

In the matter of the Resource Management
Act 1991 (The Act)
and
in the matter of a subdivision of land in the
North Auckland Land
Registration District shown on
DP 569871

CONSENT NOTICE

(Pursuant to Section 221 of the Act)

I hereby certify that THE AUCKLAND COUNCIL granted its consent SUB60387511, SUB60356335-B (CCT90097174) to the subdivision of Lot 1000 DP 565781 shown on DP 569871 subject to conditions, including the requirement of the owners of Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871 to comply with the following conditions on a continuing basis at no cost to the Council.

Conditions 141 and 205 – Geotechnical Requirements – Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871

Any development(s) on Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871 shall adhere to the recommendations contained with the report titled '*Donegal Stud Residential Subdivision Stage 15A at 36 Tir Conaill Avenue, Flat Bush Geotechnical Completion Report*' prepared by Tetra Tech Coffey referenced GENZAUCK16856AE and dated 29 November 2021.

Conditions 142 and 206 – Minimum Floor Level(s) – Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871

Any developments on Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871 shall adhere to the recommendations contained within the report titled '*Donegal Stud Stage 15 Stormwater Minimum Floor Levels Report*' prepared by Harrison Grierson referenced HG Project No. 1050-146689-01 referenced R001v1-146689-01-MFL and dated 18 February 2022.

Conditions 143 and 207 – Stormwater Requirements – Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871

For the development of Lots 67 – 120 (inclusive) and 130 – 136 (inclusive) DP 569871, the following stormwater requirements apply.

Hydrology Mitigation:

- (a) Provide retention (volume reduction) of 5mm runoff from all new impervious areas; and
- (b) Provide detention (temporary storage) of 17.7mm runoff from the 95th percentile, 24-hour rainfall event for all new impervious areas.
- (c) This will be achieved onsite per the Flat Bush Sub-Precinct C provisions by using the available options in the approved Flat Bush Special Housing Area Stormwater Management Plan (McKenzie & Co., 2015).
- (d) Design in accordance with the approved Flat Bush Sub-Precinct C to be demonstrated at the time of building consent.

- (e) In accordance with Flat Bush Sub-Precinct C, stormwater devices within the National Grid yard must be designed to comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances NZECP34:2001. Including their ongoing operation and maintenance.

Stormwater Retention and Detention Devices:

- (f) A private stormwater retention and detention system shall be established to serve the dwelling and all impervious surfaces on the lot. The devices shall be designed in accordance with the Flat Bush Sub-Precinct C provisions and the approved Flat Bush Special Housing Area Stormwater Management Plan (McKenzie & Co., 2015).
- (g) The retention and detention device(s) shall be designed to cater for at least the flows generated by the design standard for primary system in accordance with Section 4.3.5.2 of the Auckland Council Code of Practice for Land Development and Subdivision: Chapter 4 – Stormwater.
- (h) The overflow from the retention and detention system shall be discharged to the public stormwater system provided to the lot; an overland flow path must also be provided capable of catering for the flows in accordance with the design standard for secondary systems.
- (i) The continued effective operation and maintenance of this system is the responsibility of the property owner.
- (j) Devices are to remain in private ownership by the lot owner.

Condition 144 – Raingarden – Lots 67, 68, 72, 77, 80, 81, 91, 96, 97, 101, 102, 108, 109, 111, 112, 120 and 130 DP 569871

A raingarden is located adjacent to Lots 67, 68, 72, 77, 80, 81, 91, 96, 97, 101, 102, 108, 109, 111, 112, 120 and 130 DP 569871. These lots shall be prohibited from having vehicular access to the public road berm over the locations shown as raingardens. For details, please refer to the drawing titled '*Raingardens As-Built Plan*' prepared by Harrison Grierson referenced Drawing No: 146689-15-AB410 Rev A and dated 21.12.21.

Condition 146 – Vehicle Crossing – Lots 85 and 86 DP 569871

For Lots 85 and 86 DP 569871, a vehicle crossing may be established within 10 metres of an intersection, as this is authorised by resource consent LUC60356334.

Condition 147 – Vehicular Access – Lots 94, 95 and 96 DP 569871

Direct vehicle access of Lots 94 to 96 (inclusive) DP 569871 to Uru Drive is prohibited and vehicle access shall instead be from Lot 200 (commonly owned access lot, 'Brackloon Lane') unless a resource consent is obtained pursuant to Rule E27.4.1(A5) of the Auckland Unitary Plan (for an infringement of Standard E27.6.4.1(3)(a) relating to vehicle crossings located within ten metres of an intersection).

Condition 148 – National Grid Transmission Line – Lots 91 – 110 (inclusive) DP 569871

For Lots 91 – 110 (inclusive) DP 569871:

No habitable buildings shall be located within twelve metres of the centreline of the OTA-WKM C National Grid Transmission line.

Any buildings or structures within the transmission line blowout corridor of the OTA-WKM C National Grid Transmission line (shown on DG15 Subdivision Scheme Plan, prepared by Harrison Grierson,

Drawing No. 146689-UD-102, Rev A, dated 9 April 2020) shall comply with the minimum safe distance requirements of Table 3, section 3.4 of NZECP34:2001, as specified in the Report on building clearances for Donegal Glen Stages 14 & 15 Development at Flatbush, prepared by Lumen Ltd, referenced TLE17657, dated April 2020.

Any newly planted trees or vegetation within 12m of the centreline of the OTA-WKM C transmission line must not exceed 2m in height at full maturity and comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Any newly planted trees or vegetation outside of twelve metres of the centreline of the OTA-WKM C transmission line must:

- (i) Be setback sufficiently to ensure the tree cannot fall within 4m of the OTA-WKM C line; and
- (ii) Comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Condition 149 – National Grid Transmission Line – Lots 87 and 88 DP 569871

For Lots 87 and 88 DP 569871:

No habitable buildings shall be located within twelve metres of the centreline of the OTA-WKM C National Grid Transmission line.

No buildings or structures shall be located within twelve metres of any outer visible edge of the foundation of the OTA-WKM-C Tower 473, except for non-conductive fencing, which can be located five metres from any outer visible edge of the support structure foundation, and pavement.

Any buildings or structures within the transmission line blowout corridor of the OTA-WKM-C National Grid Transmission Line (shown on DG15 Subdivision Scheme Plan, prepared by Harrison Grierson, Drawing No. 146689-UD-102, Rev A, dated 9 April 2020) shall comply with the minimum safe distance requirements of Table 3, section 3.4 of NZECP34:2001, as specified in the Report on building clearances for Donegal Glen Stages 14 & 15 Development at Flatbush, prepared by Lumen Ltd, referenced TLE17657, dated April 2020.

Any newly planted trees or vegetation within twelve metres of the centreline of the OTA-WKM C transmission line must not exceed two metres in height at full maturity and comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Any newly planted trees or vegetation within twelve metres of the centreline of the OTA-WKM C transmission line must not exceed two metres in height at full maturity and comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Any newly planted trees or vegetation outside of twelve metres of the centreline of the OTA-WKM C transmission line must:

- (i) Be setback sufficiently to ensure the tree cannot fall within four metres of the OTA-WKM C line; and
- (ii) Comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Condition 150 – Protection of Vegetation – Lots 111 – 115 (inclusive) DP 569871

Revegetation planting works within the identified Significant Ecological Area overlay under the Auckland Unitary Plan (Operative in Part) has been undertaken. The owners of Lots 111 – 115 (inclusive) DP 569871 shall:

- (a) Protect and preserve the approved planting areas;
- (b) Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the Council) undertake any earthworks or land modifications within the areas of protected vegetation;

- (c) Not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by the Council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the vegetation or wildlife habitats within the areas of protected vegetation.
- (d) Not do anything that would prejudice the health or ecological value of the areas of protected native vegetation, their long-term viability and/or sustainability.
- (e) Control all invasive plants and control pest animals within the areas of native vegetation to be protected.
- (f) Not to be in breach of these conditions if any of the areas of vegetation die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.

Condition 151 – Boundary Treatment – Lots 84 and 85 DP 569871

For Lots 84 and 85 DP 569871, any fencing, hedging or planting along boundaries or within one metre of boundaries of a pedestrian access way (Lot 402 DP 569871) must not exceed a height of 1.8 metres, measured from the ground level at the boundary. In addition, any part of a fence above 1.2 metres in height must consist of diamond mesh, pool or galvanised steel fencing (to allow full visibility and prevent graffiti).

Condition 152 – Development Requirements – Lots 77 – 87 (inclusive) DP 569871

Development on Lots 77 – 87 (inclusive) DP 569871 shall be in accordance with the following requirements:

- (a) The proposed development must not intrude a height in relation to boundary of 5.0m metres and 45 degrees from all boundaries other than those boundaries that adjoin Lot 503 DP 569871 or a road (where no height in relation to boundary applies).
Advice Note:
Any infringement of Flat Bush Sub-Precinct C Development Control 3.1 Height in Relation to Boundary occurring as a result of complying this with requirement is authorised by land use consent LUC60356334 (BUN60356333).
- (b) The following yards must be kept clear and unobstructed by buildings:
 - i. 2.5 metres from the boundaries of the site that adjoin a road or Lot 503 DP 569871 (future road); and
 - ii. 1.0 metres from all other boundaries.

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.3 yards occurring as a result of complying this with requirement is authorised by land use consent LUC60356334 (BUN60356333).

- (c) At least 50 percent of the 2.5 metres yard from Lot 503 DP 569871 (required by ((b))(i), above) must comprise landscaped area.
Advice Note:
The requirements of Flat Bush Sub-Precinct C Development Control 3.8 Landscaping continue to apply, including in relation to front yards from roads.
- (d) The development must comply Standard H5.6.12 Outlook Space and Standard 5.6.13 Daylight of the Auckland Unitary Plan (Operative in Part).
- (e) Any building's facades that face the road along the western boundary must contain:
 - i. Glazing that is cumulatively at least 20 percent of the area of that façade measured on the basis of a storey height of 2.4m per storey (excluding any garage door); and

- ii. A main entrance door that is visible from the road.
- (f) Any building's facades that face Murphys Road (including as viewed across Lot 503 DP 569871) must contain:
 - i. Glazing that is cumulatively at least 20 percent of the area of that façade measured on the basis of a storey height of 2.4 metres per storey; and
 - ii. An entrance door that visible from Murphys Road.
- (g) All fences within the 2.5 metre yard from the eastern boundary with Lot 503 DP 569871 (required by ((b))(i), above) must include an opening or gate that provides pedestrian access to Murphys Road and must not exceed the height specified below, measured from the ground level at the boundary:
 - i. 1.4 metres in height; or
 - ii. 1.8 metres in height for no more than 50 per cent of the site boundary and 1.4m for the remainder; or
 - iii. 1.8 metres in height if the fence is at least 50 per cent visually open as viewed perpendicular to the site boundary.

Advice Note:

The requirements of Flat Bush Sub-Precinct C Development Control 3.13 Fences continue to apply for front yards.

- (h) Garage doors must not face the eastern site boundary with Lot 503 DP 569871 / Murphys Road.

Advice Note:

The requirements of Flat Bush Sub-Precinct C Development Control 3.15 Garage continue to apply for garages facing any other road.

- (i) Vehicle access to Murphys Road is prohibited.

Condition 153 – Development Requirements – Lot 111 DP 569871

Development on Lot 111 DP 569871 shall be in accordance the following requirements:

- (a) The proposed development must not intrude the following height in relation to boundary restrictions (with no height in relation to boundary applying to other boundaries):
 - i. 5 metres and 45 degrees from the southern boundary up to 18 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent'); and
 - ii. 2.5 metres and 35 degrees from the southern boundary where further than 18 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent').

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.1 Height in Relation to Boundary occurring as a result of complying this with requirement is authorised by land use consent LUC60356334 (BUN60356333).

- (b) The following yards must be kept clear and unobstructed by buildings:
 - i. 2.5 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent') and the road;
 - ii. 3.0 metres from the boundary with Lot 403 DP 569871 (Drainage Reserve); and
 - iii. 1.0 metres from all other boundaries.

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.3 Yards occurring as a result of complying this with requirement is authorised by land use consent LUC60356334 (BUN60356333).

- (c) Any buildings within eight metres of the boundary with Lot 403 DP 569871 (Drainage Reserve) must not exceed 5.5 metres and one storey in height.
- (d) Any fencing along the boundary or within one metre of the boundary with Lot 201 DP 569871 ('Ballyalton Crescent') must not exceed 1.4 metres in height, measured from the ground level at the boundary.
- (e) Any fencing, hedging or planting along the boundary or within one metre of the boundary with Lot 403 DP 569871 (Drainage Reserve) must not exceed the height specified below, measured from the ground level at the boundary:
 - i. 1.4 metres in height; or
 - ii. 1.8 metres in height for no more than 50 per cent of the site boundary and 1.4 metres for the remainder; or
 - iii. 1.8 metres in height if the fence is at least 50 per cent visually open as viewed perpendicular to the site boundary.

Condition 154 – Development Requirements – Lots 112 – 115 (inclusive) DP 569871

Development(s) on Lots 112 – 115 (inclusive) DP 569871 shall be in accordance the following requirements:

- (a) The proposed development must not intrude the following height in relation to boundary restrictions (with no height in relation to boundary applying to other boundaries):
 - i. 5 metres and 45 degrees from the northern and southern boundaries up to 18 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent');
 - ii. 2.5 metres and 55 degrees from the northern boundary where further than 18 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent'); and
 - iii. 2.5 metres and 35 degrees from the southern boundary where further than 18 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent').
- (b) The following yards must be kept clear and unobstructed by buildings:
 - i. 2.5 metres from the boundary with Lot 201 DP 569871 ('Ballyalton Crescent');
 - ii. 3.0 metres from the boundary with Lot 403 DP 569871 (Drainage Reserve); and
 - iii. 1.0 metre from all other boundaries.

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.3 Yards occurring as a result of complying this with requirement is authorised by land use consent LUC60356334 (BUN60356333).

- (c) Any buildings within eight metres of the boundary with Lot 403 DP 569871 (Drainage Reserve) must not exceed 5.5 metres and one storey in height.
- (d) Any fencing, hedging or planting along the boundary or within 1m of the boundary with Lot 201 DP 569871 must not exceed 1.4 metres in height, measured from the ground level at the boundary.
- (e) Any fencing, hedging or planting along the boundary or within 1m of the boundary with Lot 403 DP 569871 (Drainage Reserve) must not exceed the height specified below, measured from the ground level at the boundary:
 - i. 1.4 metres in height; or

- ii. 1.8 metres in height for no more than 50 per cent of the site boundary and 1.4 metres for the remainder; or
- iii. 1.8 metres in height if the fence is at least 50 per cent visually open as viewed perpendicular to the site boundary.

Condition 155 – Boundary Treatment – Lot 130 DP 569871

For Lot 130 DP 569871:

Any fencing, hedging or planting along the boundaries or within one metre of the boundary with Lot 201 DP 569871 (Commonly owned access lot, being 'Bellyalton Crescent') where it is subject to the pedestrian right of way easement in gross must not exceed a height of 1.8 metres, measured from the ground level at the boundary. In addition, any part of a fence above 1.2 metres in height must consist of diamond mesh, pool or galvanised steel fencing (to allow full visibility and prevent graffiti).

Condition 156 – Development Requirements – Lot 120 DP 569871

Development of Lot 120 DP 569871 must not intrude the following height in relation to boundary restrictions:

- (a) 2.5m and 55 degrees from the northern boundary adjoining Lots 116 to 118 DP 569871; and
- (b) 2.5m and 45 degrees from the eastern boundary adjoining Lot 130 DP 569871.

Condition 156C – Boundary Treatment – Lot 90 DP 569871

For Lot 90 DP 569871:

Any fence or hedging adjoining Lot 129 DP 569871 under Stage 15A of this subdivision must be restricted to a maximum height of 600mm for a distance of 5.0 metres from the road boundary of the site.

Advice Note:

This consent notice has been included to aid adequate sightlines for pedestrians are available of vehicles entering and exiting the site utilising the double width vehicle crossing serving this and the adjacent site(s).

Condition 208 – Boundary Treatment – Lot 132 DP 569871

For Lot 132 DP 569871:

Any fencing, hedging or planting along the boundaries or within one metre of the boundary of the existing or proposed pedestrian access way shown as proposed Lot 404 under Stage 15B of SB60356335 (BUN60356333) must not exceed a height of 1.8 metres, measured from the ground level at the boundary. In addition, any part of a fence above 1.2 metres in height must consist of diamond mesh, pool or galvanised steel fencing (to allow full visibility and prevent graffiti).

Condition 210 – Development Requirements – Lots 132 – 135 (inclusive) DP 569871

Developments on Lots 132 – 135 (inclusive) DP 569871 shall be in accordance with the following requirements:

- (a) The proposed development must not intrude the following height in relation to boundary restrictions (with no height in relation to boundary to other boundaries):

Lot 132 DP 569871:

- i. For the boundary with Lot 133 DP 569871, 5m and 45 degrees where more than 8m from the boundary with Lot 136 DP 569871 and 2.5m and 45 degrees where within 8m of the boundary with Lot 136 DP 569871;
- ii. For the boundary with Lot 136 DP 569871, 2.5m and 55 degrees.

Lot 133 DP 569871:

- iii. For the boundaries with Lots 132 and 134 DP 569871, 5m and 45 degrees where more than 8m from the boundary with Lot 136 DP 569871 and 2.5m and 45 degrees where within 8m of the boundary of Lot 136 DP 569871;
- iv. For the boundary with Lot 136 DP 569871, 2.5m and 55 degrees.

Lot 134 DP 569871:

- v. For the boundary with Lot 133 DP 569871, 5m and 45 degrees where more than 8m from the boundary with Lot 136 DP 569871 and 2.5m and 45 degrees where within 8m of the boundary with Lot 136 DP 569871;
- vi. For the boundary with Lot 135 DP 569871, 5m and 45 degrees where more than 8m from the boundary with Lot 90 DP 569871 and 2.5m and 45 degrees where within 8m of the boundary with Lot 90 DP 569871;
- vii. For the boundary with Lot 90 DP 569871, 2.5m and 55 degrees.

Lot 135 DP 569871:

- viii. For the boundary with Lot 134 DP 569871, 5m and 45 degrees from the where more than 8m from the boundary with Lot 90 DP 569871 and 2.5m and 45 degrees where within 8m of the boundary with Lot 90 DP 569871;
- ix. For the boundary with Lot 90 DP 569871, 2.5m and 55 degrees; and
- x. For the boundary with Section 1 SO 524408, 5m and 45 degrees.

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.1 Height in Relation to Boundary on Lots 132 to 135 (inclusive) DP 569871 occurring as a result of complying with this requirement is authorised by land use consent LUC60356334 (BUN60356333).

- (b) Lots 132, 133, 134 and 135 DP 569871 are established as rear sites, then any relevant yard rules in the operative district plan shall apply as if:
- i. The boundaries of Lot 132 DP 569871 with Lot 201 DP 569871 (Ballyalton Crescent) and proposed Lot 404 (Stage 15B) are side boundaries;
 - ii. The boundaries of Lots 132, 133, 134 and 135 DP 569871 with each other are side boundaries;
 - iii. The boundary of Lot 134 DP 569871 with Lot 136 DP 569871 is a side boundary.
 - iv. The boundaries of Lots 132 and 133 DP 569871 with Lot 90 DP 569871 are rear boundaries of a front site.

Advice Note:

Any infringement of Flat Bush Sub-Precinct C Development Control 3.3 Yards occurring as a result of complying with this requirement is authorised by land use consent LUC60356334-A (BUN60356333).

- (c) In addition, the following yards must be kept clear and unobstructed by buildings:

- i. 2.5m from the boundary of any road widening designation (including any designation within Lot 502 DP 569871.
- (d) At least 50 percent of the 2.5 metres yard required by (c)(i), above, must comprise landscaped area.

Advice Note:

The requirements of Flat Bush Sub-Precinct C Development Control 3.8 Landscaping continue to apply, including in relation to front yards from roads.

- (e) The development must comply with Standard H5.6.12 Outlook Space and Standard H5.6.13 Daylight of the Auckland Unitary Plan Operative in Part.
- (f) Any building's façade that faces Thomas Road (including as viewed across Lot 502 DP 569871) must contain:
 - i. Glazing that is cumulatively at least 20 percent of the area of that façade measured on the basis of a storey height of 2.4m per storey; and
 - ii. A main entrance door that is visible from Thomas Road.
- (g) All fences within the 2.5 metre yard required by (c)(i), above, must not exceed a height of 1.2m and must include an opening or gate that provides pedestrian access to Thomas Road.
- (h) Garage doors must not face the southern site boundary with Lot 502 DP 569871 / Thomas Road.
- (i) Vehicle access to Thomas Road is prohibited.

Condition 211 – Reverse Manoeuvring – Lots 134 – 136 (inclusive) DP 569871

Reverse manoeuvring from all parking spaces formed on Lots 134 – 136 (inclusive) DP 569871 must be provided either within the boundaries of that lot or within easements provided over adjoining land for that purpose.

Condition 212 – Boundary Treatment – Lot 136 DP 569871

For Lot 136 DP 569871:

Any fencing or hedging adjoining Lot 90 DP 569871 must be restricted to a maximum height of 600mm for a distance of 5.0 metres from the road boundary of the site.

Advice Note:

This consent notice has been included to aid adequate sightlines for pedestrians are available of vehicles entering and exiting the site utilising the double width vehicle crossing serving this and the adjacent site(s).

Dated at Manukau this 21st day of March 2022.

Authenticated by the Council pursuant to

Section 221(2) of the Resource Management Act 1991



Mohammed Ali (Senior Subdivision Advisor)

Authorised officer under delegated authority