

## 37 St Vincent Ave Remuera



### Application for Resource Consent and Assessment of Environmental Effects

February 2021

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Supporting Documents Provided

- A. Certificate of Title
- B. Architectural Plans
- C. Architectural Design Statement
- D. Landscape Plans and Specification
- E. Infrastructure Report and Engineering Plans and Scheme Plans
- F. Transport Assessment
- G. Geotechnical Report
- H. Waste Management Plan
- I. Pre App Minutes

## 1 INTRODUCTION

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This report is submitted in support of a land use consent application by 37 St Vincent Limited (“the applicant” for the construction of 17 residential units on the subject site (“the site”) at 37 St Vincent Ave, Remuera.

The residential units will comprise 15 three bedroom and 2 two-bedroom units. All units will be two levels. Each unit will have 1 carpark which will be located in an undercroft structure. Refuse storage and disposal is also proposed from the parking area. It is proposed to undertake a fee simple subdivision around the development after the development is approved. The is accessed from a 5.49m wide accessway from St Vincent Ave. A 1m wide pedestrian pathway is provided within this accessway.

The site is subject to the Residential-Mixed Housing Urban Zone and also subject to the Macroinvertebrate Community Index Overlay. The site will be redeveloped to remove the existing residential dwelling and associated structures to provide medium density housing which is aligned with the development outcomes intended for the Mixed Housing Urban zone, and representative of the future planned form of development for the locality. The proposed development has been designed to maintain sensitivity to the current residential neighbourhood and existing dwellings whilst providing for development that adds interest and diversity in an environment where the planned outcome identified in the AUP is for higher density than currently exists.

Overall, the proposal is considered to have less than minor adverse effects on the environment and is consistent with the objectives, policies and assessment criteria in the Unitary Plan.

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

## 2 THE APPLICANT AND PROPERTY DETAILS

APPLICANT AND PROPERTY DETAILS	
Applicant	37 St Vincent Limited
Address	37 St Vincent Ave, Remuera
Legal Descriptions	Lot 1 DP71360
Site Area	2,565m <sup>2</sup> (GROSS) 2,293 NETT
Auckland Unitary Plan: Operative in Part	
Zone	Mixed Housing Urban
Precinct	N/A
Overlays	<ul style="list-style-type: none"> <li>▪ Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - O1, One Tree Hill, Viewshafts – 17.5m Not Affected</li> <li>▪ Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - W26, Mount Wellington, Viewshafts – 17.5m Not Affected</li> </ul>
Controls	<ul style="list-style-type: none"> <li>▪ Macroinvertebrate Community Index - Urban</li> </ul>
Road Classification	<ul style="list-style-type: none"> <li>▪ Local Road</li> </ul>
Designations	<ul style="list-style-type: none"> <li>▪ Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd – Not affected</li> </ul>
Council GeoMaps Layers	
Overland Flowpath	<ul style="list-style-type: none"> <li>▪ No overland flowpaths or floodplains apply across the site</li> </ul>
Floodplain	

### 3 SITE AND LOCALITY DESCRIPTION

The site is located at 37 St Vincent Ave (the certificate of title is contained in **Attachment A**). The site is located within the Mixed Housing Urban Zone under the Unitary Plan.

The site currently provides for an existing residential dwelling and also a garage. A private outdoor living area including courtyard and tennis court is located directly adjacent to the north of the dwelling. Areas of lawn are predominantly located in the northern and eastern parts of the site. There is an existing driveway that provides vehicle access from St Vincent Ave to the subject site. There are also a number of trees located within the property and along the driveway. The boundaries are bordered by hedges and there is a large specimen tree to the north east corner of the site. The site has a gradual gradient and rises from the east to the west by approximately nine and a half metres over a horizontal distance of approximately one hundred and seven metres.

The site is an irregular shape, including a panhead entrance strip providing access to St Vincent Ave. The total area of the site is 2,565m<sup>2</sup> Gross and 2,293 Nett. An aerial image of the site is shown in **Figure 1** below.

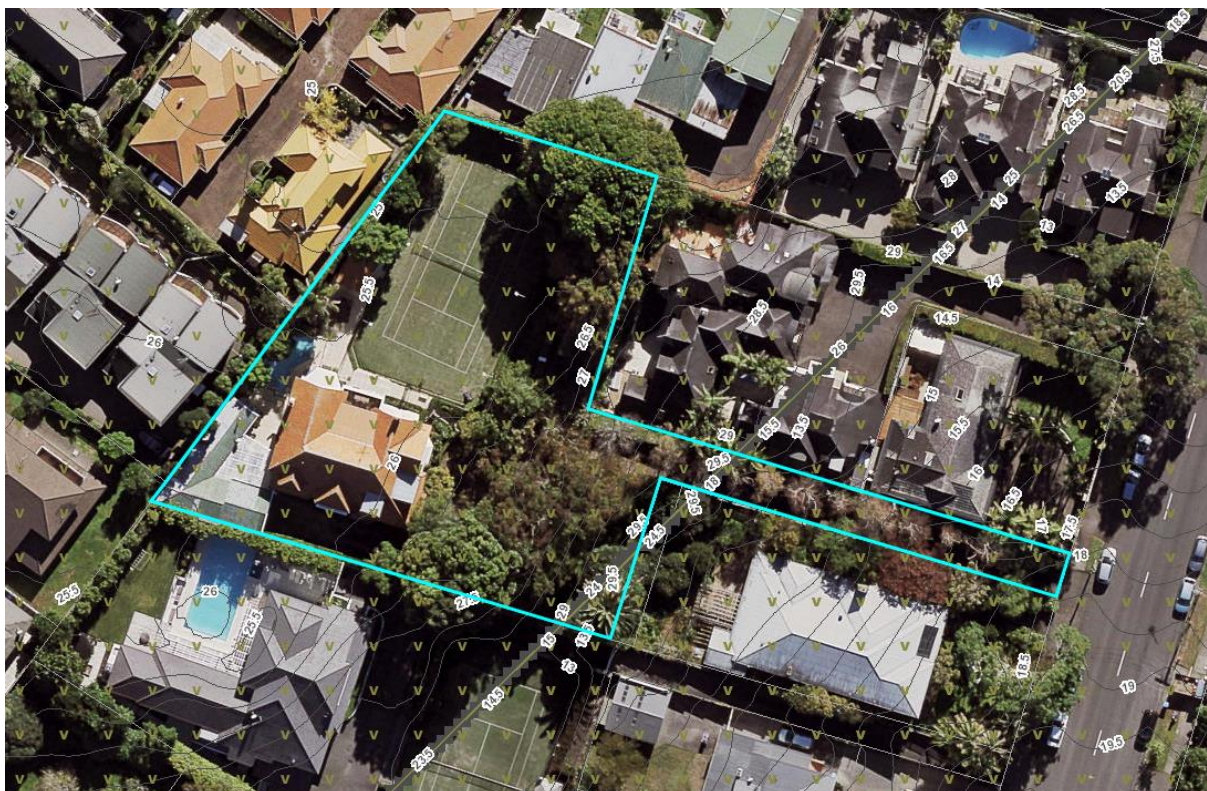
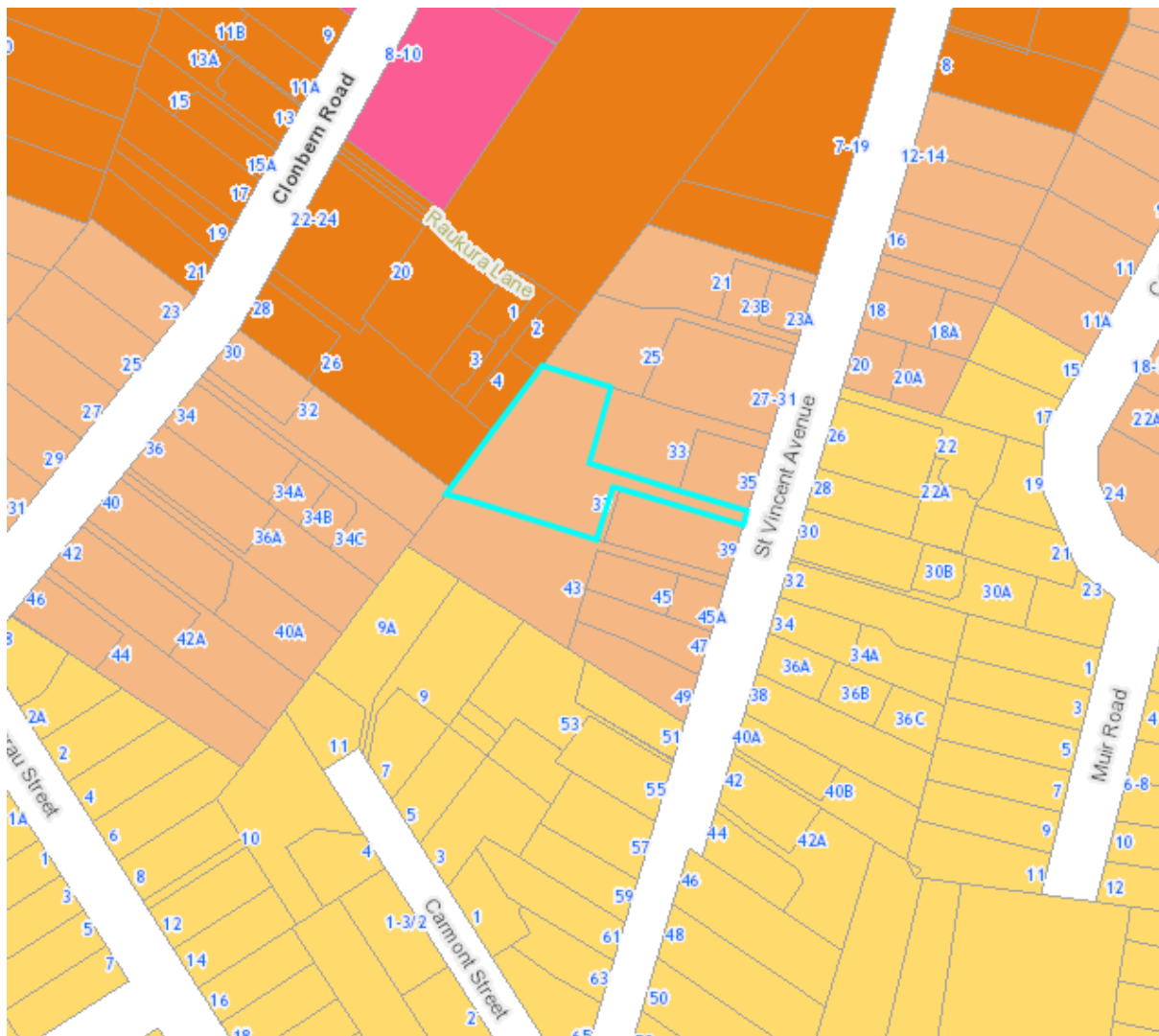


Figure 1: Subject site (outlined in blue) at 37 St Vincent Ave, Remuera. Source: Auckland Council Geomaps



The existing 1920's weatherboard clad dwelling is a large two storied house positioned on the south-west corner of the large lot. The existing house is in average condition due to its age and would require a reasonable amount of work to meet current building standards. This pattern of development (large standalone homes on large lots) was historically very typical in this suburban neighbourhood and underutilises the land. Subdivision and infill development has occurred in a lot of the surrounding lots with No 37 and 43 St Vincent Avenue being one of the last remaining single dwellings on lots of a significant size.



**Figure 2: Site Locality Zoning Plan**

The locality and nearby sites/dwellings are outlined in detail in the Design Assessment submitted with the application. The neighbourhood is occupied by a variety of dwelling types including large single house sites (43 St Vincent Ave) and higher density multi-unit developments (26 Clonbern Road). The sites are generally zoned Mixed Housing Urban, THAB or Mixed Housing Suburban.

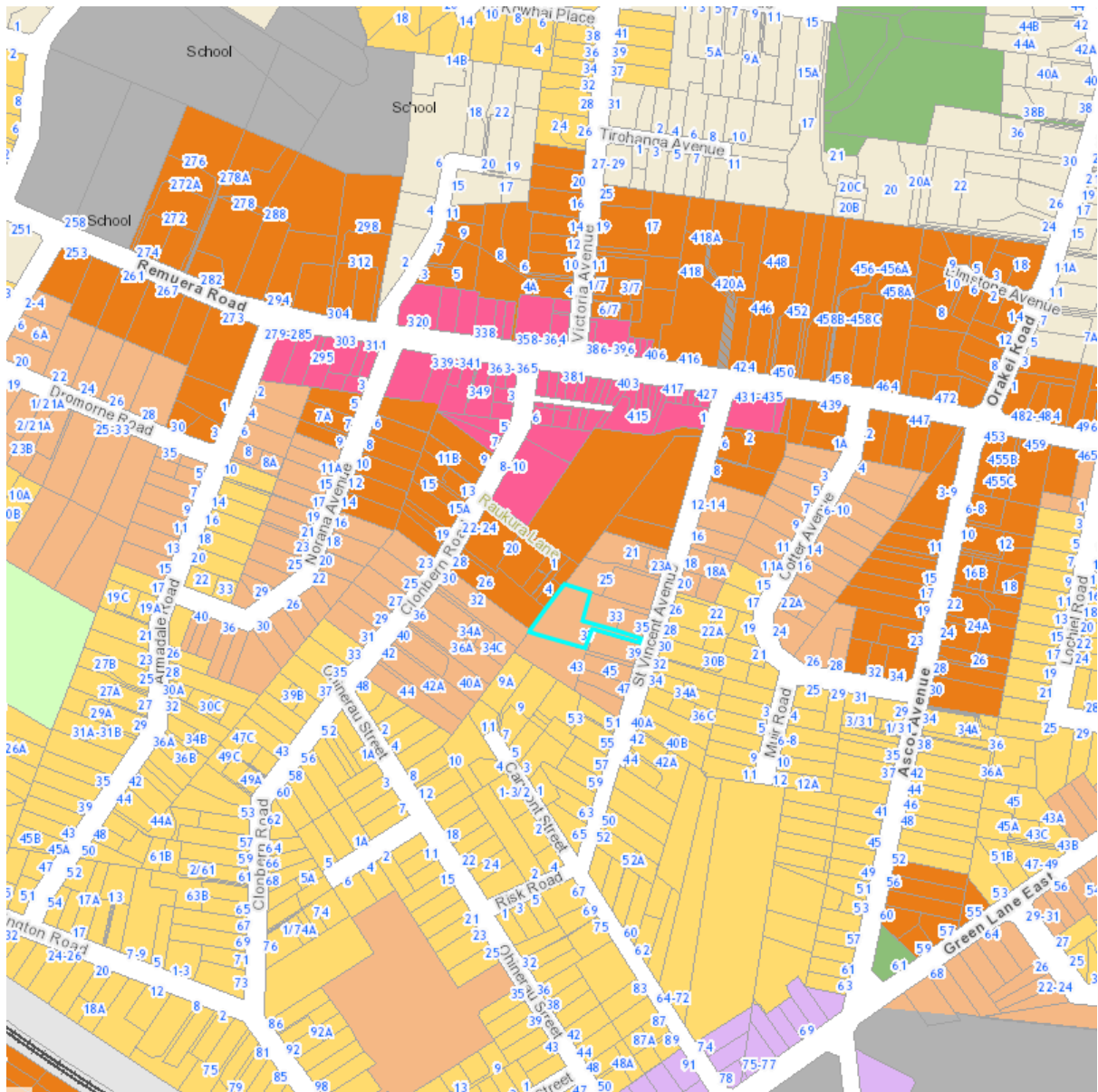


Figure 3: Neighbourhood Zoning Locality Plan

In relation to the surrounding environment, the site is located within the middle of the suburb of Remuera. The residential suburb of Remuera is located to the east of Central Auckland. The suburb of Remuera is bound by the Waitemata Harbour and Orakei Basin to the north, and the residential suburbs of Ellerslie and Ladies Mile to the south, Newmarket to the West and Orakei to the East.

A number of community and recreational facilities including the Ellerslie Racecourse, Greenlane Train Station, Bus routes, Remuera Club and the Remuera Town Centre are in close proximity to the application site.



## 4 PROPOSAL

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### 4.1 Introduction

The proposal involves the demolition of the existing residential dwelling and associated structures and vegetation to enable the construction of 17 residential dwellings, a common accessway to provide vehicle access to and from the site, associated car parking and associated landscaping and common areas including pedestrian pathways.

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 drawings prepared by Novak + Middleton contained in **Attachment B** to this report. Further, the Design Statement prepared by Novak + Middleton is included as **Attachment C** to this application. The Landscaping Plans prepared by Local are included as **Attachment D** to this application and outline in full detail the landscaping designs proposed as part of this application.

Other details of the proposal relating to traffic, geotechnical matters (including groundwater), 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 – buildings, access and landscaping

Full details of the proposal are set out in the architectural plans prepared by Novak and Middleton and included as **Attachment B** to this report. The proposal includes the establishment of 17 residential dwellings in a range of typologies including 15 three-bedroom units and two 2 bedroom units, each with 1 car park. The layout of the proposed development is shown below in **Figure 4**.

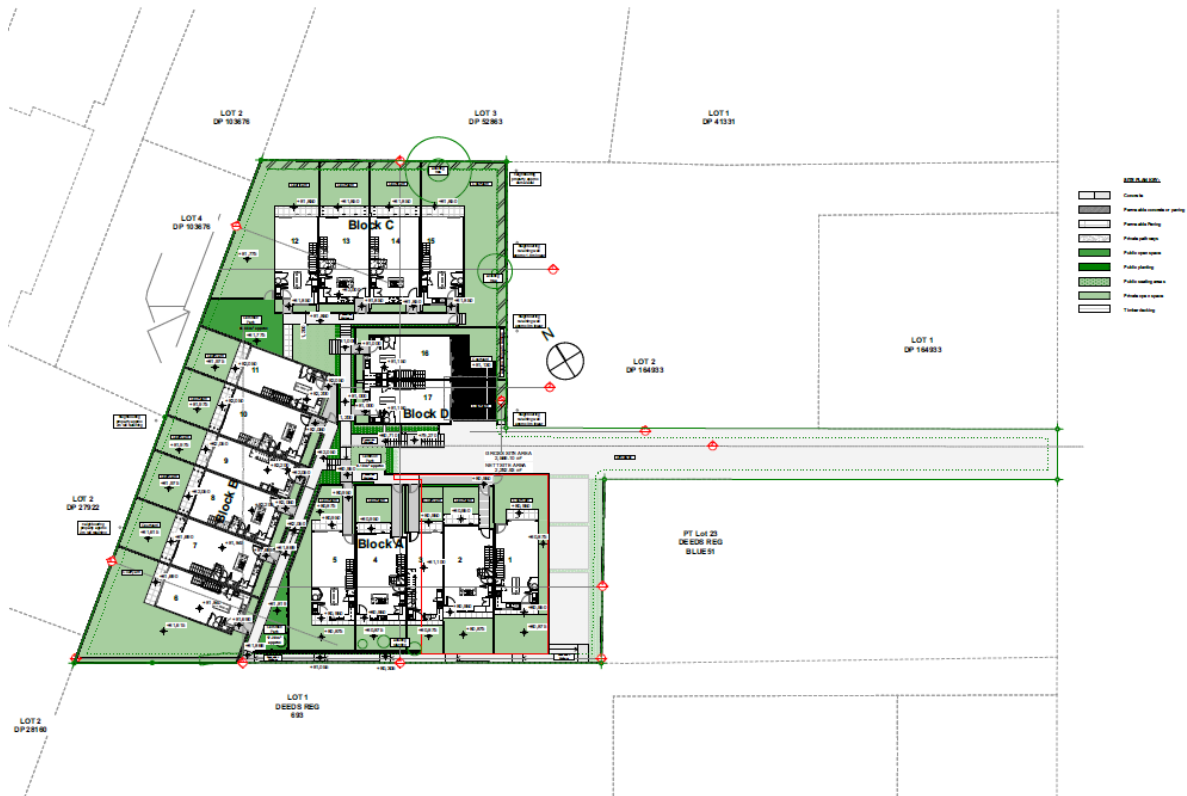
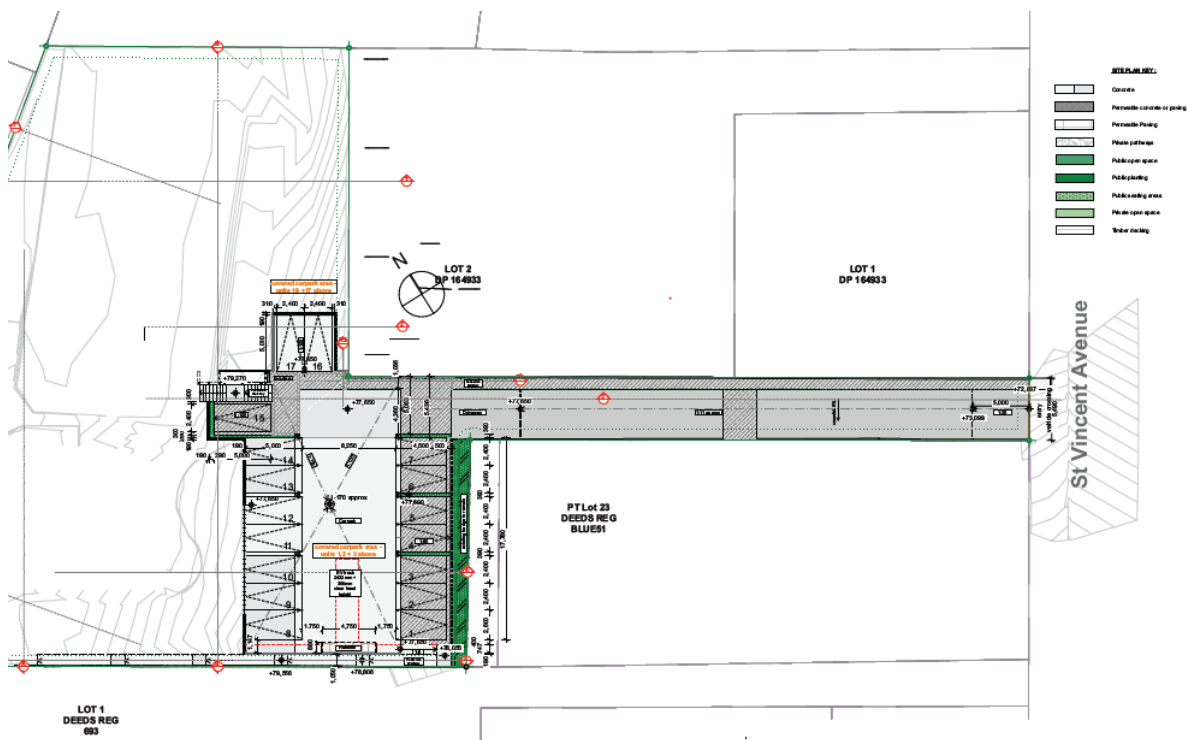


Figure 4: Layout of the proposed development

All carparks are provided within an under croft parking area which is accessed directly from the accessway from the site. The under croft carpark features residential units above. Additionally, the refuse disposal area is located in the carpark and a pedestrian ramp is also accessed from the carpark area.



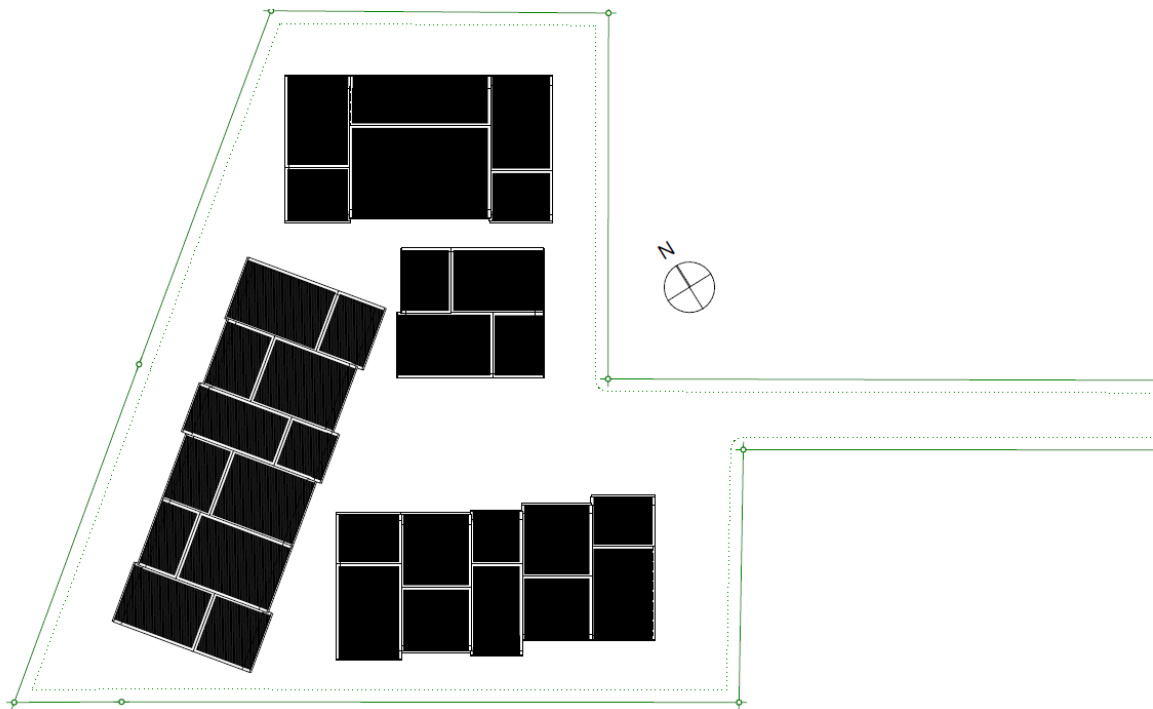
**Figure 5: Layout of the proposed carpark**

A Design Statement has been prepared by Novak & Middleton to address the design and layout of the proposed development. This is also contained in **Attachment C** to this application. The location of the buildings in plan and elevation (floor level set out) was determined by a number of factors acknowledging the existing development patterns and urban form in the locality, adherence with planning standards and response to environmental conditions including orientation to achieve best sunlight access among other considerations.



**Figure 6: Perspective of the proposed development viewed from the north of the accessway.**

The dwellings have been divided into four individual buildings that are similar in scale to some of the surrounding houses in the neighbourhood and have been broken up into separate building blocks to blend in and complement the existing development in the area. Outdoor living areas are provided for each dwelling and are orientated to face north or west where possible.



**Figure 7: Block profiles of proposed development**

In relation to other landscaping on the site, a range of specimen trees are proposed including Magnolia, Olive, Forest Pansy, Feijoa and Lemon as well as the retention of two existing trees. Hedging is also proposed in the form of Geentys Green and Griselinia as well as a variety of climbers. A range of lower-level planting mixes are also proposed across the site. For full details, refer to the Landscape Plans contained in **Attachment D**.

### Housing and Materials

The proposal includes a combination of housing typologies with 15 x three-bedroom dwellings and two x two-bedroom, all two-level multi-unit buildings. Units, 1, 2, 3, 16 and 17 will be constructed above the carpark undercroft.

The proposed development provides for pitched roof attached dwellings, the upper-level frames of the dwellings articulate, add depth, and add formal variety between the units. In addition, variety of the building bulk is married with the use of different materials and finishes in a combination of light and dark tones to introduce an appropriate level of formal variation between units.

The material palette includes a mixture of colour steel metal cladding, long run metal roofing, and cedar and painted weatherboards, in a combination of light and dark tones. This establishes a modern durable aesthetic for the development that does not dominate the street but instead recedes back and further

individualises the units. All retaining will be a combination of concrete block and retaining and all fencing will be pine.

#### 4.3 Access and Parking

It is proposed to provide a complying carpark scenario with associated manoeuvring for each parking space. All of the parking spaces are a minimum of 2.4m wide and will be 5.0m long. The manoeuvring depths for all carparks will be 7.1m except for spaces 16 and 17 which have a manoeuvring depth of 5.4m.

Primary access to the site is proposed to be provided via a reformed common vehicle accessway which is 5.49m wide and also includes a 1.0m wide pedestrian pathway. The length of the accessway is 56m. The gradient will vary between 20% to 12.5% although for four metres from the site boundary the gradient will be 5%.

The undercroft carpark will have a head height of and vertical clearance of 2.74m

Refuse collection vehicles will also access the site as the refuse collection area is located along the southern boundary, within the undercroft carpark. It is proposed that refuse collection will be completed by private contractors. It is proposed that refuse collection vehicles enter the site in a forward direction, turn around within the parking manoeuvring area (after collecting the refuse) and the egress the site in a forward direction. Refuse collection is proposed to occur three times a week between 9am to 4pm to avoid commuter traffic and resident vehicle movements.

#### 4.4 Infrastructure & Earthworks

An Infrastructure Report and Engineering Plans has been prepared by Maven Associates, for full details refer to **Attachment E** of this application. The report addresses existing infrastructure in the area and new infrastructure necessary to service the proposal. Specifically, the report addresses the following matters:

- Earthworks and Sediment Control;
- Stormwater;
- Wastewater;
- Water Supply;
- Other Services.

### Earthworks

Earthworks will be required over the site (2,565m<sup>2</sup>) to establish suitable building platforms for the dwellings, accessway, carpark and landscaping. The earthworks volumes are based on the finished platform levels of the proposed units. The volume of earthworks will involve a total earthworks volume of 1,643m<sup>3</sup>. Retaining walls are proposed to support the excavation and will extend up to heights of approximately 1m over parts of the site.

It is proposed that the maximum cut levels will be approximately 4m in some parts of the site.

Maven Associates has prepared an Erosion and Sediment Control Plan that is contained in Appendix A of the Infrastructure Report. The proposed erosion and sediment control methodology ensures that earthworks will be in accordance with GD-05 and silt control measures will need to be installed prior to the earthworks commencing. Erosion and Sediment Control measures proposed during the earthwork's operation include silt fences and clean water diversion bunds.

### Stormwater

A detailed pre-application process was undertaken in order to determine the most appropriate response to stormwater solutions for the development. It was recommended to connect to the stormwater system on the opposite side of St Vincent Ave within 28 St Vincent Ave, however no public line was found here to connect to. As a result three options were pursued – discharge to the combined network, extension of the existing public network to the intersection with Carmont Street and extension of the stormwater network from existing properties on the eastern side of St Vincent Ave. The only option that proved feasible according to the Infrastructure Report was discharge to the combined network with re-use and detention systems on each lot attenuating post development stormwater runoff to an equivalent pre-development flow rate.

### Wastewater:

The Maven Infrastructure Report outlines that there is an existing public network that consists of a 150mmØ line within Kohimarama Road which flows downstream to the east.

Wastewater disposal for the development is proposed via a new manhole installed over the existing 150mmØ public wastewater line mentioned above. A new public network will be extended from the manhole with 100mmØ private connections to service each unit. The proposed network will provide a suitable wastewater connection point for the proposed units under the development.

### Water



The Maven Infrastructure Report outlines that there is an existing public 100mmØ public water line on the road reserve on Kohimarama Road.

Two water meter banks (6 water meters per meter bank) with individual meters to each unit are proposed to be provided to service the new units with individual 20mmØ OD leads placed down a service trench across the proposed accessway.

#### Other Services

The Maven Infrastructure Report outlines that available underground services will be supplied to each unit by placing them down a service trench across the proposed accessway.

#### 4.5 Construction Traffic and Noise

The proposed vehicle movements will generate additional vehicle movements from trucks and other vehicles, and an increase to noise during the construction period which will require some management. Measures to manage noise and vibration generated during the construction period are set out in the Construction Noise and Vibration Assessment prepared by Marshall Day and contained in **Attachment H** to this application.

#### 4.6 Subdivision

12 residential lots are proposed across the development site varying in size between 62m<sup>2</sup> and 137m<sup>2</sup>.

Each dwelling has one dedicated car park (Lot 102-111). The car park for Lot 1 is the exception which is held in Lot 2000.

Lot 1000 is the jointly owned common accessway, each prospective purchaser will hold one 12<sup>th</sup> share.

Lot 2000 comprises the additional common areas including pedestrian pathways, where each prospective purchaser will hold one 12<sup>th</sup> share.

The proposed easement schedule is outlined within the Scheme Plans contained in **Attachment E**.

#### 4.7 Summary

Overall, a comprehensive approach to the redevelopment of the site is proposed with all aspects of the required development forming part of this proposal.

## 5 CONSENT REQUIREMENTS

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### 5.1 Introduction

Without limiting this application being for all necessary resource consents triggered by the proposal, resource consent appears to be required for at least those matters identified below. Resource consent is being sought to enable the proposed (as described in this report and supporting material) and the application intends to include all necessary consents for those activities to occur. The list of reasons for consent may not be an exhaustive list and if further consent matters identified post-lodgement of the application, those should also be considered as forming part of this application.

### 5.2 Auckland Unitary Plan – Operative in Part (“the Unitary Plan”)

The following tables contains an assessment of the proposal against the relevant Unitary Plan provisions, including those of the Mixed Housing Urban zone, and Auckland-wide provisions relating to land disturbance, transportation, and stormwater discharge.

CHAPTER H5 – MIXED HOUSING URBAN ZONE	
H5.4 Activity Table	Comment
(A4) Three or more dwellings per site, to be assessed as a restricted discretionary activity, subject to compliance with the following standards: <ol style="list-style-type: none"> <li>1. H5.6.4 Building height</li> <li>2. H5.6.5 Height in relation to boundary</li> <li>3. H5.6.6 Alternative height in relation to boundary</li> <li>4. H5.6.7 Height in relation to boundary adjoining lower intensity zones</li> <li>5. H5.6.8 Yards</li> </ol>	12 dwellings are proposed. The proposal complies with the standards listed with the exception of Standard H5.6.5 Height in Relation to Boundary which is addressed below. Accordingly, resource consent for a <b>Restricted Discretionary Activity</b> is required.
(A34) New buildings and additions	The same activity status and standards as applies to the land use activity that the new building is designed to accommodate. In this case, the above activity rule applies, and new buildings are accordingly a restricted discretionary activity.

	Consent is required for a <b>Restricted Discretionary Activity</b> .
<b>H5.6 Mixed Housing Urban zone standards</b>	<b>Compliance</b>
<b>H5.6.4 Building Height</b> 11m (plus 1m for 50% of a sloping roof)	<b>Complies</b>
<b>H5.6.5 Height in relation to boundary</b> 3.0m plus 45° along side and rear boundaries. The standard does not apply to existing or proposed internal boundaries within a site. Exceptions for gable ends apply (not greater than 1.5m <sup>2</sup> in area and 2.5m <sup>2</sup> in length).	<b>Infringement</b> – Unit 9 infringes the standard along the southern boundary of the site that adjoins the property of 182A Kohimarama Road over a width of 3m, x a length of 11.4m and a height between 1.5m and 3.1m. Resource consent is required as this is a <b>Restricted Discretionary Activity</b> .
<b>Note: this standard is subject to appeal</b>	<b>Not relied upon or utilised as part of this application</b>
<b>H5.6.6 Alternative height in relation to boundary within the MHU zone</b> Within 20m of the site frontage, buildings must not project beyond a recession plane as set out in the Unitary Plan.	
<b>H5.6.7 Height in relation to boundary adjoining lower intensity zones</b> 2.5m + 45° along side and rear boundaries adjoining a lower intensity zone.	<b>N/A-</b> All adjoining properties are zoned Residential Mixed Housing Urban.
<b>H5.6.8 Yards</b> Front: 2.5m Side and Rear: 1.0m  This control does not apply where there is an existing common wall or where a common wall is proposed.	<b>Complies-</b> All of the 12 proposed residential dwellings comply with the front and yard standards. Fencing is proposed within the front yard, however, no retaining is proposed which ensures compliance with this standard.
<b>H5.6.9 Maximum Impervious Area</b> 60% of the net site area	<b>Complies-</b> The total maximum impervious area for the proposed development is 976m <sup>2</sup> or 56%. On a lot by lot basis, the maximum impervious area totals are provided in the assessment criteria section.

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#### H5.6.10 Building Coverage

45% of the net site area

**Complies-** The total building coverage for the proposed development is 598.6m<sup>2</sup> or 34.3%. On a lot by lot basis, the total building coverage areas are provided in the assessment criteria section.

Notwithstanding, this is criteria and not a listed standard to be complied with

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#### H5.6.11 Landscaped Area

Minimum landscaped area of 35% of the net site area

At least 50% of the area of the front yard must comprise landscape area

**Complies –** The total landscaped area proposed across the development site is 669.7m<sup>2</sup> or 38.8%. On a lot by lot basis, the total landscaped areas are provided in the assessment criteria section.

**Infringement-** 38.3% of the front yard is landscaped as part of this development which results in an infringement to this standard of 11.7%. Resource consent is required under Rule C1.9(2) as this is a **Restricted Discretionary Activity**.

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#### H5.6.12 Outlook Space

Principal living room - 6m depth, 4m width

Principal bedroom - 3m depth, 3m width

Other habitable rooms - 1m depth, 1m width.

**Infringement-** Unit 1-3 do not meet the minimum principal living room requirements, due to part of these outlook spaces being located within the adjoining property to the north at 174 Kohimarama Road resulting in the following non-compliances:

- Lot 1: 0.5m over a width of 4m
- Lot 2: 0.3m over a width of 4m
- Lot 3: 0.3m over a width of 4m

Resource consent is required under Rule C1.9(2) as this is a **Restricted Discretionary Activity**.

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	Notwithstanding, this is criteria and not a listed standard to be complied with
<b>H5.6.13 Daylight</b>  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.  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.	<b>Complies</b>  Notwithstanding, this is criteria and not a listed standard to be complied with
<b>H5.6.14 Outdoor Living Space</b>  1. Dwelling must have an outdoor living space that is at least 20m <sup>2</sup> that comprises ground floor and / or balcony / roof / terrace space that: <ul style="list-style-type: none"><li>▪ has no dimension less than 4m and has a gradient not exceeding 1 in 20; and / or</li><li>▪ where provided in the form of a balcony, patio or roof terrace is at least 5m<sup>2</sup> with a minimum dimension of 1.8m; and</li><li>▪ is directly accessible from the dwelling; and</li><li>▪ is free of buildings, parking spaces, servicing and manoeuvring areas</li></ul> 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: <ul style="list-style-type: none"><li>▪ (one-bedroom dwelling) is at least 5m<sup>2</sup> and has a minimum dimension of 1.8m; or</li><li>▪ (two-or-more bedroom dwelling) is at least 8m<sup>2</sup> and has a minimum dimension of 1.8m; and</li><li>▪ Is directly accessible from the dwelling; and</li></ul>	<b>Complies</b> – Each of the 12 dwellings proposed has an outdoor living space that is greater than 20m <sup>2</sup> and which are not steeper than 1 in 20 and is directly accessible from the dwelling and free of buildings and parking, servicing and manoeuvring areas.

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- Except that a balcony or roof terrace is not required where the net internal floor area of a dwelling is at least 35m<sup>2</sup> for a studio and 50m<sup>2</sup> 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.

**Note: this standard is subject to appeal**

**Complies**

#### H5.6.15 Fences and walls

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-** All of the 12 dwellings proposed satisfy this requirement.

Studio - 30m<sup>2</sup>

1 bedroom or more - 45m<sup>2</sup>

### AUCKLAND-WIDE: E12 LAND DISTURBANCE-DISTRICT

#### E12.4.1 Activity Table

#### Compliance

(A5) General earthworks in a residential zone greater than 1000m<sup>2</sup> up to 2500m<sup>2</sup> is a Restricted Discretionary Activity.

Earthworks over a total area of 1744m<sup>2</sup> are proposed and consent is required as this is a **Restricted Discretionary Activity.**

(A10) General earthworks in a residential zone greater than 250m<sup>3</sup> and up to 1000m<sup>3</sup> is a Restricted Discretionary Activity.

Earthworks over a total area of 644m<sup>3</sup> are proposed and consent is required as this is a **Restricted Discretionary Activity.**

### AUCKLAND-WIDE: E25 Noise and Vibration

#### E25.4.1 Activity Table

#### Compliance

(A2) Activities that do not comply with a permitted activity standard are a Restricted Discretionary Activity.

The proposed development results in a technical infringement to the Construction Noise Levels Standard E25.6.27(4) and resource consent is required as this is a **Restricted Discretionary Activity**.

E25.6 Standards	Compliance
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<p><b>E25.6.27(4) Construction Noise Levels</b></p> <p>For a project involving a total duration of construction work that is more than 20 weeks the noise limits in Table E25.6.27.1 Construction noise levels for all activities sensitive to noise in all zones except the Business -City Centre Zone and the Business-Metropolitan Centre Zone and Table E25.6.27.2 Construction noise levels for noise affecting any other activity above shall be decreased by 5dB in all cases.</p>	<p><b>Infringement</b> – As a result of the duration of construction work exceeding 20 weeks, and due to the proximity of the five adjacent dwellings (172, 174, 176, 180 and 182 Kohimarama Road) noise levels are predicted to exceed the LT daytime limit of 70dBL<sub>AEQ</sub> by 1-6 dBL<sub>AEQ</sub>. Consent is required under Rule E25.4.1 (A2) to infringe this standard, as addressed above.</p>
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<p><b>E27.6.30 Vibration</b></p> <ul style="list-style-type: none"> <li>▪ <b>(1)(a) Cosmetic Damage</b> – The limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3 Effects of vibration on structures when measured in accordance with that Standard on any structure not on the same site; and</li> </ul>	<p><b>Complies-</b> The MDA Assessment notes that with good practice on site the proposed activities will comply with the vibration limits relating to cosmetic damage in buildings (5mm/s PPV).</p>
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<ul style="list-style-type: none"> <li>▪ <b>(1)(b) Vibration Amenity-</b> the limits in Table E25.6.30.1 Vibration limits in buildings in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building.</li> <li>▪ Works generating vibration for three days or less between the hours of 7am to 6pm may exceed the limits in Table E25.6.30.1 Vibration limits in buildings above, but must comply with a limit of 5mm/s peak particle velocity in any axis when measured in the corner of the floor of the storey of interest for multi-storey</li> </ul>	<p><b>Complies-</b> The MDA Assessment states that some activities are expected to exceed the vibration amenity limits (2mm/s) when close to dwellings. However, MDA anticipate that the levels would not exceed more than 2mm/s PPV for more than 3 days, which is provided for and ensures compliance with this standard.</p>
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buildings, or within 500mm of ground level at the foundation of a single storey building, where:

- (i) all occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
- (ii) the written advice must include details of the location of the works, the duration of the works, a phone number for complaints and the name of the site manager.

E27 TRANSPORT	
E27.4.1 Activity Table	Compliance
(A7) Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) and the establishment of the vehicle crossing is to:(a) relocate and/or amalgamate an existing vehicle crossing or crossings serving the site, that will reduce or otherwise not increase either the number of crossings or width of crossings serving a site; or (b) there is no other means of accessing a site.	Whilst the access points will be more than 50m from the adjacent intersection, Kohimarama Road is identified as an arterial road and resource consent is required as this is a <b>Restricted Discretionary Activity</b> .
E27.6 Standards	Compliance
<b>E27.6.1- E27.6.3.7 &amp; E27.6.4.2- E27.6.5</b>	The proposed development complies with the relevant standards for parking, loading and access as set out in the TPC Transport Assessment.
<b>E27.6.4.1 Vehicle Access Restrictions</b> Defines the acceptable locations of access points in relation to strategic points and intersections.	<b>Infringement-</b> Whilst the access points will be more than 50m from the adjacent intersection, Kohimarama Road is identified as an arterial road. Consent is required under Rule E27.4.1 (A7) as outlined above.
E30 CONTAMINATED LAND	
E30.4.1 Activity Table	Compliance
(A6) Discharges of contaminants into air, or into water, or onto or into land not meeting permitted	The Contamination Assessment states that the proposed subdivision and development will comply

activity Standard E30.6.1.1, E30.6.1.2, E30.6.1.3, E30.6.1.4; or E30.6.1.5 are a Controlled Activity. with Standard E30.6.2.1(4) that states discharges from the land are highly unlikely to cause significant adverse effects on the environment. Further, a Remediation Action and Site Management Plan has been prepared to address the identified areas of contamination. Hence, resource consent is required for a **Controlled Activity**.

E30.6 Standards	Compliance
E30.6.1.4 Discharges of contaminants into air, or into water, or onto or into land not used for rural production activities	<b>Infringement-</b> The Contamination Assessment considers that site contains elevated levels of contaminants (lead and heavy metals) that exceed permitted Unitary Plan thresholds. Consent is required under Rule E30.4.1(A6) as addressed above.

### 5.3 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:

- Under Rule E27.4.1 (A1) Parking, loading and access which is an accessory activity and complies with the standards for parking, loading and access is a **Permitted Activity**. The proposed development complies with the relevant standards for parking, loading and access which are set out in the TPC Transport Assessment.

### 5.4 NES: Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

The Contamination Report contained in **Attachment J** to this application outlines that elevated concentrations of lead and heavy metal were detected in the site soils.

A desktop study has been undertaken that reviewed the history of the site and historical photographs and identified that the site was developed into a residential configuration prior to 1940 with only minor landscaping changes having occurred since then, including construction of a swimming pool. Consequently,

GSL identified that the site may have been subject to potential impacts from discharges of lead-based paint used in the residential dwellings, which can result in contamination hotspots.

The Detailed Site Investigation identified that consent for a Restricted Discretionary Activity is required under Regulation 10 of the NES, as the change of use, subdivision, and soil disturbance proposed does not meet the requirements of a Permitted Activity under Regulation 8 of the NES, and as the DSI has shown, soil contamination does exceed the applicable standard for residential land use.

#### 5.5 [Reasons for consent conclusion](#)

Overall, resource consent for a **Restricted Discretionary Activity** is required.

## 6 ENVIRONMENTAL EFFECTS ASSESSMENT

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

### 6.1 Character and Amenity and Streetscape

The RMA defines amenity values as those natural or physical qualities or characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence and cultural and recreational attributes. The Kohimarama neighbourhood that surrounds the site is predominantly residential in nature comprising one to two storey detached residential dwellings. There is a mixture of contemporary and more traditional dwelling types established in the locality.

The area is typically characterised by one to two storeys, detached and attached housing located on larger sites, setback from the road boundary and generally address the street from a distance. However, infill development has allowed for increased development within the areas 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.

Nearby the site there are a number of 2 level dwellings including at 172, 174, 182A, 184 and 186 Kohimarama Road. These are generally large scale dwellings which occupy considerable floor area. A number of sites also include tennis courts and swimming pools.

The current proposal reflects the planning approach which is to achieve the 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.

In terms of overall residential character and amenity, it is considered that the proposed development achieves a balanced, quality development outcome that ensures suitable amenity for future occupants of the development as well as existing occupants of the locality and adjoining properties. The Unitary Plan provides for development of this nature within this location. The proposed design mitigates effects on adjoining properties through design, layout and orientation of the residential units, reducing the height of units through earthworks and retention of some existing vegetation (along the site entrance) combined with planting a significant amount of new vegetation.



The development is consistent with the changing character of the area and is reflective of increasing intensity of residential development planned for within the area and introduces housing typologies 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 ten of the units will be three bedroom, two units will be two bedrooms. Seven units will be two level, whilst three units will be three levels. Overall, the development itself will therefore enable a variety of housing types at higher densities. The differentiation in material and finishes will further ensure that an appropriate variety of built outcomes will be achieved.

The proposed development will provide an opportunity for the site to be comprehensively landscaped. Landscaping in the form of specimen trees, hedging and low planting mixes are proposed internally to the site and along boundary interfaces. A variety of fencing treatments are proposed including low level retaining walls (1.0m or less) and fencing which includes timber fencing with vertical or horizontal slats.

The 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 with the exception of 182A Kohimarama Road, where Unit 9 has been designed to be in proximity to the boundary given written approval has been provided from 182A Kohimarama Road. However, in all instances high-quality landscaped boundary interfaces are proposed along the site boundary and within the site. This will ensure quality character and amenity outcomes.

In terms of the 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 this site and internal amenity within the units.

Overall, it is considered that any actual or potential adverse effects on the residential character and amenity of the adjoining sites and the neighbourhood will be less than minor.

## 6.2 Dominance, daylight/shading and privacy/outlook

The proposal has been designed with an intricate level of detail in order to ensure the dwellings are well designed and appropriately cited on the site taking into account topography and orientation. Use is made of retaining structures in order to create privacy, outlook and access to daylight/sunlight. In this particular design, advantage is taken of the accessway to 174 Kohimarama Road (HiRB and outlook) and the written approval provided by 182A Kohimarama Road. This has meant more of the site is available for development and can be used to create improved amenity outcomes.

### Visual Dominance

The majority of the development complies with the relevant planning standards. The Height in Relation to Boundary standard is infringed by Unit 9. The adjoining property at 182A Kohimarama Road has provided its written approval. Therefore, no effects can be considered on them. However, in relation to 182 Kohimarama Road, the upper level of Unit 9 (the HIRB infringing element) will be occupied by bedrooms, a closet and a bathroom. These dwellings also feature a variety of materials which assist in reducing the visual bulk of the development and result in an appropriate modulation of the façade. The elevations also comprise windows which further break up and elevations.

In addition, Units 10-12 are between Unit 9 and 182 Kohimarama Road. The design of these units features striking raking angled roof elevations with vertical profiling. These serve to mitigate any visual dominance effects on 182 Kohimarama Road to an acceptable level. Further, the separation distance between Unit 9 and dwelling on 182 Kohimarama Road is approximately 12.5m and the common boundary will feature a 2m high boundary fence. These factors will further mitigate the effects on 182 Kohimarama Road to an acceptable level.

### Privacy & Outlook

Further, each unit provides a complying outdoor living space and required daylight. All units provide a complying outlook space with the exception of units (1-3) where the outlook space extend marginally (0.5m to 0.3m) into the accessway serving 174 Kohimarama Road. This infringement is not considered to create any adverse effects as the occupants of the new dwellings will still retain sufficient outlook for the new residents as the accessway cannot be built on. Further, the occupants will not suffer any adverse privacy effect as there will be no dwellings constructed over the accessway such that adverse privacy effects could result. No other outlook space infringements are proposed. As a result, the proposed outlook spaces are considered to be appropriate.

In terms of the HIRB infringement, as noted above, there are no living areas on the second level and the windows are small in size and only offer oblique views to 182 Kohimarama Road. Any outlook for these windows are also partially blocked by Units 10-12. Therefore, any adverse privacy and outlook effects on this property are considered to be less than minor.

### Daylight and Shading

The shading diagrams attached to the Architectural Drawings indicate that only a small amount of additional shading results from the HIRB infringement at 10am in winter. This part of the site is used for a swimming

pool and therefore there will be no adverse effects from this shading as the pool will unlikely be used at 10am in the middle of winter. By 11am there is no additional shading on this property. In terms of daylight, the proposal complies with this standard.

Overall, it is considered that any adverse shading and daylight effects will be less than minor.

### Summary

In summary any adverse visual dominance, privacy and outlook, daylight and shading effects are considered to be less than minor.

### 6.3 Transport

Traffic Planning Consultants (TPC) has prepared a Traffic Assessment to support this proposal and this is contained in **Attachment F** to this application. The assessment discusses the traffic effects relative to this proposal including trip generation, access and safety related effects, parking effects and also refuse collection. Actual or potential adverse effects relating to the above matters are addressed in the sub sections below.

#### Trip Generation

The Transport Assessment (TA) identifies that the proposed development will generate approximately 75 vehicle movements per day and up to 8 vehicle movements per hour during morning and afternoon peak periods and this has the potential to generate adverse effects relating to vehicle movements to and from the site and result in congestion.

The TA states that trip generation is not required to be considered due to the scale of the development, notwithstanding that, an assessment has been undertaken “to demonstrate that the trips proposed as part of the development would represent a small portion of the existing traffic flows on Kohimarama Road”, and are considered to have a “*less than minor effect on the operation and safety of the road network*”.

#### Vehicle Access:

The TA states that the existing vehicle crossing onto Kohimarama Road will be modified to a width of 5.5 metres. The AUP standards require that a vehicle crossing serving ten or more parking spaces shall be at least 5.5 metres wide (providing for two-way movements) and a maximum of 6.0 metres. Therefore, the proposed vehicle crossing is compliant with Unitary Plan standards.

The access will have minimum width of 5.5 metres, which includes 1.2-metres flush footpath along the northern boundary of the site. The formed width of the access is permitted to be narrowed to 2.75m if there are clear sightlines along with the entire access are provided, which they are with straight alignment access.

The access will be formed with a gradient no steeper than 1 in 20 (5%) and will have a platform, more than four metres in length, with a grade no steeper than 1 in 20 (5%) adjoining the road boundary, which complies the relevant Unitary Plan standards as set out in Section 6 of this application and the TA contained in **Attachment F**.

Sight Distance:

The TA outlines that *“In considering vehicle access to a site, it is important that adequate sight distance is provided and that the access is designed to ensure safe traffic and pedestrian movement”*.

Kohimarama Road is classified as an arterial road. The predicted number of vehicle movements at the proposed vehicle crossing is less than the rating threshold of 200 vehicle trips per day, such that the access is defined as ‘low volume’ according to the guideline. The TA outlines that the guideline recommends a stopping sight distance of 90 metres.

A measurement from the access shows that a minimum of 75 metres sight distance is available towards the south, and more than 100 metres of sight distance is available towards the north. The available sightline towards the north is considered appropriate, but those toward the south are less than the required due to the road alignment and presence of a horizontal curve approximately 35 metres to the south of the vehicle access.

The TA provides the following assessment in this regard *“Nevertheless, the vehicle access point is existing, and there is no evidence from the available crash records on Kohimarama Road that raises concerns on the visibility at the existing vehicle crossing or the neighbouring sites. Due to the presence of a horizontal curve to the south of the site and northbound vehicles approaching the intersection, the vehicles travelling in both the directions are expected to slow down, whilst the operation of the intersection will create gaps within the traffic stream. In any event, the trip generation associated with the site is expected to be low such that it is unlikely for vehicles looking to access the site at the same time. In combination with the proposed low height of the stone wall/fence and the low-lying vegetation near the boundary providing good intervisibility between exiting drivers and pedestrians approaching the site access, the sightlines are also considered appropriate”*.

## Parking

The TA notes that All of the car parking proposed within the development has been designed to comply with relevant Unitary Plan standards. 12 of the car parking spaces proposed are directly accessed via the common accessway and this has been designed to ensure appropriate manoeuvring for vehicles entering and egressing the spaces.

Further, all parking will be formed on gradients no greater than 1 in 20 (5%). The gradient within the manoeuvring areas will be no greater than 1 in 20 (5%). The AUP requires the maximum gradient to be 1 in 20 (5%) for parking spaces, and the gradient at manoeuvring areas shall not exceed 1 in 8 (12.5%). Therefore, the proposed gradients for the parking spaces meet the relevant AUP standards.

## Refuse Collection & Deliveries

The proposal is expected to be served predominantly by trucks collecting refuse (two times per week) and to a lesser extent by larger trucks shifting furniture to and from the residential dwellings or completing deliveries.

Refuse collection will be completed by private contractors with custom-designed refuse bin areas incorporated into the site layout. The site has been designed in such a way that a Manco environmental truck can enter and exit the site in a forward direction. Vehicle tracking diagrams for a Manco environmental truck are included within Attachment 1 of the TA.

There is provision for the trucks to access the northern portion of the common accessway adjacent to Unit 1 for manoeuvring purposes.

Overall, the TA states that *“the design is adequate to meet the needs of the truck activity associated with the new residential development”*.

## Summary

Overall, the TA outlines that *“the traffic engineering effects of the proposal can be accommodated on the road network without compromising its function, capacity or safety. Therefore, from a traffic engineering perspective, it is considered that the proposal will have less than a minor impact”*.

## 6.4 Infrastructure and Earthworks

An Infrastructure Report and Engineering Plans has been prepared by Maven Associates, for full details refer to **Attachment E** of this application. The report addresses existing infrastructure in the area and new infrastructure necessary to service the proposal. Specifically, the report addresses the following matters:

- Earthworks and Sediment Control;
- Stormwater;
- Wastewater;
- Water Supply;
- Other Services

### Earthworks

Earthworks are proposed to be undertaken across the site to enable the demolition of the existing residential dwelling and associated garage, accessway and private outdoor living areas including a swimming pool and the construction of future building platforms, trenching works relating to drainage and utility services, landscaping and pedestrian networks, and also for the accessway and car parking areas located in the middle of the site.

Earthworks will be required over a large part of the site (1744m<sup>2</sup>) to complete the works. The earthworks volumes are based on the finished platform levels of the proposed units. The volume of earthworks will involve 615m<sup>3</sup> cut and 29m<sup>3</sup> of fill, resulting in a total earthworks volume of 644m<sup>3</sup>. Retaining walls are proposed to support the excavation and will extend up to heights of 1.05m over limited parts of the site.

It is proposed that the maximum cut and fill levels will be approximately 1.5m for cut and 0.5m for fill.

The earthworks are proposed to be undertaken in a continuous phase of works. The earthworks will be undertaken in a progressive manner and the site appropriately stabilised, post completion of earthworks.

Maven Associates has prepared an Erosion and Sediment Control Plan that is contained in Appendix A of the Infrastructure Report. The proposed erosion and sediment control methodology ensures that earthworks will be undertaken in accordance with GD05 and silt control measures will be installed onsite prior to the earthworks commencing. Erosion and Sediment Control measures proposed during the earthworks operation include silt fences and clean water diversion bunds.

### Stormwater



The Maven Infrastructure Report outlines that there is an existing public network that consists of a 225mmØ pipe within Kohimarama Road that flows downstream and eventually into Kohimarama Beach Reserve.

Stormwater disposal for the development is proposed via a new manhole installed over the existing 225mmØ public stormwater line mentioned above. A new public network will be extended from the manhole with 100mmØ private connections to service each unit (achieved minimum 1-meter space from the FFI to the connection). The proposed network will provide a suitable stormwater connection point for the proposed units under the development.

#### Wastewater:

The Maven Infrastructure Report outlines that there is an existing public network that consists of a 150mmØ line within Kohimarama Road which flows downstream to the east.

Wastewater disposal for the development is proposed via a new manhole installed over the existing 150mmØ public wastewater line mentioned above. A new public network will be extended from the manhole with 100mmØ private connections to service each unit. The proposed network will provide a suitable wastewater connection point for the proposed units under the development.

#### Water

The Maven Infrastructure Report outlines that there is an existing public 100mmØ public water line on the road reserve on Kohimarama Road.

Two water meter banks (6 water meters per meter bank) with individual meters to each unit are proposed to be provided to service the new units with individual 20mmØ OD leads placed down a service trench across the proposed accessway.

#### Other Services

The Maven Infrastructure Report outlines that available underground services will be supplied to each unit by placing them down a service trench across the proposed accessway.

#### Summary

Overall, it is considered that the proposed development is able to be appropriately serviced and any actual or potential adverse effects will be appropriately mitigated and or less than minor.

## 6.5 Geotechnical

A Geotechnical Report has been prepared by Geosciences to consider potential building foundation and land stability risks and forms Attachment G to this application. The scope of the report includes recent investigations and geotechnical appraisal for the site with recommendations relating to the proposed development and is expected to be used to support a Resource Consent and Building Consent application with Auckland Council.

Pursuant to Section 106 of the RMA, which requires an assessment of the risk from natural hazards to be carried out when considering the granting of a subdivision consent, Geosciences has undertaken a Geohazards Assessment which assesses the combined effects of the natural hazard likelihood and material damage to land or structures (consequences) must be assessed. For full details refer to Section 6 of the Geotechnical Report contained in **Attachment G**. The key findings are summarised as follows:

### **Seismicity**

Due to the location of the site in a historically low seismicity region, the risk of fault rupture across the site is considered to be low.

### **Liquefaction**

Due to the age of the soils, plasticity assessment during investigations and clay-rich composition of the subsoils, liquefaction is considered to be low risk.

### **Slope Stability**

Due to the relative nature of the site (up to 8\* or a 1:7 slope angle), slope instability is assessed as a low risk to the site as well as to the adjacent sites.

### **Erosion:**

Erosion of cut and fill batters during earthworks is considered to be a high-risk natural hazard and easily addressed during construction. Erosion around batters may subsequently contribute to slope instability and falling debris. This hazard can be controlled during the design phase by limiting barriers to a maximum of 1(v):3(h) gradients and during earthworks via benches, erosion control blankets, geotextiles and stormwater control.

### **Load Induced Settlement:**

Due to the anticipated loads from the proposed development, the minor amounts of fill placement and the ground conditions, settlements (static) are therefore expected to be within acceptable limits.

### **Groundwater Induced Settlement:**

The site is relatively flat, and it is unlikely that excavations intercept groundwater (at approximately 4.0m-4.5m) will be required for the proposed development based on the preliminary development plans provided. Groundwater induced settlement is assessed as a low risk to the site. Further to this, maximum cut and fill levels have been identified to be between 0.5m-1.5m, hence, there are no resulting groundwater issues as a result of the proposed earthworks.

Geosciences has outlined that as a result of their site investigation and the above geotechnical analyses, the proposed development can be undertaken provided that the following recommendations are implemented. For full details refer to Section 6 of the Geotechnical Report contained in **Attachment G**. The key findings are summarised as follows:

- **Seismic Site Subsoil Category:** The seismic subsoils category is assessed as being Class C (Shallow Soil Site) in accordance with NZS1170.5.
- **Earthworks:**
  - General: Minor cuts and fills may be required to create a finished ground profile for this development, all earthworks activities must be undertaken in accordance with relevant standards.
  - Existing Fill: Should be assessed to ensure that materials are suitable for use for the proposed development.
  - Subgrade Preparation: Any weak materials encountered should be replaced prior to placing engineered fill.
  - Compaction: Earthfill must be placed, spread and compacted in controlled 250mm to 300mm thick (loose) lifts under the direction of a geotechnical engineer.
- **Expansive Soils**
- **Geotechnical Strength Reduction Factor**
- **Civil Works**
- **Inspections**

Overall, it is considered that through adherence with the above recommendations, any actual or potential adverse effects relating to land stability generated by the earthworks, construction of the residential dwellings and common accessway are appropriately mitigated and will be less than minor.

## 6.6 Contamination

Geosciences were initially engaged to undertake a detailed site investigation (DSI) of the site. Full details are contained in **Attachment J** to this application and should be referred to in full.

The DSI included a desktop study of the site's history. The Desktop investigation identified that the site was developed into a residential configuration prior to 1940 with only minor landscaping changes having occurred since then, including construction of a swimming pool. Consequently, GSL identified that the site may be subject to potential impacts from discharges of lead-based paint used on the residential dwelling.

GSL's model of potential contamination developed from the sites history identified that lead based pain infiltration to the soil can result in a hotspot surrounding the dwelling. As surface soil is expected to require excavation and offsite removal to facilitate the proposed development, an assessment of soil quality across the broader property was included with the contaminants of concern being heavy metals, polycyclic aromatic hydrocarbons (PAHs), and asbestos fibres for certification of disposal.

Based on the conceptual model GSL undertook a judgemental soil sampling regime where subsamples from four surface sample locations were used to create a composite soil sample for the analysis of asbestos fibres in soil. Analysis of the soil samples revealed concentrations of lead and heavy metals in excess of the NES High-Density Residential SCS and AUP(OP) Permitted Activity soil acceptance criteria. The proposed subdivision and development is considered as a Restricted Discretionary Activity under Regulation 10 of the NES, and a Controlled activity under E30.6.2.1(4)(b) of the AUP(OP). As a result, Geosciences have subsequently prepared a remediation action and site management plan (RAP/SMP) that has been included in the contamination report. The RAP/SMP detail the measures and controls required to be in place during remedial works to address the identified contamination, and the general site earthworks required to facilitate the proposed development. Full details are contained in **Attachment J** and should be referred to.

The remediation and management works of impacted soils required are summarised as follows:

- Phase 1: Intrusive hazardous building materials survey on all structures followed by any required asbestos removal work as a result of the findings of the survey. Upon completion of asbestos removal appropriate site clearance certification by an Asbestos Assessor must be completed.
- Phase 2: Removal/relocation of the existing dwelling and any structures, impermeable surfaces, and services on site as necessary;
- Phase 3: Remediation by off-site disposal of lead and zinc impacted soils to a depth of 300mm or 500mm below relative ground level as shown on Figur3 under the controls of this Remediation Action Plan.

- Phase 4: Validation of soil sampling and analysis to confirm removal of all soil not compliant with the NES high-density residential SCS and AUP(OP) permitted activity soil acceptance criteria; and
- Phase 5: General development earthworks to prepare the site for residential development, including possible offsite disposal of managed material under the controls of the Site Management Plan.

Overall, it is considered that any actual or potential adverse contamination effects generated as a result of the proposed development are able to be appropriately mitigated through adherence with the above remediation and management measures and will be less than minor.

## 6.7 Construction Noise and Vibration

Marshall Day has prepared a Noise and Vibration Assessment in support of the construction activities necessary to enable the proposed development. For full details refer to **Attachment H**. The Assessment outlines that the typical construction activities that require assessment include:

- Cut an fill earthworks
- Soil compaction
- Rock breaking

The MDA Assessment has undertaken a full review of the relevant construction noise and vibration standards in the AUP(OP) which are set out in Section 5 of this application. In regard to the technical infringement of the Standard E27.6.27(1) Construction Noise standard and to ensure on-going compliance with the vibration Standard E27.6.30(1) Cosmetic Damage and E27.6.30(1)(b) Vibration Amenity, the MDA Assessment has recommended a number of mitigation and management measures which are outlined as follows:

### Mitigation Measures:

- **Noise Barriers**: Minimum of 2m high. These will reduce received noise by around 10dBA.
- **Activity Specific Mitigation Measures**:
  - Excavator <8m from dwellings: Effective noise barrier, use of small excavator, careful use of equipment.
  - Plate Compactor >10m away from dwellings: Effective noise
  - Plate Compactor <10m away from dwellings: Effective noise barriers, small plate compactor
  - Vibration methodology required to confirm compaction activity complies with 2mm/s PPV, or activity is within 10m for less than 3 days.

Rammer > 5m away from dwellings: Effective noise barriers, only use within 5m with a vibration logger.

### Management Measures:

In addition to the mitigation measures, MDA has recommended the following management measures to ensure that works are well controlled:

- **CNVMP:** A Construction Noise and Vibration Management Plan (CNVMP) should be implemented throughout the construction period of the project. For full details refer to the MDA Assessment.
- **Communication:** As part of the CNVMP, the construction team should communicate with the occupants of the nearest dwellings to understand their sensitivities. Communication with the neighbours will help the construction activities to be successfully managed. This is also required to ensure compliance with Standard E25.6.30.1(b).
- **Monitoring:** Monitoring of noise and vibration is recommended to the variety in the construction activity and the close proximity to dwellings. Details can be included in the CNVMP.
- **Pre-condition building survey:** If results of vibration monitoring indicate levels may reach 5mm/s PPV works shall cease and a Building Condition Survey should be carried out by a Structural Engineer.

In regard to the assessment of the above standard in Section 5 and the recommended mitigation and management measures, the MDA Assessment provides the following commentary:

*“We predict that some activities will exceed the noise and vibration limits when close to dwellings. The mitigation and management measures detailed in Section 7 and 8 must be applied to this site. These measures shall be detailed in a Construction Noise and Vibration Management Plan (CNVMP), which the contractor must adopt.*

*Noise levels from earthworks are predicted to exceed 70 dB LAeq at the closest dwellings. However, the proposed works on the site are relatively minor and the earth works are expected to last for two weeks.*

*The highest predicted noise levels are received at the upper floors of:*

- • 172 Kohimarama Rd
- • 174 Kohimarama Rd
- • 182 Kohimarama Rd
- • 184 Kohimarama Rd

*Because of their height, no shielding has been assumed to activity in the centre of the site for these buildings. Typically, upper floors will contain bedrooms, with living/dining areas on the ground floor. During the daytime period (when construction activity will take place) it is most likely that living and dining areas will be occupied, rather than bedrooms.*

*It is possible that the noise effects on the upper floors may be able to be disregarded through consultation with the occupants of these dwellings. The consultation process would be documented through the CNVMP. We predict that vibration from all activities can comply with levels to avoid the risk cosmetic building damage (5mm/s PPV). Vibration from some activities is predicted to exceed the amenity level of 2 mm/s PPV, but only when close to dwellings. An exceedance is not predicted at any one dwelling for more than 3 days”.*

The MDA Assessment has also recommended a number of conditions of consent to further strengthen the recommended mitigation and management measures. These conditions are set out in Section 9 of this AEE.

Overall, it is considered that with the adoption of the various measures outlined in the MDA Assessment, any actual or potential adverse noise and vibration effects generated by the proposed development will be able to be appropriately mitigated and or managed and will be less than minor.

## 6.8 Effects conclusion

Overall, a comprehensive approach to the redevelopment of the site is proposed and careful consideration has been given to ensuring any potentially adverse effects are avoided, remedied or mitigated. Based on the above analysis, it is considered that any adverse effects will be less than minor.

## 7 STATUTORY ASSESSMENT

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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.

### 7.1 [Section 104\(1\)\(b\)\(1\) – National Environmental Standard](#)

#### [National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health](#)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 came into effect on 1 January 2012. The NES is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed and if necessary the land is remediated or the contaminants contained to make the land safe for human use.



The NESCS classifies as permitted activities (meaning no resource consent is required if stated requirements are met):

- Removal or replacement of fuel storage systems and associated soil, and associated subsurface soil sampling;
- Soil sampling;
- Small-scale (no greater than 25 cubic metres per 500 square metres of affected land) and temporary soil disturbance activities (no more than two month's duration);
- Subdividing land or changing use where a preliminary investigation shows it is highly unlikely that the proposed new use will pose a risk to human health.

## 7.2 Section 104(1)(b)(iii) – National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development 2020 (“the NPS”) came into effect in July 2020. The NPS provides direction to decision-makers under the RMA on planning for urban environments. It seeks that New Zealand has well-functioning urban environments, that enable all people and communities to provide for their social, economic and cultural well-being and for their health and safety, now and into the future.

The NPS also seeks planning decisions to improve housing affordability by supporting competitive land and development markets. The policies seek urban environments that enable heights and density of urban form commensurate with levels of accessibility on planned or active public transport routes.

### 7.2.1 Assessment

The proposed development is considered to be complementary to the NPS. It will provide more intensive development in an appropriate location that is planning for intensification and higher density outcomes. It is also on a public transport route and therefore support intensification. The increase in supply over the same area of land will also support providing for an affordable living option for this generally expensive neighbourhood.

Overall, the provisions of the NPS are considered to be met by this proposal.

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

In light of the fact that the Auckland Unitary Plan is now operative in part, an assessment of the RPS provisions of that plan is provided below.

The Auckland Unitary Plan: Regional Policy Statement identifies the following nine issues of regional significance for resource management in Auckland:

- Issue 1           Urban growth and form
- Issue 2           Infrastructure, transport and energy
- Issue 3           Built heritage and character
- Issue 4           Natural heritage (landscapes, natural features, volcanic viewshafts and trees)
- Issue 5           Issues of significance to Mana Whenua
- Issue 6           Natural resources
- Issue 7           The coastal environment
- Issue 8           The rural environment
- Issue 9           Environmental risk

The relevant issue to this application is Issue 1.

Issue 1 relates to enabling urban growth and addresses managing growth in a way that optimises the efficient use of the existing urban area, and supports integrated land use, infrastructure and development. The objectives and policies for ‘urban growth and form’ (Chapter B2.2) seek that a quality compact urban form enables a higher-quality urban environment, greater productivity and economic growth, better use of existing infrastructure and efficient provision of new infrastructure, improved and more effective public transport, greater social and cultural diversity, and reduced adverse environmental effects. The objectives and policies of Chapter B2.4 addresses ‘residential growth’ and seeks that the residential intensification support a quality urban form, resulting in attractive, healthy and safe areas, and quality development that is in keeping the planned built character of the area. It is considered that the proposed development satisfies the objectives and policies in Chapter B2.2 and B2.4.

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

#### [7.4 Section 104\(1\)\(b\)\(vi\) – Auckland Unitary Plan \(district level provisions\)](#)

##### [7.4.1 Objectives and policies](#)

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

## UNITARY PLAN OBJECTIVES AND POLICIES

## Chapter H5 – Residential Mixed Housing Urban Zone

### Objectives

- a. Land near the Business – Metropolitan Centre Zone and the Business – Town Centre Zone, high-density residential areas and close to the public transport network is efficiently used for higher density residential living and to provide urban living that increases housing capacity and choice and access to public transport.
- b. Development is in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space.
- c. Development provides quality on-site residential amenity for residents and adjoining sites and the street.

### Policies

- (i) Enable a variety of housing types at higher densities, including low-rise apartments and integrated residential development such as retirement villages.
- (ii) Require the height, bulk, form and appearance of development and the provision of sufficient setbacks and landscaped areas to achieve an urban built character of predominantly three storeys, in a variety of forms.
- (iii) Encourage development to achieve attractive and safe streets and public open spaces including by:
  - (a) providing for passive surveillance
  - (b) optimising front yard landscaping
  - (c) minimising visual dominance of garage doors.
- (iv) 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.
- (v) Require accommodation to be designed to meet day to day needs of residents by:
  - (a) providing privacy and outlook; and
  - (b) providing access to daylight and sunlight and providing the amenities necessary for those residents.
6. Encourage accommodation to have useable and accessible outdoor living space.
7. 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.

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### Comment

- The proposal will result in the redevelopment of a site within the Residential-Mixed Housing Urban zone to provide for a townhouse/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, there are a number of larger two level dwellings in the vicinity that are complementary to the scale of some of the development blocks proposed as part of this application.
- Regardless, the proposal takes advantage of the adjoining accessway and neighbours' approval to facilitate a development that provides suitable on site amenity and mitigates effects on neighbouring

properties to a reasonable level.

- The high-quality materials and design proposed will ensure a high-quality development will result on site.
- The proposal is considered to be appropriate for the zone as it reflects the bulk and form anticipated by the zone provisions.
- The proposal increases housing choice within the area by providing for more compact housing typologies in an area that is predominantly categorised 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 the units have been designed to have outlook space to the north and north east of the site. All habitable spaces have been orientated to ensure privacy as well as access to sunlight to ensure the usability and functionality of these spaces.
- All proposed 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 including on-site detention for individual lots 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 E1 – Water Quality and Integrated Management

*The relevant objectives and policies of Section E1 seek to ensure that freshwater and sediment quality is maintained and progressively improved over time in degraded areas and stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal quality.*

### *Comment*

- The adoption of erosion and sediment control measures across the site during the earthworks operation will manage existing freshwater and sediment quality levels for any natural watercourses in the surrounding environment.
- The stormwater network and retention methodology proposed appropriately manages stormwater runoff across the development site. Stormwater generated across the site will discharge directly into a reticulated network.

## Chapter E12 – Land Disturbance-District

### *Objectives*

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

### *Policies*

- (a) *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.*
- (b) *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 or 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.*
- (c) *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.*
- (d) *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.*
- (e) *Design and implement earthworks with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles.*
- (f) *Require that earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures.*

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*Comment*

- The earthworks methodology proposed will mitigate adverse effects on the environment. All earthworks will be undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment.
- A range of appropriate erosion and sediment control measures are proposed across the site including silt fences, and clean water diversion bunds. These measures proposed also ensure the stability and safety of surrounding land are generally considered to be in accordance with GD05 Standards.
- There are no recorded or identified archaeological or cultural sites located within the subject site or the surrounding environment.

## **Chapter E27- Transport**

### **Objectives**

- (1) *Land use and all modes of transport are integrated in a manner that enables:*
- (a) *The benefits of an integrated transport network to be realised; and*
  - (b) *The adverse effects of traffic generation on the transport network to be managed.*

*(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**

*(3) Manage the number, location and type of parking and loading spaces, including bicycle parking and associated end-of-trip facilities to support all of the following:*

*(a) the safe, efficient and effective operation of the transport network;*

*(b) the use of more sustainable transport options including public transport, cycling and walking;*

*(c) the functional and operational requirements of activities;*

*(d) the efficient use of land;*

*(e) the recognition of different activities having different trip characteristics; and*

*(f) the efficient use of on-street parking.*

*(7) Provide for flexible on-site parking by not limiting or requiring parking for subdivision, use and development in the Residential Mixed Housing Urban Zone (studio and one bedroom dwellings).*

*(17) Require parking and loading areas to be designed and located to:*

*(a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;*

*(b) provide safe access and egress for vehicles, pedestrians and cyclists;*

*(c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and*

*(d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.*

*(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.*

*(21) Restrict or manage vehicle access to and from sites adjacent to intersections so that:*

*(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and*

*(b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated*

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#### **Comment**

- As noted in the TA, all parking spaces have been designed to comply with the required dimensions as required by the Unitary Plan.
- The proposal will result in an increase to the number of vehicle movements to and from the site due to additional dwellings. However, the surrounding road network is considered to have adequate capacity to accommodate the increase in vehicle movements.

- The defined road boundary has been assessment in the TA and good sight distances exist in either direction in order to ensure a safe traffic environment.
- There is adequate space within the vehicle crossing/accessway to continue to provide safe pedestrian passage and vehicle movements for those accessing the site.
- Truck (e.g. rubbish removal/furniture movers) will be able to access and leave the site without reverse manoeuvring through using the turning area within the common accessway. This arrangement is considered acceptable.

## Chapter E38-Subdivision

### 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.
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

### 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.

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#### 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 on the on-going function of the infrastructure network.
  - The 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 hazards such as land instability through adherence with the recommendations in the Geotechnical Report.
  - The proposed subdivision design supports the on-going function of the surrounding road network and does not create any significant safety risks for vehicles accessing the site or using Kohimarama 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.
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#### 7.4.2 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 Housing Urban Zone, Subdivision, and all Auckland-wide provisions of the Auckland Unitary Plan.

#### 7.5 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.

UNITARY PLAN ASSESSMENT CRITERIA	
Chapter H5.8.2- Mixed Housing Urban zone	Comment
<p>(2) For four or more dwellings on a site:</p> <p>(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:</p> <p>(i) Standard H5.6.9 Maximum impervious areas;</p> <p>(ii) Standard H5.6.10 Building coverage;</p> <p>(iii) Standard H5.6.11 Landscaped area;</p> <p>(iv) Standard H5.6.12 Outlook space;</p> <p>(v) Standard H5.6.13 Daylight;</p> <p>(vi) Standard H5.6.14 Outdoor living space;</p> <p>(vii) Standard H5.6.15 Front, side and rear fences and walls; and</p> <p>(viii) Standard H5.6.16 Minimum dwelling size.</p>	<ul style="list-style-type: none"> <li>▪ The proposal seeks consent for the construction of 12 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 Urban zone. Overall, the proposal achieves a high-level of compliance with the majority of development standards.</li> <li>▪ The Infrastructure Report (<b>Attachment E</b>) confirms that the proposed development can be accommodated within the infrastructure network. Detention tanks are proposed for each lot to appropriately manage stormwater levels across the site.</li> <li>▪ The proposal has demonstrated that</li> <li>▪ The well-considered design and layout of the development fully takes the purpose of the standards outlined in the left cell into account, in addition to being sympathetic to the existing form and extent of development proposed along Kohimarama Road and the surrounding environment. The proposal complies with the listed standards with the exception of the minimum landscaping requirement for front yards and outlook space. These infringements are addressed below.</li> <li>▪</li> </ul>

*(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 three 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 Kohimarama.
- Ten of the proposed units are two storeys in height and consistent with the existing built character of the area, which is predominantly two storeys, whilst two units are three storeys in height which is anticipated in the provisions for the zone.
- The proposed design of the buildings reflect the characteristics of urban 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 than what currently exists.

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*(c) The extent to which development achieves attractive and safe streets and public open space by:*

*(i) providing doors, windows and/or balconies facing the street and public open spaces*

*(ii) minimising tall, visually impermeable fences*

*(iii) designing large scale development (generally more than 15 dwellings) to provide for variations in building form and/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 a viewed from streets or public open spaces*

- The development maximises its orientation and aspect to the north and east. Windows, balconies, outlook, and private spaces face this direction in order to maximise sunlight.
- The design and layout of the units avoids any adverse privacy effects on neighbouring properties.
- Low level retaining walls and fencing are proposed along adjoining boundaries in order to provide an appropriate transition to neighbours.
- Building materials and finishes have been designed to create articulated facades. Especially along .... 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 northern 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.

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*(d) 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;*

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*(e) 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 orientated all primary windows to the north or east in order to maximise access to sunlight across the site.
- Each unit has been designed to achieve usable spaces within the dwelling. The internal layout of the dwellings provides for 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 twice a week, however the frequency of collection will be determined once usage patterns are better understood following occupation of the dwellings.

	<ul style="list-style-type: none"> <li>▪ The rubbish storage is located along the entrance accessway and will be adequately screened from residential units and neighbouring properties.</li> </ul>
<p><i>(f) The extent to which outdoor living space:</i></p> <p><i>(i) Provides for access to sunlight</i></p> <p><i>(ii) Provides privacy between the outdoor living space of adjacent dwellings on the same site and between outdoor living space and the street.</i></p> <p><i>(iii) When provided at ground level, is located on generally flat land or otherwise functional</i></p>	<ul style="list-style-type: none"> <li>▪ All units have access to private outdoor space on the ground floor.</li> <li>▪ All outdoor spaces either face north or east for the units within the site.</li> <li>▪ The proposed outdoor spaces are considered to meet the functional requirements of such spaces and are considered to be usable spaces.</li> <li>▪ All outdoor spaces have adequate access to sunlight.</li> </ul>
<p><i>(g) refer to Policy H5.3(7); and</i></p>	<ul style="list-style-type: none"> <li>▪ The proposal complies with the impervious area standard for the zone.</li> <li>▪ All stormwater generated on site will be managed through new connections to the existing stormwater network which has been confirmed to have adequate capacity. Detention tanks are also provided on-site for each lot.</li> <li>▪ All connections will be designed to Auckland Council/Watercare standards.</li> </ul>
<p><i>(h) infrastructure and servicing:</i></p> <p><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></p> <p><i>(ii) Where adequate network capacity is not available, whether adequate mitigation is proposed.</i></p>	<ul style="list-style-type: none"> <li>▪ The Infrastructure Report confirms that there is adequate capacity within the existing stormwater network to accommodate the proposed development.</li> <li>▪ All new connections have been designed to be in accordance with Watercare standards.</li> </ul>

Chapter E12- Land Disturbance- District	Comment
<p><i>(1) All restricted discretionary activities:</i></p> <p><i>(a) whether applicable standards are complied with;</i></p> <p><i>(b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust,</i></p>	<ul style="list-style-type: none"> <li>▪ Earthworks are proposed to be undertaken across the site to enable the demolition of the existing residential dwelling and associated garage, accessway and private outdoor living areas including a swimming pool and the</li> </ul>

*lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;*

*(c) 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;*

*(d) 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;*

*(e) 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 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*

construction of future building platforms, trenching works relating to drainage and utility services, landscaping and pedestrian networks, and also for the accessway and car parking areas located in the middle of the site.

- The erosion and sediment control structures proposed have been designed to ensure sedimentation and runoff generated by the works is contained within the site.
- The land disturbance is necessary to accommodate development otherwise provided for by the underlying residential zoning that applies under the Unitary Plan.
- 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/floodplains within the site which are located to the north of the site.

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.

Chapter E25 – Noise and Vibration	Comment
<p>(1) For Noise and vibration</p> <p>(a) whether activities can be managed so that they do not generate unreasonable noise and vibration levels on adjacent land uses particularly activities sensitive to noise;</p> <p>(b) the extent to which the noise or vibration generated by the activity:</p> <p>(i) will occur at times when disturbance to sleep can be avoided or minimised; and</p> <p>(ii) will be compatible with activities occurring or allowed to occur in the surrounding area; and</p> <p>(iii) will be limited in duration, or frequency or by hours of operation; and</p> <p>(iv) will exceed the existing background noise and vibration levels in that environment and the reasonableness of the cumulative levels; and</p> <p>(v) can be carried out during daylight hours, such as road works and works on public footpaths</p> <p>(c) the extent to which the effects on amenity generated by vibration from construction activity:</p>	<p>The MDA Assessment notes that these criteria are assessed in site specific assessments and, where appropriate, through a Construction Noise and Vibration Management Plan and also recommended conditions of consent.</p>

*(i) will be mitigated by written advice of the activity to adjacent land uses prior to the activity commencing; and*

*(ii) can be mitigated by monitoring of structures to determine risk of damage to reduce occupant concern; and*

*(iii) can be shown to have been minimised by the appropriate assessment of alternative options; and*

*(iv) are reasonable taking into account the level of vibration and the duration of the activity (where levels of 10mm/s peak particle velocity may be tolerated only for very brief periods).*

*(d) Whether the measures to minimise the noise or vibration generated by the activity represent the best practicable option.*

Chapter E27- Transport	Comment
<p><i>(10) Construction of a new vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(1):</i></p> <p><i>(a) effect on the transport network:</i></p> <p><i>(i) effects of the location and design of the access on the safe and efficient operation of the adjacent transport network having regard to:</i></p> <ul style="list-style-type: none"> <li><i>• visibility and safe sight distances;</i></li> <li><i>• existing and future traffic conditions including speed, volume, type, current accident rate, and the need for safe manoeuvring;</i></li> <li><i>• proximity to and operation of intersections;</i></li> <li><i>• existing pedestrian numbers, and estimated future pedestrian numbers having regard to the level of development provided for in this Plan; or</i></li> <li><i>• existing community or public infrastructure located in the adjoining road, such as bus stops, bus lanes and cycleways.</i></li> </ul> <p><i>(b) street and pedestrian amenity:</i></p>	<p>The following comment is provided in TPC's Transport Assessment.</p> <p>The vehicle access for this site is a restricted discretionary activity due to providing access onto Kohimarama Road, which is classified as an arterial road. Therefore, additional assessment is required under the standards of the AUP. The following points are made concerning the assessment criteria:</p> <ul style="list-style-type: none"> <li>▪ The vehicle crossing is existing and can only be provided on Kohimarama Road due to its location. Therefore, a vehicle access restriction cannot be avoided for this site.</li> <li>▪ The vehicle crossing has been designed to comply with all E27 design standards of the AUP.</li> <li>▪ The partial flush median on Kohimarama Road provides a refuge that will assist motorists turning right into and out from the site and</li> </ul>

(i) whether the new crossing is part of a site redevelopment that increases the proportion of a site's frontage developed as an active edge;

(ii) whether the new crossing enhances, or at least maintains, the appeal of the street as an environment where pedestrians have priority and are likely to enjoy spending time in;

(iii) whether any new or relocated crossing should be accompanied by mitigation measures to enhance overall pedestrian amenity this could include:

- a reduction in overall vehicle crossing width;
- weather protection for pedestrians;
- significant enhancement to the visual interest of the site's frontage visible from the street; or
- where appropriate, significant improvement in the width and or quality of the footpath.

minimise the effect of turning traffic on through traffic.

- Approximately 60 metres south of the site is the signalised intersection of Kohimarama Road and Kepa Road. The operation of the traffic signals create gaps within the traffic flow during peak hours, allowing turning movements to and from the site to be completed with less delay.
- As assessed in Section 3.3 above, available sight lines along the carriageway and footpath are considered appropriate for vehicle movement to and from the access.
- The proposed development is anticipated to generate seven additional peak-hour vehicle trips (above what is existing), thereby resulting in a low likelihood of conflict with traffic movement on Kohimarama Road. This level of traffic generation represents a small proportion of the existing traffic volumes on Kohimarama Road and is not forecast to create any operational or safety impacts.
- The proposed access arrangement onto Kohimarama Road is considered acceptable and can be safely accommodated within the current transportation environment with less than minor effect.

Chapter E38 Subdivision- Urban	Comment
<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> <p>(i) Whether the design and layout of the proposed sites created result in new or increased non-compliance with Auckland-wide and zone rules;</p>	<ul style="list-style-type: none"> <li>▪ The development has been intricately designed so that subdivision can be undertaken around an approved land use consent. This will enable quality sites and dwellings to be purchased by predominantly first home buyers who will obtain a high amenity dwelling in a sought after location.</li> <li>▪ As discussed above, the proposal is consistent with the objectives and policies of Chapter E38-</li> </ul>



*(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*

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

Subdivision-Urban. The proposal will not result in the subdivision and development of sites that are considered to be contrary to the purpose of the zone and any relevant Auckland-wide chapters.

- The building coverage, impervious area and landscaped area percentages for each new lot are provided below:

Impervious Area

- Lot 1: 77.8m<sup>2</sup>/ 48%
- Lot 2: 81.2m<sup>2</sup>/ 58%
- Lot 3: 75.1m<sup>2</sup>/ 63%
- Lot 4: 75.5m<sup>2</sup>/ 61%
- Lot 5: 85.2m<sup>2</sup>/ 40%
- Lot 6: 88.3m<sup>2</sup>/ 67%
- Lot 7: 82.1m<sup>2</sup>/ 64%
- Lot 8: 69.6m<sup>2</sup>/ 54%
- Lot 9: 78.9m<sup>2</sup>/ 51%
- Lot 10: 91.9m<sup>2</sup>/ 70%
- Lot 11: 79.7m<sup>2</sup>/ 62%
- Lot 12: 92.2m<sup>2</sup>/ 51%

Building Coverage

- Lot 1: 53m<sup>2</sup>/ 32%
- Lot 2: 56.4m<sup>2</sup>/ 40%
- Lot 3: 42.6m<sup>2</sup>/ 36%
- Lot 4: 43m<sup>2</sup>/ 35%
- Lot 5: 52.8m<sup>2</sup>/ 25%
- Lot 6: 52.5m<sup>2</sup>/ 40%
- Lot 7: 44.8m<sup>2</sup>/ 35%
- Lot 8: 44.8m<sup>2</sup>/ 35%
- Lot 9: 541.m<sup>2</sup>/ 35%
- Lot 10: 52.05m<sup>2</sup>/ 40%
- Lot 11: 52m<sup>2</sup>/ 40%
- Lot 12: 51.85m<sup>2</sup>/ 29%

Landscaped Area

- Lot 1: 61m<sup>2</sup>/ 37%
- Lot 2: 42.9m<sup>2</sup>/ 31%
- Lot 3: 34.6m<sup>2</sup>/ 29%
- Lot 4: 39.6m<sup>2</sup>/ 32%
- Lot 5: 119.6m<sup>2</sup>/ 56%
- Lot 6: 39m<sup>2</sup>/ 30%
- Lot 7: 42.9m<sup>2</sup>/ 33%
- Lot 8: 42.4m<sup>2</sup>/ 33%
- Lot 9: 59.5m<sup>2</sup>/ 38%
- Lot 10: 38.3m<sup>2</sup>/ 29%
- Lot 11: 361.m<sup>2</sup>/ 28%
- Lot 12: 85.0m<sup>2</sup>/ 47%

Overall, these percentages indicate that the development is not resulting in severely undersized lots or resulting in significant infringement of the standards. Therefore, on the whole the development is considered appropriate.

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Overall, the proposal can be justified in relation to the relevant assessment criteria identified in the Unitary Plan.

## 8 SECTION 104(1)(c) – OTHER MATTERS

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### 8.1 Introduction

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case, the following conditions of consent are proposed by the applicant:

#### Noise

- Construction Noise and Vibration Management Plan: The consent holder shall submit a Construction Noise and Vibration Management Plan (CNVMP) to the Council for certification a minimum of ten working days prior to commencement of any work authorised by this consent.
- Construction Hours of operation: The construction work shall be restricted to between 7.30am and 6.00pm from Monday to Saturday. There shall be no works on Sundays or public holidays. The restriction on hours of works shall not apply to low noise generating activities, such as site set up or staff meetings, which may occur outside of these hours.
- Construction Noise Limits: Where any construction works are predicted to exceed 70 dB LAeq and the dwelling is occupied during the works, the best practicable mitigation options shall be implemented. These shall be detailed in the CNVMP.

*Advice Note: The specific nature of the mitigation options shall be decided on a case-by-case basis depending on the effectiveness of temporary barriers and following consultation with the affected occupiers.*

- Temporary Noise Barriers: Noise barriers shall be installed prior to works commencing and be maintained throughout periods where construction works are predicted to exceed 70 dB LAeq. Details on barrier construction shall be provided in the CNVMP.

#### Management of Common Areas on Site

This issue has arisen a number of times of similar applications for this applicant. The following condition has been imposed on previous applications and is proffered again as part of this application:

### Covenant-Solicitor Undertaking

40. The consent holder shall provide an undertaking in writing from their solicitor that the solicitor will, at the consent holder's expense, register a covenant against the records of title for Lots 1-19 (and the Lots which are amalgamated with such Lots) on the survey plan, which covenant sets out the requirements and obligations of each lot owner to establish, repair and maintain in perpetuity the following areas intended to serve the lots within the subdivision, as detailed in the application documents, including the Site Waste Management & Minimisation Plan, referenced in condition 1 of this subdivision consent and the refuse management conditions set out in conditions 33 to 35 (inclusive) of land use consent LUC60355039:
- a) areas of common landscaping on Lots 1000 and 2000;
  - b) the communal rubbish area; and

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- c) The common accessway and carpark area on Lot 1000.

The documents required in connection with the formation, objectives and requirements of the covenant will include provision for the following items:

- Requirements for all lot owners to be subject to this covenant.
- Details of how the areas identified in 40(a), (b) and (c) above will be managed, maintained and enhanced in perpetuity, including reference to any management plans.
- Ongoing compliance with the relevant resource consent, bylaw or other requirements of the Auckland Council.
- Ensure ongoing safety and maintenance of the accessway and carpark area including the required high friction surface and permeable paving.
- An acceptable method of management of the future affairs of the parties who are subject to the covenant, and for the raising of funds from such parties from time to time to adequately finance any future maintenance and renewal obligations.

The wording, structure, functions and all documentation associated with the establishment of the covenant shall be to the satisfaction of the Council's Solicitor, with all Auckland Council's costs (including external solicitors and implementation costs) to be paid by the consent holder.

## 9 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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The Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] 3 NZLR 283 confirmed the legal approach for assessing resource consent applications against Part 2 of the RMA. The Court stated at [74]:

“If it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to Part 2 in such a case would likely not add anything...Equally, if it appears the plan has not been prepared in a manner that appropriately reflects the provisions of Part 2, that will be a case where the consent authority will be required to give emphasis to Part 2.”

In my opinion, the District Plan has been adequately prepared and reflects the provisions of Part 2 of the RMA, and therefore separate assessment of this application against Part 2 is not required. For completeness however, and in the circumstance that the Council takes a different view, I have provided a high-level assessment in the following paragraphs. In short, I consider that the Application is consistent with Part 2 of the RMA.

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

Section 8 requires the principles of the Treaty of Waitangi be taken into account.

It is considered that the proposal gives effect to the RMA within its local context. Matters relating to any potential adverse effects on the environment and mitigation provided through the design and layout of the proposed development compliance with the majority of the development standards are addressed in this report. Positive effects will result from the proposal, including enabling land zoned for residential purposes to provide for residential dwellings in a number of typologies for future occupants. An access way is proposed to ensure appropriate egress and entry of vehicles to and from the site. Areas of highest natural and physical value including the mature Puriri Tree adjacent to the entrance of the site and the majority of the hedging located along the northern boundary adjoining the existing accessway are retained. Vegetation across the site will be enhanced through replanting as detailed in the Landscaping and Planting and Maintenance Plans.

## 10 NOTIFICATION

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### 10.1 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.

#### *10.1.1 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

#### *10.1.2 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:
  - Is a Restricted Discretionary activity, and the activity is a subdivision of land and a residential activity.

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

#### *10.1.3 Step 4 – public notification in special circumstances*

As prescribed at section 95A(9):

- No special circumstances are considered to exist that would make public notification of this application desirable
- 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:

## 10.2 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.

#### *10.2.1 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):

- 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

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

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

As prescribed at section 95B(6):

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

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

As prescribed at section 95B(7):

- *this application is not a boundary activity*
- *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:

- *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).*
- *The consent authority, in assessing an activity's adverse effects on the person for the purpose of this section, -*
- *may disregard an adverse effect on the person if a rule or a national environmental standard permits an activity with that effect; and*
- *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*



- *must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*
- *A person is not an affected person in relation to an application for a resource consent for an activity if –*
- *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*
- *the consent authority is satisfied that it is unreasonable in the circumstances for the applicant to seek the person's written approval.*
- *Subsection (3) prevails over subsection (1).*

In this instance, 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. Any actual or potential effects generated by the proposed development are largely contained within the development site.
- The only affected person is the owner/occupier of 182A Kohimarama Road and they have provided written approval. No other persons are considered to be adversely affected.
- The mitigation measures relating to character, amenity, visual dominance, privacy/outlook and daylight shading are all mitigated to a less than minor degree through design, materials, finishing, dwelling location and layout and landscaping.
- Construction noise effects are adequately mitigated to a less than minor adverse effect extent by use of lower noise generating machinery, and acoustic barrier and limitation of earthworks to a 2 week period.

## 11 CONCLUSION

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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:

- a) Actual and potential effects;
- b) The relevant provisions of any plan of proposed plan; and
- c) 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, we support the grant of consent to this application for a restricted discretionary activity.

Tom Morgan  
Planning Consultant

Vijay Lala  
Director & Planning Consultant