

78 Orakei Road

Remuera



Application for Land Use and Subdivision Resource Consent

and

Assessment of Environmental Effects

March 2020

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Supporting Documents Provided

- A. Certificates of Title
- B. Architectural Plans, prepared by Novak + Middleton
- C. Architectural Design Statement, prepared by Novak + Middleton
- D. Architectural Response to Pre-Application minutes by Novak + Middleton
- E. Landscape Plans, prepared by Local
- F. Landscape Specification by Local
- G. Traffic Impact Assessment, prepared by Traffic Planning Consultants
- H. Infrastructure Report, prepared by Maven Consultants and Geotech Report by CMW
- I. Subdivision Scheme Plans
- J. Site Waste Management Plan, prepared by Green Gorilla
- K. Pre-Application Meeting minutes

1 INTRODUCTION

This report is submitted in support of a land use and subdivision consent application on behalf of 78 Orakei Limited (“the applicant”) for the construction of 19 dwellings two-level terrace houses on the site at 78 Orakei Road, Remuera. It is proposed to undertake a fee simple subdivision around the development that is proposed to be approved as part of this application.

The subject site is zoned Residential – Mixed Housing Suburban Zone and is also subject to the Macroinvertebrate Community Index Overlay. The site will be redeveloped to remove the existing dwelling and structures on the site to provide medium density housing which is aligned with the development outcomes intended for the Mixed Housing Suburban Zone. Importantly, the development will result in only two-level terrace houses and it abuts Waiata Reserve along its western boundary. This provides an opportunity to take advantage of the open space edge and outlook.

The proposed dwellings have been designed to achieve the built form outcomes intended for the Residential – Mixed Housing Suburban Zone as well as aiming to integrate with the existing neighbourhood. This report has been prepared in accordance with the requirements of Section 88 and the fourth schedule of the Resource Management Act 1991 (RMA) and is intended to provide the information necessary for a full understanding of the proposal and any actual or potential effects the proposal may have on the environment.

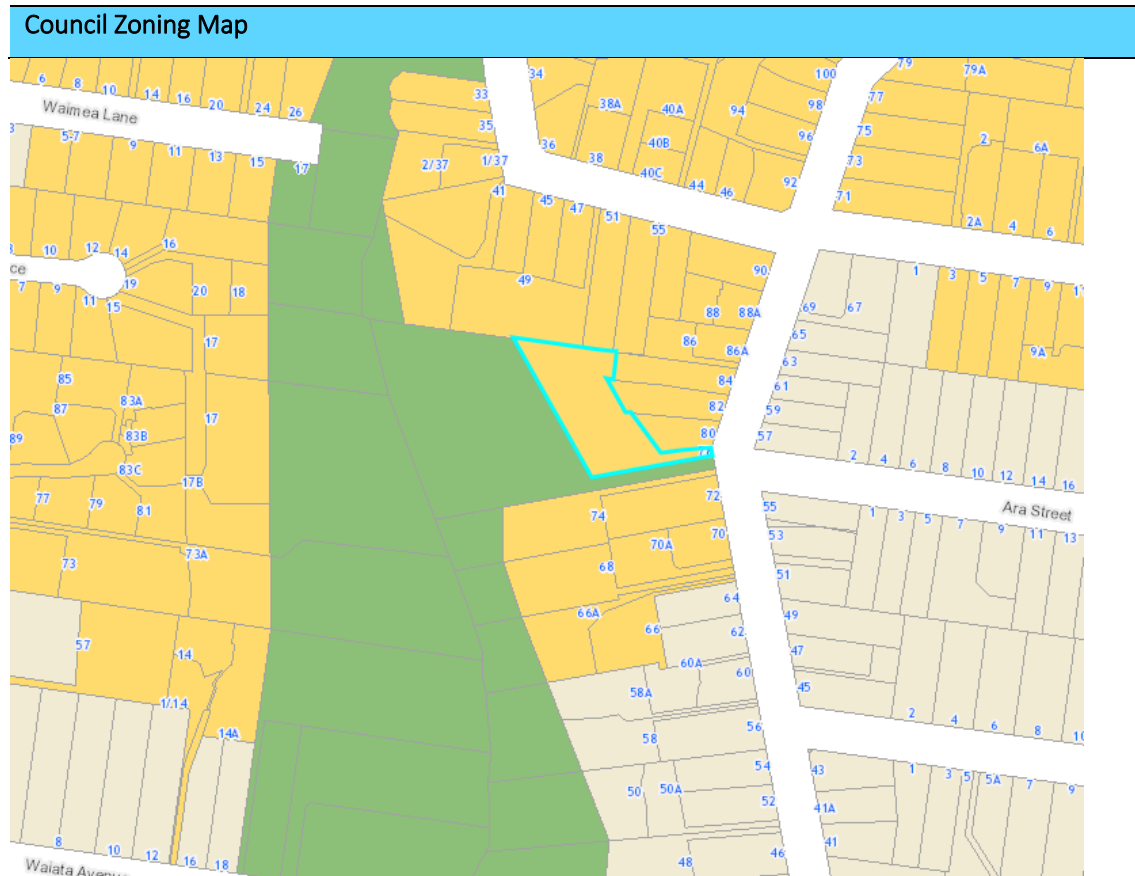
This report contains the following information:

- A description of the site and surrounding neighbourhood
- A description of the proposed activity
- An assessment of effects of the proposal on the environment; and
- An analysis of the provisions of the RMA and the relevant statutory plan documents

Overall, the proposal is considered to be in accordance with the objectives and policies of the Auckland Unitary Plan (Operative in Part) and the relevant provisions of the Resource Management Act (1991).

2 THE APPLICANT AND PROPERTY DETAILS

APPLICANT AND PROPERTY DETAILS	
Applicant	78 Orakei Limited (Attn: Robert Clemons)
Address	78 Orakei Road, Remuera
Legal	Lot 2 DP 134425
Descriptions	
Site Area	2,524m ²
Auckland Unitary Plan (Operative in Part)	
Zone	Residential - Mixed Housing Suburban Zone
Designations	Airspace Restriction – ID1102
Precinct	N/A
Overlays	N/A
Controls	Controls: Macroinvertebrate Community Index – Urban Orakei Road = District Arterial Near Intersection, therefore Vehicle Access Restriction applies

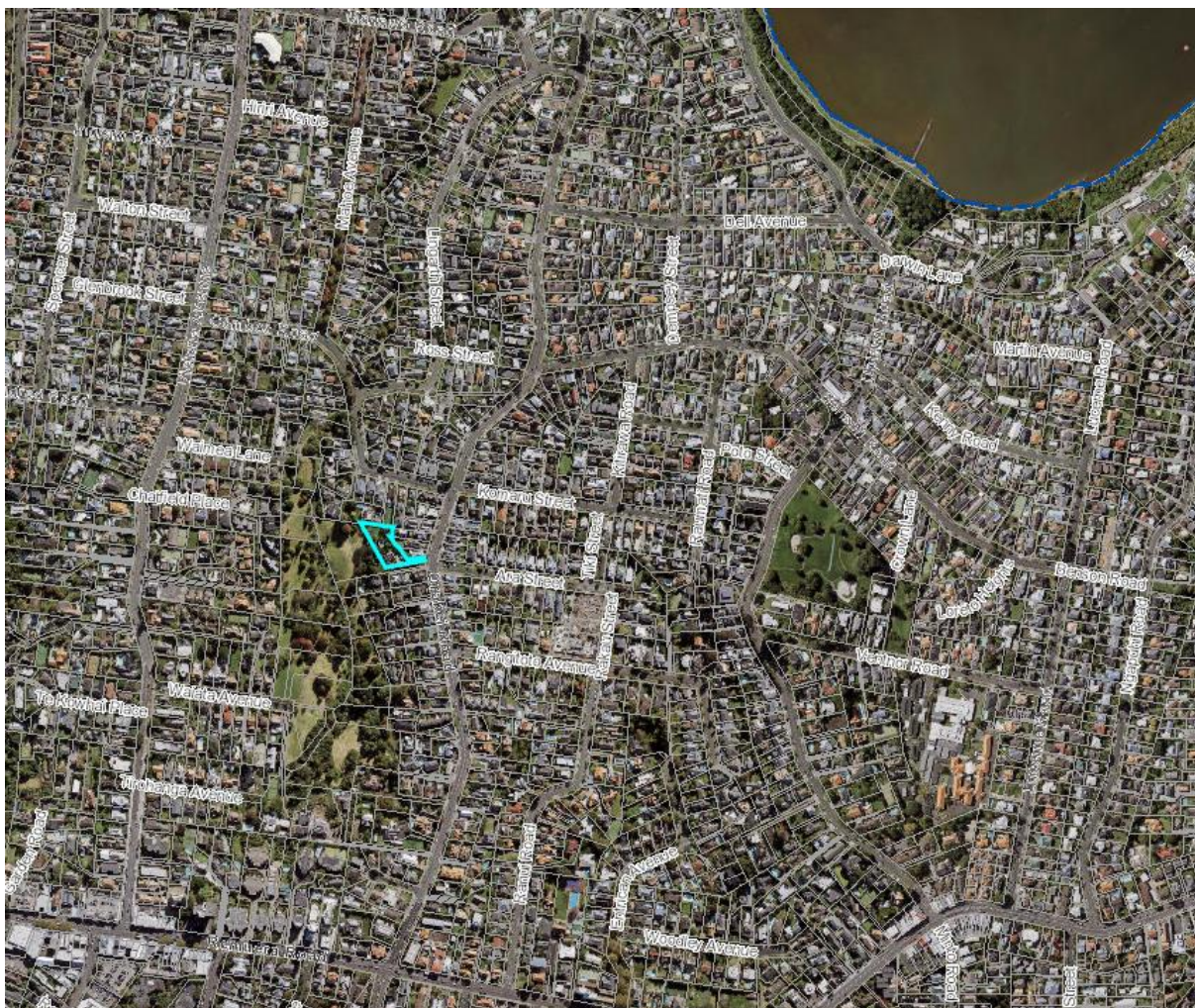


3 SITE AND LOCALITY DESCRIPTION

3.1. Site Locality

The site is located down a right of way off Orakei Road, Remuera. Remuera is a large suburb located to the east of Newmarket. It features a number of major north-south avenues that meander through the undulating landscape of the suburb and culminate on the coastal edge. The coastal edge is defined in large part by Shore Road. The suburb overlooks the Waitemata Harbour and Rangitoto Island. This gives the suburb its unique identity and has attracted large high-quality homes. Combined with the quality of the residential housing stock the public open spaces in the vicinity are also of high quality, including Waiata Reserve, Martyn Field Reserve and Bloodworth Park. Remuera is bounded by Newmarket (to the west), the Waitemata Harbour (to the north), Kohimarama (to the east) and Meadowbank/St Johns (to the east).

Figure 1: Aerial Photograph



The general topography of the area falls from the top of the ridgeline along Remuera Road down to the waterfront. The majority of sites within the area are larger sites which provide for one dwelling, typically setback from the street frontage. The size and dimension of sites within the area have provided opportunity for more “infill” development which is seen through a number of additional “rear sites” or multi-unit type developments occurring within the area. The majority of these developments have resulted in large scale dwellings. The majority of dwellings have been oriented toward the north to maximise opportunities for views towards the harbour.

Local amenities are provided by the existing shopping areas along Remuera Road as well as Orakei and Meadowbank.

3.2. Subject Site

The subject site currently consists of one two-storey dwelling, separate accessory buildings, swimming pool, associated vehicle access and manoeuvring space as well as a variety of retaining walls. The site is accessed down a access strip along the southern boundary of the site. This access strip slopes downwards from Orakei Road and is approximately 3.5m wide and is accessed via a 3.5m wide vehicle crossing at the eastern entrance to the site. The vehicle access is approximately 35m in length. The vehicle accessway adjoins a landscaped pedestrian accessway to Waiata Reserve. Further to the south, the site is occupied by two large dwellings.

The site is well vegetated with mature trees, shrubs, grass and bush. There is also high-quality hard landscaping on site.

The site slopes downwards from south to north, thereby creating a gradual transition on building platform opportunities. The aspect to the west is occupied by Waiata Reserve and provide a strong landscaped green edge to the site. To the east, the sites are occupied by three sites comprising four dwellings. To the north, there are two adjoining sites. One features an adjoining tennis court with a large modern dwelling while the other site features a huge dwelling a site that is similar in size to the application site.

Figure 2: Application Site



4 PROPOSAL

4.1. Introduction

It is proposed to construct 19 residential units and undertake a fee simple subdivision the approved development.

The proposed development is set out in detail on the Architectural Drawings and Design Statement submitted with the application. Full details of the proposal are set out in the architectural plans prepared by Novak + Middleton and included as **Attachment B** to this report. Further, the Design Statement prepared by Novak + Middleton is included as **Attachment C**. As part of the pre-application process, a number of design matters were raised. These have been addressed either in the plans submitted with the application or in **Attachment D**, which is a response to the design related issues raised in the pre-application meeting.

The following serves as a summary of the proposal.

Other details of the proposal relating to traffic, geotechnical matters (including groundwater), landscaping, refuse disposal methodology, subdivision and infrastructure are set out in the respective technical reports/plans that are submitted with the application and also comprise the proposal.

4.2. Overall Layout

The proposal includes the removal of all existing buildings on the site, site clearance works and earthworks/excavation to prepare the site for construction. Thereafter, the proposal includes the construction of 19 two level dwellings, an upgraded vehicle accessway with a pedestrian passing bay, a combined vehicle manoeuvring area and carpark area, landscaping, accessways to the units and all required enabling works.

The gross site area is 2,524m² while the nett site area is 2,390m² (excludes accessway to a site width of 7.5m).

Design and Layout

The development will include 19, two storey terrace houses mainly oriented toward the western boundary to take advantage of the adjoining reserve. 13 units face this way. The other 6 units face north. The units are separated into four main development blocks.

The dwellings will be two storeys and will have the following internal layout:

- Ground Floor will include the primary living space, kitchen and access to a private courtyard;
- First Floor will comprise of three bedrooms (master bedroom and two other bedrooms), the main bathroom and storage/hot - water cupboard

Figure 3: Internal Image



All units will be directly accessible from the internal carpark area within the site.

The exterior cladding of the units will be a mixture of colour steel metal cladding, weatherboards and cedar in a combination of light and dark tones to create visual interest. The roofing material will be long run metal roofing with all fascia, spouting and downpipes to be colour matched with the roof material in the same or complementary colour. The intention of the design approach is to establish a modern durable aesthetic for the development that does not dominate the environment but instead recedes back and further individualises the units.

Figure 4: External Render



The communal rubbish storage area for the site is located adjacent the entrance point to the carpark. This provides a handy location as occupants can drop their rubbish in the rubbish area on their way to their carparks (generally in the mornings). The bins have been designed to ensure that they can accommodate anticipated waste generated from each unit as well as ensuring accessibility.

The development complies with all the building height, height in relation to boundary, and yard controls. All other standards are assessed in the following section.

Landscaping

Landscaping will be provided for each unit as well as across the entire site to ensure a high-level of on-site amenity.

Each unit will have a courtyard space which will have a mixture of hardstand area and grassed areas and the inclusion of some planting (primarily hedging). However, each space has been designed to allow future residents to place furniture or add their own planting as an opportunity to personalise each unit accordingly.

Figure 5: Landscaping image



Fencing will be provided along all boundaries except for the reserve boundary interface which will consist of low level hedging.

Figure 6: Waiata Reserve Frontage and Materials Palette



4.3. Transport

The proposed vehicle access and parking arrangement builds upon the existing arrangement for the site.

Vehicle Access

The application site is located on a district arterial and in the vicinity of an intersection. As such is it subject to a vehicle access restriction control. The existing down sloping driveway (3.5m wide) will be redeveloped into a shared pedestrian and vehicle driveway, with landscaping and a pedestrian passing bay. This will lead to the 19 vehicle carparks and to the pedestrian pathways within the site. Bike storage facilities will be provided within each unit. Appropriate gradients and transitions have been provided for the development. Full details are set out in the Transport Assessment.

The vehicle access arrangement has been designed to ensure all vehicles enter and exit the site in a forward-facing direction and do not impede vehicle access for the neighbouring property. Similar provision has been made for refuse disposal vehicles (refer Green Gorilla Statement).

The vehicle crossing is existing and will be separated from the nearest crossing by more than 6m. The vehicle crossing is 3.5m wide at the Orakei Road frontage. Within the site the accessway is 3.5m wide for a distance of 35m. The gradient of the accessway varies from 1 in 5 to a minimum of 1 in 16. There will also be a platform of 1 in 16 at the site boundary.

Refuse disposal will be undertaken in accordance with the Waste Management Plan included as Attachment J. The assessment model a potential occupancy of 102 persons which will generate 6,120 litres of waste per week. This can be separated into waste, recycling and organics (if needed). In terms of disposal, the vehicle will access the site in a forwards direction, service the bins, manoeuvre on site and exit the site also in a forwards direction.

Parking Design and Location

A single dedicated parking space is provided for each residential unit. 19 parking spaces are proposed overall in a 90-degree arrangement. Carparks 1-8 will be 2.4m wide x 5m deep with a manoeuvring aisle of 6.3 to 8.25m. Carparks 6-8 have a shortfall of the minimum 7.1m required. Carparks 9-17 are 2.5m wide by 5m deep and have a manoeuvring space of 6.3m to 12m. Carparks 16 and 17 are short

of the required 6.7m manoeuvring. Carparks 18 and 19 are 2.4m wide by 5.0m deep and comply with the manoeuvring requirements.

The carparks will be on a gradient of 1 in 16 as opposed to the required 1 in 20.

4.4. Earthworks

Earthworks is anticipated to take place across the majority of the site (2524m²). Earthworks is required to create the carpark area, driveway and building platforms.

The extent of earthworks is summarised below:

Volume	m ² /m ³
Total Area of Ground Disturbance	2,524m ²
Fill Volume	137m ³
Cut Volume	1,936m ³
Total Earthworks Volume	2,073m ³
Max cut and fill	Cut = 4.0m/Fill = 2.0m

Any batter slopes will not exceed 1:3 gradient. All earthworks will be undertaken in accordance with Auckland Council's GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region. The proposed erosion and sediment controls measures are set out in full in the report by in **Attachment H** prepared by Maven Associates.

A corresponding Geotechnical Report for the site is also attached to the Maven Report. This report assesses geotechnical issues as well as the required groundwater issues and confirms that groundwater will not be encountered as part of the proposed excavation or construction works.

4.5. Infrastructure

The proposed development does not affect any overland flow path or flood prone area. Therefore, these matters are not an issue for this application.

The proposed stormwater, wastewater and water supply solutions for the site are set out below

4.5.1. Stormwater

Existing stormwater disposal from the site is via the existing network which discharges to a location at the north-western corner of Waiata Reserve. The existing pipe is 225mm diameter connection. The site has an existing flow rate of 30.39l/s. this will increase to 40.81l/s and therefore a 24m³ detention tank is proposed on site. This will attenuate peak flow to 30.1l/s which is less than the pre-development rate.

All new stormwater connections will comply with Auckland Council Stormwater Code of Practice.

4.5.2. Wastewater

Auckland Council GIS Maps indicates a public wastewater network directly outside the north-western corner of the site within the Selwyn Avenue road reserve. The public network consists of a 150mmØ line traversing through the site from South to North. New connections will be provided within the site to cater for the required capacity of the development. The initial calculations within the Infrastructure Report confirm this.

4.5.3. Water Supply

The initial assessment indicates a 50mm watermain exists within Orakei Road. A 25mm extension will be provided from the development. Firefighting service pressure can also be achieved for the development.

4.5.4. Network Utilities

All units will have access to power, gas and telecommunications services in accordance with requirements for residential development, as necessary.

4.5.5. Summary

Final infrastructure design will be included as a part of a future engineering approval, however for completeness, the proposal will meet all necessary stormwater, wastewater and water supply reticulation requirements.

4.6. Construction Traffic and Noise

The proposed construction works will generate additional vehicle movements from trucks and other vehicles, and an increase to noise during the construction period which will require some management. The applicant supports a condition of consent requiring a construction management plan to manage construction related traffic and noise during the construction period. It is noted that no rock breaking is proposed and no extensive drilling or piling is proposed.

4.7. Subdivision

It is proposed to undertake a fee simple subdivision in accordance with the scheme plans included as part of the application (refer Attachment I). Each of the 19 residential units will be allocated one of the carparks. The driveway and manoeuvring areas and the pedestrian movement areas will all form part of the common areas to be shared. The proposed easement schedule is outlined on drawing C103.

5 CONSENT REQUIREMENTS

5.1. Auckland Unitary Plan (Operative in Part)

The following tables contains an assessment of the proposal against the relevant Unitary Plan provisions, including those of the Residential – Mixed Housing Suburban Zone, Subdivision Chapter, Transport Chapter and any relevant provisions of the Auckland-Wide Chapter. While the following consent matters have been identified, the application includes all the required consents to give effect to the proposal. This may include consent matters that are not listed below but for clarification purposes, the application includes all relevant consent matters.

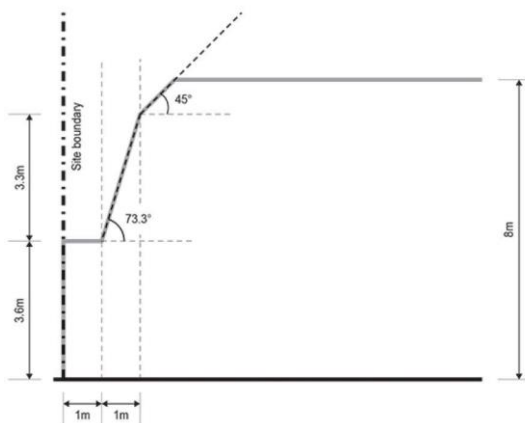
CHAPTER H4 – Residential - Mixed Housing Suburban	
H4.4 Activity Table	Activity Status
<p><i>(A4) Four or more dwellings per site = RD. To comply with the following standards:</i></p> <ul style="list-style-type: none"> ▪ <i>H4.6.4 Building height</i> ▪ <i>H4.6.5 Height in relation to boundary</i> ▪ <i>H4.6.6 Alternative Height in relation to boundary</i> ▪ <i>H4.6.7 Yards</i> 	<p>The proposal comprises of 19 new residential units. Accordingly, resource consent for a restricted discretionary activity is required.</p> <p>Compliance against the identified standards is assessed below.</p>
<p><i>(A34) New buildings and additions</i></p> <p><i>The same activity status and standards as applies to the land use activity that the new building or addition to a building is designed to accommodate.</i></p>	<p>As per H4.4 (A4), four or more dwellings per site is considered a restricted discretionary activity.</p> <p>As such, the proposal requires resource consent for a restricted discretionary activity for the construction of new buildings.</p>
H4.6 Mixed Housing Suburban zone standards	Compliance
<p>H4.6.4 Building Height</p> <p><i>Maximum 8m except 50% of the roof in elevation may exceed by 1m where the entire wall slopes by 15 degrees or more</i></p>	Complies
<p>H4.6.5 Height in relation to boundary</p> <p><i>2.5m + 45° for side and rear boundaries</i></p>	Complies

The standard does not apply to existing or proposed internal boundaries within a site. Exceptions for gable ends apply (not greater than 1.5m² in area and 2.5m² in length).

H4.6.6 Alternative Height in Relation to Boundary

Not used

Can be used for development within the first 20m of the site frontage (requires consent as an RD activity). Same exclusions apply as above.



H4.6.7 Yards

Complies

Front yard: 3.0m

N/A

Side and Rear yard: 1.0m

The proposed retaining walls along the northern boundary are lower than existing ground level and are therefore set into the landscape and are not over 1.5m in height. In terms of the retaining walls (refer Maven Report Drawing C270 Retaining Wall Plan) along the western open space boundary, the proposed low level (1.12m or less) retaining walls technically abut a public place and are located within 1.5m of that boundary. Therefore, the retaining walls that are located along this boundary require consent as a **restricted discretionary** activity.

The following standards are not required to be complied with but are relevant assessment matters

H4.6.8 Maximum Impervious Area

Proposed Impervious Area = 1,421.8m²

Maximum Permitted = 60%

<i>Gross site area = 2,524.4m²</i>	Gross Site Area = 56.3% - Complies
<i>Net Site Area = 2390.7m²</i>	Net Site Area = 59.5% - Complies
<i>Maximum 10% of riparian, lakeside or coastal protection yard</i>	N/A

H4.6.9 Building Coverage

<i>Proposed Building Coverage = 992m²</i>	Maximum Permitted = 40%
<i>Gross site area = 2,524.4m²</i>	Gross Site Area = 39.3% - Meets standard
<i>Net Site Area = 2390.7m²</i>	Net Site Area = 41.5% - <u>Assessment Required</u>

H4.6.10 Landscaping

<i>Proposed Impervious Area = 979m²</i>	Minimum Required = 40%
<i>Gross site area = 2,524.4m²</i>	Gross Site Area = 38.8% - Not relevant
<i>Net Site Area = 2390.7m²</i>	Net Site Area = 40.9% - Meets standard
<i>50% of front yard</i>	N/A

H4.6.11 Outlook Space

<i>Principal living room - 6m depth, 4m width</i>	Complies – refer to drawings RC27 and RC 28
<i>Principal bedroom - 3m depth, 3m width</i>	
<i>Other habitable rooms - 1m depth, 1m width.</i>	

H4.6.12 Daylight

<i>Within the same site, where the proposed building contains principal living or bedroom windows, that part of the building higher than 3m opposite another building is limited in height to twice the distance between the two walls for a length defined by a 55° arc from the centre of the window.</i>	Complies – development has been designed to ensure daylight complies with this standard.
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------

This standard does not apply to development opposite the first 5m of a building which faces the street, measured from the front corner of the building.

H4.6.13 Outdoor Living Space

1. Dwelling must have an outdoor living space that is at least 20m² that comprises ground floor and / or balcony / roof / terrace space that:
- has no dimension less than 4m and has a gradient not exceeding 1 in 20; and / or
 - where provided in the form of a balcony, patio or roof terrace is at least 5m² with a minimum dimension of 1.8m; and
 - is directly accessible from the dwelling; and
 - is free of buildings, parking spaces, servicing and manoeuvring areas
2. Where the entire dwelling is above ground level, it must have outdoor living space in the form of a balcony, patio or roof terrace that:
- (one-bedroom dwelling) is at least 5m² and has a minimum dimension of 1.8m; or
 - (two-or-more bedroom dwelling) is at least 8m² and has a minimum dimension of 1.8m; and
 - Is directly accessible from the dwelling; and
 - Except that a balcony or roof terrace is not required where the net internal floor area of a dwelling is at least 35m² for a studio and 50m² for a dwelling with one or more bedrooms
3. Where outdoor living space required by this standard is provided at ground level, and is located to the south of any building located on the same site, the southern boundary of that space must be separated from any wall or building by at least 2.0m + 0.9(h), where (h) is the height of the wall or building. For the purpose of this rule, south is defined as between 135 and 225 degrees.

Assessment Matter

All units comply except for Unit 1, where the 4m north-south dimension slightly overhangs the southern open space boundary.

H4.6.14 Fences and walls

Complies

Fences / walls must not exceed the following heights:

Within the front yard, either:

- 1.2m; or

- 1.8m for no more than 50% of the site frontage and 1.2m for the remainder; or
- 1.8m if the fence is at least 50% visually open

Within side and rear yards: 2.0m

H4.6.15 Minimum Dwelling Size

Complies

Studio - 30m²

1 bedroom or more - 45m²

CHAPTER E38 – Subdivision - Urban

E38.4.2 Activity Table

Activity Status

(A14) Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1

The proposal seeks subdivision in accordance with the concurrent resource consent for the development of 19 new residential units on the site.

As such, the proposal requires resource consent for a **restricted discretionary** activity for proposed subdivision.

CHAPTER E27 - Transport

Activity / Development standard

Compliance

E27.6.3.1(1) – Size and Location of Parking Spaces
(T117) 90 degrees (regular users)

Parking spaces 6-8 and 17 & 18 do not meet the minimum manoeuvring space requirements. 7.1m and 6.7m respectively proposed.

As such, the proposal requires resource consent for a **restricted discretionary** activity.

E27.6.3.6 – Gradients

Carpark area is at a gradient of 1 in 16, 1 in 20 required.

As such, the proposal requires resource consent for a **restricted discretionary** activity.

E27.6.4.1 Vehicle Access Restriction

Access is located within a VAR restriction area.

	As such, the proposal requires resource consent for a restricted discretionary .
E27.6.4.2 Vehicle Access Width	Vehicle access width is 3.5m, whereas 5.5m is required for 19 spaces. As such, the proposal requires resource consent for a restricted discretionary .
E27.6.4.4 Gradient of Vehicle Access	The transition of the vehicle access at the road frontage is required to be 1 in 20, 1 in 16 is proposed. As such, the proposal requires resource consent for a restricted discretionary .

AUCKLAND-WIDE PROVISIONS

Activity / Development standard	Compliance
E12.4.1 – Activity Table (A6)	The proposal requires earthworks across the entire site (2,524m ²).
<i>Earthworks greater than 2500m² is considered a restricted discretionary activity.</i>	As such, the proposal requires resource consent for a restricted discretionary activity.
E12.4.1 – Activity Table (A9)	The proposal requires earthworks totalling an approximate volume of 2,073m ³ .
<i>Earthworks greater than 1000m³ up to 2500m³</i>	As such, the proposal requires resource consent for a restricted discretionary activity.

5.2. Permitted Activities

Schedule 4 of the RMA requires that where an application is relying on a permitted activity as part of the proposal, a description of the permitted activity that demonstrates that it complies with the requirements, conditions and permissions for the permitted activity must be provided. The proposal relies on the following permitted activities:

ALL RELEVANT CONTROLS AS SPECIFIED BELOW

<i>Mixed Housing Suburban</i>	The demolition of the existing buildings on the site is provided for as a permitted activity.
<i>H4.4 (A29) Demolition of buildings</i>	

<p><i>Parking</i></p> <p><i>E27.6.2.4 – Activity Table (T43)</i></p>	<p>The proposal provides a parking space for each dwelling within the site.</p>
<p><i>Dwellings in the Mixed Housing Suburban Zone with two or more bedrooms have a minimum parking rate of 1 per dwelling. No maximum applies.</i></p>	<p>As such, the proposed parking supply number only complies with the Rule E27.6.2.4.</p>
<p><i>E11 – Greater than 2,500m² of earthworks</i></p>	<p>The proposed earthworks are not proposed on a site with a slope greater than 10% or within a Sediment Control Protection Area</p>
<p><i>E7.4.1 (A27) Groundwater Diversion</i></p> <p><i>The permitted activity standards are set out in clause E7.6.1.10. These are assessed opposite. It is confirmed that the proposal meets these standards.</i></p>	<ol style="list-style-type: none"> (1) None of the exemptions apply. (2) The excavations are over an area less than 1ha and will not protrude below 6m. (3) Natural groundwater will not be affected as identified in the Geotechnical Assessment and therefore will not be reduced by more than 2m. (4) No structures will impede groundwater. (5) No works below groundwater are proposed. (6) No works below groundwater are proposed.
<p><i>E25.6.27 Construction Noise</i></p>	<ol style="list-style-type: none"> (1) Noise levels 1m from the façade of the nearest residential activity (adjoining sites) will comply with the dB levels set out in table E25.6.21.1. (2) Does not apply – No non-residential buildings in proximity. (3) N/A – Construction will last for more than 15 days. (4) Construction noise levels will be within the 5db reduction if construction work extends beyond 20 weeks.

5.3. Reasons for Consent Conclusion

Overall, resource consent for a **restricted discretionary** activity is required under the Auckland Unitary Plan – Operative in Part (2016).

6 ENVIRONMENTAL EFFECTS ASSESSMENT

The following assessment is an analysis of both positive and negative actual and potential effects arising from the proposal.

6.1. Character and Amenity

Remuera is a predominantly suburban residential area with a mixed residential character that ranges from heritage and character housing of the early 19th century to more contemporary housing, specifically multi-unit development and infill housing on the large sites that reflect the character of the locality. The applicant has prepared a detailed set of architectural plans, an architectural design statement and a response to the design matters raised in the pre-application minutes. These should be referred to in detail in relation to the matters raised.

Overall, however, the area is characterised by 1-2 storey, detached and attached housing located on larger sites setback approximately from the road boundary. However, infill development has allowed for increased development within the area as a result of the desire to intensify in this location. Development within this zone and locality has increasingly intensified in accordance with planning rules owing to the value of the land. On the Remuera ridge, apartment towers are an example of development responses to planning provisions.

Complimentary to this approach there has been more intensification in the suburb and immediate locality. For example, 84A and 84B, 86 and 86A, 88 and 88A, 1/90 and 2/90 Orakei Road, have been intensified. The current proposal reflects the planning approach which is to achieve the planned suburban built character for the zone and manage effects on neighbouring sites including visual amenity, privacy and access to daylight and sunlight. It is also appropriate to achieve high quality on site living environments.

The proposal includes 19 two level terrace house developments in four blocks. The development maximises the advantage of westerly aspect to the high quality public open space provided by Waiata Reserve. This is a large well-manicured public park within the heart of Remuera. 13 units take advantage of this aspect with ground level living spaces and outdoor terraces/private open space facing towards the reserve. At the upper level, the master bedroom faces towards the reserve.

The development consistent with the changing character of the area and is reflective of increasing intensity of residential development planned for within the area and introduces types of housing that are consistent with the anticipated built form and character of the area. The proposal will achieve a variety of housing types and forms. While 15 of the units will be three bedroom, four units will be two bedrooms. All units will be two level, however the differentiation in material and finishes will ensure an appropriate variety of built form outcomes will be achieved. Further units 1 and 13 provide angled exterior walls and a recessed upper level (in the case of Unit 13). Units 14 – 17 are also staggered in their layout. This design approach will provide further variety in the built form outcomes that will be achieved.

The proposed development will provide an opportunity for the site to be comprehensively landscaped, specifically within the site and along the Waiata Reserve edge. Additionally, along the northern and eastern site boundaries a 'graded' landscaped approach is utilised whereby a variety of garden beds, hedge, lawn and trees are proposed. Units 1-13 along the Waiata Reserve boundary will result in a 'soft' edge to the reserve through hedging and planting as opposed to a solid timber fence. This outcome is supported. Further each unit provides a complying outlook space and required daylight. Only unit 1 does not provide the required 4m north-south dimension for all of the required 20m² outdoor living space. However, this is mitigated by the adjacent reserve which combines to provide a high-quality outdoor living space for this unit overall.

Combined with the proposed landscaping, it is considered this unit provides an appropriate level of amenity and outdoor living for its future occupants without compromising the amenity of Waiata Reserve for the general public. Therefore, the open space expectations of the occupants of this unit can be provided through a mixture of on-site and off-site land, without affecting the amenity expectations of the general public. Additionally, Unit 1 has additional usable open space along the southern boundary of this site and within its frontage area. Therefore, while there is a technical dimensional shortfall, overall, the private open space requirements for this unit are considered to be satisfied.

Overall, the proposed built form outcome and landscaping outcome proposed appropriately manage the design and appearance of the proposed development on this site. It will also enable sufficient setbacks from adjoining sites and high-quality landscaped boundary interfaces.

In terms of streetscape, the site does not have a street frontage that needs to be addressed. However, more importantly, the site fronts Waiata Reserve on its western boundary. This frontage slopes quite markedly and the design approach has been to step each unit down the landform as opposed to developing each of the two blocks with a common floor level. Such an approach would have been more economic to construct but would have resulted in greater environmental effects (earthworks, retaining walls and potential groundwater diversion) and a more monotonous built form outcome. Instead a more costly but more interesting and varied built form outcome has resulted (refer West Elevation (RC-01 and RC-06)). The proposed retaining walls are necessitated to create a reasonable level outdoor space for each of the abutting units. With regard to character and amenity, the proposed layout and low height retaining walls combined with the low-level hedge are considered to be an appropriate outcome for this open space interface.

In terms of the proposed design and finishing materials proposed, these are outlined in the proposal section of this AEE, on the plans and in the design statement. The high quality of external materials and internal finishing will ensure a high-quality built outcome for the site and internal amenity within the units.

The overall design of the development has been designed to achieve height, bulk, form and overall appearance that complies with the applicable development standards (apart from the open space yard standard noted above) and will integrate into the existing character and amenity of the area whilst providing increased housing variety and choice within the wider area.

6.2. Dominance, Privacy and Shading

The proposed development has been articulately designed in an integrated manner in order to ensure all the inter-related development and outdoor space elements combine together to achieve the following outcomes:

- Appropriate scale of building form;
- Internal and external amenity;
- An appropriate interface with the adjoining Waiata Reserve;
- Privacy for occupants within the development and for occupants of dwellings on adjoining sites;
- Reasonable levels of daylight/sunlight for occupants within the development and for occupants of dwellings on adjoining sites; and
- Accessibility within the sites and to each of the units for both vehicles and pedestrians.

The buildings are sufficiently setback from adjoining residential neighbours to ensure any potential adverse dominance, privacy and shading effects are avoided, remedied or mitigated. The staggered layout of units 14 – 17 and the stepped profile of units 13 – 8 and well as 7 – 1 will ensure further mitigation of these effects.

All units comply with the applicable height, height to boundary and yard standards (except for the low level retaining walls along the Waiata Reserve boundary. The retaining walls along this boundary are all less than 1.12m in height.

The dwellings along the western boundary abut the reserve and are separated into two development blocks separated by an internal walkway which connects to the reserve. The proposed 2-level dwellings are within the height and height to boundary controls and represent the envisaged level of development within the Mixed housing Urban zone. It is considered that the low-level retaining walls will not create adverse dominance or amenity effects on the reserve owing to the combination of building setback and landscaping and the avoidance of a 2.5m high timber fence along the common boundary.

The residential units have been designed to maintain a sensitive residential scale for the current neighbourhood while also adding interest and diversity to the neighbourhood. The Design Statement notes the following:

“The units have been divided into four individual buildings that are similar in scale to some of the surrounding houses to maintain a sensitive residential scale for the current neighbourhood as well as to add interest and diversity. There are houses in the immediate area that are larger. The two groupings of houses facing the reserve contain a group of 7 units and another group of six units. The smaller grouping of two houses is in the centre of the site and there are four units along the northern boundary. The buildings have been orientated in different directions to add interest and provide diversity.

Well proven detailing and materials will be used. All roofs will have ample pitches that fall to external gutters. Intertency walls between units will be of fire and sound rated construction.”

The overall built form outcome, while being 1.5% over the 40% standard is exacerbated by the requirement to exclude the 35m long x 3.5m wide accessway (approximately 122.5m² of site area). Regardless, the proposal, in my view, achieves the planned suburban built character of buildings in

the zone. The building coverage effects are considered to be appropriately mitigated for the following reasons:

- On the residential properties on the western Waiata Reserve boundary the effects are avoided as there are no residential neighbours on this boundary;
- The effects on the northern and eastern boundaries are mitigated through the staggered setback of the proposed units and the limitation to two levels which is below the maximum permitted height limit;
- The effects are further mitigated by the tiered and integrated landscaping solution proposed;
- The recessed setback of upper levels;
- The sloping nature of the site and the lowered floor level of the proposed residential units.

These factors combined mitigate any potential adverse effects to a less than minor degree.

Overall, given the scale and nature of the proposed development, it is considered to be consistent with the planned character and amenity values of the area and therefore in line with the anticipated built form, privacy and shading effects anticipated for the site and locality. As a result, the proposal will not result in any unanticipated (by the relevant planning documents) adverse effects for neighbouring properties or wider area.

While the proposal represents a change from the existing character of the area and will result in some minor modifications to the relevant planning standards, overall, it is consistent with the anticipated outcomes for the Mixed Housing Suburban zone. Accordingly, any adverse dominance, privacy and shading effects arising from the proposal are considered to be less than minor.

6.3. Transport

Traffic Planning Consultants have prepared a Traffic Impact Assessment (TIA) (refer **Attachment G**) which addresses all relevant transport effects on the site itself and on the surrounding environment. In particular, the TIA (refer **Attachment G**) examines the proposed ROW vehicle access, vehicle access restriction control, gradients, manoeuvring space and pedestrian movement compatibility.

As noted above Orakei road is a district arterial and the vehicle crossing to the site is within a vehicle access restriction area. These matters are addressed in detail in the TPC report.

A summary of the conclusions is noted below:

- Adequate manoeuvring space is provided for the vehicles as demonstrated by the tracking curves included within the transport assessment;
- The 1.25% exceedance in carpark gradient is considered acceptable given the topography of the site. Vehicles will still be able to manoeuvre safely without endangering other vehicles or pedestrians within the site. Safe sight distances are available and drivers within the site will be regular users;
- Although the vehicle accessway width is 3.5m, the traffic modelling confirms that only one vehicle will leave the site during peak hour every 6 minutes. Therefore, the accessway width is acceptable. In addition, there is no flexibility to widen the accessway as its width is fixed by the legal width of the title. A pedestrian passing bay is also proposed midway along the vehicle accessway in order to provide for pedestrian refuge and vehicle layover. A convex mirror or light system is proposed to further mitigate any potential adverse effects.
- Due to existing footpath levels and the contour of the site, the proposed transition to the footpath in conjunction with the one-way vehicle movement width along with the straight line view, it is considered that the minor 1.5% infringement in platform gradient will result in negligible effects for the regular users of the site.
- With regard to the Vehicle Access Restriction, the site has suitable sightline, inter-visibility and good sight distances in either direction. The limited vehicle movements (less than 100 daily and less than 10 per peak period), minimal crash history and lack of an alternative access option means that the proposed access is acceptable; and
- Construction traffic is standard of a project of this scale and is considered reasonable.

Therefore, the overall adverse traffic effects of the proposed development are considered to be less than minor.

6.4. Earthworks

The proposal will require earthworks across the majority of the site to enable the construction of the proposed driveway, building platforms, retaining walls, services and access. The total amount of earthworks is set out in the Infrastructure Report and is summarised above in this AEE.

An erosion and sediment control plan has been submitted with the application. It has been prepared to comply with the requirements of the Auckland Regional Council GD05 guidelines. The Infrastructure Report (refer **Attachment H**), recognises that the required earthworks will be inward

falling and recommends a silt fence around the boundary, a dirty water diversion and a decant earth bund to discharge to the reserve.

The report also notes that a stabilised vehicle crossing will minimise any potential sediment associated with construction traffic from leaving the site.

Overall, the proposed earthworks will not generate any significant and unreasonable adverse effects on the environment and it is considered that subject to conditions relating to works being undertaken in accordance with an approved Erosion and Sediment Control Plan, any associated adverse effects will be less than minor.

6.5. Infrastructure

Maven Associates has prepared an Infrastructure Report (refer **Attachment H**) which addresses all relevant infrastructure effects of the proposal. In particular, the Infrastructure Report assesses the infrastructure connections and structures required to service the proposed development. The following measures are proposed to mitigate any adverse infrastructure effects:

- Connection to the existing stormwater network in the north-western corner of the site in Waiata Reserve and the establishment of a 24m³ detention tank on site.
- For wastewater connection to the existing public line that runs along the northern boundary of the site and manholes within the site with appropriate gradients to enable a viable reticulation network.
- For water supply, an existing connection is available within Orakei Road. It is proposed to connect the development to this network. Testing has indicated sufficient capacity and that there is sufficient pressure for fire fighting purposes. Refer Maven Report.

The proposal will also satisfy infrastructure requirements for the development in order to ensure all new dwellings are adequately serviced and the effects on the wider environment have been appropriately considered.

Overall, it is considered that the proposed earthworks and the effects on infrastructure will be less than minor.

6.6. Construction-Related Effects

The proposed construction works are temporary and potential adverse effects are able to be mitigated through a standard construction management plan. In addition, all construction works will be undertaken in accordance with the standards of the Unitary Plan.

It is considered that the proposed works are no different to other developments of this nature within the Region. No rock breaking or pile drilling/driving is proposed. The proposal will comply with the relevant standards regarding noise controls for construction and the applicant supports conditions of consent to that effect. As such, the construction noise effects on the surrounding environment are considered to be less than minor

6.7. Effects Conclusion

For the reasons outlined in the above sections, it is considered that the proposal will not generate any significant adverse effects on the environment that cannot be avoided, remedied or mitigated through conditions of resource consent, and that overall, any resultant rather it will result in a high-quality residential development that improves the amenity and character value of the site and achieves the development outcomes intended for the area. Overall, it is concluded that the actual or potential adverse effects on the environment will be less than minor.

7 STATUTORY ASSESSMENT

The following section analyses the relevant statutory provisions that apply to the application and the locality. Significantly, these are the provisions of the Resource Management 1991 and associated policies and documents that relate to resource consents. The RMA sets out the statutory framework, within which resources are managed in New Zealand. The framework sets out a hierarchy of tests that must be passed in order for resources to be utilised, either on a temporary or permanent basis. Section 104 of the RMA sets out the matters for consideration when assessing a resource consent.

Under section 104(1) of the RMA, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- (i) Any actual and potential effects on the environment of allowing the activity
- (ii) The relevant provisions of a national policy statement
- (iii) A New Zealand Coastal Policy Statement
- (iv) A regional policy statement
- (v) A plan or proposed plan; and
- (vi) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application

Overall, the proposal is to be considered as a restricted discretionary activity. Section 104C states that a consent authority may grant or refuse an application for a restricted discretionary activity. If granted, the consent authority may impose conditions only over those matters they have retained discretion over.

The following assessment addresses the other relevant provisions of Section 104(1) of the RMA. It is noted that the actual and potential effects of the proposal are described in section 7 above, where it was concluded that any adverse effects will be less than minor.

7.1 Section 104(1)(a) – Actual or Potential Effects on the Environment

Section 104(1)(a) of the RMA requires that a council have regard to any actual or potential effects on the environment of allowing an activity.

Pursuant to section 104(3)(a), a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competitor or effects of trade competition. No written approvals have been sought or received in relation to this application.

In the assessment of environmental effects of the proposal set out in Section 6 of this report, it is concluded that the adverse effects of the proposal will be less than minor.

In addition, the following positive environmental effects have been identified:

- The proposal achieves a high-level of onsite amenity and is consistent with the planned amenity outcomes envisaged for this suburban residential area;
- The proposal makes efficient use of the site and enables the construction of new dwellings that are generally consistent with the anticipated built form for the site;
- The proposal makes a positive contribution to the Orakei Road locality by providing high quality built form outcomes and intensive housing outcomes that enable different parts of the community to inhabit this locality;
- The proposal achieves a high-level of compliance with the development controls for the Residential – Mixed Housing Suburban zone and achieves an appropriate built form outcome for the site;
- The proposal provides much needed housing stock and contributes to the variety of typologies within the zone.

It is considered that on balance, any actual or potential effects arising from the proposal will be positive and any adverse effects will be less than minor.

7.2 Section 104(1)(ab) – Positive Effects to Offset or Compensate Adverse Effects

None required or proposed.

7.3 Section 104(1)(b)(i) – National Environmental Standard

There are no National Environmental Standards that are considered to be relevant to this application.

7.4 Section 104(1)(b)(ii) – Other regulations

There are no other regulations that are considered to be relevant to this application.

7.5 Section 104(1)(b)(iii) – National Policy Statement on Urban Development Capacity 2016

The National Policy Statement on Urban Development Capacity 2016 (“the NPS”) came into effect on 1 December 2016. The NPS provides direction to decision-makers under the RMA on planning for urban environments. It recognises that national significance of well-functioning urban environments, with particular focus on ensuring that local authorities, through their planning, both:

- *enable urban environments to grow and change in response to the changing needs of the communities, and future generations; and*
- *provide enough space for their populations to happily live and work. This can be both through allowing development to ‘go up’ by intensifying existing urban areas, and ‘out’ by releasing land in greenfield areas.*

The NPS sets out objectives that apply to all decision-makers when making planning decisions that affect an urban environment. Those objectives are set out and discussed below.

Objective Group A – Outcomes for planning decisions

OA1: Effective and efficient urban environments that enable people and communities and future generations to provide for their social, economic, cultural and environmental well-being

OA2: Urban environments that have sufficient opportunities for the development of housing and business land to meet demand, and which provide choices that will meet the needs of people and communities and future generations for a range of dwelling types and locations, working environments and places to locate businesses

OA3: Urban environments that, over time, develop and change in response to the changing needs of people and communities and future generations

Objective Group B – Evidence and monitoring to support planning decisions

OB1: A robustly developed, comprehensive and frequently updated evidence base to inform planning decisions in urban environments

Objective Group C – Responsive planning

OC1: Planning decisions, practices and methods that enable urban development which provides for the social, economic, cultural and environmental wellbeing of people and communities and future generations in the short, medium and long-term

OC2: Local authorities adapt and respond to evidence about urban development, market activity and the social, economic, cultural and environmental wellbeing of people and communities and future generations, in a timely way

Objective Group D – Coordinated planning evidence and decision-making

OD1: Urban environments where land use, development, development infrastructure and other infrastructure are integrated with each other

OD2: Coordinated and aligned planning decisions within and across local authority boundaries

The proposal is considered to be consistent with the intended built form encouraged within the Residential - Mixed Housing Suburban zone and seeks more intensive residential development within an area which has been identified for growth. The size and dimensions of the site allow for more compact forms of residential development whilst maintaining a high-level of on-site amenity and the ability to manage the effects of intensification on existing lower intensity residential development.

The proposal builds upon the existing infrastructure connections and the capacity of the surrounding infrastructure network. Given the existing low intensity use of the site and surrounding sites, the proposal will extend the existing infrastructure network to provide adequate access to services for each new dwelling. The proposed connections have been designed to reflect the day-to-day usage of all infrastructure for developments of this nature is considered to align with the existing capacity of the network without overwhelming upstream and downstream catchments and their ability to service the existing development within the area.

Overall, the proposal is consistent with the objectives of the NPS as it provides much needed housing in an existing urban area but will also be able to deliver housing over an expedited timeframe through design innovations (i.e. construction methodology, materials etc.).

No other National policy Statements are affected by this proposal.

7.6 Section 104(1)(b)(iv) – New Zealand Coastal Policy Statement (NZCPS)

With regard to this application, neither the NZCPS or Hauraki Gulf Marine Park Act are considered to be relevant to this application. Any discharges that will flow to the Coastal Marine Area will be detained and then filtered prior to reaching the CMA. Therefore any ecological effects will be appropriately avoided, remedied or mitigated and the health and viability of the Hauraki Gulf and the coastal environment will be retained.

7.7 Section 104(1)(b)(v) – Auckland Regional Policy Statement

The AUP is operative in part and the proposed development is a residential development within the Mixed Housing Suburban zone that is classified as a restricted discretionary activity. The application is therefore anticipated by the AUP and does not challenge the Auckland Regional Policy Statement provisions. As a result, no further consideration is warranted. Regardless, the proposal is considered to be consistent with the provisions relating to urban growth and form and infrastructure, transport and energy.

The proposal is considered to accord with the objectives of Chapter B2 as it provides for compact urban form which will significantly improve the quality of the urban environment as well as achieving a high-level of on-site amenity. The proposal seeks intensification within the existing urban environment and contributes to meeting the increasing demand for more compact housing typologies.

The proposal will result in a more efficient use of the site and reflects the built form outcomes anticipated for by the zone. The proposed development has been designed to provide for the day-to-day functions and requirements for townhouses/terrace houses.

As concluded in the Infrastructure Assessment (refer **Attachment H**), the proposed development has assessed the capacity of the existing infrastructure network which concluded that the scale of development being sought will not overwhelm the network and will not cause any adverse effects on upstream or downstream catchments.

The proposal will provide all required private infrastructure to ensure the site will have adequate access to water, stormwater and wastewater infrastructure and will be constructed in accordance with Council standards to ensure the resilience of the network as service demands continue to grow.

The infrastructure approach proposed is not expected to create or exacerbate any deficiencies within the existing stormwater network.

Overall, it is considered that this proposal is in accordance with the relevant high-level policy matters set out in the Unitary Plan RPS chapter.

7.8 Section 104(1)(b)(vi) – Auckland Unitary Plan (district level provisions)

7.8.1 Objectives and Policies

The relevant objectives and policies of the Unitary Plan are set out and considered below.

UNITARY PLAN OBJECTIVES AND POLICIES
Chapter H4 – Mixed Housing Suburban zone
Objectives
<ol style="list-style-type: none">1. <i>Housing capacity, intensity and choice in the zone is increased.</i>2. <i>Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached)</i>3. <i>Development provides quality on-site residential amenity for residents and adjoining sites and the street.</i>
Policies
<ol style="list-style-type: none">1. <i>Enable a variety of housing types including integrated residential development such as retirement villages</i>2. <i>Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:</i><ol style="list-style-type: none">(a) <i>limiting the height, bulk and form of development</i>(b) <i>managing the design and appearance of multiple-unit residential development; and</i>(c) <i>requiring sufficient setbacks and landscaped areas</i>3. <i>Encouraging development to achieve attractive and safe streets and public open spaces including by:</i><ol style="list-style-type: none">(a) <i>providing for passive surveillance</i>(b) <i>optimising front yard landscaping</i>(c) <i>minimising visual dominance of garage doors</i>4. <i>Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.</i>5. <i>Require accommodation to be designed to:</i><ol style="list-style-type: none">(a) <i>provide privacy and outlook; and</i>(b) <i>be functional, have access to daylight and sunlight and provide the amenities necessary to meet the day-to-day needs of residents</i>6. <i>Encourage accommodation to have useable and accessible outdoor living space.</i>7. <i>Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.</i>8. <i>Enable more efficient use of larger sites by providing for integrated residential development.</i>
Comment
<ul style="list-style-type: none">▪ The proposal will result in the redevelopment of a site within the Residential - Mixed Housing Suburban zone to provide for a terrace house development that is consistent with the planned suburban built character of the site, locality and zone. While the local area is typically characterised by lower intensity, detached dwellings the

proposal is considered to be appropriate for the suburban zone as it reflects the bulk and form anticipated for by the provisions of the zone.

- The proposal increases housing choice within the area by providing for more compact housing typologies in an area where predominantly characterised by lower intensity residential development. This will enable a variety of occupants to inhabit this location by making it more accessible for a variety of demographics.
- The majority of units have been designed to have outlook space over Waiata Reserve or within the site itself. All habitable spaces have been oriented to ensure privacy as well as access to sunlight to ensure the usability and functionality of these spaces.
- All units have access to private outdoor space from the primary living space.
- The proposal increases the level of impervious area on the site, however provides adequate infrastructure to ensure all stormwater generated on the site is managed appropriately.
- The proposed scale and intensity of the development is considered to be appropriate given the context of the area and also makes more efficient use of the site.

Chapter E27 - Transport

Objectives

3. *Parking and loading supports urban growth and the quality compact urban form*
4. *The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone*
5. *Pedestrian safety and amenity along public footpaths is prioritised*

Policies

1. *Require subdivision, use and development which:*
 - (a) *generate trips resulting in potentially more than minor adverse effects on the safe, efficient and effective operation of the transport network*
 - (b) *are proposed outside of the following zones:*
 - i. *Business – City Centre, Metro Centre, Town Centre*
 - ii. *Residential – Terrace Housing and Apartment Buildings*
 - iii. *the City Fringe Office Control; or*
 - (c) *do not already require integrated transport or have been approved based on an integrated transport assessment to manage adverse effects on and integrate with the transport network by measures such as travel planning, providing alternatives to private vehicle trips, staging development or undertaking improvements to the local transport network.*

Comment

- As noted in the TIA, all parking spaces have been designed to comply with the required dimensions as required by the Unitary Plan. The proposal does not technically comply with manoeuvring space dimensions, however as demonstrated in the TIA, vehicles are still able to enter and exit from each carpark in a safe and efficient manner.
- The proposal will result in an increase to the number of vehicle movements to and from the site due to the additional dwellings. However, the surrounding roading network is considered to have adequate capacity to accommodate the increase in vehicle movements.
- The proposal has included safety measures (transitions, adequate sight distances, on-site parking, pedestrian layover space, potential convex mirror or traffic lights)). This is considered a better traffic outcome despite the vehicle crossing not meeting the technical requirements for a vehicle crossing servicing 9 or more dwellings.
- The proposal provides a shared low speed pedestrian access to the site along the southern boundary accessway ensuring that pedestrian movements can be safely managed alongside vehicle movements. The minimal number of vehicle movements during peak periods and throughout the day overall will ensure safe movement outcomes.
- There is adequate space within the vehicle crossing to continue to provide safe pedestrian passage and vehicle movements for those accessing the site.
- Trucks (e.g. rubbish removal/furniture movers) will be able to access and leave the site without reverse manoeuvring. This arrangement is considered acceptable.

Chapter E38 – Subdivision (Urban)

Objectives

1. Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions
2. Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment
3. Land is vested to provide for esplanade reserves, roads, stormwater, infrastructure and other purposes
5. Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects
6. Subdivision has a layout which is safe, efficient, convenient and accessible
10. Subdivision:
 - a. within urban and serviced areas, does not increase the risk of adverse effects of people, property, infrastructure and the environment from natural hazards
 - b. avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and
 - c. maintains the function of flood plains and overland flow paths to safely convey flood waters, while taking into account the likely long term effects of climate change.

Policies

1. Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.
10. Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including:
 - (a) a road network that achieves all of the following:
 - (i) is easy and safe to use for pedestrians and cyclists;
 - (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and
 - (iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and
 - (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.
11. Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by:
 - (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and
 - (b) aligning sites to the road to maximise opportunities for buildings fronting the road.
16. Require shared vehicle access to be of a width, length and form that:
 - (a) encourages low vehicle speed environments; and
 - (b) provides for the safety of users of the access and the adjoining road network.
17. Require sufficient road reserves to accommodate the needs of:
 - (a) different types of transport modes;
 - (b) stormwater networks;
 - (c) network utilities; and
 - (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.

Comment

- The proposed subdivision is considered to be consistent with the objectives and policies of the Residential – Mixed Housing Suburban zone.
 - The proposed subdivision enables for a more efficient use of the site and helps provide for greater housing choice and variety within the area. The proposed subdivision provides for a scale of development which is consistent with the existing and changing built form characteristics of the area.
 - The proposed subdivision maintains all access to infrastructure networks and does not adversely impact the on-going function of the infrastructure network.
 - Subdivision design is considered to support the proposed infrastructure design and ensures that all proposed units are able to be serviced and maintained for the future of the development.
 - Subdivision design supports the function of the accessway for both the proposed dwellings as well as the
-

- neighbouring property.
- The proposed subdivision design does not create or exacerbate any natural hazard risks such as flooding or land instability.
 - The proposed subdivision design supports the on-going function of the surrounding roading network and does not create any significant safety risks for vehicles accessing the site or using Orakei Road.
 - The proposed subdivision design supports vehicle access requirements as provided by the zone. The proposed subdivision design ensures that safe access is maintained for all vehicle users entering the site and the neighbouring properties

Chapter E12 – Land Disturbance – District

Objectives

1. *Land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.*

Policies

1. *Avoid where practicable, and otherwise, mitigate, or where appropriate, remedy adverse effects of land disturbance on areas where there are natural and physical resources that have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character.*
2. *Manage the amount of land being disturbed at any one time, to:*
 - (a) *avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;*
 - (b) *avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and*
 - (c) *maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering.*
3. *Enable land disturbance necessary for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety.*
4. *Manage the impact on Mana Whenua cultural heritage that is discovered undertaking land disturbance by:*
 - (a) *requiring a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin;*
 - (b) *undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and*
 - (c) *undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated.*
5. *Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.*
6. *Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.*

Comment

- The proposed works is limited to the amount of works required to enable future residential development.
- All earthworks will be undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
- Any anticipated sediment generation from the proposed earthworks operations will be managed to ensure minimal impact on the surrounding environment and people.

Objectives and Policies Conclusion

For the reasons outlined above, the proposal is considered to be consistent with the relevant objectives and policies of the Residential - Mixed Urban Zone, Subdivision, and all Auckland-wide provisions of the Auckland Unitary Plan.

7.8.2 Assessment Criteria

The proposed development is subject to a number of restricted discretionary activities over which the Council has reserved its control or restricted its discretion of the matters that may be considered in the assessment of the application. It is appropriate to consider the relevant assessment criteria in each case, including any reasons as to why each development standard was established (and whether the proposal meets the purpose of the standard). The preceding environmental effects assessment and the compliance table largely addresses the matters covered by the assessment criteria however the following further comments are relevant. For completeness, reference should also be made to the above analysis in regard to the assessment criteria identified below.

UNITARY PLAN ASSESSMENT CRITERIA	
Chapter H.4 – Residential – Mixed Housing Suburban	Comment
<p><i>H4.8.2.(2) for four or more dwellings on a site:</i></p> <p><i>(a) the extent to which or whether the development achieves the purpose outlined in the following standards or what alternatives are provided that result in the same or a better outcome:</i></p> <ul style="list-style-type: none"> <i>i. Standard H4.6.8 Maximum impervious areas;</i> <i>ii. Standard H4.6.9 Building coverage;</i> <i>iii. Standard H5.6.10 Landscaped area;</i> <i>iv. Standard H4.6.11 Outlook space;</i> <i>v. Standard H4.6.12 Daylight;</i> <i>vi. Standard H4.6.13 Outdoor living space;</i> <i>vii. Standard H4.6.14 Front, side and rear fences and walls; and</i> <i>viii. Standard H5.6.15 Minimum dwelling size</i> <i>ix. infrastructure and servicing:</i> <ul style="list-style-type: none"> <i>– Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.</i> <i>– Where adequate network capacity is not available, whether adequate mitigation is proposed.</i> 	<ul style="list-style-type: none"> ▪ The proposal seeks consent for the construction of 19 dwellings within the site. As discussed in Sections 5, 6 and 7 of this report, the proposed development is considered to achieve the intention of all relevant development standards for the Residential - Mixed Housing Suburban zone. Overall, the proposal achieves a high-level of compliance with the majority of development standards. ▪ The Infrastructure Report (refer Attachment H) confirms that the proposed development can be accommodated within the infrastructure network with appropriate upgrades within the site and a 24m³ detention tank. ▪ The proposal has demonstrated that all proposed dwellings will have sufficient outlook space over private outdoor spaces. ▪ The buildings are located so to reduce the sense of dominance when viewed from neighbouring properties and Waiata Reserve. ▪ The yard infringement for the retaining walls along the open space boundary is mitigated by the low level of the walls (less than 1.12m), the integrated landscaping approach and the vast open space of the reserve. The proposed outcome is considered to be an improvement over a 1.8m high fence along this boundary, which could be the alternative. In this instance, the actual buildings are setback from the requisite boundaries and the low-level retaining walls represent a technical infringement only. ▪ In terms of building coverage, the extent of buildings proposed is considered to be acceptable on this site

as the 1.5% exceedance will result in negligible effects on adjoining properties. From each direction the additional 35m² of building platform will be shrouded by the profile and built form of development fronting each boundary. Therefore, the actual effect of the building coverage will not be perceived by any receivers. Any other effects such as infrastructure will be adequately addressed by the proposed development.

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- (b) *The extent to which the development contributes to a variety of housing types at higher densities in the zone and is in keeping with the neighbourhood's planned urban built character of predominantly two storey buildings (attached or detached) by limiting the height, bulk and form of the development and managing the design and appearance as well as providing sufficient setbacks and landscaped areas.*
- The proposal provides for the development of new townhouses/terrace houses within the area.
 - All proposed units are two-storeys and is consistent with the existing built character of the area which is predominantly two-storeys.
 - The proposed design of the buildings reflect the characteristics of suburban development as identified in the AUP for this zone.
 - Further the development represents an integrated approach to dwelling design, landscaping and transport. The proposed landscaping treatment creates more visual interest across the development and reserve frontage than what currently exists.
-
- (c) *Deleted*
- (d) *The extent to which development achieves attractive and safe streets and public open space by:*
- (i) *providing doors, windows and balconies facing the street and public open spaces*
 - (ii) *minimising tall, visually impermeable fence*
 - (iii) *Designing large scale development (generally more than 15 dwellings) to provide for variations in building form or façade design as viewed from streets and public open spaces.*
 - (iv) *optimising front yard landscaping*
 - (v) *providing safe pedestrian access to buildings from the street*
 - (vi) *minimising the visual dominance of garage doors, walkways or staircases to upper level dwellings, and carparking within buildings as viewed from streets or public open spaces.*
- The development maximises its orientation and aspect towards the open space of Waiata Reserve. Windows, balconies, outlook space, private space face this direction. The other units within the development are oriented toward the north to maximise access to sunlight.
 - The design and layout of the units avoids any adverse privacy effects on neighbouring properties.
 - Low level hedging and low retaining walls are proposed along the western reserve boundary in order to provide visual permeability, passive surveillance and avoid the need for a large blank fence along this boundary.
 - Building materials and finishes have been designed to create articulated facades. Specifically, along the reserve boundary frontages as it fronts onto the public realm. Other opportunities to personalise each unit are provided through landscaping i.e. hedging and specimen trees, as well as opportunity for each resident to introduce their own planting.
 - All parking spaces are located centrally within the site and no garages are provided.
 - Shared pedestrian access has been provided along the southern boundary, allowing pedestrians to access the site along with vehicle access.
 - Pedestrian access is provided within the site from the accessway in order to enable safe pedestrian movement through the site.
-

- (e) *The extent to which the height, bulk and location of the development maintains a reasonable standard of sunlight access and privacy and minimises visual dominance to adjoining sites;*
- As demonstrated in the Architectural Plans, all units have a complying outlook space.
 - A reasonable level of sunlight access and privacy is achieved for adjoining sites through compliance with the height, height to boundary, outlook space, outdoor space and daylight standards. In addition, appropriate separation distances exist between dwellings on the application site and neighbouring sites.
 - Further, the sites to the north do not face towards the application site and will therefore not be affected in terms of dominance, sunlight access and privacy.
 - The sites to the east will be separated from the proposed development by setbacks greater than the required 1m yard on the application site and vegetation on the adjoining sites at 80 and 82 Orakei Road.
 - With regard to 84A Orakei Road, the dwelling on this site is separated from Unit 17 on the application site by proposed landscaping, the setback upper level (of this unit) and the avoidance of upper level living/sleeping area windows on this boundary.

(f) *The extent to which dwellings:*

- (i) *Orientate and locate windows to optimise privacy and encourage natural cross ventilation within the dwelling*
 - (ii) *Optimise sunlight and daylight access based on orientation, function, window design and location, and depth of the dwelling floor space*
 - (iii) *Provide secure and conveniently accessible storage for the number and type of occupants the dwelling is designed to accommodate.*
 - (iv) *Provide the necessary waste collection and recycling facilities in locations conveniently accessible and screens from streets and public open spaces.*
- As demonstrated in the Architectural Plans, the proposal has oriented all primary windows to the west or north in order to maximise access to sunlight and aspect over the reserve.
 - Each unit has been designed to achieve useable spaces within the dwelling. The internal layout of the dwellings provides for all primary living spaces on the ground floor and bedrooms on the first floor.
 - Storage has been provided for each dwelling in accordance with the more compact design. Sufficient space for bicycle storage is available within the units.
 - The proposal provides for a dedicated rubbish storage area within the site.
 - Private refuse collection will be provided. It is likely that the bins are emptied at least once a week, however the frequency of collection will be determined once usage patterns are better understood following occupation of the dwellings.
 - The rubbish storage is located along the entrance accessway and will be adequately screened from residential units and neighbouring properties.

(g) *The extent to which outdoor living space:*

- (i) *Provides for access to sunlight*
 - (ii) *Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.*
- All units have access to a private outdoor space on the ground floor.
 - All outdoor spaces either face west over the reserve or north for the units within the site.
-

<p>(iii) <i>When provided at ground level, is located on generally flat land or otherwise functional.</i></p>	<ul style="list-style-type: none"> ▪ The proposed outdoor spaces are considered to meet the functional requirements of such spaces and are considered to be useable spaces. ▪ All outdoor spaces have adequate access to sunlight.
<p>(h) <i>refer to Policy H4.3(7); and</i></p>	<ul style="list-style-type: none"> ▪ The proposal complies with the impervious area standard for the zone. ▪ All stormwater generated on site will be managed through new connections to the existing stormwater network which has been confirmed to have adequate capacity. ▪ All connections will be designed to Auckland Council/Watercare standards.
<p>(i) <i>infrastructure and servicing</i> (i) <i>Whether there is adequate capacity in the existing stormwater and public reticulated water supply and wastewater network to service the proposed development.</i> (ii) <i>where adequate network capacity is not available, whether adequate mitigation is proposed</i></p>	<ul style="list-style-type: none"> ▪ The Infrastructure Report confirms that there is adequate capacity within the existing stormwater network to accommodate the proposed development. ▪ All new connections have been designed to be in accordance with Watercare standards.
<p>H4.8.2.(8) and (10) – <i>Yards, Private Open Space and Building Coverage</i></p>	<ul style="list-style-type: none"> ▪ Refer above for assessment.

Chapter E12- Land Disturbance- District	Comment
<p>(1) <i>All restricted discretionary activities:</i> (a) <i>whether applicable standards are complied with;</i> (b) <i>the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;</i> (c) <i>whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;</i> (d) <i>whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;</i> (e) <i>whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing</i></p>	<ul style="list-style-type: none"> ▪ Earthworks are required to create building platforms and facilitate the proposed development without creating longer term built form outcomes on neighbours. In addition to platform levels, the works are required for utility trenching works relating for drainage and infrastructure services, landscaping and vehicle/pedestrian access, as well as the carpark and manoeuvring areas. ▪ The erosion and sediment control structures proposed have been designed to ensure sedimentation and runoff generated by the works is contained within the site. Silt fencing, dirty water diversions and a decanting earth bund is proposed to manage effects of earthworks. ▪ The land disturbance is necessary to accommodate development otherwise

the impact on Mana Whenua cultural heritage if a discovery is made;

(f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;

(g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;

(h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;

(i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;

(j) whether the land disturbance and final ground levels will adversely affect existing utility services;

(k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;

(l) for land disturbance near Transpower New Zealand Limited transmission towers:

(i) the outcome of any consultation with Transpower New Zealand Limited; and

(ii) the risk to the structural integrity of transmission lines

(m) the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.

provided for by the underlying residential zoning that applies under the Unitary Plan. The earthworks will enable the buildings to be “set down” within the landform to reduce their height and therefore visual impact on adjoining and nearby properties.

- The land disturbance and final ground levels proposed are not considered to adversely affect existing utility services.
- No Transpower transmission tower is located in proximity to the site.
- The proposed earthworks do not impact upon any overland flow paths in the vicinity.

Chapter E27 - Transport	Assessment
<p>(8) any activity or development which infringes the standards for design of parking and loading areas or access under Standard E27.6.3, E27.6.4.2, E27.6.4.3 and E26.6.4.4:</p> <p>(a) effects on the safe and efficient operation of the adjacent transport network having regard to:</p> <ul style="list-style-type: none"> (i) the effect of the modification on visibility and safe sight distances; (ii) existing and future traffic conditions including speed, volume, type, current accident rate and the need for safe manoeuvring; (iii) existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or (iv) existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes, footpaths and cycleways. <p>Other relevant assessment criteria relating to carpark gradient, vehicle accessway transition, vehicle access restriction</p>	<p>The infringement under this standard relates to the manoeuvring space for some parking spaces. The manoeuvring space for these parking spaces will be less than the required 6.7/7.1 metres.</p> <p>The outcome is considered acceptable infringement as the vehicle will still be able to manoeuvre to and from the parking space and in and out of the site as demonstrated by the proposed tracking curves. Suitable sight distances also exist.</p> <p>In terms of parking area gradient, the proposed gradient is considered to provide sufficient flexibility to ensure safe vehicle movements for regular users. In addition, pedestrian movements can be adequately managed through the site and through the provision of dedicated access to the walkways within the site.</p> <p>With regard to the vehicle access transition at the street front and the vehicle access restriction control, the proposed development will result in a crossing that is sufficiently separated from nearby vehicle crossings (minimum of 6m) and safe sight distances are available in either direction. Furthermore, the limited number of traffic movements will ensure appropriate levels of traffic safety.</p>

CHAPTER E38 – Subdivision - Urban	
E38.4.2 Activity Table	Activity Status
<p>(6) Subdivision around existing buildings and development, and subdivision in accordance with an approved land use resource consent:</p> <p>(a) the effect of the design and layout of the proposed sites created:</p> <ul style="list-style-type: none"> (i) whether the design and layout of the proposed sites create result in new or increased non-compliance with Auckland-wide and zone rules; (ii) whether there is appropriate provision made for infrastructure; (iii) whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site within the subdivision; and 	<ul style="list-style-type: none"> ▪ The proposed development is well designed and achieves compliance with all development controls aside from small yard infringements for retaining walls along the western reserve boundary and a 1.5% exceedance of the net site area building coverage control. ▪ However, the extent of the infringement is not considered to result in any significant adverse effects on the neighbouring properties in terms of bulk, dominance, shading, privacy or any other effects. ▪ The design of development seeks to maintain privacy and on-site amenity between the application site and adjoining sites through the internal layout and design of the proposed units by orienting them away from creating any direct conflicts internally and externally.

(iv) refer to Policies E38.3(1) and (6).

- The proposal complies with the majority of development controls for the Residential – Mixed Housing Suburban Zone and is considered to achieve the built form outcomes intended for the zone.
 - The proposed parking/manoeuvring area is considered to meet the majority of the applicable standards but does not meet the standards outlined above in this report. The assessment above and the Transport Assessment confirms that the proposed infringements are acceptable.
 - As discussed above, the proposal is consistent with the objectives and policies of Chapter E38 – Subdivision – Urban. The proposal will not result in the subdivision and subsequent development of the site that are not considered to be contrary to the purpose of the zone and any relevant Auckland-wide chapters.
-

Conclusion

Overall, the proposal can be justified in relation to the relevant assessment criteria identified in the Auckland Unitary Plan (Operative in Part).

7.9 Section 104(1)(c) – Other Matters

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. No other matters are considered to be relevant to this application.

8 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

The purpose of the RMA is to promote the sustainable management of natural and physical resources. As stated in section 5 of the Act, this means:

- 5(2) *In this Act, sustainable management means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while –*
- (a) *Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
 - (b) *Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
 - (c) *Avoiding, remedying, or mitigating any adverse effects of activities on the environment.*

Whether the purpose of the RMA is being achieved involves “an overall broad judgement.” This assessment is informed by the reference to the matters set out in sections 6, 7 and 8 of the Act, and:

“...allows for comparison of conflicting considerations and the scale or degree of them and their relative significance or proportion in the final outcome” (Eden Park Trust Board and Eden Park Neighbours Association vs Auckland City Council, A130/97).

Section 6 sets out matters of national importance relative to the natural character of the coastal environment, protection of outstanding natural features, protection of areas of significant public access along coastal marine areas, lakes and rivers, and the relationship of Maori and their culture and traditions. It is considered that there are no matters of national importance that are relevant to this application.

Section 7 requires particular regard by had to ‘other matters’. Of relevance to this application are:

- (b) *the efficient use and development of natural and physical resources*
- (c) *the maintenance and enhancement of amenity values*
- (f) *maintenance and enhancement of the quality of the environment*
- (g) *any finite characteristics of natural and physical resources*

The proposed scale of works maximises the development potential of the site and is considered to be the most efficient use of the site. In addition, the proposed development complies with the relevant development controls of the zone and achieves a high level of on-site amenity as well as significantly improving the amenity values of Orakei Road and Waiata Reserve.

The proposal provides for all day-to-day requirements for townhouse/terrace units whilst being consistent with the existing character and amenity of the area. The proposed development is considered to be of a scale and intensity that makes efficient use of the site and provides for a greater variety of housing typologies in the area.

The proposal builds upon the existing conditions of the site, specifically around the existing vehicle accessway. The proposed subdivision design supports the proposed land use and is a reflection of the built form outcomes intended for the zone and is appropriate within the context of the area.

Overall, the proposal is considered to accord with the matters listed in Section 7 as it is complementary to the planned scale of development/works anticipated on this site and within this zone.

Section 8 requires the principles of the Treaty of Waitangi be taken into account. The proposal is not inconsistent with the principles of the Treaty of Waitangi.

Overall, the application is considered to meet the relevant provisions of Part II of the Act, as the proposal achieves the purpose of the Act being the sustainable management of natural and physical resources.

9 NOTIFICATION

Public Notification

Section 95A of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to publicly notify an application for resource consent. The performance of the application against the relevant criteria of section 95A is provided below.

Step 1- mandatory public notification in certain circumstances

As prescribed at section 95A(3):

- (a) The applicant has not requested that the application be publicly notified.*
- (b) This is a process-related criterion, and only Council can determine, after lodgement of the application, as to whether public notification under Section 95C is required.*
- (c) This application is not made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977*

The applicant does not request public notification of the application. The application is not being made in conjunction with an application requesting the exchange of reserve land under section 15AA of the Reserves Act 1977.

For the above reasons, there is no mandatory requirement for the Council to publicly notify this application.

Step 2- if not required by step 1, public notification precluded in certain circumstances

As prescribed at section 95A(5):

- (a) The activity for more 1 or more activities, however each is activity is not subject to a rule or national environmental standard that precludes public notification.*
- (b) The application is for 1 or more of the following, but no other, activities:*

The application is not subject to a rule or national environmental standard that precludes notification. The activity relates to the subdivision and subsequent residential development of the site and seeks resource consent for a boundary activity (height-in-relation to boundary infringement). In this

instance, it is considered appropriate to progress directly to step 3. In this instance, it is considered appropriate to progress directly to step 4.

Step 3 – if not precluded by step 2, public notification required in certain circumstances

As prescribed at section 95A(7) and 95A(8):

Determine whether the application meets either of the criteria set out in subsection (8) and, —

- (a) if the answer is yes, publicly notify the application; and*
- (b) if the answer is no, go to step 4.*

The criteria for step 3 are as follows:

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*
- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

The proposal is not subject to a rule or national environmental standard that requires public notification. The adverse effects of the activity have been considered in Section 6.0 above, where it was concluded that they would be less than minor overall.

Step 4 – public notification in special circumstances

As prescribed at section 95A(9):

- (a) No special circumstances are considered to exist that would make public notification of this application desirable*
- (b) Public notification of the application is not warranted. An assessment in accordance with section 95B (Limited notification of consent applications) is made below to determine whether it is appropriate to give limited notification of the application:*

There are no special circumstances that would require public notification of the application. For the reasons outlined above, the proposal does not require public notification.

Limited notification

Section 95B of the RMA sets out the steps that a consent authority must follow, in the given order, to determine whether to give limited notification of an application for resource consent where it has

been determined under section 95A not to publicly notification the application. The performance of the application against the relevant criteria of section 95B is provided below.

Step 1 – certain affected groups and affected persons must be notified

As prescribed at section 95B(2):

- (a) *No protected customary rights groups are affected*
- (b) *No customary marine title groups are affected*

As prescribed at section 95B(3):

- (a) *The proposed activity is not on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11 of the RMA*

There are no identified protected customary rights groups or customary marine title groups. The site and adjacent sites are not the subject of any statutory acknowledgement made in accordance with an Act listed in Schedule 11.

In this instance, limited notification of the application is not required under step 1.

Step 2 – if not required by step 1, limited notification precluded in certain circumstances

As prescribed at section 95B(6):

- (a) *The activity for which resource consent is sought is not subject to a rule or national environmental standard that precludes limited notification*
- (b) *The application is not for a controlled activity or a prescribed activity*

The proposed activity is not subject to a rule or national environmental standard that precludes limited notification. The proposed activity is not for a controlled activity or prescribed activity.

Step 3 – if not precluded by step 2, certain other affected persons must be notified

As prescribed at section 95B(7):

- (a) *this application is not a boundary activity*
- (b) *this application is not for an activity prescribed under section 360H(1)(b)*

As prescribed at section 95B(8), an assessment is provided below to determine whether a person is an affected person in accordance with section 95E (Consent authority decides if person is affected person).

Section 95E states:

- (1) For the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(4) and (9) (as applicable), a person is an **affected person** if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor).*
- (2) The consent authority, in assessing an activity's adverse effects on the person for the purpose of this section, -*
 - (a) may disregard an adverse effect on the person if a rule or a national environmental standard permits an activity with that effect; and*
 - (b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*
 - (c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- (3) A person is not an affected person in relation to an application for a resource consent for an activity if –*
 - (a) the person has given, and not withdrawn, approval for the proposed activity in a written notice received by the consent authority before the authority has decided whether there are any affected persons; or*
 - (b) the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- (4) Subsection (3) prevails over subsection (1).*

For the reasons outlined in this assessment, and in consideration of the matters set out in sections 95E, no persons are considered to be affected persons in relation to this application, for the following reasons:

- The proposal will result in a number of positive effects, and any potential adverse effects on affected persons for any properties located outside of the land owned by the applicant are considered to be less than minor. The bulk and location of the development is of a scale that is

anticipated by the relevant planning provisions. The effect of the proposed low-level retaining structures along the western boundary will be mitigated by the proposed on-site landscaping, mature vegetation and the open nature of Waiata Reserve. In terms of building coverage, the proposed 1.5% exceedance will result in less than minor adverse effects on neighbours given the 2-level height limitation which is less than the maximum permitted height and the staggered and stepped bulk and location of units 13 – 19. Further the private space (except for Unit 1 addressed below) and outlook space of each of these units is facilitated within the application site and will not overlap onto adjoining residential sites.

- The minimal shortfall of the 4m north-south dimension of private open space overlaps onto Waiata Reserve. Therefore, the open space expectations of the occupants of this unit can be provided through a mixture of on-site and off-site land, without affecting the amenity expectations of the general public. Additionally, Unit 1 has additional usable open space along the southern boundary of this site and within its front yard. Therefore, while there is a technical dimensional shortfall, overall, the private open space requirements for this unit are considered to be satisfied.
- No national environmental standards are relevant for the purposes of this application.
- No written approvals have been sought or obtained in relation to this application and are not considered to be required.

10 CONCLUSION

This application sets out the relevant assessment required for resource consent applications under the RMA. The plans and technical assessments submitted with the application have been provided in support of the application and in relation to the relevant criteria.

In terms of the RMA, all appropriate matters in section 104 are considered to have been addressed including the:

- Actual and potential effects;
- The relevant provisions of any plan of proposed plan; and
- Any other matters

It is concluded that the proposal satisfies these matters and is in accordance with the relevant provisions of the statutory documents. Therefore, in accordance with sections 104C, I support the grant of consent to this application for a **restricted discretionary** activity.



Vijay Lala | Director

Tattico Limited

March 2020