criteria E10.7 and E10.8 listed under Stormwater Management – Flow in the Auckland-wide rules; and
- b. Assessment criteria E9.7 and E9.8 listed under Stormwater Management – Quality in the Auckland-wide rules.
- c. Whether consent notices are required on the titles of new lots to ensure compliance with any on-site stormwater management requirements.



Zones

- Local Centre
- Manukau Harbour - Kaitiaki Area
- Open Space Informal Recreation
- Wetland Restoration Area
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Coastal Transition Zone
- Rural - Mixed Rural Zone
- Future Urban Zone
- Residential - Single House Zone
- Rural - Rural Coastal Zone
- Road [i]

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 Height datum: Auckland 1946.

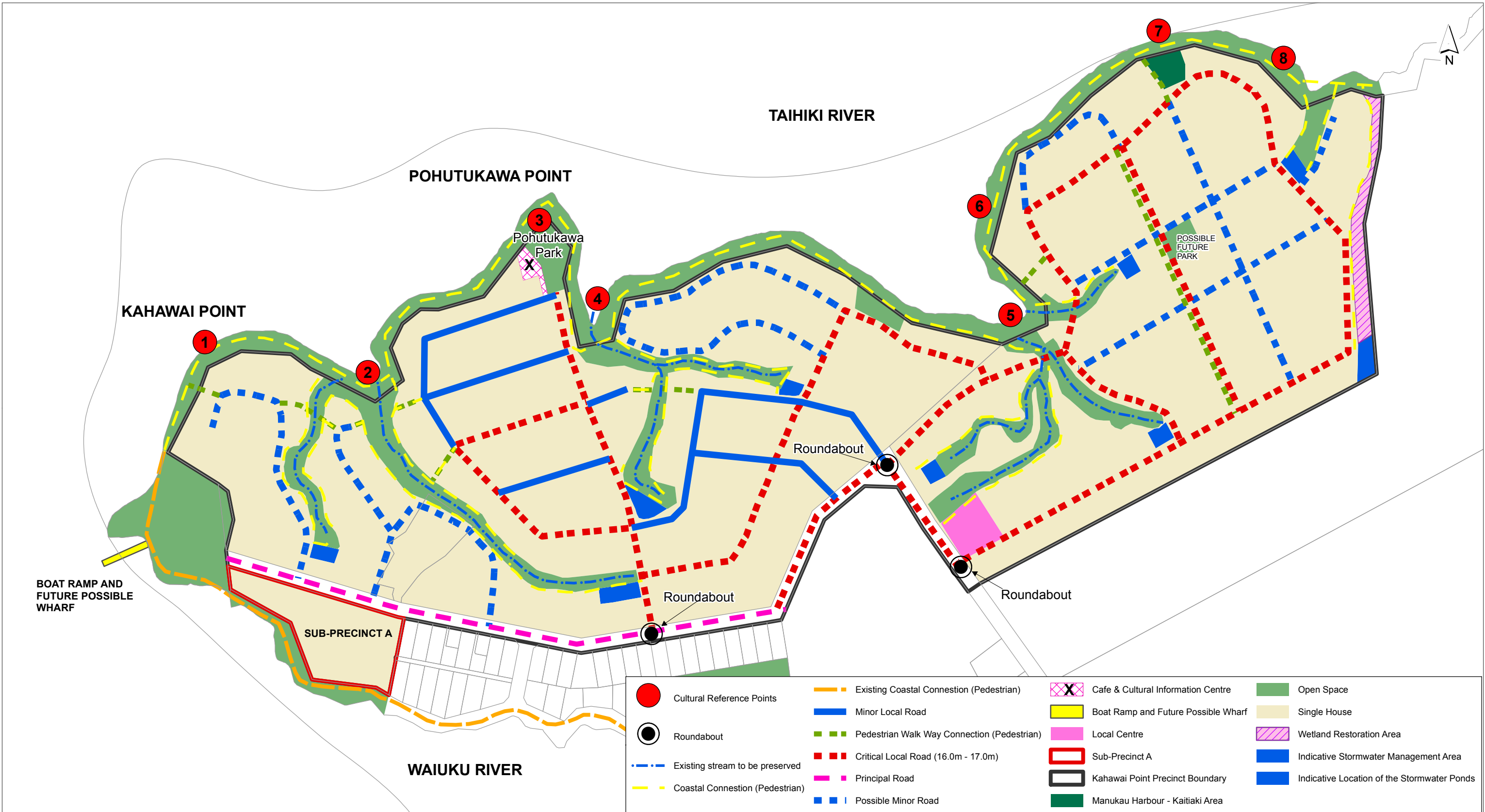
GLENBROOK 3 PRECINCT PLAN ZONES

0 50 100 150
 Meters

Scale @ A3
 = 1:5,000

Date Printed:
 15/09/2016





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GLENBROOK 3 PRECINCT PLAN



Scale @ A3
 = 1:5,000

Date Printed:
 15/09/2016



Attachment 2:

Under sections 37 and 38 HASHAA and sections 108 and 220 of the RMA, these land use and subdivision resource consents are granted subject to the following conditions:

Qualifying Development 1

Qualifying Development 2

QD1 and QD2 CONDITIONS [Decision Date 16 September 2016]

Under section 38 of the Housing Accords and Special Housing Areas Act 2013, this consent is subject to the following conditions:

GENERAL CONDITIONS

1. The qualifying developments (QD1 and QD2) shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the authorising agency as consent numbers R/SUB/2015/3983 (QD1) and R/SUB/2015/4046 (QD2), as modified by the following consent conditions:
 - Application Form, and Assessment of Effects prepared by Tattico, titled '*Kahawai Point Special Housing Area, Application for Qualifying Development – Stage 2 180*' dated 30 September 2015.

Specialist Reports			
Specialist Report	Prepared by	Rev	Date
Planning Report	Tattico		8 December 2015
Cultural Impact Assessment	Ngati Te Ata		2015
Ecological assessment	Boffa Miskell	4	30 September 2015
Landscape and natural character report	Boffa Miskell	B	30 September 2015
Coastal Foreshore Restoration	Boffa Miskell	Final	30 September 2015
Urban design	Jasmax	2.0	30 September 2015
Urban design response	Jasmax		4 December 2015
Site design	Hall Consulting Ltd Drawings		
Infrastructure – wastewater, stormwater and potable water	CKL Hall Consulting Ltd Drawings	Rev E	7 July 2016
Proposed Subdivision Kahawai Point	Hall Consulting Ltd	Rev E	19 August 2016

Geotechnical	Lander Geotechnical		27 August 2015
Land Contamination report	Pattle Delamore		30 September 2015
Transport	Aurecon		
Economic Assessment	Property Economics		September 2015
Archaeological Report Addendum	Dr Simon Bickler	Draft 1	August 2015 June 2016
Kahawai Point Coastal Walkway Concept Design Report	Boffa Miskell	1	September 2015
Transport ITA Peer Review Existing Road Safety Audit Traffic Count Data Existing Condition RSA	AECOM Aurecon FLOW Team Traffic Team Traffic MWH/OPUS	Rev4 Draft Rev 0 Not completed	22/8/2016 4/12/2015 26/84/2016 7/7/2018 17/8/2015

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

Lapse of Consent

2. Pursuant to sections 51(a)(iii) of the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and 125(1)(a) of the Resource Management Act 1991 (RMA), this consent lapses two years after the date it commences unless:
 - (a) The consent is given effect to; or
 - (b) The Council extends the period after which the consent lapses.

Monitoring Charges

3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1,500.00 (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.

Advice Note: The initial monitoring charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the

relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge or charges as they fall due.

Consent Duration R/REG/2015/4072, R/LUC/2015/4069

4. The bulk earthworks for permit R/REG/2015/4072 and R/LUC/2015/4069 shall expire 3 years after the date of commencement unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Affordability

5. Lots 1, 2, 54, 138, 139, 181, 182, 154, (in QD1), and 76, 77, 116, 118, 154, 155, 172, 173, 188, 190, 191, 194, 195, 204, 219, 220 (in QD2) are allocated for the building of affordable dwellings as defined and that meet the required percentage of affordable dwellings set out in the affordability criteria in clause 5 of the Housing Accords and Special Housing Areas (Auckland) Order 2015 for McLarin Road, Glenbrook Special Housing Area (the Order).

Prior to the submission of a survey plan in accordance with section 223 of the RMA (section 45 of the HASHAA) the consent holder shall provide confirmation of compliance with Criteria A or B of the Order.

6. For the quota of affordable lots provided for as “Relative Affordable”, the price at which a dwelling on these lots may be sold shall not exceed 75% of the Auckland Region Median House Price published by Real Estate Institution New Zealand for the most recent full month of September 2015 being \$578,250.00.
7. For the quota of affordable lots provided for as “Retained Affordable” the price at which a dwelling on the lot(s) may be sold shall be such that a household on the Auckland Median Household Income has to pay no more than 30% of the household’s gross monthly income on mortgage payments. The Auckland Median Household Income shall be based upon the Auckland Median Household Income published by Statistics New Zealand for the June Quarter of 2015. Mortgage payments shall be based on a 30 year mortgage, assuming a 10% deposit and the most recent average 2 year fixed interest rate published by the Reserve Bank on September 2015.

This condition shall be complied with by way of a consent notice under section 44 of the HASHAA (section 220 of the RMA). The consent notice shall be registered on the titles prior to the issue of a section 224(c) certificate(s).

Walkways

8. A Walkways Plan (Esplanade Reserve and Stream Corridors) shall be provided for approval by the Council’s Parks Consent Planner (South) in conjunction with the Engineering Plan Approval. The plan shall include but is not limited to:
 - (a) risk assessment of the underlying land (i.e. erosion potential);
 - (b) gradients and location of walkway;
 - (c) assessment of the most appropriate formation material(s);
 - (d) drainage details; and
 - (e) summary of estimated maintenance and renewal cost for the next 50 years

Advice Note: Any new assets proposed to be built on the esplanade reserve by the consent holder will require the approval of the Franklin Local Board as future land controlling authority.

9. Within 12 months of the issue of the first titles associated with QD2 the consent holder shall, having obtained the relevant approvals to undertake the works, establish the coastal walkway and/or stream walkway at no cost to the Council within that stage of the development (i.e. the side of the stream adjacent to the development) of the SHA including the coastal walkway from the boat ramp beach reserve to the park at Pohutukawa Point. Any works shall be undertaken in accordance with the approved Coastal and Foreshore Restoration Plan.

Advice Note: Council notes that this condition is offered on an Augier basis.

Wetland and Stream Planting

10. The intermittent stream on the eastern boundary (as shown on the Precinct Plan) shall be intensively planted as a wetland. This area shall be planted out within the planting season following the granting of this consent. All planting shall be in accordance with a landscape plan approved by the Manager Resource Consents. The applicant shall ensure that the 10 metre buffer planting is located outwards from the 'wetland' (as defined in the RMA).
11. The full planting of this wetland shall be completed prior to any further stages beyond Stages 1 and 2 (as enabled by QD1 and QD2).
12. The consent holder shall maintain the planting of this wetland for five years following establishment to ensure the successful establishment of this wetland.

Off-Site Planting

13. Details of the fund (and implementation schedule) offered and proposed to be created to assist Ngati Te Ata to plant an area equivalent to the area of stream loss along the coastline of Tahuna Marae in Tahuna Pa Road shall be provided to the Council's Compliance Monitoring Officer prior to the stream works approved as part of this consent.

Advice note: Council notes that this is condition is offered on an Augier basis, acknowledges the wider ecological benefits of these works, and requests that the consent holder notify them of the implementation of these planting works. It is anticipated that these works will be completed within 1 year of the removal of stream 2a.

PRE-DEVELOPMENT CONDITIONS

Construction Management Plan

14. Prior to the commencement of construction and any earthworks activity approved under this consent, a finalised Construction Management Plan (CMP) prepared in accordance with Auckland Councils Code of Practice for Land Development and Subdivision (COP) shall be submitted to the Council's Compliance Monitoring Officer for approval. No construction activity shall commence until written approval of the CMP has been obtained from the Council's Compliance Monitoring Officer and all measures identified in the CMP as needing to be established prior to the commencement of works have been established to the Council's satisfaction.

The CMP shall contain sufficient detail to address the following matters:

- measures to address noise;
- traffic management plan;
- dust;
- stockpiling; and
- sediment and erosion control.

Advice Note: To ensure all work on roads are as safe as possible for works, motorists, pedestrians and cyclists, anyone or any business planning to dig up part of an existing road, must obtain a Corridor Access Request (CAR) permit from Auckland Transport. A CAR permit is required for, but not limited to, the following activities:

- *Any activity that will alter or cause to be altered the surface of any part of the road reserve, including but not be limited to excavating, drilling and resurfacing;*
- *The placement of any pipe, duct, pole, cabinet or other structure below, on or above the road reserve; and*
- *A new driveway.*

For any activity that varies the normal operating conditions of any part of the road reserve (boundary to boundary), a Traffic Management Plan and a site or layout plan shall be provided with the application for a CAR permit.

Contamination

15. Prior to any earthworks commencing on site approved under this consent, the consent holder shall submit for the approval of the Council (Team Leader Compliance & Monitoring Central), a Detailed Site Investigation report (DSI) for the parts of the site identified in the PSI as having risk of being subject to contamination.
16. If the DSI report identifies contamination above the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations, the consent holder shall:
 - (a) before work commences obtain prior written approval of a Site Management Plan, or if necessary a Remedial Action Plan from the Council (Team Leader Compliance & Monitoring Central); and
 - (b) engage a suitably qualified and experienced contaminated land specialist to ensure the works are undertaken in accordance with the approved Soil Management Plan or Remedial Action Plan.

Coastal and Foreshore Restoration Plan

17. A finalised Coastal and Foreshore Restoration Plan as it relates to the stage of development enabled by the consent shall be submitted to the Council's Compliance Monitoring Officer, prior to the commencement of any works on site. Confirmation that this plan has been developed and agreed with the landowner shall be provided in association with this plan. All plants to be used in the re-vegetation planting shall be plants adapted to coastal environments and eco-sourced from the Manukau Ecological District.

Pre-Construction Meeting

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

- (a) is located on the subject site;
- (b) is scheduled not less than 5 days before the anticipated commencement of earthworks in each period between October 1 and April 30 that this consent is exercised;
- (c) includes the Council's Compliance Monitoring Officer;
- (d) includes the supervising Registered Engineer;
- (e) includes representation from the contractors who will undertake the works;
- (f) Includes Kaitiaki representatives; and
- (g) Includes the Archaeologist responsible for monitoring the earthworks.

The following information shall be made available and discussed as necessary at the pre-construction meeting:

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions;
- Construction Management Plan (required by Condition 14);
- Geotechnical Completion report (required by Condition 23); and
- Erosion and Sediment Control Management Plan (ESCP) (required by Condition 39).

Advice Note: To arrange the pre-construction meeting please contact the Council's Council Compliance Monitoring Officer to arrange this meeting- (SpecialHousingArea@aucklandcouncil.govt.nz; or ((09) 383 6292). 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.

Cultural Traditional Expert

19. Where any work occurs within an area identified as an area of significance to mana whenua, a traditional expert appointed on the recommendation of Ngati Te Ata shall be retained to work with the applicant and contractor(s) to ensure appropriate respect of the cultural elements of the specific site and to agree any particular cultural protocols relevant to the work.

Heritage Expert

20. Prior to the commencing of the earthworks activity on site approved under this consent a contractors briefing shall be undertaken by the project archaeologist/ historic heritage expert. This briefing should provide information to contractors regarding what constitutes archaeological/ historic heritage materials; the legal requirements of unexpected archaeological discoveries; the appropriate procedures to follow if archaeological / historic heritage materials are uncovered whilst the project

archaeologist is not on site, to safeguard materials; and the contact information of the relevant agencies (including the project archaeologist/ historic heritage expert, the Council's Compliance Monitoring Officer and Heritage Unit and Heritage NZ Pouhere Taonga) and mana whenua. Documentation demonstrating that the contractor briefing has occurred shall be provided to the Team Leader, Southern Monitoring, Resource Consenting and Compliance at the pre-start meeting under Condition 18.

ENGINEERING PLAN APPROVAL

21. Prior to the commencement of any construction work, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the SHA Consenting Manager, Housing Project Office for approval. Details of the registered engineer who shall act as the developer's representative for the duration of the development shall also be provided with the application for Engineering Plan Approval (EPA).

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

- (a) Earthworks, retaining walls and stability measures in accordance with the Geotechnical Investigation Report prepared by Lander and Associates.
- (b) Design and location of subsoil land drainage required and the proposed ownership and maintenance of the subsoil land drainage.
- (c) Detailed design of all roads to be vested in the Council including intersections, parking, cycling facilities, pedestrian and pram crossings and footpaths. All roads shall be designed in accordance with the Auckland Transport Code of Practice, and final locations shall be agreed with the Council's Compliance Monitoring Officer.
- (d) Detailed design of all street lighting, street furniture and other structures/facilities on the roads and within lots vested in the Council and providing public access through the area (namely Lots 1002, 2004,1003,1004, 2002, 2003, 2005 and 2006). These shall be designed in accordance with the Auckland Transport Code of Practice and shall be agreed with the Council Compliance Monitoring Officer.
- (e) Visibility assessment of the proposed roads; in particular the visibility at the intersections and forward visibility around bends must meet design standards.
- (f) Detailed Landscape Planting Plan and maintenance programmes for all street planting and landscaping on the proposed road reserves.
- (g) Full details of infrastructure provision, including confirmation of capacity in terms of the wastewater and stormwater system as set out in the technical reports forming part of the application.
- (h) Details of any services to be laid including pipes and other ancillary equipment to be vested with the Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the current Water and Wastewater Code of Practice for Land Development and Subdivision;

Note: All new public watermains shall be PE PN12.5 or as per the accepted design of Watercare Services Limited.

Note: All public water supply reticulation main extensions required to service this development shall only be laid in roads to be vested with the Council as public roads;

- (i) Detailed design of the stormwater system and devices for the management of both quantity and quality of the stormwater runoff from the contributing development upstream catchment (including the rain gardens, swales and cartridge filter treatment devices and all ancillary equipment/structure etc.). The stormwater system and devices shall be provided in accordance it the approved SMP and designed in accordance with the Auckland Council COP (Chapter 4 – Stormwater). In particular:
- The proposed stormwater system shall have an asset life of a minimum of 100 years. Where this cannot be achieved a schedule of these assets shall be provided documenting the following:
 - the expected asset life from the supplier or manufacturer;
 - estimated cost of the asset at time of construction;
 - commentary around ease of replacement; and
 - If the proposal is not to comply with the Council’s stormwater code of practice and NZ standards on concrete pipe, manhole construction and NZS4404, then discussion on alternative materials or assets that have been considered.
 - The principles of water-sensitive design and “Best Management Practices” to minimise stormwater run-off volumes and peak flow rates and to improve the quality of stormwater run-off entering the receiving environment shall be utilised for the design of the proposed stormwater system.
 - The system shall cater for stormwater run-off from the application site being developed together with any run-off from upstream catchments in accordance with TP108 “Guidelines for Stormwater Runoff Modelling in the Auckland Region 1999” and allowances for climate changes, and more particularly as set out in the technical reports forming part of this application.
 - Existing culverts within the streams shall be removed to provide sufficient flow within streams for 1% AEP flood flows without encroaching residential Lots. Where the encroachment is unavoidable, easements for the purposes of flood management shall be placed on the affected residential titles.
 - Roads and Open Space: Informal Recreation zones shall contain 1% AEP flows and any measures to avoid, remedy or mitigate adverse effects associated with these flows must be identified at the time of engineering approval.
 - Any disconnected impervious surface shall be directed to an equal area of grass made up of 300mm of topsoil modified with 10% (by volume) compost

or an equivalent area of bush/planted vegetation.

- Stormwater runoff from the section of Mclarin Road to be upgraded shall be managed by the installation of at source Approved Stormwater Quality Device to meet DEQR objectives for contaminant management of roads exceeding 6,000 VPD. The calculations and details of the treatment device shall be provided at the time of EPA.
 - This device may also be utilised to meet the Stormwater Management Area-Flow requirements of 5mm retention and 20.8mm detention.
- The proposed network layout shall be reviewed at EPA stage to ensure the design complies with section 4 of the Code of Practice (COP). Where the design deviates from the COP commentary shall be provided explaining the reason for deviation and any additional operational or maintenance implications.
- At the stage of EPA, the engineering plans shall be updated to provide detailed engineering plans for detention basins 1, 4 & 5 as generally indicated on Hall Consulting engineering plans 2015-1-505, Rev 5. i. Detention Basins shall be sized based on the contributing residential Lot paved area maximum coverage.
- All Roads shall provide at-source stormwater management based on the receiving environment as detailed below:
 - **Coastal** (Discharge point below RL 2.0m)
All impermeable areas shall be designed to achieve at source bio-retention based on a 5mm WQV design.
 - **Stream or basin**
Stormwater runoff from impervious areas must be directed to a road side devices designed and sized to accommodate stormwater runoff from the road and achieve retention (volume reduction) of 5mm runoff **plus** detention (temporary storage) of 20.8mm of runoff with a drain down period of 24 hours

Advice Note: Where tree pits are proposed for stormwater management they should not be considered towards the minimum street tree planting but instead considered additional amenity.

- (j) Approval from Council's Healthy Waters Department and Watercare Services Limited for any structure located within 2 metres of a pipe or manhole.
- (k) Details of fire hydrants to be installed. Any fire hydrants shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision.
- (l) Information relating to electrical or telecommunication reticulation including ancillary equipment.
- (m) As part of the application for EPA, a professional chartered civil engineer shall:

- Certify that all public roads have been designed in accordance with the Auckland Transport Code of Practice, unless an alternative design is agreed with the Council Compliance Monitoring Officer through the EPA process;
- Certify that the proposed stormwater system and devices proposed have been designed in accordance with the technical reports forming part of this consent, and as guided by the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater;
- Certify that all water supply and wastewater systems have been designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision;
- Certify that the earthworks, and stability measures required by the aforementioned geotechnical report have been designed in accordance with the recommendations of this report and the Riley Consultants peer review report, dated 5 March 2015;
- Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset; and
- Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the assets.

Advice Note: A minimum of 2 metres clearance from any stormwater and wastewater lines and manholes is necessary at all times other than for approved works which connect to these services. Where the minimum clearance cannot be provided, the consent holder shall contact the Council's Healthy Waters Department and Watercare Services Limited, a minimum 48 hours prior to the commencement of any work, to arrange a site inspection and obtain approval.

- (t) The engineering design and construction of the roads shall be constructed in accordance Auckland Transport Code of Practice (ATCOP) and include:
- Footpaths and street trees shall be built to Auckland Transport standards in the location shown on the subdivision plan.
 - That clear inter-visibility sight lines shall be provided at all intersections and driveways for motorists. That clear inter-visibility sight lines shall be provided at all pedestrian crossing points between motorists and pedestrians. No planting or street furniture shall compromise sight distance requirements.
 - Vehicle crossing locations do not conflict with landscaping, street lightings, services/raingardens/swales and parking bays.
 - 30kph speed environment calming devices on local residential streets shall be provided including on any JOAL's and future roads as the subdivision is extended. This shall be achieved via Local Area Traffic Management (LATM) Plan.
 - That vehicle tracking requirements at all intersections shall be met including for service and rubbish trucks in accordance with the Auckland Transport Code of Practice (ATCOP). Confirmation to be provided as part of the EPA

process.

- That all proposed batter slopes within the road reserve shall be no greater than 1:3 for safety and mowing requirements. The planting shall be in accordance with the Landscaping Plan approved by the conditions of this consent.
- All swales shall be designed in accordance with the Council's Stormwater, Parks and AT requirements. Council's Parks Consents Team shall approve appropriate planting taking into account maintenance, sight lines, encroachment onto carriageway and footpath etc. Confirmation shall be provided as part of the EPA.
- That all proposed trees within the road reserve shall be in tree pits to ensure that they do not damage the carriageway, footpath and lift services. That appropriate tree species are recommended to ensure that sight lines are not compromised.
- Any vehicle crossing through swales shall be designed and constructed to the Council's satisfaction prior to the section 224(c) RMA certificate being issued.
- That pedestrian crossing facilities shall be provided for good connectivity for pedestrians and cyclists as required throughout the development. Where appropriate cycle on ramp and off ramp shall be provided. This shall be designed in accordance with ATCOP standard.
- That pram crossings shall be provided at all crossing points and designed in accordance with ATCOP requirements.
- That AT approved tactile pavers shall be installed at all crossing points.
- That signs and road marking plans shall be submitted.
- That provision be made in the back berm of Mclarin Road and the collector roads for electricity transformers.
- That stormwater, wastewater, water reticulation and manholes shall be clear of the carriageway and placed be within the grass verge or private property. Except for where manholes cannot be located out of the carriageway and AT has assessed their location prior to acceptance through the EPA.
- That utility services shall be provided, with details to demonstrate sufficient cover will be achieved within the berm.
- That the consent holder shall prepare and submit a Traffic Resolution report to AT Traffic Control Committee (TCC) for approval.
- Footpath construction to be exposed crushed greywacke aggregate, with 4 Kg Black Oxide colouring.
- Road surfacing to have Grade 4 chip seal membrane. Except where Rural roads are being constructed to a two coat chip seal.
- That the overland flows along the swales in the road corridor and SW

Overflow pipes from lots, connect to the main SW swale.

Landscape Planting Plan (Street Trees and Streams/Wetlands)

22. A Landscape Planting Plan for street planting and stream/wetlands within the proposed road reserves shall be provided to the Council's Compliance Monitoring Officer for approval in conjunction with the Engineering Plan Approval. The Landscape Planting Plan shall specify final species, location, sizes at the time of planting, spacing, soil preparation, tree pit details and maintenance/management programmes of the planting. All final landscaping details shall be generally in accordance with this application and the tree pits shall be in accordance with the ATCOP, and provided to the satisfaction of the Parks Consents Team of Auckland Council.

Advice Note: The landscaping plan may comprehensively cover the planting for street trees and wetlands, or be two separate plans. The Council's Compliance Monitoring Officer will consult with the Council's Parks Consents Team for approval of the landscape plan. It is recommended to the consent holder to consult in the first instance with the Council's Parks Consents Team for planting requirements.

Geotechnical Completion Report

23. Within one (1) month of the completion of earthworks for each stage approved by this consent, a Geotechnical Completion Report in accordance with the "Auckland Council Code of Practice for Land Development and Subdivision Section 2.6" signed by the registered engineer who designed and supervised the works, shall be provided to the SHA Consenting Manager. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks, subsoil drains and any stability measures to be retained on site, and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice.

CONSTRUCTION CONDITIONS

Compliance with Construction Management Plan

24. All activities associated with construction and earthworks shall be in accordance with the approved Construction Management Plan (CMP) as required by Condition 14. All vehicle movements to and from the site and associated with the earthworks and construction activity shall be in accordance with the Traffic Management Plan as part of the CMP.

Chartered Professional Engineer to Supervise Earthworks and Construction Work

25. A Chartered Professional engineer shall be responsible for the supervision of all excavations, retaining and foundation construction to ensure that all works are carried out in accordance with the approved Engineering Plans, the Geotechnical Report identified in Condition 1 and all other relevant conditions of consent. Site monitoring and inspections may be delegated to a suitably qualified engineering professional, and shall be subject to the following:

- (a) The supervising engineer's contact details shall be provided in writing to the Council's Compliance Monitoring Officer at least two weeks prior to earthworks commencing on site.

- (b) The engineer or representative shall carry out sufficient and regular inspections and at the completion of works shall provide to the Council certification that the works have been carried out in accordance with the standards as required by this consent, and in accordance with the conditions of approved Engineering Plans and good engineering practice.

This may be in the form of a Producer Statement – PS4 Construction Review or Engineer Statement outlining the level and details of Construction Monitoring undertaken (as defined by IPENZ).

Restricted access to the Site During Construction

26. The site shall be secured from unauthorised public access during the construction period. In particular, at the point where proposed roads or access ways connect with existing public roads, an appropriately secure and suitably signed barrier or fence shall be erected prior to the commencement of any construction work to prevent any unauthorised vehicle access. The barrier or fence shall remain in place until all construction works of each stage are finished.

Noise during Construction

27. Construction noise shall be measured and assessed in accordance with NZS 6803:1999 “Acoustics – Construction Noise” and shall comply with the limits in Table 2 and 3 to the satisfaction of the Council’s Compliance Monitoring Officer.

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

- Monday to Saturday: 7:30a.m. to 6:00p.m.
- Sundays or Public Holidays: no works

Advice Note: Works may be undertaken outside these hours solely under the written approval of Council’s Council’s Compliance Monitoring Officer. This will only be granted under special circumstances, for example in the event of urgent stabilisation works or in the event of inclement weather preventing work Monday to Saturday. Any work outside these hours will be subject to the approval of any neighbouring residents or other affected parties as may be identified by the Council’s SHA Consenting Manager.

Hours of operation

28. Construction activity on the site shall not occur between:
- 7.00pm and 7.00am Monday to Friday;
 - 5.00pm and 7.00am Saturday;
 - Sundays or public holidays.

No obstruction of access

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

30. All earth moving equipment travelling between the Stage 1 and Stage 2 developments and the stockpile shall traverse the consent holder's land and shall not travel on public roads.

Advice note: This condition does not apply to the delivery of construction equipment and materials to and from the site. This applies to bulk earthwork operations within the site.

No deposition of soil or debris on road

31. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and 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 enviropods.*

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

It is recommended that you discuss any potential measures with the Council's Compliance Monitoring Officer who may be able to provide further guidance on the most appropriate approach to take.

Dust Control

32. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks and construction activity that in the opinion of the Council's Compliance Monitoring Officer is noxious, offensive or objectionable.

Advice Note: In accordance with Condition 32 in order to manage dust on the site consideration should be given to adopting the following management techniques:

- *stopping of works during high winds, as considered by the Council's Compliance Monitoring Officer;*
- *watering of haul roads, stockpiles and maneuvering areas during dry periods; and*
- *positioning of stockpiles.*

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

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

It is recommended that potential measures as discussed with the Council's Compliance Monitoring Officer who will guide you on the most appropriate approach to take.

Existing trunk wastewater line, potable water trunk line and electricity HV cables

33. Measures shall be put in place to the satisfaction of the Watercare Services Limited and Counties Power Limited to ensure that during construction their respective trunk assets which traverses the site from Glenbrook Beach to Clarks Beach is able to remain fully operational.

Construction Supervision and Certification

34. The construction of any permanent earth bunds, and the earthworks associated with the installation of roading and infrastructure, shall be supervised by a suitably qualified and Chartered engineering professional. In supervising the works, the suitably qualified and Chartered engineering professional shall ensure that they are constructed and otherwise completed in accordance with the plans forming part of this application and the engineering plans referred to in Condition 14.
- Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Council's Compliance Monitoring Officer confirming that the works have been completed in accordance with this condition, within ten (10) working days following completion. Written certification shall be in the form of a geotechnical completion report or any other form acceptable to the Council.

Instability affecting neighbouring properties

35. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of the Principal Development Engineer, Resource Consents.

EARTHWORKS CONDITIONS

36. The earthworks 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 R/SUB/2015/3983 and R/SUB/2015/4046.

Reports:

Application report titled, *Kahawai Point Special Housing Area, Application for Qualifying Development - Stage 2, updated 22 December 2015*, prepared by Tattico Ltd, *Subdivision*, and the *Infrastructure and Earthworks Report for Kahawai Point, Mclarin Road Subdivision dated 01 October 2015*, prepared by Hall Consulting, and

the *Bulk Earthworks Report for Kahawai Point, Mclarin Road Subdivision*, dated 01 December 2015, prepared by Hall Consulting Ltd.

Plans:

- *Bulk Earthworks Erosion and Sediment Control Plan (Overall Stage 1) Drawing No 2015-1-BE-230 Rev 1; and the Bulk Earthworks Erosion and Sediment Control Plan (Overall Stage 2) Drawing No 2015-1-BE-231 Rev 1.*

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 52 of the HASHAA (section 127 of the RMA). Any minor amendments should be provided to the Senior Compliance Advisor (Development Programme Office) specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 prior to implementation to confirm that they are within the scope of this consent.*

37. All earthworks shall be undertaken in accordance with the Archaeological Management Plan approved by the conditions of this consent.
38. 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 Senior Compliance Advisor (Housing Project Office).

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

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

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Senior Compliance Advisor (Development Programme Office) specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, *Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region*.*

39. Prior to the commencement of earthworks activity on the subject site (approved by this consent), a finalised Site Specific Erosion and Sediment Control Plan, including an updated USLE shall be prepared and submitted to the Senior Compliance Advisor (Development Programme Office). No earthworks activity on the subject site shall commence until confirmation from council is provided that the final management plan is satisfactory.
40. The Erosion and Sediment Control Plan required by Condition 39 shall contain sufficient detail to address the following matters:

- (a) Details of specific erosion and sediment controls to be utilised, (location, dimensions, capacity);
- (b) supporting calculations including an updated USLE and design drawings;
- (c) catchment boundaries and contour information;
- (d) details of construction methods;
- (e) timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks);
- (f) details relating to the management of exposed areas (e.g. grassing, mulching); and
- (g) monitoring and maintenance requirements.

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 Senior Compliance Advisor (Development Programme Office) prior to implementation to confirm that they are within the scope of this consent.

41. Prior to the commencement of earthworks at the site, a Chemical Treatment Management Plan (CTMP) shall be submitted for the written approval of the Senior Compliance Advisor (Development Programme Office). 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 ponds; and a batch dosing methodology for the sites Decanting Earth Bunds;
 - (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 and bench testing;
 - (e) A spill contingency plan; and
 - (f) Details of the person or bodies that will hold responsibility for long term operation and maintenance of the chemical treatment system and the organisational structure which will support this system.

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

42. 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 Senior Compliance Advisor (Development Programme Office) to arrange this meeting at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392. for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

43. Notice shall be provided to the Council's Compliance Monitoring Officer, at least two (2) working days prior to the removal of any erosion and sediment control works specifically required as a condition of resource consent or by the Erosion and Sediment Control Plan.
44. The operational effectiveness and efficiency of all erosion and sediment control measures or by the Erosion and Sediment Control Plan referred to in the conditions of this consent shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion.
45. 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: Earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*

- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Senior Compliance Advisor (Development Programme Office) to arrange this meeting at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392 for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

46. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Senior Compliance Advisor (Development Programme Office) to arrange this meeting at specialhousingarea@aucklandcouncil.govt.nz or 09 373 6392, 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.

CONTAMINATION CONDITIONS

47. The consent holder shall ensure excavated contaminated materials when removed from the site are disposed to a landfill, or testing be undertaken to ensure the material is disposed to a site that holds a consent to accept the relevant level of contamination and provide disposal receipts to the Council (Team Leader Compliance & Monitoring Central) on completion of the earthworks.
48. The agricultural implement shed and the land immediately beneath the shed shall be removed and taken to a licensed landfill facility for asbestos contaminated material.
49. If evidence of contamination, presence of asbestos or any underground storage tanks or pipe works which have not been identified, in the initial site investigation is discovered during excavation the consent holder shall immediately cease the works in the vicinity of those materials/facilities and notify the Council (Team Leader Compliance & Monitoring Central) and provide an assessment of the contamination and if necessary proposed management or remedial measures to the satisfaction of the Council (Team Leader Compliance & Monitoring Central).
50. Imported fill materials shall be tested for compliance with clean fill criteria as outlined in the Ministry for the Environment Guide for Managing Clean Fills (2002), and evidence thereof provided to the Council's Team Leader Compliance and Monitoring.
51. A site-specific Health & Safety Plan for construction work shall include a method statement for handling potentially contaminated soil and ground water.
52. Following completion of the works, the consent holder shall provide to the satisfaction of the Team Leader Compliance & Monitoring Central, a Site Validation Report which shall include but not be limited to the following:
- (a) Confirmation of the remediation works being conducted in accordance with the approved Site Management Plan or Remedial Action Plan;
 - (b) The location and dimensions of the remediation carried out, including site plans;

- (c) Soil test results for remaining soil. Imported fill if any and any other soil testing;
- (d) The total volume of excavated soil disposed off-site; and
- (e) Soil disposal receipts.

GEOTECHNICAL

53. The recommendations of the Geotechnical Investigation Report prepared by Lander Geotechnical identified in Condition 1 shall be complied with, including:
- (a) the requirement for all works to be consistent with the NZ Code of Practice for Urban Subdivision;
 - (b) Ensuring that the development is suitable for conventional light timber framed dwellings constructed in accordance with NZS 3604;
 - (c) The maximum unsupported batter slope is 1(v):2(h) for slopes up to 2m in vertical height and then 1(v):3(h) for full batter slopes exceeding this vertical height. Batter slopes steeper should be supported by a retaining wall; and
 - (d) A geotechnical ultimate bearing capacity of 300kPa should be available for all shallow strip and pad foundations constructed on artificial filling and on natural ground.

ROADING

55. The transport infrastructure upgrade costs elements in Table 1 are to be 100% funded by the developer of QD1.
56. The developer of QD1 and QD2 shall enter an Infrastructure Funding Agreement (IFA) with Auckland Transport to facilitate the works in Table 1 and Table 2.
57. That IFA shall enable the developer of QD2 to undertake the works set out in Table 2 to Auckland Transport standards.
58. The developer of QD2 shall pay 75% the costs of the works in Table 2 with the remaining costs to be met by Auckland Transport (25%) These mechanisms are to be addressed in the IFA.

Table 1 - Dwelling threshold

64 dwellings or 6 months after the release of the Section 224(c) certificate for the subdivision of QD1

Infrastructure Work Required to Exceed the Dwelling Threshold

Works
1. Upgrade of Mclarin Road from the harbour reserve entrance to the boundary of Lot 2 DP 204733 – to an urban standard
2. Upgrade of Mclarin Road from the western end of Lot 2 DP 204733 to the new roundabout at the eastern end of QD2. The carriageway and the northern side of the road shall be developed to an urban standard.
3. Upgrade of Mclarin Road from the new roundabout at the eastern end of QD2 to the intersection of Glenbrook beach and Dunsmuir roads to a rural road standard (8m wide carriageway)
4. Construction of the roundabout at Hill Road, Mclarin Road and the roundabout at the eastern end of QD2.

Table 2 - Dwelling threshold

232 Dwellings or 6 months after the release of the final Section 224(c) certificate for the subdivision of QD2

Infrastructure Work Required to Exceed the Dwelling Threshold

Works	Objective	Funding
Speed Limits		
5. Lower speed limits: Speed Environment – Rural (Steelmill to Dunsmuir)	Reduce Speed limits to below 80kph	Cost Share
6. Lower design speed: Speed Environment – Residential (Mclarin Road)	Shift the residential environment boundary 50kph to south of Beach Road	Cost share
7. Existing Intersections and accesses: Safety improvements		
• Brookside Road and Mission Bush Road intersection upgrade	Upgrade the intersection	Cost share
• Brookside Road and Glenbrook Beach Road	Upgrade the intersection	Cost share

• Brookside/Glenbrook/ Glenbrook Waiuku intersection	Upgrade the intersection	Cost share
• Mission Bush/Glenbrook Waiuku intersection	Upgrade the intersection	Cost share
General road safety improvements		
8. Glenbrook Beach Road safety improvements - Improve signage and sealing of driveways within the berm to improve safety at the right angle bend approximately 1km north of the steel mill	realignment	Cost share
9. Dunsmuir sealing adjacent to intersection and pole relocation	upgrade	KPDL
10. Glenbrook Beach Road Edge delineation (5.6km)	Upgrade	Cost share
11. Glenbrook Beach Road Curve Delineation	Upgrade curves including speed warning signs	Cost share
12. Glenbrook Beach Road - No overtaking markings and central median	Add yellow no overtaking lines on crest curves.	Cost Share
13. Glenbrook Beach Road - Road Side Hazards		Cost share
• Power Poles	Provide safety barriers or relocate poles	Cost Share
• Side drains and culverts	Upgrade areas of step drains and provide traversable headwalls to the ends of exposed culverts.	Cost Share
• Trees and shelter belts	Remove large trees in the road reserve or provide safety barriers	Cost Share
• Edge Breaks and upgrade to 8m rural road carriage way	Repair edge breaks - widen the pavement where necessary	Cost Share

GENERAL SUBDIVISION CONDITIONS - QD1

59. Prior to the issue of the section 224(c) RMA certificate for QD1, the consent holder shall provide evidence to demonstrate the existing encumbrance 9562408.1 registered over Lot 1 DP 351480 has been cancelled. Any cost incurred for the cancellation of the encumbrance is at the consent holder's expense.
60. Lot 2000 shall be vested in Auckland Council as "reserve" only if an unconditional agreement for the sale and purchase of that lot exists prior to the consent holder's request for the survey plan to be approved under section 223 RMA. If there is no such agreement at that time, Lot 2000 shall remain as a balance lot held by the consent holder, in respect of which, further applications for consent may be made.

Section 223 Condition Requirements (section 45 of HASHAA)

61. Within two years of the commencement of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 45 of HASHAA. The survey plan shall be generally in accordance with the new scheme plan approved by the Council as per Condition 1 and shall also meet the following requirements:
 - (a) Lots 3000, 3001 and 3002 shall be vested in the Council as Local Purpose Drainage Reserve without compensation or development contributions offsets;
 - (b) Lot 2000 shall be vested in the Council as Recreation Reserve;
 - (c) Lot 1002 shall be vested in the Council as public roads without compensation or development contributions offsets;
 - (d) Any overland flow easement shall be shown as a Memorandum of Easement in favour of the Council and shall be duly granted or reserved;
 - (e) In the event that duplex or zero-lot type dwellings are proposed, maintenance or party wall easement shall be created as a memorandum of easement and shall be duly granted or reserved; and
 - (f) As-built plans and details to confirm that all services/overland flows are entirely within the easements to be created.
62. Prior to the approval of the section 223 RMA certificate, the consent holder shall obtain approval from the Council for the vesting of the recreation reserve (Lot 2000). A copy of the Meeting Resolution from the Regional Development and Operations Committee or other written approval confirming that Lot 2000 is able to be vested in the Council shall be provided to the Council's Senior Compliance Adviser, Project Practice and Resolutions.

Advice Note: As the vesting of Lot 2000 is the subject of an unconditional agreement for the sale and purchase of land, no compensation or development contributions offsets, other than that expressly set out in the agreement, are available to the consent holder.

Section 224 RMA condition requirements (section 45 of HASHAA)

Prior to the release by the Council of the section 224(c) RMA certificate (section 46 of

the HASHAA) for this subdivision the consent holder shall comply with the following conditions to the satisfaction of the Council:

Geotechnical Completion report

63. A Geotechnical Completion Report by a suitably qualified and Registered Engineer shall be provided to the Council with the section 224 RMA application. The GC Report shall confirm the stability of the land for residential development including any special conditions/requirements to be met for any future development on the site.
64. The Geotechnical Completion Report shall set minimum habitable building floor level on all residential lots and define any development restriction on these lots that may be subject to flood hazard or overland flows in the 1% AEP storm event. The minimum habitable floor levels shall be at least 500mm above the 1% AEP flood level. The defined minimum floor level and other restrictions shall be in tabulated form (showing lot number, minimum habitable floor level and other restrictions) and also identified on each lot shown on the final survey plan. The recommendations of the Geotechnical Completion Report shall be based on the finished road and site ground levels and the likely future stormwater flow at the completion of the construction works for the subdivision.
65. The Geotechnical Completion Report shall also verify ground water level, soil permeability, water flow rates, water level, evaporate rates during dry period and pond liner of the proposed wetland/stormwater pond etc.

Roads and Traffic

66. All roads and ancillary facilities such as rain gardens, grass berms, street lighting, and traffic calm devices, marking, street sign, and street furniture to be vested in the Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
67. An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in the Council have been constructed in accordance with the approved Engineering Plans, shall be provided in support of the section 224 RMA application.
68. All Road Asset Maintenance and Management (RAMM) as-built plans and data for all new roads shall also be provided with the section 224(c) RMA application. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, bus bays, street lighting, street furniture, street name, directional signs and landscaping etc.
69. A report from a suitably qualified and registered electrician shall be supplied with the section 224(c) RMA application. The report shall certify that all street lightings have complied with the relevant safety standards and that they are connected to the network and are operational.

Reinstatement of Existing Roads

70. Any footpath, kerb or crossing damaged as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the ATCOP to the satisfaction of the Council's Manager, Resource Consenting and Compliance.

An Engineering Completion Certificate certifying that the above condition has been met shall be provided in support of the section 224 RMA application.

Approval of Traffic Control Committee

71. The consent holder shall submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices). A copy of the Resolution from the Traffic Control Committee shall be submitted with the lodgement of the application for the certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA.

Road Safety Audits

72. The consent holder shall carry out a safety audit of the roads and intersections in accordance with the New Zealand Transport Agency Procedure Manual by an independent and appropriately qualified safety auditor. The Road Safety Audits Report shall be provided to Council's Manager, Resource Consenting and Compliance prior to the lodgement of an application for the certificate pursuant to sections 46 of HASHAA and 224(c) of the RMA. Any recommendations raised in the audit report shall be implemented to the satisfaction of Auckland Transport.

Stormwater system

73. The proposed stormwater system (e.g. wetland/stormwater pond etc.) and stormwater management devices shall have been constructed in accordance with the approved Engineering Plan and be fully operational.

Accurate as-built plans for the stormwater system / stormwater management devices and a Producer Statement PS4 certifying that the stormwater system / stormwater management devices have been constructed in accordance with the approved Engineering Plan shall be provided with the section 224 RMA application.

Operation and Maintenance Manual for the Stormwater Management Devices

74. The consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall be submitted to the Manager, Resource Consenting and Compliance for approval. The Operation and Maintenance Manual shall include, but not be limited to:

- (a) a detailed technical data sheet;
- (b) all the requirements as defined within the Latest Auckland Council Technical Publications and Guidance Documents;
- (c) all the requirements as defined within regional discharge consent or subsequent variations;

- (d) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
- (e) a programme for regular maintenance and inspection of the stormwater system;
- (f) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
- (g) a programme for post storm maintenance;
- (h) a programme for inspection and maintenance of outfall erosion;
- (i) general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;
- (j) a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
- (k) recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Stormwater Connections

- 75. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved Engineering Plans listed in Condition 21 to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
- 76. Individual private stormwater connections to the proposed public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
- 77. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved Engineering Plan and the Auckland Council Code of Practice for Land Development and Subdivision – Chapter 4: Stormwater shall be provided in support of the section 224(c) RMA application pursuant to section 46 of HASHAA.
- 78. Video inspections of all public stormwater pipes and as-built plans for all public and individual private stormwater lines shall be supplied with the section 224(c) RMA application pursuant to section 46 of the HASHAA. The video inspections shall be carried out within one month prior to the lodgement of the application for the section 224(c) RMA certificate

Advice Note: As- built documentation for all assets to be vested in the Council shall be in accordance with the current version of the Development Engineering As-built Requirement' (currently Version 1.2). A valuation schedule for all asset to be vested in the Council shall be included as part of the as-built documentation.

Wastewater

- 79. The consent holder shall provide and install a complete public wastewater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.

80. An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be provided in support of the section 224(c) RMA application pursuant to section 46 of the HASHAA.
81. Pressure testing of all public wastewater pipes as-built plans for all public and individual private wastewater lines shall be supplied with the section 224(c) RMA application pursuant to section 46 of the HASHAA. The video inspections shall be carried out within one month prior to the lodgement of the application for the section 224(c) RMA certificate.
82. A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for each residential lot shall be provided in support of the section 224(c) RMA application.

Water Supply

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

Fire Hydrants

88. Fire hydrants shall be designed, provided and installed within 135m of the furthest point on any property and within 65m of the end of a cul-de-sac in accordance with Water and Wastewater Code of Practice to the satisfaction of the Council. Detailed design and location of fire hydrant shall be submitted to the Council for approval via Engineering Plans.
89. The consent holder shall undertake a comprehensive hydrant flow test result to confirm or otherwise that the existing public water supply system can meet the fire flow requirement for the development as stipulated in the NZFS COP; and domestic supply can meet the minimum 250 kPa residual pressure at the proposed connection to the public main.

Evidence of undertaking the hydrant flow test and compliance with the above standards shall be provided with the section 224 RMA application.

Network Utility Services

90. Individual private connection to the underground reticulation of electricity, gas and telecommunication services to the boundary of each lot shall be provided and installed to the satisfaction of the appropriate network utility providers.

Certificates from the network utility providers and certified 'as-built' given locations of all plinths, cables and ducts shall be supplied to the Council as part of the section 224 RMA application.

Landscaping

91. All landscape planting within reserves (including drainage reserves, accessway reserves, and wetlands) shall be implemented to the satisfaction of the Parks Consents team in accordance with the approved Landscape Planting Plan in the first planting season following completion of the construction works for the particular site.
92. The consent holder shall continue to maintain all plantings on the proposed roads or within all reserves, Lots 1002, 2004, 1003, 1004, 2002, 2003, 2005, 2006, 2001, 2007, 2008 and 2000, for a period of two years or three planting seasons whichever is the longer following written approval from the Team Leader, Parks Consent Planning stating that the planting has been implemented in accordance with the approved Landscape Planting Plan required by Condition 22.

Advice Note: If the consent holder does not wish to maintain the public landscaping for a period of two years or three planting seasons whichever is the longer, a landscape maintenance bond will be required to be paid to the Council for a period of two years after all planting within the public spaces has been completed.

93. The landscaping of road berms, neighbourhood park and other grassed areas to vest to Council shall be completed to the following specifications to the satisfaction of the Parks Consent Planner and the Arboricultural Advisor (South) as follows:
 - (a) Good quality topsoil, free of stones and clay lumps, shall be retained from the site for use on the reserve. All grassed and planted areas shall be developed and completed with a minimum topsoil depth of 300mm;

- (b) If the subsoil below the required depth (300mm) is hard and compacted, it shall be ripped;
- (c) Only if required, natural fertile topsoil capable of sustaining vigorous and healthy growth shall be imported in order to meet the necessary minimum depth of topsoil. All topsoil shall be uniformly medium loam texture and shall be easily workable. It shall be free of weeds, clay lumps and non-soil borne material including but not limited to construction debris and other contaminants. Topsoil shall have a pH range of 5.5 -7.5 and shall be suitable for the plant species being used;
- (d) Any topsoil that is deemed not to meet these requirements shall be replaced at the consent holder's expense with complying topsoil;
- (e) All works associated with the land shall be completed and the land shall be established in a grassed and mowable condition, weed and rubbish free;
- (f) The lot shall be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition; and
- (g) Should site factors preclude compliance with any of these conditions, the Auckland Council Parks Arboricultural Advisor must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.

Advice Note: Grassing shall only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Arboriculture Advisor (South) immediately.

Replacement of Damaged Plants

- 94. If any damage to the existing planting on the existing road or within the proposed reserves is caused by consent-related construction activity, the consent holder shall replace damaged plants with the same species and height, which shall be maintained for two years following the replacement planting, to the satisfaction of the Team Leader, Parks Consent Planning.
- 95. A maintenance bond is payable if a section 224(c) RMA certificate pursuant to section 46 of HASHAA is to be issued within the maintenance period. A written statement from the Team Leader, Parks Consent Planning shall be required stating that all damaged plants have been replaced to the satisfaction of the Council.

Maintenance Plan

- 96. A Maintenance Plan shall be developed for approval by the Arboriculture Advisor (South) for all planting and landscaping to be established on the reserve (Lots 2000-2006), for the stormwater wetland devices (Lots 3000 and 3001), for street trees, and for any other planting and landscaping to be established on the site. The Maintenance Plan shall include:
 - (a) Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies;

- (b) Maintenance shall include watering, weeding, trimming, cultivation, insect and disease control, pest control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth;
- (c) As a precautionary measure, the approach to dealing with vandalism; and
- (d) Design strategy, specification and management plans for the treatment/maintenance issue relating to the reserve.

Street Tree Planting

97. As the approved subdivision will not occur in concert with the construction of new dwellings, street trees shall:

EITHER:

- (a) be planted in general accordance with the approved planting plan and be maintained by the consent holder for a period of two years from the date of the section 224 RMA certificate for the subdivision.

In which case the consent holder shall enter into a bond with the Council on its usual terms and conditions to secure compliance with this condition. The bond shall remain in place until such time as the street trees have been certified by a suitably qualified arborist as being “fully established and sustainable” to the satisfaction of the Auckland Council Parks Arborist or the two year maintenance period has been completed satisfactorily according to the approved specifications, whichever is sooner.

OR:

- (b) A payment shall be paid per tree to Council for their planting and maintenance. The Council’s Park’s Department will undertake the planting and maintenance as required in the first available planting season following completion of the majority of construction on site.

All works shall be undertaken in accordance with the relevant Auckland Council Code of Practice or Specification Any defects identified at the practical completion audit are to be remedied by the applicant. The practical completion of the works will be determined by Auckland Council Parks – Arboricultural Advisor to their satisfaction.

Advice Note: The consent holder shall apply for a practical completion certificate from the Arboricultural and Landscape Advisor to demonstrate streetscape planting/road reserve landscaping (rain gardens) has been satisfactorily implemented and to formalise the commencement of the two year maintenance period.

98. Prior to the issue of the section 224(c) RMA certificate under this consent the consent holder will provide to the Parks Consent Planner (South) as built plans for landscape works (hard and soft) within reserves, access ways and streets in CAD and pdf form including the following details;

- (a) asset description, make and/or serial number;

- (b) 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;
- (c) all underground services, irrigation and drainage; and
- (d) all paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets.

Maintenance Bond

99. Prior to the issue of the section 224(c) RMA certificate (sections 46 of HASHAA), the consent holder shall enter into a maintenance bond with the Council to ensure compliance with Condition 96. A completed valuation schedule of land and assets to be vested in Council and two quotations from contractors for the maintenance of the landscape planting shall be submitted with the lodgement of the application for a certificate pursuant to sections 224(c) RMA and section 46 of the HASHAA.

The rationale for the amount of the bond shall be based as follows:

- (a) 2.5% of 150% of the cost of the civil works for the site(s);

and/or

- (b) 1.5 x the contracted rate for maintenance of the landscape planting. This includes but is not limited to grass berms and street trees, as well as any proposed vegetation for stormwater reserves, devices including rain gardens, grassed swales.

The maintenance bond shall be paid in cash or in the way of a bank bond at the time of the issue of the section 224(c) RMA certificate for the subdivision and the full amount of the bond shall be held for:

- (c) a minimum 24 months for any landscape planting within reserve and street tree on the road as per Condition 96 where failure has occurred for natural reasons or through inappropriate selection of species or failure to maintain landscape/planted areas; and
- (d) a minimum 12 months for any other asset.

The bond shall be prepared by the Council at the cost of the consent holder. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder prior to repayment of the bond. Any faults, defects or damage to any of these works must be remedied at the consent holder's cost. The bond will not be released until the consent holder provides evidence to the satisfaction of the Council that these requirements have been met.

100. If the consent holder fails to maintain the above assets, as required by Condition 96, the Council may undertake the works necessary to bring the assets up to the standards required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works will also be deducted from the bond.

Overland Flow Path Easement

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

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

CONSENT NOTICES

Coastal and wetland setbacks

102. A Consent Notice pursuant to section 221 RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots 14, 17-19, 49, 90, 92, 93, 95, 99 and 100 to ensure that the following conditions are complied with on a continuing basis:

- (a) no building shall be closer than 6m to the coastal boundary on any lot which adjoins the northern boundary of the unformed road adjacent to the Taihiki River; and
- (b) no building shall be closer than 3m to the wetlands identified in the "Open Space: Informal Recreation" zone as set out in the plan variation for Kahawai Point.

Fencing adjacent to reserves and esplanades

103. A Consent Notice pursuant to section 221 RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots 14, 17-19, 49, 90, 92, 93, 95, 99 and 100 to ensure that the following conditions are complied with on a continuing basis:

- (a) Any fencing/structure/planting on the boundary immediately adjacent to the reserves shall be a minimum of 60% permeable to provide adequate surveillance to the reserves. The owner(s) of this lot shall thereafter maintain the fence in perpetuity. Close-boarded fencing on the boundary immediately adjacent to the reserves or between that boundary and any dwelling/building on the lot is prohibited.
- (b) Any vegetation/planting or structure between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to have a maximum height of no more than 1.2 metre at any point.

Stormwater

104. A Consent Notice pursuant to section 221 RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots as defined below to ensure that the following conditions are complied with on a continuing basis:

Lots (that discharge directly to the coast):

- (a) First Flush Devices on all residential lots for roof water to divert first flush of SW runoff to ground/alternative device
 - i. For clarity the SW Department recommends these are sized to manage runoff from the first 5mm of runoff.

- (b) Stormwater device/s on private land must be operated and maintained by the site owner(s) in Perpetuity
- (c) A proposal may use more than one device to achieve compliance with (a).

Lots (that discharge to a stream without being routed through a detention basin

- (d) Stormwater runoff from impervious areas greater than 50m² shall be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff plus detention (temporary storage) of 20.8mm of runoff with a drain down period of 24 hours
- (e) Stormwater device/s on private land must be operated and maintained by the site owner in perpetuity.
- (f) A proposal may use more than one device to achieve compliance with (d).

Lots that discharge to a stream after being routed through a detention basin at the head of a stream (Basins 1, 4 or 5)

- (g) Stormwater runoff from impervious areas greater than 50m² must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff.
- (h) Stormwater device/s on private land must be operated and maintained by the site owner in perpetuity.
- (i) A proposal may use more than one device to achieve compliance with (g).

Affordability

105. Prior to application for a section 224(c) RMA certificate, the consent holder shall confirm the lots to be provided as either criteria (A) Relative Affordable or (B) Retained Affordable.
106. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of lots that are identified as Relative Affordable dwellings to ensure that the following conditions are complied with on a continuing basis:
 - (a) Before titles to lots identified as “Relative Affordable” in accordance with Condition 5 are deemed to be for affordable dwellings under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2015 Mclarin Road, Glenbrook Special Housing Area are transferred, the consent holder shall provide to the Council's Team Manager, Resource Consents Project Management a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria:
 - i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
 - ii. The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2013 McLarin Road, Glenbrook SHA dated 29 June 2015;

- iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling; and
- iv. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.

The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser following the construction of a dwelling.

107. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of lots that are identified as Retained Affordable dwellings to ensure that the following condition is complied with on a continuing basis:

- (a) Before title to any lots or lots insert lot numbers that are deemed to be affordable under Criteria B of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2015 for Mclarin Road, Glenbrook Special Housing Area are transferred, the consent holder shall provide to the satisfaction of Council's Manager, Resource Consenting and Compliance the name of the registered community housing provider that is to be the purchaser and proof of that intended purchase or proof that the purchaser is to be Housing New Zealand:

The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser following the construction of a dwelling.

108. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots 2007 and 2008 identifying that the areas shown as 'Areas subject to Covenant' on the scheme plan shall be protected in perpetuity to the satisfaction of the Council's Senior Compliance Advisor as follows:

- (a) Preserve the native vegetation, wildlife habitats and the natural landscape within the covenant area shown on the land transfer plan;
- (b) Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) undertake any earthworks or land modifications within the areas of native bush to be protected;
- (c) Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) construct any impervious areas/surface, buildings or structures within the area of the native bush to be protected;
- (d) Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of native bush to be protected;
- (e) Not do anything that would prejudice the health or ecological value of the areas of native bush to be protected, their long term viability and/or sustainability;

- (f) Control all invasive plants and control pest animals within the areas of native bush to be protected, in accordance with the report entitled 'Report on the Potential of an Area of Wetland to be Protected as the basis for an Environmental Lot Subdivision' prepared by BFL Forestry and Environmental Services dated 31 July 2011;
- (g) Maintain the fence as approved by the council around the perimeter of the areas of the covenant areas and keep stock out of these areas. Note: where demarcation fences or posts are applicable to also refer to maintenance under this section;
- (h) The covenant areas shall remain in single ownership and shall not be subdivided;
- (i) Not to be in breach of this covenant if any of the areas of native bush to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible; and
- (j) The exception to the above matters is that a boardwalk may be established across the vegetated areas in locations shown on the Precinct Plan and subject to the approval of the design and construction methodology by the Council and the Local Board, and endorsed by the cultural advisor.

Advice Note: Weed Control means that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition, there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of the Council's Senior Compliance Advisor or similar position.

GENERAL SUBDIVISION CONDITIONS QD2

Coastal Setback

109. Where the unformed road on the coast of the Taihiki River is less than 20m wide as measured from the toe of the bank, Lots 39 and 41-45 shown on the survey plans in Condition 1 shall vest in the Council as road. This vesting shall take place as part of the subdivision of the relevant stages.

Sequence of Development

110. The section 224(c) RMA certificate pursuant to section 46 of the HASHAA for this development shall not be released prior to the issue of the section 224(c) RMA certificate for the subdivision approved under QD1.

Section 223 condition requirements (s45 of HASHAA)

111. Within two years of the decision of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to the Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with new scheme plan approved by the Council as per Condition 1 and shall also meet the following requirements:

- (a) The Proposed Easements shown on the approved subdivision scheme plans shall be shown as a Memorandum of Easement on the survey plan and shall be duly granted or reserved;
- (b) Lots 3002 shall be vested in Council as Local Purpose Drainage Reserve without compensation or development contributions offsets;
- (c) Lot 2001 shall be vested in Council as a road;
- (d) Lot 1003 and 1004 shall be vested in Council as public roads without compensation or development contributions offsets;
- (e) Any overland flow easement shall be shown as a Memorandum of Easement in favour of Auckland Council and shall be duly granted or reserved;
- (f) In the event that duplex or zero-lot type dwellings are proposed, maintenance or party wall easement shall be created as a memorandum of easement and shall be duly granted or reserved; and
- (g) As-built plans and details to confirm that all services/overland flows are entirely within the easements to be created.

Section 224 condition requirements (s45 of HASHAA)

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

Geotechnical Completion report

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

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

Roads and Traffic

113. All roads and ancillary facilities such as rain gardens, grass berms, street lighting, and traffic calm devices, marking, street sign, and street furniture to be vested in the Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
114. An Engineering Completion Certificate certifying that all proposed roads and the ancillary structures on the roads to be vested in the Council have been constructed in accordance with the approved Engineering Plans, shall be provided in support of the section 224 RMA application.
115. All RAMM as-built plans and data for all new roads shall also be provided with the section 224(c) RMA application. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, bus bays, street lighting, street furniture, street name, directional signs and landscaping etc.
116. A report from a suitably qualified and registered electrician shall be supplied with the section 224(c) RMA application. The report shall certify that all street lightings have complied with the relevant safety standards and that they are connected to the network and are operational.

Reinstatement of Existing Roads

117. Any damaged footpath, kerb, crossing as a result of the construction work shall be repaired, reinstated or reconstructed in accordance with the Auckland Transport Code of Practice to the satisfaction of the Council's Manager, Resource Consenting and Compliance.

An Engineering Completion Certificate certifying that the above condition has been met shall be provided in support of the section 224 RMA application.

Approval of Traffic Control Committee

118. The consent holder shall submit a Resolution report for approval by Auckland Transport Traffic Control Committee to legalise the proposed traffic control devices (e.g. traffic signs, road marking and traffic calming devices). A copy of the Resolution from the Traffic Control Committee shall be submitted with the lodgement of the application for the certificate pursuant to section 224(c) of the RMA and sections 46 of HASHAA.

Stormwater system

119. The proposed stormwater system (e.g. wetland/stormwater pond etc.) / stormwater management devices shall be constructed in accordance with the approved Engineering Plan and be fully operational.

Accurate as-built plans for the stormwater system / stormwater management devices and a Producer Statement PS4 certifying that the stormwater system / stormwater management devices have been constructed in accordance with the approved Engineering Plan shall be provided with the section 224 RMA application.

Operation and Maintenance Manual for the Stormwater Management Devices

120. The consent holder shall prepare an Operation and Maintenance Manual for all stormwater devices, setting out the principles for the general operation and maintenance for the stormwater system, outlet channel and the associated management devices. The Operation and Maintenance Manual shall submit to the Manager, Resource Consenting and Compliance for approval. The Operation and Maintenance Manual shall include, but not be limited to:
- (a) a detailed technical data sheet;
 - (b) all the requirements as defined within the Latest Auckland Council Technical Publications and Guidance Documents;
 - (c) all the requirements as defined within regional discharge consent or subsequent variations;
 - (d) details of who will hold responsibility for short-term and long-term maintenance of the stormwater devices;
 - (e) a programme for regular maintenance and inspection of the stormwater system;
 - (f) a programme for the collection and disposal of debris and sediment collected by the stormwater management device or practices;
 - (g) a programme for post storm maintenance;
 - (h) a programme for inspection and maintenance of outfall erosion;
 - (i) general inspection checklists for all aspects of the stormwater system, including visual check of roadside catchpits, wetlands and outfalls;
 - (j) a programme for inspection and maintenance of vegetation associated with the stormwater devices; and
 - (k) recommended on-going control methodology to eradicate established pests and invasive weeds from both terrestrial and aquatic areas.

Stormwater Connections

121. The consent holder shall provide and install a complete public stormwater system to serve all lots in accordance with the approved Engineering Plans listed in Condition 21 to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
122. Individual private stormwater connections to the proposed public stormwater systems for each lot at the lowest point within the boundary shall be provided and installed in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
123. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections have been constructed in accordance with the approved Engineering Plan and the Auckland Council Code of Practice for Land Development and Subdivision – Chapter 4: Stormwater shall be provided in support of the section 224(c) RMA application and pursuant to section 46 of HASHAA

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

Advice Note: As-built documentation for all assets to be vested in the Council required by the condition above shall be in accordance with the current version of the Development Engineering As-built Requirement' (currently Version 1.2). A valuation schedule for all asset to be vested in Council shall be included as part of the as-built documentation.

Wastewater

125. The consent holder shall provide and install a complete public wastewater system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
126. An Engineering Completion Certificate certifying that all public wastewater pipes and individual wastewater connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited shall be provided in support of the section 224(c) RMA application pursuant to section 46 of the HASHAA.
127. Pressure testing of all public wastewater pipes as-built plans for all public and individual private wastewater lines shall be supplied with the section 224(c) RMA application pursuant to section 46 of the HASHAA. The video inspections shall be carried out within one month prior to the lodgement of the application for the section 224(c) RMA certificate.
128. A certificate from Watercare Services Limited confirming that separate wastewater connections have been provided for each residential lot shall be provided in support of the section 224(c) RMA application.

Water Supply

129. The consent holder shall provide and install a complete water supply reticulation system to serve all lots in accordance with the approved Engineering Plans to the satisfaction of the Council's Manager, Resource Consenting and Compliance.
130. The consent holder shall complete a successful pressure test for all new water mains prior to the connection to the existing public water supply reticulation system to the satisfaction of the Council. Evidence of undertaking a successful pressure test for new water mains in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015 prepared by Watercare Services Limited, shall be supplied with an application for section 224(c) RMA certificate pursuant to section 46 of the HASHAA.

131. Individual private water connections to the proposed public water reticulation system for each residential lot shall be provided in accordance with the approved Engineering Plans. Each lot shall have an individual water metre at the road reserve boundary. Ducting of provide lines is recommended where they cross driveways.
132. An Engineering Completion Certificate certifying that all public water pipes and individual water supply connections have been constructed in accordance with the approved Engineering Plan and the Water and Wastewater Code of Practice for Land Development and Subdivision, May 2015, prepared by Watercare Services Limited shall be provided in support of the section 224(c) RMA application pursuant to section 46 of the HASHAA.
133. As-built plans for all public and individual private water supply lines and a certificate from Watercare Services Limited confirming that separate water supply connections have been provided for each residential lot shall be supplied with the section 224(c) RMA application pursuant to section 46 of the HASHAA.

Fire Hydrants

134. Fire hydrants shall be designed, provided and installed within 135m of the furthest point on any property and within 65m of the end of a cul-de-sac in accordance with Water and Wastewater Code of Practice to the satisfaction of the Council. Detailed design and location of fire hydrant shall be submitted to the Council for approval via Engineering Plans.
135. The consent holder shall undertake a comprehensive hydrant flow test result to confirm or otherwise that the existing public water supply system can meet the fire flow requirement for the development as stipulated in the NZFS CoP; and domestic supply can meet the minimum 250 kPa residual pressure at the proposed connection to the public main.
136. Evidence of undertaking the hydrant flow test and compliance with the above standards shall be provided with the section 224 RMA application.

Network Utility Services

137. Individual private connection to the underground reticulation of electricity, gas and telecommunication services to the boundary of each lot shall be provided and installed to the satisfaction of the appropriate network utility providers.

Certificates from the network utility providers and certified 'as-built' given locations of all plinths, cables and ducts shall be supplied to Council as part of the section 224 RMA application.

Landscaping

138. All street trees and landscape planting within reserves (including drainage reserves) shall be implemented in accordance with the approved Landscape Planting Plan in the first planting season following completion of the construction works for the particular site.

139. The consent holder shall continue to maintain all plantings on the proposed roads or within all reserves, Lots 2000, 2007, 2008, 3000, 3001 and 3002 for a period of two years or three planting seasons whichever is the longer following written approval from the Team Leader, Parks Consent Planning stating that the planting has been implemented in accordance with the approved Landscape Planting Plan as per Condition 22.

Advice Note: If the consent holder does not wish to maintain the public landscaping for a period of two years or three planting seasons whichever is the longer, a landscape maintenance bond will be required to be paid to Auckland Council for a period of two years after all planting within the public spaces has been completed.

140. The landscaping of road berms, neighbourhood park and other grassed areas to vest to Council shall be completed to the following specifications to the satisfaction of the Parks Consent Planner and the Arboricultural Advisor (South) as follows:
- (a) Good quality topsoil, free of stones and clay lumps, shall be retained from the site for use on the reserve. All grassed and planted areas shall be developed and completed with a minimum topsoil depth of 300mm;
 - (b) If the subsoil below the required depth (300mm) is hard and compacted, it shall be ripped;
 - (c) Only if required, natural fertile topsoil capable of sustaining vigorous and healthy growth shall be imported in order to meet the necessary minimum depth of topsoil. All topsoil shall be uniformly medium loam texture and shall be easily workable. It shall be free of weeds, clay lumps and non-soil borne material including but not limited to construction debris and other contaminants. Topsoil shall have a pH range of 5.5 -7.5 and shall be suitable for the plant species being used;
 - (d) Any topsoil that is deemed not to meet these requirements shall be replaced at the consent holder's expense with complying topsoil;
 - (e) All works associated with the land shall be completed and the land shall be established in a grassed and mowable condition, weed and rubbish free;
 - (f) The lot shall be cleared of any construction material, rubbish and surplus soil, and shall be maintained in a neat and tidy condition; and
 - (g) Should site factors preclude compliance with any of these conditions, the Auckland Council Parks Arboricultural Advisor must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.

Advice Note: Grassing shall only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform the Arboriculture Advisor (South) immediately.

Replacement of Damaged Plants

141. If any damage to the existing planting on the existing road or within the proposed reserves occurs during the construction, the consent holder shall replace damaged plants with the same species and height, and shall be maintained for two years following the replacement planting, to the satisfaction of the Team Leader, Parks Consent Planning.

A maintenance bond is payable if a section 224(c) RMA certificate pursuant to section 46 of HASHAA is to be issued within the maintenance period. A written statement from the Team Leader, Parks Consent Planning stating that all damaged plants have been replaced to the satisfaction of the Council.

Maintenance Plan

142. A Maintenance Plan for all planting and landscaping to be established on the reserve (Lot 2000), for the stormwater wetland devices (Lots 3000 and 3001), street trees and any other planting and landscaping to be established on the site shall be developed for approval by the Arboriculture Advisor (South). The Maintenance Plan shall include:
- (a) vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies;
 - (b) maintenance shall include watering, weeding, trimming, cultivation, insect and disease control, pest control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth;
 - (c) as a precautionary measure, the approach to dealing with vandalism; and
 - (d) design strategy, specification and management plans for the treatment / maintenance issue relating to the reserve.

Street Tree Planting

143. As the approved subdivision will not occur alongside the construction of new dwellings, the Council offers the following condition with regards the planting and maintenance of street trees:

EITHER:

- (a) Street trees shall be planted in general accordance with the approved planting plan and maintained by the consent holder for a period of two years from the date of the section 224 RMA certificate for the subdivision.

The consent holder shall enter into a bond with the Council on its usual terms and conditions to secure compliance with this condition. The bond shall remain in place until such time as the street trees have been certified by a suitably qualified arborist as being “fully established and sustainable” to the satisfaction of the Auckland Council Parks Arborist or the two year maintenance period has been completed satisfactorily according to the approved specifications, whichever is sooner.

OR:

- (b) A payment will be required per tree and shall be paid to the Council for the planting and maintenance of street trees. The Council's Park's Department will undertake the planting and maintenance as required in the first available planting season following completion of the majority of construction on site.

All works shall be undertaken in accordance with the relevant Auckland Council Code of Practice or Specification. Any defects identified at the practical completion audit are to be remedied by the applicant. The practical completion of the works will be determined by Auckland Council Parks – Arboricultural Advisor to their satisfaction.

Advice Note: The consent holder shall apply for a practical completion certificate from the Arboricultural and Landscape Advisor to demonstrate streetscape planting/road reserve landscaping (rain gardens) has been satisfactorily implemented and to formalise the commencement of the two year maintenance period.

144. Prior to the issue of the section 224(c) RMA certificate under this consent the consent holder will provide to the Parks Consent Planner (South) as built plans for landscape works (hard and soft) within reserves, access ways and streets in CAD and pdf form including the following details;
- (a) asset description, make and/or serial number;
 - (b) 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;
 - (c) all underground services, irrigation and drainage; and
 - (d) all paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets.

Maintenance Bond

145. Prior to the issue of the Certificate pursuant to section 224(c) of the RMA and section 46 of HASHAA, the consent holder shall enter into a maintenance bond with the Council to ensure the compliance with Condition 96. A completed valuation schedule of land and assets to be vested in Council and two quotations from contractors for the maintenance of the landscape planting shall be submitted with the lodgement of the application for a certificate pursuant to sections 224(c) RMA and section 46 of the HASHAA.

The rationale for the amount of the bond shall be based:

- 2.5% of 150% the cost of the civil works for the site(s);

and/or

- 1.5 x the contracted rate for maintenance of the landscape planting. This includes but is not limited to grass berms and street trees, as well as any proposed vegetation for stormwater reserves, devices including rain gardens, grassed swales.

The bond shall be paid in cash or in a way of bank bond at the time of the issue of the section 224(c) RMA certificate for the subdivision and full amount of the bond shall be held for:

- (a) a minimum 24 months for any landscape planting within reserve and street tree on the road as per Condition 96 where failure has occurred for natural reasons or through inappropriate selection of species or failure to maintain landscape/planted areas; and
- (b) a minimum 12 months for any other asset.

The bond shall be prepared by the Council at the cost of the Consent holder. Any costs incurred by the Council in preparing, checking, assessing and release of this bond must be met by the consent holder prior to repayment of the bond. Any faults, defects or damage to any of these works must be remedied at the consent holder's cost. The bond will not be released until the consent holder provides evidence to the satisfaction of the Council that these requirements have been met.

If the consent holder fails to maintain the above assets, as required by Condition 96, the Council may undertake the works necessary to bring the assets up to the standards required by this consent and the cost of this work may be deducted from the bond. The cost of maintenance of any replacement works will also be deducted from the bond.

Overland Flow Path Easement

146. The easement instrument for the overland flow paths shall be prepared by the Council's solicitor at the cost of the consent holder. The instrument shall require that:
- (a) the owner of the lot is responsible to keep the easement unobstructed by buildings, earthworks, solid walls, vegetation, fences, or any other impediments to prevent free flow of water;
 - (b) the owner of the lot is responsible to repair and maintain the overland flow path in its approved state and to prevent it from becoming a danger or nuisance; and
 - (c) the owner of the lot is responsible for the cost of all required repair and maintenance works associated with the overland flow path easement.

CONSENT NOTICES

Coastal and wetland setbacks

147. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots 6-13, 22-46, 94, 107, 230, 231, and 233-244 to ensure that the following conditions are to be complied with on a continuing basis:
- (a) no building shall be closer than 6m to the coastal boundary on any lot which adjoins the northern boundary of the unformed road adjacent to the Taihiki River; and
 - (b) no building shall be closer than 3m to the wetlands identified in the "Green Infrastructure Corridor" as set out in the variation for Kahawai Point.

Fencing adjacent to reserves and esplanades

148. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots 6-13, 22-46, 94, 107, 230, 231, and 233-244 to ensure that the following conditions are to be complied with on a continuing

basis:

- (a) Any fencing/structure/planting on the boundary immediately adjacent to the reserves shall be a minimum of 60% permeable to provide adequate surveillance to the reserves. The owner(s) of this lot shall thereafter maintain the fence in perpetuity. Close-boarded fencing on the boundary immediately adjacent to the reserves or between that boundary and any dwelling/building on the lot is prohibited.
- (b) Any vegetation/planting or structure between any building/dwelling and the fence on the boundary immediately adjacent to the reserves shall be maintained to have a maximum height of no more than 1.2 metre at any time.

Stormwater

149. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title of Lots as described below to ensure that the following conditions are to be complied with on a continuing basis:

Lots (that discharge directly to the coast):

- (a) First Flush Devices on all residential lots for roof water to divert first flush of SW runoff to ground/alternative device.
 - i. For clarity the SW Department recommends these are sized to manage runoff from the first 2mm of runoff.
- (b) Stormwater device/s on private land must be operated and maintained by the site owner(s) in Perpetuity
- (c) A proposal may use more than one device to achieve compliance with (a).

Lots (that discharge to a stream without being routed through a detention basin

- (d) Stormwater runoff from impervious areas greater than 50m² must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff plus detention (temporary storage) of 20.8mm of runoff with a drain down period of 24 hours.
- (e) Stormwater device/s on private land must be operated and maintained by the site owner in perpetuity.
- (f) A proposal may use more than one device to achieve compliance with (d).

Lots that discharge to a stream after being routed through a detention basin at the head of a stream (Basins 1, 4 or 5)

- (g) Stormwater runoff from impervious areas greater than 50m² must be directed to an on-site device designed and sized to accommodate stormwater runoff from the site and achieve retention (volume reduction) of 5mm runoff.
- (h) Stormwater device/s on private land must be operated and maintained by the site owner in perpetuity.
- (i) A proposal may use more than one device to achieve compliance with (g).

Affordability

150. Prior to application for the section 224(c) certificate, the consent holder shall confirm the lots to be provided as either criteria (A) Relative Affordable or (B) Retained Affordable.
151. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title that are identified in Condition 5 as Relative Affordable dwellings to ensure that the following conditions are to be complied with on a continuing basis:
- (a) Before titles to lots identified as “Relative Affordable” in accordance with Condition 5 are deemed to be for affordable dwellings under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2015 Mclarin Road, Glenbrook Special Housing Area are transferred, the consent holder shall provide to the Council's Team Manager, Resource Consents Project Management a statutory declaration from the purchaser of the lot that the purchaser meets all the following criteria:
 - i. The purchaser's gross household income, as at the date of the declaration, does not exceed 120% of the Auckland median household income;
 - ii. The value of the finished dwelling and land shall not be more than that defined under Criteria A of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2015 Mclarin Road, Glenbrook SHA;
 - iii. The purchaser has the legal right to and intends to own and occupy the affordable dwelling exclusively as their residence for not less than 3 years after gaining title to the dwelling; and
 - iv. The purchaser is a natural person and is purchasing the lot in their own name and not in the name of any other person.
 - (b) The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser following the construction of a dwelling.
152. A Consent Notice pursuant to section 221 of the RMA (section 44 of HASHAA) shall be registered against the Certificates of Title that are identified in Condition 5 as Retained Affordable dwellings to ensure that the following conditions are to be complied with on a continuing basis:
- (a) Before title to any lots or lots insert lot numbers that are deemed to be affordable under Criteria B of the affordability criteria set out in the Housing Accords and Special Housing Areas (Auckland – New June 2015 Area) Order 2015 Mclarin Road, Glenbrook Special Housing Area, the consent holder shall provide to the satisfaction of the Council's Manager, Resource Consenting and Compliance the name of the registered community housing provider that is to be the purchaser and proof of that intended purchase or proof that the purchaser is to be Housing New Zealand.

The consent notice shall specify that it ceases to have effect 3 years after the date of transfer of title to the first purchaser following the construction of a dwelling.

ADVICE NOTES:

General

1. *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.*
2. *The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. 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 shall be held on site at all times during the establishment and construction phase of the activity.*
4. *The consent holder is requested to notify the Council, in writing, of their intention to begin works, a minimum of seven days prior to commencement. Such notification should be sent to the Manager SHA Consenting (email: specialhousingareas@aucklandcouncil.govt.nz) and include the following details:*
 - *name and telephone number of the project manager and the site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relates*
 - *expected duration of works*
5. *This consent does not relieve the consent holder of his/her responsibility to apply for any other consents which may be required by the Auckland Council and/or New Zealand Historic Places Trust. This consent is issued under the Resource Management Act 1991 and does not remove the need to comply with all other applicable Acts (including the Property Law Act), regulations, Bylaws, and rules of law.*
6. *If the role of the SHA Consenting Manager ceases to exist at the time of signing off any of the above conditions, all those conditions to be signed off by the SHA Consenting Manager should be signed off by a person who has the appropriate delegated authority within Auckland Council.*

Water supply and Wastewater:

7. *Water supply metered connections for all the lots to the Watercare Services Ltd (WSL) supply main and wastewater connections are subject to separate applications to be submitted in conjunction with the application for building consent, and are required to be designed in accordance with WSL's Engineering Standards and be made by a WSL approved contractor. For details, please contact WSL. Any provision being made for telecommunications, power or gas to this development are to be underground and are to*

be to the requirements of the respective utility services.

8. *Watercare infrastructure growth charges will apply to this development. WSL advise that at the time of application for a water and/or wastewater connection (or application for demand increase), completed in conjunction with a building consent, a water and wastewater Infrastructure Growth Charge per additional equivalent unit shall apply. Details of the charge are available on the website, www.watercare.co.nz.*

WSL can guarantee only domestic water supply to a property 25 litres per minute at 200 kPa at the point of connection to existing public water supply reticulation main.

Fire Fighting Capability

9. *The granting of this application does not constitute a guarantee from the WSL to provide a fire fighting capability in accordance with the Fire Service Code of Practice at any given point in time. If the development is to be sprinklered to certain flow and pressure, the applicant need to be aware that the flow and pressure in the public main can change, and periodic test needs to be carried out and, if required, upgrade the sprinkler system to meet the development demand at no cost to WSL.*

To comply with FW2 fire risk classification, installation of sprinkler system may be required for commercial, industrial and high rise mixed use buildings.

Earthworks and Construction:

10. *Adequate provision shall be made during the earthworks and construction for the protection of any existing public drains and watermains that traverse the site, and directly adjoin. Any damages to the drains or watermains that may occur during the development shall be the applicant's responsibility.*
11. *The granting of this resource consent does not in any way allow the consent holder to enter and undertake works within neighbouring properties, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. This includes works to connect to the public infrastructure within the neighbouring properties. Any negotiation or agreement is the full responsibility of the consent holder, and is a private agreement that does not involve the Council. Should any disputes arise between the private parties, these are civil matters which can be taken to independent mediation or disputes tribunal for resolution. It is recommended that the private agreement be legally documented to avoid disputes arising. To obtain sign-off for the resource consent, the services described by the conditions above are required to be in place to the satisfaction of the Council.*
12. *In the event that any archaeological features are uncovered on the site, it is recommended that works cease and the Council's Compliance Monitoring Officer is notified immediately. Archaeological features' may in practice include shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains). Please note in the event of a discovery, contacting Heritage New Zealand (on 09 307 9920), as well as the local iwi is recommended.*
13. *The scope of this resource consent is defined by the application made to the Council and all documentation supporting that application.*

14. *Any works within the road reserve require the prior approval of Auckland Transport. These include vehicle access formation, reinstating verges and temporary occupation of the berm and footpath during construction. This is typically covered by a Corridor Access Request (CAR) and Vehicle Crossing permit process. Auckland Transport is the authority that receives reviews and approves construction traffic management plans (including CMP and TMP), if any is required.*
15. *The consent holder is advised to contact Auckland Transport as early as possible to discuss road design elements such as reinstatement of verge, and new crossings that may be required to satisfy the consent conditions.*
16. *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 81 or 82 of the HASHAA. Any objection must be made in writing to the Council within 15 working days of notification of the decision.*
17. *The conditions relating to the coastal walkway (Condition 9) and to the offered planting at Tahuna Marae (Condition 13) are offered by the applicant on the basis of the principle in Augier vs Secretary of State for the Environment.*