

# Notification and Resource Consent Report for a Non-complying Application for a Qualifying Development under the Housing Accords and Special Housing Areas Act 2013 (HASHAA)

## Application Description

<b>Application Number(s):</b>	BUN60077812 (LUC60130971 and SUB60221444) Legacy: R/JSL/2016/4237
<b>Applicant's Name:</b>	Parkland Properties Limited
<b>Site Address:</b>	72 Hinau Road, Hingaia
<b>Legal Description and Site Area:</b>	Lot 601 DP 386486
<b>Name of Special Housing Area in which QD is located:</b>	Hingaia
<b>Site Area:</b>	17.23ha
<b>Auckland Unitary Plan Operative in Part (AUP OP) Zoning:</b>	Mixed Housing Suburban
<b>Precinct:</b>	Hingaia 1 Sub Precinct B
<b>AUP OP Special Areas and Overlays:</b>	Infrastructure: National Grid Corridor Overlay Macroinvertebrate Community Index – Rural Macroinvertebrate Community Index – Urban
<b>Brief Description of Proposal:</b>	<p>Subdivision to create:</p> <ul style="list-style-type: none"> <li>• 158 residential lots, ranging in area from 312m<sup>2</sup> to 1587m<sup>2</sup>;</li> <li>• 19 comprehensive development lots, ranging in area from 437m<sup>2</sup> to 2440m<sup>2</sup>, to be further subdivided and developed at a later date through a separate consent process. The comprehensive</li> </ul>

	<p>development lots will include at least 26 affordable dwellings.</p> <ul style="list-style-type: none"><li>• Stormwater Management Reserve to vest;</li><li>• Local Purpose Reserve to vest;</li><li>• Road to vest.</li></ul> <p>Note: bulk earthworks are not included in this proposal. Bulk earthworks have been consented already (R/LUC/2016/4116).</p>
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**Locality Plan** (Site identified in red)



**Application Documents (Plans and Reference Documents)**

The following information has been provided:

- Application Form, and Assessment of Environmental Effects titled 'Application for subdivision in the Hingaia Special Housing Area – 72 Hinau Road' prepared by Woods, Version 1, dated September 2016.
- Supporting specialist reports, listed as follows:

- Traffic Report, Commute Transportation Specialists, 15 September 2016.
- Electrical Clearance Report, LineTech, 7 April 2016.
- Ecological Report, Wildlands, September 2016.
- Urban Design Report, Woods, 15 September 2016.
- Infrastructure Report, Woods, 15 September 2016.
- Letter from Transpower, “Comments on the subdivision application and bulk earthworks consent application for 72 Hinau Road, Karaka (Hingaia Special Housing Area)”, 16 November 2016 – updated via email titled “Transpower comments on 72 Hinau Road, Karaka resource consent applications” with associated attachment titled “20161123 Transpower revised conditions for 72 Hinau Road”, dated 23 November 2016.
- Stormwater Report, Woods, 14 August 2016.
- Cultural Impact Assessment, Ngati Tamaoho, no date.
- Cultural Impact Assessment, Ngati Te Ata, no date.
- Queries Register titled ‘Requests for Further Information – 72 Hinau Road Subdivision’, as attached to cover letter dated 13 April 2017.
- Set of engineering drawings, listed as follows:

<b>Drawing number</b>	<b>Rev</b>	<b>Title</b>	<b>Author</b>	<b>Date</b>
61104-00-SC-000	1	PLAN OF EXISTING LAND HOLDING	WOODS	SEPT 2016
61104-00-SC-001	1	OVERALL SCHEME PLAN	WOODS	SEPT 2016
61104-00-SC-002	1	STAGE 1 SCHEME PLAN (SHEET 1 OF 4)	WOODS	SEPT 2016
61104-00-SC-003	1	STAGE 1 SCHEME PLAN (SHEET 2 OF 4)	WOODS	SEPT 2016
61104-00-SC-004	1	STAGE 1 SCHEME PLAN (SHEET 3 OF 4)	WOODS	SEPT 2016
61104-00-SC-005	1	STAGE 1 SCHEME PLAN (SHEET 4 OF 4)	WOODS	SEPT 2016
61104-00-SC-006	1	STAGE 2 SCHEME PLAN (SHEET 1 OF 4)	WOODS	SEPT 2016
61104-00-SC-007	1	STAGE 2 SCHEME PLAN (SHEET 2 OF 4)	WOODS	SEPT 2016
61104-00-SC-008	1	STAGE 2 SCHEME PLAN (SHEET 3 OF 4)	WOODS	SEPT 2016
61104-00-SC-009	1	STAGE 2 SCHEME PLAN (SHEET 4 OF 4)	WOODS	SEPT 2016
61104-00-SC-010	1	STAGE 3 SCHEME PLAN (SHEET 1 OF 3)	WOODS	SEPT 2016
61104-00-SC-011	1	STAGE 3 SCHEME PLAN (SHEET 2 OF 3)	WOODS	SEPT 2016
61104-00-SC-012	1	STAGE 2 SCHEME PLAN (SHEET 3 OF 3)	WOODS	SEPT 2016

61104-00-GE-010		SITE CLEARING PLAN	WOODS	SEPT 2016
61104-00-EW-100		EXISTING CONTOUR PLAN	WOODS	SEPT 2016
61104-00-EW-110		DESIGN CONTOUR PLAN	WOODS	SEPT 2016
61104-00-EW-120		CUT AND FILL CONTOUR PLAN	WOODS	SEPT 2016
61104-00-EW-180		EROSION AND SEDIMENT CONTROL PLAN	WOODS	SEPT 2016
61104-00-EW-181		EROSION AND SEDIMENT CONTROL DETAILS (SHEET 1 OF 5)	WOODS	SEPT 2016
61104-00-EW-182		EROSION AND SEDIMENT CONTROL DETAILS (SHEET 2 OF 5)	WOODS	SEPT 2016
61104-00-EW-183		EROSION AND SEDIMENT CONTROL DETAILS (SHEET 3 OF 5)	WOODS	SEPT 2016
61104-00-EW-184		EROSION AND SEDIMENT CONTROL DETAILS (SHEET 4 OF 5)	WOODS	SEPT 2016
61104-00-EW-185		EROSION AND SEDIMENT CONTROL DETAILS (SHEET 5 OF 5)	WOODS	SEPT 2016
61104-00-RD-200	3	OVERALL ROADING LAYOUT PLAN	WOODS	06/03/2017
61104-00-RD-201	3	ROADING LAYOUT PLAN (SHEET 1 OF 12)	WOODS	06/03/2017
61104-00-RD-202	3	ROADING LAYOUT PLAN (SHEET 2 OF 12)	WOODS	06/03/2017
61104-00-RD-203	3	ROADING LAYOUT PLAN (SHEET 3 OF 12)	WOODS	06/03/2017
61104-00-RD-204	3	ROADING LAYOUT PLAN (SHEET 4 OF 12)	WOODS	06/03/2017
61104-00-RD-205	3	ROADING LAYOUT PLAN (SHEET 5 OF 12)	WOODS	06/03/2017
61104-00-RD-206	3	ROADING LAYOUT PLAN (SHEET 6 OF 12)	WOODS	06/03/2017
61104-00-RD-207	3	ROADING LAYOUT PLAN (SHEET 7 OF 12)	WOODS	06/03/2017
61104-00-RD-208	3	ROADING LAYOUT PLAN (SHEET 8 OF 12)	WOODS	06/03/2017
61104-00-RD-209	3	ROADING LAYOUT PLAN (SHEET 9 OF 12)	WOODS	06/03/2017
61104-00-RD-210	3	ROADING LAYOUT PLAN (SHEET 10 OF 12)	WOODS	06/03/2017
61104-00-RD-211	3	ROADING LAYOUT PLAN (SHEET 11 OF 12)	WOODS	06/03/2017
61104-00-RD-212	3	ROADING LAYOUT PLAN (SHEET 12 OF 12)	WOODS	06/03/2017
61104-00-RD-220	2	HINAU ROAD LINK OVERALL INTERIM ARRANGEMENT	WOODS	07/12/2016
61104-00-RD-221	2	HINAU ROAD LINK INTERIM	WOODS	07/12/2016

		ARRANGEMENT (SHEET 1 OF 3)		
61104-00-RD-222	2	HINAU ROAD LINK INTERIM ARRANGEMENT (SHEET 2 OF 3)	WOODS	07/12/2016
61104-00-RD-223	2	HINAU ROAD LINK INTERIM ARRANGEMENT (SHEET 3 OF 3)	WOODS	07/12/2016
61104-00-RD-224	2	HINAU ROAD LINK OVERALL FINAL ARRANGEMENT	WOODS	07/12/2016
61104-00-RD-225	2	HINAU ROAD LINK FINAL ARRANGEMENT (SHEET 1 OF 2)	WOODS	07/12/2016
61104-00-RD-226	2	HINAU ROAD LINK FINAL ARRANGEMENT (SHEET 2 OF 2)	WOODS	07/12/2016
61104-00-RD-227	2	HINAU ROAD LINK VEHICLE TRACKING (INTERIM)	WOODS	07/03/2017
61104-00-RD-228	2	HINAU ROAD LINK VEHICLE TRACKING (FINAL)	WOODS	07/03/2017
61104-00-RD-230	2	INTERSECTION TRACKING - SHEET LAYOUT PLAN	WOODS	06/03/2017
61104-00-RD-231	2	INTERSECTION TRACKING - HINAU ROAD & ROAD 2	WOODS	06/03/2017
61104-00-RD-232	2	INTERSECTION TRACKING - HINAU ROAD & ROAD 3	WOODS	06/03/2017
61104-00-RD-233	2	INTERSECTION TRACKING - HINAU ROAD & ROAD 4 & ROAD 14	WOODS	06/03/2017
61104-00-RD-234	2	INTERSECTION TRACKING - HINAU ROAD & ROAD 11	WOODS	06/03/2017
61104-00-RD-235	2	INTERSECTION TRACKING - ROAD 2 & ROAD 9	WOODS	06/03/2017
61104-00-RD-236	2	INTERSECTION TRACKING - ROAD 3 & ROAD 9	WOODS	06/03/2017
61104-00-RD-237	2	INTERSECTION TRACKING - ROAD 4 & ROAD 12	WOODS	06/03/2017
61104-00-RD-238	2	INTERSECTION TRACKING - ROAD 2 & ROAD 6	WOODS	06/03/2017
61104-00-RD-239	2	INTERSECTION TRACKING - ROAD 3 & ROAD 6	WOODS	06/03/2017
61104-00-RD-240	2	INTERSECTION TRACKING - ROAD 4 & ROAD 6	WOODS	06/03/2017
61104-00-RD-241	2	INTERSECTION TRACKING - ROAD 6 & ROAD 5	WOODS	06/03/2017
61104-00-RD-242	2	INTERSECTION TRACKING - ROAD 2 & ROAD 7 & ROAD 8	WOODS	06/03/2017
61104-00-RD-243	2	INTERSECTION TRACKING - ROAD 7 & ROAD 10	WOODS	06/03/2017
61104-00-RD-244	2	INTERSECTION TRACKING - ROAD 3 & ROAD 7	WOODS	06/03/2017
61104-00-RD-245	2	INTERSECTION TRACKING - ROAD 8 & ROAD 2	WOODS	06/03/2017
61104-00-RD-246	2	INTERSECTION TRACKING - ROAD 8 & ROAD 10	WOODS	06/03/2017

61104-00-RD-247	2	INTERSECTION TRACKING - ROAD 8 & ROAD 3	WOODS	06/03/2017
61104-00-RD-248	2	INTERSECTION TRACKING - ROAD 8 & ROAD 4	WOODS	06/03/2017
61104-00-RD-249	2	INTERSECTION TRACKING - ROAD 8 & ROAD 5	WOODS	06/03/2017
61104-00-RD-275	1	INTERIM TRACKING - ROAD 11	WOODS	07/03/2017
61104-00-RD-276	1	INTERIM TRACKING - ROAD 12	WOODS	07/03/2017
61104-00-RD-277	1	INTERIM TRACKING - ROAD 14	WOODS	07/03/2017
61104-00-RD-280	2	TYPICAL ROAD CROSS SECTIONS (SHEET 1 OF 3)	WOODS	07/12/2016
61104-00-RD-281	2	TYPICAL ROAD CROSS SECTIONS (SHEET 2 OF 3)	WOODS	07/12/2016
61104-00-RD-282	2	TYPICAL ROAD CROSS SECTIONS (SHEET 3 OF 3)	WOODS	07/12/2016
61104-00-DR-300	4	OVERALL STORMWATER LAYOUT PLAN	WOODS	23/05/2017
61104-00-DR-301	4	STORMWATER LAYOUT PLAN (SHEET 1 OF 12)	WOODS	23/05/2017
61104-00-DR-302	4	STORMWATER LAYOUT PLAN (SHEET 2 OF 12)	WOODS	23/05/2017
61104-00-DR-303	4	STORMWATER LAYOUT PLAN (SHEET 3 OF 12)	WOODS	23/05/2017
61104-00-DR-304	4	STORMWATER LAYOUT PLAN (SHEET 4 OF 12)	WOODS	23/05/2017
61104-00-DR-305	4	STORMWATER LAYOUT PLAN (SHEET 5 OF 12)	WOODS	23/05/2017
61104-00-DR-306	4	STORMWATER LAYOUT PLAN (SHEET 6 OF 12)	WOODS	23/05/2017
61104-00-DR-307	4	STORMWATER LAYOUT PLAN (SHEET 7 OF 12)	WOODS	23/05/2017
61104-00-DR-308	4	STORMWATER LAYOUT PLAN (SHEET 8 OF 12)	WOODS	23/05/2017
61104-00-DR-309	4	STORMWATER LAYOUT PLAN (SHEET 9 OF 12)	WOODS	23/05/2017
61104-00-DR-310	4	STORMWATER LAYOUT PLAN (SHEET 10 OF 12)	WOODS	23/05/2017
61104-00-DR-311	4	STORMWATER LAYOUT PLAN (SHEET 11 OF 12)	WOODS	23/05/2017
61104-00-DR-312	4	STORMWATER LAYOUT PLAN (SHEET 12 OF 12)	WOODS	23/05/2017
61104-00-DR-380		TYPICAL RAINGARDEN DETAILS (SHEET 1 OF 2)	WOODS	SEPT 2016
61104-00-DR-381	2	TYPICAL RAINGARDEN DETAILS (SHEET 2 OF 2)	WOODS	08/02/2017
61104-00-DR-400		OVERALL WASTEWATER LAYOUT PLAN	WOODS	SEPT 2016
61104-00-DR-401		WASTEWATER LAYOUT PLAN (SHEET 1 OF 12)	WOODS	SEPT 2016
61104-00-DR-402		WASTEWATER LAYOUT PLAN	WOODS	SEPT 2016



		(SHEET 2 OF 12)		
61104-00-DR-403		WASTEWATER LAYOUT PLAN (SHEET 3 OF 12)	WOODS	SEPT 2016
61104-00-DR-404		WASTEWATER LAYOUT PLAN (SHEET 4 OF 12)	WOODS	SEPT 2016
61104-00-WS-600		OVERALL WATERMAIN LAYOUT PLAN	WOODS	SEPT 2016
61104-00-WS-601		WATERMAIN LAYOUT PLAN (SHEET 1 OF 4)	WOODS	SEPT 2016
61104-00-WS-602		WATERMAIN LAYOUT PLAN (SHEET 2 OF 4)	WOODS	SEPT 2016
61104-00-WS-603		WATERMAIN LAYOUT PLAN (SHEET 3 OF 4)	WOODS	SEPT 2016
61104-00-WS-604		WATERMAIN LAYOUT PLAN (SHEET 4 OF 4)	WOODS	SEPT 2016
61104-00-WS-605		HINAU ROAD WATERMAIN CONNECTION	WOODS	SEPT 2016
61104-00-UT-800		OVERALL UTILITY SERVICES LAYOUT PLAN	WOODS	SEPT 2016
61104-00-UT-801		UTILITY SERVICES LAYOUT PLAN (SHEET 1 OF 4)	WOODS	SEPT 2016
61104-00-UT-802		UTILITY SERVICES LAYOUT PLAN (SHEET 2 OF 4)	WOODS	SEPT 2016
61104-00-UT-803		UTILITY SERVICES LAYOUT PLAN (SHEET 3 OF 4)	WOODS	SEPT 2016
61104-00-UT-804		UTILITY SERVICES LAYOUT PLAN (SHEET 4 OF 4)	WOODS	SEPT 2016
61104-00-UT-805		HINAU ROAD UTILITY SERVICES CONNECTION	WOODS	SEPT 2016
PAGE 1 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 2 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 3 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 4 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 5 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 6 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 7 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017



PAGE 8 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 9 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 10 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 11 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 12 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 13 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 14 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 15 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 16 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 17 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 18 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 19 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 20 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
PAGE 21 OF 21	3	LIGHTING PERFORMANCE PREDICTIONS	ADVANCED LIGHTING TECHNOLOGIES	03/04/2017
CO01	A	LANDSCAPE MASTER PLAN	LA4	21/03/2017
PP01	B	STREET TREE PLANTING PLAN 01 STAGE ONE	LA4	13/04/2017
PP02	B	STREET TREE PLANTING PLAN 02 STAGE 2	LA4	13/04/2017
PP03	B	STREET TREE PLANTING PLAN 03 STAGE 3	LA4	13/04/2017
PP04	A	RAIN GARDEN PLANTING	LA4	16/03/2017

		SCHEDULES AND IMAGES		
SW01	A	CENTRAL STORMWATER MANAGEMENT AREA (WESTERN END)	LA4	16/03/2017
SW02	A	CENTRAL STORMWATER MANAGEMENT AREA (EASTERN END)	LA4	16/03/2017
SW03	B	MOTORWAY EDGE PLANTING	LA4	20/03/2017
SW04	A	NORTHERN STORMWATER MANAGEMENT AREA	LA4	05/11/2016
SW05	-	CORNER POCKET RESERVE	LA4	05/11/2016
SW06	B	STORMWATER PLANTING SCHEDULE 01	LA4	20/03/2017
SW07	B	STORMWATER PLANTING SCHEDULE 02	LA4	20/03/2017

The information has been reviewed and assessed by the following specialists:

- Sheerin Samsudeen – Principal Urban Design Advisor, SHA Programme Consenting;
- Jian Chen – Senior Subdivision Advisor, SHA Programme Consenting;
- Rajinesh Kumar – Development Engineer, SHA Programme Consenting;
- Raj Nadarajah – Transport Engineer, Auckland Transport;
- Minesh Patel – Veolia; and
- Sarah Shand – Transpower.

### **Proposal, Site and Locality Description**

#### **Proposal**

The applicant, Parklands Properties Limited, has made an application to subdivide the site at 72 Hinau Road to create 158 vacant fee simple residential lots and 19 residential super lots which are intended to be further subdivided and developed at a later date through a separate consent process. The comprehensive development lots will include at least 26 affordable dwellings. The proposed subdivision also includes stormwater management reserves (to contain existing streams located in the central and northern parts of the site), a local purpose reserve (to contain the existing Transpower pylons that are located within the site), jointly owned access lots, and roads.

The proposed subdivision will be undertaken over three separate stages:

- Stage 1 will form the access from Hinau Road into the site and develop the northern 'half' of the site, including the northern drainage reserve.
- Stage 2 will develop the south-east corner of the site, including the central drainage reserve.
- Stage 3 will extend Hinau Road to the south boundary of the site and develop the balance of the land in the south-west corner.

Figure 1 illustrates the staged approach. Stage 1 (white) must be undertaken prior to or at the same time as Stage 2 (orange) and Stage 3 (red). However, following the completion of Stage 1, stages 2 and 3 can proceed in any order.

The Transpower pylons mentioned above are located along the eastern boundary of the site. The lots that are proposed along this boundary (Lots 81 – 92) will have a covenant area / building envelope identified on them in order to provide adequate clearance between dwellings and the Transpower pylons and transmission lines. These same lots will have an 'amenity buffer' located along their eastern boundaries to provide acoustic attenuation for traffic noise from State Highway 1.

The primary access road into the site will be via a proposed extension to Hinau Road (separate project, not part of this proposal). However, Hinau Road cannot be extended until development is undertaken on an adjoining site (65 Hinau Road). Until such time as Hinau Road is extended, a temporary 10m wide road will be constructed to service the development. There will be 14 new internal roads.

The overall proposed site layout (and staging) is illustrated in Figure 1 below.



Figure 1 – Proposed Site Layout Plan

## Site and Surrounding Environment

The site and surrounding environment are fully described in Sections 2.3 and 2.4 of the applicant's AEE. Having been out on site on 23 February 2017 I can confirm that it is an accurate description.

## Background

A background to the application is included in sections 1.0 and 3.0 of the submitted AEE. These sections outline that the subject site is within the Hingaia SHA, and is part of the Hingaia 1 Precinct as established through Plan Variation 1 under the HASHAA legislation.

Additional background information is that a separate consent application was lodged for bulk earthworks on the site. During the processing of this consent, the bulk earthworks application

was granted by Council (Council Reference R/LUC/2016/4116).

It is also noted that the Qualifying Development (QD) proposal has been through a pre-application process prior to lodgement.

### **Qualifying Development Criteria**

The site falls within the Hingaia Special Housing Area (SHA) which was created in December 2013 as part of Tranche 2. The qualifying development criteria relate to the following matters:

- Land use: predominantly residential;
- Height: development must be a maximum of 6 storeys or 27 metres;
- Minimum number of dwellings: 4; and
- Affordability criteria A and B are triggered on 15 units.

The application complies with all the above criteria and is a consent that relates to a qualifying development in terms of section 25(1) of the HASHAA because the proposed development will provide for:

- Predominantly residential development – 158 vacant residential lots and 19 super lots to be developed later;
- No house designs are proposed as part of the application, but the size of the proposed lots and the underlying zoning anticipates dwellings that are less than 6 storeys/27 metres; and
- The future comprehensive development of the super lots will facilitate the development of 26 affordable dwellings (10%).

### **Reasons for the Application**

Resource consent is needed for the following reasons:

#### **Auckland Council District Plan (Papakura Section)**

Auckland Council and the Government entered into the Auckland Housing Accord on the 3rd October 2013. Under section 10 and 11 of HASHAA, the Accord established Auckland Council as an authorised agency under the HASHAA, and outlines how Auckland Council will achieve the purpose of the HASHAA, and increase housing supply and affordability over the next three years. Section 34 of HASHAA created a hierarchy of matters to be had regard to when considering an application for a qualifying development. HASHAA is forward looking legislation whereby proposed plan provisions have greater weight than operative plan provisions, and in the Auckland context the Proposed Auckland Unitary Plan (AUP:OP) was the dominant planning document relevant to qualifying development applications. On 15 November 2016 the AUP:OP was made operative in part and was renamed the Auckland Unitary Plan: Operative in Part (AUP: OP). The HASHAA definition of proposed plan includes any provision of the AUP:OP that has not become operative. When a provision in a proposed plan becomes operative any

legacy provision that sought to deal with the same matter becomes inoperative. Accordingly, the operative portions of the AUP: OP have displaced any equivalent legacy provisions and are the only provisions that an application needs to be assessed against.

Any provisions of the AUP:OP that are under appeal and therefore not operative are still a proposed plan, in HASHAA terms, and will have greater weight than any legacy plan provisions that they are intended to replace. The provisions of an operative (legacy) plan are a matter that regard must be had to, under section 34(1)(d)(i) of HASHAA. However, relatively little weight has been given to those provisions in light of the hierarchy of relevant matters described in section 34(1) and the Accord which is considered to be a relevant matter for consideration under s 104 of the RMA. Particularly relevant aspects of the operative plan have been identified and commented on where appropriate.

### **Auckland Unitary Plan (AUP:OP)**

#### Hingaia 1 Precinct

- Consent is required as a **restricted discretionary activity** for vacant lot subdivision in accordance with the Hingaia 1 Precinct Plan, pursuant to Table 3 – Activity Table Hingaia 1 Precinct.

#### Auckland Wide Rules

- Consent is required as a **restricted discretionary activity** for subdivision within the 1 percent AEP flood plain, pursuant to Table E38.4.1 Activity table – subdivision for specific purposes (A11).<sup>1</sup>
- Consent is required as a **discretionary activity** for a subdivision activity not otherwise provided for (subdivision within the National Grid Corridor Overlay), pursuant to Rule E38.4.2 (A32).<sup>2</sup>
- Consent is required as a **non-complying activity** for subdivision involving a parent site of greater than 1ha which does not comply with Standard E38.8.3.1 (minimum lot size), pursuant to Rule E38.4.2 (A19).

Overall the application is assessed as a **non-complying activity**.

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<sup>1</sup> The applicant did not identify this rule in the application.

<sup>2</sup> The applicant incorrectly identified Rule D26.6.2.1 as applicable in relation to subdivision in the National Grid Corridor.

## **Notification**

Under Section 29 of HASHAA, the council must not notify an application, except that they may (only) notify the application to the following persons if, in each case, the person has not given written approval:

- (a) the owners of the land adjacent to the land subject to the application; and
- (b) the local authorities in whose district or region the land subject to the application falls; and
- (c) any infrastructure providers who have assets on, under, or over the land subject to the application or the land adjacent to that land; and
- (d) if the land subject to the application or land adjacent to that land is subject to a designation, the requiring authority that required the designation.

In addition, the council must not notify an application if it would not have been notified under the RMA or AUP:OP.

### *Owners of adjacent land*

Adjacent land is not defined in HASHAA (or the RMA) however the term “adjacent” has been defined in case law as meaning “*lying near or close; adjoining; continuous; bordering; not necessarily touching though this is by no means precluded*”.

The land adjacent to the land subject to this application is identified in Table 1 and Figure 2.

### *Infrastructure providers and requiring authorities*

Infrastructure providers with assets on, under or over the subject site or adjacent land; and requiring authorities with designations within the subject site or adjacent land, are identified in Table 2.

### *Written approvals provided*

Transpower has given written approval to the activity.

### *Notification provisions under the AUP:OP*

The notification provisions in the Hingaia 1 Precinct refer to rule G2.4 of the Notified Version, which states that restricted discretionary activities (i.e. subdivision in accordance with the Hingaia 1 Precinct Plan) will be considered without public or limited notification, or the need to obtain written approval from affected parties, unless otherwise specified or unless special circumstances exist. This is because the Hingaia 1 Precinct was established through a Plan Variation (refer ‘Background’ section above) and has therefore been through a public notification process already. In addition, if the development is in accordance with the Hingaia 1 Precinct Plan the expectation is that the general effects associated with this are anticipated by the



AUP:OP, for example: change in character of the surrounding environment, traffic generation and associated effects on the surrounding roading network. The proposed subdivision at 72 Hinau Road is in accordance with the Hingaia 1 Precinct Plan and as such, matters relating to subdivision generally, have been largely excluded from this notification assessment. A full assessment of effects on the environment is provided in the 'Consideration of the Application' section of this report.

Aspects of the application that ordinarily trigger a notification assessment, in accordance with rules I.6.312(2) and E38.5(2) are:

- Subdivision within the National Grid Corridor Overlay – limited notification to Transpower (Transpower has provided written approval);
- Subdivision not meeting the standard for minimum lot size – subject to the normal tests for notification; and
- Subdivision within the 1 percent AEP flood plain – subject to the normal tests for notification.

*To notify or not to notify*

There is no guidance or threshold in HASHAA with which to determine when council might decide to notify a person, if that person has not given written approval i.e. with reference to the RMA notification test: there is no requirement for council to decide if a person is affected on the basis of adverse effects, and no requirement for council to notify a person if the activity's adverse effects on that person are minor or more than minor.

Notwithstanding this, in deciding if this application should be notified to adjacent owners, relevant infrastructure providers and requiring authorities, council uses the following matters to guide the decision:

- Purpose of HASHAA and the Auckland Housing Accord.
- Relevant rules, policies and objectives of the AUP:OP.
- Effects on the environment.
- Infrastructure provision and readiness.

In addition to the above, I have had regard to the notification tests contained in s95E of the RMA. However, as I have noted above, the HASHAA does not require council to meet the same notification tests. Therefore, I have just kept the RMA notification concepts in mind when considering the effects on the environment (bullet point 3 above) that might be relevant to deciding whether or not to notify an adjacent owner, infrastructure provider or requiring authority.

I have decided that this application should be processed on a non-notified basis for reasons as set out in the following section.

<b>Table 1: Land adjacent to the land subject to this application</b>	
<b>Address</b>	<b>Written approval provided by owner?</b>
10 Hinau Road	N
19-53 Hinau Road	N
65 Hinau Road	N
95 Hinau Road	N
241 Park Estate Road	N
179 Park Estate Road	N
169 Park Estate Road	N
161 Park Estate Road	N
145 Park Estate Road	N
141 Park Estate Road	N
115 Park Estate Road	N

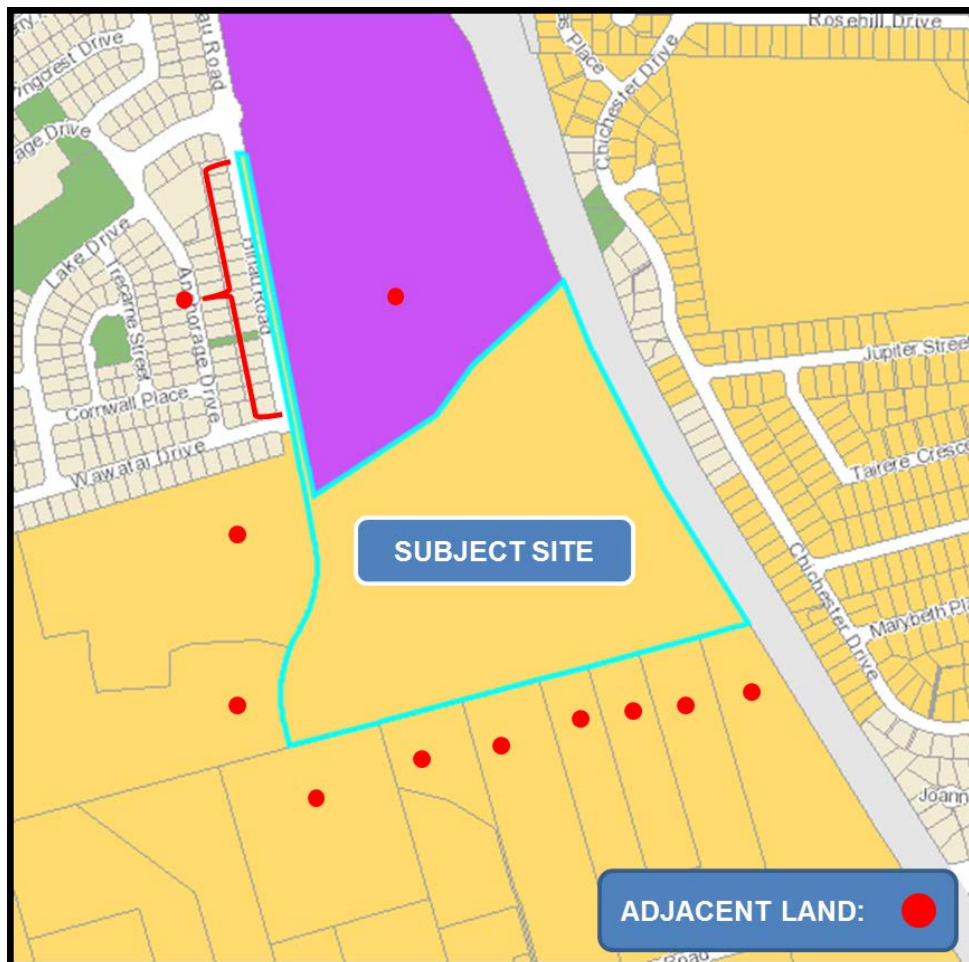


Figure 2: Land adjacent to the land subject to this application

Table 2: Relevant infrastructure providers and requiring authorities		
Infrastructure provider / Requiring authority	Relevant asset and location	Written approval provided?
Veolia, Watercare	Water and Wastewater network	No*
Auckland Transport	Road Network	No*
Stormwater Unit	Stormwater network	No
Vector	Electricity	No
Chorus	Telecommunications	No
Transpower	National Grid Transmission Line	Yes

\* Whilst the written approvals of these infrastructure providers have not been formally provided, they have reviewed the QD application and provided feedback. The applicant has made amendments, and engineering plan approval will be sought in due course. The agreement of these infrastructure providers, in principle, is implicit. Relevant comments will be discussed below.

## **Notification Assessment and Recommendation**

### **Purpose of HASHAA and the Auckland Housing Accord**

The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply - in this case within the Auckland region, which has been identified as having housing supply and affordability issues. The proposal directly aligns with the purpose of the HASHAA, as it seeks to subdivide land for residential purposes including the creation of 158 vacant residential lots and 19 residential super lots, some of which will accommodate affordable housing.

### **Relevant rules, policies and objectives of the AUP:OP**

The relevant objectives and policies of the AUP:OP, in summary, aim to enable subdivision and development that implements the Hingaia 1 Precinct Plan. They anticipate that subdivision and development will deliver sites that are of an appropriate size and shape for development intended by the zone, and that subdivision will encourage or enable development that is in keeping with the neighbourhood's planned character. There is an expectation that subdivision does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards, including flooding. There is also an expectation that the National Grid Corridor will be appropriately protected from incompatible subdivision, use and development, and therefore appropriately protected from reverse sensitivity effects.

The relevant rules are set out in the 'Reasons for the Application' section above.

In summary, the proposal is not contrary to the relevant policies and objectives of the AUP:OP (my reasons are elaborated on in the 'Consideration of the Application' section of this report). Further, the proposal is in general accordance with the Hingaia 1 Precinct Plan. The relevant rules that trigger the need for resource consent for the proposal relate to minimum lot size, development within a flood plain, and development within the National Grid Corridor.

These rule triggers have guided my consideration of the effects on the environment (below) as relevant to deciding whether or not to notify an adjacent owner, infrastructure provider or requiring authority. Noting that any assessment of effects on the National Grid Corridor are excluded because Transpower has given their written approval.

## **Effects on the environment**

### *Receiving Environment*

Resource consents have been granted at 55 Hayfield Way, 29 Hayfield Way, 40 Oakland Road and 257 Hingaia Road for vacant lot subdivisions with associated roads and infrastructure:

- 55 Hayfield Way – 31 vacant residential lots, eight future development super lots.
- 29 Hayfield Way – 45 vacant residential lots, one future development super lot.
- 40 Oakland Road – 67 vacant residential lots, four future development super lots.
- 257 Hingaia Road – 46 vacant residential lots, six future development super lots.

While these sites are some distance away, within the Hingaia 2 Precinct, they are still important consents in the wider receiving environment because they signal that residential development and increased density is already changing the existing character of wider surrounding area in line with the compact city model sought by the AUP:OP.

### *Permitted Baseline*

Resource consent for earthworks has been granted separately (R/LUC/2016/4116). There are no other unimplemented consents for the site.

The mixed housing suburban zone enables up to two dwellings per site as a permitted activity, subject to compliance with development controls such as building height (8 metres), building coverage (40% of the site area) and setbacks (3m front yard, 1m side and rear yards). Development within the mixed housing suburban zone is anticipated to generally be one-two storey detached and attached housing in a variety of types and sizes. Buildings of this type, height, bulk and with these setbacks therefore form the 'envelope' for anticipated development on this site.

### *Effects Assessment*

In terms of notification, and keeping in mind council's limited ability for notification (only adjacent owners, infrastructure providers and requiring authorities who have not given written approval), the relevant effects to be considered include:

- Residential amenity.
- Flooding.

### *Residential Amenity*

The proposed subdivision does not meet the standard for minimum lot size. The AUP:OP objectives and policies for subdivision anticipate that subdivision delivers sites that are of an appropriate size and shape for development intended by the zone, and that subdivision encourages or enables development that is in keeping with the neighbourhood's planned character. The type of development anticipated in the Mixed Housing Suburban Zone is set out above under the heading 'Permitted Baseline'. These permitted height, bulk and setback

standards are intended to provide quality on-site residential amenity for residents and adjoining sites and the street. They also aim to achieve a reasonable standard of sunlight access and privacy, and avoid visual dominance.

The Mixed Housing Suburban Zone sets a minimum lot size of 320m<sup>2</sup> to ensure good onsite amenity. Eleven of the proposed lots (Lots 120 – 117 and Lots 98 – 104 as shown in Figure 3) have an area of 312m<sup>2</sup> which is 8m<sup>2</sup> less than the minimum required. The applicant has assessed that future onsite amenity will not be compromised for these eleven lots because they have been located in a row where the road (and therefore access) is on their southern boundary. This would logically result in north-facing private outdoor living areas, because the outdoor living areas would be most likely located at the rear of the sites, not in the front where the access/driveway is.



Figure 3 – Lots that are less than the standard for minimum lot size (Lots 120 – 117 and 98 – 104).

Sheerin Samsudeen, Auckland Council Principal Urban Design Advisor, has reviewed the application and concluded that the proposal establishes an urban structure that sensitively responds to the adjoining development and aligns with design outcomes and character envisaged for the area. With this in mind, I accept the commentary in the applicant's AEE with respect to future onsite amenity and my assessment is that the eleven proposed 312m<sup>2</sup> sites are an appropriate size and shape for residential development in this situation. The eleven 'small' sites are located in the middle of the subdivision, not along an adjoining boundary. All lots along the adjoining boundaries are consistent with the size and shape anticipated by the AUP:OP. I note that this application does not include any buildings, and a further consent application will



be lodged for any built development that does not comply with the permitted activity rules. A further assessment of effects on adjacent owners, and associated notification assessment, would be made at that time.

### *Flooding*

A portion of the site is located within the 1 percent AEP floodplain. The AUP:OP objectives and policies anticipate that subdivision does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards, including flooding. In particular the AUP:OP seeks to maintain the function of flood plains and overland flow paths to safely convey flood waters and provide safe and stable building platforms.

Flood plains and overland flow paths are identified on the site (see Figure 4).

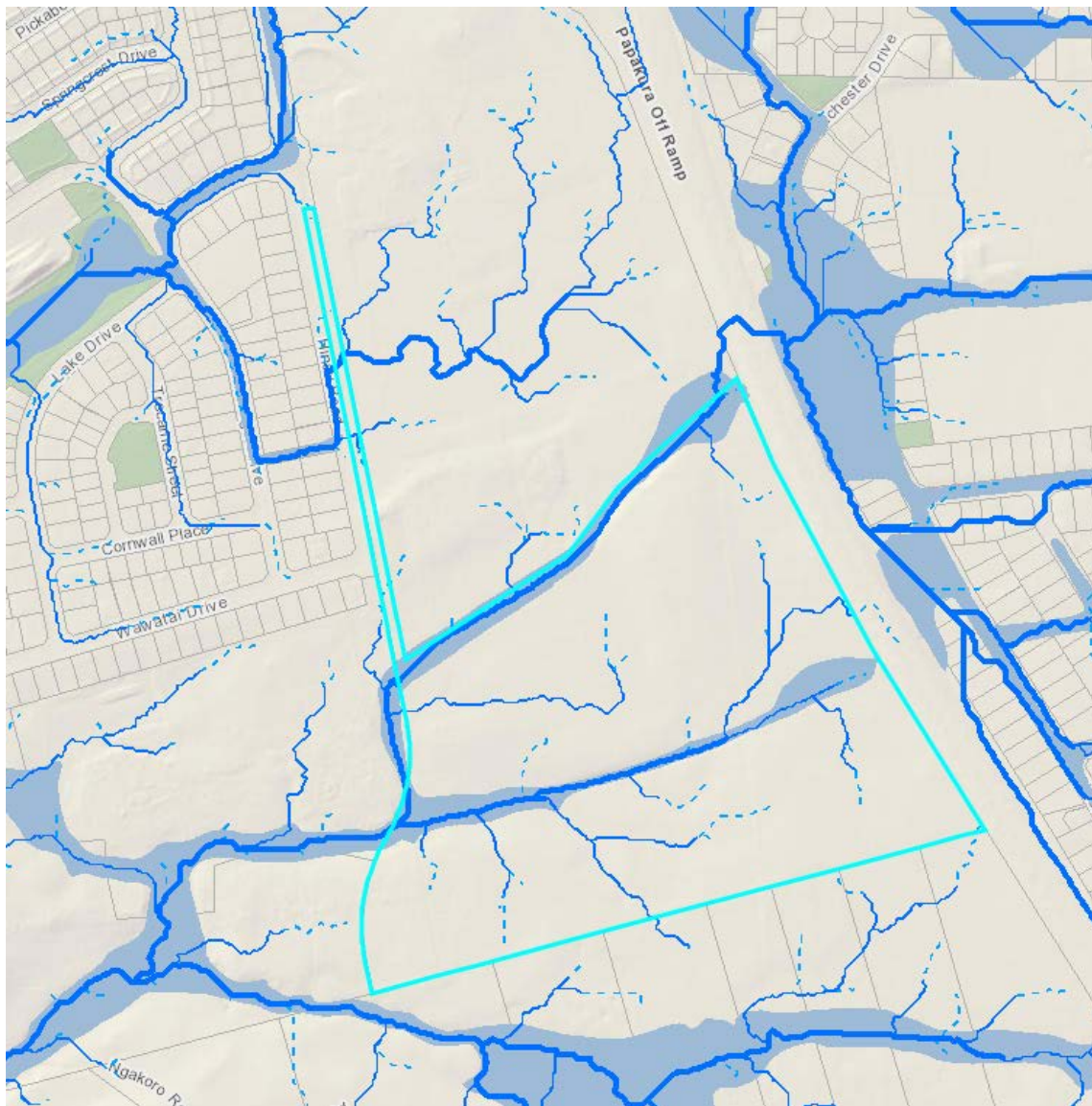


Figure 4 – Flood plains and overland flow paths on the site (Source: Auckland Council GeoMaps).



The applicant proposes to confine overland flows to within the road network and reserve areas through the site.

The applicant's AEE and Stormwater Report state that the modelling shows that in the 100 year event, stormwater runoff from the site, and land upstream of the site, is generally contained within the northern and central streams:

- Flows within the central stream can be contained within the proposed reserve area either side of the stream. The proposed culverts in/over the central stream have adequate conveyance capacity in the 100 year storm event.
- Flows in the northern stream can be contained within the proposed reserve area either side of the stream, except at the point of entry into the site (where the motorway culvert discharges into the site). The stream overtops here and flows follow the topography to the south east. This overland flow path will affect finished floor levels along the eastern property boundary.
- At the downstream end of the northern stream, an existing 900mm diameter culvert currently acts as a flow restriction. It is not big enough to convey the 100 year storm event and so in this scenario, water will overtop Hinau Road and flow south. However, all flows that overtop Hinau Road are contained within the road carriageway.

I accept the commentary provided in the AEE and Stormwater Report. The applicant's flood modelling has been used to establish minimum floor levels across the site and I am satisfied that these can be secured via Consent Notice on the relevant titles.

### **Infrastructure provision and readiness**

The applicant's AEE in section 4.5 sets out the infrastructure services and/or connections that are available or will be provided to the site. The proposal has been reviewed by Auckland Transport, Veolia, Watercare, Auckland Council's Stormwater Unit (Healthy Waters) and the Auckland Council Development Engineering team. It has been acknowledged by all that there will be a subsequent engineering plan approval process, and that some relevant physical infrastructure detail can be confirmed through this process. This includes the need to coordinate with other relevant service providers in relation to location and proximity of services to one another. This will be done as part of the engineering plan approval. In addition, in relation to water supply, Veolia had raised concern that there was no capacity available within the existing local Water Supply Network to provide water servicing for the 72 Hinau Road development (or ongoing Hingaia Peninsula development), but Watercare have confirmed that sufficient capacity is available now, and that future capacity will be managed through the engineering plan approval process.

A number of conditions regarding the delivery and maintenance of the infrastructure on the site have been suggested, which have been endorsed by the applicant and thus form part of the application.

**Other matters**

A full assessment of effects on the environment of this application is provided in the 'Consideration of the Application' section of this report.

**Recommendation Conclusion**

It is considered that this application should be processed on a **non-notified** basis for the reasons given above.



10/08/2017

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Alex Jepsen  
Consultant Planner  
SHA Consenting

Date

**Notification Determination**

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under s29 of the HASHAA this application shall be processed non-notified.



10/08/2017

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Colin Hopkins  
Lead Project Planner, SHA Consenting  
Resource Consents Project Management

Date

## **CONSIDERATION OF THE APPLICATION**

### **Statutory Considerations**

Sections 34 and 35 provide the statutory framework for consideration of any application for a qualifying development within a Special Housing Area. Where the authorising agency grants an application, it can impose conditions (s37 and s38 of the HASHAA).

### **Statutory Considerations under Section 34(1)**

Section 34(1) details the matters the council must have regard to when considering applications for resource consent applications (and any submission received from notification). The section dictates a clear order for weighting from subs (1)(a) to subs (1)(e).

For the purposes of this report the matters are addressed individually – with the weighting exercise of the relevant findings, following the weighting hierarchy required under the HASHAA.

### **Purpose of the HASHAA (s34(1)(a))**

The purpose of the HASHAA is to enhance housing affordability by facilitating an increase in land and housing supply - in this case within the Auckland region, which has been identified as having housing supply and affordability issues. This criteria has the greatest weight in any consideration of an application for a Qualifying Development.

The proposal directly aligns with the purpose of the HASHAA, as it seeks to subdivide land for residential purposes including the creation of 158 vacant residential lots and 19 residential super lots, some of which will accommodate affordable housing.

The Auckland Plan (AP) identifies that affordable housing is a core priority for Auckland in terms of housing supply, choice, affordability and quality. The AUP:OP seeks to ensure efficient use of land and provision of a range of housing choice. Together, there is clear alignment between what the AP and AUP:OP seek to achieve and the purpose of the HASHAA, which seeks to enhance housing affordability by facilitating an increase in land and housing supply.

Schedule 5B of the HASHAA outlines the affordable housing criteria for QDs in the Hingaia SHA (Criteria A and Criteria B). This application seeks consent for the creation of vacant residential lots and super lots only – it does not explicitly cover the construction of dwellings on these lots. However, the application has identified that Super Lots 1000-1003 and 1007-1008 have been allocated for the provision of affordable housing, and that they are anticipated to be further subdivided into 26 lots which will be developed with affordable housing in accordance with Criteria A (based on a total yield of 256 dwellings for the site).

A Consent Notice will be registered on the titles of Super Lots 1000-1003 and 1007-1008 requiring any further subdivision and development to comply with Criteria A of the HASHAA and applicable land use controls.

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

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

It is considered that the proposal is consistent with Part 2 of the RMA as it will promote sustainable management of natural and physical resources. The proposal makes efficient use of the site, whilst minimising any effects on the environment. The proposal will enable the development of land for residential purposes in accordance with the Hingaia 1 Precinct Plan, and will facilitate the delivery of more homes for people in the Auckland Region. In doing so, the proposal will enable wide community and social wellbeing benefits for Hingaia and the Auckland Region.

## **Proposed Auckland Unitary Plan (s34(1)(c))**

### ***Regional Policy Statement (Part 1 Chapter B)***

Chapter B of the AUP:OP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. Chapter B2 relates to urban growth and form, and identifies issues relating to Auckland's population growth and the demand it places on housing, infrastructure and services. It includes objectives and policies to enable sufficient development capacity and land supply for residential growth while achieving a compact urban form, a quality built environment and enabling economic well-being.

These align with the direction contained in the Auckland Plan. With respect to the above matters, the following comments are made:

- The proposal seeks to enable residential growth on vacant land within the Rural Urban Boundary.
- The proposal delivers on the quality compact city aspiration by making efficient use of the site through the proposed lot sizes and street layout.
- The proposal supports a quality built environment because it is consistent with the planned future environment for the Hingaia 1 Precinct and has been designed to integrate with adjacent future development in terms of road connections and landscaping.
- The provision of affordable housing on the site will enable economic well-being to be achieved for future residents.

### ***Relevant Objectives and Policies***

The objectives and policies in the Hingaia 1 Precinct (I6.31) aim to enable subdivision and development that implements the Hingaia 1 Precinct Plan as a logical extension to the existing urban environment, with connections to future development on adjoining land. A high standard of amenity should be achieved, while ensuring there is a choice of living environments (including a range of lot sizes) and affordability options. The AUP:OP anticipates that existing stream corridors will be retained and enhanced, and that walkways be incorporated along stream corridors where possible. The AUP:OP anticipates that infrastructure including transport, stormwater, wastewater, and water services are delivered in a coordinated manner, and recognises that this could mean a development is staged to align with the co-ordinated provision of infrastructure. The objectives and policies of the Hingaia 1 Precinct encourage overland flowpaths to be retained or provided for in the site layout to manage risks from flood events up to the 1 percent AEP, taking account of maximum probable development in the upstream catchment. The Hingaia 1 Precinct objectives and policies are also explicit in their reference to affordable housing – seeking that this be provided in any residential development, and that it is distributed throughout the development. One objective of particular relevance to the 72 Hinau Road site, is that which aims to ensure subdivision and development does not adversely impact on the safe and efficient operation of the adjoining State Highway network and/or the National Grid.

As noted above in the notification assessment, the AUP:OP's general objectives and policies for subdivision (E38.2-E38.3), and the Residential Mixed Housing Suburban objectives and policies (H4.2-H4.3), anticipate that subdivision and development delivers sites that are of an appropriate size and shape for development intended by the zone, and that subdivision encourages or enables development that is in keeping with the neighbourhood's planned character. In this case, the Mixed Housing Suburban Zone anticipates predominantly two storey buildings (the permitted building height is 8 metres), with a building envelope/bulk that is consistent with a suburban character (permitted building coverage is 40% of the site area), that are set back from site boundaries with landscaped gardens (permitted yards include 3m at the front and 1m at the side and rear) to provide quality on-site residential amenity for residents and adjoining sites and the street. These permitted height, bulk and setback standards also aim to achieve a reasonable standard of sunlight access and privacy, and avoid visual dominance.

The AUP:OP's general objectives and policies for subdivision also anticipate that subdivision does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards, including flooding. In particular the AUP:OP seeks to maintain the function of flood plains and overland flow paths to safely convey flood waters and provide safe and stable building platforms.

With the above objective and policy framework in mind, it is my assessment that the activity will not be contrary to the objectives or policies of the AUP:OP, for the following reasons:

- The proposed subdivision is in accordance with the Hingaia 1 Precinct Plan and facilitates the anticipated residential development for the Hingaia Peninsula. It provides a logical expansion to the existing environment (in particular the adjoining Karaka Lakes development), and provides for connections to future development to be undertaken on adjoining land.
- Land is appropriately vested to provide for roads, stormwater and infrastructure such as the transmission pylons in the eastern portion of the site.
- There is sufficient and appropriate infrastructure available to service the site, which will be in place at the time of development (albeit noting that water supply will be via a short term arrangement until the long term solution is ready).
- The stormwater management strategy for the site has been developed to meet the objectives of the Stormwater Management Plan prepared for Karaka Lakes.
- While a portion of the site is identified as being within the flood hazard (flood plain), the applicant has proposed a satisfactory method to manage overland flows such that there will be no adverse effects on the downstream environment, including identifying minimum floor levels for dwellings.
- Existing Transpower and motorway infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects through the imposition of building envelopes to restrict development, minimum clearance distances and an amenity buffer.
- The subdivision has a layout that is safe, efficient, convenient and accessible – able to integrate with anticipated future development on neighbouring sites.
- The proposed subdivision will enhance the two existing streams through the site, which will contribute to the character and amenity values of the area.
- The proposed subdivision provides a range of lot sizes and densities.
  - While not all lots meet the minimum lot size requirement of 320m<sup>2</sup>, the sites are of an appropriate size and shape for development intended by the zone and able to accommodate useable and accessible outdoor living space for on-site amenity.
  - The inclusion of comprehensive development lots provides for higher density living options within the Mixed Housing Suburban zone.
- The proposed subdivision provides for the recreation and amenity needs of residents by providing footpaths and boardwalks within reserve areas.
- Overall, housing capacity, intensity and choice are increased with this proposal, and while the proposal does not include any buildings, the intended development is in keeping with the planned suburban built character of Hingaia being predominantly one to two storey buildings, in a variety of forms (attached and detached).

## **Other Matters that Arise for Consideration under Sections 104 to 104F of the RMA (s34(1)(d))**

### ***Actual and Potential Effects on the Environment***

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

### ***Permitted Baseline/ Appropriate Comparison/ Receiving Environment***

In considering the effects, the authorising agency:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval.

### ***Permitted Baseline***

There are no unimplemented consents for the site. However, the mixed housing suburban zone enables up to two dwellings per site as a permitted activity, subject to compliance with development controls such as building height (8 metres), building coverage (40% of the site area) and setbacks (3m front yard, 1m side and rear yards). Development within the mixed housing suburban zone is anticipated to generally be one-two storey detached and attached housing in a variety of types and sizes. Buildings of this type, height, bulk and with these setbacks therefore form the 'envelope' for anticipated development on this site.

### ***Receiving Environment***

Resource consent for earthworks has been granted separately (R/LUC/2016/4116). In addition, it is noted that resource consents have been granted at 55 Hayfield Way, 29 Hayfield Way, 40 Oakland Road and 257 Hingaia Road for vacant lot subdivisions with associated roads and infrastructure:

- 55 Hayfield Way – 31 vacant residential lots, eight future development super lots.
- 29 Hayfield Way – 45 vacant residential lots, one future development super lot.
- 40 Oakland Road – 67 vacant residential lots, four future development super lots.
- 257 Hingaia Road – 46 vacant residential lots, six future development super lots.

While these sites are some distance away, within the Hingaia 2 Precinct, they are still important consents in the wider receiving environment because they signal that residential development and increased density is already changing the existing character of wider surrounding area in line with the compact city model sought by the AUP:OP.



## **Activity Status**

This application is for a non-complying activity. As such, there is no restriction on the matters Council can consider in making its decision.

However, the following matters have been useful in guiding the consideration of this application:

- Chapter I 6.31.5.1 Subdivision in the Hingaia 1 Precinct – matters for discretion.
- Chapter E 38.12.1 Subdivision of a site within the one per cent annual exceedance probability floodplain – matters for discretion.
- Chapter E 38.8.3.1 Vacant sites subdivision involving parent sites of 1 hectare or greater – standards.
- Chapter E 38.12.1 Vacant sites subdivision involving parent sites of 1 hectare or greater – matters for discretion.
- Chapter D 26.6.2 Subdivision in the National Grid Corridor – matters for control.

## **Assessment of Effects**

Having regard to the above, and after an analysis of the application, including any proposed mitigation measures and specialist reports, the adverse and positive effects of the activity are identified and discussed below.

It is noted that the submitted AEE for the scheme prepared by Woods dated September 2016 provides an assessment of the potential effects of the proposal and will be referenced and referred to as appropriate below.

## **Land use**

The site is zoned residential – Mixed Housing Suburban under the AUP:OP. The AUP:OP identifies that the Mixed Housing Suburban zone is the most widespread residential zone covering many established suburbs and some greenfields areas. The zone enables intensification, while retaining a suburban built character. Development within the zone is intended to be generally one-two storey detached and attached housing in a variety of types and sizes to provide housing choice.

There are high voltage transmission lines located within the eastern portion of the site. This is relevant from a land use perspective because the New Zealand Electrical Code of Practice (NZECP34:2001) specifies minimum distances between transmission lines and buildings and this affects the land use/development pattern achievable on the site.

The Electrical Clearance Report (included as Appendix 4 to the applicant's AEE) has assessed the overhead transmission lines and confirmed the minimum clearance distances for the affected lots. It has been established that no buildings are to be constructed within 12m of a tower foundation, and that structures under the transmission lines must have achieved a minimum clearance distance from the centreline of the line, and another set point located further from the centreline.

To cater for the restrictions imposed by the transmission lines (and pylons) the applicant has proposed that a covenant area / building envelope be identified on each affected lot. The building envelopes are identified on the approved plans. Development of dwellings on these lots will be restricted to the covenant areas only. The covenant areas range from 220m<sup>2</sup> – 297m<sup>2</sup> i.e. a sufficient size to enable a dwelling to be constructed. The no-build areas will contain private living courts and areas of landscaping. In addition, minimum clearance distances from the transmission lines will be noted on the Certificates of Title for each affected lot as maximum RLs (relative levels).

State Highway 1 runs along the eastern boundary of the site. This is relevant from a land use perspective because there are potential reverse sensitivity issues associated with noise emanating from the motorway. The proposal includes an amenity buffer (approved as part of the bulk earthworks consent) to provide acoustic attenuation. The buffer includes an earth bund approximately 2.0m high and a 1.8m high close boarded fence on top of it. The applicant has proposed that Consent Notices are placed on the Certificates of Title for each affected lot requiring that the acoustic fence cannot be modified without prior approval from Council, and that the maintenance of any landscaping on the bund, within the boundary of each affected lot, be the responsibility of the land owner.

Overall, it is considered that the proposed residential land use is an appropriate planning response for this site, in keeping with the anticipated future direction of the area and makes efficient use of a site in an accessible location. This is in accordance with the aspirations of Auckland Plan and the AUP:OP, which seek to provide for the efficient use of land through a compact city model. The proposed covenant areas, minimum clearance distances, and the amenity bund – all to be confirmed via consent notice – are an appropriate response to the infrastructure restrictions on the site and will ensure there are no adverse effects on future residents or reverse sensitivity effects on the infrastructure providers.

### **Mana Whenua Values**

The site is not identified under the AUP:OP as being a site of Mana Whenua value, nor does it trigger a requirement for a Cultural Impact Assessment (CIA). Notwithstanding this, Ngati Tamaoho, Ngati Te Ata and Te Akitai Waiohua have identified an interest in the site.

Consultation with Ngati Tamaoho, Ngati Te Ata and Te Akitai Waiohua was undertaken as part of the Plan Variation 1 process, to understand the cultural impacts of development in the Hingaia 1 Precinct generally. Subsequent to this, supplementary comments have been provided for the individual sites where development is proposed, including 72 Hinau Road.

I have reviewed the comments provided on 72 Hinau Road, as contained in the CIA from Ngati Te Ata and the email from Ngati Tamaoho dated 18 November 2016, and am satisfied that the recommendations made by iwi, that are relevant to this application, have been appropriately incorporated within the proposal. Relevant recommendations include to:

- Plant the margins of waterways within the site with indigenous plant species (this forms part of the proposal);
- Retain a natural stream environment within the site's waterways (the site's waterways are proposed to be retained and enhanced – this proposal does not involve the piping of any significant waterways); and
- Provide an opportunity for iwi to be involved in the naming of roads and reserves (to be achieved through continued engagement with iwi throughout the various stages of development).

I understand from the applicant that Te Akitai Waiohua chose to defer to the other iwi groups for comment. I am satisfied that the comments provided by Ngati Te Ata and Ngati Tamaoho adequately capture matters of interest to Te Akitai. From my experience, it is not unusual for one iwi group to defer to another on matters of shared interest.

### **Urban Design and Character**

The mixed housing suburban zone is the main residential zone within the AUP:OP and it anticipates a moderate level of intensity to allow for the provision of a range of housing typologies. It seeks high quality amenity onsite and dwellings that positively respond to the street, the site context and the planned character of the area.

This application does not cover the construction of dwellings, it seeks consent for the creation of vacant residential lots only. However, the proposal provides the land that is necessary to create new residential development. It features:

- a range of lot sizes (312m<sup>2</sup> to 1,587m<sup>2</sup>) that are capable of accommodating one to two dwellings per lot; and
- a roading pattern that aligns with the likely future roading pattern on adjacent sites and what has been anticipated in the Hingaia 1 Precinct Plan.

The Urban Design Statement submitted with the AEE (Appendix 8) provides a site analysis and design response for the proposed development. It concludes that the proposed design for the site is consistent with the outcomes anticipated for Hingaia Precinct 1 and the wider Hingaia Peninsula as a whole; that it is a well-connected development with appropriately sized development blocks and good connections to future adjacent residential development; and that appropriate design solutions have been developed to maintain the integrity of the site, despite infrastructural site constraints including the transmission lines.

Sheerin Samsudeen, Auckland Council Principal Urban Design Advisor, has reviewed the application. Ms Samsudeen agrees that the proposal is generally consistent with the Hingaia 1 Precinct Plan and the anticipated direction for the Hingaia Peninsula as a whole. Ms Samsudeen supports the key design aspects of the proposal including its incorporation of the existing two stream corridors, proposed movement networks and how the proposal responds to the infrastructural constraints of the site and surrounds including:

- The extension to Hinau Road as the main link to continue the north-south connectivity;
- The collector road, park edge road and minor residential street respond well to the site's constraints and enable efficiency of movement;
- Local road network, integrated street designs and wider connectivity options for pedestrians, cyclists and vehicles;
- Site planning and block layout with clear front-front and back-back arrangement. An exception to this is the subdivision adjoining the central stream corridor. However, a fencing restriction (to be imposed by way of a consent notice) has been proposed to ensure a balance of passive surveillance and privacy for the future residents (fences along the boundary between the central stream/reserve and Lots 1006, 1014, 1015 and 1016 shall be no more than 1.5m high);
- Smaller lots / higher density that adjoin the open space corridor and large lots associated with the transmission lines and gas line; and
- The associated open space and landscape concept that enhances and incorporates the natural environment of the site.

Overall, taking into account the underlying zoning and the views of Ms Samsudeen, I am satisfied that the proposed development is appropriate and in keeping with the intended future character and intensification sought by the Unitary Plan.

### **Landscaping and street furniture**

The proposal includes the following landscaping features (soft and hard) and street furniture:

- street trees – including a species selection that is consistent with the Karaka Harbourside development in the north;
- street lights;
- raingardens;
- riparian margins – native planting along the margins of the streams, to be contained within Lots 300 and 303-306;
- boardwalks and tracks – to be developed in Lots 303-306, adjacent to the streams to provide for recreational activity;
- amenity buffer – a 2.0m high earth bund, planted on the eastern side to soften the visual impact of the bund and fence when viewed from the State Highway 1;
- acoustic fence – a 1.8m high close boarded fence on top of the amenity buffer.

The landscaping will be implemented following the completion of the civil works, and the applicant has committed to a two-year maintenance period following the completion of planting.

I am generally satisfied with the proposed landscape and planting plan, but I recommend that a final landscaping plan and maintenance programme be submitted to Council for approval at the same time as the engineering plan approval. This is a standard requirement across most subdivisions on the Hingaia Peninsula.

With respect to the landscaping layout, I have had regard to the relative location of street trees to vehicle crossings and street lamps. If adequate separation distances are not provided, this can affect pedestrian and vehicle visibility and/or create ongoing maintenance issues. However, I am satisfied that the applicant has given due consideration to these matters and details can be confirmed as part of the engineering plan approval process.

The amenity buffer proposed within Lots 81 – 92 is intended to provide mitigation for the noise and visual effects associated with State Highway 1. I consider this to be an appropriate response to maintain residential amenity on these lots.

Overall, I am satisfied that the proposed landscaping and associated effects (visibility and maintenance) can be appropriately managed through the recommended consent conditions in Attachment 1, particularly:

- Final landscape plan to be provided to the Parks Planning Team Leader for approval at engineering plan approval stage, showing details of rain gardens, street trees and local purpose reserves.
- Maintenance plan to be submitted to the Parks Planning Team Leader for approval at engineering plan approval stage, providing detail of the proposed maintenance regime for the rain gardens, street trees and local purpose reserves.
- All soft landscape works are to be maintained by the consent holder for a minimum of two years from the issue of practical completion certificate.
- All hard landscape works are to be maintained by the consent holder for a minimum of 12 months from the issue of practical completion certificate and the consent holder shall be responsible for any defects.
- Street trees are to be a minimum of 2 metres from vehicle crossings and 5 metres from street lights – details to be confirmed as part of the engineering approval process.
- Consent Notices to be imposed on Lots 81-92 to ensure the amenity buffer and acoustic fence are retained and maintained.

### **Traffic and transport**

The AUP:OP adopts an integrated approach to transport and land use to ensure that adverse effects of traffic generation on the transport network are managed and to ensure that an integrated transport network, which aligns with intensification and efficient use of land, is encouraged.

Furthermore, the AUP:OP objectives also require that the parking spaces and access locations are suitably designed and located to contribute to a quality built environment, and that the safety and efficiency of both pedestrians and vehicles are considered when assessing place making, movement and access function across a site.

The submitted AEE includes an assessment of traffic effects in section 6.4.1 and Appendix 3. The transportation assessment anticipates the addition of 192 vehicles per hour will be generated by the development (0.75 vph x 256 lots). It concludes that this level of traffic generation has been anticipated through the Hingaia 1 Precinct master planning process and will have minimal impact on the local road traffic environment (Hinaiu Road).

On the basis that the volume of traffic anticipated to be generated from the site is generally consistent with work previously undertaken as part of Plan Variation 1, I am comfortable with the assessment provided and conclude that traffic generated from this development will be appropriately managed to avoid adverse effects.

Parking is proposed to be provided on each site as well as additional indented roadside spaces for visitors and/or spill-over parking. On this basis, and in the absence of any comments to the contrary from the Transport Engineer, I am satisfied that the parking needs of the development can be accommodated within the development area, and not spill over onto adjoining areas such as the northern end of Hinaiu Road or Wawatai Drive.

With respect to design aspects such as road widths, traffic calming, pavements, and other matters, Raj Nadarajah, Transport Engineer at Auckland Transport has reviewed the application and raised particular concern about:

- (1) Vehicle speeds and how they are managed through design to make the road environment safe for pedestrians and cyclists, including at intersections. For example:
  - o Compound curves tighten the radius of a turn and hence slow vehicle turning speeds.
  - o Traffic calming measures to assist in achieving a safe speed environment.
- (2) Temporary solutions for Roads 11, 12 and 14 where they connect to adjacent properties that are not being developed concurrently – temporary turning heads to be provided to facilitate vehicle turning.
- (3) AT does not support the use of permeable paving for parking areas because it creates maintenance issues over time.
- (4) Width of Road 9 and Road 10 – these roads should be widened to 6.0 m kerb to kerb in order to provide more passing space if this is to operate as a two-way street.
- (5) Road 14 connects to the adjoining Karaka Brook View site. Road 14 has a non-standard road design which has the potential to impact the design of any connecting road into this adjoining site. The design of Road 14 should be reconsidered, in terms of how it connects to the neighbouring site.

(6) Various engineering and design matters need to be confirmed at engineering plan approval stage including pavement, traffic calming devices, and lighting.

I have considered the comments from Auckland Transport and am satisfied that these matters can be dealt with through the engineering plan approval process, and/or through conditions of consent. With regard to items (4) and (5), the applicant has responded as follows:

- Item 4: Roads 9 and 10 are both link local roads and the narrow width has been intentional to encourage low speeds. These link roads are not intended to serve a through-traffic function, and it is not anticipated that kerbside parking will be provided. The applicant has agreed to consider the inclusion of mountable kerbs, at engineering plan approval stage, to enable passing.
- Item 5: The applicant has responded to say that the adjacent landowner has confirmed their approved resource consent plans show the land directly adjacent to Road 14 on their site is blank at this stage (no proposed road layout plans) and they will match their future design with the road layout at 72 Hinau Road, after it has been approved by Council.

Mr Nadarajah is adamant that the proposed 5.65m kerb-to-kerb width for Roads 9 and 10 is not acceptable. Mr Nadarajah has suggested that this could be suitable for one way traffic only, and would require specific design of compound curves at road corners. Mr Nadarajah has concluded that the applicant must widen to Roads 9 and 10 to be 6m kerb-to-kerb or change the traffic management along these routes e.g. make them one-way. I have recommended a condition of consent that requires the applicant to reconsider the design and/or management of Roads 9 and 10 as part of the engineering plan approval process, in consultation with Auckland Transport.

Likewise, Mr Nadarajah is not willing to accept Road 14 as a narrow road without further discussion between the applicant and Auckland Transport at engineering plan approval stage. Mr Nadarajah is comfortable for this to be conditioned and I have recommended a condition accordingly.

Overall, I am satisfied that the basic design and layout of the proposed roads, footpaths and parking areas is appropriate and will enable safe operation of the site. Furthermore, the proposal has sought to integrate successfully into the anticipated future street network on adjacent sites such that traffic effects will be less than minor.

I have recommended a number of consent conditions in Attachment 1 to confirm particular matters that have been agreed to by the applicant, as well as matters not yet resolved but considered necessary to manage traffic effects including:

- As part of the engineering plan approval, the consent holder shall submit complete engineering plans (including engineering calculations and specifications) for approval including detailed design of all roads to be vested in the Council.

- As part of the engineering plan approval, the consent holder shall submit revised plans including temporary turning heads for Roads 11, 12 and 14 unless otherwise agreed with Auckland Transport.
- As part of the engineering plan approval, the consent holder shall submit detailed plans for Road 14 showing how it connects/integrates to the neighbouring site. Design detail to be agreed with Auckland Transport in accordance with the engineering plan approval process.

## **Flooding**

The AUP:OP requires that in existing urban areas, risks from flooding need to be suitably managed, with some activities being more resilient to the effects of flooding than others.

A portion of the site is identified as being within the flood hazard (flood plain) in the AUP:OP. The applicant proposes to confine overland flows to within the road network and reserve areas through the site.

The modelling shows that in the 100 year event, stormwater runoff from the site, and land upstream of the site, are generally contained within the northern and central streams:

- Flows within the central stream can be contained within the proposed reserve area either side of the stream. The proposed culverts in/over the central stream have adequate conveyance capacity in the 100 year storm event.
- Flows in the northern stream can be contained within the proposed reserve area either side of the stream, except at the point of entry into the site (where the motorway culvert discharges into the site). The stream overtops here and flows follow the topography to the south east. This overland flow path will affect finished floor levels along the eastern property boundary.
- At the downstream end of the northern stream, an existing 900mm diameter culvert (which discharges into the neighbour's property) currently acts as a flow restriction. It is not big enough to convey the 100 year storm event and so in this scenario, water overtops Hinau Road and flows south. However, all flows that overtop Hinau Road are contained within the road carriageway.

I accept the commentary provided in the AEE and Stormwater Report. The applicant's flood modelling has been used to establish minimum floor levels across the site and I am satisfied that these can be secured via Consent Notice on the relevant titles.

Overall, I am satisfied that there will be no adverse effects on individual titles or the downstream environment as a result of overland flows/flooding.

## **Transpower**



The AUP:OP includes an Electricity Transmission Corridor Overlay (now referred to as the National Grid Corridor Overlay in the AUP OP) with rules, objectives and policies designed to protect existing National Grid transmission lines and restrict sensitive activities within the 12m National Grid Yard. New buildings and structures for activities sensitive to transmission lines (which includes dwellings) within the National Grid Yard are non-complying activities under the AUP:OP.

The applicant has consulted with Transpower with respect to the proposed subdivision underneath the transmission lines. Transpower want to ensure that its assets are protected during construction and operation of the subdivision, and also to alert any future owners or occupiers to Transpower's assets. In other words, Transpower want to ensure that the design and construction of subdivision including land disturbance and the location of buildings and structures complies with NZECP34:2001. As such, Transpower has recommended some specific conditions which the applicant has accepted and included as part of the application.

I am satisfied that with the imposition of conditions on the consent, including Consent Notices on the titles of Lots 69, 81-92, 105, 301-302, 1000-1003, 1007-1009 restricting buildings within the grid yard or within the blowout area for the lines, Transpower assets will be adequately protected and there will be no adverse effects for future residents.

Accordingly, I have adopted the conditions as recommended by Transpower, in Attachment 1.

## **Infrastructure**

A clear and underlying principle of the HASHAA is that the SHA and associated QD need to be adequately serviced by infrastructure. This is a principle also identified under the AUP:OP in respect to residential development.

The applicant's AEE in section 4.5 sets out the infrastructure services and/or connections that are available or will be provided to the site. The proposal has been reviewed by Auckland Transport, Veolia and the Auckland Council Development Engineering team. It has been acknowledged by all that there will be a subsequent engineering plan approval process, and that some relevant physical infrastructure detail can be confirmed through this process. A number of conditions regarding the delivery and maintenance of the infrastructure on site have been suggested, which have been endorsed by the applicant and form part of the application.

### *Water Supply*

In relation to water supply, Veolia had raised concern that there was no capacity available within the existing local Water Supply Network to provide water servicing for the 72 Hinau Road development (or ongoing Hingaia Peninsula development). The applicant met with Veolia on 16 May 2017 to discuss water supply options available for 72 Hinau Road. This was followed by a meeting with Watercare on 24 May 2017 where Watercare confirmed they were working with

Veolia and major landowners to develop a long term solution for water supply in the Hingaia Peninsula. Ultimately a network pipe is required from the Flanagan Road Bulk Supply Point (BSP) to service Hingaia, which then connects to the Hinau BSP to provide an alternative supply feed. I spoke to Ilze Gotelli from Watercare on 25 July 2017. From my discussion with Ms. Gotelli I understand that there is capacity in the system now, but future capacity is constrained based on the amount of development that is planned for the area. Watercare's position is that development of the 72 Hinau Road site should be enabled based on the assumption that the new network pipe from Flanagan Road will go ahead. I understand that agreement needs to be reached between Watercare, Veolia and developers about funding for this infrastructure upgrade, but in principle it is agreed that the upgrade is needed and will go ahead. The applicant has proposed a number of conditions that require the consent holder to provide and install a complete water supply reticulation system to serve all lots in each respective stage of development (Stage 1, 2 and 3 as outlined in the 'Proposal, Site and Locality Description' above). The applicant proposes that this approach provides the appropriate checks and balances to ensure sufficient water supply is available in the short term, until the long term network upgrade is complete.

I have corresponded via email with Minesh Patel from Veolia, seeking their feedback/comment on this approach and the proposed conditions. Mr Patel is of the view that the applicant has not demonstrated a water supply servicing solution which will provide Code Compliant water servicing for the whole of the proposed development. This would require the applicant to applicant work with other catchment land owners and Watercare and Veolia. Mr Patel has said that without some certainty on the long term solution and timing of delivery, Veolia is unable to confirm that a short term solution would be practically achievable.

I have considered this feedback from Mr Patel. However, based on the feedback received from Watercare (noting that it is Watercare that provides bulk services to Veolia to distribute locally), I am comfortable that the proposed short term solution is practical and achievable. The conditions require that the consent holder provide and install a complete water supply reticulation system to serve all lots in each stage of development. The consent holder is required to work through the details with Veolia as part of the EPA and ultimately must satisfy Council that sufficient water servicing can be provided using the existing local (retail) water supply network. If this cannot be achieved, development will not be able to proceed until such time as it can be achieved. Further, I am confident that the EPA process will ensure that any water supply servicing solution, whether it be short or long term, will be Code Compliant. I also note that compliance with Veolia's water and wastewater requirements (as evidenced by the issuing by Veolia of a Compliance Certificate) is necessary prior to the issue by Auckland Council of a Completion Certificate s224(c).

Overall, I am satisfied that connection can be made to all relevant services and that detail can be confirmed at engineering plan approval stage. I have recommended a number of consent conditions in Attachment 1 to confirm the particular matters that have been agreed to by the applicant, as well as matters not yet resolved but considered necessary to ensure adequate servicing for the site, including:

- For each stage of development, the consent holder must provide and install a complete water supply reticulation system to serve all lots in accordance with approved Engineering Plans. Design details about infrastructure connections to be confirmed at engineering plan approval stage.

### *Stormwater*

The proposed development will increase impervious surfaces and this has potential to result in an increase in peak stormwater flow and velocity, which could impact on water quality and volume in the receiving environment.

The application included a Stormwater Management Report (attached as Appendix 10 to the AEE) which sets out the stormwater management strategy for the site and includes an analysis of overland flow paths and flooding effects.

The stormwater management strategy for the site has been developed in accordance with the Hingaia Stormwater Management Plan and the Auckland Council Stormwater Code of Practice, including:

- Stormwater conveyance for 10 year ARI rainfall event;
- Overland flow paths for 100 year ARI rainfall event;
- Treatment of runoff prior to discharge through the use of raingardens in the road berms;
- Retention of at least 5mm of runoff depth for the impervious area for which hydrology mitigation is required; and
- Detention and a drain down period of 24 hours for the difference between the development and post-development runoff volumes from the 90<sup>th</sup> percentile 24 hour rainfall event minus the 5 mm retention volume.

In addition, the two existing streams located within the central and northern portion of the subject site are proposed to be vested in Council as Stormwater Management Reserve Lots 300 and 302 – 306 (for an assessment of flooding effects associated with these streams, refer to the next section of this report).

On the basis that it is consistent with the Hingaia Stormwater Management Plan, I am satisfied with the proposed stormwater management strategy for the site.

I do recommend that detailed design of the stormwater system and devices for the management of both quantity and quality of the stormwater runoff from the contributing catchment, and details of the stormwater discharge outlet, be submitted to Council for approval at the same time as the engineering plan approval. This is a standard requirement across most subdivisions on the Hingaia Peninsula.

Rajinesh Kumar, Development Engineer at Auckland Council, has reviewed the application and made the following comments relating to the design of raingardens:

- Revised detail about raingarden design is required. We understand the applicant proposes that the kerb will make up one side of the raingardens. However, we consider it necessary to provide a barrier or similar in order to support the rain garden against the kerb, to prevent the rain garden structures from failing and affecting the road and footpath. As such, the raingarden wall must be set behind a standard kerb.
- The applicant also needs to provide detail about how the proposed raingardens will cope with high flows – a cesspit should be located after the raingarden to manage this.

Overall, I am comfortable that the applicant has demonstrated the ability to provide for adequate stormwater treatment, and that the further detailed information listed above can be provided at engineering plan approval stage. I have recommended a number of consent conditions in Attachment 1 to ensure these matters are appropriately addressed at EPA.

### ***Other Relevant Statutory Instruments***

#### Any other Matters and Relevant Operative Regional and District Plan – s104(1) (c) and 104(1)(b)(iv)

Auckland Council and the Government entered into the Auckland Housing Accord on the 3rd October 2013. Under section 10 and 11 of HASHAA, the Accord established Auckland Council as an authorised agency under the HASHAA, and outlines how Auckland Council will achieve the purpose of the HASHAA, and increase housing supply and affordability over the next three years. Section 34 of HASHAA created a hierarchy of matters to be had regard to when considering an application for a qualifying development. HASHAA is forward looking legislation whereby proposed plan provisions have greater weight than operative plan provisions, and in the Auckland context the Proposed Auckland Unitary Plan (PAUP) was the dominant planning document relevant to qualifying development applications. On 15 November 2016 the PAUP was made operative in part and was renamed the Auckland Unitary Plan: Operative in Part (AUP: OP). The HASHAA definition of proposed plan includes any provision of the PAUP that has not become operative. When a provision in a proposed plan becomes operative any legacy provision that sought to deal with the same matter becomes inoperative. Accordingly, the operative portions of the AUP: OP have displaced any equivalent legacy provisions and are the only provisions that an application needs to be assessed against.

Any provisions of the AUP:OP that are under appeal and therefore not operative are still a proposed plan, in HASHAA terms, and will have greater weight than any legacy plan provisions that they are intended to replace. The provisions of an operative (legacy) plan are a matter that regard must be had to, under section 34(1)(d)(i) of HASHAA. However, relatively little weight has been given to those provisions in light of the hierarchy of relevant matters described in section 34(1) and the Accord which is considered to be a relevant matter for consideration under s 104 of the RMA. Particularly relevant aspects of the operative plan have been identified and commented on where appropriate.

#### Particular restrictions for non-complying activities – s104D(1)(b)

Section 104D(1) states that Council may only grant a resource consent for a non-complying activity if it is satisfied that either the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of the relevant plan or proposed plan.

A full assessment of the potential effects of the proposed development has been undertaken in earlier sections of this report. This assessment concluded that any adverse effects are able to be managed via conditions of consent such that they would be no more than minor. On this basis, I am comfortable that the s104D(1) test is met. However, I confirm my assessment from above that the activity will not be contrary to the objectives or policies of the AUP:OP. In summary, the proposal makes an efficient use of land and gives effect to the compact city model. It unlocks vacant land for residential development and thus enables increased housing supply. The proposed lot sizes provide for a range of housing densities, and affordable housing is explicitly provided for. All required infrastructure can be provided including transport, water, wastewater, stormwater and telecommunications. New landscaping and tree planting is proposed in the road reserve and stormwater management reserves. The road network is designed to integrate with adjacent sites and adequate parking is available. The proposed road cross-sections are consistent with the Hingaia 1 Precinct and will accommodate safe and efficient movement for vehicles, cyclists and pedestrians – particularly through the confirmation of design details at EPA stage. The proposed development is vulnerable to flooding effects due to its location in a floodplain, but overland flows will be confined to the road network and the two streams within the site and minimum floor levels have been determined for sites that may be affected by flood flows. There will be no adverse effects on individual titles or the downstream environment as a result of overland flows/flooding. Overall, I consider that the proposal will be a positive addition to the Hingaia Peninsula and has appropriately responded to the Hingaia 1 Precinct Plan, existing adjacent sites and the surrounding area. There are a number of restrictions on the site due to the location of existing infrastructure (transmission lines, gas line, motorway) but the proposed covenant areas, minimum clearance distances, and the amenity bund are an appropriate response and will ensure there are no adverse effects on future residents or the infrastructure providers themselves. Conditions of consent are recommended accordingly.

### **Key Urban Design Qualities (s34(1)(e))**

The Urban Design Protocol identifies seven essential design qualities that together create quality urban design, being:

- *Context – Seeing buildings, places, and spaces as part of whole towns and cities*
- *Character – Reflecting and enhancing the distinctive character, heritage and identity of our urban environment*
- *Choice – Ensuring diversity and choice for people*
- *Connections – Enhancing how different networks link together for people*
- *Creativity – Encouraging innovative and imaginative solutions*
- *Custodianship – Ensuring design is environmentally sustainable, safe and healthy*
- *Collaboration – Communications and sharing knowledge across sectors, professions and with communities*

An assessment of the proposal against the seven essential design qualities of the Urban Design Protocol has been included in the Urban Design Statement (Appendix 8 to the application). The assessment concludes that the proposal is in accord with these seven essential design qualities and I concur with this assessment. I am guided by the assessment of Sheerin Samsudeen, Auckland Council Principal Urban Design Advisor, who has reviewed the application and is satisfied that the proposal is generally consistent with the Hingaia 1 Precinct Plan and the anticipated direction for the Hingaia Peninsula as a whole (context, choice), it establishes an urban structure that builds on the site's unique characteristics, sensitively responds to the adjoining development and aligns with design outcomes and character envisaged for the area (character, connections). As such I can conclude that that the proposal is in accord with the UDP seven essential design qualities.

### **Adequate Infrastructure**

Resource consent for a qualifying development under HASHAA cannot be granted unless there is sufficient and appropriate infrastructure provided to support the qualifying development (s34(2)-(3)).

Page 16 of the report deals with the provision of infrastructure for the scheme and found that there is suitable infrastructure to service the development with no effects on adjacent properties or infrastructure providers.

In relation to water supply, Veolia had raised concern that there was no capacity available within the existing local Water Supply Network to provide water servicing for the 72 Hinau Road development (or ongoing Hingaia Peninsula development). However, I understand from Watercare that there is capacity in the system now, but future capacity will be constrained until a

new network pipe is installed from the Flanagan Road Bulk Supply Point. I understand that agreement needs to be reached between Watercare, Veolia and major landowners in the area about funding for this infrastructure upgrade, but in principle it has been agreed that the upgrade is needed and will go ahead. The applicant has proposed a number of conditions that require the consent holder to provide and install a complete water supply reticulation system to serve all lots in each respective stage of development. This approach will provide the appropriate checks and balances to ensure sufficient water supply is available in the short term, until the long term network upgrade is complete.

Overall, I am comfortable that with the imposition of conditions, the proposed staged development of 72 Hinau Road meets the HASHAA test for infrastructure provision.

### **Statutory Considerations (s.34) Conclusion**

In respect of the s34, the proposal will enable the development of much needed housing stock in an area identified for intensification, and the site will be suitably serviced by appropriate infrastructure. The design and layout of the proposed development delivers on the aspirations of the AUP:OP to provide for the efficient use of sites to increase housing supply and residential density in line with the compact city vision. The site design is appropriate and has suitably taken account of the current and future adjacent sites. Overall, in respect of the s34 the proposed development aligns and meets the hierarchy of matters which need to be considered under HASHAA.

### **Other Relevant Sections**

#### ***Matters Relating to Subdivisions (s106 RMA)***

Resource consent should be granted to the subdivision application as sufficient provision has been made for legal and physical access and services to each allotment created by the subdivision. In addition, there will be no adverse effects on individual titles or the downstream environment as a result of overland flows/flooding because overland flows will be confined to the road network and local purpose reserves, and minimum floor levels have been established across the site. Appropriate conditions have been included on the subdivision to ensure that minimum floor levels are adhered to and easements for services, overland flow paths, party walls and right of ways are secured. This will ensure that the effects referred to within the assessment of effects above are avoided, remedied or mitigated.

#### ***Lapsing of Consent (s51)***

Under section 51 HASHAA , this consent lapses 1 year after the date it is granted unless:

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

In this instance two years has been requested. Given the lead times for development, and in order to allow for unforeseen delays, this is considered appropriate.

### ***Monitoring (s76)***

The proposal will need to be monitored in accordance with the conditions specified in this report, and the requirements contained in the AUP:OP. It is considered that a condition should be included on the consent to ensure that a suitable deposit is required to allow the monitoring of the consent, given the scale of the proposal this monitoring deposit should be set at \$1500.00.

### ***Recommended Conditions (s37 & 38)***

The following groups of conditions are recommended to be included on the consent to ensure that matters of the detailed design of roading, landscaping, infrastructure, and other subdivision and engineering matters are appropriately secured. The conditions have been grouped in the following broad topics:

- Landscaping conditions for the implementation and maintenance of hard and soft landscaping (including boundary treatments i.e. fencing);
- Engineering plan approval conditions for all roads, stormwater reticulation, overland flows and landscaping;
- Utility and servicing conditions in terms of the all essential services;
- Stormwater management conditions to ensure adequate treatment, retention and detention is provided;
- Subdivision conditions to ensure that easements for access and services are secured;
- Specific conditions relating to Transpower requirements;
- Specific conditions relating to water supply; and
- Consent notices to ensure fencing (including limited height fencing adjacent to the central stream/reserve), landscaping, stormwater devices, minimum floor levels and affordable housing requirements are secured.

### **Recommendation**

Under sections 34, 36, 37 and 38 of the HASHAA, I recommend that this non-notified application for a non-complying activity be granted. The reasons for this decision are detailed in the attached draft decision and recommended conditions.



**This report and recommendation prepared by:**

Name: Alex Jepsen

Title: Consultant Planner, SHA Consenting

Signed: 

Date: 

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10/08/2017

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