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The Agency is hereby indemnified of any errors in the document and will not be held accountable for any persons who rely on this document to complete their own due diligence.

We recommend you seek your own independent legal and/or technical advice.

Mark Harrison  
14 Stace Hopper Drive  
One Tree Point  
ONE TREE POINT 0118

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<b>Applicant</b>	Mark Harrison
<b>LIM address</b>	54 Nugget Avenue Hobsonville Auckland 0618
<b>Application number</b>	8270267950
<b>Customer Reference</b>	
<b>Date issued</b>	6-Nov-2020
<b>Legal Description</b>	LOT 5 DP 537241
<b>Certificates of title</b>	895238

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## Disclaimer

This Land Information Memorandum (LIM) has been prepared for the applicant for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987.

The LIM includes information which:

- Must be included pursuant to section 44A of the Local Government Official Information and Meetings Act 1987
- Council at its discretion considers should be included because it relates to land
- Is considered to be relevant and reliable

This LIM does not include other information:

- Held by council that is not required to be included
- Relating to the land which is unknown to the council
- Held by other organisations which also hold land information

Council has not carried out an inspection of the land and/or buildings for the purpose of preparing this LIM. Council records may not show illegal or unauthorised building or works on the land.

The applicant is solely responsible for ensuring that the land or any building on the land is suitable for a particular purpose and for sourcing other information held by the council or other bodies. In addition, the applicant should check the Certificate of Title as it might also contain obligations relating to the land.

The text and attachments of this document should be considered together.

This Land Information Memorandum is valid as at the date of issue only.

## s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

### Site Contamination

No land contamination data are available in Council's regulatory records.

### Wind Zones

Wind Zone(s) for this property: High wind speed of 44 m/s

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

### Soil Issues

The Auckland Council is not aware of any soil issues in relation to this land. If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre or via the property file product services.

### Flooding

This statement entitled "Flooding" appears on all LIMs.

Known flooding information is displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

The information shown in the "Special Land Features - Natural Hazards - Flooding" map is also shown on the Auckland Council online map viewer (Geomaps), at [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz), which is updated from time to time.

Any proposed development may require a flooding assessment to be provided by the applicant.

The absence of flooding on the "Special Land Features - Natural Hazards - Flooding" map does not exclude the possibility of the site flooding, particularly from Overland Flow Paths which may be on other properties.

### Exposure Zones

New Zealand Standard 3604:2011E classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Unknown or Unassessed Corrosion Zone

Unknown or unassessed - No known information is available relating to these sites. Recommended that specific sites and/or product designed and to consult suppliers information for specific durability requirements.

**s44A(2)(b) Information on private and public stormwater and sewerage drains**

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

**s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956**

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

**s44A(2)(bb) Information Council holds regarding drinking water supply to the land**

For metered water information, please contact **Watercare (09) 442 2222** for services provided to this property.

**s44A(2)(c) Information relating to any rates owing in relation to the land**

<b>Billing Number/ Rate Account:</b>	12346009452
<b>Rates levied for the Year 2020/2021 :</b>	\$1,221.26
<b>Total rates to clear for the current year (including any arrears and postponed rates):</b>	\$915.95

The rates figures are provided as at 8 a.m. 06/11/2020. It is strongly advised these are not used for settlement purposes.


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### **Retrofit Your Home Programme**

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The Retrofit Your Home programme provides financial assistance, advice and information to householders wanting to create an improved home environment.

The scheme contributes to the achievement of the Air Quality National Environmental Standards encouraging the installation of clean heat and insulation in homes as well as supporting access to central government grants and subsidies. The programme offers homeowners a retrofit plan for their homes and financial assistance up to \$5000 repaid through a targeted rate.

 Auckland Council (09) 890 7898 if you require further information

 [retrofit@aucklandcouncil.govt.nz](mailto:retrofit@aucklandcouncil.govt.nz)

s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

### Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

### Resource Management

#### Planning

54 Nugget Avenue Hobsonville Auckland 0618

Application No.	Description	Decision	Decision Date
LUC-2008-389	Land Use Consent Comprehensive Development Plan and associated consents relating to approximately 60.11 hectares of land formerly part of Hobsonville Airbase. The Comprehensive Development Plan incorporates the Triangle and Base Housing Precincts and also the majority of the Campus Runway Park and Motorway Interchange Precincts of the Hobsonville Base Special Area.	Granted	03/02/2009
LUC-2016-1582	Land Use Consent HPO SHA CONSENT - The resource consent application by AVJ Hobsonville PTY :Limited relates to a proposal to undertake a residential superlot subdivision of land comprising stages 2 and 3 of the Buckley B precinct in Hobsonville and associated land uses including earthworks	Granted(Construction Monitoring Underway)	23/02/2017
LUC60322351	Land Use Consent Development on Lot 11 (BB10) to create a total of 29 residential units and associated subdivision and earthworks. The proposal involves creation of 17 freehold lots around the two level terraced units, and 4 freehold titles around the buildings containing 12 walk-up apartments .	Granted(Construction Monitoring Underway)	21/03/2019

## Subdivisions

54 Nugget Avenue Hobsonville Auckland 0618

Application No.	Description	Decision	Decision Date
SUB-2015-1910	Subdivision survey plan ((s)223) Sec 223 of the RMA 1991 (Sec 45 of HASHAA) in regards to the Buckley B superlot subdivision survey consent at Hobsonville Point Road, Hobsonville.	Granted	16/02/2017
SUB-2016-1673	Subdivision Consent HPO SHA CONSENT - The resource consent application by AVJ Hobsonville PTY :Limited relates to a proposal to undertake a residential superlot subdivision of land comprising stages 2 and 3 of the Buckley B precinct in Hobsonville and associated land uses including earthworks	Granted	23/02/2017
SUB60322352	Subdivision Consent Development on Lot 11 (BB10) to create a total of 29 residential units and associated subdivision and earthworks. The proposal involves creation of 17 freehold lots around the two level terraced units, and 4 freehold titles around the buildings containing 12 walk-up apartments .	Granted	21/03/2019
SRV90078972	Subdivision survey plan ((s)223) S223 Application - Lt Plan 537241 - BB10 - Stage 1	Granted	07/08/2019

## Engineering Approvals

54 Nugget Avenue Hobsonville Auckland 0618

Application No.	Description	Decision	Decision Date
ENG60326513	Engineering Compliance Share driveway application	Approved	17/10/2018

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

## Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

## Building

54 Nugget Avenue Hobsonville Auckland 0618

Application No.	Description	Issue Date	Status
EXE21413129	DBC: EXE-Drainage (cesspits and leads) for JOAL.	17/10/2018	Issued (See Note 4)

Application No.	Description	Issue Date	Status
BCO10281005	DBC - QP MASTER (BCO10280931) + Dependent (Proposed Lot 5 Nugget Ave of Super Lot 11) - RBW - 1 x two storey, 3 bedroom terraced dwelling (1 of 7) with single carpark space and sw reuse tank	02/03/2019	CCC Issued 07/08/2020 (See Note 2)

Note	Description
2	Code Compliance Certificate (CCC) for this consent was issued.
4	Building Consent not required. Exemption for Building work has been granted under clause 2 of Schedule 1 of the Building Act.

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

### Compliance Schedules (Building Warrant of Fitness)

The Council has no record of a Compliance Schedule for this property/building.

If it is evident that any specified systems such as lifts or commercial fire alarms are present in the building, the owner must ensure there is a current compliance schedule or building warrant of fitness.

### Swimming/Spa Pool Barriers

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004.

Pool barrier information is available for viewing at <http://www.aucklandcouncil.govt.nz>

### Licences

There are NO current licences recorded

### s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

## s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

### **Auckland Unitary Plan - Operative in Part (AUP:OP)**

The **Auckland Unitary Plan - Operative in part(AUP:OP)** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. Those parts of the Auckland Unitary Plan that are operative replace the corresponding parts of legacy regional and district plans. However, certain parts of the AUP:OP are the subject of appeals and have not become operative. If a property is subject to an appeal this will be identified on the attached Unitary Plan Property Summary Report. Where this is the case, both the Auckland Unitary Plan Decisions version and the legacy regional and district plans will need to be considered.

The AUP:OP zones, controls, overlays, precincts, and designations that apply to this property are set out in the Property Summary Report, which is attached to this memorandum.

The AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplan>

The legacy regional and district plans can be viewed here:

<https://www.aucklandcouncil.govt.nz/districtplans>

<https://www.aucklandcouncil.govt.nz/regionalplans>

The appeals to the AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

### **Auckland Council District Plan - Hauraki Gulf Islands Section (Operative 2013) (DP:HGI)**

While the regional provisions in the AUP:OP apply to the Hauraki Gulf Islands, and are set out in the Property Summary Report attached to this memorandum, the AUP:OP does not contain any district provisions for the Hauraki Gulf Islands. If the Property Summary Report attached to this memorandum lists its zone as "Hauraki Gulf Islands", the district provisions that apply are in the Auckland Council District Plan Hauraki Gulf Islands Section (Operative 2013) (**DP:HGI**).

The relevant maps of the DP:HGI are attached to this memorandum, if applicable. The text of the DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/aurakigulfislands>

### **Plan Changes and Notices of Requirement**

Changes to the AUP:OP and DP:HGI may be proposed from time to time. These proposed plan changes may relate to either the maps or the text of those plans. Any proposed changes to the AUP:OP relevant to this property will be listed as a modification in the Property Summary Report attached to this memorandum. However, proposed changes to the DP:HGI will not appear on the Property Summary report. That information can be found on the Auckland Council website.

Please refer to the AUP:OP for information on any proposed Plan Changes or see the Auckland Council modifications website at:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

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Information relating to any proposed Plan Changes to DP:HGI can be found here:  
<https://www.aucklandcouncil.govt.nz/aurakigulfislands>

From time to time a requiring authority, such as a Ministry of the Crown or a council controlled organisation, may notify Auckland Council that they require certain land to be designated for a certain purpose. If this property is the subject of such a notice of requirement, that notice may have implications for how this property can be developed or used from the date it is received by Council.

If this property is not on the Hauraki Gulf Islands, any notices of requirement applicable will be listed as a modification in the Property Summary Report attached to this memorandum.

If this property is on the Hauraki Gulf Islands, any notice of requirement will be available on the Auckland Council Website.

Information on all current notices of requirement can be found on the modifications page here:  
<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:  
<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

## **Auckland Unitary Plan**

Please note that the Auckland Unitary Plan (Operative in part) applies to this property. The Unitary Plan should be carefully reviewed and considered, as it may have implications for how this property can be developed or used. Parts of the Unitary Plan that are relevant to this property relating to zones, overlays, controls, designations and other restrictions are identified in the Property Summary Report attached to this LIM.

The Unitary Plan can be accessed at Council service centres and libraries and can be found on the following internet page:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

## **Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant**

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For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

**s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation**

No information has been notified to Council.

**s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004**

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage

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and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

## Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

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- Auckland Unitary Plan Property Summary Report
- Auckland Unitary Plan - Operative in part Maps and Map Legend
- Auckland Council District Plan - Hauraki Gulf Islands Section (if applicable)
- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- As Built Drainage Plan : BCO10281005
- Consent Conditions : LUC60322351 and SUB60322350
- Consent Conditions : LUC-2016-1582 & SUB-2016-1673
- Consent Conditions : LUC-2008-389

## Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

### Address

54 Nugget Avenue Hobsonville 0618

### Legal Description

LOT 5 DP 537241

### Appeals

### Modifications

### Zones

Residential - Mixed Housing Urban Zone

### Precinct

Hobsonville Point sub-precinct B, Sub-precinct

### Controls

Controls: Macroinvertebrate Community Index - Urban

### Overlays

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer

### Designations

Designations: Airspace Restriction Designations - ID 4311 - Defence purposes - protection of approach and departure paths (Whenuapai Air Base) - Minister of Defence

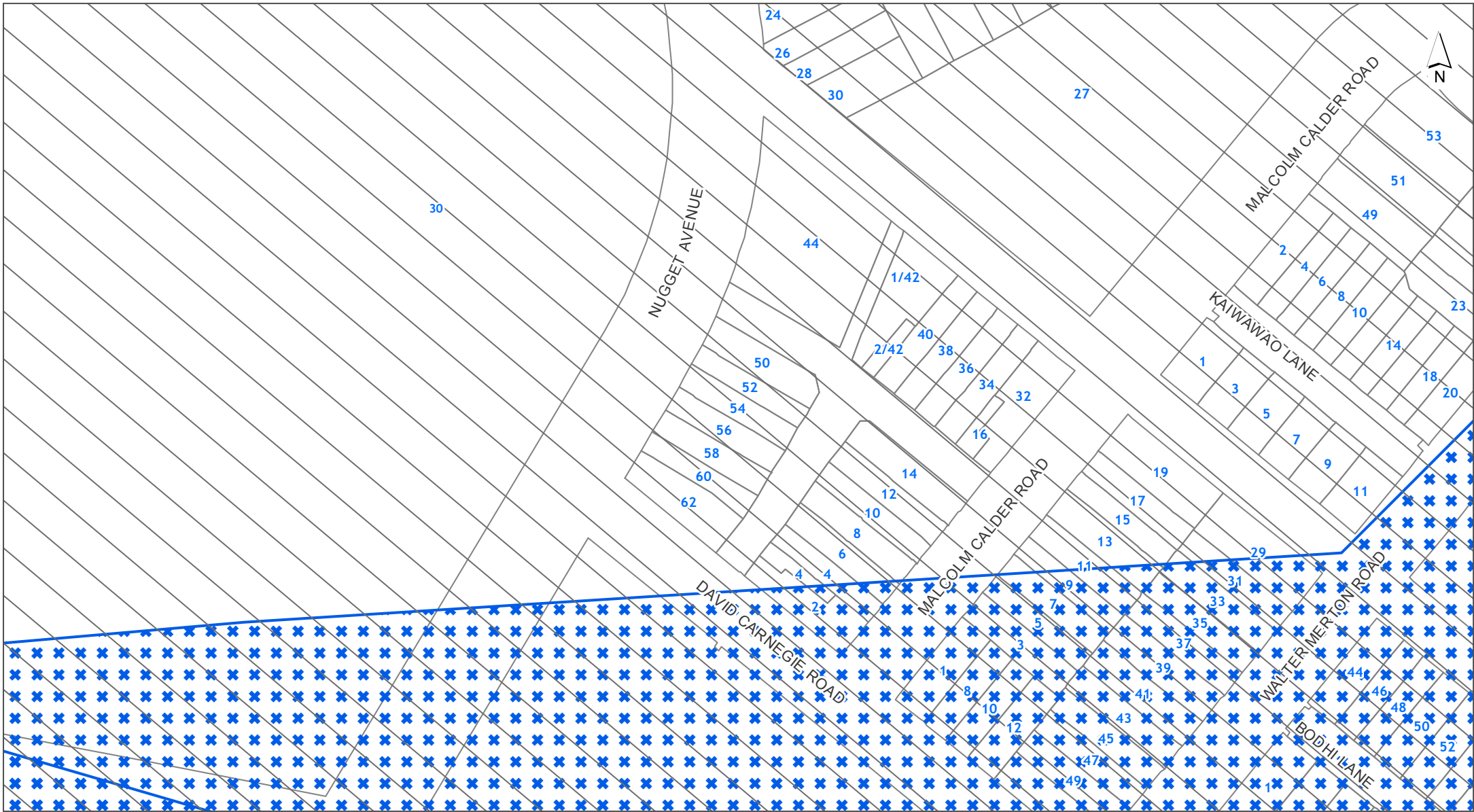


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**Built Environment**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

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Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
6/11/2020



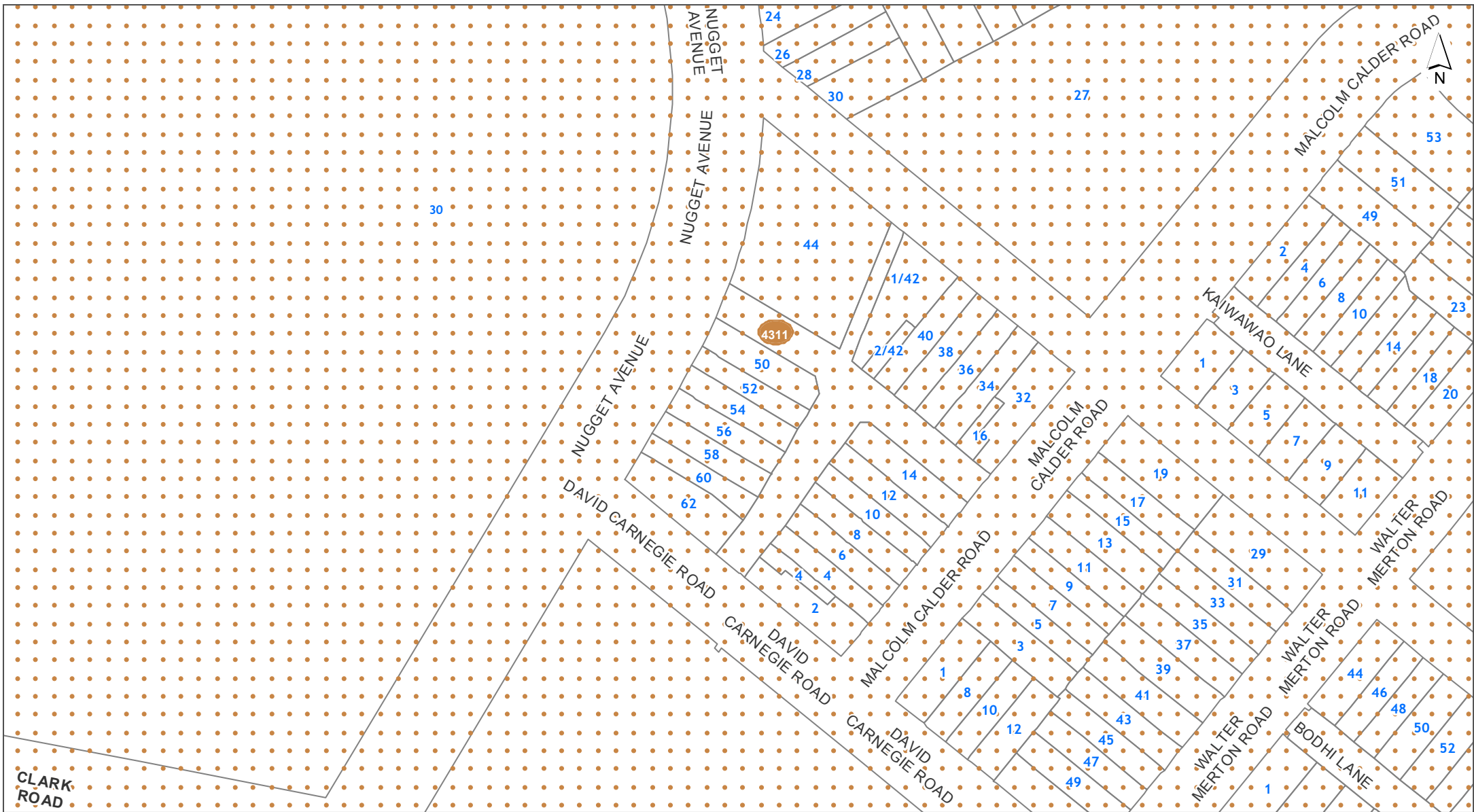


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**Controls**  
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**Designations**  
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**LOT 5 DP 537241**

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**Historic Heritage and Special Character**

**54 Nugget Avenue Hobsonville 0618**

**LOT 5 DP 537241**



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**Infrastructure**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

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Mana Whenua  
54 Nugget Avenue Hobsonville 0618  
LOT 5 DP 537241

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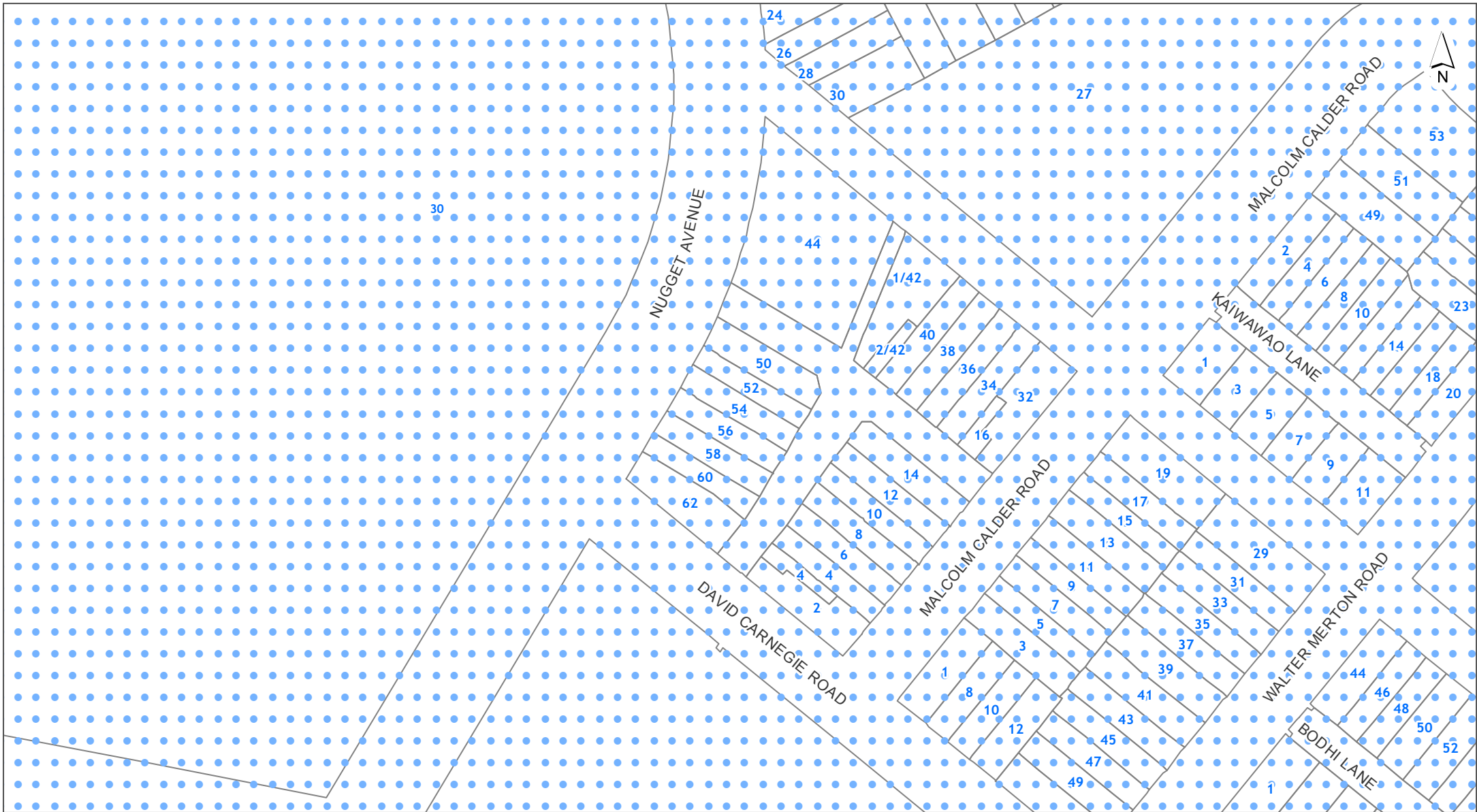


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**Natural Heritage**  
**54 Nugget Avenue Hobsonville 0618**  
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**Natural Resources**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

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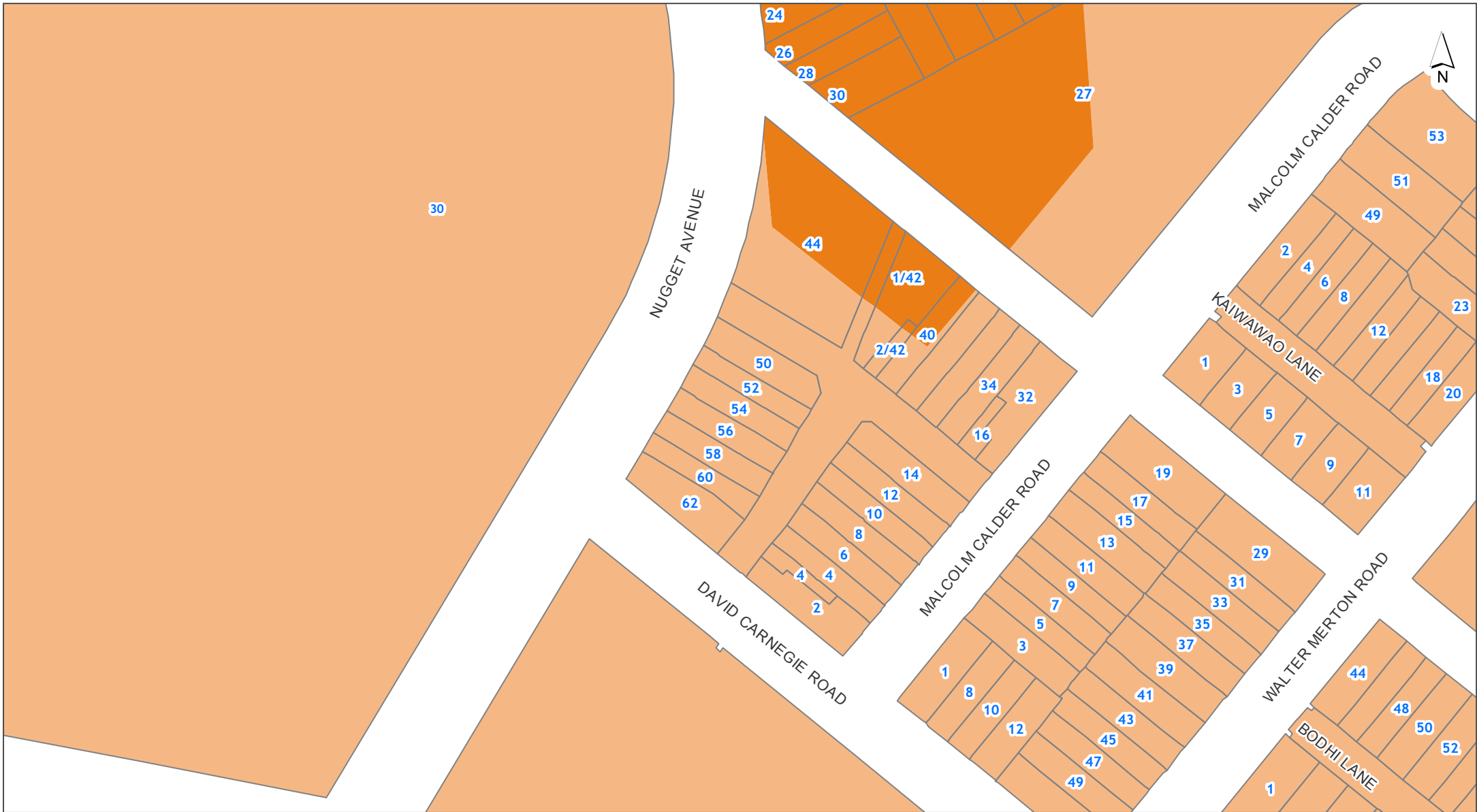


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Precincts  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

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**Zones and Rural Urban Boundary**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

0 7 14 21  
 Meters  
**Scale @ A4**  
 = 1:1,000  
**Date Printed:**  
 6/11/2020





## NOTATIONS

### Appeals

-  Properties affected by Appeals seeking change to zones or management layers
-  Properties affected by Appeals seeking reinstatement of management layers

### Proposed Plan Modifications





-  Notice of Requirements
-  Plan Changes

### Tagging of Provisions:

- [ i ] = Information only
- [ rp ] = Regional Plan
- [ rcp ] = Regional Coastal Plan
- [ rps ] = Regional Policy Statement
- [ dp ] = District Plan (only noted when dual provisions apply)

## ZONING

### Residential

-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone








### Business

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

### Open space

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone
-  Water [i]



### Rural

-  Rural - Rural Production Zone
-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone
-  Rural - Rural Conservation Zone
-  Rural - Countryside Living Zone
-  Rural - Waitakere Foothills Zone
-  Rural - Waitakere Ranges Zone

### Future Urban

-  Future Urban Zone
-  Green Infrastructure Corridor (Operative in some Special Housing Areas)

### Infrastructure

-  Special Purpose Zone - Airports & Airfields  
Cemetery  
Quarry  
Healthcare Facility & Hospital  
Tertiary Education  
Māori Purpose  
Major Recreation Facility  
School
-  Strategic Transport Corridor Zone

### Coastal

-  Coastal - General Coastal Marine Zone [rcp]
-  Coastal - Marina Zone [rcp/dp]
-  Coastal - Mooring Zone [rcp]
-  Coastal - Minor Port Zone [rcp/dp]
-  Coastal - Ferry Terminal Zone [rcp/dp]
-  Coastal - Defence Zone [rcp]
-  Coastal - Coastal Transition Zone



Precincts

--- Rural Urban Boundary

--- Indicative Coastline [i]

# Overlays

## Natural Resources

- Terrestrial [rp/dp]
- Marine 1 [rcp]
- Marine 2 [rcp]
- Water Supply Management Areas Overlay [rp]
- Natural Stream Management Areas Overlay [rp]
- High-Use Stream Management Areas Overlay [rp]
- Natural } Lake Management Areas Overlay (Natural Lake and Urban Lake)
- Urban }
- High-Use Aquifer Management Areas Overlay [rp]
- Quality-Sensitive Aquifer Management Areas Overlay [rp]
- Wetland Management Areas Overlay [rp]

## Infrastructure

- Airport Approach Surface Overlay
  - Aircraft Noise Overlay
  - City Centre Port Noise Overlay [rcp / dp]
  - Quarry Buffer Area Overlay
  - National Grid Subdivision Corridor
  - National Grid Substation Corridor
  - National Grid Yard Compromised
  - National Grid Yard Uncompromised
- } National Grid Corridor Overlay

## Mana Whenua

- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

## Built Environment

- Identified Growth Corridor Overlay

## Natural Heritage

- Notable Trees Overlay
- Outstanding Natural Features Overlay [rcp/dp]
- Outstanding Natural Landscapes Overlay [rcp/dp]
- Outstanding Natural Character Overlay [rcp/dp]
- High Natural Character Overlay [rcp/dp]
- Viewshafts
- Height Sensitive Areas
- Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]
- Regionally Significant Volcanic Viewshafts Overlay Contours [i]
- Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
- Locally Significant Volcanic Viewshafts Overlay Contours [i]
- Modified
- Natural
- Local Public Views Overlay [rcp/dp]
- Extent of Overlay
- Subdivision Schedule
- Waitakere Ranges Heritage Area Overlay

## Historic Heritage & Special Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [i]
- Stockade Hill Viewshaft Overlay – 8m height area
- Stockade Hill Viewshaft [i]

# Controls

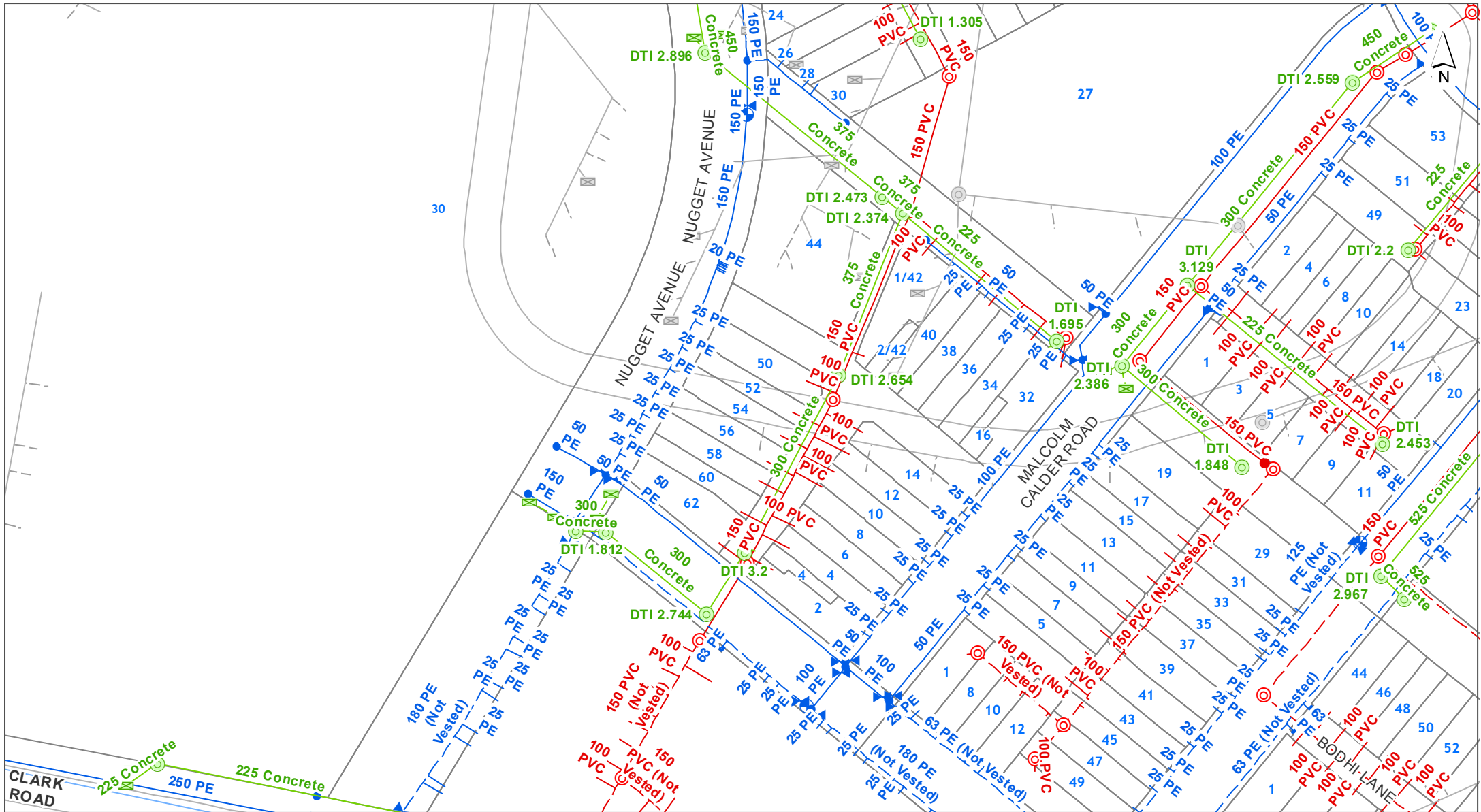
- Key Retail Frontage
  - General Commercial Frontage
  - Adjacent to Level Crossings
  - General
  - Motorway Interchange Control
  - Centre Fringe Office Control
  - Height Variation Control
  - Parking Variation Control
  - Level Crossings With Sightlines Control
  - Arterial Roads
- } Building Frontage Control
- } Vehicle Access Restriction Control

- Business Park Zone Office Control
  - Hazardous Facilities
  - Infrastructure
  - Macroinvertebrate Community Index
  - Flow 1 [rp]
  - Flow 2 [rp]
  - Subdivision Variation Control
  - Surf Breaks [rcp]
  - Cable Protection Areas Control [rcp]
  - Coastal Inundation 1 per cent AEP Plus 1m Control
- } Emergency Management Area Control
- } Stormwater Management Area Control

# Designations

- Designations

- Airspace Restriction Designations



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**Underground Services**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**

0 7 14 21  
 Meters  
 Scale @ A4  
 = 1:1,000  
 Date Printed:  
 6/11/2020



Stormwater

Note: Unless otherwise specified in the text below, the *colour* of a Stormwater symbol is determined by the ownership or usage status, using the following colour scheme:

**Public**, **Private** or **Abandoned**

- |  |                               |  |   |
|--|-------------------------------|--|---|
|  | Treatment Device              |  | Overland Flowpath (Public)                |
|  | Septic Tank                   |  | Overland Flowpath (Private)               |
|  | Septic Tank (Hi-Tech)         |  | Forebay (Public)                          |
|  | Soakage System                |  | Forebay (Private)                         |
|  | Inspection Chamber            |  | Treatment Facility (Public)               |
|  | Manhole (Standard / Custom)   |  | Treatment Facility (Private)              |
|  | Inlet & Outlet Structure      |  | Pump Station                              |
|  | Inlet & Outlet (No Structure) |  | Planting                                  |
|  | Catchpit                      |  | Embankment                                |
|  | Spillway                      |  | Viewing Platform                          |
|  | Safety Benching               |  | Bridge                                    |
|  | Culvert / Tunnel              |  | Erosion & Flood Control (Other Structure) |
|  | Subsoil Drain                 |  | Erosion & Flood Control (Wall Structure)  |
|  | Gravity Main                  |  |   |
|  | Rising Main                   |  |   |
|  | Connection                    |  |   |
|  | Fence                         |  |   |
|  | Lined Channel                 |  |   |
|  | Watercourse                   |  |   |

Water

- |  |                                      |
|--|--------------------------------------|
|  | Valve                                |
|  | Hydrant                              |
|  | Fitting                              |
|  | Other Watercare Point Asset          |
|  | Other Watercare Linear Asset         |
|  | Local Pipe (Bulk)                    |
|  | Local Pipe (In Service)              |
|  | Local Pipe (Abandoned)               |
|  | Transmission Pipe (In Service)       |
|  | Transmission Pipe (Out of Service)   |
|  | Transmission Pipe (Proposed)         |
|  | Pump Station                         |
|  | Reservoir                            |
|  | Other Structure (Local)              |
|  | Chamber (Transmission)               |
|  | Water Source (Transmission)          |
|  | Other Watercare Structures and Areas |

Wastewater

- |  |                                    |
|--|------------------------------------|
|  | Fitting                            |
|  | Fitting (Non Watercare)            |
|  | Manhole                            |
|  | Pipe (Non Watercare)               |
|  | Local Pipe (Main / Service Line)   |
|  | Local Pipe (Abandoned)             |
|  | Local Pipe (Future)                |
|  | Transmission Pipe (In Service)     |
|  | Transmission Pipe (Out of Service) |
|  | Transmission Pipe (Proposed)       |
|  | Chamber                            |
|  | Structure (Non Watercare)          |
|  | Pump Station                       |
|  | Wastewater Catchment               |

Utilities

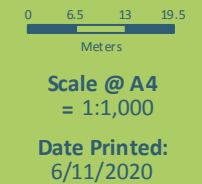
- |  |   |
|--|---|
|  | Transpower Site                         |
|  | Pylon (Transpower)                      |
|  | 110 kv - Electricity Transmission       |
|  | 220 kv - Electricity Transmission       |
|  | 400 kv - Electricity Transmission       |
|  | Aviation Jet A1 Fuel Pipeline           |
|  | Liquid Fuels Pipeline [Marsden to Wiri] |
|  | Gas Transmission Pipeline               |
|  | High-Pressure Gas Pipeline              |
|  | Medium-Pressure Gas Pipeline            |
|  | Indicative Steel Mill Slurry Pipeline   |
|  | Indicative Steel Mill Water Pipeline    |
|  | Fibre Optic Cable (ARTA)                |
|  | Contour Interval                        |

Legend updated: 15/08/2019



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**Hazards**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**



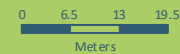


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**Natural Hazards - Coastal Inundation**

**54 Nugget Avenue Hobsonville 0618**

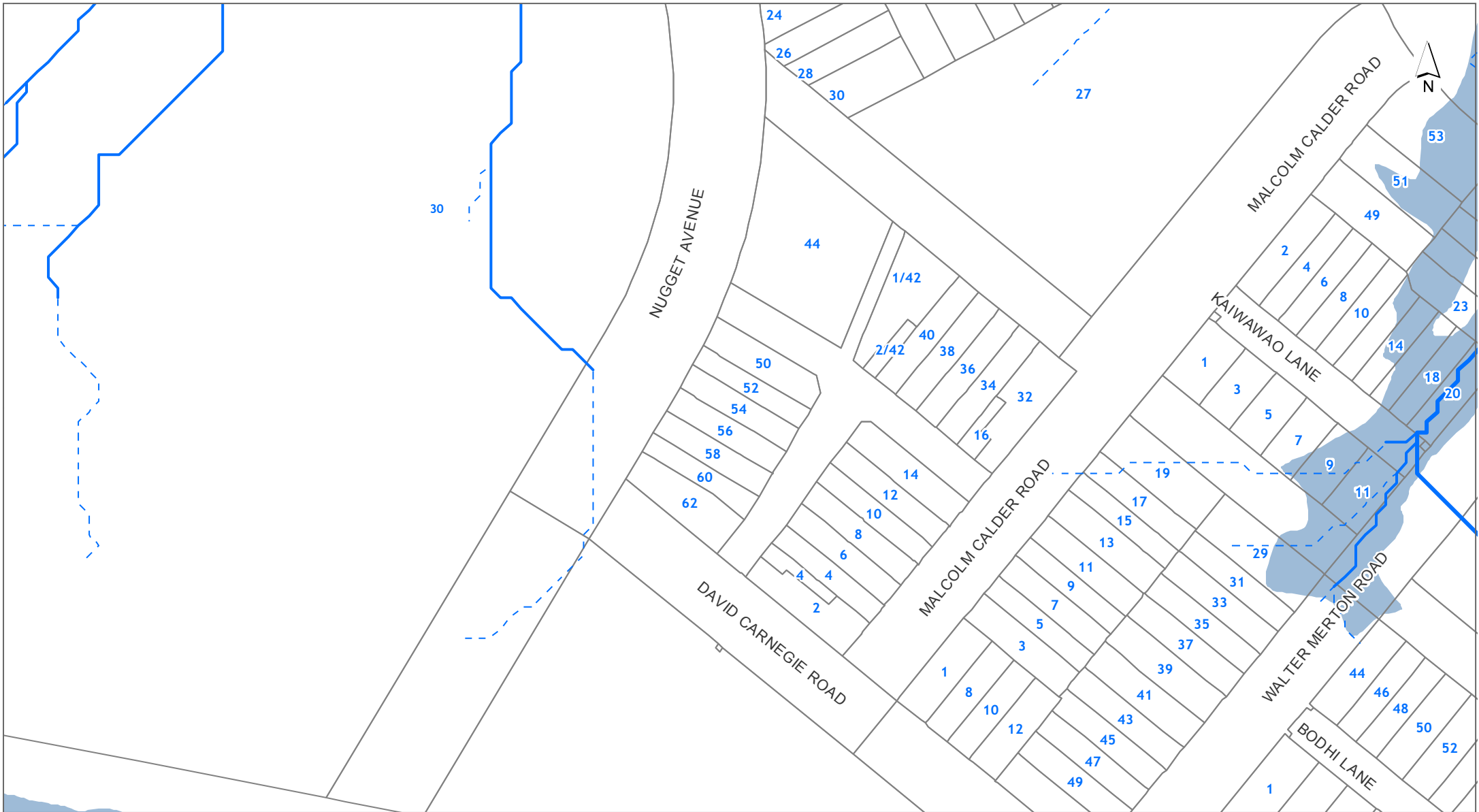
**LOT 5 DP 537241**



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 = 1:1,000

**Date Printed:**  
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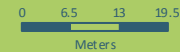
**DISCLAIMER:**

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**Natural Hazards - Flooding**

**54 Nugget Avenue Hobsonville 0618**

**LOT 5 DP 537241**



**Scale @ A4  
= 1:1,000**

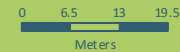
**Date Printed:  
6/11/2020**





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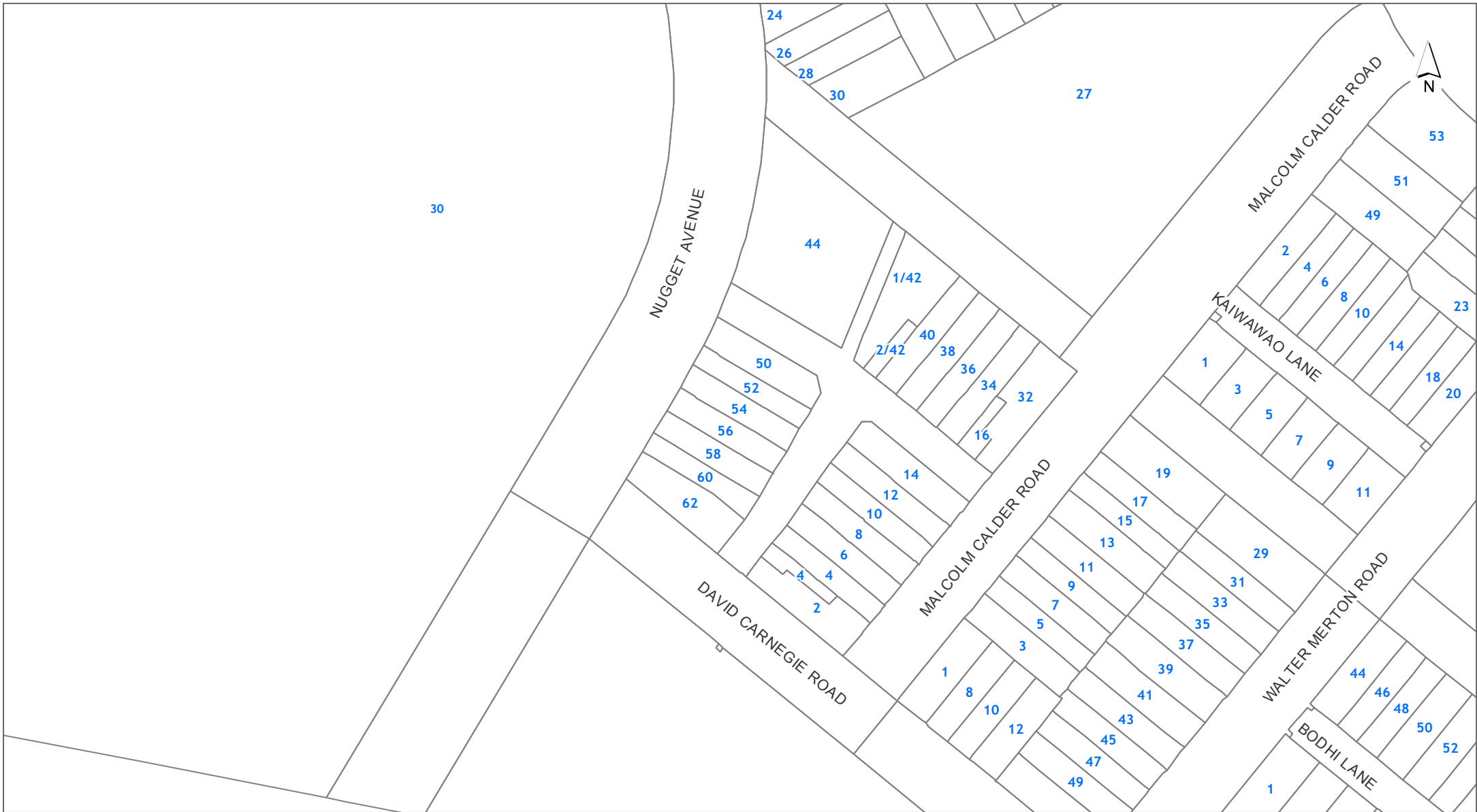
**Natural Hazards - Sea Spray**  
**54 Nugget Avenue Hobsonville 0618**  
**LOT 5 DP 537241**



**Scale @ A4**  
 = 1:1,000

**Date Printed:**  
 6/11/2020



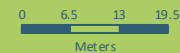


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**Natural Hazards - Volcanic Cones**

**54 Nugget Avenue Hobsonville 0618**

**LOT 5 DP 537241**



**Scale @ A4**  
 = 1:1,000

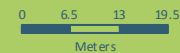
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**Other**  
 54 Nugget Avenue Hobsonville 0618  
 LOT 5 DP 537241



Scale @ A4  
 = 1:1,000

Date Printed:  
 6/11/2020


















Hazards

Soil Warning Area

-  Fill (Franklin District only)
-  Advisory (Franklin District only)
-  Contamination (Franklin District only)
-  Erosion (Franklin District only)
-  Hazardous Activities & Industries List (HAIL) (Franklin District only)
-  Inundation (Franklin District only)
-  Rainfall Event (Franklin District only)
-  Slippage (Franklin District only)
-  Subsidence (Franklin District only)
-  Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
-  Uncertified Fill (Auckland City and Papakura District only)
-  Organic Soil (Auckland City and Papakura District only)
-  Filled / Weak Ground (Auckland City and Papakura District only)
-  Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
-  Unstable / Suspected Ground (Auckland City and Papakura District only)
-  Allochthon Waitemata (Rodney District only)
-  Motatau Complex (Rodney District only)
-  Puriri Mudstone (Rodney District only)
-  Mahurangi Limestone (Rodney District only)
-  Mangakahia Complex (Rodney District only)
-  Hukerenui Mudstone (Rodney District only)
-  Whangai Formation (Rodney District only)
-  Tangihua Complex (Rodney District only)
-  within 150m of Northland Allochthon (Rodney District only)




Hazards

Soil Warning Area continued




-  Soil D (Rodney District only)
-  within 150m of Soil D (Rodney District only)
-  Soil C (Rodney District only)
-  within 150m of Soil C (Rodney District only)
-  Soil B (Rodney District only)
-  within 150m of Soil B (Rodney District only)
-  Soil A (Rodney District only)
-  Gas Main Pipeline
-  Petroleum Pipeline
-  Closed Landfill (Auckland Council owned)
-  Closed Landfill (Privately owned)
-  Air Discharge (Franklin District only)
-  No Soakage (Franklin District only)
-  Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
-  Indicative Steel Mill Water Line 20m Buffer (Franklin District only)



Natural Hazards

Overland Flow Path

-  Catchment area 2000m<sup>2</sup> to 3999 m<sup>2</sup>
-  Catchment area 4000 m<sup>2</sup> to 3 Ha
-  Catchment area 3 Ha and above








Coastal Inundation

-  1% AEP
-  1% AEP plus 1m sea level rise
-  1% AEP plus 2m sea level rise

-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

Other

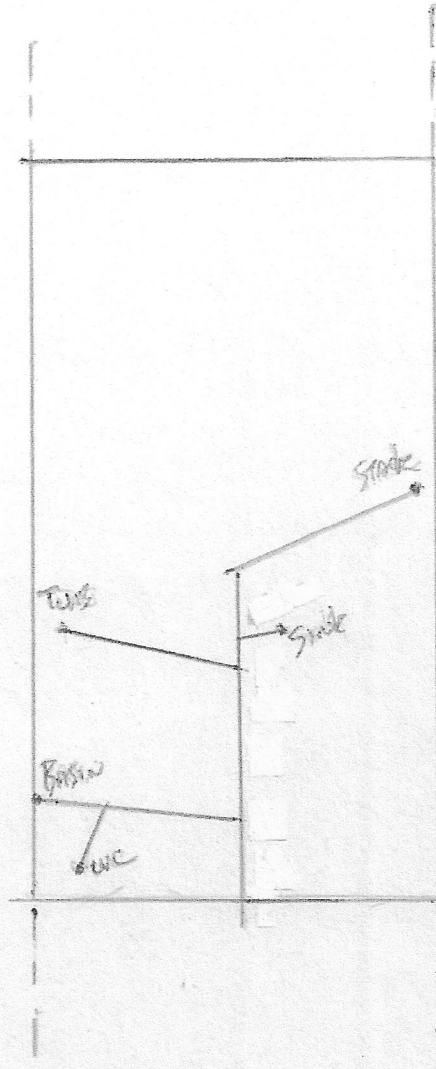
Cultural Heritage Index

-  Archaeological Site
-  Hayward and Diamond
-  Historic Botanical Site
-  Historic Structure
-  Maori Heritage Area
-  Maritime Site
-  Reported Historic Site

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

Legend updated: 12/06/2018

PRE FLOOD PERMITTING AS BUILT  
LOT 5 NUGGET AVE, HOBSONVILLE  
SCALE 1:100  
TBCO 10281005



# Recommendation on application for resource consent under the Resource Management Act 1991



Restricted discretionary activity for a residential activity

Restricted discretionary activity for residential subdivision activity

<b>Application numbers:</b>	BUN60322350 (LUC60322351 and SUB60322352)
<b>Applicant's name:</b>	Universal Homes Ltd
<b>Site address:</b>	61-117 Clark Road, Hobsonville (BB10 or Super-Lot 11)
<b>Legal description:</b>	Lot 28 DP 514312

## Proposal:

To construct 29 terrace houses and walk-up apartments on Super-lot BB10, with associated works including parking, landscaping and earthworks; and the subdivision around the approved development to create 21 freehold lots and 1 Common Access Lot (Lot 50); and a Unit Title of Lot 200 to create 6 unit principal units and 6 accessory units.

## The resource consent is:

Landuse consents (s9) LUC60322351

### Auckland Unitary Plan (Operative in Part)

- Development of new or redevelopment of existing impervious areas greater than 50m<sup>2</sup> within Stormwater management area control – Flow 1 complying with Standard E10.6.1 and Standard E10.6.4.1 requires consent as a Restricted Discretionary Activity
- Pursuant to Table E12.4.1(A6) (District land disturbance) the proposed will require consent as a restricted discretionary activity for earthworks that are greater than 2,500m<sup>2</sup> in area. The proposal will involve earthworks over an area of 4,443m<sup>2</sup>.
- Pursuant to Table E12.4.1(A9) (District land disturbance) the proposed will require consent as a restricted discretionary activity for earthworks that are greater than 250m<sup>3</sup> in volume. The proposal will involve a total earthworks volume of 1,369m<sup>3</sup>
- Pursuant to Table H5.4.1 (Activity table) (A3) – 3 or more Dwellings in the Mixed Housing Urban zone requires consent as a restricted discretionary activity.
- As new buildings adopt the same activity status as the land use activity, the new buildings require consent as a restricted discretionary activity in accordance with H5.4.1 (A34)
- Pursuant to Table H6.4.1 (Activity table) (A3) – Dwellings in the THAB zoned requires consent as a restricted discretionary activity.
- As new buildings adopt the same activity status as the land use activity, the new buildings require consent as a restricted discretionary activity in accordance with H6.4.1 (A35)
- Pursuant to I605.4.1 Activity Table (A18) (New buildings) the construction of 39 new dwellings is a Restricted Discretionary activity.

- Pursuant to C1.9(2) *“An activity that is classed as a permitted, controlled or restricted discretionary activity but that does not comply with one or more of the standards applying to that activity is a restricted discretionary activity unless otherwise specified by a rule applying to the particular activity.”* The proposal does not comply with the following standards which are required to be assessed as restricted discretionary activities:

#### Hobsonville Point Precinct sub-precinct B

- Standard I605.6.4.5 Outdoor Living Space and Rule C1.9(2): The proposal involves the construction of dwellings within the Mixed Housing Urban zone not meeting the minimum dimension of 4m for the outdoor living space on Lots 24 and 27 due to the stormwater tank.
- Pursuant to standard I605.6.4.8(2) and Rule C1.9(2): The proposal involves the construction of a jointly owned access site serving more than four dwelling units (29 units proposed)..
- Standard I605.6.4.6, I605.6.5.6 Fences and Rule C1.9(2): The proposed fences do not meet the minimum standards .
  - Clause (2): The fence on Lot 1 and 203 will exceed the minimum requirement of 0.9m for front boundaries, with fences of 1.8m high proposed adjoining the outdoor living area.
  - Clause (3): A front boundary fence is proposed on Lot 203, with an associated dwelling located within 1.5m of the site frontage.
  - Clause (7): The combined height of retained fill and fencing will exceed the minimum requirement of 0.9m. Combined fill and fence heights up to 1.83m is proposed, with the maximum extent of fill retaining being 930mm high on Lot 200, and boundary fencing being 900mm high.

#### Mixed Housing Urban Zone

- Standard H5.6.8 Yards and Rule C1.9(2): The proposal involves a reduction in the 1.0m front yard, 1.2m side yard and 1.0m rear yard by the proposed building and garaging on ten lots, being Lots 1, 3, 4, 7, 16-19, 22 and 203, with encroachments ranging from 87mm to 1.087m.

#### Terrace Housing and Apartment Buildings Zone

- Standard H6.6.9 Yards and Rule C1.9(2): The proposal involves a reduction in the 1.0m side yard by the buildings proposed on Lots 200 and 201, by extents of 55mm, 77mm and 305mm.
- Standard H6.6.13. Outlook Space and Rule C1.9(2): The proposal involves the construction of buildings not meeting the outlook space area requirement of 3m by 3m within the building on Lot 200, by Units 10D and 11U.
- Standard H6.6.6 Height in Relation to Boundary and Rule C1.9(2): The proposal involves the construction of two buildings projecting beyond the 3m+45-degree recession plane on side boundaries.
  - The building on Lot 14 will infringe the northern side boundary by vertical extents of 90mm, 340mm and 555mm.
  - The building on Lot 200 will infringe the southern side boundary by a vertical extent of 420mm extending for a horizontal distance of 4.65m.

## Subdivision consents (s11) SUB60322352

### Auckland Unitary Plan (Operative in Part)

- The proposal involves subdivision of land which will be in accordance with an approved land use consent. Pursuant to Table E38.4.2 (A14), consent is required for a restricted discretionary activity.
- The proposal involves subdivision of a site with two or more zones (Mixed Housing Urban Zone and Terrace Housing and Apartment Buildings Zone), thereby requiring consent as a restricted discretionary activity pursuant to Rule E38.4.2(A7).
- The proposal involves subdivision of land within the Hobsonville Point Precinct. Pursuant to Table I605.4.1(A29) consent is required for a restricted discretionary activity.
- Pursuant to Activity Table E38.4.1(A4) - Unit Title subdivision requires consent as a Controlled Activity.

### Decision 1 – Landuse

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

Acting under delegated authority, under sections 104 and 104C the applications are **GRANTED**

## 1. Reasons

The reasons for this decision are:

1. The application is for a restricted discretionary activity resource consent, as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

### Auckland Unitary Plan (Operative in Part)

- H5.8.1(2). Matters for discretion (3 or more dwellings and development in the Mixed Housing Urban Zone);
- H6.8.1(2) and (4) Matters of discretion and H6.8.2(4), (6) and (13) (dwellings in the THAB zone and infringements to standards)
- I605.8.2.1 Matters for discretion (Hobsonville Point Precinct - Design location and integration);
- I606.8.2.3 Matters for discretion (Hobsonville Point Precinct - Buckley Sub-precinct (Sun-precinct B));
- I605.8.2.8 Matters for discretion (Hobsonville Point Precinct – Transport);
- I605.8.2.9 Matters for discretion (Hobsonville Point Precinct – Infrastructure);
- E27.8.1 (9) Matters for discretion and E27.8.2(9) Assessment Criteria (Vehicle crossing);
- E10.6.4.1.Matters for discretion (Stormwater Flow 1);
- E12.8.1 Matters for discretion (Earthworks); and
- C1.9(3) Infringement of Standards.

In addition, conditions have only been included in relation to those matters

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - The lot sizes and building typologies proposed are consistent with the outcomes anticipated by the MHU, THAB zones and the Hobsonville Point sub-precinct B (Buckley), and are in keeping with the anticipated development pattern provided for under the underlying subdivision consent. The proposal provides for a terrace housing and apartment building typologies with variances in the building typology proposed in terms of cladding, colour and roof forms. The proposal achieves an overall built form and set-backs from the streetscapes and private land that is appropriate to this location.
  - The proposed set-backs from the road boundaries will not adversely affect the streetscape amenity or result in adverse visual dominance effects on the adjacent streets. The proposed setback distances together with the built typologies and arrangement of units will assist in creating a varied and interesting streetscape, and the buildings are not considered to be dominant building feature within the streetscape.
  - The overall fencing typologies will provide for appropriate boundary treatments in a manner that enables an appropriate level of visual permeability into the site and provides passive surveillance of the streets. The front yard fencing on the road frontages will provide visual permeability and achieving an appropriate balance has been achieved between privacy to their open space given it is located adjacent the street or lane frontage.
  - Furthermore, the fencing and landscape has been designed in an integrated manner which will ensure the fencing has an appropriate relationship with the streets (and laneway) and that this maintains an appropriate level of streetscape amenity.
  - The proposed buildings have been well articulated through the range of building typologies and variations in the elevations, roof forms and the overall massing. This creates an appropriate level of visual interest whilst ensuring that they respond to the emerging built form and residential character of this part of Hobsonville.
  - The design and materials of the garages, will form an integrated component of the overall design of the building design so that this do not adversely affect the streetscape amenity or wider neighbourhood character.
  - The height and location of the proposed buildings on the subject site will ensure this is not visually dominant or obtrusive when viewed from the wider environment. The proposed buildings will have appropriate relationships with adjacent buildings and the streetscape.
  - The layout, scale and form of the proposed subdivision and site works will be in keeping with the anticipated development pattern of the underlying framework plan, and the anticipated future development (including its amenity values and character) on the subject land and within the Hobsonville Point Sub-precinct B. This emerging development pattern is characterised by a range of allotment sizes and housing densities, and enables a variety of housing typologies. The proposed subdivision and development of the Super-lot BB10 is consistent with these anticipated outcomes, and is considered to be in keeping with the amenity and

future residential and neighbourhood character of the surrounding environment including that of other approved developments within BB10.

- The overall height, bulk and scale of the buildings will be compatible with other existing or future planned buildings in the surrounding area and the overall bulk and height of buildings that are anticipated in this location. I consider that the design and massing of the buildings will ensure that the overall development of the site remains compatible with the overall level and scale of buildings that are anticipated in this location. Overall, it is considered that the bulk, height and scale of the proposal is what could reasonably be anticipated on the site in this urban location of Auckland.
  - The proposed buildings will provide an appropriate level of interaction with the streetscape, and the private lane (common access lot / Lot 50).
  - The overall building, landscaping and paving layout of the site is compatible with the surrounding emerging neighbourhood. The proposed development will provide appropriate areas of outdoor space for residential units and this will contribute to a good living environment and standard of amenity. These areas will be accessible from the indoor living areas and will be orientated to the north and west of dwellings to receive good levels of daylight access and contribute towards an appropriate overall living environment and level of on-site amenity that is commensurate with the outcomes sought in this location.
  - The construction effects can be appropriately managed to be less than minor in scale, noting the temporary nature of these effects and the management and controlling methodologies proposed in the application and further reinforced in the recommended conditions.
  - Erosion and Sediment Control measures are proposed to ensure adverse sediment run-off effects are appropriately managed and mitigated during the earthworks stage of the development.
  - The proposal can provide an appropriate level of car parking on-site in a manner that does not adversely affect the safe and efficient operation of the road network or result in adverse traffic generation. The traffic and transportation effects have been reviewed and found to be acceptable.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, having considered relevant objectives and policies as they relate to the Residential Mixed Housing Urban and Terrace Housing and Apartment Building zones, the Buckley B Precinct and Transport and for Earthworks, the proposal is considered to be consistent with the relevant objectives, policies and assessment criteria. In particular:
- This will provide for the site preparatory and enabling works. The installation of appropriate erosion and sediment controls will ensure sediment is appropriately managed and that sediment discharge is minimised.
  - The number and layout of parking spaces on site is appropriate.
  - The proposal provides for the efficient use of the site in close proximity to public transport and local services with a residential development that is sought in this location.
  - The proposed development are considered to be acceptable in the context the

residential character of the receiving environment, and the scale and nature of proposed residential development will be in keeping with the amenity of the existing and anticipated surrounding residential environment.

- The 2-3 storey building height and form are considered to be in keeping with both the built character anticipated by the MHU and THAB Zones and by the heights anticipated by both the MHU and the Buckley B Precinct.
- A range of housing typologies (terrace) will provide for a compatible mix of residential living options whilst increasing housing supply.
- The proposed development includes houses that are of a height, bulk, form and appearance that positively respond to the site and the neighbourhood's planned residential character and also provide a choice of living environments. The various forms of landscaping proposed including planting within private lots and laneways ensure on-site amenity is maintained across the development. The proposal integrates well into Hobsonville Point and the wider Hobsonville area
- The proposed development has been designed to achieve attractive and safe streets through providing typologies that contain living areas that provide for passive surveillance of the street. Permeable fencing is proposed within front yards across the development site that also provide for passive surveillance of the street. A variety of tree and low amenity planting species are proposed to provide front yard landscaping.
- The proposal will provide a high quality design outcome that is commensurate with the outcomes sought in the location and in a manner that provides for a high quality living environment and on-site amenity for future residents. The design of the buildings has been integrated with adjacent sites to ensure good onsite amenity is achieved.
- The proposal will maintain an appropriate level of amenity and which can be appropriately serviced by public infrastructure.

As a restricted discretionary activity no other matters can be considered under s104(1)(c).

Overall the proposal is considered to be generally consistent with the relevant matters for discretion of the AUP (OP), and the outcomes anticipated for the consideration of new dwellings in Residential Mixed Housing Urban and Terrace Housing and Apartment Building zones and the Hobsonville Point Buckley B Precinct. Any actual or potential adverse effects are assessed to be less than minor and the proposed residential development is acceptable in the context of the surrounding receiving environment. Furthermore the application is considered to meet the relevant tests of the RMA, and can be considered to provide an efficient use of an existing land resource. For these reasons, the proposal is considered to be acceptable from a resource management perspective.

## Decision 2 - Subdivision

### Decision

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

Acting under delegated authority, under sections 104, 104A, 104C and 106 the applications are

## GRANTED

1. The applications are for controlled and restricted discretionary activity resource consents, as such under s104A and s104C only those matters over which council has reserved its control or restricted its discretion have been considered. Those matters are:

### Auckland Unitary Plan (Operative in Part)

- E38.12.1(6) and (7) Matters for discretion (Subdivision); and
- E38.11.1 Matters of Control (Unit Title Subdivision)

In addition, conditions have only been included in relation to those matters.

2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
  - The scale and form of the proposed subdivision and site works will be in keeping with the anticipated development pattern in this location (including its amenity values and character) on the subject land. This development pattern is characterised by a range of allotment sizes and housing densities, and enables a variety of housing typologies. The proposed subdivision is consistent with these anticipated outcomes, and is considered to be in keeping with the amenity and residential character of the surrounding environment.
  - Vehicle crossings and accesses have been established in accordance with the underlying subdivision consent, and each dwelling has been provided with sufficient parking at or above the minimum rates required for dwellings, and complying with the relevant design standards.
  - The subdivision has appropriate regard to the zone boundaries and the layout has been designed to address this.
  - The proposed subdivision and development is in keeping with the anticipated density of the underlying subdivision consent and can be appropriately serviced by the public infrastructure delivered by that consent. The Council's Development Engineer has reviewed the proposal and has confirmed that these consents can be granted subject to standard subdivision completion conditions.
  - The proposed unit title subdivision will be consistent with the approved landuse (LUC60322351) which forms part of this application and will facilitate the Unit Title in a manner that is anticipated by this application. Conditions of consent have been imposed to meet the requirements of s224(F) specifically that the buildings within the unit title plan will comply with s116A of the Building Act 2004.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the relevant objectives, policies and assessment criteria of the Auckland Unitary Plan (Operative in Part) as it relates to subdivision in urban areas and the Residential: Mixed Housing Urban and Terrace Housing and Apartment Building zone provisions. The proposal will provide for a subdivision around the approved landuse consent in a manner that is anticipated in this location and that will maintain an appropriate level of amenity and which can be appropriately serviced by public infrastructure.
4. As a restricted discretionary activity no other matters can be considered under s104(1)(c).
5. The proposed subdivision will not be subject to material damage 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.

Overall the proposal meets the provision set out in section 104 and 106 of the RMA and is acceptable.

## Conditions

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

### General Conditions

1. The proposed residential dwellings (29), earthworks, subdivision and associated works shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers LUC60322351 and SUB60322352
  - Application Form, and Assessment of Environmental Effects prepared by Woods and Partners Ltd dated 27 June 2018.

Report title and reference	Author	Rev	Dated
Geotechnical Assessment at Buckley B Stage 3 Hobsonville	Coffey		22 Sept. 2017
Aquacomb Stormwater Details	AquaComb		
Overland Flowpath Report	Babbage	B	23/08/2018
Overland Flow Path Assessment	Woods		6 August 2018 and 6 March 2019

Plan title and reference	Author	Rev	Dated
Lighting Plan 1.201	Avery Team Architects		20/6/2108
Elite PIR Lighting Specifications (3 sheets)	Elite PIR		
BB10 Exterior Colour Scheme	Avery Team Architects		
Architect Layout Plan GE-001	Woods	2	August 2018
Existing Contours Plan EW-100	Woods	2	August 2018
Final Contours Plan EW-101	Woods	2	August 2018
Cut Fill Plan EW-102	Woods	2	August 2018
Sediment and Erosion Control	Woods	A	August 2018

Plan EW-103				
JOALS Layout Plan RD-200	Woods	2		August 2018
JOALS Long- Section Plan RD- 201	Woods	2		August 2018
JOAL Typical Detail Plan RD- 202	Woods	3		March 2019
Stormwater and Wastewater Plan EW-300	Woods	2		August 2018
Stormwater Overland Flow Path Plan EW-310	Woods	2		August 2018
Stormwater Overland Flow Path Plan Cross Sections EW-311	Woods	2		August 2018
Water Plan WS- 600	Woods	2		August 2018
Utility Plan UT-700	Woods	2		August 2018
Tracking Cures 1000-MISC	Woods	1		May 2018
Tracking Cures 1001-MISC	Woods	1		May 2018
Tracking Cures 1002-MISC	Woods	1		May 2018
Tracking Cures 1003-MISC	Woods	1		May 2018
Tracking Cures 1004-MISC	Woods	1		May 2018
Tracking Cures 1005-MISC	Woods	1		May 2018
Resource Consent – Stage 3A Sheet 1 RC01	Harrison Grierson	B		25.06.18
Resource Consent – Stage 3A Sheet 1 RC02	Harrison Grierson	B		25.06.18
Resource Consent – Stage 3A Sheet	Harrison Grierson	B		25.06.18

1 RC03

Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC07	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC08	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC09	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC10	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC11	Harrison Grierson	A	30.08.2018

**Architectural Drawing Set prepared by Avery Team Architects**

Sheet Number	Sheet Name	Sheet Issue Date
0.00	Cover Page	03/08/18
0.002	Sheet List	03/08/18
1.001	Wider Context Plan	03/08/18
1.002	Location Plan	03/08/18
1.003	Framework Plan Context	03/08/18
1.101	Site Analysis	03/08/18
1.102	Lot Layout Options	03/08/18
1.103	Design Response	03/08/18
1.201	Site Plan	03/08/18
1.202	Typology Plan	03/08/18
1.203	Site Hardscape Plan	03/08/18
1.204	Site Fencing Plan	03/08/18
1.301	Street Elevation NE & NW	03/08/18
1.302	Street Elevation SE & SW	03/08/18
1.501	Overview - North	03/08/18
1.502	Overview - South	03/08/18
1.511	Perspectives	03/08/18
1.512	Perspectives	03/08/18
1.513	Perspectives	03/08/18

Sheet Number	Sheet Name	Sheet Issue Date
1.514	Perspectives	03/08/18
1.515	Perspectives	03/08/18
1.516	Perspectives	03/08/18
2.111	Lots 1-7 Site Plan	03/08/18
2.121	Lots 1-7 Level 0	03/08/18
2.122	Lots 1-7 Level 1	03/08/18
2.131	Lots 1-7 Elevations	03/08/18
2.132	Lots 1-7 Elevations	03/08/18
2.133	Lots 1-7 Perspective Views	03/08/18
2.181	Lots 1-7 Fencing Plan	03/08/18
2.191	Lots 1-7 Retaining Walls	03/08/18
2.211	Lot 200 Site Plan	03/08/18
2.221	Lot 200 Level 0	03/08/18
2.222	Lot 200 Level 1	03/08/18
2.231	Lot 200 Elevations	03/08/18
2.232	Lot 200 Elevations	03/08/18
2.233	Lot 200 Perspective Views	03/08/18
2.281	Lot 200 Fencing Plan	03/08/18
2.291	Lot 200 Retaining Walls	03/08/18

Sheet Number	Sheet Name	Sheet Issue Date
2.311	Lots 14-21 Site Plan	03/08/18
2.321	Lots 14-21 Level 0	03/08/18
2.322	Lots 14-21 Level 1	03/08/18
2.331	Lots 14-21 Elevations	03/08/18
2.332	Lots 14-21 Elevations	03/08/18
2.333	Lots 14-21 Perspective Views	03/08/18
2.381	Lots 14-21 Fencing Plan	03/08/18
2.391	Lots 14-21 Retaining Walls	03/08/18
2.411	Lots 22-29 Site Plan	03/08/18
2.421	Lots 22-29 Level 0	03/08/18
2.422	Lots 22-29 Level 1	03/08/18
2.431	Lots 22-29 Elevations	03/08/18
2.432	Lot 22-29 Elevations	03/08/18
2.433	Lot 22-29 Perspective Views	03/08/18
2.481	Lots 22-29 Fencing Plan	03/08/18
2.491	Lots 22-29 Retaining Walls	03/08/18
8.001	Compliance Schedule	03/08/18
8.002	Compliance Schedule	03/08/18
8.003	Yards - Level 0	03/08/18

Sheet Number	Sheet Name	Sheet Issue Date
8.004	Yards - Level 1	03/08/18
8.005	Utility & Outdoor Space - Level 0	03/08/18
8.006	Utility & Outdoor Space - Level 1	03/08/18
8.007	Outlook - Level 0	03/08/18
8.008	Outlook - Level 1	03/08/18
8.009	Height in Relation to Boundary	03/08/18
8.010	Fence Types	03/08/18
8.011	Letterbox Types	03/08/18
8.012	Typical Bin Enclosure	03/08/18
8.101	Building Coverage Plan	03/08/18
8.102	Building Coverage Schedule	03/08/18
8.111	Impervious Coverage Plan	03/08/18
8.112	Impervious Coverage Schedule	03/08/18
8.121	Landscape Coverage Plan	03/08/18
8.122	Landscape Coverage Schedule	03/08/18
8.201	Solar Study Summer	03/08/18
8.202	Solar Study September	03/08/18
8.203	Solar Study Winter	03/08/18

**The above drawings have been updated by the following:**

Utility and Outdoor Space 8.005 Level 0 dated 2/10/2018

Utility and Outdoor Space 8.006 Level 1 dated 2/10/2018

Retention Tank Schematic 8.015 dated 02/2018

Other additional information	Author	Rev	Dated
S92 response letter with attachments (as referenced above)	Woods		30 August 2018
Addendum Letter re: Unit Title (With additional Unit Title Plans as referenced above)	Woods		30 August 2018
Traffic Management in Laneways Addendum	Flow Transportation Specialists		19 July 2018
S92 response re: Geotechnical Queries	Coffey		30 July 2018
Email re: OLFP	Woods		18/09/2018
Email: SW	Woods		2/10/2018
Email re: WW	Woods		9/10/2018
Email re: WW Capacity	Woods		17/01/2019
Wastewater Capacity Assessment	Babbage		16/01/2019

2. The consent holder shall pay the council an initial consent compliance monitoring charge of \$990 (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. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.*

**Landuse Conditions LUC60322351**

**Pre-start Meeting**

3. Prior to the commencement of the earthworks activity, the consent holder shall hold a pre-start meeting that:
  - a. is located on the subject site
  - b. is scheduled not less than 5 days before the anticipated commencement of earthworks
  - c. includes all relevant Council Officers e.g. Monitoring officer, Arborist and etc.
  - d. includes representation from the contractors who will undertake earthworks and suitably qualified professionals
  - e. The following information shall be made available at the pre-start meeting including specific references to all relevant documentation, such as resource consent conditions, Sediment Control Plan.

**Advice Note:**

*To arrange the pre-start meeting required by Condition 3 please contact the Team Leader West Monitoring & Incidents to arrange this meeting +64 9 301 0101. 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.*

**Landscape Plan**

4. Within the first planting season following the completion of the works on site and prior to occupation of the dwellings, the consent holder shall implement the landscape planting and all other related landscaping in accordance with the landscape plans referenced in condition 1 prepared by Natural Habitats. The landscaping shall be maintained thereafter.

**Traffic management plan:**

5. Prior to the commencement of activity on the subject site, a finalised Traffic Management Plan (TMP) shall be prepared in accordance with NZTA Code of Practice for Temporary Traffic Management and shall address the control of the movement of earthmoving/constriction vehicles to and from the site.

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

## **Construction Traffic Management Plan**

6. The consent holder shall submit to the Council (Team Leader Compliance and Monitoring), prior to any works commencing, a Construction Traffic Management Plan (CTMP) prepared in accordance with the Council's requirements for CTMPs and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management. No construction activity is permitted to commence until the CTMP for the work has been approved by the Council (Team Leader Compliance and Monitoring – West 2) and all construction traffic shall be managed in accordance with the approved CTMP.

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

## **Earthworks**

7. The Team Leader, Compliance & Monitoring North West 2 shall be notified at least two (2) working days prior to earthwork activities commencing on the subject site.

### **Advice Note:**

*In order to comply with Condition 7, please fill out the "Notice of Works Commencing" form supplied with your Resource Consent pack and forward this to Council as noted on the form to advise of the start of works.*

8. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out.

### **Advice Note**

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance & Monitoring North West 2 on +64 9 301 0101 for more details. Alternatively, please refer to "Auckland Regional Council, Technical Publication GD05 Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region".*

9. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Compliance & Monitoring North West 2.
10. The site shall be progressively stabilised against erosion at all stages of the earthwork activity.
11. All earthworks activity on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise.
12. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that in the opinion of the Team Leader, Compliance & Monitoring North West 2 is noxious, offensive or objectionable.

### **Advice Note:**

*It is recommended that potential measures as discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance & Monitoring North West 2 on +64 9 301 0101 for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".*

13. Notice shall be provided to the Team Leader, Compliance & Monitoring North West 2, at least two (2) working days prior to the removal of any erosion and sediment control works.

**Wastewater**

14. The consent holder shall provide an extension of the existing public wastewater system to serve the proposed development with separate public connections for each Lot and with the installation of reticulation to the boundary of the upstream property development in accordance with Watercare Service Limited standards; refer Water and Wastewater Code of Practice for Land Development and Subdivision.

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Stormwater**

15. The consent holder shall provide an extension of the existing public stormwater system in accordance with Auckland Council standards; refer Auckland Council Code of Practice for Land Development and Subdivision. Provide a copy of the Engineering Approval Completion Certificate (EACC).

16. **Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Sustainable Design**

16. At the building consent stage for each dwelling, the consent holder shall demonstrate that the following methods and specific requirements are adopted and met in full for the dwelling, to the satisfaction of the Development Engineering Team West:
- a. A calculated or modelled BPI value at 1.2 or lower using an acceptable method for calculating compliance with H1 of the New Zealand Building Code.
  - b. All dwellings have a solar or heat pump hot water system installed, or an alternative system that achieves a minimum of 5.5 stars applying the EECA Water Heating Assessment Tool.
  - c. Fitted with water efficient fixtures, to a minimum 3 Star standard (under the Water Efficiency Labelling Scheme (WELS)).
  - d. Non-potable water requirements (for toilets, laundry and gardens) supplied by rainwater tanks (or bladders) sized in accordance with the table below. Rain tank/bladder tanks are not required for walk up apartment and apartment housing typologies.
  - e. The following minimum sizes for rainwater tanks (or bladders apply) to all dwellings.

Dwelling type	Minimum tank (or bladder)
2 bedroom	2000L
3 bedroom	3000L*
4 bedroom	3000 L (roof area greater than 110m <sup>2</sup> ), or 5000 L (roof area up to 110m <sup>2</sup> )

\* All attached houses to be 3000 L max

- (f) For lots 2, 3, 4 and 6 using Aquapods, ensure the downpipes are suitably protected with first flush diverter to prevent debris entering the tanks.

- (g) Provide an as-built plan prepared by a certifying drainlayer/plumber signed as sighted and approved by a Council Inspector.

Prior to the occupation of the dwelling, these requirements shall then be implemented in full for each dwelling and maintained thereafter, unless agreed in writing by the Development Engineering Team Leader West

### **Overland Flowpath**

17. The consent holder shall divert and form the 1 in 100 year overland flow path as detailed on sheet P17-369-EW-310 in the report titled Overland Flow Path Assessment by Woods, dated 6<sup>th</sup> August, 2018 and 6 March 2019. Specific requirements:
- (a) Provide an As-Built plan, long section and cross sections, prepared by a Licensed Cadastral Surveyor to demonstrate that the completed overland flowpath meets the design requirements as specified above.
  - (b) Provide certification from a suitably qualified engineer that the overland flowpath has been constructed in accordance with the approved design.

**Advice note:** *This information will be recorded on Council's Hazards and Special Features Register.*

### **Subdivision Conditions SUB60322352**

18. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
- (a) A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - (b) An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

### **Unit Title Conditions (Lot 200 to Create 6 Principal Units and 6 Accessory Units)**

19. Pursuant to Section 116(1A) of the Resource Management Act 1991, this subdivision consent shall not be given effect by approval of the survey plan pursuant to section 223 of the Resource Management Act 1991, until the land use consent (LUC60322351) has been given effect to the extent that the proposed buildings have been erected to the stage that the exterior walls are up and the roofs are installed.

### **Public Utility**

20. The Consent Holder shall ensure:
- (a) Adequate provision shall be made to the satisfaction of the Council for the disposal of storm water and wastewater from the development and for the provision of water supply to all units on the site.
  - (b) Where necessary, the existing public systems to and within the site shall be extended to provide each unit with individual connection points.

### **Network Utility Services**

21. The Consent Holder shall ensure:
- (a) Power, telephone services and water supply shall be installed underground to provide

service connections to all proposed units. This connection shall be at the road boundary, or where the property has no road boundary, in a position that allows the subject unit to be serviced directly from the common area.

- (b) Council are provided with completion certificates from power, telecommunications and water supply utility service providers.

### **Staging of Consents**

- 22. For the purposes of the s223 and s224 conditions set out below, the subdivision staging is proposed as follows:

#### **Stage 1**

Creation of 21 freehold residential lots and one common access lot.

#### **Stage 2**

Creation of a unit title subdivision with proposed principal units PU8-PU13 created from proposed Lot 200.

### **Survey Plan Approval (s223) Conditions**

Provide a survey plan of the subdivision to Council to be approved pursuant to Section 223 of the Act. The application requesting the s223 certification:

- Shall be in writing; and
- Shall provide a detailed explanation to address how each of the following conditions have been satisfied.

#### **Stage 1 (Creation of 21 freehold residential lots and one common access lot)**

- 23. The Survey Plan shall be in accordance with the following plans:

<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Resource Consent – Stage 3A Sheet 1 RC01	Harrison Grierson	B	25.06.18
Resource Consent – Stage 3A Sheet 1 RC02	Harrison Grierson	B	25.06.18
Resource Consent – Stage 3A Sheet 1 RC03	Harrison Grierson	B	25.06.18

All referenced by Council as **SUB60322352** and the information submitted with the application (including further information).

- (a) Provide drainage and water supply easements for private services that pass through adjacent Lots to protect the existing or proposed private drains and water supply mains in a Memorandum of Easements endorsed on the survey plan.
- (b) Provide all necessary party wall and maintenance easements in a Memorandum of Easements endorsed on the survey plan.

24. A body corporate, incorporated society or other legal entity shall be formed in respect to the management and on-going maintenance of the common access lot labelled as Lot 50 on the scheme plan. All units located on Lots 1-7, 16-19, 22-27 and 200-203 must join the body corporate / incorporated society and be a member thereafter.

**Advice Notes**

1. *The Landonline documentation shall include the s223 and any other TA Certificates applicable. Note that the TA Ref. is SUB60322352 (West).*
  2. *The consent holder must ensure that placement of the services and driveway/s occurs entirely within the easement/s and/or lot boundaries as shown.*
  3. *Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.*
25. The consent holder shall provide and install road naming signs in accordance with the council's standards for the private roads, common access lots and access strips that serve six or more lots within the subdivision. The names shall be as approved by the council.

**Advice Note:** *Land Information New Zealand (LINZ) requires that proposed roads, private roads within common access lots or lot accesses comprising panhandle access strips and/or reciprocal rights of way easements that serve six (6) or more lots are to be named. LINZ has indicated that a name for the road or private road should be in place before the survey plan of subdivision is approved by the council under section 223 of the RMA and advises that if no name is in place this could be problematic when titles are later requested. The consent holder should obtain evidence of acceptance from LINZ that the proposed names are not duplicated within the Auckland Council area before submitting the names to the council for reporting to the relevant Local Board for approval. In giving its approval, the Local Board will have regard to the relevance of the road names to the locality, or determine that the names are otherwise appropriate.*

**Stage 2 Unit Title**

26. The Survey Plan shall be in accordance with the following plans

<b>Plan title and reference</b>	<b>Author</b>	<b>Rev</b>	<b>Dated</b>
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC07	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC08	Harrison Grierson	A	30.08.2018
Resource Consent – Stage 2 for Units on Lot 200 Stage 1 RC09	Harrison Grierson	A	30.08.2018
Resource Consent	Harrison Grierson	A	30.08.2018

– Stage 2 for Units  
on Lot 200 Stage 1  
RC10

Resource Consent  
– Stage 2 for Units  
on Lot 200 Stage 1  
RC11

Harrison Grierson

A

30.08.2018

27. The Consent Holder shall provide Council with the survey plan under Section 223 of the RMA Act 1991 when all units have been erected to the stage that the exterior walls are up and the roof is on. The requirements for the building pursuant to Section 116A of the Building Act 2004 shall be satisfied prior to the issue of the Section 224(f) certificate.
28. Accessory Units for vehicle parking shall be held in the ownership of the nominated Principal Units in accordance with the following schedule:-

Principal Unit	Accessory Unit
PU 8	AU 1C
PU 9	AU 4C
PU 10	AU 6C
PU 11	AU 2C
PU 12	AU 3C
PU 13	AU 5C

Compliance with this condition shall be on a continuing basis and the Body Corporate shall be responsible for the allocation and management of this incidental right.

29. The certificate under Section 32(2)(a) of the Unit Titles Act shall be executed by the Council when all prerequisites for its issue have been satisfied.
30. The applicant shall notify the Council when the survey plan is lodged with Landonline for approval under Section 223 of the Act. The plan will be approved if it is in accordance with this consent.

### **Section 224(c) Compliance Conditions for stage 2**

31. All conditions (conditions 19-21 and 26-30) shall be satisfied before Council will issue its certificate under Section 224(c) of the Resource Management Act 1991.

### **Section 224(c) Compliance Conditions**

32. The application for a certificate under section 224(c) of the RMA shall be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with, and that in respect of those conditions that have not been complied with:

- a) a completion certificate has been issued in relation to any conditions to which section 222 applies;

**These Conditions Apply to Stage 1(Creation of 21 freehold residential lots and one common access lot)**

**Wastewater**

33. Provide an extension of the existing public wastewater system to serve the proposed subdivision and install such reticulation to the boundary of the upstream property development in accordance with Watercare Service Limited's (WSL) standards; refer Water and Wastewater Code of Practice for Land Development and Subdivision. Specific requirements:
- a. Provide a copy of the Engineering Approval Completion Certificate (EACC).
- Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*
- Advice note:** *Installation of public drainage requires separate Engineering Plan Approval (EPA). 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*
34. Provide separate connections to the new public wastewater system to serve each Lot in accordance with Watercare Service Limited's (WSL) standards; refer Water and Wastewater Code of Practice for Land Development and Subdivision. Specific requirements:
- a. Provide new separate connections for each Lot. Provide a copy of the Engineering Approval Completion Certificate (EACC).

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Advice note:** *Installation of a public wastewater connection requires Engineering Plan Approval. (EPA). 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*

**Water**

35. Provide and install separate private water service pipes to serve each rear Lot as specified in Watercare Service Ltd's Code of Practice; refer Water and Wastewater Code of Practice for Land Development and Subdivision. Specific requirements:
- (a) Provide an as-built plan prepared by a certified drainlayer/plumber to the satisfaction of Council' Development Engineering Team Leader.
- (b) Provide certification from a Licensed Cadastral Surveyor that the private water pipes have been laid within the easement provided.
- Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*
36. Construct an extension of the existing public watermain located on plan no. RC02 Rev B Ref no 143796 to serve each Lot and install such reticulation to the boundary of the upstream properties. Specific requirements:
- (a) Provide a copy of the Engineering Approval Completion Certificate (EACC).

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Advice note:** *Installation of public drainage requires separate Engineering Plan Approval (EPA). 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*

37. Install new fire hydrants on the existing public watermain in accordance with the plan Prepared by Harrison & Grierson Limited, dated 25<sup>th</sup> June, 2018, Rev No B in accordance with SNZ PAS 4509:2008 New Zealand Fire Service Firefighting Water Supplies Code of Practice. Specific requirements:

(a) Provide a copy of the Engineering Approval Completion Certificate (EACC).

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Advice note:** *Installation of a public hydrant requires separate Engineering Plan Approval (EPA). 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*

### **Stormwater**

38. Provide an extension of the existing public stormwater system to serve the proposed subdivision and install such reticulation to the boundary of the upstream property in accordance with Auckland Council standards; refer Auckland Council Code of Practice for Land Development and Subdivision. Specific requirements:

(a) Provide a copy of the Engineering Approval Completion Certificate (EACC).

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

**Advice note:** *Installation of public drainage requires separate Engineering Plan Approval (EPA). 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*

39. Provide separate connections to the existing public stormwater system to serve each Lot in accordance with Auckland Council standards: refer Auckland Council Code of Practice for Land Development and Subdivision. Specific requirements:

- a. Provide new separate connections for each Lot. Provide a copy of the Engineering Approval Completion Certificate (EACC).

**Advice note:** *Installation of a public stormwater connection requires separate approval from Auckland Council. Apply for Engineering Plan Approval (EPA) for the applicants certifying drainlayer/contractor to undertake works under Council supervision. 224c will not be issued until the Engineering Approval Completion Certificate (EACC) is issued by Council's Development Engineering Team Leader.*

**Advice Note:** *This condition may be complied with if the works are undertaken with the approved EPA (ENG60326513 and ENG60310119).*

### **Overland Flowpath**

40. Divert and form the 1 in 100 year overland flow path as detailed on sheet P17-369-EW-310 in the report titled Overland Flow Path Assessment by Woods, dated 6<sup>th</sup> August, 2018 and 6 March 2019. Specific requirements:

(c) Provide an As-Built plan, long section and cross sections, prepared by a Licensed Cadastral Surveyor to demonstrate that the completed overland flowpath meets the design requirements as specified above.

- (d) Provide certification from a suitably qualified engineer that the overland flowpath has been constructed in accordance with the approved design.

**Advice note:** *This information will be recorded on Council's Hazards and Special Features Register.*

### **Information Communication Technology (ICT)**

41. Design, provide and install a complete Information Communication Technology (ICT) Network for the future provision of ICT services within the development in compliance with Section 8 of Council's Code of Practice for City Infrastructure and Land Development. Submit an Engineering Plan approval application to Auckland Council Development Engineering for approval prior to commencing works. Submit certified as-built plans in accordance with the requirements of the Auckland Council Asset Data Standards to the satisfaction of the Council's Development Engineering Team Leader.
42. The consent holder shall cause to be registered against the Certificate of Titles for all lots (Lots 1-7, Lots 16-19, Lots 22-27 and Lots 200-203), a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition to be complied with on a continuing basis:
- (a) Building Designs

The lots have been approved based on an approved development shown by the council as consent number LUC60322351. The construction of any Residential Unit including all landscaped areas on this lot shall be in accordance with the approved Residential Units as shown on the approved architectural plans prepared by Avery Team Architects and Council Reference: LUC60322351, unless varied by subsequent consents.

### **Consent Notice Instrument**

The Consent Notice Instrument will be prepared by Auckland Council's solicitors at the cost of the consent holder and will contain the terms and conditions the solicitors usually include in such documents. The owner or the consent holder's solicitor should contact Team Leader, Compliance Monitoring (West) to request the Covenant Instrument to be prepared and registered. The following should accompany that request:

A copy of the consent condition;

A recent copy of the Certificate of Title.

### **Surveyors Certificates**

43. Provide "as built" plans from a Licensed Cadastral Surveyor at the 224c identifying and certifying that all services have been located in accordance with the locations on registered easements, or within legal boundaries to the satisfaction of the Team Leader - Development Engineering.

### **General**

44. Provide confirmation from the Network Utility Operators that:
- (a) Each lot (Lots 1-7, Lots 16-19, Lots 22-27 and Lots 200-203), is satisfactorily provided with underground power and telecommunication services to the net area of the lots.

### **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's*

monitoring inspector unless otherwise specified. Please contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.

3. For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
4. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety in Employment Act 1992), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. Civil Aviation Authority (CAA) rules and regulations apply in relation to the height of permanent and temporary obstacles (including but not limited to structures, construction equipment, cranes and trees) within the Obstacle Limitation Surface for RNZAF Base Whenuapai. All persons carrying out work under this resource consent and any related building consent must therefore comply with all obligations arising under CAA rules and regulations, including obligations to notify the Director CAA as outlined in CAA Rules Part 77. Parties are advised to contact CAA for further information or to refer to [www.caa.govt.nz/airspace/airspace-hazard](http://www.caa.govt.nz/airspace/airspace-hazard).
7. The application documents show drainage works are proposed through the neighbouring property. The granting of this resource consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve 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.
8. To obtain sign-off for the resource consent, the services described by the condition/s (specify) are required to be in place to the satisfaction of Council.
9. Watercare Services Ltd have advised that connections to the existing public wastewater system / watermain / fire hydrant shall be carried out by Watercare Services Ltd's contractor. At the time application for a water and/or wastewater connection of (or application for demand increase), a water and wastewater Infrastructure Growth Charge (IGC) per additional equivalent unit shall apply. Details of the Charges are available on the website [www.watercare.co.nz](http://www.watercare.co.nz).
10. Apply to Watercare Services Limited for Works Over approval for any proposed dwelling or retaining structure within 2m of a public wastewater or water asset.
11. The application documents show drainage works are proposed through the neighbouring property. The granting of this Resource Consent does not in any way allow the applicant to enter and construct drainage within neighbouring property, without first obtaining the agreement of all owners and occupiers of said land to undertake the proposed works. Any negotiation or agreement is the full responsibility of the applicant, and is a private agreement that does not involve 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.*

12. *Public stormwater drainage connections are to be taken into the body of the lot, and are to terminate not less than 1 metre inside the Lot.*
13. *Connections are to be approved and constructed as part of the Engineering Approval. Application and approval must be granted prior to works commencing. All connections shall be marked by a 50mm x 50mm x 1m tantalised painted blue (stormwater) or red (wastewater) stake on completion and clearly dimensioned on any drainage "as built". In the event the connection into the Lot is not ready to be connected to the private system, the public connection shall also be capped in readiness for future development.*
14. *ENG60326513 has been approved for the JOAL and the applicant confirmed vehicle crossings are established under ENG60310119 and EACC has been issued.*

Delegated decision maker:

Name: Sonja Lister

Title: Team Leader, Resource Consents

Signed:



Date: 21.03.2019

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## Decision on an Application for a Resource Consent under the Housing Accords and Special Housing Area Act 2013

<b>Application Number(s):</b>	LUC-2016-1582 and SUB-2016-1673
<b>Applicant's Name:</b>	AVJ Hobsonville Pty Ltd
<b>Site Address:</b>	Buckley B, Stage 2 and 3, bordered by Hobsonville Point Road, Scott Point Road and Clark Road, Hobsonville
<b>Legal Description:</b>	415-419 Hobsonville Road - Sections 5 & 6 SO 428976 83 Hobsonville Point Road – Lot 4 DP 473046 105 Hobsonville Point Road - Lot 5 DP 473046 64-117 Clark Road – Lot 1 DP 308781
<b>Proposal:</b>	The integrated stage two and three for super lot subdivision at the Buckley B Precinct, comprising of the creation of 12 super lots (Lots 1-12), two parks (Lots 13 and 14) and 10 Road Lots (Lots 15-25).

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Housing Accords and Special Housing Areas Act 2013 (HASHAA) and make a decision under delegated authority on this application.

This requires resource consent for the following reasons:

### Proposed Auckland Unitary Plan (PAUP)

#### Chapter E – Auckland Wide – Natural Resources

- Chapter E10 (Stormwater Management Area – Flow 1) Activity Table E10.4.1 (A6)/(A9) – development of new impervious areas for a road greater than 5000m<sup>2</sup> within a Stormwater Management Area Flow 1 that meets Standard E10.6.1 and E10.6.3.1 is a **restricted discretionary activity**. The proposed road to vest is 19,577m<sup>2</sup> of which approximately 17,620m<sup>2</sup> will be impervious. Standard E10.6.1 will be met as it will be discharged into a wetland authorized under an approved Network Discharge Consent (Hobsonville Network

Discharge Consent 27016) and E10.6.3.1 will be met as the wetland W1 has been designed to meet the hydrology mitigation requirements of this standard.

- Chapter E11 (Land Disturbance Regional) Activity Table E11.4.1 (A4) – **controlled activity** for earthworks of greater than 10,000m<sup>2</sup> up to 50,000m<sup>2</sup> whereby the land has a slope of less than 10 degrees outside the sediment control protection area, with proposed earthworks for both stages 2 and 3 carried out over an area of 9.59ha (3.86ha for stage 2 and 5.73ha for stage 3), involving a total volume of earthworks of 41,400m<sup>3</sup> (stage 2 – cut 6,600m<sup>3</sup> and fill 7,200m<sup>3</sup> and stage 3 cut 18,800m<sup>3</sup> and fill 8,800m<sup>3</sup>).
- Chapter E12 (Land Disturbance – District) Activity Table E12.4.1 (A6) – **restricted discretionary activity** for earthworks greater than 2500m<sup>2</sup> in area (A6) and 2500m<sup>3</sup> in volume (A10), with proposed earthworks for both stages 2 and 3 carried out over an area of 9.59ha (3.86ha for stage 2 and 5.73ha for stage 3), involving a total volume of earthworks of 41,400m<sup>3</sup> (stage 2 – cut 6,600m<sup>3</sup> and fill 7,200m<sup>3</sup> and stage 3 cut 18,800m<sup>3</sup> and fill 8,800m<sup>3</sup>).
- Chapter E36 (Natural Hazards and Flooding) Activity Table E36.4.1 (A41) – **restricted discretionary activity** for diverting the entry or exit of an overland flowpath. The proposed earthworks would divert the overland flowpaths through the site down the road networks.
- Chapter E36 (Natural Hazards and flooding) Activity Table E36.4.1 (A56) – **restricted discretionary activity** for the construction of infrastructure within an overland flowpath. The definition of infrastructure includes roads which will serve as the primary conveyance method for overland flows.

#### Chapter E - Auckland Wide - Subdivision

- Chapter E38 (Subdivision – Urban Table E38.4.1 Activity Table (A7) – Subdivision of a site within two or more zones – a **restricted discretionary activity** given the parent site has both Mixed Housing Urban and Terraced Housing and Apartment zoning.
- Chapter E38 (Urban Subdivision – Urban Table E38.4.1 Activity Table (A11) – Subdivision in residential for specific purposes– a **restricted discretionary activity** for subdivision of land which contains areas that are subject to one per cent annual exceedance probability floodplain.
- Chapter E38 (Urban Subdivision) – **Non complying Activity** Consent is sought as pursuant to Table E38.4.2 (A19) the proposal involves a subdivision of a parent site of over 1 ha (the site is 2.4ha) that would not meet the standards of E38. 8.3.1. The proposed subdivision is for 12 residential super lots and 10 roads to vest with an average

maximum net site area of 5,392m<sup>2</sup>, which exceeds the 360m<sup>2</sup> maximum average specified in Table E38.8.3.1.1 (N.B the roads to vest has been excluded from this calculation).

Acting under delegated authority, under section 34, 35, 36 of the Housing Accords and Special Housing Area Act 2013, this application is **GRANTED, SUBJECT TO CONDITIONS.**

### **Reasons**

Under section 39 of the Housing Accords and Special Housing Area Act 2013 the reasons for this decision are:

- The proposal is considered to be consistent with the purpose of the HASHAA, and enables earthworks and super lot subdivision associated with the future development and consequential delivery of houses in a timely manner;
- It is considered that the proposal is consistent with Part 2 of the RMA as the proposal achieves the purpose of the RMA of sustainable management of natural and physical resources through ensuring the appropriate management of earthworks and the efficient use of the land through the preparation of the land for future urban use;
- The design and layout of the subdivision aligns with the zoning and precinct provisions of the PAUP with the proposal generally delivering the urban layout and form sought by the Buckley CDP and providing suitable block sizes for the future development of the sites for intensive housing.
- The proposed road design of the super lots is appropriate and integrates with the existing transport network. The applicant has demonstrated that there is sufficient capacity to cater for the additional dwellings anticipated by the scheme. The proposal is considered to generally accord with the Hobsonville Point Precinct and the Buckley CDP.
- In terms of flooding and overland flow paths the site is suitable for redevelopment and any flooding effects will be suitably managed via the road and stormwater networks proposed, as such the proposal would be consistent with the objectives and policies of the Plan and any effects are appropriately avoided and mitigated.
- The proposed techniques and devices to manage the earthworks on site are consistent with the relevant objectives and policies of the PAUP and TP90, or are considered best practice methodologies. A number of conditions have been included to ensure that any potential effects are appropriated mitigated;
- Given, the temporary nature of the earthworks, separation distances and the proposed sediment control, site control and erosion minimisation measures any effects on adjacent sites are considered to be adequately managed; and
- The proposed urban form and layout of the super lots will ensure the outcomes sought by the Urban Design Protocol will be achieved when the site is subsequently developed by qualifying development applications.

- The development will be fully serviced by all new infrastructure and the network it will be connected to has been designed to meet the anticipated level of growth in the Buckley Precinct.

### **Conditions**

Under section 37 and 38 of the Housing Accords and Special Housing Area Act 2013, this consent is subject to the following conditions:

### **General Conditions- Applicable to both Land Use and Subdivision**

#### **General Conditions**

1. The integrated subdivision development activity 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 number LUC-2016-1582 and SUB-2016-1673.
  - Application Form, and Assessment of Environmental Effects, titled 'AVJ Hobsonville PTY Ltd – Subdivision and earthworks associated with stage 2 & 3 of the Buckley B Precinct at Hobsonville Peninsula', prepared by Steven McKenzie of Campbell Brown Planning Ltd, dated 5 July 2016; and
  - Addendum to Buckley B Stage Addendum to Buckley B Stage 2 & 3 Subdivision (LUC 2016-1582 & SUB 2016-1673) to reflect the provisions of the Proposed Auckland Unitary Plan – Decisions Version, prepared by Steven McKenzie of Campbell Brown.

Specialist Reports				
Specialist Report	Title	Prepared by	Rev	Date
Engineering Report	Hobsonville Buckley B Subdivision – Stages 2 and 3	Babbage	3	30 June 2016
Traffic Assessment	Hobsonville Point Buckley B Precinct – Stages 2 and 3	Flow	C	27 June 2016
Geotechnical Investigation Report	Hobsonville Land Company Limited Residential Subdivision at Buckley B Precinct, Hobsonville	Coffey	02	02 October 2015

<b>Drawings</b>			
Drawing Ref. No.	Title	Architect / Author	Date
<b>Subdivision Plans</b>			
SP01	Scheme Plan – Lots 1 – 26 being a Subdivision of Lot 1 DP 308781, Section 5 SP 428976, Lot 4 DP 473046, Lot 5 DP 480372 and Section 1 SO 493989	Babbage	25/05/2016
<b>Landscape Plans</b>			
	Streetscape Softworks Page 1	Isthmus	08/06/16
	Streetscape Softworks Page 2	Isthmus	08/06/16
	Streetscape Softworks Page 3	Isthmus	08/06/16
<b>Engineering Plans</b>			
RC100	Overall Existing Site Plan	Babbage	25/05/2016
RC101	Existing Site Plan – Sheet 1	Babbage	25/05/2016
RC102	Existing Site Plan – Sheet 2	Babbage	25/05/2016
	Existing Site Plan – Sheet 3	Babbage	25/05/2016
RC200	Earthworks Plan – Sheet 1	Babbage	25/05/2016
RC201	Earthworks Plan – Sheet 2	Babbage	25/05/2016
RC202	Earthworks Plan – Sheet 3	Babbage	25/05/2016
RC203	Cut and Fill Isopach Plan – Sheet 1	Babbage	25/05/2016
RC204	Cut and Fill Isopach Plan – Sheet 2	Babbage	25/05/2016
RC205	Cut and Fill Isopach Plan – Sheet 2	Babbage	25/05/2016
RC206	Finished Levels Plan – Sheet 1	Babbage	25/05/2016
RC207	Finished Levels Plan – Sheet 2	Babbage	25/05/2016
RC208	Finished Levels Plan – Sheet 3	Babbage	25/05/2016
RC209	Erosion and Sediment Control Plan	Babbage	25/05/2016
RC210	Erosion and Sediment Control Details – Sheet 1	Babbage	25/05/2016
RC211	Erosion and Sediment Control Details – Sheet 2	Babbage	25/05/2016
RC300	Roading Layout Plan	Babbage	25/05/2016
RC301	Roading Centreline Chainages Plan	Babbage	25/05/2016
RC310	Roading Longitudinal Sections – Sheet 1	Babbage	25/05/2016
RC311	Roading Longitudinal Sections –	Babbage	25/05/2016

	Sheet 2		
RC312	Roading Longitudinal Sections – Sheet 3	Babbage	25/05/2016
RC313	Roading Longitudinal Sections – Sheet 4	Babbage	25/05/2016
RC314	Roading Longitudinal Sections – Sheet 5	Babbage	25/05/2016
RC315	Roading Longitudinal Sections – Sheet 6	Babbage	25/05/2016
RC320 Rev A	Roading Cross Sections – Sheet 1	Babbage	25/05/2016
RC321	Roading Cross Sections – Sheet 2	Babbage	25/05/2016
RC322	Roading Cross Sections – Sheet 3	Babbage	25/05/2016
RC323	Roading Cross Sections – Sheet 4	Babbage	25/05/2016
RC400	Existing Flood Hazard Plan	Babbage	25/05/2016
RC401	Proposed Overland Flowpath Plan	Babbage	25/05/2016
RC402	Proposed Drainage Plan – Sheet 1	Babbage	25/05/2016
RC403	Proposed Drainage Plan – Sheet 2	Babbage	25/05/2016
RC404	Proposed Drainage Plan – Sheet 3	Babbage	25/05/2016
RC500	Water Reticulation Plan – Sheet 1	Babbage	25/05/2016
RC501	Water Reticulation Plan – Sheet 2	Babbage	25/05/2016
RC502	Water Reticulation Plan – Sheet 1	Babbage	25/05/2016
MS01	Proposed Additional Stormwater Treatment Areas	Babbage	21/06/2016

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

Notwithstanding the drawings detailed above some of the above drawings will require amendments to comply with further conditions below, in particular condition 9 in respect of the engineering plan approvals and street planting in accordance with Condition 22.

2. Under section 51 of the Housing Accords and Special Housing Area Act (HASHAA) 2013, this consent lapses 18 months after the date it is granted.
3. The consent holder shall pay the Council an initial consent compliance monitoring charge of \$1500.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs 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. Such further charges are to be paid within one month of the date of invoice. Only after all conditions of the resource consent have been met, will Council issue a letter confirming compliance on request of the consent holder.*

Pre-Construction Meeting

4. Prior to the commencement of the construction and / or 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,
  - c. includes Team Leader, Western Monitoring, Resource Consenting and Compliance,
  - d. includes the Project Manager and the applicant's nominated representative,
  - e. includes representation from the contractors who will undertake the works.

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

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

- Timeframes for key stages of the works authorised under this consent;
- Resource consent conditions; and

- Erosion and Sediment Control Plan which shall be consistent with the principles of the application documents.

**Advice Note:**

*To arrange the pre-construction meeting please contact the Team Leader, Western Monitoring, Resource Consenting and Compliance on email [specialhousingarea@aucklandcouncil.govt.nz](mailto:specialhousingarea@aucklandcouncil.govt.nz)*

Erosion and Sediment Control Management Plan

5. Prior to the commencement of earthworks activity on the site, a finalised Erosion and Sediment Control Management Plan (ESCP) may be prepared in accordance with TP90 and submitted to the Team Leader, Western Monitoring, Resource Consenting and Compliance. No earthworks activity on the subject site shall commence until confirmation from Team Leader, Western Monitoring, Resource Consenting and Compliance is provided that the ESCP satisfactorily meets the requirements of TP90, and the erosion and sediment control measures referred to in that plan have been constructed and certified.




**Advice Note:**

*The Erosion and Sediment Control Plan should contain sufficient detail to address the following matters:*

- *specific erosion and sediment control works (location, dimensions, capacity);*
- *supporting calculations and design drawings;*
- *catchment boundaries and contour information;*
- *location of stockpiles;*
- *details of construction methods, timing and duration of construction and operation of control works (in relation to the staging and sequencing of earthworks)*
- *details relating to the management of exposed areas (e.g. grassing, mulching)*
- *monitoring and maintenance requirements*

*In the event that minor modifications to the proposed erosion and sediment control measures are required, any such modifications should be in general accordance with, or exceed, the requirements of Auckland Council Technical Publication Number 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region. Modifications should be limited to the scope of this consent and as identified in the approved plans. Any changes to the erosion and sediment control measures which affect their performance or level of treatment they provide, may require an application to be made in accordance with section 52 of the HASHAA. Any minor amendments should be provided to the Senior Compliance Advisor, HPO, prior to implementation to confirm that they are within the scope of this consent.*

### Chemical Treatment

6. Prior to the commencement of earthworks activity on the subject site, a Chemical Treatment Management Plan (CTMP) shall be prepared in accordance with Council's Chemical Treatment Guidelines and submitted to the Team Leader, Western Monitoring, Resource Consenting and Compliance. The plan shall include as a minimum:
- Specific design details of chemical treatment system based on a rainfall activated dosing methodology for the site's sediment retention ponds and/or batch dosing requirements for the decanting earth bunds (delete as appropriate);
  - Monitoring, maintenance (including post-storm) and contingency programme (including a record sheet);
  - Details of optimum dosage (including assumptions); 
  - Results of initial chemical treatment trial and bench testing;
  - A spill contingency plan; and
  - 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.

No earthwork activities shall commence until confirmation is provided from council that the CTMP satisfactorily meets the requirements of the above guidelines, and the measures referred to in that plan for the sediment retention pond(s) have been put in place.

#### **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 Team Leader Western Monitoring prior to amended works occurring.*

### Decanting Earth Bunds

7. All decanting earth bunds utilised during earthworks shall be designed to ensure that they:
  - a. have a two percent storage capacity, being at least two cubic metres of impoundment volume for every 100m<sup>2</sup> of contributing catchment;
  - b. Maintain a length to width ratio of at least 3:1;
  - c. have a level invert and two layers of geotextile covering and pinned securely to the emergency spillway to prevent erosion;
  - d. Use floating decant devices that discharge at a rate of 3 litres per second, per hectare of contributing catchment;
  - e. All DEBs shall be chemically treated.
  
8. Prior to earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader, Western Monitoring, Resource Consenting and Compliance, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 5 of this consent.

Certified controls shall include the decanting earth bunds. The certification for these measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include confirmation of compliance with TP90.

### Engineering Plan Requirements

9. Prior to the commencement of any construction work for the relevant stage or prior to the lodgement of the survey plan pursuant to s45 of the HASHAA and 223 of the RMA, whichever is the earlier, the consent holder shall submit 2 hard copies and one PDF/CD version of complete engineering plans (including engineering calculations and specifications) to the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance. Details of the Chartered Professional 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.

The engineering plans shall include but not be limited to the information regarding the following engineering works within stage 2 and 3:

- Earthworks in accordance with the Geotechnical Investigation Report, titled 'Hobsonville Land Company, Residential Subdivision at Buckley B, Precinct, Hobsonville', prepared by Coffey Geotechnics (NZ) Ltd, dated 2/10/15;

- Detailed design of all roads to be vested in Council including intersections, parking, cycling routes, pedestrian crossings and footpaths. All roads shall be designed in accordance with the Auckland Transport Code of Practice. In particular:

- The form of intersection control for the layout of the Clark Rd / Scott Rd intersection needs to be agreed with Auckland Transport.

*Advice Note: It is recommended that a roundabout be considered at this location. It is highly likely that this would require a corner off Lot 14 thus affecting lot boundaries. Auckland Transport shall advise of the preferred intersection form at the EPA stage. Any alterations to lots boundaries would need to occur as part of the s223 process.*

- The layout of Clark Rd in the vicinity of the Squadron Dr intersection shall take into account the final form of Clark Rd / Squadron Dr intersection, and an interim design presented accordingly.

*Advice Note: The built infrastructure of Clark Rd shall avoid unnecessarily demolition of infrastructure that is anticipated through the Scott Point Plan Variation at a future date. This will require an assumption to be made about the roundabout design at Clark Rd / Squadron Dr intersection and kerblines and associated infrastructure being laid that ensures a safe layout in the interim stage.*

- Local Area Traffic Management devices to be provided on the local road network
  - Bus stops and associated infrastructure shall be detailed to be located just west of the Clark Rd / Ngaroma House Rd intersection.
  - Cross-section O-O shall demonstrate the provision of a 3m (minimum) shared path on both sides of Clark Rd.
  - No vehicle access shall be provided from Lot 2 to Squadron Drive.
  - A pedestrian crossing facility shall be implemented on Clark Rd to connect Buckley B Precinct with the Scott Point Sportsfields. Such a facility may include a raised table crossing.
- Detailed design of all street lighting, street furniture and other structures/facilities on the roads to be vested in Auckland Transport (including street furniture, traffic calm devices and safety measurements, marking and street sign etc.) shall be designed in accordance with the Auckland Transport Code of Practice, subject to the variations
  - Detailed cross sections to demonstrate that all overland flow paths are contained within the road and do not enter any of the lots.
  - Visibility assessment of all proposed roads; in particular the visibility at intersections and forward visibility around bends must meet design standards.

- Detailed Landscape Planting Plan and maintenance programmes for all street planting and landscaping on the proposed roads in accordance with Condition (22).
- As part of the Stage 3 EPA the full detailed design plans for the development of the two parks (Lots 13 and 14) including all planting, trees, equipment, hard surfaces and landscape works proposed within the parks.
- Details of any services to be laid including pipes and other ancillary equipment to be vested in Council for water supply and wastewater disposal systems. The water supply and wastewater disposal systems shall be designed in accordance with the Water and Wastewater Code of Practice for Land Development and Subdivision
- Details of any proposed upgrades of the existing water supply, stormwater and wastewater systems and approval from the relevant utility owner of the asset(s)
- The water main identified as existing 63dia on drawing RC5000 'titled Water reticulation Plan – Sheet 1', prepared by Babbage on the southern side of Road 8 shall form part of the stage 2 and 3 EPA.
- 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 treatment devices and all ancillary equipment/structure etc.). The stormwater system and devices shall be designed in accordance with the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater; in particular:
  - The proposed stormwater system shall be designed to identify health and safety risk during the life of the asset and shall ensure safety to the public, property and to operating personnel, contractor and Council employee
  - The proposed stormwater system shall have an asset life of a minimum of 100 years
  - 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
  - Mitigation measures (e.g. peak flow attenuations and/or velocity control) to mitigate the downstream effects shall be taken into account during the design of the stormwater system
- Details of the rain garden locations and detailed design;
- 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.
- Information relating to gas, electrical or telecommunication reticulation including ancillary equipment

As part of the application for Engineering Plan Approval, a Chartered Professional Engineer shall:

- Certify that all public roads and associated structures/facilities or accessways have been designed in accordance with the Auckland Transport Code of Practice, subject to the variations shown on the design plans
- Certify that the proposed stormwater system or devices proposed have been designed in accordance with 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, May 2015 prepared by Watercare Services Limited ( WSL)
- Provide a statement that the proposed infrastructure has been designed with the long term operation and maintenance of the asset
- Confirm that all practical measures are included in the design to facilitate safe working conditions in and around the asset

## **DURING WORKS**

## **EARTHWORKS**

### Seasonal Restrictions

10. No earthworks on the subject site shall be undertaken between 30 April and 1 October in any year, without the submission and written approval of a 'Request for winter works' by the Team Leader, Western Monitoring, Resource Consenting and Compliance. All requests must be renewed annually, and shall be submitted at least 10 days prior to 30 April each year, unless agreed by the Senior Compliance Advisor, HPO.

#### **Advice note:**

*All winter works extensions will be assessed on a month by month basis and may be subject to further restrictions such as limits on the total earthworks area. There is no standard application form for a winter works extension, however, the following information should be included within your request.*

- *A description of works proposed to be undertaken after 30 April and duration of those works. Please include a final close down date. The description should include an approximate monthly break-down of works proposed; areas to remain unstable each month; and the contractor(s), including appropriate contact details, who will be undertaking the works.*

- *A revised erosion and sediment control plan detailing areas stabilised to date, areas proposed to be earthworked and time line/staging boundaries showing proposed progression of stabilisation.*
- *Details of proposed measures to prevent sediment discharge for these specific works taking into account the higher likelihood of significant rainfall events.*
- *Details of area already stabilised, including confirmation of the size of the area.*
- *Details of the stabilisation method and timing for the site, including alternatives/contingencies proposed if the contractor booked for stabilising site becomes unavailable.*
- *Details of site responsibilities, specifically who is responsible for erosion and sediment controls and stabilisation processes over period.*

### Monitoring

11. The sediment and erosion controls at the site of the works shall be inspected on a regular, minimum daily, basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the controls. A record shall be maintained of the date, time and any maintenance undertaken in association with this condition which shall be forwarded to the Team Leader, Western Monitoring, Resource Consenting and Compliance on request.

### Construction

12. All practicable actions shall be taken to prevent generation of dust. Dust shall be controlled in accordance with the Good Practice guidelines for Assessing and Managing the Environmental Effects of Dust Emissions Ministry for the Environment (2001). An Air Quality Management Plan shall be submitted for approval prior to earthworks commencing.
13. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the Erosion and Sediment Control Plan shall be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work shall be kept and be supplied to the Team Leader, Western Monitoring on request.
14. A dedicated wheel wash facility shall be installed at the ingress and egress points of the site. All sediment-laden water from the wheel wash shall be treated in a TP90 compliant device before discharge offsite.

15. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from the construction and/or 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*
- *appropriately sized and installed filter socks*

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

*It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader, Western Monitoring 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.*

16. All construction and earthworks activities the subject of this consent shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise, at all times.

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

- ⇒ Monday to Saturday: 7:30am - 6:00pm
- ⇒ Sundays or Public Holidays: no works

**Advice Note:**

*Works may be undertaken outside these hours solely under the written approval of Council's Team Leader, Western Monitoring, Resource Consenting and Compliance. 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 Team Leader, Western Monitoring, Resource Consenting and Compliance.*

17. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and/or earthworks activity on the subject site. All materials and equipment shall be stored within the subject site's boundaries.
18. 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:**

*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*
19. Notice shall be provided to the Council's Team Leader, Western Monitoring, Resource Consenting and Compliance, 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.

Completion or Abandonment of Works

20. Within 10 working days following the completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader, Western Monitoring, Resource Consenting and Compliance.

**Advice Note:**

*In accordance with the above condition, 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 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*

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that the consent holder discuss any potential measures with the monitoring officer who will guide the most appropriate approach to take.*

**GEOTECHNICAL****Geotechnical Completion Report**

21. Within one (1) month of the completion of earthworks, 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 Team Leader, Western Monitoring, Resource Consenting and Compliance. The Geotechnical Completion Report shall also include all associated as-built plans for earthworks and subsoil drains and a Statement of Professional Opinion on Suitability of Land for Building Construction as per Schedule 2A of the Code of Practice. The report shall re-address the previous recommendations for this site (in the geotechnical investigation report) and provide further amendments and recommendations as necessary.

**Advice Note:**

*For any lot for which the Foundation Completion Report recommends specific engineering investigation and/or design the development of such lots to be undertaken in terms of the recommendations in that report a Consent Notice in accordance with Section 37 of the HASHAA 2013 on the Computer Freehold Register (Certificate of Title) of the respective superlot and recorded on Council’s Land Information Register both at no cost to Auckland Council shall occur, see condition 52.*

## LANDSCAPE TREATMENT

### Street Planting and Reserve Development

22. Prior to the construction of any reserve areas (including for both lots 13 and 14), and at engineering works approval stage (at the relevant stage), the consent holder shall submit for the approval of the Parks Planning Team Leader the following plans;
- a) Detailed engineering and landscaping plans clearly specifying soft works and the materials / specifications for all hard assets / park furniture / fixtures / footpaths to enable reserve development approval to be undertaken.
  - b) The street tree and landscaping plans and supporting planting methodology, to be submitted for approval shall;
    - a) Be in general accordance with the Streetscape Softworks plans prepared by AV Jennings and Isthmus dated 8.6.16.
    - b) Be prepared by a suitably qualified landscape architect.
    - c) Identify all new planting to be undertaken on the site including details of the intended species, spacing, quantities, location, plant sizes at the time of planting, their likely heights on maturity and how planting will be staged and established.
    - d) Include specifications for plant condition and a written specification detailing the planting methodologies to be used.
    - e) Identify the existing species to be retained.
    - f) Include the location and specifications for the shared pathway (pedestrian and cycle) at a minimum of 2 metres in width on Lot 13 – Western Park.
    - g) Identify all hard and soft landscape works.
    - h) Comply with the Auckland Council Planting and Lawn Specification Version 8

#### **Advice Note:**

1. *It is recommended that the consent holder liaises with the Parks Planner, when developing the landscape plan to achieve an acceptable outcome prior to submitting it for approval.*

2. *No trees to be located within rain gardens and street trees are to be set back 5m from shared lanes and road connections.*

3. *Looking closely at the streetscape softworks plan there appear to be street trees shown across the vehicle access crossings for the shared lanes, particularly on Clark Road. More detail is required on the location of vehicle crossings, location of street lights, detail of location of rain gardens, street gardens, landscaping within greenway pedestrian routes at engineering plan approval stage.*

4. Please note that the requirements for reserve development for Lot 14 will only apply if conditions 32 and 33 have meet.

Completion certification

23. Prior to lodgement of section 224(c) (section 46 of HASHAA) certification for either stages, all street tree planting, any road reserve landscaping and park development (Lot 13 and 14) within that stage shall be implemented in accordance with the approved engineering plan at their sole cost to the satisfaction of the Team Leader, Western Monitoring, Resource Consenting and Compliance and the Parks Planning Team Leader.

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 the Parks Arboriculture Advisor to their satisfaction.

**Advice notes:**

*The consent holder shall apply for a practical completion certificate from the Parks Arboriculture Advisor to demonstrate streetscape planting/road reserve landscaping has been satisfactorily implemented and to formalise the commencement of the maintenance period..*

*The development and maintenance of the streetscape shall be in accordance with the terms of the agreement between the Hobsonville Land Company Ltd and Waitakere City Council (now Auckland Council) dated 28 October 2010.*

Maintenance of Street Tree and Landscape Planting on Reserves

24. All street trees and/or landscape planting within parks of the relevant stage shall be implemented in accordance with the approved Landscape Planting Plans under conditions (22) in the first planting season following completion of the construction works for the particular site.

The consent holder shall continue to maintain all plantings on the proposed roads or within all parks, Lot(s) 13 and 14, for a period of two years whichever is the longer following written approval from the Parks Consents Planning Team Leader stating that the planting has been implemented in accordance with the approved Landscape Planting Plan as per Conditions (22).

A maintenance bond is payable if a 224(c) Certificate pursuant to s46 of the HASHAA is to be issued within the maintenance period.

A written statement from the Parks Consents Planning Team Leader stating that the street trees and landscape planting within the reserves have been implemented in accordance with the Landscape Planting Plan approved under Conditions 22.

#### Replacement of Damaged Plants

25. If any damage to the existing planting on the existing road or within the proposed reserves occurs during the construction of either stage, 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 Parks Consents Planning Team Leader.

A maintenance bond is payable if a 224(c) Certificate pursuant to s46 of HASHAA is to be issued within the maintenance period.

A written statement from the Parks Consents Planning Team Leader stating that all damaged plants have been replaced to the satisfaction of Council.

#### As-Built Plans

26. Prior to the issue of 224(c) (section 46 of HASHAA) for either stage the consent holder shall provide to the Parks Consents Planning Team Leader as built plans for landscape works (hard and soft) the streets in CAD and pdf form including the following details (as relevant):
- a. Asset shop names (i.e. make / mode / supplier for purposes of replacement); and
  - 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; and
  - 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 schedule.

#### **BONDS**

27. Prior to lodgement of section 224(c) (section 46 of HASHAA) certification for either stage and in accordance with section 108(2)(b) of the RMA (section 37 of HASHAA) a refundable bond may be entered into where any landscape works required by the conditions of this consent have not been completed in accordance with the approved plans or the Planting and Lawnworks Specifications v8. The bond amount shall be 1.5 x the cost of any outstanding works and will be agreed in consultation with the Parks Consent Planning Team Leader prior to lodging the bond.

28. Prior to the issue of the 224c certificate (section 46 of HASHAA) for either stage and in accordance with section 108(2)(b) of the RMA (section 37 of HASHAA), the consent holder shall pay to the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issue of a practical completion certificate. The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks and Open Space Specialist prior to the lodging of the bond.

The bond shall be prepared by Auckland 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.

## **GENERAL SUBDIVISION CONDITIONS**

### Sequence of Subdivision

29. The subdivision shall be undertaken in stages by sequence order as indicated by the approved subdivision drawing SP01, titled 'Scheme Plan at Buckley B Precinct, Hobsonville Point, Stages 2 and 3'. The subdivision may be completed in a series of two stages being stage 2 and 3.

### Street Naming

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

### **Advice Note**

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

## **Section 223 Condition Requirements (s45 of HASHAA)**

### **Stage 2**

31. Within one year of the decision of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with the approved subdivision plans in Condition (1) of the consent.

The consent holder shall ensure that the following conditions have been met to the satisfaction of Council's Manager, Resource Consenting and Compliance:

- Lots 15, 16, 17, 18 and 19 shall be vested in the Auckland Council as Legal Roads.

### **Stage 3**

#### **Road Stopping and 61-117 Clark Road**

32. Prior to the approval of the survey plan for the subdivision pursuant to s45 of the HASHAA, the consent holder shall provide evidence that the portion of Clarke Road to the north of the site known as 61-117 Clark Road has been stopped and forms part of the application site.
33. Prior to the approval of the survey plan for the subdivision pursuant to s45 of the HASHAA, the consent holder shall provide evidence that the land identified within Lots 9, 12, 14 and 22 that form part of the site known as 61-117 Clark Road has been acquired by the consent holder and now forms part of the application site.

#### **Advice Note:**

*Please note that if the road stopping process or the acquisition of 61-117 Clark Road does not occur and thereby are not part of the application site then a formal variation would need to occur to re-design the stage 3 subdivision prior to the lodgement of s223 for this stage.*

#### **Additional Condition Requirements**

34. Within one year of the decision of the subdivision consent, the consent holder shall submit a survey plan of the subdivision to Auckland Council for approval pursuant to section 45 of HASHAA. The survey plan shall be general in accordance with the approved subdivision plans in Condition (1) of the consent.

35. The consent holder shall ensure that the following conditions have been met to the satisfaction of Council's Manager, Resource Consenting and Compliance:
- Lot 13 is to be vested in Auckland Council as a reserve as part of the Infrastructure Funding Agreement for Open Space between Auckland Council and Hobsonville Land Company dated dated 28 October 2010.
  - If conditions 32-33 above have been met then Lot 14 will vest in the Auckland Council recreation reserve only if an unconditional agreement has been reached between the Auckland Council and the consent holder. This agreement must have been met 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, then Lot 14 shall be established as a private park in accordance with condition 36 below in order to align with the requirements of the Buckley CDP to ensure this piece of land is retained as open space.
  - Lot 14 is to be vested in Auckland Council as a reserve at no cost.
  - Lots 15-23 are to be vested in Council as Auckland Council as Legal Roads.
  - Lots 24-25 are to be vested in Council as Auckland Council as legal Road (Accessway)
36. In the event that Lot 14 does not vest in Auckland Council as part of Condition 35 above then the consent holder is to form an enduring legal entity (e.g. a body corporate, residents association or company) to the satisfaction of Council's solicitors which will be responsible for carrying out the maintenance of Lot 14, the private park. The consent holder's solicitors shall prepare the constitution of the company (or rules of residents association or body corporate if these options are adopted) at the consent holders' expense and to the satisfaction of Council's solicitors. These rules shall clearly identify that public access for recreation shall be provided to Lot 14 at all times. The consent holder shall pay the Council Solicitors legal costs and disbursements relating to the review of the constitution or rules of the enduring legal entity.

### **Section 224 (Section 46 of HASHAA) Condition Requirements**

#### **Applicable for both Stage 2 and 3**

#### **STORMWATER**

37. An Engineering Completion Certificate certifying that all public stormwater pipes and individual stormwater connections for each super lot 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 224(c) application pursuant to Section 46 of HASHAA.

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

**Advice Note:**

*As- built documentation for all assets to be vested in Council required by Conditions 37 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**

39. An Engineers Completion Certificate signed off by a registered professional engineer certifying that the 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 shall be provided in support of the 224c application pursuant to Section 46 of the HASHAA.
40. Video inspections of the new public wastewater pipes as-built plans for new public and individual private wastewater lines shall be supplied with the 224c application pursuant to Section 46 of the HASHAA for each stage. The video inspections shall be carried out within one month of the lodgement of the application for the 224c certificate.
41. A certificate from Watercare Services Limited confirming that each super lot has been serviced in support of the 224c application.

**WATER SUPPLY**

42. 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 Watercare Services Limited. 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 shall be supplied with an application for 224c certificate pursuant to Section 46 of HASHAA.

43. 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 shall be provided in support of the 224c application pursuant to Section 46 of HASHAA.
44. 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 super lot shall be supplied with the 224c application pursuant to Section 46 of the HASHAA.

### Fire Hydrants

45. 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 standards shall be provided with the 224 certificate application for each stage.

### **ROADING AND TRAFFIC**

46. Any road and ancillary facilities such as traffic lights, street lighting, traffic calming devices, marking, street signs, and street furniture to be vested in Council shall be constructed in accordance with the approved Engineering Plans to the satisfaction of the Principal Development Engineer, SHA Consenting, Natural Resources and Specialist Input, Resource Consenting and Compliance. The proposed roads may be constructed in stages and shall be in accordance with the approved plans.
47. An Engineering Completion Certificate certifying that the proposed roads and the ancillary structures on the roads to be vested in Council have been constructed in accordance with the approved Engineering Plans shall be provided in support of the 224 application (Section 46 of HASHAA).
48. All RAMM as-built plans and data for the new roads shall be provided with the 224c application (Section 46 of HASHAA) for each stage. This shall be inclusive of kerb lines, cesspits, footpath, intersection control devices, pavement marking, street lighting, street furniture, street name, directional signs and landscaping etc.

49. A report from a suitably qualified and registered electrician shall be supplied with the 224c application (Section 46 of HASHAA). 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.

#### Approval of Traffic Control Committee

50. 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 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.

#### Network Utility Services

51. Prior to the issue of 224 Certificate (s.46 HASHAA), power and telephone services shall be installed underground within the boundaries of each super lot.

The consent holder shall supply to SHA Programme Director Consenting, completion certificates from the utility service providers and certified 'as-built' giving locations of all plinths, cables and ducts.

#### Consent Notice – Geotechnical

52. Pursuant to s44 of the HASHAA and 221 of the RMA, a consent notice shall be registered against the Certificate(s) of Title of any residential Lots which are recommended specific engineering investigation or design as outlined in the Geotechnical Completion Report required by Condition (21) to ensure that the conditions stated in said report shall be complied on a continuing basis.

The consent notices required by Condition (21) shall be prepared by the Council's solicitor, executed and registered on the Computer Freehold Register (Certificate of Title) of the land at the consent holder's expense, requiring the owner of the land to comply with this condition on a continuing basis.

#### Consent Notice – Infrastructure Connections

53. Pursuant to s44 of the HASHAA and 221 of the RMA, The following consent notices shall be registered against the Certificate(s) of Title of Lot(s) 1-12.

### Multiple Service Connections

It is noted that multiple infrastructure servicing connections will be installed within the boundary of Lots 1-12 to facilitate the future comprehensive development of these lots (which will be subject to a separate resource consent process). Future comprehensive development within these lots shall demonstrate compliance with either a or b below:

- a. The infrastructure servicing connections installed are suitable to service the scale/intensity of the proposed comprehensive development of Lots 1-12 (as relevant); or
- b. In the event that the infrastructure installed within Lot 1-12 (as relevant) is unable to service the scale/intensity or dwelling location of the proposed comprehensive development the necessary infrastructure upgrade or relocation works will need to be approved by Council and undertaken by the developer (at no cost to Council).

### **SOLICITOR UNDERTAKING**

54. Prior to the issue of the 224 certificate (Section 46 of HASHAA), a solicitor undertaking from the solicitor acting for the consent holder shall be provided as part of the application for a Certificate pursuant to sections 46 of the HASHAA and 224(c) of the RMA. The undertaking shall confirm that the solicitor acting for the consent holder will undertake the following actions at the consent holder's expense:

- Register legal documents (including consent notices and easement instruments etc.) against the Certificates of Title of the relevant lots;
- Complete the legal procedure on behalf of Auckland Council to obtain the Certificate(s) of Title to vest the proposed roads with Auckland Transport and parks to Auckland Council.
- Provide a post registration copy of all relevant Certificate(s) of Title to Auckland Council

### **Stage 3 Condition only**

#### Consent Notice – Fencing

55. Pursuant to s44 of the HASHAA and 221 of the RMA, The following consent notices shall be registered against the Certificate(s) of Title of Lot(s) 6 and 12.

*Any fencing, hedging or planting along boundaries or within 2m of boundaries of the reserves within Lot 13 and 14 be either low height (1.2m) or at least 50% permeable (max height 1.8m) and the council is exempt from sharing costs. Landscape planting may be implemented on either side of the fence and must be maintained to ensure 50% visual permeability.*

**Advice Notes**

1. *Compliance with the consent conditions will be monitored by Council. This will typically include site visits to verify compliance (or non-compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.*
2. *All development is required to comply with the Hobsonville Peninsula Integrated Catchment Management Plan and associated Network Discharge Consent, unless Managers Approval or Variation has been obtained to vary the conditions of the Network Discharge Consent.*

**Delegated Decision Maker:**

Name: Colin Hopkins

Title: Lead Project Planner, Resource Consents Project Management

Signed:



Date: 7<sup>th</sup> October 2016

**IN THE MATTER**

of the Resource Management Act 1991 ("Act")

**AND**

**IN THE MATTER**

of an application to the Waitakere City Council by Hobsonville Land Company Limited for a Comprehensive Development Plan (Buckley Hobsonville) in relation to part of the land within Proposed Plan Change 13 (Hobsonville Peninsula) (LUC 2008-0389)

Hearing:

1, 2 and 3 December 2008

Appearances:

Mr M Maclean and Mr P Fuller for Hobsonville Land Company Limited

Ms L North for the Hobsonville Church and Settlers Cemetary Preservation Society Incorporated

Mr A Webb for J Hodge, R McLeod, R Bridgford, R Moreton and SW Trust Services Limited

Mr L Morris for himself and Mrs S Morris

Mr G Barnard for the Whenuapai Ratepayers and Residents Association Incorporated

Mr N Rugg for himself and the Herald Island Residents and Ratepayers Association

Ms J Twigg for the Auckland Kindergarten Association

Ms D McCoubrey for the Auckland Regional Public Health Service

Mr McGregor for the New Zealand Retail Property Group Limited

Ms R Byron and Mr M Felgate for the New Zealand Historic Places Trust Pouhere Taonga

Ms J Kearney and Mr J Carrodus for the Hobsonville/West Harbour Residents and Ratepayers Association

Ms C Somerville for New Zealand Steel Limited

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## DECISION OF COMMISSIONERS

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### PRELIMINARY

1. This is the decision on an application by Hobsonville Land Company Limited ("**Applicant**") for land use consent for a Comprehensive Development Plan ("**CDP**"). This CDP, referred to by the Applicant as the Buckley Hobsonville CDP, seeks approval for the staged urban development of part of the land formerly used as the Hobsonville Airbase and a small parcel of land owned by the Waitakere City Council ("**Application**"). The Application is made under the provisions of the Waitakere District Plan and in particular proposed Plan Change 13 ("**PC13**") to that plan.
2. The Application was lodged with the Council on 17 March 2008 and following the provision of further information requested under section 92 of the Resource Management Act 1991 ("**Act**") was publicly notified on 7 June 2008. By the close of the submission period a total of 59 submissions had been made on the Application, some in support, but the majority in opposition. Two late submissions were also made and, with no objection from the Applicant, accepted at the hearing.
3. The hearing of the Application took place at the Waitakere Trusts Stadium on 1, 2, and 3 December 2008. We undertook an inspection of all accessible parts of the Hobsonville Airbase, albeit with a focus on the area the subject of the Application, and the surrounding areas on 4 December 2008.

### Summary of Information/Evidence

4. The information lodged in support of the Application (including further information) and reviewed by us prior to and during the course of the hearing comprised a number of bound volumes. Within that material was a very thorough and lengthy planning assessment prepared by Ms Lisa Cameron, a planner employed by the Council.
5. The Applicant was represented at the hearing by Mr Malcolm Maclean and Mr Peter Fuller. Mr Maclean presented legal submissions at the outset of the Applicant's case which summarised the key aspects of the proposal and how the statutory scheme applied to it. He advised that the Applicant no longer sought consent under the operative zoning provisions for the land and he gave legal submissions on the implication of that withdrawal. Issues raised in some of the submissions that were made on the Application were also contextualised.
6. Mr Sean Bignell gave evidence on behalf of the Applicant. His evidence served to overview the key features of this part of the development of the former Hobsonville Air Base, the rationale for the development and the staging of it over the next decade or so.

7. Mr Bignell was followed by eight professionally qualified witnesses who gave appropriately focused evidence in relation to urban design and landscape (Mr David Irwin); civil engineering (Mr Craig Horwood); traffic engineering (Ms Angie Crafer); ecology (Ms Keren Bennett); acoustic engineering (Mr Curt Robinson); heritage architecture (Mr Dave Pearson); archaeological (Dr Rod Clough); and, finally, resource management planning (Mr Greg Dewe).
8. With one exception, the experts who gave evidence for the Applicant supported the Buckley Hobsonville CDP in the form presented to the hearing. Where appropriate, each discussed the conditions of consent recommended by the reporting officer and where there was disagreement with those conditions provided reasoning for that disagreement and alternative proposals.
9. The exception referred to related to one aspect of Mr Pearson's evidence. When questioned, Mr Pearson advised that he would have a concern if buildings opposite the historic Hobsonville Church were built to three storeys. We will return to this issue in due course.
10. Following the evidence and submissions, Mr Maclean presented orally a right of reply on behalf of the Applicant which addressed issues that had been raised during the course of the hearing. After the close of the hearing Mr Maclean's oral comments were produced to the Commissioners in writing.
11. As recorded on the front page of this decision, a number of the submitters appeared at the hearing and made further submissions and gave evidence. In addition several submitters tabled evidence but did not appear. Parties in that latter category included the National Trading Company of New Zealand Limited and the Auckland Regional Council.
12. Those in the former category raised a variety of issues with the proposal which can be summarised as follows:
  - (a) Those who had particular concerns to ensure existing buildings and / or activities in the vicinity of the CDP area would not be adversely affected by it (Ms L North for the Hobsonville Church and Settlers Cemetery Preservation Society Incorporated, Ms J Twigg for the Auckland Kindergarten Association, Mr McGregor for the New Zealand Retail Property Group Limited).
  - (b) Local residents (some represented by counsel (Mr A Webb)) who were concerned with various features of the Application ranging from its non-complying status to its proposed density and likely effects on local amenity and related values.
  - (c) Three residents and ratepayers groups from the Hobsonville area who were mostly interested to ensure that the CDP was appropriately developed with the interests of existing communities in mind.
  - (d) Two public organisations (the Auckland Regional Public Health Service and New Zealand Historic Places Trust

Pouhere Taonga) who raised issues of particular concern to them.

- (e) New Zealand Steel Limited who essentially sought a condition in any consent that was granted to the effect that no future consent applications for buildings within the CDP be constrained in the type of roofing materials they may use.
13. Rather than provide a more detailed summary of the evidence that was presented by submitters (including those who tabled written material) we have chosen to identify from that material the issues that are relevant to our consideration of the proposal and that were in contention as between the Applicant and submitters at the hearing. We will not discuss those matters that were not relevant to our assessment of the Application, or that were generally agreed about it, or were not in dispute on the evidence. We intend to give our findings on the matters that were in contention and set out the reasons and basis for our decision in accordance with the requirements of the Act.

#### **BACKGROUND TO THE APPLICATION**

14. The Application relates to part of the land known historically as the Hobsonville Airbase. On 31 March 2005 the Waitakere City Council ("WCC") notified proposed Plan Change 13 – Hobsonville Peninsula - as part of a suite of plan changes (13, 14, 15, 16, 17 and 18) to its District Plan. We are advised that those plan changes were notified to comply with mandatory requirements of the Local Government (Auckland) Amendment Act 2004 ("LGAAA") whereby all councils in the Auckland region had to integrate their land transport and land use provisions to ensure consistency with the Auckland Regional Growth Strategy.
15. Relevant to the subject site, in concert with proposed changes to the Auckland Regional Policy Statement, notified simultaneously, PC13 seeks to:
- Expand the Metropolitan Urban Limits at Hobsonville Airbase, Hobsonville to enable that land to be urbanised;
  - Manage and direct future urban growth in an integrated manner;
  - Ensure District Plan objectives, policies and rules support and better integrate intensified land use to support viable public transport and investment in transport infrastructure; and
  - Ensure that high quality, integrated and compact development is undertaken in this growth area in a manner that is consistent with the City's overall Growth Management Strategy.
16. PC13 is subject to unheard appeals to the Environment Court. However, none of the unresolved appeals challenges the policy direction of PC13 in relation to the urbanisation/intensification of the area under consideration or seek relief in relation to that area. In those circumstances, we consider that substantial weight should be given to the provisions of PC13: the policy direction for this land area is now well and truly beyond challenge.

17. PC13 alters the policies, rules and assessment criteria sections of the District Plan to facilitate the desired outcomes for the urbanisation of the Hobsonville Base Village Special Area. Under the rules applying to that area (of which the Application is a part) an applicant is required to apply for resource consent for a CDP, where matters of maximising land use, urban design, transport integration and infrastructure management are to be considered in an additional multi-focussed consent process. An approved CDP, along with other relevant provisions of the District Plan, will essentially become the detailed structure plan for the area it relates to and will be used to instruct and guide future consent applications for the land included within it.
18. The concept of CDPs and their role in controlling development is new to Waitakere City. The opportunity it provides allows an applicant flexibility to 'work-up' its preferred development framework so long as it is in line with the requirements of the PC13's policies, objectives and rules and the first layer of management set by the relevant urban concept plan. Subsequently, future activities that are provided for under that CDP are controlled by way of further resource consents.

#### **SITE AND SURROUNDING ENVIRONMENT**

19. The Application site is located within the Hobsonville Peninsula, north-west of central Auckland. The wider character of the area is an undulating, peri-urban landscape to the northwest of Waitemata Harbour. The area is located on the edge of the built form of Auckland's outer north-western suburbs. The housing pattern within the area is characterised by low density suburban development and large lifestyle blocks or rural residential dwellings. The irregular coastline of the Waitemata Harbour creates a series of promontories and small scale inlets and bays. These sheltered, natural harbours provide suitable mooring conditions for small boats and offer the opportunity for associated marine activities.
20. To the north and east of Hobsonville across the Waitemata Harbour are the low-density settlements of Herald Island, Greenhithe and Beach Haven respectively, which comprise single and two storey housing and exhibit a more suburban character. The landform within this vicinity is more steeply undulating with pockets of native, dense vegetation which, combined with the built form, serve to restrict and contain the majority of views. The Upper Harbour Drive (State Highway 18) road corridor passes through the suburban areas and provides access to Greenhithe via the Upper Harbour Drive Bridge, which has recently been upgraded and widened.
21. The Application site comprises approximately 60 hectares of land, most of which is part of the former Hobsonville Airbase. The majority of the Application site is open fields apart from the southern extent where there are a number of existing defence dwellings located. The site is relatively flat and the majority has been substantially modified over time due to the construction of the former airbase runway and defence housing. There are however two major gullies within the site which contain watercourses and mature vegetation. These two watercourses are identified as having riparian margins to be replanted under PC13.

22. A small triangular area of the site located at the corner of Clark and Scott Roads is not part of the former Airbase, but is included within the CDP. It is owned by the Waitakere City Council. This part of the site is relatively level and laid out in grass.

#### **THE BUCKLEY HOBSONVILLE CDP**

23. The application for the proposed Buckley Hobsonville CDP relates to approximately 60.11 hectares of land within the Hobsonville Base Village Special Area. The CDP incorporates the Triangle and Base Housing Precincts and also the majority of the Campus Runway Park and Motorway Interchange Precincts at Buckley Avenue, Hobsonville. Those parts of the Campus Runway Park and Base Housing Precincts not included within the present application are approximately 1.6ha and 3.6ha in area respectively. The applicant has indicated that these areas will be included within a further CDP application along with the Hobsonville Village, Buckley Avenue and Hudson Bay Precincts.
24. The main focus of this CDP is residential development and between 1080 and 1200 dwellings are proposed including detached, medium density and apartment units. The Applicant proposes a variety of housing sizes, values and typologies to provide housing choice for future residents. At the hearing the Applicant abandoned a proposal for up to 15 percent social housing and up to 15 percent affordable housing to be incorporated in the CDP. We discuss this amendment later in this decision.
25. The CDP also proposes two small mixed use areas which will include local shops and other non-residential uses. There will also be 2 schools and a large formal park (Linear Park) in addition to other, smaller parks and outdoor space for formal and informal recreational purposes.
26. Within the CDP area Buckley Avenue currently exists and runs in a west-east direction and is intended to remain in its current formed alignment albeit that works will occur in certain locations for traffic calming purposes, landscaping, the provision of services and expansion around the intersection with the proposed motorway off-ramp. The physical carriageway deviates from the legal position of Buckley Avenue immediately to the east of the existing guard house. This portion of road will be stopped and incorporated into the development.
27. Clark Road runs around the southern boundary of the subject site apart from a short length where it runs between the Base Housing and Triangle Precincts. This short length of Clark Road is to be closed at a future date after a new road connection is provided around the outside (south-western and south-eastern sides) of the Triangle Precinct.
28. Major new roads will be established through the area: 'Squadron Drive' will be an extension of the proposed motorway off-ramp running in a north-south direction through the site and connecting with Clark Road; 'Hobsonville Point Road' will run through the site and connect with Hobsonville Road at the western end of the Hobsonville Base Village Special Area (outside of the area covered by the current CDP application) and will extend through the subject site continuing down to

the eastern end of the site. This road will effectively become an extension of Hobsonville Road and will be the most significant road through the site in terms of function and range of activities that will occur along it.

29. There are to be two other roads at either end of the CDP area that will act as secondary roads both running between Buckley Avenue and Clark Road. There will also be a number of local roads established through the site that will vary in size and function.
30. A secondary school site has been set aside at the western end of the CDP area. This site is some 8.21ha in area and will be bounded by Buckley Avenue, Squadron Drive, Hobsonville Point Road and a new collector road to the west. We were advised at the hearing that the Ministry of Education has already acquired this land and intends to designate it for education purposes shortly.
31. A primary school site has been set aside at the eastern extent of the CDP area. This site extends into the Future Development Area identified in PC13 but for the most part falls within the Campus Runway Park Precinct. This site is some 3.5ha in area and fronts Hobsonville Point Road to the north, a secondary road to the west and a local road to the east. We were advised that the Ministry of Education is close to acquiring and designating this site for education purposes.
32. There are two areas to be set aside for retail activities: the first on the south-western side of the Squadron Drive/Hobsonville Point Rd intersection (providing for a maximum 400m<sup>2</sup> of Gross Floor Area for retail activities); the second area is located on the north western corner of intersection of Hobsonville Point Road and the road running south east/north west fronting the Linear Park. This area is to provide for 1000m<sup>2</sup> of Gross Floor Area for retail activities. In both cases the Applicant has indicated that there will be residential activities above the retail and as such these are areas where the mixed use noise rules will apply.
33. The Application also envisages other non-residential activities such as community facilities, professional services, office space and similar activities within these two mixed-use locations to provide some scope and flexibility to accommodate such activities as needs are identified by the providers of such activities. Provision has also been made for the establishment of two daycare centres within specified areas.

#### **Proposed Conditions**

34. An important part of any resource consent application is the conditions proposed by the applicant to apply to its proposed activities as we are obliged to assess the effects of a proposal if implemented in accordance with those conditions. Provided such conditions are reasonable, achievable and enforceable, we must also assume ongoing compliance with them.
35. The Applicant produced a detailed booklet of conditions, entitled the 'Buckley Hobsonville CDP - proposed consent conditions – issue 29

October 2008', to apply to the staged development of the site. We will refer to that document as the "BH CDP Conditions".

36. The reporting officer has also recommended various additional conditions, including some necessitating amendment to the BH CDP Conditions, to incorporate matters of concern raised with the Application by Council's specialist reporting team. The Applicant addressed those matters in its evidence and, with the assistance of questioning (and dialogue) throughout the hearing, a consensus (as between the Applicant and reporting officers) as to the conditions to apply to the proposal was achieved. We will treat that consensus as acceptance of the conditions by the Applicant so that we can consider them when evaluating the issues raised at the hearing.
37. A number of submitters requested us to include various other conditions in the event that we were to grant consent. We will address those requests in the context of considering the issues raised by those submitters below.

## PLANNING AND STATUTORY FRAMEWORK

### Plan Change 13

38. The Application is for a CDP associated resource consents in relation to the whole of the Motorway Interchange and Triangle Precincts and the majority of the Campus Runway and Base Housing Precincts as identified on the Hobsonville Peninsula Urban Concept Plan ("**Concept Plan**") which forms part of PC13.
39. We were advised that the Application is classified as non-complying by Rule 21.6 of PC13 because it does not comply with the General Standards for CDPs required under Rule 21.3(a), and is not otherwise permitted, controlled, limited discretionary or discretionary under Rules 21.1 – 21.5. The non-compliance arises because the Application seeks consent for parts of precincts, whereas Rule 21.3(g) requires CDP applications to be in respect of whole precincts.
40. In addition, the Application proposes a variety of changes to the roading and open space layout, and provision for retail activities and schools that are envisaged by the Concept Plan and the associated Hobsonville Peninsula Urban Concept Plan - Features ("**Features Plan**"). These variations also trigger non-complying status under Rule 21.6. This is because they do not comply with either the General Standards for CDPs (Rule 21.3(g)) or the specific Precinct Standards for CDPs (Rule 21.3(h)). The precise details of the variations proposed to the Concept Plan by the Application are identified in Section 7.3.3 of Ms Cameron's report.
41. By virtue of Rule 21.3(a), the City Wide Rules in the District Plan do not need to be specifically addressed by a CDP. However, Rule 21.5 makes those rules applicable to any future activities proposed by a CDP. In this case the Applicant has sought consent for those of its proposed activities where it is apparent that consents will be required to depart from the applicable City Wide Rules. Consents have been sought:

- (a) for single dwelling units to be erected over the site as per the CDP. These single dwellings are subject to Living Environment Rules 2-6, 8, 12 and 14-16 and will not comply with rules relating to density, height, height in relation to boundary, front yards, building location and carparking/driveways given the need to meet the outcomes sought by PC13;
  - (b) in respect of the Neighbourhood Centre, which is subject to the Community Environment Rules 2-4, 8-13 and 15. The Neighbourhood Centre will not comply with a variety of the applicable rules given the need to meet the outcomes sought by PC13.
42. The Applicant accepts that further consents may be required under other City Wide Rules made applicable by Rule 21.5 once specific applications relying on the CDP are developed and lodged. We understand that development cannot proceed until such consents are sought and obtained.
43. Consent is required as a limited discretionary activity under Rule 4.2 for future proposed impermeable surfaces. It is proposed that development under the CDP will be in compliance with the Integrated Catchment Management Plan now applicable to the site as required by Rule 21.3(g) rather than the relevant Natural Area Rules in the District Plan. As such not all areas within the CDP will comply with the maximum permitted impermeable surfaces coverage areas in the General, Managed and Restoration natural areas (which affect parts of the site) of 60%, 20% and 50% respectively.
44. Finally, under the City Wide Rules proposed to be amended by Plan Change 18 consent is sought in respect of City Wide Rule 3 – Building Design – Street Frontage.

#### **Operative District Plan**

45. The Applicant also applied for consents to develop the site in accordance with the applicable operative zonings (Countryside and Rural Village Environments) but withdrew this application at the hearing. We discuss below the implications of that withdrawal as it raises an issue as to the relevant objectives and policies to be considered for the purposes of evaluating the Application.

#### **Other Consents Applied For**

46. A recent resource consent application has been made to Council and the Auckland Regional Council ("ARC") for earthworks on part of the subject site. No other consents have been applied for in relation to the CDP.

#### **Statutory Requirements**

47. Overall, the proposal requires consideration as a non-complying activity under the provisions of the Act. We find that sections 104, 104B and 104D are relevant to that consideration, as is, of course, Part 2 of the Act.

## SUMMARY OF ISSUES IN CONTENTION

48. The primary issues in contention at the hearing are covered by the following list of questions/propositions:

### Actual and Potential Effects on the Environment

- (a) What is the correct 'environment' for the actual and potential adverse effects of the Application to be considered against? What are the adverse effects, if any?
- (b) Will the Application have any adverse visual/landscape effects?
- (c) Will the Application have any adverse traffic effects?
- (d) Will the proposed density of the CDP have any adverse effects on the environment (e.g., from excessive storm water discharges, on amenity values)?
- (e) Will the Application adversely affect any features of historic heritage?
- (f) Will the differences between the Application and the Concept Plan and Features Plan give rise to adverse effects on the environment?
- (g) Does the withdrawal of the proposal to include affordable and social housing within the CDP give rise to any adverse effects on the environment?
- (h) Overall, for the purposes of section 104D, will the effects of the Application on the environment be minor?

### Planning Provisions

- (i) How does the Applicant's withdrawal of its application under the Operative District Plan affect the planning provisions to be considered and the weight to be given to them?
- (j) How does the CDP "stack up" under the relevant objectives, policies and other provisions of PC13? Do the proposed variations to the Concept Plan and Features Plan render the Application contrary to the objectives and policies of PC13? Does the Application undermine the integrity of PC13 or create an adverse precedent for future CDP applications for the Hobsonville Airbase?

### Other Matters

- (k) Should the additional conditions/amendments requested by submitters be imposed on the consent?

### Part 2 Matters and Decision

- (l) Will the Application promote the sustainable management of natural and physical resources?

- (m) Are any section 6, 7 or 8 matters raised by the Application?
- (n) Does the Application pass one of the "gateways" in section 104D?
- (o) Taking into account all relevant matters, should we grant consent to the Application under section 104B of the Act?

#### DISCUSSION OF ISSUES IN CONTENTION

- (a) **What is the 'environment' for the purposes of Section 104(1)(a)? Will there be any effects on it?**
49. Mr Webb submitted that a 'threshold question' is what environment the Application is to be considered under. He argued that the operative District Plan sets the environment for the purposes of considering the Application, but that such an assessment was lacking from the Applicant's materials. He submitted that there was no relevant baseline for us to assess the effects arising from this CDP, because an assessment against the "PC13 environment" was in effect an assessment against the provisions of that plan change. Consequently, he submitted that because the CDP "does not create any tangible effects", our task of effects assessment is "in a vacuum" and we cannot be satisfied that any effects will be less than minor.
  50. Mr Maclean's reply to this argument was to refer us to the decision of the Court of Appeal in *Hawthorn*<sup>1</sup> and statements therein as to the scope of the "environment" for the purposes of this application and the process for the assessment of its effects. He implicitly disagreed with Mr Webb's argument that the Application does not have any tangible effects (and that we cannot therefore be satisfied about the outcome), by submitting that the effects to be considered are mostly internal to the Applicant's land and that we have evidence before us about those effects.
  51. This interchange between counsel highlighted for us the novelty of the CDP approach in district planning terms and raised some preliminary questions about the starting points for our task in terms of section 104(1)(a). Having considered the opposing submissions, we reach the following view.
  52. For the purposes of section 104(1)(a) the "environment" is defined in section 3. It is necessarily broad in its reach and not defined by any statements of policy or rules in a plan prepared under the Act. It is that definition environment against which we are assessing the effects of the Application.
  53. In that process of assessment we are obliged to disregard any effects we might identify on persons who have given written approval to the Application (section 104(3)(b)); and we may disregard any adverse effects to occur on the Application site if the plan permits an activity with those effects (section 104(2)).

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<sup>1</sup> *Queenstown Lakes District Council v Hawthorn Estates Limited* [2006] NZRMA 424

54. For the purposes of assessing effects beyond the Application site (i.e., the "receiving environment" (*Hawthorn*)), we are also obliged to envisage that environment used (and developed) in accordance with applicable permitted activity provisions in the relevant district plan.
55. Importantly, the two exclusionary rules referred to in paragraph 53 above do not limit the scope of the environment for the purposes of effects assessment; nor do they define the effects to be assessed. The purpose of the task required by paragraph 55 is to ensure that any proposed activity will not adversely affect the environment as it is anticipated to change over time.
56. In relation to the matters we are required or entitled to assess we observe the following:
- (a) The Applicant (including the Waitakere City Council as owner of part of the Application site) expressly approves of any adverse effects arising from the Application on it as owner of the Application site and the balance of its landholding on the Peninsula. We are required then to disregard those effects.
  - (b) We were given no evidence of what effects might be disregarded by a permitted baseline analysis. We therefore conclude that there are none of relevance.
  - (c) We were given no evidence about future (permitted) changes to the receiving environment by landowners in the vicinity of the Application site, or by the Applicant in relation to the balance of its site, that might be relevant to our assessment of effects on it.
57. These observations (and our discussion above) also highlight one further point: that the current status of PC13 is such that we cannot accept the conclusion reached by Ms Cameron (and supported by Mr Maclean) that the identified adverse effects of the Application will be less than minor because the activity proposed is contemplated by that document. Not only is PC13 not yet operative, but the scope of its permitted activities is very limited. While PC13 should be given some considerable weight, and its urban objectives for this land factored into an overall assessment of the Application, its provisions have a limited role in the task required under section 104(1)(a) of the Act.
58. The second preliminary question we have arises from the fact that granting approval to a CDP does not actually authorise the Applicant to make any physical changes to its land of the type contemplated by the Application (i.e., develop the land for housing etc). Before that can occur, PC13 requires the Applicant to obtain a further resource consent. That consent, for building in accordance with an approved CDP, is a controlled activity under PC13.
59. This means that the activity proposed by the Application does not have any *actual* effects on the environment. However, without discretion to decline applications for the future consents required to give effect to the CDP, and with an expressed intent from the Applicant (Mr Bignell) to proceed with development of the land in that manner, we find that urbanisation of the land in the manner proposed by the Application is a *potential* effect of granting consent. We must therefore have regard to

the potential effects on the environment (as identified above) of that activity.

60. Even if we were wrong in that conclusion, we could still not accept Mr Webb's submission that we would be considering the Application "in a vacuum" and without reference to the existing environment. We would still be required to consider each of the Applicant's proposals to depart from the Concept Plan in light of the policies applicable to each respective precinct. As those policies are aimed at achieving physical outcomes for the future development and use of this land, the implication of the proposed variations to the outcomes sought would need to be assessed at a physical level (i.e., by looking at the effects of the changes).
61. While that process may be criticised by Mr Webb's clients as being self-referential, that is the outcome now that PC13 (and associated changes to the Regional Policy Statement) have been promulgated. Together, those documents provide for the urbanisation of this land and no resource management purpose would be served by debating that outcome each time an application to urbanise a part of this land is made. The focus must necessarily come down to the detail of what is proposed in relation to the applicable policies and the future outcomes they seek. And in the absence of any collateral jurisdiction, or legal or factual basis, for us to strike down as ultra vires the CDP approach of PC13, we are obliged to follow its provisions.
62. Notwithstanding that conclusion, we prefer to look at the potential effects of allowing the Application on the environment as envisaged under section 104(1)(a). We were assisted in that enquiry by the evidence called by the Applicant, who effectively took a similar approach.
- (b) Will there be adverse visual/landscape effects?**
63. A number of submitters who live in the vicinity of the former airbase complained that if granted consent the Application would have adverse visual / landscape effects. The main basis for that assertion was that the land proposed for development is presently open and grassed with no, or only limited, built development on it, and modest residential activity. That position reflects the historic use of this land for defence purposes. This landscape will change quite fundamentally in the event that the CDP proceeds (by way of additional resource consents). The landscape presently experienced by persons that look at the site while in transit past it, or who live in the vicinity of it, will change from open and non-urban with a medium intensity enclave of residential use at one end (the Base housing), to an area urbanised to a relatively high density.
64. To assist us in assessing whether that change will have adverse visual/landscape effects the Applicant's landscape architect / urban designer produced to us several "before and after" montages of what development of the CDP area as proposed by the Application would look like from a number of viewing points. The views depicted with those montages were from the top of the Upper Harbour Bridge looking south west and from Hobsonville Village on Hobsonville Road looking north east (slides 33 and 34 to Mr Irwin's evidence).

65. We agree with Mr Irwin that the visual/landscape effects arising from the proposed development would only have minor adverse effects from these viewpoints. This is principally because of the distances involved and the screening effect of intervening landform and existing vegetation and other built structures. Generally speaking, it would not be until one was within the midst of the new urban area that one would get any sense of a significant change having occurred. However, given the historic use of this land for defence purposes, it is unlikely that many people would have experienced that former landscape in any event and it will therefore be difficult for them to appreciate the extent of the change that would have occurred.
66. The Applicant was not asked for, and did not provide, montages of the potential visual effects of the development from locations other than the two specified above. From our understanding of the plans, it is likely that existing lifestyle property owners in Clark and Scott Roads would experience varying degrees of landscape change as a consequence of development in the Triangle, Base Housing and Campus Runway Park precincts. However, we heard no evidence (either expert or lay) from submitters who would fall within this group of potentially affected landowners that the development proposals in those locations would have adverse visual/landscape effects on them.
67. Even if we had heard evidence to that effect we would have found that the change that will occur to the existing environment for these landowners would not be adverse per se. While the change would no doubt be very visible, the type of development and land uses proposed are not out of character with land uses readily apparent throughout this part of Waitakere City and the Auckland region. We find therefore that provided the development of the CDP proceeds in accordance with the proposed conditions of consent, that its adverse visual/landscape effects on the existing environment would be minor.

**(c) Will there be adverse roading/traffic related effects?**

68. The modelling of likely traffic generation from the Application (and the development of the Hobsonville Airbase as a whole), its timing in relation to proposed motorway extension/upgrade works, roading layout and design within the CDP area (including busways, cycleways and pedestrian links/footpaths), and proposed demand management measures were the subject of detailed assessment and design in the Application materials. Prior to the hearing the assessment of these aspects of the CDP and the recommendations in relation to road layout and design were reviewed by Council's traffic engineer and endorsed in a report circulated with the section 42A report. In that report, a number of conditions were proposed in relation to traffic management.
69. Ms Crafer was the only traffic engineer who appeared and gave evidence at the hearing. She summarised her analysis and design and concluded that the roads within the CDP area and surrounding roads can accommodate the expected traffic volumes, albeit that during initial construction phases of the motorway "peak spreading" is likely to occur on State Highway 18 during periods of peak traffic flow. With the exception of condition 10, she indicated support for the recommended conditions. Overall she advised that in combination the

roading layout and design, demand management measures and conditions of consent would ensure that the adverse traffic related effects of the Application would be minor.

70. No submitter called qualified evidence to challenge Ms Crafer's evidence or to support additional or amended conditions. A number of submitters claimed that urbanisation of this area would give rise to increased traffic (an observation that is not in dispute) and would cause congestion. We prefer Ms Crafer's evidence in relation to these matters. We are satisfied that the Applicant's proposals with respect to roading layout and design and traffic management will ensure that the adverse effects of the additional traffic envisaged overtime as the CDP area develops will be satisfactorily avoided and / or mitigated to the extent that they will be minor.
71. One specific area of concern of some submitters in relation to traffic was the Applicant's proposal to form an unformed portion of Clark Road in front of the Hobsonville Church to meet up with Scott Road, and to develop the land adjacent to it. This portion of unformed road, and the adjoining land also owned by the Council (the "Triangle"), are, we were told, frequently used for carparking by those attending at the Church. It was claimed that the Applicant's proposal would reduce available carparking, with resulting impact on Church goers. They asked us to delete this aspect of the Application to preserve this use.
72. First, we have no power to amend the Application in the manner requested. Second, with respect to the unformed portion of Clark Road, we note that the overriding purpose of road reserve is for road rather than car parking, and therefore there can be no legitimate expectation that the unformed road can be used for car parking indefinitely. The Applicant proposes to create a number of parallel carparks on both sides of the new portion of Clark Road to be formed and in the circumstances we find that the "loss" of Clark Road for car parking is adequately mitigated by that proposal.
73. While we appreciate the concerns that Church goers may have with the this aspect of the Application, this parcel of land is privately owned and there can be no legitimate expectation for its ongoing use merely because that land owner has taken no action to prevent the use of its land for car parking to date. That position applies notwithstanding that the land owner in question is the Council. The evidence before us is that Triangle was acquired for a variety of purposes, not solely car parking. Its owner is entitled to alter its use in accordance with the laws of the land as it sees fit.
74. In summary, we find that there is no lawful basis to claim that there will be adverse effects associated with the loss of car parking at the Triangle area.
75. Ms Crafer requested amendments to proposed condition 10 to incorporate the possibility that an alternative traffic management option may be implemented during completion of the SH18 motorway, to the one envisaged in her earlier assessment. To ensure that the obligation imposed by condition 10 is only required in the event that the former option (i.e., the one described in condition 10) is

implemented she suggested some slight wording changes. We find those changes to be acceptable.

**(d) Will the proposed density of the CDP have any adverse effects on the environment?**

76. A number of adverse environmental effects can arise depending on the density to which land is developed for urban purposes.

77. There are those effects that arise as a consequence of the extent of impermeable areas that are created. This can result in a loss of infiltration and a need to divert / collect storm water and ensure that it is conveyed through the urban area without flooding. Its discharge in an appropriate and environmentally sustainable manner must also be accommodated.

78. The extent of built development can also have visual and landscape effects depending on the viewing audience and the nature of the environment prior to development.

79. Finally, the capacity (or lack thereof) of infrastructure and services (e.g., wastewater treatment and disposal; roading network, parks, cycle ways, sports facilities etc.) to accommodate the anticipated population can also result in adverse effects on the environment, including the people and communities who will reside in a newly urbanised area.

80. Because of the very specific potential effects of a development in a given location it is not sufficient simply to criticise a proposal on the basis that it is "too dense". To some extent, this was the approach of a number of the submitters at the hearing.

81. On the basis of the materials we have reviewed and the expert evidence we have heard, we make the following findings in response to claims that the Applicant's proposal in this location is "too dense":

(a) The Applicant's proposals for the collection and disposal of the predicted volumes of storm water anticipated throughout the CDP area following its development are appropriate and reasonable. If undertaken in accordance with the Application materials and proposed conditions any adverse effects on the environment arising from this aspect of the urbanisation of this land as proposed will be minor.

(b) With respect to the potential visual / landscape effects of the development, we have made findings in respect of this effect above. In summary, we do not consider that the density of development proposed will have adverse visual and landscape effects in this location, if development proceeds in accordance with the BH CDP Conditions.

(c) We are satisfied that the Applicant has properly estimated the level of future resident demand for infrastructure and services associated with the urban use of this land and provided sufficient capacity in its services and social infrastructure to serve the anticipated community without adverse effect. We discuss further shortly specific aspects of that infrastructure,

particularly relating to active recreation and rely on that discussion in making this finding (see discussion from paragraph 110 et seq).

82. A final matter we need to address in considering the density of the Applicant's proposal is that concerning amenity values.
83. Although the evidence we heard about the amenity values currently enjoyed by those who live on Scott and Clark Roads was relatively sparse, our site visit served to emphasise the quiet, green, open and "unhurried" lifestyle apparent at this end of the Hobsonville Peninsula. These amenity values for existing residents have no doubt been contributed to by the use of this land as an airfield for defence purposes for some time. To those residents, PC13 and the Application must signal the fast approach of the City to their doorstep and with that the loss of their rural-residential lifestyle.
84. We have found that when assessed separately the most noticeable effects associated with this urbanisation for existing residents (i.e., increased traffic, increased built development) will not be adverse. But we find it difficult to conclude that when assessed cumulatively the effects will be minor. Together the urbanisation of this land as proposed will be very noticeable and will, in our view, adversely affect the amenity values presently existing in this location for existing residents to a more than minor degree.
85. Even though this is clearly what the planning documents provide for and is considered by some to be inevitable as a consequence, we are still obliged to have regard to the adverse effects on the environment (as we have defined it above) of what is proposed. As noted, that exercise excludes reference to the provisions of PC13, except to the extent that we have identified. Those provisions will be given weight in due course when coming to an overall evaluation of the proposal (and its effects) in light of the purpose of the Act.
- (e) Has "Historic Heritage" been protected (Section 6(f))?**
86. The Hobsonville Airbase has a long and interesting history to it. That history has been the subject of several detailed investigations and reports since the proposal to rezone this land for urban development was first mooted. We very much appreciated the evidence provided on behalf of the Applicant in relation to the historic and heritage values of the Airbase and its physical features, as well as the evidence presented by Mr Felgate on behalf of the Historic Places Trust.
87. From that evidence we have identified two heritage matters raised by the Application that trigger section 6(f) and therefore require us, as a matter of national importance, to recognise and provide for their protection. Those two matters are the Hobsonville Church on the corner of Clark and Scott Road and the former Airbase runway, a portion of which is located within this CDP area.

***The Hobsonville Church***

88. Ms Laurel North advised us that on its south west side the church building is constructed almost directly on its boundary with Scott Road. Although the physical formation of that road is some metres from this side of the church, Ms North was understandably concerned that the Applicant's proposed road formation, re-alignment and upgrade works in this location not affect the church (e.g., require it to be moved).
89. After some questioning and clarification it became apparent that the Church does appear to be located very close if not directly on the boundary with the road reserve of Scott Road. However, the Application proposes no works to this portion of Scott Road. It does propose to form an unformed portion of Clark Road directly in front of the Church, but the church building is set back some distance from the boundary with that road and would not be affected by those works as a consequence. We have discussed related concerns with the loss of Church car parking as a consequence of these works earlier in this decision.
90. Directly opposite the Church on Clark Road (the new portion to be formed), the Applicant proposes a pocket park (2f), in part, we understand, to ensure that the historic values of the Church are retained and respected. Developing a park in this location will preserve public views to and from the Church and prevent building development close to it that might dominate and adversely affect the Church. We endorse that proposal.
91. The proposed pocket park will be bordered to its east by a block of residential development - Block C23. The Urban Form plan identifies that buildings in this location are to have a minimum of two and a maximum of three storeys. In addition, the lot located in the southern most corner is identified for a "Marker Building" which are intended to have distinctive architecture responding to their urban context and distinguishing them from neighbouring buildings (see part 3.7, page 26, BH CDP Conditions).
92. While we have no concern with the urban design objectives of that latter designation, we do have some concern with the potential adverse effects of three storey buildings in this location on the heritage values of the Church, principally because of scale.
93. This concern arose from questioning of Mr Dave Pearson, the Applicant's heritage architect, on this aspect of the proposal. When advised that the Application envisages three storey buildings on the residential sites across Clark Road from the Church, Mr Pearson advised that he thought that inappropriate; that such buildings might dwarf the Church.
94. Responding to that criticism in reply, Mr Maclean pointed us to proposed rule 2.1.3 in the BH CDP Conditions, which specifies certain design and facade requirements for any building developed on this lot, and submitted that Mr Pearson's concerns will be addressed through that process.
95. However, Mr Pearson's concerns were with the height of any building to be developed on this lot, not its design or facade. And although

careful attention to those matters might assist in making any building sit comfortably in the vicinity of the Church, there is no guarantee that scale (i.e., height) would be specifically considered in the design review of that building.

96. We do not intend simply to direct that only a two storey building be built on this lot, because we accept that design has a significant role to play in these circumstances. But we do respect Mr Pearson's opinion and are obliged to recognise and provide for the protection of the heritage values of the Church in this location. We think the appropriate way to respond to these matters is to require the Applicant to amend rule 2.1.3 to specify "building height" as a component of the proposed building to be subject to design review.

### ***The Runway***

97. The Historic Places Trust ("Trust") presented a detailed case in support of greater physical recognition being given to the former Airforce runway within the CDP application area and throughout the PC13 Concept Plan as a whole.
98. For reasons that were not made apparent to us, the Trust was not a participant on PC13 and did not advocate for any recognition of the runway in the development of the Concept Plan for the Hobsonville Airbase as a consequence. Given how far matters have progressed in that regard and the relatively detailed nature of the provisions that we are now dealing with, there is limited scope for us now to accept the Trust's request for relief to better protect the runway throughout the area.
99. After hearing the Trust's evidence we were concerned that there had not been adequate recognition made of the physical location of the runway within the Application area. That concern coincided with a related one, namely the Applicant's proposal to do away with the "Runway Park" proposal identified in the Concept Plan. That park would have generally followed the alignment of the runway through the centre of the CDP area. We formed the tentative view that we could "kill two birds with one stone" by declining that aspect of the Application and reinstating the Runway Park.
100. However, following the Applicant's right of reply, we are satisfied that such a change is neither appropriate nor necessary.
101. We set out in another part of this decision our reasoning for accepting the removal of the Runway Park, as a possible location for active recreation, from the centre of this CDP area.
102. With respect to the location of the runway and the recognition and protection of its historic heritage values for future generations, we were referred to materials submitted by the Applicant in further information requests to the Council which clearly identified its proposals to mark and recognise the physical location of the runway throughout the CDP area. We gave leave for Mr Irwin, in reply, to take us through those proposals in some detail. We are satisfied that they provide appropriate and respectful physical recognition to the historic heritage values associated with the runway.

103. To ensure that those proposals are given effect to we have made development of this CDP area in accordance with those plans a further consent requirement. In this way, we are satisfied that we have discharged our obligations under section 6(f) of the Act.
- (f) **Do the variations from the Concept Plan have any adverse effects?**
104. As the non-complying status for the Application arises because of the Applicant's proposal not to follow precisely the Concept Plan it is appropriate for us to consider the effects of the key changes that the Applicant proposes. We focus on the most significant ones, including those that were criticised by submitters at the hearing.
105. In general support of its approach, the Applicant's evidence was that the Concept Plan and Features Plan were devised and incorporated into PC13 some years ago now and that since the notification decisions on that plan change the Applicant, as the largest landowner affected by its provisions, had invested time and resources into advancing the concept to a detailed level of design and layout for the development of the land. Mr Maclean submitted that the Concept Plan was outdated, and that with the benefit of further detailed investigation, reporting and analysis, a much improved master plan for the land had been developed that better achieved the outcomes sought by PC13.
106. No party quarrelled with that general explanation for the variations now proposed; they tended instead to focus on specific changes. We accept the explanation provided. It reflects the reality of land use planning from concept through to design.
107. The key differences in design identified by us as being of concern are:
- (a) The development of parts only of the Campus Runway and Base Housing precincts;
  - (b) Relocation of the indicative "possible open space" area from within the Campus Runway Park precinct;
  - (c) Partial use of designated Future Development Area for a possible primary school;
  - (d) Realignment to major and minor roads.

***Partial development of precincts***

108. We consider that the requirement for CDP applications under rule 21.3(g) to be in respect of whole precincts at a time is to ensure the overriding objective in PC13 of the integrated development of the Hobsonville Peninsula is achieved in a comprehensive and sustainable manner. When only parts of precincts are included within CDP applications, therefore, we need to be satisfied that the integrated development of the Hobsonville Peninsula as a whole will not be threatened.

109. The areas that are within the Campus Runaway and Base Housing precincts, but omitted from the Application are described in the officer's report at section 7.3.3. A summary of the Applicant's reasoning for omitting the areas in question is also set out therein. Ms Cameron concludes that the omission of these areas is acceptable and will not erode the comprehensive nature of the CDP process to such an extent that the objectives of PC13 would be compromised.
110. We heard no evidence challenging either Ms Cameron's assessment, or the Applicant's justifications for not complying with the PC13 rules at these locations. Accordingly, we agree with Ms Cameron's evidence in this regard and find that the omission of areas of the Campus Runaway and Base Housing precincts will not have any adverse effects on the environment, or undermine the objectives of PC13.

***The "Runway Park"***

111. Perhaps the biggest change proposed to the Concept Plan by the Application is the deletion of much of an area identified as "Possible Open Space" on the Concept Plan to the east of Squadron Drive, running between Buckley Ave and Hobsonville Point Road. An identified component of this indicative open space area in PC13 (i.e., Policy 11.36B and the Concept Plan) was "sports fields" or "community playing fields". This change drew the most criticism from submitters at the hearing. We also need to consider the implications of the change on the extent of open space to be available for future residents of this CDP area.
112. For his clients, Mr Webb submitted that the lack of provision for playing fields within this CDP area would have effects on future sports teams who would be unable to host "home games". But we were given no further insight into the implication of this.
113. Mr Morris, who lives on Scott Road, saw the Applicant's non-provision of sports fields as consistent with his belief that the Council was presently focussed on acquiring his land to amalgamate with other land it had recently acquired on Scott Road to facilitate the development of a regional sports facility. He was understandably distressed at the prospect of having his land taken from him for that purpose, and sought to have the sports fields within the CDP area reinstated as per PC13, presumably to remove the need for Council to develop a regional facility using his land.
114. Mr Maclean's response to these complaints was that playing fields would be developed at the proposed secondary school and there was a strong likelihood that they would be accessible (albeit on terms) to the community for active recreation purposes. He submitted that PC13 did not prescribe that the fields in question had to be publicly owned and that their ownership by the Minister of Education (as is proposed) was sufficient to comply with the relevant policy.
115. We are satisfied with that response. However, we accept Mr Webb's concern that if the fields are not owned by the public or the consent holder, then their availability for community use cannot be assured. In those circumstances, there is no guarantee that active recreation

facilities will be available for the community within the CDP area and that the PC13 policies in this regard will be achieved.

116. To address this matter we have decided that it is appropriate to impose a condition requiring no less than two sports fields to be available to the public, on reasonable terms, on the land identified for the secondary school. In the event that suitable replacement facilities become available in the area over time, then the consent holder can apply to have this requirement deleted.
117. It is unlikely that the requirement to be imposed above will satisfy Mr Morris' concerns about the potential acquisition of his land for a regional sports facility. We cannot do anything more to address that concern than require the Applicant to comply with this aspect of PC13 and ensure some sports fields are available to the community in this CDP area. If the Council wishes to take Mr Morris' land for recreation purposes, that is a policy and a process well beyond our jurisdiction to influence.
118. The second concern with the deletion of the Runway Park relates to the provision of open space for future residents in this CDP area.
119. In reply Mr Maclean submitted that there were more than adequate reserves proposed within the Application area. He referred us back to Mr Irwin's written evidence at paragraph 6.16 that 16% (4.3 hectares) of the net area of this CDP area was to be reserved and developed for open space. Mr Maclean submitted that given the established requirement for 6% of land to be developed as reserves, that the Applicant could not be criticised for its proposal.
120. We accept those submissions and find that the variation proposed to the Concept Plan in relation to open space provision will not have adverse effects on the environment, in terms of adequate supply for future residents.
121. Finally, we note that the reporting officer has recommended a condition of consent that provides for a review of the implementation of the Application at a certain point in time to assess whether a proposal to develop a major public reserve at Bomb Point has progressed. Under proposed condition 4, if that reserve is not progressed, then the Council has reserved the discretion to require the development of additional open space within this CDP area. We apprehend that the condition has been suggested as further mitigation for the deletion of the Runway Park.
122. In light of the Applicant's evidence as to its proposed reserves and open space provision, we are not entirely persuaded that there is a resource management basis for this condition. But, the Applicant did not oppose it, and in those circumstances we would not remove it.

#### ***Use of FDA***

123. The Application identifies a site for a primary school in the corner of the Campus Runway precinct. Part of that primary school site extends onto land identified in the Concept Plan as Future Development Area ("FDA"). Policy 11.35 in PC13 states that development in the FDA will not be permitted until development in all of the other precincts has

reached a certain level, and a further plan change is notified to guide development in that area.

124. We observe that the CDP site boundaries in the Applicant's materials do not actually incorporate any of the FDA. However, we accept that identification of the primary school site in the location proposed effectively earmarks a part of that area for that purpose in advance of development in that area being authorised.
125. Mr Webb submitted that the identification of FDA now for a primary school was inconsistent with the policy referred to, and was another example of how the Application was effectively re-writing the Concept Plan to suit itself. Mr Webb did not identify what effects on the environment would arise from locating the primary school as in the location proposed.
126. We have no concern with this aspect of the Applicant's proposal. Policy 11.36 requires the Campus Runway Precinct to be developed to provide for "state educational facilities for years 1 – 13", and the Applicant's proposal achieves that with its proposed primary and secondary school sites. We were also advised by the Applicant that the Minister of Education has acquired the land identified for the primary school and was shortly to notify a requirement for its use for education purposes. That notice of requirement would override the provisions of PC13 and by utilising that mechanism any inconsistency with policies preventing interim development of part of the FDA will be avoided. We are unable to identify any adverse effect on the environment arising from this aspect of the Application.

#### ***Roading layout***

127. The Application proposes quite substantial changes to the major and minor roading layouts identified on the Concept Plan.
128. We heard no evidence challenging Ms Crafer's evidence that the revised roading layout was a better and more advanced layout that would appropriately provide for the movement of people and vehicles to, from and throughout the CDP area, and integrate with the proposed new access to the motorway from the Peninsula.
129. Nor did any submitter provide us with an evidential basis to disagree with Mr Irwin's urban design evidence that the roading layout would provide better outcomes for the future community and the activities they would be likely to undertake within the CDP area.
130. We are also advised that Council's senior traffic engineer has not raised any concerns with the changes proposed.
131. In the circumstances, we find that the Applicant's proposed roading layout amendments will not have any adverse effects on the environment, and will still enable the integrated transportation objectives and policies in PC13 to be achieved.

**(g) Does the withdrawal of social/affordable housing have any implication?**

132. As lodged and notified the Application including provision for certain proportions of the housing to be developed at Hobsonville to be "social housing" or "affordable housing". From a review of the submissions made it is clear that this proposal conjured up for many submitters negative images of low quality housing and socially disadvantaged communities, neither of which they wished to reside in the vicinity of.
133. As provision for such housing opportunities is identified by PC13 as desirable, the reporting officer raised an issue as to how the Applicant's offer in this regard could be conditioned in any consent granted.
134. When we put this question to Mr Maclean we were advised that there was no provision for these proposals to be conditioned; moreover, that its provision or non-provision was not a matter relevant to determining the Application under the RMA. As the hearing progressed, we came to learn that the likelihood of social or affordable housing being incorporated into this CDP was relatively slim. For this reason, the Applicant was unwilling to accept any obligations to make provision for such housing opportunities in the development of this CDP area.
135. We have no doubt that the Applicant can legitimately amend its Application at this stage in this way. As landowner it is its sole prerogative to determine who it may sell or rent its land to and on what terms. And with no other party expressly advocating for conditions requiring such so-called affordable or social housing opportunities to be provided we are unwilling to go against the Applicant's position and impose conditions in this regard.
136. However, to the extent that provision of such housing opportunities is seen as desirable under PC13 the unguaranteed provision for them by the Applicant at this time means that this aspect of PC13 is not provided for.

**(h) Will the adverse effects on the environment be minor?**

137. The Application will clearly have a number of potential effects on the environment if allowed to proceed. In this decision we have focussed on those effects the adversity of which was put in issue by evidence challenging the Applicant's assessments of them at the hearing. Where we have not discussed unchallenged effects it is because we accept the reporting officer's assessment of those effects, as supported by the Applicant's evidence, as minor and we find accordingly.
138. For the purposes of section 104D the Applicant must satisfy us that one of the "gateways" is passed. We have found that when each potential adverse effect is assessed in isolation it will be minor, assuming compliance with the proposed conditions of consent. The potential adverse effects considered in this regard are visual/landscape related effects, traffic/roading related effects, "density" related effects, heritage values effects and effects within the CDP area arising from variations to the Concept Plan.

139. However, we have found that when assessed cumulatively, the visual/landscape, traffic/roading and density related effects will adversely affect the amenity values currently experienced by those living in proximity to the CDP area to a more than minor extent. Accordingly, we are not satisfied that the Application can pass the threshold required in section 104D(1)(a) of the Act.
- (i) **What is the implication of the withdrawal of the application under the operative zoning provisions?**
140. At the commencement of its case Mr Maclean advised that the Applicant no longer sought consent in relation to the rules applying to the site as presently zoned under the Operative District Plan. He confirmed that that aspect of the original application documents that sought consent under those provisions should be treated as withdrawn. Consequently, the Applicant only seeks consents under the provisions of PC13 and those operative plan rules that are deemed to apply by virtue of that plan change.
141. The Applicant's proposal was not challenged by any submitter. We do not question the legitimacy of the Applicant's ability to proceed in that manner (and accept Mr Maclean's submissions on that issue).
142. We find that the withdrawal of the applications under the operative zoning provisions for the land has three implications for our assessment of the Application and any consent we may grant:
- (a) The relevant objectives, policies and other provisions to which we are obliged to have regard under sections 104(1)(c) and 104D(1)(b) of the Act are now confined to those included within, or directly referred to by, PC13. We agree with Mr Maclean that if consent is no longer sought under the operative rules, then the provisions of the District Plan that are relevant to those rules are also not relevant.
  - (b) For the purposes of section 104D(1)(b), it follows that there is no requirement for us to be satisfied that the Application is not contrary to the objectives and policies of the operative District Plan relevant to the former zoning of the land. If no application is being made under those rules, then the provisions associated with them are not relevant. We find that because any consent granted under PC13 cannot be given effect until such time as a consent is obtained under the operative zoning rules or those zoning rules are no longer applicable by virtue of PC13 becoming operative (see below), there can be no concern that an activity will be authorised that is contrary to relevant objectives and policies. The activity can only proceed once those provisions are no longer relevant.
  - (c) Until such time as the Applicant either obtains consent under the operative District Plan zoning rules or PC13 becomes formally operative any consent granted cannot be implemented.

- (j) **How does the Application “stack up” against PC13’s provisions? Is it contrary to any relevant objectives and policies?**
143. We were provided with a very thorough analysis of the Application against all of the provisions of PC13 (objectives, policies, rules and assessment criteria) and other relevant statutory and non-statutory plans and documents by Ms Cameron. Mr Dewe’s planning evidence on behalf of the Applicant supported that analysis and Ms Cameron’s findings. Mr Dewe also focused on residual issues that were raised by Ms Cameron in her report, commented on the submissions that were made and provided his opinions about Part 2 of the Act and how the Application in his view achieved its over-riding purpose.
144. We heard no expert planning evidence that challenged the analysis and conclusions of Ms Cameron and Mr Dewe.
145. The only submitters who took issue with the Application in planning terms were those represented by Mr Webb. Mr Webb’s submission was that the differences between the Concept Plan and what the Applicant was proposing were so fundamental as to make the Application inconsistent with the provisions of PC13 and therefore contrary to its objectives and policies. He pointed to a number of key amendments to the Concept Plan proposed by the Applicant and described the potential adverse implications of them for the future comprehensive development of the Hobsonville Peninsula via PC13.
146. We have carefully considered the submissions made by Mr Webb. We do not share his client’s concerns about the planning implications of a grant of consent.
147. Nor do we accept his categorisation of the Application as being a plan change “in disguise”. Further, As Mr Maclean pointed out in reply, PC13 expressly requires the process being followed by the Applicant, and includes non-complying activity status in certain circumstances. Those circumstances have arisen in this Application. Our task is now to assess it as a non-complying activity and the Act specifies the matters we are to consider as a consequence.
148. We understood that the point Mr Webb was making was that the scale of the departures from the Consent Plan were so extreme as to threaten the integrity of PC13 and, perhaps, generate an unhealthy planning precedent for any future CDP applications. Although not obliged to, we consider that proposition shortly.
149. Mr Webb’s submission that the Application’s failure to meet precisely the terms of the Concept Plan means that it is contrary to the objectives and policies of PC13 also overlooks the High Court’s decision in *Rodney District Council v Gould*, in which the same submission (in relation to the provisions raised in that case) was rejected by Cooper J. His Honour said “*the scheme of the Act does not work if rules are included among the matters to be considered under s 105(2A)(b)*”.<sup>2</sup>

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<sup>2</sup> *Rodney District Council v Gould* [2006] NZRMA 217, para [76].

150. In this case it is the Concept Plan that is a rule. Section 104D does not require us to be satisfied that the Application is not contrary to it.
151. We have considered each of the proposed amendments to the Concept Plan and found that, although they depart from what the Concept Plan envisages, they will not give rise to any adverse effects on the environment and will not threaten attainment of the objectives and policies of PC13. In particular we find that :
- (a) the historic heritage values of the Hobsonville Church and the former runway will be appropriately protected by the amendments to the BH CDP Conditions we have proposed;
  - (b) the requisite comprehensive nature of future development will not be threatened by the omission of certain parts of the Campus Runway and Base Housing precincts from the Application;
  - (c) the intention of the Future Development Area will not be undermined by the development of part of a primary school on it;
  - (d) the requirement for community playing fields to be provided within the Campus Runway Precinct will be assured by the development of such fields within the proposed secondary school grounds and the condition we have proposed to ensure public access to them;
  - (e) adequate provision has been made within the Application area for public open space/reserves;
  - (f) the requisite density requirements for the Application area under PC13 are achieved;
  - (g) development as proposed will enable an integrated, fully serviced sustainable development of an area of the Hobsonville Peninsula identified for development in that way.
152. As such, we find that the Application is not contrary to the relevant objectives and policies of PC13. From the evidence we have heard, we find that it will achieve those objectives and policies to a greater degree than envisaged by the Concept Plan.
153. We do not consider that the proposal will in any way undermine the integrity of PC13 or establish an adverse planning precedent for future CDP applications. This is because the Application provides for all required aspects of PC13 in respect of the precincts to which it relates. Density has not been "under" or "over" done necessitating future applications to make greater or less provision in order to achieve the stated population goals for the Peninsula. No items of social infrastructure that might be required for the Peninsula as a whole have been omitted. We find that complying with the policies and relevant assessment criteria (rather than the Concept Plan) will ensure that the comprehensive development of the Peninsula is not prejudiced in the future.

**(k) Requests for Additional Conditions/Amendments**

154. A number of submitters sought the inclusion or amendment of specific conditions, or changes to the Application. We respond to those requests as follows:

- (a) The Auckland Regional Transport Authority requested us to include a detailed advice note drawing the consent holder's attention to a variety of matters relating to the management of transport facilities and infrastructure both within and beyond the CDP area. As advice notes are not binding on a consent holder, they are of limited assistance in achieving resource management outcomes. We expect that the Applicant is now aware of this advice.
- (b) The Auckland Kindergarten Association asked us to refuse the Application unless early childhood education facilities were provided for within the Application area. We were advised that the future of a kindergarten operated by the Association at St Georges Road, Hobsonville was threatened because it was located on land owned by the Applicant, and would need to be vacated when development work for this CDP began (the site is destined to become part of the realigned Hobsonville Point Road). We were told that no arrangements for the relocation of the kindergarten had been agreed.

Unfortunately, these circumstances are not of the type we can address in this decision. The future of the kindergarten is in the hands of the Association and its ability to negotiate for a new site with the Applicant within the CDP area. In that regard we note that the Application makes provision for such an activity in a number of locations (e.g., within the areas identified for child care centres, within the proposed schools' grounds). We also record the Applicant's advice to us that it is working with the Association to address their predicament and its reassurance that it will not evict the children until a satisfactory outcome is achieved.

- (c) The New Zealand Retail Property Group ("Group") sought two specific items of relief. The first sought a condition to tie future CDP applications to progress with resolving a number of other plan changes. As that condition does not satisfy any of the tests for conditions under the Act, we are not in a position to impose it.

The second item of relief sought a condition requiring the Applicant to contribute to the upgrade of the intersection of Hobsonville Road with Clark and Wisely Roads. However, we were advised that this intersection is not within the Application area or within the area to which PC13 applied. We were given no evidence to indicate a link between the Applicant's activities and the need to upgrade that intersection. We were also advised by the Council that the intersection is identified in the Council's LTCCP as in need of work and will be funded from development contributions in due course. In those

circumstances we have no basis to accede to the Groups' request.

- (d) The Auckland Regional Council sought amendment to condition 12 to identify that the implementation of the CDP must comply with all applicable regional (and district) obligations in respect of the discharge of storm water, earthworks and dam and stream works. As the Applicant is obliged to conduct itself in accordance with any such obligations in any event, the proposed condition serves no resource management purpose. It is not appropriate for us to impose such conditions.
- (e) New Zealand Steel Limited asked us to incorporate changes into the proposed conditions to ensure that no future "source control" of roofing products arose at the time building developments were commencing. There is no proposal in the current conditions for such control and in the absence of any evidence why such a condition is necessary to avoid or remedy an adverse effect of the Application, we do not have any basis on which we could make the changes sought. Accordingly, we decline to do so.

- 155. We need to comment on two final matters that relate to proposed consent conditions.
- 156. The Applicant has requested us to amend proposed condition 22 to remove the Council's right of veto of proposed members of the design review panel.
- 157. We accept the Applicant's reasons for resisting this proposal. Suitable professional qualification and experience should be qualification enough for any proposed member. While we appreciate that the Council want to be able to check the quality of such participants, reserving such discretion to a third party in a consent condition is inappropriate.
- 158. Finally, a number of technical urban design matters that had implications for the conditions of any consent that might be granted were raised by the Council's urban design reviewer. Mr Irwin responded to them in his evidence, and in her final comments at the end of the hearing Ms Cameron identified the officers' position on that response. We have factored what we understood to be an agreed position on those matters into the proposed consent conditions.

**(l) Will the Application promote the purpose of the Act?**

- 159. We are satisfied on the evidence we have heard that the Application will promote the sustainable management of natural and physical resources. In particular, it will enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety by providing a sustainable new urban community within the metropolitan urban area of Auckland, thereby facilitating the growth of that urban area and the protection of areas beyond it from ad hoc and unmanaged growth. The Application will achieve those outcomes while sustaining natural and physical resources to meet the needs of future generations, safeguarding the life-supporting capacity

of air, water, soil, and ecosystems, and avoiding or mitigating any adverse effects on the environment.

**(m) Are any section 6, 7 or 8 or other similarly important matters raised?**

160. Section 6(f) is the only matter of national importance we consider to be raised by the Application. We have set out our findings in relation to this matter earlier in this decision. With the amendments proposed to the BH CDP Conditions, we are satisfied that appropriate recognition has been given to the protection of historic heritage.

161. A number of section 7 matters are raised by the Application. We accept both Ms Cameron's and Mr Dewe's evidence that all relevant section 7 matters have been appropriately taken into account.

162. We find that no Treaty of Waitangi principles need to be specifically considered in determining the Application.

163. Finally, we agree with Mr Maclean's submission that, to the extent that it is relevant, the Application has properly addressed relevant matters under the Hauraki Gulf Marine Park Act 2000.

**(n) Can we grant consent under sections 104D and 104B?**

164. We have found that the cumulative effects of allowing the Application on the environment will have more than minor adverse effects on amenity values enjoyed by persons living in the vicinity of the Application site, and particularly those living in Clark and Scott Roads. We find therefore that the Application cannot pass the threshold for jurisdiction in section 104D(1)(a). Notwithstanding this finding, we are satisfied that the purpose of the Act will be achieved, and that when considered in the context of PC13's objectives, this adverse effect will be satisfactorily avoided, remedied or mitigated.

165. We have found that the Application is not contrary to relevant objectives and policies, and therefore passes the threshold requirement of section 104D(1)(b).

166. As only one threshold requirement needs to be met for there to be jurisdiction for us to grant consent, that jurisdiction exists. We have jurisdiction under section 104B to grant the Application.

**(o) Our decision and reasons**

167. Taking into account all relevant matters and being satisfied that we have jurisdiction to do so, our decision is to grant consent to the Application under section 104B of the Act. In summary, our reasons for that decision are that:

(a) The Application is consistent with the provisions of PC13 of the Waitakere City District Plan and the Auckland Regional Policy Statement.

(b) Although the Application will have a more than minor adverse effect on local amenity values, when assessed overall the actual

and potential effects on the environment of the Application will be sufficiently avoided, remedied and mitigated by the conditions of consent.

- (c) The Application proposal provides a sustainable, mixed use urban development that utilises good urban design principles to deliver a variety of different types of homes, energy and transport efficiency around a highly inter-connected roading system. The Application will result in an efficient use of land, including housing at a higher density and encourage non-reliance on cars for transport by integrating urban form and movement networks, pedestrian and cycleway networks.
  - (d) The Application will provide adequate social infrastructure including schools, local shops and other non-residential uses to serve the immediate community as well as sufficient areas of open space that are accessible to future residents and will allow access to the coast. The BH CDP Conditions as amended by the consent conditions will ensure that the desired urban design and amenity outcomes are achieved.
  - (e) The dwelling density level proposed by the Application across the CDP area is appropriate, supports mixed-use nodes and positively frames key streets and public spaces. Moreover the density proposed is consistent with the policies and objectives of PC13.
  - (f) Although there may be short term minor adverse effects on traffic on Hobsonville Road as a result of the Application these effects will be remedied and subsequently avoided by the opening of the motorway and mitigated in the short term by the proposed conditions of consent.
  - (g) The Application will, subject to the proposed conditions of consent, provide for the site to be adequately serviced by infrastructure.
  - (h) With the amendments proposed to the recommended conditions of consent, adverse effects on the historic heritage values of the Application site will be suitably avoided and mitigated.
  - (i) Overall, the Application achieves the purpose and principles of Part 2 of the Act.
168. Consent is therefore **granted** to the application by Hobsonville Land Company Ltd for a Comprehensive Development Plan and associated consents relating to approximately 60.11 hectares of land within the Hobsonville Base Village Special Area. being Pt Lots 1 & 2 DP9613; Lot 2 DP326675; Lot 1 DP 308781; Lot 35 DP 8956, Lot 1 DP 326701, Lot 2 DP 326701, Lots 1-5 DP 309685 and Allot 423 Parish of Waipareira; Lots 42-51, 82 DP 8956; Lots 1 & 2 DP 330629; Lot 1-2 DP 326700; SECT1 SO 70623; SECT 1-6 SO 320505; Lot 3 DP 211237; SECT 1 DP 211234; SECT 1-6 SO.
169. Pursuant to section 108 of the Act, the consent will be subject to the conditions included in Schedule A.

170. We record that this consent is only authority for the Applicant to proceed with its proposal under the provisions of PC13. Until such time as the Applicant seeks a consent under the provisions of the Operative Plan as they apply to the site (other than those that are required to be considered by virtue PC13); or those provisions become obsolete by the resolution of the remaining appeals on PC13 and its declaration as formally operative, this consent cannot be implemented.

DATED 3 February 2009.



L Simmons and K R M Littlejohn  
Commissioners

## APPENDIX A – CONDITIONS OF CONSENT

1. The Buckley Hobsonville CDP shall proceed in accordance with the document titled 'Buckley Hobsonville CDP proposed consent conditions' (BH CDP Conditions) prepared by Hobsonville Land Company, issue 29 October 2008, as amended by the further conditions of this consent detailed below and all referenced by Council as LUC 2008 0389 and the information, including further information, submitted with the application.
2. Pursuant to Sections 123(b) and 125 of the Resource Management Act, this consent shall lapse and expire 10 years from date of the commencement of the consent.
3. The consent holder shall revise the BH CDP Conditions to incorporate the amendments specified in these conditions and in Schedule 1 for the further written consent of the Manager: Resource Consents, within one month of the date of this consent.
4. The Buckley Hobsonville CDP development shall proceed in accordance with the approved CDP and revised BH CDP Conditions until such time as 80% of the vacant land has been developed for housing or other activities. When this threshold is reached, the Council may, at its sole discretion, review the approved Buckley Hobsonville CDP pursuant to section 128 of the RMA, if the land at Bomb Point has not been set aside as reserve. The purpose of the review will be to determine, in the absence of the reserve at Bomb Point, whether additional reserve land (up to a maximum area of 63,281m<sup>2</sup>, being the equivalent area to provide for community sports fields) needs to be set aside for open space within the balance of the Buckley Hobsonville CDP area or in such other location as may be acceptable to the Council.
5. The CDP development shall proceed in accordance with the approved Buckley Hobsonville CDP until such point as 130 residential units have been developed. When this threshold is reached, the Council may, at its sole discretion, review the approved Buckley Hobsonville CDP pursuant to section 128 of the RMA, if the new SH18 motorway has not opened to the public. The purpose of the review will be to;
  - determine whether further additional traffic generated by the Buckley Hobsonville CDP development can be accommodated within the existing roading network without generating adverse effects on the environment.
  - deal with any adverse effect on the environment caused by increased traffic generation resulting from the exercise of this consent before the new SH18 motorway is opened, including the amendment or imposition of conditions.
  - require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The actual and reasonable costs incurred by the Council in undertaking this review shall be paid by the consent holder within one month of being invoiced.

6. Residential development within the CDP area shall be staged in accordance with the information submitted with the Buckley Hobsonville CDP application as detailed within Section 2.1 (Table 2: Staging of Residential Development) of the Flow Transportation Specialists letter dated 21 August 2008 until the new SH18 motorway is opened to the public.
7. The consent holder or relevant land owner of the area identified for a secondary school in the Buckley Hobsonville CDP shall ensure that no less than two sports fields are developed on that land area and that such sports fields are available to the public, on reasonable terms, for active recreational use.
8. The Buckley Hobsonville CDP shall be amended to ensure that Planning and staging of new development and the decommissioning of the existing waste water network will be managed in such a way that overall flows do not exceed the capacity of the existing Buckley Ave pump station (or until the new Watercare pumping facility is in operation).

For the purposes of this condition, the capacity of the existing Buckley Ave pump station will be deemed to be 21 litres/sec pumping capacity for 20 hours/day, equivalent to a population of 1680 persons at 180 litres/head/day with a peaking factor of 5. Once this population is exceeded, no new development will be approved until such time as the new Watercare Services Ltd pump station is in operation, or an alternative solution, such as storage and tanker removal, is provided.

Until the existing wastewater network is fully decommissioned, the following requirements will be necessary:

- a. No new development (i.e. no new industrial, commercial or residential buildings) will be able to be connected into the existing wastewater network except at the existing Buckley Ave pumping station. A temporary site office or relocatable building (up to 75m<sup>2</sup> floor area) will be the only exception to this requirement.
- b. Where there is a change to an existing activity within an existing building with negligible impact on wastewater flows (taking into account the overall objective of this agreement), then approval for the change of use shall not be withheld unreasonably.
- c. The consent holder will take all reasonable steps to avoid any increase in the extent of current wet weather overflows by the appropriate staging of new development areas, by decommissioning sections of the existing network in a timely manner, and if necessary, by carrying out property inspections to identify direct inflow points and arranging repairs in liaison with the occupier. Priority will also be given to addressing overflows from existing wastewater pump stations.
- d. The consent holder will be responsible for the effective decommissioning of all components of the existing wastewater network.

All wastewater flows from the existing pump station are to be diverted into the new Watercare Services Ltd pump station (which will be located in the immediate vicinity of the existing Buckley Ave pump station) within three months of the new Hobsonville pump station, to be constructed by Watercare Services Ltd, being completed and commissioned.

Demolition, removal and abandonment of the existing Buckley Ave pump station will be the responsibility of the consent holder, and is to occur within 12 months of the new Watercare pump station being completed and commissioned.

9. The Buckley Hobsonville CDP shall be amended to implement methods to ensure that the Buckley Hobsonville CDP development proceeds in accordance with the impermeable surface limits approved by the Buckley Hobsonville CDP in the manner stated below:
- (i) 90% within the legal road reserves;
  - (ii) 40% within schools;
  - (iii) 40% within the Buckley Ave road reserve;
  - (iv) 5% within Parks reserves;
  - (v) 79% average over all Superlots including rear lanes, and made up as follows with reference to the BH CDP Conditions, Section D Development Plans, 3.3 Plan 3: Land Use:
    - a) 100% in the Apartments (hatched), Mixed Use Retail (pink), and Mixed Use Retail Neighbourhood Centre (orange) zones;
    - b) 85% in the zones for residential units supporting flexible ground floor uses (blue);
    - c) 65-100% in the Residential Housing (peach - all building types) zones, subject to the applicant providing an assessment of the cumulative impermeable surfaces across the CDP area demonstrating that stormwater infrastructure capacity will not be exceeded, and that 79% average impermeability will not be exceeded (calculated in the same manner as the report by Harrison Grierson Consultants referenced 1020-127291-02, revision A, dated September 2008).

These methods may include the consent holder providing, at each stage of the development, a statement of cumulative impermeable surface totals to demonstrate that the above limits have not been exceeded.

#### **PRIOR TO COMMENCEMENT OF WORKS**

10. If SH18 traffic is temporarily diverted via Buckley Avenue during the construction of the SH18 motorway then no development shall proceed in accordance with this CDP consent until the consent holder has implemented traffic signal controls at the junction of Buckley Avenue and Squadron Drive, generally in accordance with the modelled solution presented by Flow Transportation Specialists in their letter dated 18

August 2008. The exact design and specifications of these traffic signal controls shall be submitted for the further approval of the Manager Transport Planning and Design prior to works commencing on their installation.

11. Any construction traffic management plan submitted as part of any subsequent consent should address the management and timing of construction traffic entering and exiting the peninsula, particularly in relation to the evening peak period.
12. Prior to commencement of any works within NZTA designation TSNZ4 the consent holder shall obtain the written approval of the Designating Authority.
13. No development shall proceed in accordance with this CDP consent until the changes proposed by the Buckley Hobsonville CDP to Council's Network Discharge Consent (NDC) for Hobsonville Peninsula have been approved by the Auckland Regional Council.

#### AMENDMENT CONDITIONS

14. All communications, water supply, electricity and gas reticulation running along the streets within the CDP area shall be accommodated under the footpaths on each side of the streets in streets where a road berm is not provided.
15. All shared use pathways accommodating both cyclists and pedestrians that are shown as part of the Footpath Network Plan within the BH CDP Conditions shall be a minimum width of 3m as per scenario C/D – Guide to Traffic Engineering Practice for Bicycles- Part 14 Austroads 1999 except unless otherwise approved by the Manager Resource Consents.
16. Bullet point 13 within Section 3.8 (rear access lane) on page 27 of the BH CDP Conditions shall be amended to state that all rear lane accesses shall provide a continuous connection through their respective block to ensure permeability and rubbish collection can be adequately provided for each individual home.
17. Note xi) of Matrix 1: Building Type on page 36 of the BH CDP Conditions shall be deleted.
18. Matrix 1: Building Type on Page 35 of the BH CDP Conditions shall be amended to state that the private outdoor space provision shall be in accordance with the District Plan for building typologies that are developed as medium density (townhouse, terrace and courtyard dwellings on lot sizes 350m<sup>2</sup> or less).
19. Matrix 1: Building Type on Page 35 of the BH CDP Conditions shall be amended to state that the private outdoor space provision for courtyard typologies that are developed above 350m<sup>2</sup> lot size will have minimum private outdoor space of 60m<sup>2</sup>.
20. Section 2.5.2 (mixed used areas) on page 13 of the BH CDP Conditions shall be amended to state that new buildings and additions and alterations to any existing building shall be designed and constructed so

that the energy average noise limits for the times specified below are not exceeded in any habitable room:

(a)(i) 45dBA L<sub>10</sub> between the hours 0700 – 2200 and 35dBA L<sub>10</sub> between the hours 2200 – 0700 in bedrooms

21. Section 2.5.5 (residential units) on page 14 of the BH CDP Conditions shall be amended to state that where there is a common building element such as floors or walls shared by residential units having individual legal titles (different ownership), the noise level arising from activities within those units measured within a habitable room of an adjacent unit, under different ownership, shall not exceed the following limits with all doors and windows closed:

0700 to 2200 45dBA L<sub>10</sub>  
 2200 to 0700 35dBA L<sub>10</sub>  
 55dBA L<sub>max</sub>  
 50dB L<sub>10</sub> @ 63 Hz  
 45dB L<sub>10</sub> @ 125 Hz

The noise levels shall be measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound and during the daytime shall be assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound. At night time the noise shall be assessed in accordance with the requirements of NZS6802:1991 Assessment of Environmental Sound, except clause 4.4 shall not be used for any frequency below 250Hz.

22. Section 2.0 on page 10 of the BH CDP Conditions shall be amended to include the following further requirement:

*C All development and activities under this Comprehensive Development Plan [CDP] shall be undertaken in accordance with the landscape design proposals identified in "Campus Runway Park Precinct 100% Developed Design" dated July 18, 2008 prepared by Isthmus to recognise and provide for the protection of the historic heritage values of the former airforce runway.*

23. Section 2.1.3 on page 10 of the BH CDP Conditions shall be amended to include the words "... , and building bulk and height" after the words "... and the design and facade treatment ...".

24. The consent holder shall produce Architectural Design Guidelines (Guidelines) that cover the entire Buckley Hobsonville CDP area. The intended content of the Guidelines shall be approved by the Manager: Urban Design & Development prior to the Guidelines being developed. Relevant Guidelines shall be completed prior to any further land use or subdivision consents being applied for the subject land (or part thereof). The Guidelines shall cover the detailed design of buildings to secure the overall quality of development and reinforce identified neighbourhood character areas, creating a distinctive sense of place for the new Hobsonville community. The Guidelines shall be consistent with the requirements of the final approved revised BH CDP Conditions. The Architectural Design Guidelines shall be approved and

administered by an approved Design Review Panel (as outlined in condition 25 below).

25. To ensure that the staged development of the site occurs in a manner that delivers the masterplan vision and the approved Architectural Design Guidelines (Guidelines) as outlined in condition 24 above; a design review panel (the "Panel") or other agreed mechanism, shall be formed.

The Panel shall be responsible for:

- Approving the content of the Architectural Design Guidelines that are to be developed for the CDP area that is the subject of this consent;
- Providing written recommendations on draft land use and subdivision consent applications relating to the CDP area assessed against the requirements of the approved Guidelines. Such assessment shall be undertaken prior to the formal lodgement of further land use and subdivision resource consents to Waitakere City Council. The Panel's recommendations are advisory and such recommendations from the Panel shall form part of the supporting information submitted with further resource consent applications made to the Council.

Membership of the Panel shall be constituted from a single representative of:

- Waitakere City Council;
- The landowner – currently Housing New Zealand Corporation (now represented by the Hobsonville Land Company Limited);
- Any relevant Housing New Zealand Corporation development partner.

Each member of the Panel shall have appropriate qualifications and experience in urban design and architecture and each party shall be responsible for its own costs associated with Panel members.

All costs associated with administration and supporting the Panel shall be borne the applicant

**Advice Notes:**

- (1) This consent constitutes a CDP approved under Rule 21.3(a) of Waitakere City District Plan: Proposed Plan Change 13 (Incorporating all Waitakere City Council Decisions Arising from Panel Recommendation Reports and Incorporating All Clause 16 Amendments) dated 9 July 2007.

### Schedule 1 – Further Amendments to BH CDP Conditions

- i. That note viii) of Matrix 1: Building Type on page 36 of the BH CDP Conditions shall be amended to state:
 

*“The definition of +1 storey height is habitable roof space. A habitable room shall have a minimum average ceiling height of 2.4m. The minimum floor plan area shall be 6m<sup>2</sup> for that portion of the space that has a ceiling height of 2.4m or greater. The minimum width of this space shall be 2m in any direction. The +1 storey shall contain additional building mass such as a dormer or other architectural feature to provide living space to the roof. The additional building mass shall have a window area of not less than 10% of the floor area as defined for a habitable room and shall include opening sashes. (Refer to Building Typologies in Part E for illustrations).”*
- ii. That Note iv) of Matrix 1: Building Type on Page 38 of the BH CDP Conditions shall be amended to state:
 

*“On street car parking throughout the development shall be provided at a minimum of 0.5 spaces per residential unit. This shall be determined on a cumulative basis so that the minimum total requirement is achieved for all consented land use activities and subdivisions within the CDP area.”*
- iii. That Section 3.7 on page 25 of the BH CDP Conditions shall be amended to state that the maximum block length shall be 130m.
- iv. That the side yard setbacks in Matrix 1: Building type on page 35 shall be modified to remove any directional references i.e. east/south and shall be replaced with minimum and maximum side yard setbacks.
- v. That Note viii) of Matrix 2: Street type on page 38 of the HB CDP Conditions is deleted.
- vi. That the amendments detailed in points 1.22 and 1.33 – 1.41 inclusive titled ‘Urban Design: Specialist Report’ by Tim Watts, Manager - Urban Design and Development and included in the Hearings Report at pages A325, A330 and A331 shall be included within the revised BH CDP Conditions required by Condition 3 of this consent.
- vii. That Section E (Scott Road Cross Section P-P1) shall be modified to show the cross-section as either having a maximum carriageway width of 6m with indented parking or alternatively as having a maximum carriageway of 8m inclusive of on-street car parking.
- viii. That Section E (Buckley Avenue West Cross Section J-J2) shall be modified to show the cross section as either a 6.5m carriageway with indented parking or an 8m carriageway inclusive of on street car parking.
- ix. That the Street Tree Species Location Plan on page 63 of the BH CDP Conditions be amended to identify specific tree species that are

suitable for planting along Buckley Avenue West taking into account that the over-dimension route requires 11m clearance. These tree species shall be agreed in writing with the Manager: Parks.

- x. That the Footpath Network and Road Hierachy Plan on page 62 of the BH CDP Conditions be amended to extend the 4m wide footpath on the south side of Hobsonville Point Road westwards to the junction of the Eastern Avenue extension.