

13 June 2023

s9(2)(a)



Thank you for your request dated 2 April 2023 under the Official Information Act 1982 (the Act), requesting the following information from Kāinga Ora – Homes and Communities:

- *The Kāinga Ora 'Tangata Whenua' engagement process. Chronological evidence of names, dates, meetings, emails etc*
- *Any publicly notified meetings, the cultural impact statement, and a record of all monies paid to Māori who have been part of the process and project to date. Any contracts or partnerships entered into with any Māori entities or representatives. This will also include any design work, carried out by Māori.*
- *Tangata Whenua Status. Any and all evidence Kāinga Ora has that evidence the Māori you have engaged with, contracted, and have been dealing with for this project, are legitimate 'Tangata Whenua' to the Kauika Pā and lands.*
- *Puriri Park housing. HNZ Kāinga Ora's process of engagement with 'Tangata Whenua' Māori. All information including contracts, agreements, etc...*

On 16 April 2023 you replied to an email from Kāinga Ora, dated 12 April 2023, asking for further clarification to part four of your request about Puriri Park, to which you replied:

- *The engagement process used by Kainga Ora to engage with Tangata Whenua Maori: who, dates, meetings ...any evidence that the Maori which HNZ Kainga Ora engaged with, were the rightful Tangata Whenua to the Puriri Park and Maunu lands. Do you have evidence supplied to you by Te Iwitahi Manihera whanau, from a meeting with General Manager, Andrew McKenzie and several senior staff, including the National Maori Relationships manager?*
- *Any and all agreements, contracts, payments, with Maori individuals, groups, organisations..up to March 30th 2023, the Cultural Impact Assessment*
- *HNZ Kainga Ora process of purchasing the land from MoE.*
- *Including any background or research HNZ Kainga Ora carried out before the purchase concerning he local Community, Pakeha Settler history, Tangata Whenua Maori*
- *was HNZ Kāinga Ora aware that MoE had not offered the Purchase option or Landbanking option to Tangata Whenua Maori?*

I have consulted with the relevant Kāinga Ora staff and provided responses to your questions below, following searches of Kāinga Ora emails and its document management system.

Kāinga Ora Engagement and Tangata Whenua

Prior to the release of its Māori strategy in November 2021, Kāinga Ora did not have a policy document regarding its engagement with Māori. Prior to this, engagement would vary from development to development, and region to region.

Kāinga Ora seeks to engage with a range of stakeholders regarding its developments, and when seeking to engage with hapū and iwi in a particular area, it will rely on the advice and knowledge of its staff (such as Te Kuratao or Stakeholder Engagement teams) or third parties to determine the correct groups to engage with. In the case of Puriri Park for example, the contact for Te Parawhau Hapū was provided by the Office of Hon Kelvin David MP. In other cases, organisations such as Te Arawhiti (Office for Māori Crown Relations) may be consulted.

You can find more information about the Kāinga Ora Māori Strategy, in both Te Reo Māori and English, on the Kāinga Ora website at: <https://kaingaora.govt.nz/publications/strategy-publications/te-rautaki-maori-o-kainga-ora-2021-2026/>.

Emails

From 1 July 2018 to 30 March 2023, a search of emails to and from Kāinga Ora email addresses for the following terms produced a large number of potential results:

- Te Parawhau (6,872 potential results)
- Maori Engagement Whangarei (4,393 potential results)
- Maori Engagement Puriri Park (672 potential results)
- Te Iwitahi Manihera (455 potential results)
- Tangata Whenua Puriri Park (444 potential results)
- Kauika Road Tangata Whenua (no results).

It is important to note that many of these potential results contain multiple emails and some have attachments of varying lengths. Kāinga Ora estimates that it would require, at minimum, more than 22 hours of staff time to assess the emails identified just in the third search in this list. I am therefore refusing this part of your request under section 18(f) of the Act, as *'...the information requested cannot be made available without substantial collation or research'*.

Puriri Park Engagement Process and Purchase

Kāinga Ora has interpreted meetings as referring to the period of consultation or engagement took that place prior to the granting of resource consent, which for Puriri Park, was in November 2019.

As mentioned above, for its engagement around Puriri Park, Kāinga Ora sought advice from the office of the local Member of Parliament for Te Tai Tokerau, Kelvin Davis, on the most appropriate contact. They provided a contact for Te Parawhau Hapū, who have close links with Ngāpuhi, Ngātiwai and Ngāti Whātua iwi (all of whom have historic links to the area in which the land on Puriri Park Road is situated).

A meeting involving Kāinga Ora (then Housing New Zealand) staff was held with Te Parawhau representatives in December 2018. Later cultural impact assessment meetings were held in April 2019 and May 2019. On 21 June 2019 a third meeting was then held with yourselves, Patrick Dougherty, Iain Butler and other staff at the local Whangārei office.

In terms of the Cultural Impact Assessment (CIAs), one interim document titled, *'Cultural Report - Assessment of Effects on Tangata Whenua'*, was commissioned by what was then Housing New Zealand, and prepared by a member of Te Parawhau Hauauru Trust. This document was submitted in an early form, as it was required for the Housing New Zealand application for resource consent. As this information within this interim CIA was provided in confidence by the author, I am withholding this document under section 9(2)(ba)(i) of the Act to,

'...protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment,

where the making available of the information would be likely to prejudice the supply of similar information, or information from the same source, and it is in the public interest that such information should continue to be supplied...'

Ultimately, information about the considerations of the independent commissioners responsible for issuing the resource consent for Puriri Park is contained in the resource consent decision letter. For your convenience, I have included a copy of the resource consent decision with this response.

Acquisition of Puriri Park

The vacant, residential-zoned land at Puriri Park had been held for decades as a potential school site, but by 2017 the Ministry of Education (MoE) made the decision that it was no longer required for this purpose. The disposal process for this was overseen by Land Information New Zealand (LINZ) who provided MoE with the necessary clearance for disposal under the required Public Works Act process.

Kāinga Ora purchased the land in a market transaction, in its capacity as a corporation rather than taking it as a Crown Entity. The Office of Māori Crown Relations, Te Arawhiti (formerly the Office of Treaty Settlements) was consulted before the transaction took place, to ensure that any claims on the land, or any land banking for imminent Treaty of Waitangi settlements could be accounted for. Te Arawhiti confirmed with LINZ that it was happy for the purchase to proceed.

Kauika Road Engagement Process

Kauika Road is development acquisition led being delivered by Phoenix Property Advisory Limited, which was approved by Ministers on 24 and 25 January 2023 and announced publicly in March 2023: <https://kaingaora.govt.nz/assets/Developments-and-Programmes/Regional-Housing-Programme/Northland/Kauika-Road-Avenues-Fact-Sheet.pdf>.

The following is an excerpt from the briefing note for Kauika Road that went to Ministers (BN 22 061 refers):

Phoenix Property Advisory Limited are an established Kāinga Ora and Public Housing Developer from Auckland. The company was established in 2005 with the intention of focussing on development with innovative construction and sustainable practices. It has delivered multiple developments to Kāinga Ora, and has experience with the planned building types. The contractual agreement with the developer will include Kāinga Ora paying milestone payments throughout the construction phase.

The Kāinga Ora Te Tai Tokerau (Northland) Regional Plan (2022) acknowledges the aspirations of local iwi to assist with bringing whānau back from other parts of the country. This is only possible when there is sufficient housing stock to meet needs.

The Te Parawhau hapū has been engaged in this project from its commencement in April 2022 and have built a good relationship with the developer, Phoenix Property. For example, at the request of Te Parawhau Phoenix Property engaged the services of Dr Andy Brown of Horizon Archaeology to investigate the cultural significance of the land. All on site sample digs returned no signs of culturally significant items that could affect the project.

Regarding a CIA for Kauika Road, Patrick Gemmell, Te Kurutao Regional Manager - Tamaki Makaurau and Te Tai Tokerau, advises Kāinga Ora does not hold this document, which is matter for Te Parawhau and Phoenix Property. However, Patrick did advise that you are

welcome to contact Pari Walker, Te Parawhau ki Tai Chair, by email to enquiry about the Kauika Road CIA at: pariwalker@hotmail.com.

Payments

In terms of payments, Kāinga Ora has been able to find records for payments to cover a gift/koha and a blessing for Puriri Park, which came to a total of \$800. It is possible that further payments occurred, such as in the commissioning of the CIA. However, these costs are not centrally recorded in an easily assessable manner. Unless a specific company or individual's name is provided, it would be a significant and lengthy manual exercise to go through numerous charges and then cross check them with the teams that approved them to ensure they're correct.

I am therefore refuse this part for payments (monies) made to Māori groups around Puriri Park under section 18(f) of the Act, as '*...the information requested cannot be made available without substantial collation or research...*'

In terms of Kauika Road, at the time of your request, Kāinga Ora was not aware of its staff making payments to Māori groups or individuals.

Contracts/Agreements

The system used by Kāinga Ora for recording payments does not flag an organisation as being (or not being) Māori. Additionally, following a search of documents and discussions with staff, we have been unable to identify a signed contract or agreement with a Māori organisation regarding Puriri Park or Kauika Road.

As a result, I am refusing this part of your request for contracts or agreements to Māori groups around Puriri Park and Kauika Road under section 18(e) of the Act, as '*...the document alleged to contain the information requested does not exist or, despite reasonable efforts to locate it, cannot be found.*'

I do not consider that the public interest in release of the withheld information outweighs the need to withhold it. You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available online at www.ombudsman.parliament.nz or by phone on 0800 802 602.

Please note that Kāinga Ora proactively releases our responses to official information requests where possible. Our response to your request may be published at <https://kaingaora.govt.nz/publications/official-information-requests/> with your personal information removed.

Yours sincerely



Rachel Kelly
Manager Government Relations

**Report and decisions of Joint Hearings Commissioners
David Hill (chair) and Alan Withy.**

Pursuant to s100A RMA, HNZC had requested that Whangarei District Council and Northland Regional Council delegate all the functions, powers and duties as provided under the Resource Management Act 1991 to independent hearings commissioners to consider and decide the applications on behalf of both councils.

The applications were heard in The Comfort Hotel Flames Conference Room, Onerahi, Whangarei on Wednesday 18th through Friday 20th September 2019.

The Hearings Commissioners (David Hill and Alan Withy) heard the application for subdivision, land use and earthworks and stormwater discharge consents lodged by Barker and Associates on behalf of Housing New Zealand Corporation relating to the proposal for the construction of 37 residential units, a community room, roading and accessways and other associated works and the subsequent subdivision of the site at 67 Puriri Park Road (Section 1 SO 475907 and Section 2 SO 475907) and 87 Puriri Park Road (Lot 2 DP 77106), Maunu, Whangarei. The applications made in accordance with the Resource Management Act 1991 ('the Act') were lodged with Whangarei District Council (referenced as SL1900012 – 163745) and the Northland Regional Council (referenced as App 040901.01.01 – 040901.03.01) in April 2019.

Present

Hearings Commissioners David Hill (Chair)
Alan Withy

Applicant

Housing New Zealand Corporation (HNZC)

Duglas Allan – Counsel

Alex Devine – Counsel

Nicholas Seymour – HNZC

Brendan Liggett – HNZC

Severin Soder – architecture

Jeremy Head – landscape architecture

Bruce Green – geotechnical

Samuel Blackbourn – civil engineering

Peter Ibbotson – acoustic

Todd Langwell – traffic

Rebecca Skidmore – urban design & landscape architecture

Elizabeth Morrison – ecology

Gerard Thompson – planning

Marina Fletcher – cultural interim CIA

Consent Authority

Whangarei District Council

Craig Moriarty – s42A Reporting Officer (the RO)

Mark Shaw – engineering

Murray McDonald – RMA Consents Manager

Graeme Mathias – legal advisor

Dee du Toit – Hearings Administrator

Nicolene Pestana – Hearings Administrator

Eden Edwardson – Hearings Administrator

Submitters

Jeremy Brabant – Counsel for the Puriri Park & Maunu Residents Society Incorporated

- Jonathan Cutler – planning
- Dr Kerry Grundy – planning – resident
- Kris MacPherson – landscape architecture

Nicci Webb – resident

Fiona Halliwell – resident

Chris Howell – resident

Shawn Baker – resident

Kenneth Baker – resident

Kathleen Baker – resident

David Shuker – resident

Jenny Shuker – resident

Dianne Reader – resident

Rosemary Morgan – resident

Dr Julian Wilson – resident

Luke Hardwick – resident

David Foote – non-resident

Lance Paganini – resident

Frances Franklin – resident

Lynda Stallworthy – resident

Jim Percy – resident

Ken & Natasha Stubbing – residents

Stuart Bell – non-resident

Peter Vaughan – representing Te Iwitahi Manihera whanau

Dr Julian Wilson on behalf of Lisa Dawson

Dave Wolland

In attendance

Various people at different times in accordance with the register.

1 Description of the proposed activity, and the site and its surroundings

HNZC seeks land use and subdivision consents under the Resource Management Act ('RMA') from Whangarei District Council, and earthworks and stormwater consents from the Northland Regional Council (NRC) in terms of the Regional Water and Soil Plan (RWSP) and the Proposed Regional Plan for Northland (PRP) for the purpose of a comprehensive 37-unit residential social housing development as part of its Regional Housing Programme.

This application has been processed, heard and decided jointly and, accordingly, we issue a single, integrated, joint decision with appropriately separated consent conditions.

The subject land comprises some 3.41 ha in three lots, one of which (Lot 2 DP 77106 being 1,131m²) contains a dwelling that is to remain outside of the proposed development. From the two lots to be developed (Sections 1-2 SO 475907, totalling 3.2788 ha), 1.7138 ha of bush is proposed to be vested in Council as reserve (including an existing 20m marginal strip that will become an esplanade reserve), and proposed lot 106, being 3,631m², is to be retained by HNZC as a vacant lot. That leaves 1.2019 ha for the proposed comprehensive development.

While the land appears to be part of the adjacent Puriri Park, it is not. The public has had the use of this land as quasi-park open space for some 35 years (at least) as it had been owned and designated by the Minister of Education for school purposes but that objective had not been implemented. In recent years the Crown has lifted/lapsed the designation and transferred the land by sale to HNZC in 2018 through its disposal process (including the Public Works Act 1981 offer back process). The underlying zoning – Living 1 Environment – (or equivalent previous residential zoning) has been in place for several decades and that is its current operative zoning.

Overall, the applications have been bundled and determined as **discretionary activities**.

Section 4 of the Applicant's AEE and Sections 1 and 2 of the s42A Report (by the RO) describe the proposal, the site and surroundings in detail. As authorised by s113(3) of the RMA, these are cross-referenced rather than repeating the details.

In summary, the proposal is to:

- provide 37 residential units and a 70m² community room with 4 carparks, with access road and associated infrastructure (including 11 on-road carpark spaces).
- subdivide the land into 50 lots: 37 lots ranging in size from 96m² (Lot 13) to 623m² (Lot 22) to contain one residential unit each with public and private access provisions; 69 carparking spaces; 17,138m² of native bush to be vested in Council; a 20m wide marginal strip of land adjacent to the Te Hihi Stream; and a residual vacant lot (106) to remain in the ownership of HNZC.

2 Planning Instruments engaged

Mr Moriarty, the s42A reporting officer, set out the ways in which the proposal engages with the Operative Whangarei District Plan (WDP), the Operative Regional Water and Soil Plan for Northland (RWSP) and the Proposed Northland Regional Plan, Appeals Version – 29 July 2019 (PRP).

We generally adopt that analysis and agree with his conclusion that, overall, the proposal is to be assessed as a Discretionary Activity on a bundled consents basis.¹ That assessment was not disputed.

We extract that detail as follows:

The Operative Whangarei District Plan (WDP)

The site is subject to the Operative Whangarei District Plan (WDP) and is zoned Living 1 Environment. As described in the Section 5.0 of the application's Assessment of Environmental Effects, resource consent is required for the following matters:

¹ Craig Moriarty, s42A Reporting Officer, s3.1 and s3.2

a. *Rule 36.3.1 – Activities Generally*

*The Community Room (Place of Assembly), which is to operate or be open for visitors, clients or deliveries from 8.00am to 10.00pm on any day, is a **permitted activity**.*

It is noted that the community room is not to be open to the general public.

b. *Rule 36.3.4 – Provision of Parking Spaces*

The proposal does not comply with the following clauses

- *36.3.4a) - Parking spaces will not be provided in accordance with Chapter 47. In particular with regard to the amount of carparking spaces, on-site manoeuvring and the requirements of the Whangarei District Council Environmental Engineering Standards 2010 (EES 2010).*
- *36.3.4b) – Formed parking for most units fronting the proposed road is located within 2.0 metres of the front boundary.*

*Non-compliance with Rules 36.3.4a) and 36.3.4b) require resource consent as a **restricted discretionary activity**.*

c. *Rule 36.4.1 - Residential Units*

The proposal does not comply with the following clauses

- *36.4.1b) - The net site area associated with the majority of the proposed residential units on site is less than 500m².*
- *36.4.1d) - There is not a minimum separation distance of 6.0m between every residential unit where there is an outdoor living court between the residential units.*

*Non-compliance with Rules 36.4.1b) and 36.4.1d) require resource consent as a **discretionary activity**.*

d. *Rule 36.4.10 – Outdoor Living Courts*

The proposed residential units on proposed Lots 12 to 17 do not comply with the following clause:

- *36.4.10a) – The outdoor living courts provided for the units on Lots 12 to 17 do not contain a minimum 5.0m diameter circle for exclusive use.*

*Non-compliance with Rule 36.4.10a) requires resource consent as a **restricted discretionary activity**.*

Chapter 47 Road Transport Rules – All Environments

e. *Rule 47.2.1 – Parking and Loading*

The proposal does not comply with the following clauses:

- *47.2.1a) - Appendix 6A requires two off-street carparking spaces per residential unit. The proposed one and two-bedroom units (Lots 3 to 6, 10 to 19, and 33 to 37) each consist of one off-street parking space.*

(The remaining proposed residential units are provided with two off-street carparking spaces per unit. Four car parking spaces are provided for the community room.)

- *47.2.1d) - Not all car parking spaces will be located on the same site as the activity for which they are required for. The carparking for the one-bedroom units (Lots 12-17 and 33-34) have the*

carparking located on separate lots, which are ultimately proposed to be amalgamated with the relevant parent lot.

*In accordance with 47.2.1, resource consent as a **restricted discretionary activity** is therefore triggered.*

f. *Rule 47.2.4 – On-site Manoeuvring*

The proposal does not comply with the following clauses:

- *47.2.4a) – On-site manoeuvring is not provided for on Lots 1, 7 and 22 and therefore reverse manoeuvring onto a collector road (Puriri Park Road) is required contrary to this rule.*
- *47.2.4c) - Two shared accessways are proposed, with three one-bedroom units (allotments 35-37) and two three-bedroom units (Lots 31 and 32) requiring reverse manoeuvring onto these shared accessways, contrary to this rule.*

*Non-compliance with Rule 47.2.4a) and 47.2.4c) requires resource consent as a **restricted discretionary activity**.*

g. *47.2.11 – Engineering Standards*

The proposal does not comply with the following sections of the Whangarei District Council's Environmental Engineering Standards 2010 (EES):

- *EES 3.4.2 Road Width Requirements – Class A roads require a legal width of 14m, a minimum carriageway width of 7.5m, and one 1.4m wide footpath. The proposed road has a 12m legal width, a 5.5m kerb-to-kerb carriageway width and 2.0m wide footpaths on both sides.*
- *EES 3.4.6 – Intersection Design – The western intersection of Puriri Park Road and the proposed road will be designed with 6 metre corner radii where 8 metre radii are required.*
- *EES 3.4.18(1) Size of Parking Spaces – The manoeuvring depth for parking associated with Lot 100 is 5.3 metres where 5.8 metre is required.*

(All other parking spaces meet the dimension requirements of NZS 2890.1.)

*Non-compliance with Rule 47.2.11 requires resource consent as a **restricted discretionary activity**.*

Chapter 71 Living 1 Environment – Subdivision

h. *Rule 71.3.1a) – Allotment Area*

The proposed allotments are to be connected to a reticulated sewerage system. The net site area of every allotment will not be at least 500m² with residential lot sizes ranging from 96m² to 623m².

*Non-compliance with Rule 71.3.1a) requires resource consent as a **discretionary activity**.*

i. *Rule 71.3.3 – Allotment Shape*

Residential Lots 2 to 6, 8 to 21 and 23 to 37 cannot contain a circle with a diameter of 16m or a square of at least 14m by 14m within the respective net site areas,

*Non-compliance with Rule 71.3.3 requires resource consent as a **discretionary activity**.*

j. *Rule 71.3.4 – Building Area*

Not every residential allotment can contain a residential unit of at least 100m² that complies as a permitted activity under the relevant rules of the OWDP. In this regard, Lots 12 to 17 and 33 to 37 containing one-bedroom units with a gross floor area of less than 100m².

*Non-compliance with Rule 71.3.4 requires resource consent as a **discretionary activity**.*

k. *Rule 71.3.5 – Existing Buildings*

The subdivision is to be undertaken after the proposed residential units are constructed. As such the proposed units will constitute “existing buildings” when the subdivision is undertaken.

The proposed subdivision will result in non-compliances of the permitted activity rules of Chapter 47 (Road Transport) and rules relating to parking, loading, manoeuvring and access and rules in Chapter 36 relating to site coverage, setbacks and daylight angles as outlined in the Compliance Schedule within Appendix 7 of the application’s AEE.

*Non-compliance with Rule 71.3.5 requires resource consent as a **restricted discretionary activity**.*

l. *Rule 71.3.8 – Property Access*

The proposed access arrangements do not comply with all relevant sections of the EES relating to road width requirements, intersection radii requirements and the size of car parking spaces.

*Non-compliance with the Rule 71.3.8 requires resource consent as a **restricted discretionary activity**.*

m. *Rule 71.3.9 – Road and Cycleway Layout and Formation*

The proposed road within the subdivision does not comply with the relevant provisions of the EES relating to road width requirements, intersection radii requirements and the size of car parking spaces.

*Non-compliance with Rule 71.3.9 requires resource consent as a **discretionary activity**.*

Network Utilities (NTW)

For the technical reasons stated within the application’s AEE, the application does not trigger resource consent under the provision and rules of Chapter NTW of the WDP.

Irrespective of this technicality, the applicant has elected to apply the appropriate distances in accordance within the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001), as if the rules of Chapter NTW of the OWDP rule do apply. Following consultation with Northpower, this has resulted in a 35m setback distance being applied to any sensitive activities within the proposed development. In Attachment D is a copy of the letter from Northpower dated 22 May 2019 confirming that Northpower do not have concerns with the proposed development with regard to the subject transmission line.

Th *Operative Regional Water and Soil Plan for Northland (RWSP)*

n. *Rule 33 - Rules for Land Disturbance Standards - Earthworks that are not in a Riparian Management Zone*

*The proposal is a **controlled activity** pursuant to Rule 33.2 because:*

- i. The volume moved or disturbed is greater than 5,000m³ in any 12 month period (being a volume of approximately 4,971m³ plus the retention pond which wasn’t initially proposed) and the area of earthworks is not proposed to be undertaken on erosion prone land;*
- ii. The Environmental Standards in Section 32 are anticipated to be complied with; and*
- iii. There are no more than minor adverse effects on soil conservation beyond the property boundary.*

o. *Rule 22 Rules for Stormwater Discharges and Diversions from Road and Land Disturbance Activities*

*The proposed land discharge is a **permitted activity** pursuant to Rule 22.1 as the proposal complies with the relevant permitted activity standards under Rule 22.1.1(a) to Rule 22.1.1(c).*

- p. *Rule 22 - Rules for Stormwater Discharges and Diversions from Road and Land Disturbance Activities*

*The diversion of stormwater associated with land disturbance activities is a **permitted activity** pursuant to Rule 22.1 as the proposal complies with the relevant permitted activity standards under Rule 22.1.1(a) to Rule 22.1.1(c).*

- q. *Rule 21 Rules for Stormwater Discharges*

*Stormwater discharges from the developed site are a **permitted activity** as the proposal complies with the relevant permitted activity standards under Rule 21.1.1 and Rule 21.1.2.*

The Proposed Northland Regional Plan (PRP) (Appeals Version – 29 July 2019)

- r. *Rule C.8.3.2 Earthworks – Controlled activity*

*The proposed earthworks require **controlled activity** resource consent pursuant to Rule C.8.3.1.1) because:*

The amount of earthworks at a particular location or associated with the proposal does not comply with the thresholds which restricts the earth exposed at any one time to 5 000m². The proposed works will occur over an area of 15,467m².

The proposed works are not located within any of the areas identified within Rules C.8.3.2 (1) to C.8.3.2 (5).

- s. *Rule C.8.3.2 Earthworks – Controlled activity*

*The proposed stormwater discharge to land from land disturbance activities requires **controlled activity** resource consent pursuant to Rule C.8.3.2 because:*

The amount of earthworks at a particular location or associated with the proposal does not comply with the thresholds which restricts the earth exposed at any one time to 5,000m². The proposed works will occur over an area of 15,467m².

- t. *Rule C.8.3.2 Earthworks – controlled activity*

*The diversion of stormwater associated with land disturbance activities requires resource consent as a **controlled activity** pursuant to Rule C.8.3.2 because:*

The amount of earthworks at a particular location or associated with the proposal does not comply with the thresholds which restricts the earth exposed at any one time to 5,000m². The proposed works will occur over an area of 15,467m².

- u. *Rule C.6.4.2 Stormwater Discharges*

*Stormwater discharges from the developed site are a **permitted activity** as the proposal complies with the relevant permitted activity standards under Rule C.6.4.2.*

For the record we note that the regional consent matters were not challenged with technical evidence, and the regional council indicated that it accepted the revisions made and draft earthworks and stormwater management conditions proposed. Having reviewed those matters, and on that basis, we have accepted those conclusions and discuss those matters no further.

3 Notification and submissions received

The applications were notified on 8 May 2019 pursuant to Section 95 of the RMA, with submissions closing on 5 June 2019. A total of 346 submissions were received (339 in opposition) within the notification period in relation to the WDP and 10 in relation to the RWSP and PRP.²

Notice of the applications was served on the following owners and occupiers of the following addresses and organisations:³

- Puriri Park Road: 55, 57, 59, 63, 64, 65, 66, 68, 70, 72A, 76, 78, 80, 82, 86, 89, 93 & 93A;
- New Zealand Transportation Agency;
- Northland Regional Council;
- Northland Health;
- Whangarei Terenga Paroa Marae;
- Hauauru Trust;
- Te Runanga A Iwi O Ngapuhi;
- Whatitiri Maori Reserves Trust;
- Ngatiwai Trust Board;
- Nga Tirairaka o Ngati Hine Trust;
- Transpower.

A summary of the written submissions received, the main issues raised, and details of any relief sought by the submitter was provided in 4 of the s42A report and its appendices. We adopt that summary for present purposes in terms of s113(3) of the RMA. We also note correspondence with Northpower and the New Zealand Transport Agency that indicated they were not opposed to the proposal.

Council Officers rejected a late submission in the form of a cultural impact assessment (CIA) received from Hinemoa Apetera on behalf of Te Parawhau, and we address that in the next section.

4 Procedural matters

An interim decision

In his opening submissions Mr Allan noted that under the 2017 amended s120(1A)(c) RMA, no merit appeal lies to the Environment Court from our decision and therefore HNZC has no ability to refine its proposal through the “normal” process in the event that Commissioners determine to refuse consent. In that circumstance Mr Allan requested that we issue an interim decision with indications as to how the application might be amended (if practicable) to satisfy a grant of consent. An interim decision might

² Ibid, s4.3 and 4.4

³ Ibid, s4.2

also be appropriate if materially different conditions are contemplated so that those can be refined.

Such a course, Mr Allan submitted, would obviate the need, time and expense (for all concerned) for HNZC to make a separate, subsequent consent application.

We accept that such a course is open to us.

Peter Vaughan on behalf of Te Iwitahi Manihera whanau

Subsequent to the hearing Mr Vaughan sent an email to Council (dated 21 September 2019) raising concerns that he had not received a fair hearing because of interjections made by certain Te Parawhau whanau who attended the hearing. Mr Vaughan contended that control of the hearing had been lost, which allowed him to be intimidated and affected his presentation. He sought a rehearing of his submission before different commissioners.

By Minute dated 24 September 2019 we indicated that we rejected the allegations made and would address the matter in this decision.

While we acknowledge that interjections were made, these were, in the main, because Mr Vaughan chose to raise mandate matters and wider Council consultation concerns that were not directly relevant to the hearing but re-ran matters that, we understood, had been heard by the Waitangi Tribunal, and which had favoured the other whanau present. At no point did Commissioners feel that the interjections had the import that Mr Vaughan subsequently alleges or required more assertive management.

We repeatedly asked Mr Vaughan to focus on the matters that were relevant and before us but to little avail. Mr. Vaughan was allowed an hour to present his submissions. That, in our view, was more than sufficient to identify relevant matters. As we note later in this decision, there was little detail that we could take as of direct relevance to this matter from Mr Vaughan's submissions.

CIA's - Hinemoa Apetera and Marina Fletcher

As we note later in this decision, we accepted both cultural assessment reports by Ms Apetera and Ms Fletcher and do not consider the late acceptance of either to create any material prejudice to any party.

Mr Vaughan had objected to our decision to accept Ms Fletcher's assessment report on the ground that insufficient time was afforded for his whanau to review and comment on the report. Having reviewed the relatively short report ourselves before making our decision to accept it, we noted at the time that Mr Vaughan had several days in which to review that report before he was due to appear. In the event we do not consider that Mr. Vaughan was prejudiced by that decision. We note that he did not present any specific and relevant material when he did appear that challenged that conclusion.

5 Material received and Evidence heard

The Commissioners received material and heard evidence from the applicant, expert witnesses, submitters, and the RO. The following is a summary of the evidence heard at the hearing.

5.1 Applicant's evidence

In brief summary, the applicant's legal submissions and evidence presented concluded as follows:

Douglas Allan/Alex Devine, Counsel, outlined the HNZC proposal, dealt with legal issues; indicated openness to an interim decision; and introduced witnesses:

Brendon Liggett / Nick Seymour represented Housing New Zealand Corporation, and described the project. They indicated that the density of the development *"... was determined by the waiting list and based on this, the site was identified as being able to fulfil requirements."*⁴

Severin Soder, Project Architect, summarised his statement of pre-circulated evidence and displayed various maps and plans of the proposed development. He indicated that once the road vests in council, it was intended the roadways and street vegetation would be maintained by council. He said *"... HNZC would initially be responsible for the community room but the future intention is for the community to take over with oversight by HNZC."*⁵

Jeremy Head, Landscape Architect, spoke to his pre-circulated statement of evidence and produced various drawings and photographs. He concluded by saying the proposal is *"... appropriately designed with respect to both the site and adjacent public areas ... roads and park ... and that it will represent an appropriate outcome for the Living Zone in which the site is located."*⁶

Elizabeth Morrison, Ecologist, referred to her pre-circulated evidence, and said *"... it is possible to develop the site without causing any more than minor impacts on the environment. The proposed subdivision will provide a positive contribution - a net biodiversity gain to the local ecology."*⁷ She addressed concerns around the 39 trees to be removed, and said she was *"... comfortable from an ecological point of view there will be no adverse effects."*⁸ She proposed that a *"... bat management plan be implemented."*⁹

Sam Blackburn, Infrastructure Engineer, summarised his pre-circulated evidence which dealt with flooding, earthworks, geotechnical hazards, access, water supply, stormwater, wastewater, power supply, telecom and gas aspects of the proposal. He concluded ¹⁰ *"... (a) environmental effects from the*

⁴ Liggett, verbal statement

⁵ Soder, verbal statement

⁶ Head, s48 and s51

⁷ Morrison, s9.2

⁸ Ibid, verbal statement

⁹ Ibid

¹⁰ Blackburn, s2.2

proposal can be mitigated via the erosion and sediment controls shown ... (b) water supply, firefighting, wastewater and other servicing can be provided via the adjacent public networks ... (c) that the public stormwater network downstream is undersized ... however the effect can be mitigated via detention.” He tabled numerous engineering drawings and in answer to a question said “... the earthworks would not be staged ...”¹¹

Bruce Green, Geotechnical Engineer, spoke to his pre-circulated evidence and provided a supplementary statement of evidence. He described the site as “... *boulder ridden and not normal clay, with slopes likely to remain stable under extreme events, and having no indications of slip failure.*”¹² Any concerns around geotechnical issues could be “... *engineered with an in-pond Tee-Bar spreader device.*”¹³ When asked how long it would take to complete the earthworks, Mr Green replied “*four weeks.*”¹⁴

Peter Ibbotson, Acoustic Consultant, spoke to his pre-circulated evidence and concluded that “... *District Plan rules are appropriate ... can be achieved by the proposed activities on site.*”¹⁵ He commented that “... *the scope for noise and vibration issues is small.*”¹⁶ He confirmed that the “... *noise limits in Living Zone 1 apply to the open space zone.*”¹⁷

Todd Langwell, Traffic Engineer, referred to his pre-circulated evidence and commented on the three areas of concern raised by submitters – traffic congestion, lack of parking around the development and general road safety including pedestrian safety concerns.¹⁸ He indicated he had done some sensitivity modelling and concluded that the effects of the proposal on traffic movements and parking would be minor, and that there would be an increase of about 36 seconds for the right turn out at the Maunu Road/SH intersection in peak hour traffic. Four to five times more traffic would be required, he said, to reach a level where traffic safety management plans might be required. When asked whether there is a remedy if more parking is required such as a review clause, Mr Langwell replied that he “... *sees no need for a review clause in the conditions.*”¹⁹ as he does not foresee a spill over in the parking. When asked whether there is flexibility for more parking if in future the parking became inadequate, he confirmed “... *there is the ability to put more parking on the site.*”²⁰

Rebecca Skidmore, Urban Designer and Landscape Architect, summarised her pre-circulated evidence and referred to her Statement of Rebuttal Evidence tabled at the hearing. She indicated that

¹¹ Ibid, verbal statement

¹² Green, s3.2

¹³ Ibid

¹⁴ Green, verbal statement

¹⁵ Ibbotson, s8.2 and 8.3

¹⁶ Ibid, verbal statement

¹⁷ Ibid

¹⁸ Langwell, s8

¹⁹ Ibid, verbal statement

²⁰ Ibid

having read the evidence of Mr Cutler and Ms McPherson her opinions "... had not changed." ²¹ When asked to explain her statement that Puriri Park would not reduce in scale, she replied that "... Puriri Park itself would not reduce in scale - the development will be placed on the southern portion of the site." ²² and "... there are visual cues indicating that there is open space to explore." ²³

Marina Fletcher, Cultural Consultant, spoke to her interim cultural assessment report. When asked "... whether it was her opinion that the cultural issues relating to the application have been sorted." ²⁴ Ms Fletcher replied "... yes and ... she was surprised that the issues have been raised at all. All the parties were present at the first hui and there was strong support shown for the need for housing." ²⁵ When asked about the obvious differences in opinions between Mr Vaughan and herself, Ms Fletcher stated "... the differences related to the burial grounds in the Maunu block. The people still regard the land as tapu but in terms of law this has been lost through subdivision. There is still a spiritual feeling for the land. ... Mr Vaughan also refers to pa sites on the land but no battles were fought at that site, although the Maunu block itself saw battles." ²⁶ When asked whether there was anything incompatible between the proposal and her understanding of Maori cultural aspects, Ms Fletcher said "... no, it is too far back." ²⁷ She indicated that she would "... attempt to discuss the issues with Mr Vaughan." ²⁸

Gerard Thompson, Planning Consultant, confirmed his written evidence and supplementary evidence, and noted that the RO had "... recommended that consent be granted subject to certain matters being further addressed at the hearing." ²⁹ He said he had "... reviewed the conditions proposed by Mr Moriarty and, subject to some relatively small changes agree that they are a reasonable basis on which consent could be granted." ³⁰

He addressed several issues raised by others.

- a) Indicative street lightning plan – he said "... HNZA will prepare one." ³¹
- b) Trees to be retained – he commented "... there should be something in conditions about this." ³² He added that "... he would discuss the inclusion of this in draft conditions with the RO..." ³³ and

²¹ Skidmore, Supplementary Evidence, s2.6

²² Ibid, verbal statement

²³ Ibid

²⁴ Fletcher, verbal statement

²⁵ Ibid

²⁶ Ibid

²⁷ Ibid

²⁸

²⁹ Thompson, s2.9

³⁰ Ibid, s2.10

³¹ Thompson, verbal statement

³² Ibid

³³ Ibid

that "... Ms Morrison will consider whether the pine trees should be retained, but the applicant's view is that this is a discussion that HNZA should have with council's parks department." ³⁴

- c) Parking – he said "... the applicant is happy with the proposed provisions, and there is sufficient land to accommodate further parking if required." ³⁵ He suggested that the conditions state that parking at lots 38 and 39 should be relocated to an acceptable location.
- d) Parking second issue - reversing cars into Puriri Park Road from lots 1, 7 and 22 – he commented that this "... had been addressed in Mr Langwell and Ms Skidmore's evidence, but he would discuss this further with Mr Moriarty." ³⁶
- e) Permitted baseline – he opined that "... the starting point for assessment of the baseline would be what the district plan provides for. The applicant took the approach to deal with the character and amenity of the site in relation to the neighbourhood as opposed to an argument on the permitted baseline. It is also about the space between the buildings and what will happen in time with this space. The buildings are not fundamentally different from the neighbourhood." ³⁷ In that he differed from the evidence of Mr Cutler who advocated assessment as non-complying activities and reference to a 'permitted baseline'
- f) Conditions - Mr Thompson went through the latest proposed conditions, and commented that "... an additional condition will be inserted for a long term bat management plan. A condition to manage the noise around construction has already been included." ³⁸

5.2 Submitters' submissions, representations and evidence

Jeremy Brabant, Counsel, made legal submissions on behalf of Puriri Park and Maunu Residents Society Incorporated. Mr Brabant submitted that the proposal cannot be consented in its current form, and that the density was far too intense. He said an interim decision could be acceptable to the society, but the working through of the issues should involve the society and other submitters. He advised that evidence would be given by Kris MacPherson (landscape architect), Jonathan Cutler (planning consultant) and Dr Kerry Grundy (planning consultant). He submitted that although Dr Grundy was not speaking as an independent expert, his particular expertise could and should be recognised.

Kris MacPherson, Landscape Architect, confirmed her pre-circulated statement. When asked whether she had any comment on Ms Skidmore's evidence, she replied that "... she cannot argue with Ms Skidmore's view that the shape and form of the buildings look like single dwellings. However, from a

³⁴ Ibid

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

³⁸ Ibid

landscaper's point of view, with any form in landscapes, domestic activities spill out and this has not been adequately addressed by Ms Skidmore. These types of dwellings may look like single dwellings but as you move it looks like a block."³⁹ Ms McPherson opined that she and Ms Skidmore "... come from a different professional framework and that Ms Skidmore's report was not a standard landscape assessment, but was in fact an urban design report."⁴⁰ She asserted that "... Ms Skidmore did not assess all effects that occur when changing a landscape."⁴¹

Jonathan Cutler, Planning Consultant, read his pre-circulated evidence, and when asked "... whether it is his view that every single lot needs a complete development control assessment, he replied that the lots have not been assessed adequately."⁴² He opined that the proposal was a "... de facto non complying discretionary activity."⁴³ and that "... although the Section 42A report gives reasons for consent to be granted, a proper assessment of each lot would also show reasons not to grant consent. The application also fails to meet the planning framework."⁴⁴ He added that "... the proposal is contrary to a number of policies and objectives, but also infringes many rules, provisions and standards."⁴⁵

Dr Kerry Grundy, resident and planning consultant, read his pre-circulated submission and elaborated on some of the issues raised. When asked whether he knew of other pieces of land that could be developed for this type of project, he replied that "... the council has identified two areas for high density housing – in Raumanga and Tikipunga - Raumanga has two large lots and has existing social housing - Tikipunga is built up already but there is a big site that does not appear to be in use. ... high density housing is more appropriate in those areas than in Maunu."⁴⁶

Lucas Hardwick, showed the Commissioners photographs he had taken an hour before of children playing in the bush area. He stated that "... he would be shifting his family if resource consent was granted."⁴⁷

Dianne Reader, Nicci Webb, Rosemary Morgan, David Foote, Lance Paganini and Dr Julian Wilson all read written statements and/or spoke extemporaneously, and Dr Wilson read a statement from Lisa Dawson. They all opposed the development as being unsuited to Maunu for a variety of reasons.

³⁹ McPherson, verbal statement

⁴⁰ Ibid

⁴¹ Ibid

⁴² Cutler, verbal statement

⁴³ Ibid

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Grundy, verbal statement

⁴⁷ Hardwick, verbal statement

Similar views and opinions were subsequently expressed by **Francis Franklin, Chris Howell, Fiona Halliwell, Stuart Bell, Kenneth and Natasha Stubbing, David Shuker, and Kathleen and Kenneth Baker.**

Peter Vaughan on behalf of Te Iwitahi Manihera whanau spoke to his statement circulated at the hearing. He advised that he had “... a brief discussion with Ms Fletcher and may admit some points.”⁴⁸ He said he had discussed the draft and recently submitted Cultural Impact Assessment report with Te Iwitahi Manihera whanau. He indicated his instructions were to “... object to the CIA being filed late and in draft form.”⁴⁹

The Chairman advised the hearing that the Commissioners had already decided to allow this report, and asked what the Commissioners could do to show good faith. Mr Vaughan replied that “... because the Crown has not acted in good faith and hasn't met the requirements of the Treaty in terms of this land, the land should have been offered back to Te Parawhau and the application should be declined. Minister Shane Reti has advised that the matter is before the Ombudsman for urgent decision and the decision should be stayed until the Ombudsman releases his decision or declined.”⁵⁰

The Chairman stated that the decision of the Commissioners would in no way affect nor diminish any decision the Ombudsman might make. Mr Vaughan said that “... the whana have been excluded by HNZC.”⁵¹ The Chairman advised that the Commissioners would apply appropriate weight to all the evidence presented at the hearing and act with care and sensitivity in reaching a decision.

Lynda Stallworthy spoke to her submission raising safety issues, people's freedom of choice to choose where they want to live, built character of homes, non-compliance with the district plan, traffic and the fact that HNZC has not assessed all the issues. When asked if she had a solution, Ms Stallworthy replied “... the area is zoned residential 1 and the houses should be on 500sqm sections.”⁵²

Jim Percy and Jenny Shuker spoke to their submissions and handwritten notes tabled at the hearing. Ms Shuker asserted that “...the impacts on wildlife were not properly assessed by Ms Morrison as she assessed these effects as minor ...”.⁵³

5.3 s42A Reporting Officer's report and evidence

The s42A RMA hearing report was prepared by consultant planner, Craig Moriarty (the RO), with engineering input from Mark Shaw. The following is a summary of that report:

⁴⁸ Vaughan, verbal statement

⁴⁹ Ibid

⁵⁰ Ibid

⁵¹ Ibid

⁵² Stallworthy, verbal statement

⁵³ Ibid

Effects of the proposal: The RO considered the actual and potential positive and adverse effects associated with the proposed development under various headings and concluded: "... I rely and concur with the assessments of Ms Skidmore and Ms Lawrie in that, overall, the residential development is of a good quality that will contribute positively to the character and amenity values of the site and the neighbouring environment, including the streetscape of Puriri Park Road and the proposed internal road. For the above reasons, I consider that, subject to appropriate conditions of consent, any actual and potential effects on the amenity and character of the environment due to the proposal are minor."⁵⁴

Noise Effects - any actual and potential adverse noise effects are considered to be less than minor.

Transportation Effects - any actual and potential transportation effects due to the proposal, including the efficiency and safety of the development and the surrounding road network, which includes the future maintenance of services and the safety of pedestrians and cyclists, will be minor.

Effects on Parks / Public Reserve and Street Trees - the vesting of Lot 105 will result in positive effects on the environment. Actual and potential effects on proposed street trees are ... potentially more than minor and it is recommended that the applicant provide further evidence in support of the suitability of the proposed road cross section and the location of the street trees.

Heritage / Cultural Effects - there are no heritage trees, heritage buildings, sites and objects or sites of significance to Maori on the application site identified within the OWDP. ... actual and potential effects on heritage and cultural values are considered to be minor.

Archaeological Effects - there was no evidence of archaeological features located within or in close proximity to the proposal. Accordingly actual and potential effects on archaeological features are considered to be less than minor.

Effects on Ecological Values - any actual and potential ecological effects due to the proposal are ... considered to be less than minor.

Subdivision Effects - the proposed subdivision achieves the intent of the Living 1 Environment zone, minimising potential adverse effects of future development on the environment. Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and will be provided at the time of the development, while the subdivision layout is safe, efficient, convenient and accessible. I therefore consider that any actual and potential subdivision effects on the environment due to the proposal are minor.

Positive effects - the proposal provides for the long-term needs of the community by delivering 37 new dwellings of varying typologies for social housing purposes.

⁵⁴ Craig Moriarty, s42A Reporting Officer, s5

Summary of Effects - *The proposal, particularly the intensity and scale of the residential development will result in additional adverse effects including amenity / urban design and streetscape effects and traffic safety and efficiency effects that are considered to be minor subject to the applicant appropriately addressing those matters identified by the Council's technical specialists in the above assessment. The proposal predominantly complies with all relevant bulk and location standards of the OWDP along all external boundaries. Subject to conditions, consistent with best practice, earthworks and construction can be managed appropriately to ensure that any effects associated with silt, sediment, land stability and noise are less than minor. Each unit / lot is provided with appropriate connections to public infrastructure and services pursuant to Council requirements. Furthermore, additional connections to the utility services are proposed to be obtained from the respective utility network operators enabling extension to each unit / lot. The proposal includes at least one parking space per unit / lot and is considered to be in general accordance with the form and density envisaged by the Living 1 Environment zone. As such, trip generation from the development will not be out of the ordinary in the context of the site's receiving environment. The proposal provides 37 additional social houses to the Whangarei housing stock. I therefore consider that on balance, the actual and potential effects of the proposal identified are able to be avoided, remedied or mitigated, through the imposition of conditions, to a level that is no more than minor.*⁵⁵

Relevant Planning Instruments - The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011; National Environmental Standards for Air Quality; National Policy Statement on Electricity Transmission 2008 (NPS-ET); National Policy Statement on Urban Development Capacity 2016 (NPS-UDC) – were all considered and the proposal found to be consistent with them.”⁵⁶

Northland Regional Policy Statement – “The relevant provisions of the NRPS have been considered and ... it is concluded that, overall, the proposal is consistent with the NRPS.”⁵⁷

Operative Regional Water and Soil Plan (ORWSP) – “consistent with the relevant objectives and policies of the ORWSP relating to any of these potential effects on the environment.”⁵⁸

Proposed Regional Plan (PRP) – “... the proposal is consistent with the relevant objectives and policies of the PRP.”⁵⁹ Weighting of the Operative Regional Water and Soil Plan and the **Proposed Regional Plan** – “... resource consent for earthworks only is required under the rules of the ORWSP.”⁶⁰ “... The proposal is consistent with both the relevant provisions of the ORWSP and the PRP in

⁵⁵ Ibid, ss5.63 - 5.69

⁵⁶ Ibid, ss7.2 - 7.7

⁵⁷ Ibid, ss7.8 – 7.14

⁵⁸ Ibid, ss7.15 – 7.18

⁵⁹ Ibid, ss7.19 – 7.24

⁶⁰ Ibid, ss7.25 – 7.27

Conclusion – *“Subject to the applicant appropriately addressing those matters identified by the Council’s technical specialists in the above assessment of actual and potential effects, overall, I consider that on balance, the actual and potential effects identified are able to be avoided, remedied or mitigated, through the imposition of conditions, to a level that is no more than minor. Taken as a whole, I consider that the proposal is consistent with the relevant provisions of the Operative Whangarei District Plan, the Proposed District Plan, the Operative Regional Water and Soil Plan and the Proposed Regional Plan for Northland.”⁶²*

Having heard the evidence and representations made at the hearing and consulted with other Council advisors the RO’s overall response was that he maintained his position of recommending that the consents sought should be granted subject to suitable conditions. He confirmed that negotiations had continued throughout the hearing between representatives of the applicant and Council, resulting in a developed suite of conditions acceptable to both parties.

5.4 HNZC Right of Reply

Mr Allan gave the reply on behalf of the Applicant. He confirmed that the applicant and councils were in agreement on the latest proposed conditions, and submitted that consent to the applications should be given subject to the conditions negotiated between the Applicant’s and Councils’ advisors. Following the adjourned hearing, revised plans and a suite of conditions were received by the Commissioners, before the hearing was formally closed on Monday, 2 October 2019.

5.5 General

The Commissioners place on record the fact that despite most submitters’ vigorous and clearly sincere opposition to the application, their representations were made appropriately, respectfully and with due deference to procedure. We acknowledge and are grateful for that.

6 Principal issues

While submissions covered a wide range of issues it was evident at the hearing that the principal issues in contention concerned:

- Development density;
- Amenity and character (including loss of open space and mature trees);
- Development control infringements;
- Traffic and transportation;

⁶¹ Ibid, s7.28

⁶² Ibid, s13.1



- Noise during construction;
- Ecology and Te Hihi Stream;
- Mana whenua; and
- Positive effects of social housing provision.

Accordingly, these are the matters on which we have focussed in this decision as they are the ones that we consider determinative.

In passing we note that we inquired as to whether there was merit in considering whether the large and aging pine trees evident in the foreground of the bush area to be reserved (and to which the public would continue to have access) might be removed as part of the project. Ms Morrison was duly charged with plotting those trees on a map and reporting back. In the event, that exercise indicated that their extent and depth into the vegetated area suggested that even if that were considered an appropriate action, more detailed consideration would be required. We therefore determined to let that matter lie rather than contemplate a perhaps too-hastily drafted condition.

7 Main findings of fact

The principal issues in contention and our main findings on them are discussed next.

(a) Density of development and Living 1 Environment

At the heart of concerns from opposing submitters was the question of the appropriateness of this denser arrangement of dwellings than is to be found in the immediate Maunu neighbourhood. This raised the issue both of appropriateness for the zone, and appropriateness for the existing environment.

While the applicant sought to focus the matter of density on the aggregate footprint of buildings⁶³ and taking account of the entire site (including the substantial area to be vested as reserve) – arguing, for example, that 3 single attached units (triplex) of c120m² per lot is no more than the equivalent of a single 4 bedroom duplex lot, so could be considered a single dwelling equivalent for density calculation purposes – that argument fails, we think, because the ratio of dwelling footprint to non-dwelling space (which typically informs our impression of density) is so different: 71m² of dwelling per 130-160m² lot area in the case of triplex single units (or 213m² per c.435m² aggregate), versus 90m² per 339m² in the case of the Lot 27 4-bedroom duplex (for example). Perceptions of density are more subtle than just about the number of people or gross lot area. While the visual effect of triplex units might be able to be designed to mimic a single perceptual unit (although we have some reservations about that proposition), again that is not all that density encompasses.

However, the difficulty in this particular instance is with the District Plan, which provides very loose guidance on the issue. The Living 1 Environment zone has neither a stated purpose nor specified

⁶³ Allan, Legal submissions, para 3.2(h) for example



objectives (we deal with amenity and character aspects later in this decision). The relevant objective 8.3.7 requires:

Subdivision and development that provides for comprehensive development of land with a range of allotment sizes and is appropriate to the character of the Environment in which it is located.

and its associated density policy 8.4.3 requires:

... subdivision and development results in a pattern and density of land use which reflects flexibility in allotment size, and is of a density appropriate to the locality.

The explanation for that policy states, among other things:

It is important that this scale is in proportion to existing development or be at such a level that it does not detrimentally affect the existing character, amenity, natural processes or ecological values of an area, and does not preclude efficient and orderly provision of infrastructure and services.

This concern is reinforced in the Amenity chapter of the Plan by the following policy 5.4.7 Intensity and Design of Subdivision and Development:

To ensure that subdivision and development do not unduly compromise the outlook and privacy of adjoining properties, and should be compatible with the character and amenity of the surrounding environment. Particular regard should be given to:

- *The layout and intensity of subdivision;*
- *The location, design and siting of buildings and structures except, where such buildings and structures provide a specific service for the surrounding environment. In the latter case, any building or structure shall be designed, laid out and located, so as to avoid, remedy or mitigate any adverse effect on the environment.*

Restrictions on density of development and subdivision size may be required to ensure new development does not increase population concentration in noise-sensitive areas.

In effect, then, density is left to the sum of the zone's subdivision and development controls – lot size, building height, area and coverage, yard setbacks, outdoor living courts, and landscaping – and then to a judgement regarding appropriateness to the locality where those controls are exceeded.

With a comprehensive development, of course, those controls will typically, as in this case, not be met everywhere. For example only 2 of the 15 single bedroom units meet the 35% building coverage control, and while all but 1 of the 2-, 3-, 4- and 5-bedroom units meet the 35% building coverage control, only the 3 5-bedroom units meet the net site area minimum of 500m², and only 11 of the 37 sites comply with the 100m² minimum building area control.

The question raised by many submitters is whether such extensive non-compliance is acceptable. Submitters in opposition frequently sought a refusal of consent based on these multiple non-

compliances with the permitted activity controls – as did Mr Cutler (in part) in his planning evidence for the Puriri Park and Maunu Residents Society Inc. (the Society). However, that is not the appropriate test. Those controls simply act as draughting gates between an activity that requires no further approval and those for which an application must be made. The District Plan does not impose a prohibited activity status for non-compliant infringements – which would then make those controls absolute. As with the density policy, the Plan leaves the matter open to a consideration of the merits of such non-compliance – typically as a discretionary activity.

In summary, then, while the density created through the various non-compliances with the permitted activity subdivision and land use development controls is higher than would otherwise be the case, the Plan does not direct refusal through its objectives, policies or rules. In this respect we are inclined to agree with Mr Thompson⁶⁴ that the lack of explicit provision in the Plan for alternative forms of residential development is not to be read as an injunction against such but, rather, as leaving the door ajar.

At the same time, we note that density comparison with the existing state of the land as *de facto* open space is not an appropriate avenue. In planning terms, that is not the “existing environment”. The land has been zoned residential for several decades and under the operative Plan is Living 1 Environment. If any density comparison is to be used, it must be with respect to those provisions. A number of submitters made calculations as to what a permitted development baseline might be – for example Dr Grundy⁶⁵ calculates 20 lots and Mr Brabant⁶⁶ calculates 21 - which typically depended on assumptions made about the bush reserve area and whether that could be taken into consideration. We are not persuaded that such an exercise is of any practical utility. While the development application assumed a permitted activity baseline for some 26 units and 104 bedrooms⁶⁷, we do not agree that is a proper starting point for consideration of a comprehensive development that departs materially from the baseline. Apart from stating the obvious point that this land is actively zoned and should therefore be assessed as appropriate for residential development, the quantum is as applied for, not some different configuration and number. The ability to compare and contrast this application with a hypothetical baseline lacking any specific detail is, in practical terms, artificial and therefore, we consider, meaningless.

Finding

We find that there is no impediment in the District Plan whereby consideration of the density of the proposed development necessarily defaults to a refusal of consent. That is so regardless of how the density is calculated. While the typical planning proxy for density, the minimum net lot size, is not met by almost all units, the Plan clearly provides for such to be considered on its merits. In that respect, the apparent fact (as we were told) that most if not all lots in the surrounding neighbourhood exceed that

⁶⁴ Thompson, Supplementary Statement, paras 3.4-3.6

⁶⁵ Puriri Park and Maunu Residents Society submission, para 7

⁶⁶ Brabant, legal submissions, para 29

⁶⁷ AEE section 8.1, page 24

minimum is of little relevance on this question. It is more relevant to the issue of amenity and character to which we turn next.

(b) Amenity and character

The issues of amenity and character were central to many submitter concerns. It was clear to us that submitters genuinely held the view that their neighbourhood should not generally change in either form or substance because, not surprisingly, they like and enjoy what they have. Indeed, Dr Grundy made numerous observations to that effect throughout his hearing presentation – and which were clearly endorsed by the Society’s attendees. On behalf of the Society, Dr Grundy spoke in terms of the feeling of spaciousness; a sense of place; the protection of valued attributes of place; community cohesion and aspirations; neighbourhood identity; the presence of trees and private gardens; safe environment; and the rejection of the too-simply applied NIMBY epithet.

Of course, two of the elements that are somewhat difficult to disentangle from the value set is that arising from the loss of a significant area of locally accessible green space (which is clearly valued in its own right), and the rather more covert concern (although explicitly stated by some) about the future social housing residents and various associated risks presumed

On the first matter we have to record that that particular horse has effectively bolted. HNZC is the lawful current owner of the land and has the right to develop it for residential purposes under the District Plan. The beneficial use that the community has had of the land for the past many decades is not a factor that weighs materially on this application. While a number of submitters commented on the relative lack of passive recreational open space across Whangarei, which function Puriri Park and the present land fulfils (and we received much anecdote from dog walkers), that is simply not the formal status of the subject site. Furthermore, should the application be granted and the ownership be overturned as sought, we understood by Mr Vaughan on behalf of Te Iwitahi Manihira whanau⁶⁸ then, as we indicated during the hearing, that consent will, as it would now, run with the land so that any “new” owner can then take decisions about the development. However, for present purposes that is not the situation and, as far as we were advised, no relevant action to that effect is currently before the Courts, and which might therefore influence us.

On the second matter, while some submitters sought to de-emphasise the concern, it was clear to us that personal and property security issues (and associated concerns about undue noise and vehicles) were generally apparent. It is important to record that not all submitters approached this latter issue from their personal circumstance. Some expressed concern that the location of people with social needs requiring professional support networks would be isolated at Maunu and, as such, this was a poor location. Ms Dawson noted in her tabled submission, for example, that:

⁶⁸ And noted on behalf of tangata whenua / Te Parawhau by Ms Fletcher in her CIA, section 5.0

“... people who would be housed in the newly built high-density social housing deserve to live in an area where that is well planned and well serviced for their needs. It is unfair to deposit a whole new community onto a “vacant lot” in the centre [of] a long established, character and culture neighbourhood that will greatly mourn losing their long-standing parkland. To pretend this is not a problem in the attempt to be politically correct is to fail both communities”

HNZC’s response to these concerns was to indicate that its placement selection process would identify appropriate tenants and that processes are in place for managing tenants who do not abide by the required standards and terms. Mr Allan submitted that, regardless, the character or nature of tenants was not a matter that was open for consideration under the RMA, speculative as that was. While not wishing to minimise the emotional anxiety expressed by a number of older submitters, we note that there needs to be an objective basis for such concerns before that can be given material weight by us. While clearly HCNZ cannot guarantee that none of its prospective tenants would create an issue for any submitter, the same is true for any tenanted property, indeed for any owner-occupied property. Furthermore, there is no basis in evidence provided for assuming that this is more likely for 37 units than it is for the lesser number of 20-21 units accepted by the Society as a complying number of lots. As the saying goes, it takes only 1 bad apple in a barrel ...

On this question the permitted baseline arguably has some relevance because it is difficult to determine what material difference to amenity is created by 20-21 units and their tenants rather than 37 units and their tenants. The real amenity difference is that between the existing open space and any development – and that is not the appropriate start position as we have discussed.

When it comes to local character we accept the evidence of, for example, Mr Cutler and Mr Baker, who analysed the distribution of 1- and 2-storey buildings, and charted individual lot sizes, building outlines and coverage around Maunu. However, as Ms Skidmore observed, that material demonstrates the existence of numerous 1-storey buildings throughout the locality, which is hardly surprising as the maximum building height for the zone at 8m encourages such. In short, character is defined as much by what exists as what can lawfully exist. The fact, if indeed it is a fact, that many properties have chosen not to develop to the maximum permitted does not define the limits of plan-permitted character. That is certainly a matter to be taken into consideration, but it is not determinative. The question is whether the development either as individual units or collectively is so far out of character as to be unsupportable.

We note that there was a professional disagreement between Ms Skidmore and Ms McPherson on the matter of the scale at which neighbourhood amenity and character should be assessed. Ms McPherson argued for a broader, city-wide assessment; Ms Skidmore considered that to be unnecessary and not helpful. We are not persuaded that much turns on that disagreement. Regardless, Ms McPherson concluded that the adverse effects arising from a reduction in the degree of public space available, intensification of the sense of being overlooked, and reduction in open views to the bush backdrop rank as moderately high adverse identity and character effects. While we have no difficulty accepting that the development of housing in erstwhile open space is a significant change in character, we do have difficulty accepting that the development proposed is so materially different from the sort of



development that might otherwise occur (acknowledging Mr Allan's point that modern buildings and intensities would be unlikely to imitate the existing patterns and structures evident in the neighbourhood set down, he submitted⁶⁹, at least 40 years ago). It is also pertinent to observe that had the designated school been developed then many of the same concerns expressed – noise, traffic, density, loss of open space – would certainly have been evident. While that is not strictly relevant, it demonstrates that whichever baseline is assumed, school or residential, the starting point for character effects is not one based on open space.

At the end of the day we agree with the planners, albeit they took dissimilar interpretations, that the key plan directives on this matter are NRPS Policy 5.1.1(g) and WDP policy 5.4.1 which state:

5.1.1 Policy – Planned and coordinated development

Subdivision, use and development should be located, designed and built in a planned and co-ordinated manner which:

...

- (g) *Maintains or enhances the sense of place and character of the surrounding environment except where changes are anticipated by approved regional district council growth strategies and / or district or regional plan provisions.*

and

5.4.1 Effects on the Local Environment

To ensure that activities do not produce, beyond the boundaries of the site, adverse effects that are not compatible with the amenity values characteristic of the surrounding and/or adjacent environment unless, such effects are authorised by a district plan, a designation, a resource consent or otherwise ...

Where internalisation of effects cannot be wholly achieved, the Council will consider a Best Practicable Option approach

As we have noted, while the form of the proposed activity is more concentrated on the "site" than a strict reading of the permitted activity controls suggests, when viewed from the vantage of the "site" as a whole, taking into account the perpetual reservation of the bush backdrop and Te Hihi stream and gully character, the activity does maintain both that broader regional and local environmental character within its residential zoning. Submitters argued that the bush area is not realistically developable in any case because of its natural values and open space zoning, and therefore no account should be taken of that area. While that may indeed be the case, the fact of the matter is that the "site" includes that area, which HNZA has decided to publicly vest rather than designing a subdivision that artificially provides

⁶⁹ Allan, Legal submissions, paras 4.15 and 5.9

additional subdivision rights to each lot to “enhance” their respective net site areas above the minimum 500m². Mathematically, of course, 37 lots over 3.2788 ha equates to an average of 886m². We conclude that credit is due HNZN for that balance reserve.

Finding

We find that while the proposed development does not mirror the existing built character of the locality, it is not repugnant to that character in scale, nature or intensity. We are not entirely persuaded by the argument that the duplex and triplex buildings will read as single structural elements. However, their overall structural form and placement is likely to generally read from public viewpoints as less dense than a simple two-dimensional plan might indicate. Regardless, we are not persuaded that the character and amenity of Maunu is so brittle that a single 37 multi-unit development challenges that structurally in any real way. For that to happen we think it would be necessary to establish that a credible precedent is thereby created – but we heard no evidence that similar significant landholdings are available in the locality for that to be a realistic prospect.

(c) Development control infringements

Mr Cutler⁷⁰ raised a technical point regarding the failure of HNZN to apply for and assess the multiple development control infringements that arise consequent on subdivision of the individual lots – that is, the internal non-compliances of the bulk and location rules following subdivision. He enumerated an additional 106 such infringements.

In Reply Mr Allan noted that HNZN, as owner of the dwellings, clearly consented to those infringements and those effects could therefore be set aside under s104(3)(a)(ii) RMA. Alternately, they should be seen as positive effects arising from the careful design of the whole development and which are encompassed in the generality of the discretionary application made – and no external, off-site adverse effects are thereby created (particularly along the western and eastern boundaries).

In any event Mr Allan submitted that we should list the internal non-compliances of bulk and location rules as additional reasons for consent. Furthermore, these are broadly discernible from the set of architectural drawings provided (Architectus, updated 17 October 2019).

Finding

We agree that the internal infringements are relevant but find that they are part and parcel of the overall development, the effects of which are to be considered in the round under a discretionary activity application. We do not find this to be a fatal flaw in the sense either that specific application should have

⁷⁰ Cutler, Statement of evidence, paras 24-33

been made but was not, or that consideration of those effects somehow enlarges the application beyond that actually made.

(d) Traffic and transportation

Traffic-related matters raised included:

- (i) the present problems with egress from Puriri Park Road onto SH14 Maunu Road;
- (ii) the lack of sufficient car parking provision in the development;
- (iii) the proposed reverse manoeuvring from a number of lots, including onto Puriri Park Road; and
- (iv) use of “road reserve” for parking Lots 38 and 39.

SH14 intersection: Neither Mr Langwell nor Mr Shaw for WDC expressed concern about this particular intersection – while acknowledging that queuing delays did occur and would increase with the development (Mr Langwell⁷¹ cited his SIDRA modelling indicating a present 33 seconds average delay increasing to 38 seconds average delay for the right turn out of Puriri Park Road with a queue length of 3 vehicles under the sensitivity analysis scenario). In its review of the Traffic Impact Assessment, NZTA also indicated that the development was of no concern to it from a traffic safety and efficiency perspective. While submitters showed us photographs of queues of more than 3 vehicles, no expert traffic analysis was provided. We simply note that an average queue length prediction does not mean that on occasion longer queues will form – and there will be many reasons for that. However, that does not invalidate the conclusion of the traffic experts.

Parking provision: The final parking plan provided By Architectus (Dwg DD1-11 C dated 17 October 2019) shows 55 allocated car parks with 14 additional parking bays within the development. Submitters disputed the sufficiency of that number and expressed concern that any such insufficiency would result in spillover parking on Puriri Park Road, which would further congest to the local network. That was not accepted by Mr Langwell (or WDC) who noted that HNZA’s national database indicated that the ratio of carpark to bedrooms proposed would meet the likely demands of the expected tenants. Mr Thompson⁷² also cites Statistics NZ Maunu mesh block data showing 84% of 1-bedroom and 73% of 2-bedroom dwellings own either no or one car. As far as overflow parking on the street is concerned, that is quite simply an option for any motorist and is a matter that WDC will, we are entitled to presume, manage in the usual way should it become an issue.

Reverse manoeuvring: While the use of reverse manoeuvring is not Council’s preference, WDC accepted that the vehicle volumes on Puriri Park Road are sufficiently low and sightlines sufficiently clear (for both motorists and pedestrians) that this should not constitute a problem provided the agreed

⁷¹ Langwell, Statement of evidence, paras 3.6-3.8

⁷² Thompson, Statement of evidence, para 5.30

proposed condition limiting the height of landscaping and fencing adjacent to driveways is adopted and implemented.

Car park lots 38 and 39: WDC expressed concern that the position of car park lots 38 and 39 adjacent to a narrower than standard road reserve created further problems with respect to both infrastructure servicing and potentially confusion as to what was reserve and what private property. HNZA resolved that issue by relocating Lot 38 (which attaches to Lot 34) adjacent to Lot 37. While that resolves the matter raised by WDC, we are less certain as to how practical that is, as people usually prefer to have line of sight of their parked vehicles, especially overnight.

Finding

While we accept that the addition of 37 dwellings with their occupants and visitors will produce additional traffic effects locally, the expert traffic evidence is that this will fall within reasonable bounds – regardless of whether a baseline of permitted development is assumed or not.

(e) Noise during construction

While concerns were expressed about construction noise, the conditions and terms that apply to such (including hours of operation) and, typically, this is managed through a construction noise management plan – which condition is proposed – within the construction noise standards set in the District Plan and by the national construction noise standard NZS6803. We acknowledge that construction for a project of this sort, while technically temporary, will take some time to complete [estimated duration of 18 months] and therefore a level of elevated nuisance will be experienced during that time in the neighbourhood. Mr Ibbotson has recommended the use of temporary noise barriers – a standard procedure – to shield adjacent properties from excess noise. No construction work is proposed on Sundays or public holidays and a condition to that effect is included.

Finding

We do not anticipate that construction noise will be other than a temporary nuisance at worst and note that comprehensive conditions have been proposed – and which are industry standard best practice. Those include complaints procedures.

(f) Ecology and Te Hihi Stream

It was very evident to us that the general ecology of the Te Hihi stream, gully and adjacent vegetation is held in high regard by the local population. That includes the trees that are proposed to be removed. The use of native tree and bird species names as street names in Maunu was noted in that regard.

As noted above, disentangling the issue of loss of open green space was clearly problematic for many submitters. The continuum of grassed recreational space, stream and bush is the amenity and ecology valued. No evidence was produced as to why building this development (or some lesser permitted development) would adversely affect the existing terrestrial, avian or stream ecology – noting that the

potential for adverse earthworks, erosion, stormwater and siltation issues had been resolved to the respective councils' satisfaction with respect to Te Hihi stream.

In that regard, we have taken note of Ms Jenny Shukers' disagreement⁷³ with Ms Morrison (the applicant's ecologist) – among others – over the extent of the latter's assessment. However, the issue for technical investigations is always a question of sufficient investigation for the purpose of the application and its reasonably foreseeable effects. Given her obvious specialist knowledge in this area, it is not clear from Ms Shukers' submissions what adverse ecological effects she thinks are likely from the proposed development that are not otherwise assessed – in the context of land zoned for residential development – or what further mitigation would be appropriate should the development, at whatever scale, proceed.

It was evident to us from the aerial photographs provided with the application⁷⁴ that housing is otherwise hard up against the edge of the reserve and stream, on both its northern and southern sides, apart from this location – and, one presumes, the present ecology has accommodated to that "proximity". In that respect, development in this location does not compromise a continuous north/south ecological corridor. Nor does it introduce obvious new factors that are not otherwise present or would be permitted under, for example, a lesser residential development.

Finally, we note that the applicant has proposed a condition regarding long-tailed native bats to ensure that before any tree removal occurs, the potential for roosting bats is identified and appropriately managed.

Finding

We find that, with the conditions proposed, the potential for adverse ecological effects can be managed appropriately both during construction and following occupation.

(g) Cultural and Treaty Issues

HNZC had engaged Te Parawhau hapu (Ms Marina Fletcher) to undertake a Cultural Impact Assessment. That CIA was not available prior to the hearing but Mr Allan requested its introduction by leave of the Commissioners on Day 1 of the hearing. As noted above, that was challenged by Mr Vaughan on behalf of Te Iwitahi Manihera whanau – who also sought that the CIA prepared for the whanau by Ms Hinemoa Apetera be admitted (it having earlier been rejected by WDC as an unsolicited submission out of time).

Commissioners determined to accept both documents.

⁷³ Edwards, evidence, section E – Wildlife & Wildlife Habitat

⁷⁴ For example: Architectus, Resource Consent Drawings, Immediate Context, Page 3

As a result of the representations made by Mr Vaughan, Commissioners were aware that there is disagreement among local tangata whenua as to who has the appropriate mandate to speak with respect to this particular land. We do not need to, nor should we attempt to, determine that matter. We were concerned to understand whether there were any particular values (in terms of s6(e) RMA) that we needed to recognise and provide for (as is required).

We understood from Ms Fletcher that, subject to certain proposed monitoring conditions, Te Parawhau supported the application and did not identify any particular values with which that would be in conflict.

Mr Vaughan's evidence on behalf of Te Iwitahi Manihera whanau asserted significant adverse effects associated with what he contended was a site of significance, but despite our repeated efforts to focus down on precisely what that significance was, we were unable to get beyond Mr Vaughan's procedural concerns about the sale and transfer of the land and the Government and local authority lack of consultation with Te Iwitahi Manihera whanau. The present opportunity to articulate those specific s6(e) RMA matters was therefore lost.

Finding

We find that, as far as we are able to understand from the material put before us, there are no substantive s6(e) RMA matters that are not provided for through the arrangements and conditions proposed by HCNZ. We find similarly with respect to the s8 RMA Principles of the Treaty of Waitangi (Te Tiriti o Waitangi), noting that the opportunity for Mr Vaughan to elaborate on the specifics of his concerns was not taken up in a way that the Commissioners could sensibly use.

(h) Social Housing

Mr Seymour told us⁷⁵ that the demand for social housing is particularly high in Whangarei, with HNZC managing 1,342 dwellings in the district; a waiting list of 277 applicants; and with 30% of its housing stock more than 50 years old. He noted⁷⁶ that delivering additional housing stock in Whangarei is a priority, which HNZC hopes to meet under its Regional Housing Programme, with 47 new builds, 37 of which are in his proposed development. Mr Seymour also explained that the housing typologies proposed derive from 16 base designs with 296 element variations, that enable customisation (both for tenants and locations), and efficiencies of cost and materials.

While that clearly laudable aim does not trump other RMA considerations, it is a matter that we are entitled to give weight to – particularly where other adverse effects can either be mitigated or do not reach a sufficiently high threshold of significance to trigger refusal of consent.

We heard from submitters of their concerns that this would likely introduce a characteristic that is not

⁷⁵ Seymour, Statement of evidence, para 5.1

⁷⁶ Seymour, Statement of evidence, para 4.2

obviously part of the existing social fabric; was not close to the sort of social services that are likely to be required for support; and was, effectively, unfair on both “parties”. That is not a concern that we dismiss out of hand. While HNZA indicated that it would manage tenants and allocations appropriately, with an acknowledged waiting list well in excess of capacity, it is reasonable for this community to doubt that ability. However, that concern is not a basis for declining the application. It may or may not eventuate; it may or may not be problematic if it does. The RMA simply does not provide for that kind of “anxiety” veto. As has been repeated many times in caselaw, the RMA is not a no-risk statute; whether that risk be physical, psychological or social. It must have an objective element of probability. That element was not made out in evidence.

Finding

We find that the positive benefit to social housing provision in Whangarei from this proposed development is a matter that can and should be taken into account.

8 Relevant statutory provisions

8.1 Section 104 - Policy statements and plan provisions

In considering this application, the Commissioners have had regard to the matters outlined in Section 104 of the RMA. In particular, the Commissioners had particular regard to the relevant provisions of the following planning documents:

- i. NPS on Electricity Transmission 2008;
- ii. NPS on Urban Development Capacity 2016;
- iii. NES – Contaminants in Soil 2011;
- iv. Regional Policy Statement for Northland (RPS) 2016 (updated 2018);
- v. Regional Water and Soil Plan for Northland (ORWSP) 2016 (consolidated);
- vi. Operative Whangarei District Plan 2007; and
- vii. Proposed Whangarei District Plan Changes – Urban & Services - 82 A & B, 88 A-J, 109 115, 136, 143, 144, 145, 147 & 148 - (2019).

We note that the relevant provisions of those documents were comprehensively identified and assessed by (among others) Mr Thompson at sections 5, 9 and Appendix 7 of the AEE and sections 6 and 7 of his evidence; Mr Moriarty at section 7 of the s42A report, and variously throughout the legal submissions, evidence of other witnesses, and representations made by submitters (including, in particular and in detail, Mr Cutler and Dr Grundy). There was broad agreement about the provisions that apply so we see no need to catalogue those and refer the reader to that material. However, there



was substantial disagreement about the interpretation to be given those provisions and the differential weightings to apply. We have reflected our conclusions on those matters in the discussion above.

8.2 Section 106 RMA

Section 106 RMA states matters for which subdivision consent may be refused – including any significant risk from natural hazards.

We are satisfied that no such risk has been identified and that this section is not, therefore, engaged.

8.3 Part 2 RMA matters

In view of the age, particularly, of the operative District Plan, and by reference to *RJ Davidson*, we determined that we should refer to Part 2 of the RMA and consider the relevant principles outlined in Sections 6, 7 and 8 of the RMA as well as the overall purpose of the RMA as stated in Section 5.

In particular we have:

- As far as practicable (as discussed), recognised and provided for the s6(e) matter of national importance relating to the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga;
- Throughout we have had particular regard to s7(a) kaitiakitanga; 7(b) the efficient use and development of natural and physical resources; 7(c) the maintenance and enhancement of amenity values, 7(f) the maintenance and enhancement of the quality of the environment, and 7(g) any finite characteristic of natural or physical resources; and
- taken into account the s8 principles of the Treaty of Waitangi (Te Tiriti o Waitangi).

Having done so, we are satisfied that the application promotes the sustainable management purpose of the RMA.

Finding

We find that the application falls within the broad parameters of the relevant statutory planning instruments and the purpose and principles of the RMA and, with the suite of conditions that we impose, can be granted.

We note that we have also considered whether modifications to the overall proposed development might reduce the degree to which the immediate community views and opposes the proposal. In the end we determined that there was no good resource management reason for so doing, and that HNZA is in a better position to determine the ratio and kind of dwelling typologies that best satisfies, and suits the anticipated needs of, its responsibilities. We are not persuaded that reducing a few buildings here

and there would make any material difference to the concerns that we have discussed throughout this decision.

9 Sections 108 and 220 RMA Conditions

Commissioners have reviewed the suite of draft conditions proposed by the applicant, and largely agreed by the two Councils, and have accepted those as attached to this decision.

10 Decision

Pursuant to Sections 104, 104A, 104B, 104C, 108 and 220 of the Resource Management Act 1991, the applications by Housing New Zealand Corporation to Northland Regional Council and Whangarei District Council for land use, subdivision, and earthworks and stormwater associated with land disturbance consents for the construction and use of 37 residential units, a community room, subdivision, roading, accessways and other associated works, on land at 67-87 Pu iri Park Road (Section 1 SO 475907 and Section 2 SO 475907 and Lot 2 DP 77106), Maunu Whanga ei, is granted subject to the attached conditions.

11 Reasons for the decision

Consent is granted for the reasons discussed throughout this decision and, in summary, because:

- (a) The application is generally consistent with the relevant provisions of the statutory planning documents;
- (b) Where strict accordance with those relevant provisions is not achieved, the effects of the proposal do not reach a critical threshold of significance;
- (c) The proposal meets a number of important national, regional and district social objectives and policies;
- (d) The identified potential adverse effects of the proposal can be managed through conditions of consent;
- (e) While the development is different in a number of respects to the existing pattern and style of dwellings in Maunu, it is not incompatible with, and will in time reinforce, the existing character and amenity of the neighbourhood; and

- (f) Granting the consents sought will promote the wider sustainable management purposes of the RMA.

 

David Hill (Chair) and Alan Withy
Independent Hearings Commissioners

11 November 2019

RELEASED UNDER THE
OFFICIAL INFORMATION ACT 1982

Attachment: Conditions of Consent

Conditions for Land Use Consent – SL1900012

1. The development shall proceed in accordance with the plans and information provided with the application including:

Application prepared by B & A, dated 18 April 2019, including Architectural plans and elevations prepared by Architectus (Appendix 5), Landscape Developed Design prepared by WSP-Opus (Appendix 10), Civil Report & Drawings prepared by Civix (Appendix 11) and the section 92 responses dated 11 June 2019 and 7 August 2019, subject to any amendments required by specific conditions of consent.

A complete list of related drawings and plans is included as **Appendix 1** to these conditions.

Lapse Date

2. Under section 125 of the Resource Management Act 1991, 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.
3. The northern timber board boundary fence of proposed Lot 32 shall be a maximum 1.5m in height in accordance with the recommendations of the Urban Design Assessment by R.A. Skidmore Urban Design Ltd dated May 2019.
4. The consent holder shall submit a detailed set of engineering drawings prepared in accordance with Council's Environmental Engineering Standards 2010, and any specific requirements by way of other conditions of consent. The engineering drawings are to be submitted to the Team Leader, Development Engineering for approval.

It is to be noted that certain designs may only be carried out by an Independently Qualified Person (IQP) or Chartered Professional Engineer (CPEng) working within the bounds of their assessed competencies. IQP's must have been assessed by Council and hold a current status to submit design work.

All work needing design/certification by a Council approved IQP/CPEng will require completion of a producer statement (design) (EES-PS1 or similar).

Drawings are to include but are not limited to:

- i Design details of the construction of two vehicle entrance crossings on the northern side of Puriri Park Road for the proposed crescent road (to vest) located within proposed Lot 104, in accordance with the following:
 - a) Restrictions and recommendations of the Traffic Impact Assessment prepared by Traffic Planning Consultants Ltd (TPC) dated 17/04/2019, and subsequent clarifications, to be in accordance with Council's Environmental Engineering Standards 2010;
 - b) A reduced intersection splay radius of 6.0 m, with regard to Council's Environmental Engineering Standards 2010 section 3.4.6, to the westernmost access intersection.
- ii Design details of the road to vest located within proposed Lot 104 from Puriri Park Road, in accordance with Council's Environmental Engineering Standards 2010 Section 3, Table 3.1 Class A requirements, Council's Environmental Engineering Standards 2010 Drawing Sheet 2 and other applicable requirements of Council's Environmental Engineering Standards 2010 Section 3, including pavement structural details, road signage and marking, intersection design, typical and construction cross sections, long sections, street lighting, landscaping and street furniture, noting the following dispensation from Council's

Environmental Engineering Standards 2010 requirements:

- a) A minimum 5.5 m wide asphalt sealed road surface width, and increased width where required to provide 2.5 m wide roadside vehicle parking bays
 - b) Relocation of private parking spaces / lots where required to provide a minimum of 12.0 m wide road corridor, with increased road corridor width where required to contain services infrastructure, road berms, earthworks batters, landscaping, recessed parking;
- iii Design details of the construction of shared access right of ways (ROW's) within proposed Jointly Owned Access Lots (JOALs) Lots 101 and 102, in accordance with Table 3.7 Category A and sheets 7 and 8 of Council's Environmental Engineering Standards 2010, including typical and construction cross sections, long section, drainage and overland flow paths;
- iv Design details of the construction of shared access vehicle crossings for proposed Lots 38-39 (in an amended location), 40 to 44, 100 (parking space crossing), 101, 102 in accordance with Drawing Sheet 19 (Commercial Crossing) and Sheet 22 of Council's Environmental Engineering Standards 2010;
- Entrance crossings are to be designed and constructed in such a manner that will control stormwater run-off entering a property from the road, and that likewise prevent stormwater and detritus, including gravel, dirt and other materials migrating onto the road reserve from a property. Urban accessways and private driveways sloping up from the road shall have a stormwater collection and disposal system at the boundary as detailed on Sheet 19.*
- v Design details of sewerage mainline reticulation inclusive of any manholes, fittings and connections necessary to service to all residential lots, inclusive of calculations in accordance with Section 5 of Council's Environmental Engineering Standards 2010;
- vi Design details of sewer connections for all residential units and the community room building / Lots in accordance with Sheet 36 or 37 and Section 5 of Council's Environmental Engineering Standards 2010, noting the following specific design requirements:
- a) The number of private wastewater service connections underneath the public road carriageway construction shall be minimised where possible, to the satisfaction of Council's Waste and Drainage Manager;
- vii Design details of water main extensions inclusive of any valves, bulk water meters, fittings and connections necessary to service all residential units and the community room building / lots, inclusive of calculations in accordance with Section 6 of Council's Environmental Engineering Standards 2010, and provision of firefighting coverage in accordance with Sheet 45 and Section 6.11;
- viii Design details of water connections for all residential units and the community room building / lots in accordance with Sheet 46 or 47 of Council's Environmental Engineering Standards 2010, noting the following specific design requirements: a) The number of private water service connections underneath the public road carriageway construction shall be minimised where possible, to the satisfaction of Council's Water Services Manager;
- ix Design details of stormwater mainline reticulation inclusive of any upgrades to the existing reticulation, sumps, manholes, treatment devices, attenuation structures and connections necessary to service the development in accordance with Section 4 of Council's Environmental Engineering Standards 2010;

The design is to include evidence that:

- *The existing public reticulation is capable of receiving the additional flows; and,*
- *The new system is capable of receiving stormwater from further upstream development (where applicable);*

Note: Stormwater discharges across Public Reserve will require specific approval in writing from the controlling authority prior to submission of engineering plans.

- x Design details of the proposed attenuation basin to service the development, inclusive of basin and maintenance access layout, design sections, construction details, planting, benching and/or fencing, calculations and operations and maintenance requirements, in accordance with section 4.0 of Council's Environmental Engineering Standards 2010, and CIVIX Infrastructure design report (18/04/2019), and subsequent clarifications, noting the following specific design requirements for the proposed basin:
 - a) Details of any impermeable liner construction (including welding and installation methodology); or,
 - b) Review and certification of design by geo-professional that infiltration from the facility will not cause stability issues to the adjacent road or buildings or reserve;
 - c) Details of the proposed outlet control and flow dispersal for discharge to land, including assessment of the scour potential of discharge within the adjacent reserve;
 - xi Design details of stormwater connections for all residential units and the community room building / lots in accordance with Sheet 36 or 37 and Section 4 of Council's Environmental Engineering Standards 2010, noting the following specific design requirements
 - xii The number of private stormwater service connections underneath the public road carriageway construction shall be minimised where possible, to the satisfaction of Council's Waste & Drainage Manager.
5. The consent holder shall submit an Inspection & Test Plan (ITP) or approval prepared in accordance with Council's Environmental Engineering Standards 2010 and the WDC QA/QC Manual. The ITP is to be submitted to the Team Leader, Development Engineers for approval and be approved prior to the pre-start meeting and prior to any works being completed on the site.
- Note that this ITP will be processed in conjunction with the submitted engineering plans required by condition 4 and Council reserves the right to withhold ITP approval until the engineering plans are approved as these documents are to be read in conjunction with each other. (Refer to the advisory clause below for the web link to the WDC QA/QC Manual document).*
6. The consent holder shall submit a Contract Construction Management Plan in accordance with Council's Environmental Engineering Standards for the approval of the Development Engineering Officer or delegated representative. The Contract Construction Management Plan shall be approved prior to the pre-start meeting and prior to any works being completed on the site.
7. Prior to any works being completed within the public road, the consent holder shall submit a Corridor Access Request application to Council's Road Corridor Co-ordinator and receive written approval for all works to be carried out within Council's Road Reserve in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Team Leader, Development Engineers or delegated representative (refer to the advisory clause below for the definition of a Corridor Access Request).
8. All work on the approved engineering plans in Condition 4 shall be carried out to the approval of the Team Leader, Development Engineers.
- Compliance with this condition shall be determined by site inspections undertaken as agreed in the Inspection & Test Plan in Condition 5 and by provision and approval of supporting documentation provided by the developers representative/s in support of the constructed works – EES PS4 and producer statements including supporting evidence of inspections by those persons, works acceptance certificate, statement of compliance of as built works and as built plans, RAMM data, management plans, operation and maintenance plans and all other test certificates and statements and supporting information required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Environmental Engineering Standards 2010.*

No construction works are to commence on site until the engineering plans required in condition 4 have been approved and all associated plan inspection fees have been paid.

9. The consent holder shall notify Council, in writing, of their intention to begin works, a minimum of seven days prior to commencing works. Such notification shall be sent to the Team Leader, Development Engineers and include the following details:
- Name and telephone number of the project manager/ IQP;
 - Site address to which the consent relates;
 - Activities to which the consent relates;
 - Expected duration of works.

A copy of the approved engineering plans and a copy of the resource consent conditions, Inspection and Test Plan, approved corridor access request and the above letter are to be held on site at all times during construction. All personnel working on the site shall be made aware of, and have access to, the resource consent and accompanying documentation.

10. Prior to the commencement of any vegetation removal, the Consent Holder shall submit a detailed Long-Tailed Bat Management Plan (LTBMP) prepared by an appropriately qualified and experienced bat ecologist following consultation with the Department of Conservation. The purpose of the LTBMP is to avoid as far as is practicable any negative impact on roosting long-tailed bats.
- The LTBMP shall be based on industry best practice and shall include:
 - Detailed descriptions of methods to avoid impacts on potential roost trees, including, but not necessarily limited to Identification and monitoring of potential roost trees before their removal.
 - Roles and responsibilities for person(s) implementing the LTBMP including the credentials and contact details
 - Timing of the implementation of the LTBMP.

The consent holder shall ensure that all tree removal is undertaken in accordance with the LTBMP submitted. Upon completion of works, all findings resulting from the implementation of the LTBMP shall be recorded and shall be sent to the Department of Conservation and to Council's Team Leader Compliance.

Advice note: *the purpose of the above condition is to ensure the results of any fauna surveys are shared with the Department of Conservation and Council specialists.*

11. Where practicable, construction shall comply with the noise rules contained in Whangarei District Plan Section NAV6.2 'Construction Noise'. If practicable measures are not available to ensure compliance with the noise rules, a Construction Noise Management Plan ("CNMP"), prepared by an appropriately qualified acoustic engineer, must be submitted to the Council's compliance monitoring officer for approval prior to the commencement of any physical works on the site. The purpose of the CNMP is to provide a framework for the development and implementation of measures to avoid, remedy or mitigate adverse construction noise effects.

The CNMP should include the following matters:

- Construction noise criteria;
- Identification of the most affected premises where potential for noise effects exists;
- Description and duration of the works, anticipated equipment and the processes to be undertaken;
- Hours of operation, including specific times and days when construction activities causing noise would occur;



- e) Mitigation options where noise levels are predicted or demonstrated to approach or exceed the relevant limits. Specific noise mitigation measures must be implemented which may include, but not limited to, acoustic screening, time management procedures and alternative demolition/excavation/construction/piling method technologies;
 - f) The erection of temporary construction noise barriers where appropriate;
 - g) Schedule and methods for monitoring and reporting on construction noise;
 - h) Details of noise monitoring to be undertaken or in the event of any complaints received. The results of such monitoring must be submitted to the Council within one week of receiving the complaint;
 - i) Implementation of a complaint management system with contact numbers for key construction staff responsible for the implementation of the CNMP and complaint investigation. This system is to include procedures for maintaining contact with stakeholders, notification of proposed construction activities and handling noise complaints;
 - j) Notification is to be provided to the owners and occupiers of adjacent buildings prior to demolition and construction activities commencing on the site; and
 - k) Construction operator training procedures.
12. All construction works associated with the implementation of this resource consent shall only be carried out:
- Monday to Friday – between the hours of 7.30am and 6.00pm;
 - Saturday – between the hours of 7.30am and 6.00pm;
- No works shall be carried out on Sundays or public holidays.
13. A pre-start meeting is required to be undertaken with the consent holder's representative (DR), contractor(s) and all other IQP's or agent for consent holder and the Team Leader, Development Engineers prior to any works being undertaken on the site to the satisfaction of the Team Leader, Development Engineers or delegated representative.
14. The consent holder shall ensure that spoil from the site are not tracked out onto Council or State Highway Road formations to the satisfaction of the Team Leader, Development Engineers or delegated representative
15. Dust nuisance shall be controlled on site (by use of a water cart or similar) by the applicant so as not to cause "offensive or objectionable" dust at or beyond the boundary of the development
16. The consent holder shall reinstate Council's footpath, kerb and channel, road carriageway formation, street berm and urban services where damage has been caused by the demolition and construction works associated with the land use consent. The assets shall be reinstated in accordance with Section 3 of Council's Environmental Engineering Standards 2010 at the expense of the consent holder and to the satisfaction of the Team Leader, Development Engineers or delegated representative.
17. The consent holder shall submit a certified and dated 'as built' plan of completed works in accordance with Council's Environmental Engineering Standards 2010. This condition shall be deemed satisfied when the as-built drawings have been approved by Council's Team Leader, Development Engineers or delegated representative.
18. The consent holder shall submit certified RAMM data for all new roads, or vehicle crossings and culverts, prepared by a suitably qualified person in accordance with Council's Environmental Engineering Standards 2010 to the satisfaction of the Team Leader, Development Engineers or delegated representative.
19. The consent holder shall provide Council with three proposed road names in writing for the proposed road in accordance with Council's policy, and in order of preference, giving reasons for each proposed name, for approval by Council. (Please refer to the road naming policy and

guidelines available on Council's website www.wdc.govt.nz/.

NOTE: *This condition will not be deemed to be satisfied unless Council has approved the submitted names in writing.*

20. The consent holder shall supply and erect the road names for the proposed access road in accordance with Sheet 24 of Council's Environmental Engineering Standards 2010. The sign shall be located in a position where it is most visible for road users to the satisfaction of the Team Leader, Development Engineers or delegated representative.
21. The consent holder shall submit for approval a completed 'statement of professional opinion as to the suitability of land for building development' (form EES-P01) including a detailed site plan of any areas of filling from a Chartered Professional Engineer specifying any site restrictions, and confirming that the land is suitable for building development to the satisfaction of the Team Leader, Development Engineers or delegated representative.
22. Upon completion of the development works, the consent holder shall submit for approval a "Certificate of Completion of Development Works" (EES-PS4) to the Team Leader, Development Engineers.
23. The consent holder shall submit written confirmation from power utility services operators that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standards 2010 to the approval of the Council's Team Leader, Development Engineers or their delegated representative.
24. The consent holder shall submit written confirmation from the telecommunication utility services operator that their conditions for this development have been satisfied in accordance with Council's Environmental Engineering Standard 2010 to the approval of the Council's Team Leader, Development Engineers or their delegated representative.
25. Prior to the occupation of the residential units, and within the first immediately following planting season, the consent holder shall undertake all landscaping for that unit in accordance with the Landscape Developed Design sheets 1001 to 10018, prepared by WSP-Opus and dated 18 April 2019 subject to any amendments to the design approved through the engineering plan approval conditions. The consent holder shall provide certification that all works and plantings have been successfully completed. All works and plantings shall be maintained on a continuing basis to the satisfaction of the Council.
26. Landscaping and fencing along the Puriri Park Road frontage associated with Lots 1, 7 and 22 shall be designed to ensure that intervisibility between reversing vehicles and users of the footpath are maintained. In particular, any landscaping and fencing along the street frontage, and located within 2m of the driveways shall be maintained in perpetuity at a height of no more than 900mm.
27. Prior to any works commencing on the site, the consent holder shall engage the services of a suitably qualified and experienced arborist. The arborist is to advise upon, direct, supervise and monitor all excavations within the rootzone of the trees to be retained for the duration of the project. The arborist must ensure that best practice is employed when there is any excavation or pruning of trees. The arborist shall liaise with the main contractor and hold regular meetings to discuss tree care matters before, during and after construction. The arborist shall supervise the tree protection measures required to ensure that the works have no adverse impact upon any retained trees.
28. All tree work shall be carried out in accordance with accepted arboricultural standards and practice, by a suitably qualified and experienced arborist, trained in natural target pruning and approved tree climbing techniques.
29. The consent holder shall ensure that all contractors, sub-contractors and workers engaged in any activities covered by this consent are advised of the tree protection measures contained in the conditions of this consent and that they operate in accordance with them.
30. Prior to any work taking place within the root zone of any of the trees to be retained, the ground beneath the canopy spread shall be mulched with an organic compost to a depth of 80mm to

serve as a root protection buffer. The mulch shall remain in place for the duration of the works.

31. Where pre-start tree protection measures are required (such as protective fencing, mulching, or planking) written confirmation must be provided to Council's compliance monitoring officer by the consent holder confirming that the implementation of those measures has occurred. No further works are permitted until the Council has received this report.
32. A tree protection fence of sturdy construction shall be erected at a minimum distance of 1m from the outside edge of the canopy spread of the tree/s to be protected on the site. The fence shall accord with the minimum requirements in the industry best practice publication titled A Guideline for Protection Fencing on Development Sites published by the New Zealand Arboricultural Association dated April 2011. The fence shall be erected prior to the commencement of any works on the site. The purpose of the fence is to protect the trees from the effects of earthworks, including excavation, overfilling and construction works on the site. Any works undertaken within the protected area shall be supervised by the arborist. However, no building or fill materials shall be stored or placed within the protected area, either on a temporary or permanent basis.
Advice note: A high visibility mesh fence which is not resistant to impact and is easily breached will not generally be an appropriate means of complying with this condition
33. Washings from concrete trucks and/or associated machinery shall not contaminate any area within the vicinity of protected trees or areas which are, or will be, vegetated and are required by this consent for ecological or amenity purposes.
34. The consent holder shall give Te Parawhau Hauauru Trust at least 10 working days' written notice prior to earthworks commencing on site should they wish to visit the site and undertake cultural monitoring of bulk earthworks.

Conditions for Subdivision Consent

1. Pursuant to section 116(1A) of the Resource Management Act 1991, this subdivision consent shall not commence until such time that the landuse component of consent SL1900012 has been implemented, including the construction of the residential units to the extent of the completion of roof framing and the construction of all services, to the satisfaction of the Council.
2. That before the survey plan is certified pursuant to Section 223 of the Act, the following requirements are to be satisfied:
 - a) The survey plan submitted for approval shall be in general accordance with the subdivision plans prepared by Lands & Survey drawing number 117592 ~~Revision 5 sheets 001-004, sheets 001 (Revision 6), 002 (Revision 7), 003 (Revision 6) and 004 (Revision 7)~~ subject to Lots 38 & 39 (car parks) being relocated to an accepted location.
 - b) The survey plan shall show the following amalgamation conditions (see LINZ approval 1612158):
 - i. That Lots 12 & 40 hereon be held together in the same computer freehold register.
 - ii. That Lots 13 & 41 hereon be held together in the same computer freehold register.
 - iii. That Lots 14 & 42 hereon be held together in the same computer freehold register.
 - iv. That Lots 15 & 43 hereon be held together in the same computer freehold register.
 - v. That Lots 16 & 44 hereon be held together in the same computer freehold register.
 - vi. That Lot 101 hereon be held as to five undivided 1/5 shares by the owners of Lots 35 - 37, 100 and 106, and individual computer registers to be issued in accordance therewith.
 - vii. That Lot 102 hereon be held as to two undivided 1/2 shares by the owners of Lot 31 and 32, and individual computer registers to be issued in accordance therewith.

- viii. That Lot 103 hereon be held as to 10 undivided 1/10 shares by the owners of Lots 10 - 19, and individual computer registers to be issued in accordance therewith.
- c) The survey plan shall show Lot 104 to vest as road.
- d) The survey plan shall show Lot 105 to vest as reserve. The area subject to the stormwater infrastructure shall vest as a drainage reserve
- e) The survey plan shall show easements over services to the approval of the Team Leader, Development Engineers.
- f) The consent holder shall create easements in gross over all overland stormwater flow paths that fall into areas proposed for development (i.e. house site, effluent disposal site, accessway from road to house site etc.) and/or as directed by the Council's Development Engineer. The easements are to cover the extent of the 1% Annual Exceedance Probability flows (+20% allowance for climate change) and are to be to the satisfaction of the Council's Development Engineer or delegated representative.

NOTE: *Overland flow paths are to be assessed in accordance with Section 4.9 of Council's Environmental Engineering Standards 2010 and are to be certified by an IQP/CPEng.*

Lapse Date

3. Under section 125 of the Resource Management Act 1991, this consent lapses five years after the date it is granted unless:
- a) A survey plan is submitted to Council for approval under section 223 of the Resource Management Act 1991 before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the Resource Management Act 1991; or
- b) An application under section 125 of the Resource Management Act 1991 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.
4. Before a certificate is issued pursuant to Section 224(c) of the Act, the following requirements shall be satisfied
- a) The consent holder shall provide evidence to demonstrate that all conditions of consent for the 37 residential units and the community room building on the site (SL1900012) have been satisfied.
- b) Following the vesting of the road, the consent holder shall maintain the grassed areas, shrubs and gardens of the road for a period of 12 months and maintain the street trees for a period of 24 months. All dead, dying damaged trees and plants shall be replaced at the consent holder's cost. Replacement of grassed areas, shrubs and gardens and the street trees shall take place as soon as favourable planting conditions exist. Replacement trees shall be maintained by the consent holder for a further period of 24 months.
- c) The consent holder shall provide written confirmation from a Licensed Cadastral Surveyor that all services and accesses are located within the appropriate easement or road boundaries to the satisfaction of the Team Leader, Development Engineers.
- d) Pursuant to Section 221 of the Resource Management Act 1991, a consent notice shall be prepared and be registered on the Record of Title of proposed Lots 1-37 at the consent holder's expense, containing the following conditions, which shall be complied with on a continuing basis by the subdividing owner and subsequent owners:
- i. Any development on-site shall be in accordance with the land use consent granted by Whangarei District Council reference SL1900012.
- ii. All landscaping on the residential lots required by conditions of resource consent that established the development shall be maintained on a continuing basis by the owner.

Conditions for Northland Regional Council Consents

HOUSING NEW ZEALAND CORPORATION, PO BOX 2628, WELLINGTON 6140

Subdivision works at 67-87 Puriri Park Road, Whangarei, at or about location co-ordinates 1716615E 6044160N.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection

AUT.040901.01.01 Cut and fill earthworks for site development

AUT.040901.02.01 Discharge stormwater to land from land disturbance activities

AUT.040901.03.01 Divert stormwater associated with land disturbance activities

Subject to the following conditions:

- 1 These consents shall expire five years from the date of commencement under s116 of the Resource Management Act 1991 unless they have been surrendered or cancelled at an earlier date pursuant to the Resource Management Act 1991.
- 2 The Consent Holder shall undertake the works generally in accordance with the following attached Civix plans entitled:
 - (a) "Cut Fill Plan"; Drawing Nos: 1100, 1101, 1102, 1103, 1104, 1105 and 1106; Dated ~~16/09/2019~~ 17/10/2019.
 - (b) "Erosion and Sediment Control Plan"; Drawing No: 1180; Dated ~~19/08/2019~~ 17/10/2019.
 - (c) "Sediment Pond Plan"; Drawing No: 1185; Dated ~~17/04/2019~~ 08/04/2019;
 - (d) "Construction Sediment Pond Details from GD05"; Drawing Nos: 1186 and 1187; Dated ~~08/04/2019 and 11/04/2019 respectively~~ 08/04/2019;
 - (e) "Construction Sediment Pond Notes from GD05"; Drawing No: 1187; Dated 11/04/2019; and
 - (f) "Erosion and Sediment Control Standard Details"; Drawing Nos: 1190, 1191, 1192, 1193, 1194 and 1195; Dated 08/04/2019.
- 3 The consent holder shall notify the Council's assigned monitoring officer in writing of the date that earthworks are intended to commence, at least two weeks beforehand. The consent holder shall arrange for a site meeting between the consent holder's principal earthmoving contractor and the Council's assigned monitoring officer, which shall be held on site prior to any earthworks commencing.

Advice Note: Notification of the commencement of works may be made by email to mailroom@nrc.govt.nz.
- 4 Sediment control measures shall be constructed and maintained in accordance with the principles and practices contained within the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05). Where there are inconsistencies between any part of GD05 and the conditions of these consents, the conditions of these consents shall prevail.
- 5 The installation of all erosion and sediment controls shall be supervised by an appropriately qualified and experienced person.
- 6 No earthworks shall be carried out between 1 May and 30 September in any year unless the prior written agreement of the Council's Compliance Manager has been obtained.
- 7 Prior to the commencement of earthworks operations, the consent holder shall provide a stabilised construction entrance to minimise the tracking of spoil or debris onto off-site public road surfaces. All material tracked onto off-site surfaces as a result of the consent holder's operations

shall be removed as soon as possible, and at least daily. The stabilised construction entrance shall be maintained throughout the duration of earthworks operations in accordance with the Auckland Council document entitled "GD05: Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region" (GD05).

- 8 No slash, soil, debris and detritus associated with the exercise of these consents shall be placed in a position where it may be washed into any downstream water body.
- 9 All bare areas of land and fill shall be covered with aggregate, or topsoiled and established with a suitable grass/legume mixture to achieve an 80% groundcover within one month of the completion of earthworks. Temporary mulching or other suitable groundcover material shall be applied to achieve total groundcover of any areas unable to achieve the above requirements.
- 10 The exercise of these consents shall not give rise to any discharge of contaminants, including dust, which in the opinion of a monitoring officer of the Council is noxious, dangerous, offensive or objectionable at or beyond the property boundary.
- 11 In the event of archaeological sites or kōiwi being uncovered during earthworks, activities in the vicinity of the discovery shall cease and the consent holder shall contact Heritage New Zealand Pouhere Taonga. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice Note: *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga*

- 12 The Consent Holder shall, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
 - (b) Immediately notify the council by telephone of the discharge; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
 - (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken, or being taken, to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents shall be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Hotline shall be contacted.

Advice Note: *The Environmental Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

- 13 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions annually during the month of August for any one or more of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage; or
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.

The consent holder shall meet all reasonable costs of any such review.

Appendix 1 – Superseded pursuant to s133A

Drawing and Plans – 67-87 Puriri Park Road, Maunu

Author	Drawing Name	Drawing No.	Date	Revision
Architectus	Site Survey	DD 0-11	19/09/2019	-
Architectus	Existing Site and Demolition Plan	DD 0-21	19/09/2019	-
Architectus	Planning Controls	DD 0-22	19/09/2019	-
Architectus	Existing Sections	DD 0-31	19/09/2019	-
Architectus	Existing Elevations	DD 0-41	19/09/2019	-
Architectus	Masterplan Diagrams	DD 0-42	19/09/2019	-
Architectus	Site Plan	DD 1-01	19/09/2019	A
Architectus	Site Plan Overlay	DD 1-02	19/09/2019	A
Architectus	Ground Floor Plan	DD 1-11	02/10/2019	C
Architectus	First Floor Plan	DD 1-12	19/09/2019	-
Architectus	Roof Plan	DD 1-13	19/09/2019	-
Architectus	Site Sections	DD 2-01	19/09/2019	-
Architectus	Site Elevations: Street and Bush	DD 3-11	19/09/2019	B
Architectus		DD 3-12	19/09/2019	-
Architectus	Site Elevations: Internal Eastern Street	DD 3-13	19/09/2019	A
Architectus	Site Elevations: East and West Boundary	DD 3-14	19/09/2019	A
Architectus	Site Boundary Sections West	DD 2-11	19/09/2019	A
Architectus	Site Boundary Sections East	DD 2-12	19/09/2019	B
Architectus	Site Boundary Sections South	DD 2-13	19/09/2019	A
Architectus	Unit Plan Type A1 – 1 Bed	DD 1-31	19/09/2019	-
Architectus	Unit Plan Type B1 – 2 Bed	DD 1-32	19/09/2019	-
Architectus	Unit Plan Type F1 – 3 Bed FS	DD 1-33	19/09/2019	-
Architectus	Unit Plan Type G1 – 3 Bed Duplex	DD 1-34	19/09/2019	-
Architectus	Unit Plan Type K1 – 3 Bed+1	DD 1-35	19/09/2019	-
Architectus	Unit Plan Type S1 – 4 Bed+1	DD 1-36	19/09/2019	-

Architectus	Community Room Plan	DD 1-37	19/09/2019	A
Architectus	Material/Colour Plan	DD 3-30	19/09/2019	-
Architectus	Unit Elevation Type A1 – 1 Bed	DD 3-21.1	19/09/2019	-
Architectus	Unit Elevation Type A1 – 1 Bed	DD 3-21.2	19/09/2019	-
Architectus	Unit Elevation Type B1 – 2 Bed	DD 3-22.1	19/09/2019	-
Architectus	Unit Elevation Type B1 – 2 Bed	DD 3-22.2	19/09/2019	-
Architectus	Unit Elevation Type F1 – 3 Bed FS	DD 3-23.1	19/09/2019	-
Architectus	Unit Elevation Type G1 – 3 Bed Duplex	DD 3-24.1	19/09/2019	-
Architectus	Unit Elevation Type G1 – 3 Bed Duplex	DD 3-24.2	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.1	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.2	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.3	19/09/2019	-
Architectus	Unit Elevation Type S1 – 4 Bed+1	DD 3-26.1	19/09/2019	-
Architectus	Unit Elevation Type S1 – 4 Bed+1	DD 3-26.2	19/09/2019	-
Architectus	Community Room Elevation	DD 3-27	19/09/2019	A
Architectus	Building Coverage	DD 1-22	19/09/2019	B
Architectus	Outdoor Space and Setbacks	DD 1-23	19/09/2019	A
Architectus	Accessibility Diagram	DD 1-24	19/09/2019	B
Architectus	Allotment Shapes	DD 1-25	19/09/2019	A
Architectus	Building Area	DD 1-26	19/09/2019	A
Architectus	Site Plan	DD 1-27	20/09/2019	-
Architectus	3d Views – Aerial View Looking North-East	DD 4-01	19/09/2019	-

Architectus	3d Views – Aerial View Looking North	DD 4-02	19/09/2019	-
Architectus	3d Views – Aerial View Looking South-East	DD 4-03	19/09/2019	-
Architectus	Street View Looking East	DD 4-04	19/09/2019	-
Architectus	Street View Looking North	DD 4-05	19/09/2019	-
Architectus	Street View Looking North	DD 4-06	19/09/2019	-
Architectus	Street View – Laneway	DD 4-07	19/09/2019	-
WSP-Opus	Location Plan	1001	19/04/2019	-
WSP-Opus	Master Plan	1002	18/04/2019	-
WSP-Opus	Planting Plan	1003	18/04/2019	-
WSP-Opus	Fence Plan	1004	18/04/2019	-
WSP-Opus	Hardscape Plan	1005	18/04/2019	-
WSP-Opus	Tree details	1006	18/04/2019	-
WSP-Opus	Plant Palette	1007	18/0 /2019	-
WSP-Opus	Plant Palette	1008	18/04/2019	-
WSP-Opus	Item Details	1009	18/04/2019	-
WSP-Opus	Planting and Hardscape Details	1010	18/04/2019	-
WSP-Opus	Fence Typology Details	1011	18/04/2019	-
WSP-Opus	Fence Typology Details	1012	18/04/2019	-
WSP-Opus	Fence Typology Details	1013	18/04/2019	-
WSP-Opus	Typical Garden Layout	1014	18/04/2019	-
WSP-Opus	Typical Garden Layout HT02 – 2B	1015	18/04/2019	-
WSP Opus	Typical Garden Layout HT03 – 3B	1016	18/04/2019	-
WSP-Opus	Typical Garden Layout HT04 – 4B	1017	18/04/2019	-
WSP-Opus	Typical Garden Layout HT05 – 5B	1018	18/04/2019	-
J Head WSP-Opus	Site Images	Attachment 2	03/09/2019	-
J Head WSP-Opus	Trees to be Removed	Attachment 3	03/09/2019	-
J Head WSP-Opus	Root Barrier	Attachment 4	03/09/2019	-
J Head WSP-Opus	Graphic Attachments	Cover	03/09/2019	-
Civix Limited	General Notes	1001	11/04/2019	-
Civix Limited	General Notes	1002	11/04/2019	-

Civix Limited	General Layout	1020	19/08/2019	-
Civix Limited	Cut Fill Plan	1100	16/09/2019	-
Civix Limited	Cut Fill Plan	1101	16/09/2019	-
Civix Limited	Cut Fill Plan	1102	16/09/2019	-
Civix Limited	Cut Fill Plan	1103	16/09/2019	-
Civix Limited	Cut Fill Plan	1104	16/09/2019	-
Civix Limited	Cut Fill Plan	1105	16/09/2019	-
Civix Limited		1106	16/09/2019	-
Civix Limited	Earthworks Sections	1130	19/08/2019	-
Civix Limited	Earthworks Sections	1131	19/08/2019	-
Civix Limited	Earthworks Sections	1132	19/08/2019	-
Civix Limited	Earthworks Sections	1133	19/08/2019	-
Civix Limited	Earthworks Sections	1134	19/08/2019	-
Civix Limited	Retaining Wall Sections	1150	19/08/2019	-
Civix Limited	Retaining Wall Sections	1151	19/08/2019	-
Civix Limited	Retaining Wall Sections	1152	19/08/2019	-
Civix Limited	Retaining Wall Sections	1153	19/08/2019	-
Civix Limited	Erosion and Sediment Control Plan	1180	19/08/2019	-
Civix Limited	Sediment Pond Plan	1185	17/04/2019	-
Civix Limited	Sediment Pond Details	1186	08/04/2019	-
Civix Limited	Sediment Pond Notes	1187	11/04/2019	-
Civix Limited	Erosion and Sediment Control Standard Details	1190	08/04/2019	-
Civix Limited	Erosion and Sediment Control Standard Details	1191	08/04/2019	-
Civix Limited	Erosion and Sediment Control Standard Details	1192	08/04/2019	-
Civix Limited	Erosion and Sediment Control Standard Details	1193	08/04/2019	-
Civix Limited	Erosion and Sediment Control Standard Details	1194	08/04/2019	-

Civix Limited	Erosion and Sediment Control Standard Details	1195	08/04/2019	-
Civix Limited	Roading Layout	1210	19/08/2019	-
Civix Limited	Roading Long Sections	1220	08/04/2019	-
Civix Limited	Roading Long Sections	1221	08/04/2019	-
Civix Limited	Roading Details	1250	31/07/2019	-
Civix Limited	Roading Standard Details	1290	08/04/2019	-
Civix Limited	Roading Standard Details	1291	08/04/2019	-
Civix Limited	Overland Flow Paths Plan	1300	11/07/2019	-
Civix Limited	Overland Flow Paths Analysis	1310	11/07/2019	-
Civix Limited	Overland Flow Paths Analysis	1311	11/07/2019	-
Civix Limited	Site Servicing Plan	1400	02/09/2019	-
Civix Limited	Site Servicing Plan	1401	02/09/2019	-
Civix Limited	Site Servicing Plan	140	02/09/2019	-
Civix Limited	Site Servicing Plan	1403	02/09/2019	-
Civix Limited	Site Servicing Plan	1404	02/09/2019	-
Civix Limited	Site Servicing Plan	1405	02/09/2019	-
Civix Limited	Site Servicing Plan	1406	02/09/2019	-
Civix Limited	Site Servicing Plan	1407	02/09/2019	-
Civix Limited	Site Servicing Plan	1408	02/09/2019	-
Civix Limited	Site Servicing Plan	1409	02/09/2019	-
Civix Limited	Site Servicing Plan	1410	02/09/2019	-
Civix Limited	Water Supply Hydrant Locations	1500	17/04/2019	-
Civix Limited	Stormwater Infrastructure Assessment	1600	15/04/2019	-
Civix Limited	Stormwater Infrastructure Analysis	1601	17/04/2019	-

Civix Limited	Stormwater Longsections	1610	15/04/2019	-
Civix Limited	Stormwater Longsections	1611	15/04/2019	-
Civix Limited	Stormwater Longsections	1612	15/04/2019	-
Civix Limited	Stormwater Longsections	1613	15/04/2019	-
Civix Limited	Stormwater Details	1620	02/09/2019	-
Civix Limited	Stormwater Attenuation Details	1630	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1631	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1632	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1633	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1634	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1635	19/08/2019	-
Civix Limited	Stormwater Attenuation Details	1636	19/08/2019	-
Civix Limited	Detention Design Details	1637	19/08/2019	-
Civix Limited	Wastewater Infrastructure Assessment	1700	15/04/2019	-
Civix Limited	Wastewater Infrastructure Analysis	1701	17/04/2019	-
Civix Limited	Wastewater Longsections	1710	15/04/2019	-
Civix Limited	Wastewater Longsections	1711	15/04/2019	-
Civix Limited	Wastewater Longsections	1712	15/04/2019	-
Advanced Lighting Technologies	Lighting Performance Predictions (Nb. Indicative Only)	-	19/09/2019	1
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-	117592-001	17/04/2019	5

	106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 OVERVIEW			
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106	117592-002	17/04/2019	5
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 OVERVIEW (with aerial)	117592-003	17/04/2019	5
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 (with aerial)	117592-004	17/04/2019	5

Superseded
RELEASED UNDER THE OFFICIAL INFORMATION ACT 1982

Appendix 1

Drawing and Plans – 67-87 Puriri Park Road, Maunu – dated 17 October 2019

Replaced table version dated 03 October 2019 pursuant to s133A

Author	Drawing Name	Drawing No.	Date	Revision
Architectus	Site Survey	DD 0-11	19/09/2019	-
Architectus	Existing Site and Demolition Plan	DD 0-21	19/09/2019	-
Architectus	Planning Controls	DD 0-22	19/09/2019	-
Architectus	Existing Sections	DD 0-31	19/09/2019	-
Architectus	Existing Elevations	DD 0-41	19/09/2019	-
Architectus	Masterplan Diagrams	DD 0-42	19/09/2019	-
Architectus	Site Plan	DD 1-01	17/10/2019	B
Architectus	Site Plan Overlay	DD 1-02	17/10/2019	B
Architectus	Ground Floor Plan	DD 1-11	17/10/2019	C
Architectus	First Floor Plan	DD 1-12	17/10/2019	A
Architectus	Roof Plan	DD 1-13	17/10/2019	A
Architectus	Site Sections	DD 2-01	19/09/2019	-
Architectus	Site Elevations: Street and Bush	DD 3-11	19/09/2019	B
Architectus	Site Elevations: Internal Western	DD 3-12	19/09/2019	-
Architectus	Site Elevations: Internal Eastern	DD 3-13	19/09/2019	A
Architectus	Site Elevations: East and West Boundary	DD 3-14	19/09/2019	A
Architectus	Site Boundary Sections West	DD 2-11	19/09/2019	A
Architectus	Site Boundary Sections East	DD 2-12	19/09/2019	B
Architectus	Site Boundary Sections South	DD 2-13	19/09/2019	A
Architectus	Unit Plan Type A1 – 1 Bed	DD 1-31	19/09/2019	-
Architectus	Unit Plan Type B1 – 2 Bed	DD 1-32	19/09/2019	-
Architectus	Unit Plan Type F1 – 3 Bed FS	DD 1-33	19/09/2019	-
Architectus	Unit Plan Type G1 – 3 Bed Duplex	DD 1-34	19/09/2019	-
Architectus	Unit Plan Type K1 – 3 Bed+1	DD 1-35	19/09/2019	-
Architectus	Unit Plan Type S1 – 4 Bed+1	DD 1-36	19/09/2019	-
Architectus	Community Room Plan	DD 1-37	19/09/2019	A
Architectus	Material/Colour Plan	DD 3-30	17/10/2019	A
Architectus	Unit Elevation Type A1 – 1 Bed	DD 3-21.1	19/09/2019	-
Architectus	Unit Elevation Type A1 – 1 Bed	DD 3-21.2	19/09/2019	-
Architectus	Unit Elevation Type B1 – 2 Bed	DD 3-22.1	19/09/2019	-
Architectus	Unit Elevation Type B1 – 2 Bed	DD 3-22.2	19/09/2019	-
Architectus	Unit Elevation Type F1 – 3 Bed FS	DD 3-23.1	19/09/2019	-
Architectus	Unit Elevation Type G1 – 3 Bed Duplex	DD 3-24.1	19/09/2019	-
Architectus	Unit Elevation Type G1 – 3 Bed Duplex	DD 3-24.2	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.1	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.2	19/09/2019	-
Architectus	Unit Elevation Type K1 – 3 Bed+1	DD 3-25.3	19/09/2019	-
Architectus	Unit Elevation Type S1 – 4 Bed+1	DD 3-26.1	19/09/2019	-
Architectus	Unit Elevation Type S1 – 4 Bed+1	DD 3-26.2	19/09/2019	-
Architectus	Community Room Elevation	DD 3-27	19/09/2019	A
Architectus	Building Coverage	DD 1-22	17/10/2019	C

Architectus	Outdoor Space and Setbacks	DD 1-23	17/10/2019	B
Architectus	Accessibility Diagram	DD 1-24	17/10/2019	C
Architectus	Allotment Shapes	DD 1-25	17/10/2019	B
Architectus	Building Area	DD 1-26	17/10/2019	B
Architectus	Site Plan	DD 1-27	17/10/2019	A
Architectus	3d Views – Aerial View Looking North-East	DD 4-01	17/10/2019	A
Architectus	3d Views – Aerial View Looking North	DD 4-02	17/10/2019	A
Architectus	3d Views – Aerial View Looking South-East	DD 4-03	17/10/2019	A
Architectus	Street View Looking East	DD 4-04	17/10/2019	A
Architectus	Street View Looking North	DD 4-05	19/09/2019	-
Architectus	Street View Looking North	DD 4-06	19/09/2019	-
Architectus	Street View – Laneway	DD 4-07	19/09/2019	-
WSP	Location Plan	1001	17/10/2019	A
WSP	Master Plan	1002	17/10/2019	A
WSP	Planting Plan	1003	17/10/2019	A
WSP	Fence Plan	1004	17/10/2019	A
WSP	Hardscape Plan	1005	17/10/2019	A
WSP	Tree details	1006	17/10/2019	A
WSP	Plant Palette	1007	17/10/2019	A
WSP	Plant Palette	1008	17/10/2019	A
WSP	Item Details	1009	17/10/2019	A
WSP	Planting and Hardscape Details	1010	17/10/2019	A
WSP	Fence Typology Details	1011	17/10/2019	A
WSP	Fence Topology Details	1012	17/10/2019	A
WSP	Fence Typology Details	1013	17/10/2019	A
WSP	Typical Garden Layout	1014	17/10/2019	A
WSP	Typical Garden Layout HT02 – 2B	1015	17/10/2019	A
WSP	Typical Garden Layout HT03 – 3B	1016	17/10/2019	A
WSP	Typical Garden Layout HT04 – 4B	1017	17/10/2019	A
WSP	Typical Garden Layout HT05 – 5B	1018	17/10/2019	A
J Head WSP	Site Images	Attachment 2	03/09/2019	-
J Head WSP	Trees to be Removed	Attachment 3	03/09/2019	-
J Head WSP	Root Barrier	Attachment 4	03/09/2019	-
J Head WSP	Graphic Attachments	Cover	03/09/2019	-
Civix Limited	General Notes	1001	11/04/2019	-
Civix Limited	General Notes	1002	11/04/2019	-
Civix Limited	General Layout	1020	17/10/2019	-
Civix Limited	Cut Fill Plan	1100	17/10/2019	-
Civix Limited	Cut Fill Plan	1101	17/10/2019	-
Civix Limited	Cut Fill Plan	1102	17/10/2019	-
Civix Limited	Cut Fill Plan	1103	17/10/2019	-
Civix Limited	Cut Fill Plan	1104	17/10/2019	-
Civix Limited	Cut Fill Plan	1105	17/10/2019	-

Civix Limited	Cut Fill Plan	1106	17/10/2019	-
Civix Limited	Earthworks Sections	1130	19/08/2019	-
Civix Limited	Earthworks Sections	1131	19/08/2019	-
Civix Limited	Earthworks Sections	1132	19/08/2019	-
Civix Limited	Earthworks Sections	1133	19/08/2019	-
Civix Limited	Earthworks Sections	1134	19/08/2019	-
Civix Limited	Retaining Wall Sections	1150	19/08/2019	-
Civix Limited	Retaining Wall Sections	1151	19/08/2019	-
Civix Limited	Retaining Wall Sections	1152	19/08/2019	-
Civix Limited	Retaining Wall Sections	1153	19/08/2019	-
Civix Limited	Erosion and Sediment Control Plan	1180	17/10/2019	-
Civix Limited	Sediment Pond Plan	1185	08/04/2019	-
Civix Limited	Construction Sediment Pond Details	1186	08/04/2019	-
Civix Limited	Construction Sediment Pond Details	1187	08/04/2019	-
Civix Limited	Construction Sediment Pond Notes	1188	11/04/2019	-
Civix Limited	Erosion and Sediment Control	1190	08/04/2019	-
Civix Limited	Erosion and Sediment Control	1191	08/04/2019	-
Civix Limited	Erosion and Sediment Control	1192	8/04/2019	-
Civix Limited	Erosion and Sediment Control	1193	08/04/2019	-
Civix Limited	Erosion and Sediment Control	1194	08/04/2019	-
Civix Limited	Erosion and Sediment Control	1195	08/04/2019	-
Civix Limited	Roading Layout	1210	17/10/2019	-
Civix Limited	Roading Long Sections	1220	08/04/2019	-
Civix Limited	Roading Long Sections	1221	08/04/2019	-
Civix Limited	Roading Details	1250	17/04/2019	-
Civix Limited	Roading Details	1251	17/04/2019	-
Civix Limited	Roading Standard Details	1290	08/04/2019	-
Civix Limited	Roading Standard Details	1291	08/04/2019	-
Civix Limited	Overland Flow Paths Plan	1300	17/10/2019	-
Civix Limited	Overland Flow Paths Analysis	1310	11/07/2019	-
Civix Limited	Overland Flow Paths Analysis	1311	11/07/2019	-
Civix Limited	Site Servicing Plan	1400	17/10/2019	-
Civix Limited	Site Servicing Plan	1401	17/10/2019	-
Civix Limited	Site Servicing Plan	1402	17/10/2019	-
Civix Limited	Site Servicing Plan	1403	17/10/2019	-
Civix Limited	Site Servicing Plan	1404	17/10/2019	-
Civix Limited	Site Servicing Plan	1405	17/10/2019	-
Civix Limited	Site Servicing Plan	1406	17/10/2019	-
Civix Limited	Site Servicing Plan	1407	17/10/2019	-
Civix Limited	Site Servicing Plan	1408	17/10/2019	-
Civix Limited	Site Servicing Plan	1409	17/10/2019	-
Civix Limited	Site Servicing Plan	1410	17/10/2019	-
Civix Limited	Water Supply Hydrant Locations	1500	17/10/2019	-
Civix Limited	Stormwater Infrastructure	1600	17/10/2019	-
Civix Limited	Stormwater Infrastructure Analysis	1601	17/04/2019	-

Civix Limited	Stormwater Longsections	1610	15/04/2019	-
Civix Limited	Stormwater Longsections	1611	15/04/2019	-
Civix Limited	Stormwater Longsections	1612	15/04/2019	-
Civix Limited	Stormwater Longsections	1613	15/04/2019	-
Civix Limited	Stormwater Details	1620	02/09/2019	-
Civix Limited	Raintank Design Details	1630	19/08/2019	-
Civix Limited	Raintank Design Details	1631	19/08/2019	-
Civix Limited	Raintank Design Details	1632	19/08/2019	-
Civix Limited	Raintank Design Details	1633	19/08/2019	-
Civix Limited	Raintank Design Details	1634	19/08/2019	-
Civix Limited	Raintank Design Details	1635	19/08/2019	-
Civix Limited	Raintank Design Details	1636	19/08/2019	-
Civix Limited	Detention Design Details	1637	19/08/2019	-
Civix Limited	Wastewater Infrastructure	1700	17/10/2019	-
Civix Limited	Wastewater Infrastructure	1701	15/04/2019	-
Civix Limited	Wastewater Longsections	1710	15/04/2019	-
Civix Limited	Wastewater Longsections	1711	1 /04/2019	-
Civix Limited	Wastewater Longsections	1712	5/04/2019	-
Advanced Lighting Technologies	Lighting Performance Predictions (Nb. Indicative Only)	-	19/09/2019	1
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 OVERVIEW	117592-001	03/10/2019	6
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100- 06 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106	117592-002	04/10/2019	7
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 OVERVIEW (with aerial)	117592-003	03/10/2019	6
Lands and Survey Limited	Proposed Lots 1-37 and Lots 100-106 Being a Subdivision of Sections 1 and 2 SO 475907 and Lot 2 DP 77106 (with aerial)	117592-004	04/10/2019	7