

Decision following the hearing of an application for resource consents under the Resource Management Act 1991



Proposal

To construct 76 dwellings as a comprehensive residential development in the Residential - Mixed Housing Suburban Zone; around which consent is then sought to subdivide in accordance with an approved land use consent; at 79 College Road, St Johns.

As the proposed subdivision relies on the approved land use consent, these two consents have been determined sequentially. However, the general assessment has been undertaken in line with Council's recommendation, as a comprehensive development.

Decision One: The land use resource consent (LUC60360142) is **GRANTED**.

Decision Two: The subdivision consent (SUB60340163) is **GRANTED**.

Application numbers	LUC60360142 and SUB60340163
Site address:	79 College Road, St Johns
Applicant:	St Johns Park Investments Limited
Hearing commenced:	Tuesday 14th and Wednesday 15th December 2021, 9.30 a.m.
Hearing panel:	Cherie Lane (Chair) Peter Kensington Gavin Lister
Appearances:	<p><u>For the Applicant:</u> Vicki Toan, Legal Counsel Henry Lin, Architect Brent Hulena, Architect Claire Walker, Landscape Architect Tracy Ogden-Cork, Urban Design Jason Hogan, Landscape Architect Leo Hills, Transport John Gardiner, Civil Engineering Nick Mattison, Planning Wei Helena Zhang and James McLean, applicant's representatives</p> <p><u>For the Submitters:</u> Donnelly Street Residents:</p> <ul style="list-style-type: none"> • Ramassh Theivendran and witness Lionel Ng (27 Donnelly Street) • Bhavani Peddinti (55 Donnelly Street) • Mohamed Mihlar (25 Donnelly Street) • Cherise Wong (43 Donnelly Street)

	<ul style="list-style-type: none"> • Hoi Ming Wan (online) speaking on behalf of submitter Guilian He (47 Donnelly Street) • Chris Ching (45 Donnelly Street) • Lucas Stone (182 Norman Lesser Drive) <p><u>For the Council:</u> Jennifer Chivers, Team Leader Dominique Cornford, Planner Melanie McKelvie, Urban Design Andrew Temperley, Traffic Engineer Gabrielle Howdle, Landscape Architect Michael Parsonson, NRSI Earthworks Jacques Jansen Van Rensburg, Auckland Transport Jin Lee, Development Engineer – On Call Laura Ager, Senior Hearings Advisor</p>
Hearing adjourned	Reconvened on-line, Friday 18 th February 2022
Commissioners' site visit	11 th August 2021 (Mr Lister and Mr Kensington); and 8 th December 2021 (Mrs Cherie Lane)
Hearing Closed:	Monday 14 th March 2022

Introduction

1. These decisions are made on behalf of the Auckland Council (the Council) by Independent Hearing Commissioners Cherie Lane (Chair), Peter Kensington and Gavin Lister appointed and acting under delegated authority under sections 34 and 34A of the Resource Management Act 1991 (the RMA).
2. These decisions contain the findings from our deliberations on the applications for:
 - (i) land use consent to construct 76 dwellings on the site; and
 - (ii) subdivision consent in accordance with an approved land use resource consent.

These decisions have been prepared in accordance with section 113 of the RMA.

3. The applications were lodged in June 2019 and were limited notified on 25th March 2021. A total of 49 submissions were received, all in opposition.

Summary of proposal and activity status

4. The applicant proposes to construct 76 dwellings on a vacant site of 2.7662 ha (legally described as Lot 6 DP 67256) within the Residential - Mixed Housing Suburban Zone. This requires land use consent as a Restricted Discretionary Activity for the reasons detailed below. A subdivision consent is sought sequentially for 'Subdivision in accordance with an approved land use resource consent' (complying with standard E38.8.2.1), under Rule E38.4.2(A14).

5. The proposal includes associated earthworks, landscaping, construction of services and construction of access. The site is to be accessed from Donnelly Street, with a new connection onto the College Road / Merton Road roundabout to provide an additional exit point. The proposal is described in detail in the application documents and the section 42A report. The dwellings are stand-alone detached of varying design, most with double internal garages; accessed from a private road system with entry from and exit to Donnelly Street and an exit only from the northern accessway onto the College Road / Merton Road roundabout. Bulk earthworks have been undertaken on site under a previous consent, providing the land contours on which the proposal has been designed. The application documentation includes a full suite of architectural plans for the proposed development, along with a landscape masterplan and confirmation that the site can be suitably serviced.
6. Since lodgement, the proposal was amended to reduce the number of dwellings from the original 81 (to 76) and various minor changes made to the proposed development. During the course of the hearing, further changes were proposed which included the removal (and transplantation) of 19 pōhutukawa trees within the Donnelly Street road reserve. These changes were considered to be within scope. All submitters were provided with details of the new information, as was available prior to the hearing, as an addendum to the section 42A report.
7. The subdivision proposed around the development (where approved) includes access to greater than ten rear lots by way of jointly owned access lots ('JOALs'). This does not meet standard E38.8.1.2(1). Where the standards of E38.8 are not met (as in this case) the subdivision is a Discretionary Activity (E38.4.2 (A31)).
8. The proposal requires resource consent for the following reasons.

Land use consent (s9) – LUC60360142

Auckland Unitary Plan (Operative in part)

H4 - Mixed Housing Suburban

- Rule H4.4.1 (A4) Four or more dwellings per site is a **restricted discretionary activity**. The proposal involves 76 dwellings.
- Rule H4.4.1(A34) New buildings are a **restricted discretionary activity**.

The proposed new dwellings are a restricted discretionary activity as it has the same activity status as the use (i.e.: four or more dwellings (A4)).

- The proposal does not comply with the following core development standards of the Mixed Housing Suburban Zone (as detailed in the section 42A report); and therefore, pursuant to Rule C1.9(2), is a **restricted discretionary activity**.
 - Building height (H4.6.4)
 - Height in relation to boundary (H4.6.5)
 - Front yard (H4.6.7), including retaining walls within 1.5m of the front boundary

E10 Stormwater Management Area – 2

- Rule E10.4.1(A3) new impervious area greater than 50m² is a **restricted discretionary activity**.

E11 Land Disturbance- Regional

- Rule E11.4.1(A8) earthworks greater than 2,500m² on land that has a slope equal to or greater than 10 degrees is a **restricted discretionary activity**.

E12 Land Disturbance - District

- Rule E12.4.1 (A6) earthworks greater than 2,500m² are a **restricted discretionary activity**.
- Rule E12.4.1(A10) earthworks greater than 2,500m³ in volume are a **restricted discretionary activity**.

E17 Trees in Roads

- Rule E17.4.1 (A10) street tree removal as a **restricted discretionary activity**.

E27 Transport

- Rule E27.4.1(A5) construction or use of a vehicle crossing where a Vehicle Access Restriction applies, under Standards E27.6.4.1(2) or E27.6.4.1(3), requires consent as a **restricted discretionary activity**.

The subject site includes frontage onto College Road, which has been identified as an arterial road. The proposal will establish a new vehicle crossing onto the existing roundabout to provide an exit point from the development; and vehicle crossings to individual residential units which lie within 10m of intersections.

- Rule E27.4.1 (A2) Parking, loading and access which is an accessory activity, but which does not comply with the relevant standards is a **restricted discretionary activity**. In this instance, the following applies:
 - E27.6.2.7 Loading spaces
 - E27.6.4.3. Width of vehicle access
 - E27.6.4.4. Gradient of Vehicle Access

E36 - Natural Hazards and Flooding

- Standard E36.4.1 (A41) diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path (OLFP), is a **restricted discretionary activity** under Rule C1.9(2). In this case, as a retrospective consent because the OLFP has been diverted and piped through the site including a change to its entry point into the site.

Subdivision consent (s11) SUB60340163

Auckland Unitary Plan (Operative in part)

Subdivision - Urban

- Rule E38.4.2 (A14) subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.2 is a **restricted discretionary activity**. The proposed subdivision is to be undertaken around the proposed development of 76 dwellings, together with the creation of one lot for the purposes of a communal green space and four jointly-owned access lots (“JOAL”).
 - Rule E38.4.2 (A16) vacant lot subdivision, in compliance with E38.8.2.3 (proposed Lot 300) is a **restricted discretionary activity**.
 - Rule E38.4.2 (A31) subdivision not meeting the standards in E38.8 Standards for subdivision in residential zones is a **discretionary activity**. In this case being the width of the proposed JOALs.
9. During the course of the hearing the Panel raised the question as to the appropriate manner in which the recommendations for the Land Use and the Subdivision components of the application should be drafted, considered and determined (as further detailed below). This arose from the position that these two aspects of the application should be separate because the subdivision relies on the land use decision being made first.
10. Accordingly, the land use application is a **restricted discretionary activity**; and the subdivision application is a **discretionary activity**.

Procedural matters

11. Submissions were received within the statutory time period.

Directions

12. Three Directions were issued by the Panel during the course of the hearing. The first, dated 2nd December 2021, covered two matters. These included:
- (i) Confirmation that as the applications were lodged on 10 June 2019, this was prior to the amendment to the RMA by the Resource Management Amendment Act 2020 (RMAA 2020), which came into effect on 30 September 2020. Public notification of the application was precluded under the former provisions of the RMA as was recorded in the notification decision (dated 8th March 2021). The proposal, as residential and subdivision activities, must be considered within the statutory framework of the RMA, preceding the RMAA 2020. This has the ramification that, pursuant to s.120(1A) of the prior RMA, there is no right of appeal by any party to either of the decisions on this application.

- (ii) Acknowledgement that a recent High Court decision (*Wallace v Auckland Council [2021] NZHC 3095*) was of relevance to the consideration of the Land Use application, being a restricted discretionary activity for four or more dwellings on a site in the Residential - Mixed Housing Suburban Zone. Parties were offered the opportunity to provide supplementary evidence in further addressing matters raised in this judgement, including neighbourhood character and residential amenity; and building intensity.
13. At the adjournment of the hearing (15th December 2021), the Panel sought additional information from the applicant, on certain specific and quantitative matters of the proposal. This included information describing the ‘neighbourhood character’, requested in order to assist in our understanding of the likely effects on the character of the area. As this information (as originally offered by the applicant) was only partially provided, the Panel issued a Direction (dated 8th February 2022) requesting this information from both the applicant and the Council, to be described in quantitative and qualitative terms. This was received prior to the hearing being reconvened on 18th February 2022.
14. A third Direction was issued (dated 21st February 2022) seeking clarification (from both the Council and the applicant) as to the processing arrangement (as evident in the section 42A report and referenced during the hearing), to the land use application and the subdivision application being considered as one (bundled) application. This clarification request was based on our understanding that there are two separate components of the application before us; the subdivision component, which can only be considered against an approved land use resource consent (if that first component of the application is granted / approved). We received conflicting advice to this matter in response from both the applicant and the Council.
15. We do not consider that these application components can be ‘bundled’ because the subdivision component of the application would not then be able to be considered against an ‘approved land use resource consent’. We consider the land use and the subdivision aspects of the application to be two separate components, against which two separate Decisions have been made. However, in the interests of efficiency (and consistency with the drafting of the section 42A report and the applicant’s evidence), the overall merits and effects assessment in our Decision have been based on a comprehensive residential development. When we have come to the making of decisions, we have however determined the land use resource consent first, and then addressed the matter of the subdivision consent.
16. By way of background, we note that Council’s Practice Guide¹ on this issue confirms this approach, stating that:

“In these situations, there should be separate notification assessments and determinations, and separate consent decisions, all written, decided, and issued on a sequential basis.”

¹ Practice and Guidance Note, Urban Subdivision -Residential (Sept 2021)

17. For the same reasons, we questioned whether it was correct to bundle the land use and subdivision consents as a discretionary activity. The land use consent entails only restricted discretionary activities and only the subdivision consent entails a discretionary activity component. We sought a response on this matter from the Council and the Applicant in our third Direction. Both parties confirmed their opinion that the proposal should be considered as a discretionary activity. Ms Toan said that even though the land use consent is a restricted discretionary activity, the matters to which Council restricts its discretion are “broad and wide-ranging”, that the effects of land use and subdivision overlap, the effects of both apply to the whole site, and that the subdivision activity is consequential to the land use activity. She said “*Accordingly, the applicant and the Council consider that it is appropriate for this proposal to be bundled and treated as a single application for resource consent as a discretionary activity.*”² We therefore approached the proposal on that basis. In any event, the matters we considered relevant for the land use consent coincided with those to which the Council had restricted its discretion. We would have reached the same decision for the same reasons had we considered the land use consent as a restricted discretionary activity.
18. The hearing was held ‘in person’ in December 2021, but with reduced capacity when reconvened in February 2022, due to COVID protocols operating at that time. A ‘hybrid’ model was used when the hearing reconvened on 18th February 2022, with legal counsel and a small number of experts appearing in person on behalf of the applicant, with all representatives from the Council and AT available on-line.

Relevant statutory provisions considered

19. In accordance with section 104 of the RMA, we have had regard to the relevant statutory provisions including the relevant sections of Part 2 and sections 104, 104B, 104C, 106, 108, 108AA and 220.
20. We note that s104 considerations are “subject to Part 2” and that the Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 has held that consent authorities “*must have regard to the provisions of Part 2 when it is appropriate to do so*”. We find that the provisions of the AUP, in relation to this proposal, have addressed the relevant Part 2 matters and we identify no issues with the competence of its preparation.

Relevant standards, policy statements and plan provisions considered

21. In accordance with section 104(1)(b)(i)-(vi) of the RMA, we have had regard to the relevant policy statements and plan provisions of the following documents, as set out in detail in Section 14 of the section 42A report.
- Auckland Unitary Plan (Operative in Part)

² Memorandum of Counsel for Applicant, dated 3rd March (para 10)

- Auckland Unitary Plan (Operative in Part): Chapter B Regional Policy Statement
 - National Policy Statement for Urban Development 2020 (NPSUD)
22. We also considered the following other matters to be relevant and reasonably necessary to determine the applications in accordance with section 104(1)(c) of the RMA.
- Auckland Plan 2050

Locally Significant Volcanic Viewshaft O10

23. While not a matter in contention between the parties, we raised questions during the course of the hearing exploring the potential impact of the proposal on the locally significant volcanic viewshaft which traverses part of the site. This being Viewshaft O10 under the AUP(OP) which protects a view from College Road (immediately north of the intersection with Merton Road) to the southwest towards Maungakiekie / One Tree Hill.
24. The origin point of this viewshaft is located proximate to the site's north-eastern corner, with the overlay restrictions being approximately 2.0m above ground-level at the eastern boundary of the site (increasing to approximately 13.0m at the site's western boundary). The design of the proposal, including the location and height of proposed dwellings, will result in buildings that intrude into this viewshaft to such an extent that the view towards Maungakiekie / One Tree Hill from the origin point will be lost. The existing public amenity values of this outlook will effectively be 'transferred' to become private views that will be experienced by people living in the new dwellings within this development that have a south-westerly outlook.
25. In exploring this matter, we questioned witnesses as to whether an alternative design response might have resulted in the continued protection of the view. In response however, we were provided with evidence from both the Council (Ms Cornford and Ms Howdle) and the applicant (Mr Mattison) that Rule D14.4.1(A3) of the AUP(OP) provides for 'Buildings, except for fences and walls, up to 9m in height' as a Permitted Activity within a Locally Significant Viewshaft. Effectively therefore, we were advised that this rule 'trumps' the overlay provisions, such that we are to have no regard to the adverse effects of the proposal on the viewshaft.
26. While we accept that advice and take this matter no further; we record that the administration of Rule D14.4.1(A3) in this particular instance has frustrated and not achieved the intent of the viewshaft provisions; including (as Mr Mattison acknowledged), there being a clear inconsistency with, and possibly being contrary to, the RPS Objectives and Policies under B4.3 relating to viewshafts. This includes Policy B4.3.2.(3)(a)(i) which seeks to avoid the "*destruction of view*" as will occur as a result of this proposal.
27. It appears to us that there has been a missed opportunity during the drafting of the AUP(OP) whereby the potential impacts of development (such as that which is

proposed through this application) on Viewshaft O10 was not fully considered or anticipated. As we understand it from the evidence provided to us, prior to the AUP(OP) being drafted, the site was zoned as Open Space under the legacy District Plan, which, by default, would likely have made the ongoing protection of the view from the viewshaft origin point somewhat more certain.

Local Board comments

28. Comments were received from the Orakei Local Board, in emails after the applications were lodged (June 2019). This is detailed in Section 9 of the section 42A report, in which the Local Board sought notification primarily on the basis of potential adverse effects related to traffic congestion, parking conflict, and pedestrian safety. Other concerns related to site works, development standards infringements, potential site contamination and proposed building design (scale and bulk). The hearing panel has taken these into consideration.

Summary of evidence heard

29. The Council's section 42A recommendation report, prepared by the Council's reporting planner (Ms Dominique Cornford, consultant planner) was circulated prior to the hearing and taken as read. Ms Cornford recommended that consents be refused. The primary reason for this recommendation was that she did not consider that the proposal was consistent with the Residential - Mixed Housing Suburban Zone objectives and policies in terms of building scale and intensity, residential amenity and neighbourhood character. In support of her recommendation, Ms Cornford referenced the memorandums of Council's specialist Ms McKelvie (Urban Design) and Ms Howdle (Landscape), who both, similarly, did not support the grant of consent. The full reasons for Ms Cornford's recommendation are set out in her section 42A report and supplementary statements produced in response to Panel Directions.
30. For completeness, in addition to the urban design and landscape assessments noted above, Ms Cornford's section 42A report included ecological, engineering, stormwater, waste water, noise, NES soil, and traffic assessments and recommendations. These Auckland Council and Auckland Transport specialists supported the grant of consent, subject to conditions. Recommended conditions were provided as part of the section 42A report should the Panel grant consent.
31. The evidence presented at the hearing therefore responded to the issues and concerns identified in the Council planning officer's recommendation report (and, specifically, the specialist memorandums of Ms Howdle and Ms McKelvie), the application itself and the submissions made on the applications.
32. The evidence presented at the hearing is summarised below. This was heard over the course of three hearing days (14th and 15th December 2021 and then a reconvened day, 18th February 2022). We also note that the applicant's principal statements of evidence (dated July and August 2021) were prepared prior to an initial hearing date (in August 2021) but which was rescheduled due to COVID restrictions

at that time, with the applicant electing to wait until an in-person hearing could take place. Supplementary evidence was presented (dated December 2021) at the in-person hearing.

For the Applicant

33. **Ms Vicki Toan**, legal counsel for the Applicant, spoke to her opening legal submissions. She provided background to the site history, that it was part of the Remuera Golf Club (until January 2014), and then rezoned to Residential - Mixed Housing Suburban under the AUP (2016). The site was acquired from Auckland Council by the Applicant in April 2019; after which resource consent applications were lodged. This included a separate earthworks application, consent to which was granted (October 2019), with these enabling earthworks now completed. In that regard, Ms Toan responded to questions from the Panel regarding what then constituted the 'existing environment', with her confirming that this included the existing site layout (as a result of the earthworks undertaken in accordance with consents).
34. Ms Toan addressed matters identified in the section 42A report including 'document discrepancies'; confirmed the applicant's acceptance of the conditions recommended by the reporting planner (subject to changes identified in a set tabled by Mr Mattison); and provided her analysis of the applicable statutory considerations for the application, as (overall) a Discretionary activity. As noted above, we understood this was based on the premise by Ms Toan that the land use and subdivision applications are to be considered as one (as she confirmed in her response, dated 3rd March 2022, to the Panel's Direction No.3). This was reiterated in Ms Toan's final submissions (7th March 2022).
35. Ms Toan also provided legal commentary on the recent High Court decision, to which the Panel had issued a Direction.³ She considered that this decision was of some 'general significance' to the application. She distinguished it from this application on the basis that the *Wallace* application was processed by Council on a non-notified basis and was for a restricted discretionary activity. In any event, she advised that a thorough assessment had been made by the applicant's expert witnesses in respect of effects of the proposal, including those pertinent to the High Court decision (namely existing neighbourhood character, building intensity and residential amenity). This was supported by her summary assessment of the proposal, being, she advised, of positive effects with the provision of 'much-needed housing' in an appropriate location. Ms Toan referenced the NPS-UD as setting out '*high-level objectives and policies to achieve intensification of urban development*', and to '*direct a city-wide response*', submitting that the proposal was consistent with the NPS-UD.
36. The Enabling Housing Supply Amendment to the RMA was described by Ms Toan as adding '*further impetus to the desirability of further housing development in residential zones*'. At the time of the commencement of the hearing (14th December

³ Wallace v Auckland Council

2021) this was still a Bill, but had progressed to being adopted as part of the RMA at the reconvened hearing (18th February 2022).

37. Ms Toan addressed submissions received, noting that as a result of concerns expressed, a number of lots had been redesigned; proposed houses reduced in height; and the number of lots reduced. She acknowledged the concerns raised with regard to parking and traffic and confirmed that discussions had been held between the applicant, Council and AT traffic engineers.
38. It was submitted by Ms Toan that, in summary, the proposal responded to its environment and statutory instruments (AUP and NPS-UD) and achieved a quality suburban residential development that would create homes for current and future Aucklanders.
39. **Mr Henry Lin**, Director of PTG Design, spoke to his statement of evidence, as project architect for the design of houses on the southern portion of the site (proposed Lots 1 to 45). Mr Lin summarised the site constraints which had been factors in the design of the houses (including orientation and site shape) together with the site topography (gully and watercourses). He described the site location, surrounded by existing established residential development.
40. Mr Lin explained that the design brief, for family homes, was intended to appeal to young families and older couples looking to downsize, where the smaller lot sizes enabled reduced maintenance for residents. He described the layout of lots, where *'well orientated and on-grade living spaces were the main design drivers for the houses.'* This, he explained, had dictated the location of retaining walls on some sites and undercroft garages. Mr Lin described the design of the houses as being articulated, with four major designs, as shown diagrammatically in his evidence. He referenced the details of design including garaging location; joinery; roof forms; floor plan layout; and outdoor living spaces.
41. Mr Lin addressed the concerns raised by Council's urban design and landscape specialists and matters raised in submissions received; with responding amendments summarised. This included replacing houses on Lots 46-50 with one vacant lot (Lot 300); a pocket park (Lot 400); and introducing smaller two storey typologies (comprising three bedrooms and a single garage) resulting in 16 of the proposed 45 houses as two storey design. In addition, Mr Lin described the modifications made to address and reduce some of the development control infringements so that 8 minor infringements of the MHS standards remained across the proposed 45 houses. Mr Lin's statement was supported by additional drawings (Appendix A), demonstrating the changes made and infringements remaining.
42. **Mr Brent Hulena**, Director of Hulena Architects Ltd, described his involvement in the project as initially preparing concept schemes for the 31 northern lots within the site (Lots 51-81). He outlined the site constraints and opportunities against which the designs were developed. Mr Hulena detailed the design concept as being based on obliquely splayed lots relative to the street frontages, generally orientated to the north, with houses (tailored to the splay shape) of varying design and materiality. He

described the typology as ‘contemporary homes’, with a mix of two and three-level dwellings; some with undercroft garaging and some with split levels. The houses comprised a mix of three, four and five bedroom options.

43. Mr Hulena explained that some of the three storey houses were the result of utilising the natural steep topography with undercroft garaging to enable outdoor living space at the rear. He addressed concerns as expressed by Council’s urban design specialist regarding street surveillance and visual dominance of garaging with reference to the garage doors being recessed; use of dark colours; and street front landscaping. Mr Hulena provided a breakdown of the various configurations of the house storeys. He also identified which houses created development standard infringements, noting that all complied with height in relation to boundary, outdoor living and outlook spaces, and building height. The main yard setback infringements were relative to Donnelly Street, which he described as minor and not readily perceived due to the oblique nature of these front yards. Mr Hulena summarised the design, comprising three main types of housing (with 17 different typologies) which, he considered, responded to the location and site topography, offering quality housing within the neighbourhood to which they relate. He provided updated plans as part of his evidence.
44. **Ms Claire Walker**, landscape architect and Director of Walker Landscape Architecture, confirmed that she has prepared the landscape plans as part of the application which provided an overall landscape strategy and design approach to various elements of the site development. This included street trees and landscaping in the private ways (JOALs) and along Donnelly Street, design of the jointly owned pocket park (Lot 400), and landscape design for the residential lots including attention to fencing and retaining walls. Ms Walker described the proposed plantings and their relative function within each sector of the site development.
45. Ms Walker confirmed that the landscaped treatment of the individual lots included both hard and soft landscaping elements, as a cohesive design, with the intent being to provide ‘seasonal variation’; soften retaining walls; and maintain useable yard areas. In response to questions from Commissioners, Ms Walker identified areas proposed for use of artificial grass (where access to lawns is difficult); the design of the pocket park area (with boardwalk feature); and the location and management of rubbish bin storage spaces. Ms Walker advised that the proposed vacant lot (Lot 300) would be planted in grass, as a ‘balance lot’.
46. In addressing matters arising from the section 42A report, Ms Walker stated her agreement that specimen trees will not be able to reach the maximum height in the short to medium term, but, she observed, this was ‘expected and common to all developments’, taking time to reach full potential. She also considered landscape related matters raised in submissions, responding that as a residentially zoned site, the existing open space will change. Specific concerns regarding the removal of pōhutukawa street trees within the Donnelly Street road reserve were put to Ms Walker by the Commissioners. This matter was revisited by the applicant in

supplementary evidence where the applicant proposed to transplant these trees to the northern end of Donnelly Street.

47. **Mr Jason Hogan**, landscape architect and Principal of LA4 Landscape Architects, presented his evidence in person at both the 14/15th December 2021 and 18th February 2022 hearing days. He confirmed his involvement in the project (from May 2021) as being the 'review and refinement of the application for the resource consent hearing.' This included feedback to the applicant for some design changes along with his landscape / design assessment. In his evidence Mr Hogan described the site context ('setting') in which he identified separate adjoining catchments to the site (Norman Lesser Drive to the west; and Donnelly Street / Ngahue Drive to the east). This neighbourhood context assessment was expanded on in Mr Hogan's supplementary statement, with reference to the *Wallace vs Auckland Council* High Court decision, with a 'key finding' being that *'the existing development and character within the MHS zone around the application site is inconsistent. There are distinct, contrasting, groupings of older and more recent residential development in the immediate area.'* This was supported by photographs.
48. In response to requested further information by the reporting planner in her section 42A report, Mr Hogan provided photo simulations of the proposal within its neighbourhood setting (as prepared by Cadabra). It was Mr Hogan's conclusion that *'the proposed development for the site is appropriate from a landscape and visual perspective. It will sit readily within the diversity of landuse of the urban setting and the varied residential character locally, completing the current conspicuous void in residential development, while ensuring that a suitable level of suburban residential amenity is maintained.'*⁴
49. Mr Hogan provided further assessment of the neighbourhood character in a joint statement with Mr Mattison and Ms Ogden-Cork (dated 17th February 2022). This was in response to the Panel's Direction No. 3. This comprised qualitative data (lot sizes, building coverage, house typology, garaging and yards) to assist the Panel in understanding the difference in opinion between the applicant's and the Council's experts on this aspect of the proposal. Mr Hogan used the terms 'old suburban' and the 'new suburban' in this further analysis, to describe this contrasting residential character evident from built form, lot size, site coverage, configuration of garages and driveways, and house style, colour, and materiality.
50. The relationship and effect of the proposal within this neighbourhood context was explored by Mr Hogan, with reference to the photo simulations presented and comparative analysis undertaken. It was Mr Hogan's observation that this demonstrated numerous similarities between the existing 'new suburban' area (Donnelly Street and Ngahue Drive) and the proposed development; but with differences that, in his opinion, would result in the proposal making a 'greater impression of quality and aesthetic appeal' within its setting. The character of the proposal would, he said, be quite different to the 'old suburban' residential character of Norman Lesser Drive, but *'not fundamentally different to the contrast already*

⁴ Supplementary SOE, J. Hogan (dated 8 December 2021), para 4.2

created by the existing new residential development associated with Ngahue Drive and Donnelly Street.’⁵ It was Mr Hogan’s opinion that ‘the proposal will achieve a suburban built character, albeit more contemporary and intensive than the ‘old residential’, but not dissimilar to the existing more recently established development.’⁶ He also specifically addressed the concern raised by Council advisors of the number of three storey houses proposed, concluding that in his opinion, this would not be a defining characteristic of the development and that he considered ‘the development will retain a distinctly suburban character as opposed to a more urban appearance as indicative of the Mixed Housing Urban Zone’ which he described as predominantly three storey dwellings with terrace housing and low-rise apartments.

51. Mr Hogan confirmed his above assessment of the ‘neighbourhood character’ and his landscape / visual catchment analysis (as presented in evidence, with reference to seven identified viewpoints). In response to questions from the Panel, he acknowledged there would be a change from an existing vacant site to new residential development, but that ‘change was not itself an adverse effect’. He observed that there was nothing particularly remarkable about the site in ‘landscape terms’.
52. Paragraphs 10.5 to 10.7 of his principal statement summarised Mr Hogan’s response to concerns raised by Council’s urban design and landscape specialists with respect to the perceived bulk and intensity of the development, including their concerns that the proposal would read as a ‘substantial lineal bulk’ and would be inconsistent with the planned scale and intensity of the Mixed Housing Suburban character.

10.5 By using words such as “lineal” and “continuous”, both Ms Howdle and Ms McKelvie appear to be suggesting that the proposed dwellings will merge visually together for the reasons outlined. However, this would not be the case in reality.

10.6 Because of the shape of the site, the landform, and the visual catchment, only a small portion of the overall development would be seen from any viewpoint. So the site would not ever be seen anywhere near in its entirety in a single view. This is successfully demonstrated by the photo-simulation prepared from various viewpoints in the surrounding area.

10.7 As for being consistent with the scale and intensity of the built character of the MHS zone, as noted, and with reference to the photo-simulations, the development does not appear to be overtly dominated by 3 storey developments from the adjacent areas. Indeed, it appears consistent in many respects with recent adjacent development which also lies within the same zone and due to the

⁵ Joint SOE, J.Hogan, N.Mattison and T.Ogden-Cork (dated 17th February 2022), para 38.

⁶ Joint SOE, J.Hogan, N.Mattison and T.Ogden-Cork (dated 17th February 2022), para 39.

landform and the proposed built development (sic) itself would not be seen in the context of the existing older style development in the areas to the north and west. Further, the design revisions, which have resulted in an increased visual variety of built form and appearance, together with the planting proposed would further assist in reducing the potential for the combined mass of built development to become an issue of significance.

In concluding, Mr Hogan stated:

11.1 *'Based on this assessment I consider that the proposed development for the site is appropriate from a landscape and visual perspective. It will sit readily within the diversity of landuse of the urban setting and the varied residential character locally, completing the current conspicuous void in residential development, while ensuring that a suitable level of suburban residential amenity is maintained.'*⁷

53. **Ms Tracy Ogden-Cork**, urban design consultant and Director of Motu Design, presented her principal and supplementary statements of evidence in person at the hearing on 14th and 15th December 2021, and then appeared on-line at the reconvened hearing (18th February 2022). Ms Ogden-Cork advised that she was commissioned to provide an urban design review and provide input to design changes after the applicant received feedback from Council during the pre-application process.
54. Ms Ogden-Cork summarised the site constraints and opportunities relevant to its design outcome. This, we understood, included the existing site contours (level changes) formed as a result of bulk earthworks completed; the location of laneways within workable gradients; access from Donnelly Street; locating garages on lower ground levels to enable useable outdoor living spaces (with natural daylight); and screening views of retaining walls from outdoor areas and laneways. She acknowledged the site's 'complex topography' which she described as 'a key feature'. She said 'responding to it has been a key driver of the proposed development.' Ms Ogden-Cork went on to address changes made since the application was lodged and in response to submissions received. This included legibility of front doors, pedestrian amenity within the accessways; materiality, colours and roof form; and changing some three storey houses along Ngahue Drive and Donnelly Street frontages to two storey dwellings.
55. Neighbourhood character was discussed by Ms Ogden-Cork in her principal, supplementary and joint statements of evidence. She described the proposal as '*a suburban living environment that caters for families through generous sized houses with on-site garages, within a carefully landscaped setting.*'⁸ She was of the opinion that the development would be viewed within its neighbourhood as a mix of two and three storey standalone houses, but with the majority of three storey elements being

⁷ SOE J.Hogan (dated 30 July 2021)

⁸ SOE, T.Ogden-Cork (dated 10th August 2021), para 58

a response to houses stepping with the topography. She demonstrated this diagrammatically (her Attachment B). Ms Ogden-Cork referenced components of the design (building height, landscaped area, building coverage and yards) to support its suburban character, confirming that in her opinion the design was compatible with the character of the existing area and 'appropriate from an urban design perspective'. As did Mr Hogan, Ms Ogden-Cork described the existing neighbourhood character as 'old' and 'new' suburban.

56. Ms Ogden-Cork analysed potential adverse effects to adjoining neighbours, concluding that due to site topography and orientation, there would be no adverse shading effects and that visual amenity would be supported by built design variation. She did acknowledge the potential for some adverse privacy effects from upper floor bedroom windows for some house along the north western boundary with existing Norman Lesser Drive properties. However, she noted that the outlook provisions complied and proposed tree planting, fencing and window treatments could mitigate this effect.

Ms Ogden-Cork responded to the concerns raised in the section 42A report, referencing the Auckland Design Manual (ADM) in respect of comprehensive site development; and the creation of level private outdoor spaces. She noted that, in her experience, 'any steep site in Auckland is difficult to develop and requires compromises'. We provide her response in full:

*'It was on the basis of the proposed site layout and architectural response to the topography of the site, and its orientation, that I supported the project in principle, and have thus worked with the design team to minimise and mitigate the urban design effects of the proposal, such as ensuring visually recessive garages and visually prominent front door entries to the greatest extent possible, and the screening of residual retaining walls through landscaping. Both prior to lodgement and after notification.'*⁹

57. The constraints of site topography were also referenced by Ms Ogden-Cork in addressing the concerns of Council urban design specialist regarding the use of JOAL laneways instead of roads. Ms Ogden-Cork was in agreement that public streets were 'preferable' but acknowledged that in this case, on this site, it would not be possible to meet AT standards for public roads.
58. In responding to questions from the Panel, Ms Ogden-Cork confirmed that in her opinion, suburban character changes over time; and that housing diversity should be viewed within the wider neighbourhood than site specific. She confirmed that she considered issues raised by submitters and Council's urban design and landscape advisors had been addressed by the changes made to the proposed development.
59. **Mr Leo Hills**, traffic engineer and Director at Commute Transportation Consultants Ltd, presented his evidence in person on 14th and 15th December 2021, and then appeared on-line to answer specific questions from Commissioners on 18th February

⁹ SOE, Ms Ogden-Cork (dated 10th August 2021), para 159

2022. He confirmed that from his analysis of the proposal there were no traffic safety issues (including pedestrian safety) and no traffic engineering reason that would preclude 'acceptance of the proposal'. He confirmed that the reduction in the number of houses did not change his conclusions. He also advised that, although there was no resource consent requirement triggered for traffic generation, he had undertaken an assessment of local traffic (especially of Ngahue Drive and Donnelly Street) to ensure that the local intersections would operate safely. His traffic surveys were undertaken on 12th March 2019, assessing the traffic effects using SIDRA traffic modelling. The modelling showed that the Donnelly Street / Ngahue Drive intersection operated well currently, with the highest delay being in the morning. He identified from the modelling that this intersection would continue to operate with minimal change with the proposed development.

60. Mr Hills reviewed the proposed internal road network, comprising the creation of private laneways (JOALs). He was of the opinion that the narrow carriageway width of these laneways, together with the traffic calming measures proposed, would mean that the speed environment would likely operate at 30km/h. He described the access arrangements, noting general AUP compliance. The vehicle crossings to Donnelly Street would however not comply with the permitted boundary width (being between 5.4m and 6m, serving 1 and 2 parking spaces). Mr Hills considered that pedestrian safety would not be compromised. By way of comparison, he noted that the proposed residential driveways to Donnelly Street were similar to the existing residential driveways on the eastern side of Donnelly Street, with mountable kerbs and 900mm splays. He considered this to be appropriate, being '*designed to ensure the safety and efficiency of the local road network for both vehicles and pedestrians.*'
10

61. Mr Hills advised that he had had 'extensive' discussion with AT regarding the access to the College Road/ Merton Road roundabout from the development site, with agreement to operate as an exit only with a raised speed table to slow vehicles entering the roundabout.

62. Mr Hills detailed the parking arrangements within the proposed development; both on site (internal garaging and parking pads for all dwellings) and on-street (parking bays within the JOAL laneways and indented parallel parking bays on Donnelly Street). In addressing the hearing on 18th February 2022, Mr Hills confirmed that there were no longer parking requirements in the AUP (as directed under the NPS-UD). In response to questions from Commissioners he confirmed that, in his opinion, the proposed parallel parking kerbside arrangement within the western side of Donnelly Street was appropriate; and that angle parking would have the potential to result in limited visibility concerns. He reiterated the need for NSAAT markings on Donnelly Street as part of the proposal, along with indented parking for 18 cars.

¹⁰ SOE, L.Hills (dated 10th August 2021), para 60

Overall, Mr Hills considered the proposed number of on-street parking spaces provided within the development to be suitable to cater for the anticipated demand.

63. In supplementary evidence, Mr Hills addressed the transport related concerns raised by submitters, notably Donnelly Street residents concerned about accessibility with new housing on the western side of the road and the workability of the Donnelly Street / Ngahue Drive intersection. Mr Hills advised that he did not consider traffic signals were required at this intersection; and that he had concerns that they would be too close to the existing signalised intersection at College Road/ Ngahue Drive, potentially resulting in confusion / safety issues for motorists in relation to observing which set of signals relate to which intersection.
64. Mr Hills responded to comments in the section 42A report, specifically regarding pedestrian and traffic safety, largely in relation to the use of JOALs (as raised by Ms McKelvie from an urban design perspective, who had concerns about potential pedestrian safety and walkability). Mr Hills was of the opinion that the footpath widths were sufficient to provide safe pedestrian movement given that they were to accommodate local residents/ visitors which would be of low volumes. Similarly, he considered that the JOALs would ensure the safe movement of road users within the development. He confirmed that he agreed with the similar assessments undertaken and conclusions reached by Council's traffic engineer and AT; that any adverse effects would be acceptable.
65. **Mr John Gardiner**, civil engineer and Director of Candor³ Limited, confirmed his involvement in the proposed development dating back to providing advice to the applicant during their pre purchase due diligence. He was now overseeing the engineering design, consenting, and construction monitoring. He spoke to his evidence in which he summarised the consented works (for bulk earthworks, contamination removal and some retaining wall construction), confirming that they were completed. He identified that some retaining wall and earthworks required retrospective consent. Otherwise, he advised that *'In terms of stormwater, wastewater and water supply, works have been designed in accordance with Council standards and EPAs have been issued and works have been completed.'*¹¹ He was of the opinion that there was no engineering reason for consent not to be granted.
66. In response to questions from Commissioners, Mr Gardiner provided a very clear description and background to the rationale of the site development based on site gradients and topography. He advised that a road along the middle of the site and a cul de sac arrangement had been considered but was not deemed practical. He was of the opinion that the proposed laneways were the most 'robust and durable' option in providing access to the proposed lots.
67. **Mr Nick Mattison**, planning consultant and Director at Civix Limited, spoke to his evidence at the hearing held on 14th and 15th December, and in person at the reconvened hearing on 18th February 2022. Mr Mattison summarised the proposal within the context of the Residential- Mixed Housing Suburban zone (description and

¹¹ SOE, J.Gardiner (dated 10th August 2021), para 9.1

objectives and policies) and provided his analysis against the purpose of the various development standards where there were infringements.

68. Mr Mattison stated that he did not agree with the assessment and conclusions reached by Ms Cornford in her section 42A report, specifically in respect of the use of JOALs in the proposed subdivision. He addressed this as follows:

*'The development seeks to create private JOALs to serve rear sites because the constrained width and topography of the site, including the change in levels between the existing public roads, means that the creation of public roads is not feasible. All experts, being Mr Leo Hills of Commute Transport Consultants, Mr Andrew Temperley on behalf of Auckland Council, and Mr Jacques Jansen van Rensburg on behalf of Auckland Transport, are accepting of the suitability of this arrangement.'*¹²

Rather, Mr Mattison was of the opinion that the proposed development is an appropriate response to the site and the AUP provisions and should be granted consent. He supported this with reference to specific legislation (NPS-UD and the RMA Enabling Housing Supply and Other Matters Amendment in particular). He considered that the proposed development was appropriate and would be compatible with the diverse neighbourhood character (referencing the evidence of Mr Hogan and Ms Ogden-Cork). In this regard, Mr Mattison did not agree with the conclusions in Ms Cornford's report as to building scale and intensity as adverse effects. He was of the opinion that:

*'... the building scale and intensity, residential amenity and neighbourhood character proposed by the development are acceptable within the established and developing site context and with regard to the expectations of the MHS zone.'*¹³

69. Mr Mattison elaborated on the effects of the proposal on the neighbourhood character and residential amenity in his supplementary evidence which responded to the Panel's Direction with regard to the *Wallace vs Auckland Council* High Court decision. He referenced the Design Response undertaken by Ms Ogden-Cork and the Landscape Analysis undertaken by Mr Hogan, in reaching his conclusion that the *'application has been informed by and responds to the existing neighbourhood character and residential amenity.'* Mr Mattison made comment on the various aspects of this High Court decision as they relate to the proposal, including building intensity and planned neighbourhood character and amenity. To that end, he provided a comparative building intensity scheme plan (Appendix 1, supplementary

¹² SOE, N.Mattison (dated 10th August 2021), para 5.10

¹³ SOE, N.Mattison (dated 10th August 2021), para 6.25

evidence) to demonstrate the number of vacant lots that could potentially be accommodated on the site in accordance with the AUP.

70. This theoretical scheme plan was based on vacant lot subdivision (of a minimum 400m² site area) from which development of up to three dwellings per site was potentially possible. Up to 48 parent lots would have the potential to create up to 144 dwellings, representing one dwelling per 192m² gross site area, in comparison to the proposed development of one dwelling per 367m² gross site area. Mr Mattison also compared this to proposed developments that he has been involved in within the Residential- Mixed Housing Suburban zone, of densities one dwelling per 120m² (terrace housing typologies). It was Mr Mattison's contention that:

*'the proposal represents a significantly lower building intensity than what could be enabled as a permitted activity in the MHS zone, if the site were to be subdivided in a traditional sense, in terms of both the number of buildings, and the number of people to be accommodated within them.'*¹⁴

For the Submitters

71. **Mr Ramassh Theivendran** (27 Donnelly Street) spoke as 'street co-ordinator' for Donnelly Street resident submitters. He provided background to the site and surrounding Donnelly Street residential area; the latter being part of the Stonefield's masterplan. He observed that, at the time Donnelly Street was developed, the site was open space (a 'green space') and he did not realise that it would be rezoned to residential.
72. Mr Theivendran called Mr Lionel Ng as a witness, who noted the principal concern of traffic effects, referring to the Ngahue Drive / Donnelly Street intersection. This was further elaborated on by **Mr Bhavani Peddiniti** (55 Donnelly Street) who supported his concerns with a video showing early morning rubbish collection in Donnelly Street. In response to questions from Commissioners, Mr Peddiniti advised that he had not seen the proposed development plans. However, he was concerned that the spaciousness of the road reserve (western side of Donnelly Street) would be lost and that the proposed houses would be on smaller sites than those established in Donnelly Street.
73. **Mr Mohamed Mihlar** (25 Donnelly Street) was concerned about resulting loss of street parking in Donnelly Street from the proposal. He believed that the new houses would need more parks than were provided and that visitor parks would be limited. In response to questions from Commissioners as to why this would be, he advised that, for instance, within Donnelly Street most of the double garages were not used for parking vehicles; but rather had been converted to gyms, games rooms, storage and other activities.
74. **Ms Cherise Wong** (43 Donnelly Street) also spoke as part of the residents group; specifically in relation to the effect of the proposal on neighbourhood character and

¹⁴ Supplementary Evid, N.Mattison (dated 9th December 2021). Para 3.13

trees. She made comment on the ‘target market’ for the proposed houses but when queried, confirmed this was based on observation, as a resident in the area.

75. Other concerns raised by submitters included noise and vibration from past site works (Hoi Ming Wan on behalf of **Guilian He**, 51 Donnelly Street); ‘intensified housing’ and traffic related effects; and a request for the retention of the pōhutukawa street trees on the west side of Donnelly Street (**Mr Chris Ching**, 45 Donnelly Street). The later concern raised the question for the Panel as to whether additional consent was required for the removal of trees in the road reserve. This was subsequently confirmed as necessary and added to the application.
76. **Mr Lucas Stone** (182 Norman Lesser Drive) spoke of his experience, as an adjoining resident, of the noise, dust, and vibration created during the period of bulk earthworks being undertaken on the site. While he acknowledged that this was a transitory phase in the site development, he held concerns for the apparent lack of monitoring and compliance. He also considered that more should have been done to retain the ‘wetland’ gully and that the proposal would have, in his opinion, benefited from more green space and larger sites. We also received written support for their submission from Yejiao Wu (212B Norman Lesser Drive).

For the Council

77. **Ms Cornford** (reporting planner), together with **Ms McKelvie** and **Ms Howdle**, responded to questions from the Panel when the hearing was reconvened (18th February 2022). This enabled us to ask questions related to urban design, landscape, and zone policy collectively, given that these were the acknowledged matters upon which Ms Cornford’s recommendation to refuse consent was based.
78. Ms Cornford, Ms McKelvie and Ms Howdle spoke to their supplementary statements that had been prepared in response to the Panel seeking quantitative analysis of the neighbourhood character. Ms McKelvie, in her summary, confirmed:

‘I do not have any urban design concerns relating to the quality of architecture, materials or colours proposed. I am also of the view that the site layout in terms of the location of accessways is logical from an urban design perspective, with regard to the constraints of the site.’¹⁵

However, she remained of the opinion that *‘the proposal is of an intensity inconsistent with the suburban built character anticipated in the Mixed Housing Suburban zone, and will result in adverse effects on the residential amenity and safety.’*

79. Ms McKelvie helpfully provided a quantitative breakdown of key features of the neighbourhood (as had been requested by the Panel), in her Appendix 2, supported by a detailed analysis of these parameters (building coverage, lot size, house typology, design and appearance, and garaging) for the neighbourhood of Donnelly Street, Norman Lesser Drive and Ngahue Drive. She provided her comparative

¹⁵ Supplementary Evid, M.McKelvie (dated 17th February 2022), para 2.2

assessment against the proposed development, with illustrations; concluding that, in her opinion, *'on balance, intensity of development is inconsistent with the anticipated outcomes of the MHS zone.'* We understood this to be based on the bulk and density of dwellings as reflected in lot size, building coverage, the extent of three storey elements and design concerns including garage door dominance, front door legibility, and refuse bin storage within the front yards.

80. Ms McKelvie further described the 'intensity of development' of the proposal as contributing to *'adverse effects on residential amenity and safety.'* This comprised number of dwellings, size of the dwellings, number of people and cars to be accommodated, and double garaging. This level of intensity would, she considered, compromise on-site amenity and the safe use of the JOAL laneways. In relation to compromised amenity (by way of 'overall bulk'), Ms McKelvie referred to a reduction in *'the spacious landscaped setting anticipated in the MHS.'* This was also referenced by Ms Cornford and Ms Howdle. When questioned by Commissioners as to the source of this description of the Residential- Mixed Housing Suburban zone, it was identified that this only related to the purpose of the landscaped area standard.
81. Ms McKelvie expressed particular concern regarding the safety of the proposed laneways within the development, being narrower than standard public roads and comprising a narrow footpath on only one side of the laneway. She was of the opinion that the accessways for a development of this size should be the same standard as a public road. She referenced, in detail, vehicle related child pedestrian accident statistics, concluding that the pedestrian environment within the laneways was *'inadequate and unsafe.'* In response to questions from Commissioners as to how she envisaged the laneways would operate within this particular residential neighbourhood, she did not consider that they would have a 'shared space' function.
82. Ms Howdle confirmed her view that, while the proposal generally complied with development standards, she was concerned about the overall intensification of the site. Ms Howdle remained concerned with the level of landform modification proposed, She considered that *'the current proposal has not been designed to be sympathetic with the landform, evident through the 3m high retaining walls and proposed significant cuts to accommodate three storey forms (e.g., sub floors Lots 1-3).'*¹⁶ She was of the consequent opinion that the retaining walls would *'adversely impact on the amenity of the immediate streetscape.'*
83. Ms Howdle also remained concerned with the 'linear bulk and mass'. She considered the 1m side yards, while complying with the minimum standard, would not be 'visually appreciable'. She considered that *"cumulatively, the built form reads as a continuous bulk"*. She said: *"Overall, the built form dominates the environment and does not result in the planned suburban built character with a quality landscape environment and a generally spacious setting."*
84. With respect to the proposed landscape plan, Ms Howdle expressed some concern about the size of some tree species chosen; confined growing spaces; and location

¹⁶ Supplementary statement, G.Howdle (dated 17th February 2022), para 8.3

of evergreen trees relative to some of the outdoor living spaces. She considered the proposed use of artificial grass in some locations was indicative of the 'poor design'. She highlighted the need to comply with the 'landscaped area' definition whereby artificial grass is required to be (among other matters) 'permeable' and 'recyclable'. Overall, she retained her opinion that the proposed development had '*not provided a level or scale of planting*' that would '*successfully mitigate the proposed intensity of built form and extent of hard landscape.*'

85. In her supplementary statement, Ms Howdle also addressed our query as to the status of the volcanic view shafts that apply to the site. She described the actual effect of part of the proposed development within these viewshafts but acknowledged that, as the houses were under 9m in height, it was a permitted activity.
86. The concerns of Ms Howdle and Ms McKelvie, with respect to the proposal's 'bulk and intensity', were reiterated by Ms Cornford in her assessment and in her conclusion that the proposal was an 'over development' of the site, with what all three specialists referred to as 'lineal bulk'. Ms Cornford provided a detailed analysis against the relevant zone policies and objectives, confirming her recommendation to refuse consent to the proposal. She also provided commentary to recommended conditions, as discussed within the hearing, in the event that consent was granted.
87. **Mr Michael Parsonson**, environmental consultant to Council, clarified his assessment, being originally based on an understanding that it was a lot by lot development. Under that scenario, we understood that it was Mr Parsonson's concern that erosion and sediment control could potentially be undertaken by numerous contractors across individual sites. As a comprehensive development Mr Parsonson was supportive of the proposal and considered that good practice could be achieved. He made comment on details of the CTMP (i.e. to expand staff parking on site; and to ensure that construction noise standards were complied with). Overall, he was of the opinion that adverse effects were temporary in nature, could be suitably managed, and were acceptable.
88. **Mr Andrew Temperley**, consultant traffic engineer to Council, confirmed his assessment of the proposal, as overall acceptable. He advised that he considered the site layout to be optimum given the site constraints and the fact that exit-only access was available to the College Road / Merton Road roundabout. He considered that the proposed traffic layout of laneways was a safe environment. He did not believe that it would offer a 'rat run' alternative from Ngahue Drive via Donnelly Street (a concern raised in submissions). He addressed parking concerns raised by submitters and considered that the proposed Donnelly Street parking was adequate (on site and kerbside).
89. In his memo, as peer review of the proposal (to assist in the preparation of the section 42A report), Mr Temperley advised that in his opinion the laneway widths were acceptable given the 'low-speed environment'; that there were no significant traffic and safety concerns; and that recommended conditions would appropriately

manage construction traffic. In concluding, he considered that *'transportation effects will be less than minor.'*

90. Mr Temperley was available to answer further questions at the reconvened hearing, specifically relating to the possibility of reconfiguring the parking arrangement, Donnelly Street. He confirmed his agreement with Mr Hills, that parallel parking kerbside on Donnelly Street was the safest option.

For Auckland Transport

91. **Mr Jacques Jansen van Rensburg**, traffic engineer with Auckland Transport (AT), provided assessment in relation to the impacts of the proposal upon the existing roading network and the new exit-only vehicular access to the College Road / Merton Road roundabout. He was of the opinion that traffic movements from the proposal could be appropriately managed, within both the existing development and in utilising the local road network.
92. In response to questions from Commissioners at the reconvened hearing, Mr van Rensburg confirmed his agreement with the views of both Mr Hills and Mr Temperley, in that safety (pedestrian and cyclist) was paramount; as well as service vehicle manoeuvrability in his support for parallel parking in Donnelly Street. He also responded to questions from Commissioners regarding the difference in opinion between traffic engineers on the one hand (Mr Hills and Mr Temperley) and Council's urban design specialist (Ms McKelvie) and the reporting planner (Ms Cornford) on the other, regarding the level of pedestrian safety provided for in the proposal. Mr van Rensburg advised that, in his view, pedestrian safety was adequate for the size and nature of the development and that, in his opinion, the proposal was not at a level of intensity to cause pedestrian / cyclist / car conflicts.

Further Information and Right of Reply

93. Ms Toan provided her written final legal submissions in reply on behalf of the applicant. This comprised three parts, being an overview of written submissions presented at the final day of the hearing (18th February 2022); submissions given orally on 18th February 2022; and concluding written submissions (dated 7th March 2022). Ms Toan confirmed the updated version of the proposal which included two additional consents (street tree removal and vacant lot subdivision). She also submitted that as one application, it was to be considered as a discretionary activity. Ms Toan confirmed that the application had been lodged on this basis (as a 'bundled' application) and that it had subsequently been considered by Council in the same manner.
94. While identifying apparent inconsistencies as to the manner in which Council had considered the application for notification versus full determination assessment, we note that Ms Toan did not offer a legal opinion as to the correct approach, but rather accepted *'the higher threshold of bundled of the activities and the overall*

*discretionary activity status.*¹⁷ As we have discussed above (paragraph 15), we do not consider that this proposal should be assessed as a 'bundled' single application. The subdivision application relies on the consent of the land use application (for an 'approved land use resource consent'). The land use application must therefore be determined separate and prior to the determination of the subdivision application. For this reason, it is our understanding that the applications cannot be bundled. We acknowledge the inconsistencies in the manner in which Council is currently administering these types of applications, which is creating confusion for both the applicant and the decision maker in the consideration and determination of these applications in accordance with the AUP.

95. Ms Toan provided a useful summary of the applicant's expert evidence presented, including matters arising that had been discussed during the course of the hearing; (such as Donnelly Street parking configuration; earthworks construction effects; rubbish collection arrangements; and private road layout and use). Matters in contention between the applicant and Council's reporting planner, landscape specialist and urban design specialist were identified by Ms Toan, with responses provided. These included those aspects upon which Ms Cornford had based her recommendation for refusal of consent; being neighbourhood character and residential amenity; development intensity; and inconsistency with the intent of the Residential – Mixed Housing Suburban (MHS) zone. In that regard, Ms Toan addressed the statement of Ms Cornford that this zone sought to achieve a 'sense of spaciousness'. Ms Toan submitted that there was no objective or policy in the MHS zone that requires a sense of spaciousness. Furthermore, Ms Toan addressed the description of the dwellings by Ms Cornford as 'cramped' as, in her opinion, being a '*value judgement that is not required in the AUP.*' By way of comparison, Ms Toan referred to the various development standards that the proposal complied with.
96. Ms Toan detailed those recommended conditions to which the applicant sought amendment, with supporting rationale. In concluding she submitted that the proposed establishment of 76 standalone dwellings in an established and (fully) serviced residential area would have positive effects; that the minor adverse effects could be mitigated by appropriate conditions; that the proposal reflected the purpose of the MHS zone and was consistent with the objectives and policies of that zone; that the scale of the proposal was appropriate for the site; and that it would be compatible with the surrounding residential neighbourhood.

Principal issues in contention

97. After analysis of the applications and evidence (including proposed mitigation measures), undertaking a site visit, reviewing the Council planning officer's recommendation report, reviewing the submissions and concluding the hearing process, the proposed comprehensive residential development and subsequent subdivision raises two principal issues and a number of subordinate matters.

¹⁷ Final Submissions, V.Toan (dated 7th March 2022), para 11, pg 22

98. The first principal matter is whether the development intensity and scale is too great for the MHS zone and will consequently have adverse effects on neighbourhood character, residential amenity, and the amenity values of the surrounding residential area. The other principal matter is whether the proposal's layout (including the JOAL and block layout) is appropriately configured to the site, and whether it will have adverse effects on the transport network and amenity values, and whether it will contribute to a safe, walkable neighbourhood. While the first principal matter relates more to the land use consent, and the second more to the subdivision consent, they are interrelated, and we have considered them together under the following subheadings:

- a. Building density (lot size) and building coverage
- b. Building typology (design and appearance)
- c. Building scale (height and bulk)
- d. Streetscape (passive surveillance, dominance of garaging and driveways)
- e. Landscaping
- f. Residential amenity
- g. Site layout including the JOAL and block configuration, transport and parking
- h. Earthworks and response to natural features
- i. Amenity of adjacent sites
- j. Neighbourhood character

Main findings on the principal issues in contention

Development intensity and scale

99. The reporting planner, relying on the Council's urban design and landscape specialists, considered the development intensity and scale to be inconsistent with the Residential – Mixed Housing Suburban zone (MHS zone). She considered it will have adverse effects on the neighbourhood character and residential amenity arising from the combination of the matters listed above. Submitters had similar concerns. We address each of those matters individually, before coming back to an overall finding on intensity and scale.

Building density (lot size) and building coverage

100. Ms McKelvie considered there are too many buildings for the site, reflected by the future lots being smaller than the 400m² standard for vacant lot subdivision. She also considered the building bulk was too great, reflected by the building coverage of future lots exceeding the 40% standard for vacant lots. Submitters supported this

position. Ms McKelvie referred to these shortfalls as 'technical' infringements, acknowledging that the standards apply only to vacant lot subdivision.

101. The applicant, on the other hand, stated that the 400m² minimum lot size does not apply under "E38.8.2.1 Subdivision in accordance with an approved land use resource consent" and that the proposal complies with the 40% building coverage standard measured across the whole site, which the applicant considers is the proper way to apply the standard under those provisions. The applicant emphasised that the provisions allow for proposals to be comprehensively designed, and their actual design qualities and effects considered ahead of subdivision.
102. Mr Mattison made the point that the existing provisions enable three dwellings for each vacant lot and the housing density could therefore be much higher if the site were to be first subdivided into 400m² lots under the vacant lot provisions.
103. There are no objectives, policies or standards in the MHS zone provisions relating to lot size. Instead, policies relate to such amenities as privacy and outlook, daylight and sunlight, and outdoor living space, which we discuss below.

Discussion and findings

104. The AUP provisions enable applications to be made for developments that achieve both amenity and intensification through a comprehensive design approach. To do so is an efficient use of a resource, which in this case is a large, undeveloped lot in a central location. The proposed comprehensive development is considered to be consistent with Objective H4.2.(1) that "*Housing capacity, intensity and choice in the zone is increased.*" We therefore do not consider that lots smaller than 400m² necessarily indicate that the site is overdeveloped.
105. We accept that each house will have adequate privacy, sunlight and daylight, and outdoor living space. We accepted Mr Lin's and Mr Hulena's evidence that the layout was designed to such ends. That evidence was not seriously challenged in any analytical way.
106. We treated Mr Mattison's example on potential density that could follow vacant lot subdivision with some caution, but we accept the basic point that development densities in the MHS zone are not limited to one house per 400m². The provisions enable greater densities in conjunction with consideration of other matters.
107. We therefore find that the lot sizes and building coverage do not in themselves indicate over intensification of the site.

Building typology – design and appearance

108. Ms Ogden- Cork described the proposal as large houses (which might accommodate multi-generational families) relative to lot size, in which living is mostly indoors (houses typically have more than one living area) or occurs away from the property (houses have garaging and storage for recreational equipment). She considered it provided a different choice of suburban housing. For instance, she said it would

provide “family homes of a size not found in Stonefields, which predominately comprises smaller terraced homes and apartments.”

109. Ms Ogden- Cork also said that, while she considered the design was a novel typology, it was inherently suburban in character. She pointed to the detached nature of the houses, the accommodation of cars (the extent of double garaging and on-site parking), and the domestic design and appearance. She commented on the variety of forms, architectural treatments, materials, and colour.
110. Ms McKelvie, on the other hand, considered that all houses were similar in nature and therefore the proposal was not consistent with the MHS zone description as containing “a variety of types and sizes”. At the hearing she confirmed that, following changes to the proposal (subsequent to lodgement and in response to Council’s assessments), she had no concerns with the architectural variety.

Discussion and findings

111. We accept Ms Ogden- Cork’s evidence that the houses will have a suburban design and appearance. This was supported by the photo simulations provided by Mr Hogan.
112. While we agree with Ms McKelvie’s evidence that all proposed dwellings are of the same type, we also accept Ms Ogden- Cork’s explanation that the typology provides a different choice compared to what is available in the area, and we note that assessment criterion H4.8.2.(2)(b) is “the extent to which the development contributes to the variety of housing types **in the zone...**” (emphasis added).
113. We therefore find the proposal will have a suburban appearance and will contribute to the variety of housing types in the zone.

Building scale (height and bulk)

114. Ms McKelvie considered that the cumulative bulk and height, including the “generally three storey building scale” and what was referred to as “lineal bulk”, would be inconsistent with the AUP zone description that MHS “will generally be two storey detached and attached housing...” She pointed out that height is the main difference between the MHS zone and Residential – Mixed Housing Urban zone (MHU zone). Ms McKelvie also considered the repetitive built form, with side yards only just meeting the 1m standards, would contribute to a bulky appearance. Ms Howdle raised similar concerns.
115. Ms Ogden- Cork’s evidence was that three storey form is largely restricted to ‘elements’ of the houses and is the consequence of their stepped designs in response to the topography. She said this is a positive design approach that is promoted in the Auckland Design Manual. She provided a diagram explaining the number of storeys at finer detail. The diagram illustrated three storey ‘elements’ often located in the middle of the houses linking two storey elements on the front and rear façades. It meant that some of the retaining required on the sloping site would be integrated within the house footprints. The diagram illustrates the lower

level set into the slope being used for garaging, and first floor living areas having at grade access to outdoor living areas. Ms Ogden- Cork also considered the development would have a varied street frontage, with variation in form, height, and architectural treatment, and she noted that many of the dwellings would be angled to the street so as to create a staggered frontage.

116. Mr Hogan's evidence was, likewise, that the buildings would not merge with each other, and that the development would not be overly dominated by three storey form. He referred to the photo simulations to illustrate these points. He also said that the site's shape meant that only a portion of the development would be seen from any one point.
117. Mr Lin's and Mr Hulena's and Mr Lin's evidence was that eight dwellings would infringe the height rule H4.6.4. Of these, three dwellings (Lots 33, 44 and 45) would exceed the 9m height limit because the original low ground level had been raised through the bulk earthworks: in other words, the infringement would occur at a low part of the site. The other five dwellings (Lots 62, 76, 78-80) would not exceed the 9m height limit, but would exceed the standards for roof form in that more than 50% of the roof form would be over 8m.

Discussion and findings

118. We accept Ms Ogden- Cork's evidence that the mix of two and three-storey 'elements' is a response to the sloping site, and that it has some positive outcomes with respect to incorporating retaining within the house footprints. We do not consider that such an approach is inconsistent with the MHS zone. In reaching this finding we noted that in almost all instances the houses comply with the MHS zone height standard which the AUP identifies as the means of achieving the "*neighbourhood's planned suburban character of predominantly two storey buildings...*"
119. For completeness, and because it was raised in the course of the hearing, we compared the proposal to the MHU zone provisions which have a height standard 3m taller than the MHS zone. We noted that the purpose of the higher height standard in the MHU zone is to "achieve the planned urban character of predominantly three storeys", and that the zone description refers to "three storey predominantly attached dwellings". We consider those descriptions of the MHU zone differ from what is proposed.
120. We also do not consider that the proposal will have unacceptable lineal bulk. We consider that 'lineal bulk' is to some extent a characteristic of contemporary suburban development. As noted, the proposal meets the standards for height and yards with some minor exceptions. We consider the proposal will have a suburban design and appearance as discussed above: the houses will be detached, have variation in architectural treatment, and variation in orientation to the street. We accepted Mr Hogan's evidence on this, illustrated by his photo simulations. For the avoidance of doubt, while we had regard to the standards as a benchmark to help

us interpret the planned urban form and character anticipated in the zone, we paid attention to the specific context, characteristics, and effects of the proposal.

121. Overall, we find that the height and bulk will not have adverse effects or be inconsistent with the planned urban form and character for the MHS zone.

Streetscape (surveillance, landscaped front yards and dominance of garaging)

122. Ms McKelvie's evidence was that surveillance of the street would be reduced through main living areas of the proposed houses being on first floors in most instances. Ms McKelvie and Ms Howdle's evidence also considered that garaging would dominate the streetscape, and that the double driveways constrained landscaping of front yards. They were of the opinion that these aspects, in combination, would detract from streetscape amenity, surveillance, and would reduce walkability. Ms McKelvie had earlier raised concerns with the lack of separate paths from the street to front doors rather than from driveways as originally proposed. The revised design included a higher proportion of separate paths from the street to front doors, but this reduced the landscaped area. She identified this conundrum as a symptom of over intensification.
123. Submitters raised similar concerns about the frequency of double driveways.
124. Ms Ogden- Cork's evidence was that garages and driveways are a suburban characteristic. She pointed out that the existing houses in Donnelly Street and Ngahue Drive are characterised by double-garages and wide driveways. Her evidence was that potential visual dominance of garage doors was addressed through a combination of measures such as recessive architectural treatment and colours, emphasising front doors, the location of some rooms on ground floors, and the inclusion of some single garages facing Donnelly Street. She considered there would be overlooking of the streets from first floor living areas including, in some instances, outdoor living decks.

Discussion and findings

125. We were conscious of Policy H4.3.(3) which is to encourage development to achieve attractive and safe streets including through passive surveillance, optimising front yard landscaping, and minimising visual dominance of garage doors.
126. We accept Ms Ogden- Cork's evidence that there would be passive surveillance of the streets. We had regard to the configuration of first floor living spaces (including outdoor living decks), the frequency of pedestrian entries and front doors, and extent of glazing.
127. We accept Ms Howdle's evidence that front yards will be small and the opportunities for landscaping constrained. Nevertheless, each of the houses will have a front garden that will contribute to the amenity of the street. Typically, each front yard would have one or two small trees and areas of shrub planting. Apart from some minor infringements, the proposal complies with yard standards, and with the standard for landscaped area (we discuss landscaping further below).

128. We accept Ms McKelvie's evidence that there will be a high proportion of garage doors to street frontage. We also accept Ms Ogden- Cork's evidence that garages and driveways are inherently suburban and characteristic of the surrounding area. We consider the potential visual dominance of garaging will be sufficiently broken up by gaps, landscaping, ground level entrances and rooms, variety of configuration, and architectural treatment. While the proportion of garage door to street frontage is somewhat greater in the proposal than that on Donnelly Street and Ngahue Drive facing the site, the proposal, on the other hand, includes some single garages; some frontages angled to the street; and a greater architectural variety, all of which contribute to reducing the visual dominance of garage doors.
129. Overall, in this context, we find that the garaging will not visually dominate the street, the street frontage will be attractive, and there will be passive surveillance.

Landscaping

130. Ms Walker explained the landscape plan. She explained the mixture of indigenous and deciduous species, the use of smaller trees in confined spaces, and the use of larger trees where they would provide height without impinging on amenity of future houses. She explained the use of fastigiate (upright) species for the same reason. She considered that the planting would progressively soften the development over time, as with any new development.

Ms Howdle's evidence was that the landscaping was insufficient to break up the scale and bulk of development, or to create a "generally spacious character". She referred to the side yards only just meeting minimum standards and not being visually appreciable, the extent of the front yards given over to driveways, and the proposed trees not being of sufficient stature compared to the scale of the building. In response to questions, Ms Howdle said that the landscape plan was competent within the spatial constraints of the proposal, but she stood by her views that the planting would not successfully mitigate the intensity of built form.

Discussion and findings

131. The term "generally spacious character" occurs in the MHS zone provisions with respect to the purpose of standard H4.6.10 (Landscaped area) which requires that 40% of net site area, and 50% of front yards to be landscaped area. The purpose of that standard is "*to provide for quality living environments consistent with the planned suburban built character of buildings within a generally spacious setting; and to maintain the landscape character of the streetscape in the zone.*" While our focus was the actual qualities of the proposed design, we consider that what is meant by such terms as 'suburban built character' and 'generally spacious setting' is informed in part by reference to the standards. In this case, we understand the proposal meets the standards for landscaped area and (with some minor exceptions) yards. We accept Ms Walker's explanation that the landscape plan is optimised within these parameters. The landscape design complements the building

arrangement; and the areas are optimised in the sense that they appear judiciously distributed to where they would have most benefit. This was supported by the photo simulations: the landscaping depicted in the images softened the buildings and contributed to the suburban character.

132. In summary, we find that the landscaping is optimised, would soften buildings, and would contribute to a “spacious” suburban character in the context of the MHS zone provisions.

Residential amenity

133. Ms Ogden-Cork’s evidence was that the proposal offered a good level of amenity to future residents. She explained the provision of multiple internal living areas, and small outdoor areas. Buildings are configured one to another with respect to sun and privacy. She explained how the houses stepping with the topography enabled first floor living areas to access outdoor courts at grade. These matters were elaborated in the evidence of Mr Lin and Mr Hulena.

Discussion and findings

134. Having examined the plans, we accept the evidence that the proposal would provide adequate amenity for future residents, in terms of outdoor and indoor living areas, sun, day light, privacy, and outlook. We understand the proposal complies with standards for outdoor areas and outlook.

135. We therefore find that the proposal would provide appropriate residential amenity.

Site layout including the JOAL and block configuration, transport and parking

136. The applicant explained how the layout had been arrived at in response to the site constraints: namely the site’s long and narrow shape, the relatively steep topography at the northern end, and the only suitable access being off Donnelly Street.

137. Ms Ogden- Cork said that, when she was engaged after the proposed layout had already been designed, she sought to redesign what she initially considered an unconventional urban design response. After testing alternative options, she came to the view that the proposed layout was optimal given the site’s shape and context. She explained that the one-way loops of the JOAL enable houses to face Ngahue Drive and Donnelly Street (rather than turn their back boundaries to those streets), and that the JOAL provides a buffer with Norman Lesser Drive properties in the north-west part of the site (where the site is rising with respect to neighbouring properties). Mr Hill also explained how the JOAL had been configured in the northern part of the site to negotiate the steep change in elevation to the College Road roundabout.

138. In her supplementary statement at the hearing, Ms McKelvie said she considered the site layout and location of the JOAL was logical given the site constraints. However, she retained concerns relating to safety and walkability of the JOAL from an urban design perspective. These concerns included the narrow footpath width,

the potential for footpaths to be blocked by rubbish bins on collection days, and the need for residents at Lots 1-41 to cross the JOAL to access the footpath.

139. Submitters raised concerns about parking in Donnelly Street. They provided evidence that the kerbside parking in Donnelly Street is already under pressure. They said it is common for garages to be used for activities other than parking cars, which contributes to pressure on kerb-side parking. They provided evidence on their experience of delays and difficulties at the intersection with Ngahue Drive which they said would be exacerbated by the additional traffic generated by the development. Instead, some submitters suggested an alternative cul-de-sac configuration accessed off the College Road roundabout.
140. The transport evidence of Mr Hills, Mr Temperley, and Mr van Rensburg (transport experts for the applicant, Auckland Council and Auckland Transport respectively) agreed that the proposal was appropriate for the site, met acceptable geometric standards, and would not cause adverse transport effects of any significance. We were told that Auckland Transport would not accept site access off the College Road / Merton Road roundabout other than an exit-only connection.
141. We questioned Mr Hills on the proposal is to include indented parallel parks on the western side of Donnelly Street and whether angle parking might increase car park numbers (given there is ample space for such angle parking). He considered parallel parking is safer in the context of cars backing out of driveways, and that angle parking would not in any event provide many more car parks. We also questioned Mr Hill on whether a dedicated right turn lane out of Donnelly Street to Ngahue Drive would reduce queuing and contribute to safety (noting that there is plenty of space to reconfigure the intersection). His evidence was that such a lane was not required, and that the intersection would provide an appropriate level of service.
142. Submitters also opposed the removal of pōhutukawa trees from the west side of Donnelly Street to enable construction of entranceways and parallel car parks. The applicant provided evidence that they had approval from the asset-owner (Auckland Transport) to remove the trees, and that the trees would be replaced by a combination of tītoki and tulip trees. During the hearing the applicant also offered to transplant the existing pōhutukawa trees to the open space within the road reserve at the end of Donnelly Street opposite the College Road / Merton Road roundabout. A condition has been added to this effect.

Discussion and findings

143. Having carefully examined the proposal, we were persuaded by Ms Ogden-Cork's evidence that, what initially appears an unusual design approach, is appropriate given the specific characteristics of the site. We agree it is beneficial that houses face Ngahue Drive and Donnelly Street, and that the buffer from the adjoining properties on Norman Lesser Drive helps avoid potential adverse effects. We accept that the configuration of the blocks also enables houses to be 'stepped' in response to the slope as discussed earlier, and for houses to be oriented to the sun.

144. We accept the evidence of the three transport experts that the proposal will be functional and safe from a transport perspective, including the form and dimensions of the JOAL. We understand that Ms McKelvie's evidence is from an urban design perspective. With respect to walkability and safety, we had regard to the one-way nature of the JOAL, the likely effect of its dimensions on vehicle speed, and the effects of the internal loops on traffic volume. We accept Mr Hill's evidence that the nature and parameters of the JOAL would likely see vehicle speeds of 30kph and that the JOAL might be de facto treated as shared space. In most instances, the footpath is on the side of the JOAL in front of houses. The main exception was between Lots 1-41 where residents would have to cross the JOAL to a narrow footpath (1.2m) running adjacent to the rear gardens of houses on the opposite side of the street. We agree that a wider footpath and/or footpaths on both sides would be preferable. However, we consider the shortcoming is a consequence of the site's narrowness and the decision to adopt a loop JOAL with its other advantages, rather than, for instance, a symptom of overdevelopment. We note Ms Ogden-Cork's observation that, while residents must cross the JOAL to access it, the footpath would be uninterrupted by vehicle crossings. The applicant pointed out that there were locations earmarked for rubbish collection that would avoid bins impeding footpaths.
145. We accept the expert transport evidence that there will be sufficient parking. We noted that most sites provided double garaging and space for additional parking in driveways, and that the internal streets provided further parking. There are no minimum parking standards in the AUP.
146. We accept that the transplanting of the pōhutukawa to the north end of Donnelly Street (in conjunction with the replacement street trees proposed on the west side of Donnelly Street) is an appropriate response that will retain streetscape amenity.
147. In summary, we find that the proposal's layout (including the JOAL and block pattern) is appropriate with respect to the site's characteristics and context; that the JOAL will have acceptable amenity, safety, and walkability and that the proposal will not have unacceptable transport effects.

Earthworks and response to natural features

148. As background, the bulk earthworks have already been carried out on site, including construction of some retaining walls and formation earthworks for the JOAL.
149. Ms Howdle's evidence was that the extent of earthworks and retaining walls indicated overdevelopment of the site, and that a less intensive proposal might have enabled more of the natural topography to be retained. She pointed to the large retaining wall adjacent to the JOAL at Lots 51 and 64, and to the retaining walls along the boundary with properties on Norman Lesser Drive (Lots 3-45). Submitters likewise referred to the loss of a wetland they said was previously at the low point of the site.

150. Ms Ogden- Cork's evidence, as noted earlier, was that the stepping of houses in response to slope enabled retaining walls to be integrated within the footprint of the building. She observed that the retaining at Lots 3-45 faces away from the boundary (so that any visual effects are internalised) and means that the proposed new lots are lower than the neighbouring properties.

Discussion and findings

151. Our consideration of earthworks is to be made in the context of the planned built form of the MHS. Development of the site in accordance with the vacant lot provisions, for example, (i.e. 400m² lots and 40% building coverage) would likely require extensive earthworks to establish access, level building platforms, and outdoor living areas. It is an objective of the zone to enable intensification. Large areas of unmodified land, for example, would therefore be an unrealistic expectation. In that context, we accept Ms Ogden- Cork's evidence that the proposal does respond in a positive manner to topography. This includes the houses 'stepped' with the slope, and the manner in which other retaining is incorporated within the site. The retaining wall adjacent to the JOAL (adjacent to Lots 51 and 64) is tall, but relatively short, is to be softened by planting, and its effects are largely internal to the site.
152. While we had evidence that the site might have been developed in a way that would have retained some natural features (such as the wetland), the bulk earthworks have already occurred on site. We are informed they were approved by consent. They are therefore considered part of the existing environment. The lowest part of the site, albeit already modified, will be retained as a wetland area incorporated in a small open space.
153. In summary, we find that the proposal is an appropriate response to topography and will not have adverse effects on natural features.

Amenity of adjacent properties

154. Ms McKelvie and Ms Howdle raised concerns regarding adverse effects on the amenity values of neighbouring properties. Some of these relate to matters already discussed above such as the proposal's density, bulk, and form. Other matters related to loss of privacy, outlook and, in some instances, height in relation to boundary infringements.
155. Submitters raised similar concerns, including loss of green space and views.
156. Mr Lin's evidence was that height in relation infringements were limited to Lots 43, 44 and 45. These lots are near the low part of the site and are slightly lower than the neighbouring sites to the west. The infringements are small and located around the eaves of gabled roofs.
157. Ms Ogden-Cork's evidence was that potential effects on the amenity of neighbouring properties are managed through the design and site characteristics.

- a. Neighbouring properties being to the north and north-west or separated by road reserve to the south and east (thereby limiting potential shading).
 - b. The proposed lots being lower than the neighbouring sites on Norman Lesser Drive (Lots 3-45) or separated by the JOAL and building setbacks (Lots 64-74). Similarly, the proposed lots being lower than neighbouring sites on College Road and separated by a walkway (Lots 77-81).
 - c. The building setbacks, landscaping including trees, variation in roof form and architecture.
 - d. The orientation of retaining walls away from neighbours.
 - e. The predominance of two-storey frontages facing adjoining properties on Norman Lesser Drive due to the stepped nature of the houses. Similarly, the predominance of two storey facades facing Donnelly Street.
 - f. The wide road reserves at Donnelly Street and Ngahue Drive, and the hedging along the JOAL opposite Ngahue Drive which would soften and screen the ground floor of houses facing Ngahue Drive.
 - g. The compliance at the interface with neighbouring properties with standards with respect to yards and height, and with height-in-relation-to boundary apart from three minor infringements.
158. Ms Ogden-Cork provided evidence on the changes made since the application was lodged, including the change from three to two-storey houses facing Donnelly Street.

Discussion and findings

159. We acknowledge that there will be considerable change for neighbours who will lose the open space and outlook they have enjoyed over the site. However, the land is zoned for residential development. We accept Mr Lin's and Ms Ogden-Cork's evidence that neighbouring properties will continue to enjoy an appropriate level of amenity through a combination of site characteristics and design of the proposal.
160. In summary, we find that the proposal will appropriately manage effects on the amenity values of neighbours.

Neighbourhood character

161. Ms McKelvie and Ms Howdle considered the proposal would have adverse effects on neighbourhood character because it would be over-developed compared to the both the existing neighbourhood and the character anticipated in the MHS zone. The effects would occur collectively through matters discussed above.
162. The applicant considered the proposal would be in keeping with the planned suburban character and would fit in the existing area so as not to have adverse effects on neighbourhood character. They acknowledged the proposal would not be

the same as the surrounding area but considered it would not be reasonable to expect it to be the same, and that it is not what the AUP seeks. Mr Hogan described the surrounding area as comprising 'old suburban' (e.g. Norman Lesser Drive) and 'new suburban' (e.g. Donnelly Street and Ngahue Drive). Each was developed at different times and under different provisions and consequently has different character. Both the applicant and Council provided qualitative descriptions and quantitative data which further helped us understand the neighbourhood.

163. The site faces, and will be accessed from, the 'new suburban' area. In summary, this area has reasonably small lots and high site coverage. There is a consistent housing type and scale. Houses are all two-storey, stand-alone, have similar style and colours, double garages and driveways. In comparison, the proposal will entail somewhat smaller and narrower lots, two and three storey stand-alone houses, double garages and driveways (with some single garages), and a greater variety of architectural form, appearance, and colour. In other words, the proposal will have greater intensity than the existing neighbourhood, but by a matter of degree rather than a different order of magnitude.
164. The site shares rear boundaries with the 'old suburban' area of Norman Lesser Drive. Mr Hogan described that 'old suburban' area of Norman Lesser Drive as having "*considerable variation in architectural style, form, and level of upkeep.*" He said that housing in this area is "*predominantly 2 storey, although there are numerous examples with a third level, particularly where located on sloping terrain.*" The area has larger lots and lesser building coverage, and also infill development (e.g. cross leasing).

Discussion and findings

165. The provisions do not seek that the character be the same as the surrounding areas, rather that we consider effects on neighbourhood character, and that the proposal is in keeping with the planned suburban character of predominantly two-storey buildings to be achieved by managing height, bulk, form, design and appearance, setbacks and landscaped areas. In other words, we need to have regard to the characteristics overall.
166. We agree with Mr Hogan that suburban character varies from place to place, that it reflects the era in which it was constructed, and the planning provisions in place at that time. The zone description notes that the MHS is the most widespread residential zone in the city – one would therefore anticipate a variety of specific suburban characteristics within the zone. We agree that character is an expression of an area's collective characteristics (qualitative and quantitative).
167. We paid attention to H4.8.1.(2) which sets out matters relating to effects on neighbourhood character, residential amenity, safety and the surrounding residential area. That provision requires consideration of a combination of matters comprising (i) building intensity, scale, location, form and appearance; (ii) traffic; and (iii) location and design of parking and access. The criterion relevant to character in H4.8.2.(2)(b) is:

“The extent to which the development contributes to a variety of housing types in the zone and is in keeping with the neighbourhood’s planned suburban build (sic) character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.”

168. Taking the characteristics together, we consider the proposal will have a suburban character. It will comprise stand-alone houses, with domestic architectural forms, a varied appearance, suburban style garaging and driveways, and landscaping. While the proposal contains a high proportion of three storey elements, as discussed above, these are the result of the houses stepping with the topography so that the buildings comply in most instances with the height standard.
169. The proposal will have greater intensity than the properties opposite the site in Donnelly Street and Ngahue Drive. However, the increased intensity will be a matter of degree rather than order of magnitude. There will be sufficient characteristics in common. A factor is the separation provided by the wide road reserve in both instances. Any adverse effects on the character of that ‘new suburban neighbourhood’ will be acceptable.
170. The proposal will be more different from the Norman Lesser Drive area which was developed in the 1960s and 1970s in a more traditional suburban manner. The influence on neighbourhood character of that area will be limited by the location of the proposal at the rear boundaries of lots (i.e. the development will be less visible from Norman Lesser Drive itself).
171. We are also conscious that character is not static. An objective of the MHS zone is that housing capacity, intensity and choices is increased. Lots in the Norman Lesser Drive area, for example, could potentially be redeveloped to higher intensity under the current provisions.
172. In summary, we find that the proposal is in keeping with the planned suburban character and will not have unacceptable adverse effects on the neighbourhood character.

Main findings on the principal issues in contention

173. Having focused on the matters above, we now summarise our findings on the proposal in the round. In reaching these findings we acknowledge the improvements made to the proposal in response to matters raised by the Council officers since the application was lodged.
174. While it may be near the upper end of intensification that one might anticipate in the MHS zone, we find that the proposal will nevertheless have a suburban character. It will comprise stand-alone houses, with domestic architectural forms, varied appearance, suburban garaging and driveways, and landscaping. The frequent three-storey ‘elements’ are a consequence of the houses being stepped in response

to the topography and, with a few exceptions, the proposal meets the zone's height standard.

175. Intensification is a zone objective, namely that *"Housing capacity, intensity and choice in the zone is increased"*.
176. A large greenfield site is a useful resource in this regard. It enables intensification to be optimised and its potential adverse effects to be managed through comprehensive design. We find that the proposal's layout is an appropriate design response to the site's narrow and long shape, sloping topography, and limited options for access.
177. We find, overall, that the proposal will achieve on-site amenity and streetscape for residents, will address amenity effects for adjoining properties, and will not have adverse effects on neighbourhood character.

Conditions

178. Because our decision is to grant these resource consents, we have turned our minds to the conditions as recommended by Ms Cornford, with the amendments suggested by the applicant which were addressed, adjusted and confirmed through the course of the hearing by Ms Toan in the applicant's right of reply.
179. While we were informed that there was a degree of agreement between the Council and the applicant on those conditions, we have undertaken a careful review and made further minor editing changes where necessary; primarily for the purpose of correcting grammar, consistency of terminology, adjusting wording to be clearer and ensuring consistent formatting; but including other technical changes including:

Land Use Resource Consent LUC60360142

- i. Moved the list of approved drawings list under Condition 1 to Attachment A;
- ii. Updated previous references to the Auckland Design Office, the Auckland Council Regional Plan (Air, Land and Water) and the Proposed Auckland Unitary Plan (which are no longer relevant) from the proposed advice notes;
- iii. Included the applicant's additional suggested street tree removal / replacement conditions, including adding the Walker Landscape Architecture memo and drawings in the Condition 1 list;
- iv. Adjusted the private rubbish collection restriction to exclude applying to Lots 51-62; and
- v. Added a condition requiring artificial turf to meet the Auckland Unitary Plan (Operative in Part) definition for permeable area.

Subdivision Consent SUB60340163 – Conditions

- i. Amended the various references from "COAL" to "JOAL"; and

- ii. Made the preliminary wording of all consent notice conditions consistent.
180. Where there remained some disagreement over the subdivision consent conditions between the Council and the applicant (for example: the Council's originally recommended condition 11 and the proposed conditions controlling '*windfall development rights*'), we have preferred the applicant's alternatives and reasoning.

Decision One – Land Use (LUC60360142)

In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104 and 104C and Part 2 of the RMA, we determine that land use resource consent for the construction of 76 new dwellings, as a comprehensive residential development, at 79 College Road, St Johns, is **GRANTED** for the reasons, and subject to the conditions, set out below.

The reasons for this decision are:

1. In accordance with an assessment under section 104(1)(a) of the RMA, the actual and potential effects from the proposal are found to be acceptable because:
 - a. The site is of sufficient size (at 2.7662ha) to accommodate the proposed 76 dwellings, with potential adverse effects being adequately mitigated by way of a combination of quality architecture and landscape design. The configuration of the residential development has responded to the topography and shape of the site (being approximately 500m in length by 60m in width), with a mix of two and three storey dwellings, associated retaining wall construction and central internal accessways.
 - b. The height, bulk, and form of the residential development has generally achieved compliance with the Residential – Mixed Housing Suburban zone standards, thereby resulting in an anticipated form of development for this zone. Minor development standard infringements to external boundaries (height, height in relation to boundary and front yard setbacks) are mitigated by architectural design and landscape features, ensuring that a reasonable standard of sunlight access and privacy is maintained.
 - c. The proposal has appropriately managed the potential effects arising from other technical matters of site development, namely stormwater and earthworks.
 - d. The site can be suitably serviced, with infrastructure (stormwater, wastewater and water supply) provided in a manner that caters for the level of development proposed.
 - e. The local traffic network will continue to operate safely; along with new access points from Donnelly Street and an exit only to the Merton Road / College Road roundabout; the design of which is supported by Auckland Transport and Council traffic experts. The overall traffic generated by the proposed development can be accommodated within the surrounding road network.
 - f. Pedestrian safety and connectivity within the private accessways will not be compromised, but rather are of a design that will adequately serve the scale and function of this proposed residential development. The footpath widths will adequately provide safe pedestrian movement given that they are to accommodate local residents and visitors and that the private accessways will essentially function as ‘shared spaces’.

- g. Sufficient parking is provided, both in association with each dwelling and within the laneways, to service the anticipated demand.
 - h. Parking kerbside to Donnelly Street will provide sufficiently for both residents of the proposed development and existing Donnelly Street residents, with a parallel parking configuration being the preferred and safest design.
 - i. To accommodate the proposed new access points to dwellings on the western side of Donnelly Street, along with the new kerbside parking arrangements, transplanting of the existing 19 pōhutukawa trees within this road reserve to the northern cul de sac head of this road is proposed. In conjunction with proposed replacement street trees in Donnelly Street, this will provide a continued level of immediate amenity value within this streetscape and will help to mitigate potential adverse effects resulting from their required removal.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposed development is found to be consistent with the provisions of the NPS-UD, and the provisions of the AUP: OP (in particular, Chapter H4 Residential – Mixed Housing Suburban Zone; and Chapter B2: (RPS) Regional Growth and Form):
- a. The proposed level of residential intensification aligns with the outcomes anticipated under the NPS-UD while responding to the site characteristics and constraints and surrounding neighbourhood character. The proposed development, being based on a comprehensive design approach, is consistent with the zone intent of enabling intensification while retaining a suburban built character.
 - b. On-site residential amenity for new residents is achieved, with carefully designed outdoor living spaces; garaging and parking; generous floor plan layout and indoor living spaces; and a small communal private open space. The overall design response to the site and location (with standalone dwellings offering family accommodation, with on-site amenity) has resulted in a residential character and appearance that will be compatible with the existing surrounding (predominantly medium-density) residential built character of this neighbourhood.
 - c. The built scale and intensity of the proposed development is consistent with the planned character of the surrounding locality, and is in-keeping with the character of the surrounding residential neighbourhood, being described in evidence as comprising ‘old suburban’ (e.g. Norman Lesser Drive) and ‘new suburban’ (e.g. Donnelly Street and Ngahue Drive). The neighbourhood character was helpfully identified by the relevant expert witnesses, as based on the analytical quantitative and qualitative assessment of built features and development characteristics of this established residential neighbourhood.
 - d. The proposed development will contribute positively to the zone’s overall housing choice and increased capacity.

- e. The one-way nature of the accessways and the comprehensive landscape proposals will support adequate pedestrian safety and walkability within the development. This will be complemented by first floor living surveillance, extensive built form glazing elements, and recessive garaging at the streetscape interface.
3. Overall, we find that the proposal merits the granting of resource consent as it will provide for the sustainable management of the natural and physical resources as required by Part 2 of the RMA. As a relatively large vacant greenfield site, centrally located, this represents an opportunity for the residential use and development of this land resource. The proposed development enables an appropriate level of intensification with suitable conditions and measures to mitigate potential adverse effects by way of comprehensive design and management, including maintenance of private common assets by an Incorporated Society.

Land Use Resource Consent LUC60360142 – Conditions

Under sections 108 and 108AA of the RMA, this resource consent is subject to the following conditions:

1. This resource consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, as detailed below and listed in **Attachment A**; and all referenced by the Council as resource consent number LUC60340162 under BUN60340161.
 - Application Form and Assessment of Environmental Effects prepared by Civix, dated 7th December 2020 (version 2) *; including the following reports and additional information provided:

Report title and reference	Author	Rev	Dated
Urban Design Assessment Report *	Motu Design	-	05/06/2019
Urban Design Statement	Motu Design	-	May 2019
Infrastructure & Earthworks Report	Candor ³	-	31/10/2019
Transportation Assessment Report *	Commute Transportation Consultants	-	01/04/2019
Geotechnical Review *	Soil & Rock Consultants	-	04/06/2019
Lighting Design Report	WE-EF Lighting	5	29/10/2020

* Report includes an addendum(s) provided as additional information, listed below. Each document should be read in conjunction with its associated memorandum/letter.

Other additional information	Author	Rev	Dated
S92 Response Letter	Civix	-	22/11/2019
S92 Response Table	Civix	-	28/01/2020
S92 Response Table	Civix	-	25/05/2020

Other additional information	Author	Rev	Dated
S92 Response Table	Civix	-	03/08/2020
AT Response Letter	Civix	-	03/08/2020
S92 Response Letter	Civix	-	30/10/2020
Planning Memorandum	Civix	-	23/07/2021
Landscape Letter	LA4	-	21/07/2021
Urban Design Memorandum: s92 Response	Motu Design	-	19/11/2019
Urban Design Assessment Table	Motu Design	-	18/12/2019
Urban Design Memo	Motu Design	-	20/12/2019
Urban Design Memo	Motu Design	-	28/10/2020
Urban Design Memo	Motu Design	-	06/07/2021
Surveyor Certificate	Candor3	-	03/10/2019
Engineering Response Letter	Candor3	-	19/11/2019
Engineering Response Letter	Candor3	-	21/11/2019
Engineering Response Letter	Candor3	-	21/02/2020
Hydrant Test Report	Nova Flowtec Services	-	24/07/2019
Traffic Response Letter	Commute Transportation Consultants	-	08/10/2019
Technical Memo	Commute Transportation Consultants	-	25/11/2019
Traffic Response Letter	Commute Transportation Consultants	-	05/06/2020
Traffic Response Letter	Commute Transportation Consultants	-	15/09/2020
Geotechnical Memorandum	Lander Geotechnical	-	10/01/2020
Geotechnical Memorandum	Lander Geotechnical	-	02/07/2020
Retaining Wall Design Report	Lander Geotechnical	-	05/08/2020
Geotechnical Memorandum	Lander Geotechnical	-	15/01/2021
Geotechnical Memorandum	Lander Geotechnical	-	23/02/2021

Consent lapse

- Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:

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

Monitoring

3. The consent holder must pay the Council an initial consent compliance monitoring charge of \$10,000 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to these consents.

Advice note:

The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consents. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, must be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consents have been met, will the Council issue a letter confirming compliance on request of the consent holder.

Pre-commencement conditions

Requirements for a pre-start meeting

4. Prior to the commencement of the construction and earthworks activity, the consent holder must hold a pre-start meeting that:
 - is located on the subject site
 - is scheduled not less than 5-days before the anticipated commencement of construction and earthworks
 - includes an Auckland Council Monitoring Officer
 - includes the consent holder's agent and/or engineer responsible for 'signing off' completion of works in accordance with this resource consent
 - includes representation from the contractors who will undertake the works.

The meeting must discuss the erosion and sediment control measures, the earthworks methodologies, construction methodologies in relation to construction of retaining walls, site constraints, infrastructure requirements and the plans and reports referenced in Condition 1 above, and must ensure all relevant parties are aware of and familiar with the necessary conditions of this consent.

The following information must be made available at the pre-start meeting and all relevant plans and technical documents must be retained on site for the course of the construction period:

- a. All relevant documentation and resource consent conditions (such as Erosion and Sediment Control Plans and landscaping plans);
- b. Name and telephone number of the project manager and the site owner for monitoring and communication purposes;

- c. Timeframes for key stages of works authorised under this consent:
- d. Details of any staging and stabilisation methodologies;
- e. Full design details of all Erosion and Sediment Controls;
- f. The approved Construction Traffic Management Plan (Condition 9)
- g. The approved Construction Management Plan (Condition 10)

Advice note:

To arrange the pre-start meeting required by the condition above, please contact the Council to arrange this meeting or email monitoring@aucklandcouncil.govt.nz. The conditions of consent should be discussed at this meeting. All information required by the Council and listed in that condition should be provided 2-days prior to the meeting.

Advanced notification that the construction and earthworks activity will be beginning on site

- 5. The Council must be informed, in writing, at least five working days prior to the start date of the works authorised by this consent.

Finalised Architectural Drawings

- 6. Prior to the approval of Building Consent, a finalised set of architectural detail drawings and materials specifications must be submitted to the Council for written certification by the Council. The information must include the following:
 - a. details of all the building's façade treatment / architectural features;
 - b. material and colour palettes; and
 - c. fencing and retaining wall design and details.

The finalised set of drawings must ensure that the proposed architectural treatment and finished appearance of all buildings is consistent with the plans and information referenced at Condition 1. All works must then be carried out in accordance with the details certified by the Council, and thereafter retained and maintained, to the satisfaction of the Council.

Advice note:

As part of the condition monitoring process, the Council's monitoring inspectors will liaise with members of the Council's Urban Design Unit to ensure that the submitted details are consistent with the approved plans and information.

Lighting Plan

- 7. Prior to the lodgement of an application for Building Consent for any consented building, the consent holder shall provide to the Council an updated Lighting Plan and Certification / Specifications that have been prepared by a qualified Lighting Engineer. The purpose of this condition is to ensure that adequate lighting will be provided for the safety of people residing at or visiting the developed site and its immediate environs outside of daylight hours. The Lighting Plan shall:

- Include all accessible areas of the developed site where movement of people is expected within the JOALs, including footpaths.
- Include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined) and any light support structures required to control the timing and level of lighting; or to minimise light spill and glare.
- Demonstrate compliance with the relevant standards under E24.6.1 (Lighting) of the Auckland Unitary Plan (Operative in Part).
- Demonstrate compliance with the AS/NZS 1158 P requirements and clearly specify what P Category the lighting design will achieve. The selection criteria for the chosen lighting category shall also be presented (i.e. pedestrian / cycle activity, risk of crime, etc).
- Demonstrate the vertical illuminance by means of lux contours or a similar method to assess light spill on neighbouring properties where relevant. The limits of the vertical illuminance shall comply with the Auckland Unitary Plan (Operative in Part) Standard E24.6.1.3.
- Include an executive summary of the above information in plain English that outlines the relevant requirements and design response.

The finalised design details certified by the qualified Lighting Engineer shall be established prior to the development hereby consented being first occupied, and thereafter retained and maintained, to the satisfaction of the Council.

Advice note:

The purpose of this condition is to ensure that adequate lighting is provided to frequently used areas within the proposed development for the safety of users. Adequate lighting is the amount of lighting at eye level for a person with average eyesight so they can identify any potential threat approaching them from at least a 15-metre distance.

Finalised landscape design drawings, specifications and maintenance requirements

8. Prior to the lodgement of an application for building consent for any approved building, the consent holder must provide to the Council for written certification, a finalised set of detailed landscape design drawings and supporting written documentation which have been prepared by a landscape architect or suitably qualified professional. The submitted information must be consistent with the consented landscape concept plan(s) (prepared by Walker Landscape Architecture, listed at Condition 1) and, at a minimum, must include:
 - a. An annotated planting plan(s) which communicate the proposed location and extent of all areas of planting, including screen planting and planting within the communal spaces.
 - b. Annotated cross-sections and/or design details with key dimensions to illustrate that adequate widths and depths are provided for garden beds, planters, tree pits and planting along retaining walls.

- c. A plant schedule based on the submitted planting plan(s) which details specific plant species, spacing, the number of plants, height and/or grade (litre) / Pb size at time of planting and estimated height / canopy spread at maturity.
- d. An annotated hard landscape and pavement plan and related specifications, detailing proposed site levels and the materiality and colour of all proposed hard surfacing, including pavement, retaining walls, fences, etc.
- e. A landscape maintenance plan (report) and related drawings and specifications for all aspects of the finalised landscape design for the JOALs and the communal open space (Lot 400), covering a minimum three years, including in relation to the following requirements:
 - Soil preparation, drainage, irrigation, tree pits, staking, mulching and spraying requirements;
 - Weed removal and pest control;
 - Plant replacement for dead and poorly performing plants, covering a minimum three years, including specimen trees and screening planting;
 - Maintenance methodology, inspection timeframes and frequencies; and
 - Contractor responsibilities and ongoing maintenance requirements for the communal landscape elements (hard and soft) and screen planting that is relied upon as mitigation.
- f. A detailed landscape plan and management plan for the pocket park (Lot 400).

The finalised landscape design shall be consistent with the landscape design intent / objectives identified in the conceptual plans and information referenced at Condition 1 and confirm responsibilities for ongoing maintenance requirements.

Advice note:

It is recommended that the consent holder consider a minimum three-year management / maintenance programme for plant establishment and provide, in particular, details of maintenance methodology and frequency, allowance for fertilising, weed removal / spraying, replacement of plants, including specimen trees in case plants are severely damaged / die over the first five years of the planting being established and watering to maintain soil moisture. As part of the approval process, the Council's monitoring team will liaise with landscape architects from the Council's Urban Design Unit to ensure that the submitted drawings and related information are consistent with the originally consented landscape concept plan(s).

Construction Traffic Management Plan

9. Prior to the commencement of earthworks or construction, the consent holder must submit a finalised Construction Traffic Management Plan (CTMP), prepared in accordance the Council's requirements for CTMPs and the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management, to the Council for certification. No construction activity shall commence on the site until written confirmation is provided from the Council that the CTMP satisfactorily meets the Council's requirements for CTMPs and the New Zealand Transport Agency's Code of Practice for Temporary Traffic Management. All measures identified in that plan as

needing to be put in place prior to commencement of works, must have been implemented. The CTMP must contain specific details relating to avoiding, remedying or mitigating adverse effects on the environment from earthworks, construction and management of all works associated with the development as follows:

- Contact details of the appointed contractor or project manager (phone number, e-mail, postal address);
- A general outline of the construction programme for each stage of development;
- Measures to be adopted to maintain areas of the site that are visible from public spaces and private property in a tidy condition in terms of rubbish disposal, storage and unloading of materials, etc.
- Plans showing areas where stockpiles, equipment (including contractor parking) will occur so that there is no obstruction of public spaces (e.g. roads).
- Plans showing the location of any site offices, staff facilities and staff car parking (all of which is to be provided on the site) during the construction period.
- Location of traffic signs on surrounding streets and proposed signage for traffic management purposes during construction.
- Measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times.
- Restriction of heavy vehicle movements associated with the construction activity such that they must not enter or leave the site during the periods 7:30am to 9:30am and 2:30pm to 6:00pm weekdays (being the commuter peak periods and school opening and closing hours) unless prior written approval of the Council is obtained.
- An overview of measures that will be adopted to prevent unauthorised public access during the construction period.
- Procedures for controlling sediment run-off, dust, and the removal / introduction of soil, debris, and materials.
- Procedures for ensuring that the owners and/ or occupants in the immediate vicinity of the construction area are given prior notice of the commencement of construction activities and are informed about the expected duration of works and potential effects of the works (e.g. noise and temporary traffic associated with construction activities, timings of temporary partial and full closures of the access way).
- Access to adjacent properties must be safely maintained throughout the construction period at all times.
- Temporary protection measures that will be installed to ensure that there must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks and construction activities.

The certified CTMP must be implemented to the satisfaction of the Council.

Advice notes:

Prior to carrying out any work in the road corridor, the consent holder is required to submit to Auckland Transport a Corridor Access Request (CAR) and construction traffic management plan (CTMP), work must not commence until such time as the consent holder has approval in the form of a Works Access Permit (WAP). The application may be made through <http://www.beforeudig.co.nz/> and 15 working days should be allowed for approval. More information is available on Auckland Transport's website <https://at.govt.nz/about-us/working-on-the-road/corridor-access-requests/>

The CTMP should contain sufficient detail to ensure the safe and efficient movement of the travelling public pedestrians, cyclists and motorists

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

Construction Management Plan

10. The consent holder must provide a Construction Management Plan to the Council for certification at least two weeks prior to any works commencing on the site. The Construction Management Plan must specify site conditions and considerations to consented earthworks and any structures (such that they do not undermine any existing temporary / permanent structures), construction timetable, construction methods, general site management, site reinstatement upon completion of works.

Street tree removals and replacement planting

11. All matters pertaining to removal and transplanting of existing street trees and replacement planting on the road berm of Donnelly Street adjacent to the site shall be undertaken with the agreement of the Tree Asset Owner.
- 11A The consent holder shall relocate the 19 existing Pōhutukawa (*Metrosiderous excelsa* 'Mistral') within the Donnelly Street road reserve in accordance with the memorandum and plans prepared by Walker Landscape Architecture titled 'Tree Transplant Plan' dated January 2022 and subject to the agreement of the Tree Asset Owner. In the event that any of the existing street trees is unsuitable for transplantation, a 400L specimen shall be planted in its proposed location.
- 11B The consent holder shall establish new street trees within the Ngahue Drive and Donnelly Street road reserves in accordance with the plans prepared by Walker Landscape Architecture dated July 2021 and the agreement and specific requirements of the Tree Asset Owner.

Advice note:

The development may require removal of street trees along Donnelly Street and College Road. Prior to the relocation or removal of street trees, the consent holder is required to obtain Asset Owner Approval.

Contamination

12. Earthworks shall not commence under this land use resource consent until the Site Validation Reports (SVRs) associated with the enabling bulk earthworks and remedial

works under resource consents LUC60330739 / DIS60340343 (BUN60340249 – as required by Condition 46) and LUC60348683 / DIS60351786 (BUN60351784 – as required by Condition 60), have been prepared, submitted and certified by the Council.

During-development conditions

Noise associated with construction activities

13. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include, but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc) must not exceed the noise limits stipulated within NZS 6803:1999 Acoustics - Construction Noise (or any subsequent revision), and:
- May only be carried out between the hours of 7:30 am and 6:00 pm, Monday to Friday Saturday; and
 - Must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).

Earthworks

Accidental Discovery

14. If, at any time during site works, sensitive materials (kōiwi / human remains, an archaeology site, a Māori cultural artefact, a protected New Zealand object, contamination, or a lava cave greater than 1m in diameter) are discovered, then the protocol set out in Standards E11.6.1 and E12.6.1 of the Auckland Unitary Plan (Operative in Part) must be followed. In summary these are:
- a. All works must cease in the immediate vicinity (at least 20m from the site of the discovery) and the area of the discovery must be secured including a buffer to ensure all sensitive material remains undisturbed.
 - b. The consent holder must immediately advise the Council, Heritage New Zealand Pouhere Taonga, and the Police (if human remains are found) and arrange a site inspection with these parties.
 - c. If the discovery contains kōiwi, archaeology or artefacts of Māori origin, representatives from those Iwi groups with mana whenua interest in the area are to be provided information on the nature and location of the discovery. The consent holder must specifically notify Te Ākitai Waiohū,
 - d. The consent holder must not recommence works until the steps set out in the above- mentioned standards have been followed and commencement of works approved by the Council.

Seasonal restriction

15. Earthworks must not be undertaken between 1 May and 30 September in any year,

without the submission of a '*Request for winter works*' approval to the Council and for that approval to be granted. All requests must be renewed annually prior to the approval expiring and no works must occur until written approval has been received from the Council. All winter works shall be re-assessed by the consent holder monthly, or as required by the Council, to ensure that adverse effects are not occurring in the receiving environment; and approval may be revoked by the Council upon written notice to the consent holder.

General

16. There must be no obstruction of access to public footpaths, berms, private properties, public services / utilities, or public reserves resulting from the construction and earthworks activity. All materials and equipment must be stored within the subject site's boundaries.
17. All vehicle movements to and from the site and associated with the earthworks and construction activity must be in accordance with the approved Construction Traffic Management Plan.
18. The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the Erosion and Sediment Control Plan, listed under Condition 1, must be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.
19. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified to the satisfaction of the Council.

Advice note:

In accordance with Condition 19 all earthworks must be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:

- *Catchpit protection*
- *Run-off diversions*
- *Sediment retention ponds*
- *Silt and sediment traps*
- *Decanting earth bunds*
- *Silt fences.*

During excavation, the ingress and accumulation of surface run-off water and/or perched groundwater can be minimised by:

- *Maintaining a waterproof cover over any excavation trenches and pits outside of working hours,*
- *Diversion of surface water flow around the works area, and*
- *Regular disposal of the water into an appropriate sediment control device, if ponding occurs within the excavation.*

20. The site must be progressively stabilised against erosion in accordance with the Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region* as soon as practicable as earthworks are finished over various areas of the site.
21. Earthworks must be managed to avoid the deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
22. There must be no airborne or deposited dust beyond the subject site as a result of earthworks and construction activity, that in the opinion of the Council, is noxious, offensive or objectionable.
23. Immediately upon completion or abandonment of earthworks on the subject site all areas of bare earth must be permanently stabilised against erosion in accordance with the Auckland Council Guideline Document 2016/005 *Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region*.
24. An 'as-built' drawing from an engineer showing the final contours of the site and areas and levels of fill must be provided on a CAD plan to the Council within ten (10) working days following completion of the earthworks activity.
25. All imported fill used must:
 - Comply with the definition for 'clean fill' in the Ministry for the Environment publication '*A guide to the Management of Clean fills*' (2002);
 - Be solid material of a stable, inert nature; and
 - Not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

Geotechnical

26. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be reported to the consent holder's geotechnical consultant to the project, and any instability should be assessed for safety, and rectified (if recommended by the geotechnical consultant) under engineer control.
27. The consent holder must engage an engineer to monitor all excavations, retaining and foundation construction. The supervising engineer's contact details must be provided in writing to the Council at least two weeks prior to earthworks commencing on site. The supervising engineer must be familiar with the following reports:
 - Letter RE: Retaining Wall Design Report for Proposed Cantilever Retaining Walls (A to F) at 79 College Road, St Johns from Lander Geotechnical to St

Johns Park Investment Limited (reference; J01242 Rev A, dated: 5 August 2020);

- Retaining Wall Methodology –Central by Lander Geotechnical (reference: J01242, dated: 3 June 2020);
- Retaining Wall Methodology –Northern by Lander Geotechnical (reference: J01242, dated: 3 June 2020);
- Retaining Wall Methodology –Southern by Lander Geotechnical (reference: J01242, dated: 3 June 2020); and
- Memo SUB: CAN#07 Rev A –Retaining Wall Design, Wall F, CH190 to CH220 (approx.) –79 College Road, St Johns by Lander Geotechnical (reference: J01242, dated: 15 January 2021).

28. Earthworks, foundations and retaining construction must follow the recommendations within the following documents unless superseded by the consent holder's geotechnical consultant:

- Letter RE: Retaining Wall Design Report for Proposed Cantilever Retaining Walls (A to F) at 79 College Road, St Johns from Lander Geotechnical to St Johns Park Investment Limited (reference; J01242 Rev A, dated: 5 August 2020);
- Retaining Wall Methodology –Central by Lander Geotechnical (reference: J01242, dated: 3 June 2020);
- Retaining Wall Methodology –Northern by Lander Geotechnical (reference: J01242, dated: 3 June 2020);
- Retaining Wall Methodology –Southern by Lander Geotechnical (reference: J01242, dated: 3 June 2020); and
- Memo SUB: CAN#07 Rev A –Retaining Wall Design, Wall F, CH190 to CH220 (approx.) –79 College Road, St Johns by Lander Geotechnical (reference: J01242, dated: 15 January 2021).

29. The consent holder must provide verification in writing from an engineer to the Council, that the recommendations of the above reports (listed under Condition 28) have been implemented on site. This verification must be provided no later than two weeks after the foundation / retaining construction work has been completed. All details in the written statement must be certified by the Council as being consistent with the documents listed above and good geotechnical practice.

30. The consent holder must engage an engineer to advise the Council of timeframes for unsupported cuts adjacent to boundaries at least one week prior to excavations on boundaries being undertaken.

Surveyors roof framing check

31. No building works must proceed beyond the roof framing stage on Lots 33, 43-45, 62, 76 and 78-80 until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Council that the works completed:
- Have been completed in accordance with the approved plans as referred to in Condition 1 of this consent; or
 - Do not exceed the vertical or horizontal extent of any breach, infringement, or non-compliance approved under this consent.

Advice note:

The purposes of certification at the roof framing stage of construction are to:

- Provide assurance that the building works, to that point, have been undertaken in accordance with the consent; and*
- Reduce the risk of non-compliance as the works are completed.*

Written certification should include the following:

- The finished ground level is clearly marked on the subject site;*
- The relevant consent reference number and site address;*
- Levels, calculations, plans and drawings of the structure(s) that are the subject of certification; and*
- The quantification of the extent of any breach, infringement or non-compliance identified at the time of survey, where this has occurred.*

Written certification is to be addressed to the Council.

Vehicle crossings

32. The consent holder must construct the vehicle crossings to serve the development (Lots 1-45, 51-81, 300, as well as the 4 access lots (Lots 100 –103)). The crossings must be designed and formed in accordance with the requirements of Auckland Transport. The new crossing(s) must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, paving, patterns and finish as the footpath on each side of the crossing. Certification that works have been satisfactorily undertaken must be provided to the Council.

Advice note:

An approval letter and completion certificate from Auckland Transport is required to be submitted to the Council as a verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled.

Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.

A vehicle crossing approval permit is required to be obtained from Auckland Transport for these works.

33. Within 20 working days following completion of works on site, the redundant vehicle crossings must be reinstated to footpath, kerb and berm to Auckland Transport requirements and that the footpath and grassed berm be repaired where it has been

damaged during construction.

Private accessways

34. The consent holder must design and construct private accessways (Lots 100 –103) to serve the development in accordance with the engineering requirements of Auckland Council. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided to the Council.

Advice note:

Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction.

Please contact Auckland Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.

Footpaths and parking adjacent to footpaths

35. The consent holder must complete upgrade works of Donnelly Street and College Road footpaths, parking bays, and planting in accordance with the approved plans listed in Condition 1.

Advice note:

Detail design of all works within the road reserve must be subject to the Engineering Plan Approval process prior to any works taking place.

Connections to Donnelley Street and Merton Road / College Road roundabout

36. The consent holder must design and construct a new connections with Donnelley Street and a new exit only connection to the roundabout intersection of College Road and Merton Road; in accordance with the requirements of Auckland Transport. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided to the Council.

Advice notes:

Acceptable forms of evidence include Engineering Approval Completion Certificates. Construction of public roading requires an Engineering Plan Approval.

Design of public roads must include (but is not limited to), road pavement, pedestrian footpaths, cycle ways, street lighting, street furniture, road marking, traffic calming devices, road stormwater drainage, raingardens, etc. where required.

Plans approved under this Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.

The consent holder is advised that the national Addressing Standard (AS/NZS 4819:2011) requires that all new public roads and extensions to existing roads and any private road (rights of way or common access lots) that serve more than five allotments and created through a subdivision consent will require a road name. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name prior to applying for a section 223 certificate. For more details refer to <https://www.aucklandcouncil.govt.nz/building-and-consents/types-resource-consents/subdivision-of-property/Pages/road-naming.aspx>

Refer to peer reviewed memo and conditions from by Andrew Temperley –Senior Transport Planner (TPC), ref no: J/N 12093 -140 dated 18th December 2020.

The roundabout design must include the installation of Swedish tables on the southern leg of the roundabout on College Road and the vehicle crossing at the roundabout for the egress from Private Way 1 must be vested in the Auckland Council to accommodate future maintenance of the roundabout.

'No Stopping At All Times' (NSAAT) lines must be installed along Ngahue Drive on both sides of the intersection, stretching from the bus stop to the west and the College Road intersection to the east, to ensure visibility at the intersection with Donnelly Street.

Prior to the lodgement of any Engineering Plan Approval, the consent holder must engage an independent and suitably qualified Safety Engineer to undertake and complete an independent, preliminary design stage Road Safety Audit of all site access points and road layout changes associated with the development. The consent holder must adopt and address any recommendations made in the RSA.

Access, parking and manoeuvring areas

37. Prior to occupation of each residential unit, the associated access, parking and manoeuvring areas for that unit must be formed, sealed with an all-weather surface and drained in accordance with the approved plans.

Access to individual lots

38. Access to Lot 62 must be via Private Way 1.
39. Access to Lot 59 must take place directly off the turning head in Donnelly Street.
40. In order to avoid vehicles accessing lots directly from the Merton Road / College Road roundabout, bollards must be installed at the end of the Donnelly Street extension to Lots 60-61, as shown on the drawing entitled "College Road Roundabout and Speed Tables (Sheet 8 of 8), Drawing No. 3-210, Rev. B". This must be done at the expense of the consent holder.
41. The narrow vehicle entry extension of Donnelly Street to provide access to Lots 60 and 61 must be constructed to relevant Auckland Transport standards and must be vested in the Auckland Council upon completion.

Traffic signage

42. Prior to the occupation of residential units, the consent holder must install and maintain directional signage as identified on the approved engineering drawings in Condition 1 in order to ensure that vehicle movements are limited to exit only onto the College Road / Merton Road roundabout.

Traffic calming

43. Prior to the occupation of residential units, the consent holder must install the traffic calming device/s detailed on the approved engineering drawings in Condition 1 including the raised table located on College Road.
44. Prior to the occupation of residential units, the consent holder must install the traffic calming device/s detailed on the approved engineering drawings in Condition 1 within the private ways.

Stormwater drainage

45. The consent holder must design and construct a connection to the public stormwater network to serve the development (Lots 1-45, 51-81, 300, 400 and 4 access lots (Lots 100 –103)) in accordance with the approved plans and the requirements of the stormwater utility service provider.

Advice notes:

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Utility service provider is Auckland Council Healthy Waters Department.*
- *Construction of public outfall structures require Engineering Plan Approval.*
- *Engineering Plans approved under this Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approvals (ENG60340466 and ENG60353102) have been approved for the major infrastructure improvements and permanent & temporary stormwater diversion on the gully area. However, applicant may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Resource Consent (LUC60330739 under BUN60351784) has been approved for the permanent and temporary stormwater diversion on the gully area.*
- *Refer to peer reviewed memo from Victor Wong (Consultant Healthy Waters) dated 04th December 2019.*

Water supply

46. The consent holder must design and construct connections to the public water supply network to serve the development (Lots 1-45, 51-81 and 300) in accordance with the requirements of the water utility service provider.

Advice notes:

- *Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare / Veolia as part of the Engineering Plan Approval process.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes. Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under this Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approval (ENG60340466) has been approved for the major infrastructure improvements. However, consent holder may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Refer to peer reviewed memo & conditions from Tarso Girio (Connections Engineer, Connections Services -Watercare) reference no: RC 1351 dated 11thMay 2020.*

Wastewater drainage

47. The consent holder must design and construct a connection to the public wastewater network to serve the development (Lots 1-45, 51-81 and 300) in accordance with the

approved plans and the requirements of the wastewater utility service provider.

Advice notes:

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under this Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approval (ENG60340466) has been approved for the major infrastructure improvements. However, the consent holder may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Refer to peer reviewed memo and conditions from Tarso Girio (Connections Engineer, Connections Services -Watercare) reference no: RC 1351 dated 11th May 2020.*

Power and telecommunications

48. The consent holder must design and construct connections to the relevant power and telecommunications network to serve the development (Lots 1-45, 51-81 and 300) in accordance with the requirements of the relevant utility provider.

Private Fire Hydrant

49. The consent holder must design and construct potable water supply system to serve the development (Lots 1 -45, 52-81 and 300). Where applicable, a water supply for firefighting in accordance with the NZ Fire Service 'Fire Fighting Water Supplies Code of Practice SNZ PAS 4509:2008' must be provided. Certification that works have been satisfactorily undertaken must be provided to the Council.

Advice notes:

Acceptable forms of evidence include Code of Compliance Certificates.

Construction of private water systems and Fire hydrants requires Building Consent.

Overland flow path

50. The consent holder must construct the overland flow path (i.e. upstream of the gully area) in accordance with the recommendation of the Candor3 (Infrastructure Reports – as referenced below – and the drawings ref nos: 4-200-Rev A, 4-201-Rev A and 4-400 to 4-403-Rev A) to ensure continuity of overland flow is maintained and contained through designed channels; and that the stability of the site and neighbouring properties is protected.

Document	Prepared by	Dated
1318_79 College Road Infrastructure Report	Candor3	June 2019
1318_79 College Road Infrastructure Reports92	Candor3	31 October 2019
1318_R2-01_Infrastructure-201113	Candor3	13 November 2020

51. The consent holder must provide an as-built plan, long section, and cross-sections, prepared by a Licensed Cadastral Surveyor and/ or suitably qualified engineer to demonstrate that the completed overland flow path meets the design requirements.
52. The consent holder must provide an Overland Flow Path Completion Report from a suitably qualified and experienced engineer to confirm the lot(s) is/are stable and suitable for development.

Post-development conditions

Waste collection

53. Waste collection services must be undertaken by an 8-metre-long (maximum) rubbish truck under a privately operated regime for Lots 1-26, 34-45 and 62-81. The waste management measures must be implemented throughout the duration that any dwellings are occupied.

Note:

Lots 27-33 and 51-61 will be served by the existing public collection on Donnelly Street.

54. The consent holder must provide written confirmation from the nominated private waste collection firm to the Council to demonstrate that a private waste collection firm has been engaged to service the dwellings on the site.

Implementation of certified landscape plans

55. The landscaping as detailed in the certified landscape plans requested under Condition 8 must be implemented prior to the occupation of dwellings. The landscaping must be maintained and retained thereafter in accordance with the maintenance programme submitted with the certified landscape plans.

Incorporated Society / Body Corporate

56. Prior to the occupation of the dwellings, the consent holder must provide evidence to the Council that an Incorporated Society / Body Corporate has been established to fund and administer the management of the private ways, communal landscaped spaces and private rubbish collection.

Common Assets

57. Prior the occupation of any of the new dwellings, the consent holder must enter into a section 108 Resource Management Act 1991 covenant in favour of Auckland Council for LOT 6 DP 67256, 800300. The consent holder must contact the Council to initiate the preparation of the covenant. A copy of the updated Computer Register (Record of Title) showing that the covenant has been registered must be provided to the Council.

The covenant must:

- a. Advise that the units (1-26, 34-45 and 51, 62-81) share common assets i.e. a private road including speed calming device, retaining structures, impervious paving, and lighting infrastructure located within the accessway as well as a common waste management service. To ensure that each unit remains adequately serviced and connected and the common assets are under one

ownership, the consent holder or the subsequent owner is responsible and liable for the ongoing operation, maintenance, and repair of the shared assets listed above. The consent holder / subsequent owner must also be responsible for the organisation and arrangement of private waste collection services for the site. Under no circumstances shall the waste collection bins associated with the site be left on the front berm along Donnelly Street, with the exception of those lots with direct frontage to Donnelly Street (Lots 51-62). Costs associated with maintenance of the common assets must be borne by the consent holder; and

- b. Be drafted by the Council's nominated Solicitor at the consent holder's cost; and
- c. Be registered against the Computer Register(s) (record of title) to the affected land by the consent holder at their cost; and
- d. Require the consent holder to:
 - i. Be responsible for all legal fees, disbursements and other expenses incurred by the Council in connection with the covenant, and procure its solicitor to give an undertaking to the Council for payment of the same; and
 - ii. Indemnify the Council for costs, fees, disbursements and other expenses incurred by the Council as a direct or indirect result of the Council being a party to this covenant.

Advice note:

This covenant will not be required if the site is subdivided and S224(c) certification is issued prior to the occupation of the dwellings.

Artificial turf specifications

58. The consent holder shall ensure that any use of artificial lawn within the lots meets the relevant component of the definition of 'landscaped area' within Chapter J of the Auckland Unitary Plan (Operative in Part) to ensure the surface area is permeable.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the Council" refers to the Council's monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the Council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New*

Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

5. *The consent holder will be responsible for ensuring any road encroachment licence(s) or lease(s) for any private structure that projects into the legal road are obtained from Auckland Transport. Encroachment licenses are not a Resource Management Act matter, and acceptance or rejection of any application is at Auckland Transport's sole discretion. See Auckland Transport's website for more information <https://at.govt.nz/about-us/working-on-the-road/road-processes-for-property-owners/road-encroachment-licences-or-leases/>*
6. *Engineering Plan Approval (EPA stage): Detailed design of all proposed intersection improvements, vehicle accesses, pedestrian footpaths, cycling infrastructure and associated gradients will be reviewed and approved by Auckland Transport, at the EPA stage, prior to any construction works.*
7. *It will be the responsibility of the consent holder to determine the presence of any underground services that may be affected by the consented work in the road reserve. Should any services exist, the consent holder must contact the owners of those services and agree on the service owners' future access for maintenance and upgrades. Services information may be obtained from <http://www.beforeudig.co.nz/>*

Hearings Panel

Cherie Lane (Chair) and Commissioners Peter Kensington and Gavin Lister



31st March 2022

ATTACHMENT A – APPROVED DRAWING LIST

Land Use Resource Consent LUC60360142 – Conditions

Drawing title and reference	Author	Rev	Dated
<i>Architectural</i>			
RC 000 – Cover Sheet	PTG Architecture		July 2021
RC 020 – Design Statement	PTG Architecture	3	09/07/2021
RC 021– Design Statement	PTG Architecture	1	09/07/2021
Memo Site Plan Showing Design Changes	PTG Architecture	2	23/07/2021
RC 101 – Overall Site Plan	PTG Architecture	6	23/07/2021
RC 102 – Overall Site Plan	PTG Architecture	6	23/07/2021
RC 103 – Overall Site Plan: Part-1	PTG Architecture	14	23/07/2021
RC 103a – Overall Site Plan: Part-1 Shown Internal RTW	PTG Architecture	5	23/07/2021
RC 104 – Overall Site Plan: Part-2	PTG Architecture	14	23/07/2021
RC 104a – Overall Site Plan: Part-2 Shown Internal RTW	PTG Architecture	5	23/07/2021
RC 105-1 Calculation Sheet	PTG Architecture	15	23/07/2021
RC 105-2A – Coverages Plan: Showing Landscaped Areas Part-1	PTG Architecture	5	23/07/2021
RC 105-2B – Coverages Plan: Showing Landscaped Areas Part-2	PTG Architecture	5	23/07/2021
RC 105-3A – Coverages Plan: Showing Impervious Areas Part-1	PTG Architecture	4	23/07/2021
RC 105-3B – Coverages Plan: Showing Impervious Areas Part-2	PTG Architecture	4	23/07/2021
RC 105-4A – Coverages Plan: Showing Yard Infringements Part-1	PTG Architecture	4	23/07/2021
RC 105-4B – Coverages Plan: Showing Yard Infringements Part-2	PTG Architecture	4	23/07/2021
RC 106 – HIRB Infringement	PTG Architecture	3	09/07/2021
RC 107 – HIRB Infringement	PTG Architecture	3	09/07/2021
RC 108 – Sections	PTG Architecture	2	09/07/2021
RC 109 – Sections	PTG Architecture	2	09/07/2021
RC 111-1 – Group Plan 1	PTG Architecture	9	23/07/2021
RC 111-2 – Group-1: 3D Views	PTG Architecture	4	23/07/2021
RC 111-3 – Group-1: 3D Views	PTG Architecture	4	23/07/2021
RC 201-1 – Type-A 2.5 Level House: Lot 1	PTG Architecture	8	23/07/2021
RC 201-2 – Type-A Plans: Lot 1	PTG Architecture	7	09/07/2021

Drawing title and reference	Author	Rev	Dated
RC 201-3 – Type-A Plans: Lot 1	PTG Architecture	7	09/07/2021
RC 202-1 – Type-B 2.5 Level House: Lot 2	PTG Architecture	9	23/07/2021
RC 202-2 – Type-B Plans: Lot 2	PTG Architecture	9	23/07/2021
RC 202-3 – Type-B Plans: Lot 2	PTG Architecture	8	09/07/2021
RC 203-1 – Type-C 2.5 Level House: Lot 3	PTG Architecture	10	23/07/2021
RC 203-2 – Type-C Plans: Lot 3	PTG Architecture	8	09/07/2021
RC 203-3 – Type-C Plans: Lot 3	PTG Architecture	8	09/07/2021
RC 204-1 – Type-D1 2 Level House: Lot 16	PTG Architecture	9	23/07/2021
RC 204-2 – Type-D1 2 Level House: Lot 16	PTG Architecture	7	09/07/2021
RC 204-3 – Type-D 2.5 Level House: Lot 16	PTG Architecture	7	09/07/2021
RC 112-1 – Group Plan 2	PTG Architecture	8	23/07/2021
RC 112-2 – Group Plan 2: 3D Views	PTG Architecture	4	23/07/2021
RC 112-3 – Group Plan 2: 3D Views	PTG Architecture	4	23/07/2021
RC 205-1 – Type-E/E1 2.5 Level House: Ex. Lot 17&18	PTG Architecture	7	23/07/2021
RC 205-2 – Type-E/E1 2.5 Level House: Ex. Lot 17&18	PTG Architecture	7	23/07/2021
RC 205-3 – Type-E/E1 2.5 Level House: Ex. Lot 17&18	PTG Architecture	7	23/07/2021
RC 205-4 – Type-E1 2.5 Level House: Lot 17,19,37,39	PTG Architecture	8	23/07/2021
RC 205-5 – Type-E/E1 2.5 Level House: Ex. Lot 17&18	PTG Architecture	7	23/07/2021
RC 208-1 – Type-H/H1 2.5 Level House: Ex. Lot 6&7	PTG Architecture	8	23/07/2021
RC 208-2 – Type-H/H1 2.5 Level House: Ex. Lot 6&7	PTG Architecture	6	09/07/2021
RC 208-3 – Type-H/H1 2.5 Level House: Ex. Lot 6&7	PTG Architecture	7	09/07/2021
RC 208-4 – Type-H/H1 2.5 Level House: Ex. Lot 6&7	PTG Architecture	5	15/10/2020
RC 214-1 – Type-N1 2 Level House: Lot 20	PTG Architecture	8	09/07/2021
RC 214-2 – Type-N1 2 Level House: Lot 20	PTG Architecture	8	23/07/2021
RC 214-3 – Type-N1 2 Level House: Lot 20	PTG Architecture	7	09/07/2021
RC 113-1 – Group Plan 3	PTG Architecture	9	23/07/2021
RC 113-2 – Group Plan 3: 3D Views	PTG Architecture	4	23/07/2021
RC 113-3 – Group Plan 3: 3D Views	PTG Architecture	4	23/07/2021
RC 207-1 – Type-G/G1 2.5 Level House: Ex. Lot 22&23	PTG Architecture	7	23/07/2021

Drawing title and reference	Author	Rev	Dated
RC 207-2 – Type-G/G1 2.5 Level House: Ex. Lot 22&23	PTG Architecture	6	09/07/2021
RC 207-3 – Type-G/G1 2.5 Level House: Ex. Lot 22&23	PTG Architecture	7	09/07/2021
RC 207-4 – Type-G/G1 2.5 Level House: Ex. Lot 22&23	PTG Architecture	6	15/10/2020
RC 222-1 – Type-V 2.5 Level House: Ex. Lot 5	PTG Architecture	9	23/07/2021
RC 222-2 – Type-V 2.5 Level House: Ex. Lot 5	PTG Architecture	7	09/07/2021
RC 222-3 – Type-V 2.5 Level House: Ex. Lot 5	PTG Architecture	7	09/07/2021
RC 114-1 – Group Plan 4	PTG Architecture	10	23/07/2021
RC 114-2 – Group Plan 4: 3D Views	PTG Architecture	4	23/07/2021
RC 114-3 – Group Plan 4: 3D Views	PTG Architecture	4	23/07/2021
RC 209-1 – Type-I1 2 Level House: Lot 26	PTG Architecture	8	23/07/2021
RC 209-2 – Type-I1 2 Level House: Lot 26	PTG Architecture	7	09/07/2021
RC 209-3 – Type-I1 2 Level House: Lot 26	PTG Architecture	7	09/07/2021
RC 219-1 – Type-S 2.5 Level House: Lot 10,13,15	PTG Architecture	8	23/07/2021
RC 219-2 – Type-S 2.5 Level House: Lot 10,13,15	PTG Architecture	8	23/07/2021
RC 219-3 – Type-S 2.5 Level House: Lot 10,13,15	PTG Architecture	8	23/07/2021
RC 219-4 – Type-S,S1,S2: Elevation	PTG Architecture	4	30/06/2021
RC 219-5 – Type-S,S1,S2: Floor Plans Lot 14	PTG Architecture	8	09/07/2021
RC 219-6 – Type-S,S1,S2: Floor Plans Lot 14	PTG Architecture	7	30/06/2021
RC 115-1 – Group Plan 5	PTG Architecture	8	23/07/2021
RC 115-2 – Group Plan 5: 3D Views	PTG Architecture	4	23/07/2021
RC 115-3 – Group Plan 5: 3D Views	PTG Architecture	4	23/07/2021
RC 210-1 – Type-J 2 Level House: Lot 27	PTG Architecture	9	23/07/2021
RC 210-2 – Type-J 2 Level House: Lot 27	PTG Architecture	8	09/07/2021
RC 210-3 – Type-J 2 Level House: Lot 27	PTG Architecture	7	09/07/2021
RC 211-1 – Type-K 2 Level House: Lot 28	PTG Architecture	9	23/07/2021
RC 211-2 – Type-K 2 Level House: Lot 28	PTG Architecture	8	09/07/2021
RC 211-3 – Type-K 2 Level House: Lot 28	PTG Architecture	7	09/07/2021
RC 212-1 – Type-I 2 Level House: Ex. Lot 30	PTG Architecture	9	23/07/2021
RC 212-2 – Type-I 2 Level House: Ex. Lot 30	PTG Architecture	8	09/07/2021
RC 212-3 – Type-K 2 Level House: Lot 28	PTG Architecture	6	30/06/2021

Drawing title and reference	Author	Rev	Dated
RC 116-1 – Group Plan 6	PTG Architecture	9	23/07/2021
RC 116-2 – Group Plan 6: 3D Views	PTG Architecture	4	23/07/2021
RC 116-3 – Group Plan 6: 3D Views	PTG Architecture	4	23/07/2021
RC 213-1 – Type-M 2 Level House: Lots 32,33	PTG Architecture	8	23/07/2021
RC 213-2 – Type-M 2 Level House: Lots 32,33	PTG Architecture	8	09/07/2021
RC 213-3 – Type-M 2 Level House: Lots 32,33	PTG Architecture	5	01/07/2020
RC 223-1 – Type-W 2 Level House: Ex. Lot 42	PTG Architecture	10	23/07/2021
RC 223-2 – Type-W 2 Level House: Ex. Lot 42	PTG Architecture	10	09/07/2021
RC 223-3 – Type-W 2 Level House: Ex. Lot 42	PTG Architecture	10	23/07/2021
RC 117-1 – Group Plan 7	PTG Architecture	9	09/07/2021
RC 117-2 – Group Plan 7: 3D Views	PTG Architecture	4	23/07/2021
RC 117-3 – Group Plan 7: 3D Views	PTG Architecture	4	23/07/2021
RC 224-1 – Type-X 2 Level House: Ex. Lot 45	PTG Architecture	11	23/07/2021
RC 224-2 – Type-X 2 Level House: Ex. Lot 45	PTG Architecture	10	09/07/2021
RC 224-3 – Type-X 2 Level House: Ex. Lot 44,45	PTG Architecture	9	09/07/2021
RC 225-1 – Type-Y 2 Level House: Lot 43	PTG Architecture	11	23/07/2021
RC 225-2 – Type-Y 2 Level House: Lot 43	PTG Architecture	10	09/07/2021
RC 225-3 – Type-Y 2 Level House: Lot 43	PTG Architecture	9	09/07/2021
Appendix A – Infringement Data	PTG Architecture	-	23/07/2021
RC01 – Site Overview	Hulena Architects	B	16/07/2021
RC02 – Site Overview	Hulena Architects	B	16/07/2021
RC03 – Site Overview	Hulena Architects	B	16/07/2021
RC04 – Site Plan	Hulena Architects	B	16/07/2021
RC05 – Site Plan	Hulena Architects	B	16/07/2021
RC06 – Site Plan – Group A	Hulena Architects	B	16/07/2021
RC07 – Site Plan – Group B	Hulena Architects	B	16/07/2021
RC08 – Site Plan – Group C	Hulena Architects	B	16/07/2021
RC09 – Site Plan – Group D	Hulena Architects	B	16/07/2021
RC10 – Building Height - 8m	Hulena Architects	B	16/07/2021
RC11 – Building Height - 9m	Hulena Architects	B	16/07/2021
RC12 – Type 1 - Plans	Hulena Architects	B	16/07/2021
RC13 – Type 1a+b – Elevations	Hulena Architects	B	16/07/2021
RC14 – Type 1c+d – Elevations	Hulena Architects	B	16/07/2021

Drawing title and reference	Author	Rev	Dated
RC15 – Type 1e – Elevations	Hulena Architects	B	16/07/2021
RC16 – Type 2a+b – Plans	Hulena Architects	B	16/07/2021
RC17 – Type 2a+b – Elevations	Hulena Architects	B	16/07/2021
RC18 – Type 2c – Plans	Hulena Architects	B	16/07/2021
RC19 – Type 2c – Elevations	Hulena Architects	B	16/07/2021
RC20 – Type 3 – Plans	Hulena Architects	B	16/07/2021
RC21 – Type 3 – Plans	Hulena Architects	B	16/07/2021
RC22 – Type 3 – Elevations	Hulena Architects	B	16/07/2021
RC23 – Type 4 – Plans	Hulena Architects	A	05/07/2021
RC24 – Type 4 – Elevations	Hulena Architects	B	16/07/2021
RC25 – Type 5 – Plans	Hulena Architects	A	05/07/2021
RC26 – Type 5 – Elevations	Hulena Architects	B	16/07/2021
RC27 – Type 6 – Ground + First Plans	Hulena Architects	A	05/07/2021
RC28 – Type 6 – Second Floor Plans	Hulena Architects	A	05/07/2021
RC29 – Type 6 – Elevations	Hulena Architects	B	16/07/2021
RC30 – Type 7 – Plans	Hulena Architects	B	16/07/2021
RC31 – Type 7 – Elevations	Hulena Architects	B	16/07/2021
RC32 – Type 8a – Plans	Hulena Architects	B	16/07/2021
RC33 – Type 8b – Plans	Hulena Architects	B	16/07/2021
RC34 – Type 8a+b – Elevations	Hulena Architects	B	16/07/2021
RC35 – Type 9 – Plans	Hulena Architects	A	05/07/2021
RC36 – Type 9 – Elevations	Hulena Architects	B	16/07/2021
RC37 – Type 10 – Plans	Hulena Architects	B	16/07/2021
RC38 – Type 10 – Elevations	Hulena Architects	B	16/07/2021
RC39 – Context Perspective	Hulena Architects	B	16/07/2021
RC40 – Context Perspective	Hulena Architects	B	16/07/2021
RC41 – Site Sections	Hulena Architects	B	16/07/2021
RC42 – Site Sections	Hulena Architects	B	16/07/2021
RC43 – Site Sections	Hulena Architects	B	16/07/2021
Landscape			
L01 – Cover Page	Walker Landscape Architecture	-	July 2021
L02 – Masterplan	Walker Landscape Architecture	-	July 2021

Drawing title and reference	Author	Rev	Dated
L03 – Masterplan (part)	Walker Landscape Architecture	-	July 2021
L04 – Masterplan (part)	Walker Landscape Architecture	-	July 2021
L05 – Masterplan (part)	Walker Landscape Architecture	-	July 2021
L06 – Hardscape (part)	Walker Landscape Architecture	-	July 2021
L07 – Hardscape (part)	Walker Landscape Architecture	-	July 2021
L08 – Hardscape (part)	Walker Landscape Architecture	-	July 2021
L09 – Hardscape Strategy	Walker Landscape Architecture	-	July 2021
L10 – Hardscape Strategy	Walker Landscape Architecture	-	July 2021
L11 – Fencing Plan (part)	Walker Landscape Architecture	-	July 2021
L11a – Retaining Plan (part)	Walker Landscape Architecture	-	July 2021
L12 – Fencing Plan (part)	Walker Landscape Architecture	-	July 2021
L12a – Retaining Plan (part)	Walker Landscape Architecture	-	July 2021
L13 – Fencing Plan (part)	Walker Landscape Architecture	-	July 2021
L13a – Retaining Plan (part)	Walker Landscape Architecture	-	July 2021
L14 – Soft Landscape (part)	Walker Landscape Architecture	-	July 2021
L15 – Soft Landscape (part)	Walker Landscape Architecture	-	July 2021
L16 – Soft Landscape (part)	Walker Landscape Architecture	-	July 2021
L17 – Planting Strategy	Walker Landscape Architecture	-	July 2021
L18 – Planting Strategy	Walker Landscape Architecture	-	July 2021
L19 – Typical Fruit Tree Planting Layout	Walker Landscape Architecture	-	July 2021
L20 – Typical Dimensions	Walker Landscape Architecture	-	July 2021
L21 – Typical Dimensions	Walker Landscape Architecture	-	July 2021
Memorandum – Tree Transplants	Walker Landscape Architecture	-	21 January 2022

Drawing title and reference	Author	Rev	Dated
T01 – Tree Transplant Plan (part)	Walker Landscape Architecture	-	January 2022
T02 – Tree Transplant Plan (part)	Walker Landscape Architecture	-	January 2022
Engineering			
2-150 – Earthworks Plans: Existing Contours	Candor ³	A	08/07/2021
2-151 – Earthworks Plans: Design Contours	Candor ³	A	08/07/2021
2-152 – Earthworks Plans: Cut & Fill Depth Contours	Candor ³	A	08/07/2021
2-153 – Resource Consent Earthworks: Design Contours	Candor ³	A	08/07/2021
2-154 – Resource Consent Earthworks: Cut & Fill Depth Contours	Candor ³	A	08/07/2021
2-250 – Earthworks: Sediment Control	Candor ³	A	08/07/2021
2-251 – Earthworks: Sediment Control	Candor ³	-	25/01/2021
2-350 – Earthworks: Sections	Candor ³	-	20/07/2020
2-351 – Earthworks: Sections	Candor ³	A	08/07/2021
2-352 – Earthworks: Sections	Candor ³	-	20/07/2020
2-400 – Retaining Walls: Overall Layout	Candor ³	F	19/07/2021
2-401 – Retaining Walls: Layout	Candor ³	F	19/07/2021
2-402 – Retaining Walls: Layout	Candor ³	F	19/07/2021
2-403 – Retaining Walls: Layout	Candor ³	E	19/07/2021
2-500 – Retaining Walls: Long Sections	Candor ³	E	19/07/2021
2-501 – Retaining Walls: Long Sections	Candor ³	E	19/07/2021
2-502 – Retaining Walls: Long Sections	Candor ³	F	19/07/2021
2-503 – Retaining Walls: Pipe Bridging	Candor ³	C	19/07/2021
3-100 – Roading: Overall Layout	Candor ³	F	08/07/2021
3-101 – Roading: Layout	Candor ³	G	08/07/2021
3-102 – Roading: Layout	Candor ³	F	08/07/2021
3-103 – Roading: Layout	Candor ³	G	13/07/2021
3-200 – Private Ways: Typical Cross Sections	Candor ³	C	27/10/2020
3-201 – Private Ways: Typical Cross Sections	Candor ³	D	27/10/2020
3-202 – Private Ways: Typical Cross Sections	Candor ³	D	27/10/2020
3-203 – Donnelly Street Upgrades: Vehicle X-ings & Parking	Candor ³	D	08/07/2021
3-204 – Donnelly Street Upgrades: Vehicle X-ings & Parking	Candor ³	E	19/07/2021

Drawing title and reference	Author	Rev	Dated
3-205 – Donnelly Street Upgrades: Vehicle X-ings & Parking	Candor ³	E	19/07/2021
3-206 – Donnelly Street Upgrades: Street Trees	Candor ³	D	08/07/2021
3-207 – Donnelly Street Upgrades: Street Trees	Candor ³	D	19/07/2021
3-208 – Donnelly Street Upgrades: Street Trees	Candor ³	D	08/07/2021
3-209 – Donnelly Street Upgrades: Street Trees	Candor ³	F	19/07/2021
3-210 – College Road Roundabout and Speed Tables	Candor ³	B	19/07/2021
3-211 – Parking Bays: Typical Layout	Candor ³	B	18/06/2020
2-202 – Roading: Long Sections	Candor ³	D	01/10/2020
3-301 – Roading: Long Sections	Candor ³	B	18/06/2020
3-302 – Roading: Long Sections	Candor ³	B	18/06/2020
3-303 – Roading: Long Sections	Candor ³	B	18/06/2020
3-400 – Vehicle Tracking Plan: Overall Layout	Candor ³	H	15/07/2021
3-404 – Vehicle Tracking Plan: STD Vehicle Turning Curves	Candor ³	F	15/07/2021
3-405 – Vehicle Tracking Plan: STD Vehicle Turning Curves	Candor ³	F	15/07/2021
3-406 – Vehicle Tracking Plan: STD Vehicle Turning Curves	Candor ³	A	15/07/2021
3-500 – Waste management: Overall Plan	Candor ³	D	15/07/2021
3-501 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-502 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-503 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-504 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-505 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-506 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-507 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-508 – Waste management: Rubbish Bin Location Plan	Candor ³	D	15/07/2021
3-600 – Roading: Kerbing Plan	Candor ³	B	15/07/2021
3-601 – Roading: Kerbing Plan	Candor ³	B	15/07/2021

Drawing title and reference	Author	Rev	Dated
3-602 – Roading: Kerbing Plan	Candor ³	B	15/07/2021
3-603 – Roading: Kerbing Plan	Candor ³	C	15/07/2021
3-700 – Road Marking and Signage	Candor ³	C	19/07/2021
3-701 – Road Marking and Signage	Candor ³	C	19/07/2021
3-702 – Road Marking and Signage	Candor ³	C	19/07/2021
3-703 – Road Marking and Signage	Candor ³	C	19/07/2021
3-704 – Road Marking and Signage	Candor ³	C	19/07/2021
4-200 – Overland Flow Path: Pre-Development Catchment Plan	Candor ³	B	19/07/2021
4-201 – Overland Flow Path: Post-Development Catchment Plan	Candor ³	B	19/07/2021
4-210 – Existing Stormwater: Network Catchment Plan	Candor ³	B	19/07/2021
4-220 – Proposed Stormwater: Network Catchment Plan	Candor ³	C	19/07/2021
4-221 – Proposed Stormwater: Network Catchment Plan	Candor ³	C	19/07/2021
4-222 – Proposed Stormwater: Network Catchment Plan	Candor ³	C	19/07/2021
4-400 – Overland Flow Path: Sections	Candor ³	A	30/10/2019
4-401 – Overland Flow Path: Sections	Candor ³	A	30/10/2019
4-402 – Overland Flow Path: Sections	Candor ³	A	30/10/2019
4-403 – Overland Flow Path: Sections	Candor ³	A	30/10/2019
7-100 – Utilities: Overall Layout	Candor ³	C	19/07/2021
7-101 – Utilities: Layout	Candor ³	C	19/07/2021
7-102 – Utilities: Layout	Candor ³	C	19/07/2021
7-103 – Utilities: Layout	Candor ³	C	19/07/2021
4-100 – Gully Works Stormwater: Overall Layout	Candor ³	C	19/05/2020
4-101 – Gully Works Stormwater: Network Layout	Candor ³	D	05/06/2020
4-300 – Stormwater: Long Sections	Candor ³	F	05/06/2020
4-301 – Stormwater: Long Sections	Candor ³	G	05/06/2020
4-500 – Stormwater: Manhole Size Checks	Candor ³	C	05/06/2020
4-501 – Stormwater: Manhole Size Checks	Candor ³	B	05/06/2020
4-100 – Stormwater: Overall Layout	Candor ³	D	21/05/2020
4-101 – Stormwater: Layout	Candor ³	D	21/05/2020
4-102 – Stormwater: Layout	Candor ³	D	21/05/2020

Drawing title and reference	Author	Rev	Dated
4-103 – Stormwater: Layout	Candor ³	D	21/05/2020
4-300 – Stormwater: Long Sections	Candor ³	D	21/05/2020
4-301 – Stormwater: Long Sections	Candor ³	C	23/04/2020
4-302 – Stormwater: Long Sections	Candor ³	B	16/03/2020
4-303 – Stormwater: Long Sections	Candor ³	C	23/04/2020
5-100 – Wastewater: Overall Layout	Candor ³	C	07/07/2020
5-101 – Wastewater: Proposed Layout	Candor ³	C	07/07/2020
5-102 – Wastewater: Proposed Layout	Candor ³	C	07/07/2020
5-103 – Wastewater: Proposed Layout	Candor ³	C	07/07/2020
5-300 – Wastewater: Long Sections	Candor ³	C	07/07/2020
5-301 – Wastewater: Long Sections	Candor ³	C	07/07/2020
5-302 – Wastewater: Long Sections	Candor ³	C	07/07/2020
5-303 – Wastewater: Long Sections	Candor ³	C	07/07/2020
6-100 – Water Supply: Overall Layout	Candor ³	D	04/08/2020
6-101 – Water Supply: Layout	Candor ³	D	04/08/2020
6-102 – Water Supply: Layout	Candor ³	D	04/08/2020
6-103 – Water Supply: Layout	Candor ³	D	04/08/2020
6-104 – Water Supply: Supply Point	Candor ³	-	04/08/2020
6-200 – Water Supply: Details	Candor ³	C	09/07/2020
6-202 – Water Supply: Details	Candor ³	C	04/08/2020
6-203 – Water Supply: Details	Candor ³	C	04/08/2020
6-204 – Water Supply: Details	Candor ³	C	04/08/2020
Truck Tracking Diagrams	Commute Transportation Consultants	-	10/12/2020
Retaining Wall Methodology -Southern	Lander Geotechnical	-	03/06/2020
Retaining Wall Methodology –Northern	Lander Geotechnical	-	03/06/2020
Retaining Wall Methodology - Central	Lander Geotechnical	-	03/06/2020

Decision Two – Subdivision (SUB60340163)

In exercising our delegation under sections 34 and 34A of the RMA and having regard to the foregoing matters, sections 104, 104B and 106 and Part 2 of the RMA, we determine that resource consent is **GRANTED** for the subdivision of the parent site around 76 dwellings (as consented to by the approved land use consent, LUC6036142); and the creation of four jointly owned access lots ('JOALs', Lots 100-103), one future development lot (Lot 300), and one private communal open space lot (Lot 400), for the reasons, and subject to the conditions, set out below.

The reasons for this decision are:

1. In accordance with an assessment under section 104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - a. The creation of the freehold residential lots and associated JOALs and communal private open space and one vacant lot, aligns with the approved dwellings and development layout under land use consent (LUC60360142).
 - b. The JOALs proposed have been considered by relevant transport specialists to be appropriate in their design; in that this internal traffic network will function in a manner that is safe and will provide appropriate access for future residents. It is noted that JOALs are a common mechanism within multi-unit developments where public roads are not a suitable option, as in this proposal. Overall, the design of the JOALs provides for a safe and efficient operation as an internal road network.
 - c. The adverse effects in relation to construction, infrastructure, access, traffic and flooding effects related to the subdivision of this site, can be appropriately mitigated and are acceptable.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the provisions of the AUP: OP because:
 - a. Subdivision around existing development, and where it enables the creation of sites for uses that are in accordance with an approved land use consent, has been enabled, with an appropriate size and shape for each of the allotments provided.
 - b. Infrastructure servicing has been assessed and determined to be available within the existing infrastructure network.
3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are relevant or reasonably necessary.
4. In terms of s106 of the RMA the site has been confirmed to not be subject to significant risk from natural hazard and the subdivision makes sufficient provision for access, as required by s106(1)(c). Therefore, the proposal does not give rise to any concerns in respect of s106.

5. In terms of Part 2 of the Act, there has been no need for separate or further consideration of the application against Part 2. The proposed subdivision has been found to have acceptable and appropriate environmental effects and will be in line with the outcomes sought for the AUP: OP for a residential subdivision around an approved land use consent.

Subdivision Consent SUB60340163 – Conditions

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

1. This subdivision consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, as detailed below; and all referenced by the Council as resource consent number SUB60340162 under BUN60340161.
 - Application Form and Assessment of Environmental Effects prepared by Civix, dated 7th December 2020 (version 2); and the following drawings:

Drawing title and reference		Author	Rev	Dated
1-200	Scheme Plan – Overall (Sheet 1 of 5)	Candor3	B	08-07-2021
1-201	Scheme Plan (Sheet 2 of 5)	Candor3	B	08-07-2021
1-202	Scheme Plan Sheet 3 of 5)	Candor3	B	08-07-2021
1-203	Scheme Plan (Sheet 4 of 5)	Candor3	B	08-07-2021
1-204	Scheme Plan – Easements (Sheet 5 of 5)	Candor3	B	08-07-2021

Advice notes:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- *Details and specifications for the provision of infrastructure (e.g. public / private drainage, location, and types of connections) and access (including drainage of accessways, construction standards, etc) are subject to a separate EPA and/or Building Consent approval processes.*
- *Should it become apparent during the EPA and/or Building Consent processes that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws, etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new resource consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for resource consent under the Auckland Unitary Plan (Operative in Part) are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent would be required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to*

comply with the conditions of this resource consent.

Consent lapse

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

Survey Plan approval (s223) conditions

Survey Plan approval

3. The consent holder must submit a Survey Plan in accordance with the approved resource consent subdivision scheme plan(s) titled '*Scheme Plan – Overall (Sheets 1-5 of 5)*', prepared by Candor3, revision B, dated 08-07-2021. The survey plan must show all easements required by this subdivision consent.

Easements

4. The right(s)-of-way and any services easements over parts of Lots 1-45, 51-81, 300 and 100-103 must be included in a memorandum of easements endorsed on the Survey Plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant computer registers (records of title).

Easements in gross

5. Easements in gross, in favour of the Council, for the purpose of providing water supply, must be created over parts of lot 103 and must be included in a memorandum of easements endorsed on the Survey Plan and be granted or reserved. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant computer registers (records of title).

Amalgamation conditions

6. Pursuant to section 220(1)(b)(iv), the JOAL (Lot 100) must be shown on the Survey Plan as to be held by Lots 1-26 and 34-45 (inclusive) as to 38 undivided shares by the owners of lots 1-26 and 34-45 as tenants in common in the said shares and individual computer registers (records of title) must be issued.
7. Pursuant to section 220(1)(b)(iv), Lot 101 must be shown on the survey plan as to be held by Lots 1-26 and 34-45 (inclusive) and Lot 300 as to 39 undivided shares by the owners of lots 1-26 and 34-45 and 300 as tenants in common in the said shares and individual computer registers (records of title) must be issued.

8. Pursuant to section 220(1)(b)(iv), Lot 102 must be shown on the survey plan as to be held by Lots 41-45 (inclusive) as to 5 undivided shares by the owners of lots 41-45 as tenants in common in the said shares and individual computer registers (records of title) must be issued.
9. Pursuant to section 220(1)(b)(iv), Lot 103 must be shown on the survey plan as to be held by Lots 51, 62-81 as to 21 undivided shares by the owners of lots 51, 62-81 as tenants in common in the said shares and individual computer registers (records of title) must be issued.

Section 224(c) compliance conditions

10. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent have been complied with, and that in respect of those conditions that have not been complied with:
 - a. A consent notice will be issued in relation to any conditions to which section 221 applies.

Wastewater

11. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 1-45; 51-81 and 300 in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224 (c) of the Act.

Advice notes:

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater network will require Engineering Plan Approval (EPA). Additional approval is required from Watercare/Veolia as part of the EPA process.*
- *Public connections are to be constructed to within individual lot boundaries and are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approval (ENG60340466) has been approved for the major infrastructure improvements. However, the consent holder may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Refer to peer reviewed memo & conditions from Tarso Girio (Connections Engineer, Connections Services -Watercare) reference no: RC 1351 dated 11th May 2020.*

Water

12. The consent holder must design and construct connections to the public water reticulation network to serve Lots 1-45, 51-81 and 300 in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a

certificate under section 224 (c) of the Act.

Advice notes:

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public water network will require Engineering Plan Approval (EPA). Additional approval is required from Watercare/Veolia as part of the EPA process.*
- *Public connections are to be constructed to within individual lot boundaries and are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approval (ENG60340466) has been approved for the major infrastructure improvements. However, the consent holder may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Refer to peer reviewed memo & conditions from Tarso Girio (Connections Engineer, Connections Services -Watercare) reference no: RC 1351 dated 11thMay 2020.*

Stormwater

13. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 1-45; 51-81; 300 and Lots 100-103 in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the Act.

Advice notes:

- *Acceptable forms of evidence include Engineering Approval Completion Certificates. Utility service provider is Auckland Council Healthy Waters Department.*
- *Construction of public outfall structures require Engineering Plan Approval.*
- *Engineering Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *Engineering Plan Approvals (ENG60340466 and ENG60353102) have been approved for the major infrastructure improvements and permanent and temporary stormwater diversion on the gully area. However, the consent holder may have to vary these approved Engineering Plans to fulfil the requirements of the resource consent.*
- *Resource Consent (BUN60351784; LUC60330739) has been granted for the permanent and temporary stormwater diversion on the gully area.*
- *Refer to peer reviewed memo from Victor Wong (Consultant Healthy Waters) dated 04th December 2019.*

Utilities

14. The consent holder must make provision for telecommunications and electricity to Lots 1-45, 51-81 and 300 in accordance with the requirements of the respective utility operators. These utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a

certificate under section 224(c) of the RMA.

Advice note:

Network utility operators are responsible to specify the capacity of new works or upgrading works necessary to serve the subdivision. The Council is not responsible for the business decisions of any network utility operator nor require that any particular level of service is available.

Public assets as built

15. All "As-Built" documentation is to be provided to the Council for all new public assets to be vested in the Council.

Advice note:

Requirements are outlined in the Council's Code of Practice for stormwater available on the Council's website / Code of practice for wastewater and water supply on the website of Watercare Ltd / Auckland Transport Code of Practice. The "as-built" must be approved by Auckland Council, Regulatory Engineering division.

Vehicle access

16. The consent holder must design and construct all new vehicle accessways to serve Lots 1-45, 51-81, 300 and 400 in accordance with the approved plans noted in Condition 1 and with the engineering requirements of Auckland Council. Certification from a suitably qualified and experienced engineer that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice note:

Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction.

Incorporated Society

17. The lots (1-45, 51-81 and 300) share common assets i.e. JOAL (Lots 100-103), speed calming device, retaining structures, pervious paving, lighting infrastructure located within the accessways, as well as common waste management and Lot 400. To ensure that each lot remains adequately serviced and connected, the consent holder, or the subsequent owner, is responsible and liable for the ongoing operation, maintenance, and repair of the shared assets listed above. The consent holder must also be responsible for the organisation and arrangement of private waste collection services for the site. Under no circumstances shall waste collection bins be left on the front berm along Donnelly Street. Costs associated with maintenance of the common assets must be borne by the consent holder. To ensure that each lot remains adequately serviced and connected, the owners of Lots 1-45, 51-81 and 300 must become and remain members of an Incorporated Society to jointly own and be responsible and liable for the ongoing operation, maintenance, and repair of the shared assets. To achieve these outcomes:
 - a. The shared assets, i.e. the JOAL, speed calming device, retaining structures, pervious paving, lighting infrastructure located within the accessway must be transferred to the Incorporated Society before any of the Lots are transferred to

new owners. The assets are required to remain in the ownership of the Incorporated Society, except with the prior approval of the Council.

- b. The Incorporated Society must not be disestablished without the prior written consent of the Council.

Consent Notice – Geotechnical

18. The consent holder must cause to have registered against the Certificate of Title for Lots 1-45, 51-81, 300 and 400, a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following conditions (to provide and maintain geotechnical stability controls) to be complied with in perpetuity.
 - a. The lot owner must ensure that any future development on the lot, including new buildings, is undertaken in accordance with the recommendations of the Geotechnical Investigation Report [Lander Geotechnical (reference; J01242 Rev A, dated: 5 August 2020)] to ensure that geotechnical stability of the lot is maintained in perpetuity; and
 - b. The lot owner must retain and maintain the retaining walls and underfill drainage in perpetuity as shown in the Geotechnical Investigation Report [Lander Geotechnical (reference; J01242 Rev A, dated: 5 August 2020)] to ensure that geotechnical stability of the lot is maintained in perpetuity.

Consent Notice – Incorporated Society

19. The consent holder must cause to have registered against the Certificate of Title for Lots 1-45, 51-81 and 300, a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition which is to be complied with on a continuing basis:
 - a. Lots 1-45, 51-81 and 300 share common assets being: a JOAL, speed calming device, retaining structures, pervious paving and lighting infrastructure in Lots 100-103, and Lot 400. To ensure that each lot remains adequately serviced and connected, the lot owner must be in and remain a member of the Incorporated Society that jointly owns and is responsible and liable for the ongoing operation, maintenance and repair of the shared assets which includes ensuring that continuity of the overland flow is maintained through the JOAL and contained through designed channels as shown on Drawing 4-201, titled 'Overland Flow Path: Post- Development Catchment Plan' prepared by Candor3 dated 19/07/2021y, Rev B.

Approved development

20. The buildings on Lots 1-45 and 51-81 must be constructed to roof framing stage, in accordance with the approved documents set out in Condition 1 of the land use resource consent LUC60340162 (under BUN60340161), prior to the issuing of a certificate under s224(c) of the RMA.

Consent Notice – Approved development

21. If the s224(c) certificate is applied for prior to the roof framing stage of the dwelling on Lots 1-45 and 51-81, then the consent holder must cause to have registered against the Certificate of Title for Lots 1-45 and 51-81, a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition, which shall be complied with on a continuing basis:
 - a. Lots 1-45 and 51-81 have been created based on development approved by land use resource consent LUC60340162 (under BUN60340161). The development on this lot shall be in accordance with the approved dwelling shown in the consented documents which are set out in Condition 1 of resource consent LUC60340162 or as varied by any subsequent resource consent.

Advice notes

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, “the Council” refers to the Council’s monitoring inspector unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the Council’s website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

Hearings Panel

Cherie Lane (Chair) and Commissioners Peter Kensington and Gavin Lister



31st March 2022

