

RESOURCE CONSENT APPLICATION

FOR A TWO LOT SUBDIVISION AT  
24 SUMMIT DRIVE, MT ALBERT

OCTOBER 2020

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## TABLE OF CONTENTS

THE APPLICANT AND PROPERTY DETAILS .....	1
1.0 BACKGROUND.....	3
2.0 SITE DESCRIPTION .....	3
2.2 Surrounding Locality .....	5
3.0 PROPOSAL .....	5
3.1 Subdivision Proposal .....	5
3.2 Servicing.....	6
3.3 Access .....	6
3.4 Earthworks.....	7
3.5 Retaining Walls .....	7
3.6 Landscaping .....	7
4.0 REASONS FOR THE APPLICATION .....	8
4.1 Auckland Unitary Plan (Operative in Part) .....	8
4.2 Consent Status .....	9
5.0 PUBLIC NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C TO 95D) .....	9
5.1 Assessment of Steps 1 to 4 (Section 95A) .....	9
Step 1: Mandatory public notification is required in certain circumstances.....	9
Step 2: If not required by step 1, public notification is precluded in certain circumstances ..	9
Step 3: If not precluded by step 2, public notification required in certain circumstances....	10
Step 4: Public notification in special circumstances .....	10
5.2 Public Notification Conclusion .....	11
6.0 LIMITED NOTIFICATION ASSESSMENT (SECTIONS 95B, 95E TO 95G) .....	11
6.1 Assessment of Steps 1 to 4 (Section 95B) .....	11
Step 1: Certain affected protected customary rights groups must be notified.....	11
Step 2: If not required by step 1, limited notification precluded in certain circumstances ..	11
Step 3: If not precluded by step 2, certain other affected persons must be notified .....	12
Step 4: Further notification in special circumstances .....	12
6.2 Section 95E Statutory Matters .....	12
6.3 Adjacent Properties .....	13
6.4 Assessment of Effects on Adjacent Properties .....	14
6.5 Summary of Effects on Adjacent Properties .....	15
6.6 Limited Notification Conclusion.....	15

7.0 CONSIDERATION OF APPLICATIONS (SECTION 104) .....	16
7.1 Statutory Matters .....	16
7.2 Weighting of Proposed Plan Changes: Auckland Council Unitary Plan.....	16
8.0 ACTUAL AND/OR POTENTIAL EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(A)) .....	17
8.1 Special Character Effects .....	17
8.2 Effects on the Outstanding Natural Feature.....	19
8.3 Subdivision Effects .....	21
8.4 Archaeological Effects.....	22
8.5 Effects on Mana whenua Values.....	23
8.6 Summary of Effects .....	23
9.0 DISTRICT PLAN AND STATUTORY DOCUMENTS (SECTION 104(1)(B)).....	24
9.1 Objectives and Policies of the Auckland Unitary Plan (OP) .....	24
Regional Policy Statement.....	24
District-Wide Objectives and Policies.....	25
9.2 Summary .....	29
10.0 RELEVANT RULES AND ASSESSMENT CRITERIA .....	29
12.0 OTHER MATTERS (SECTION 104(1)(C)).....	30
13.0 S106 ASSESSMENT .....	30
14.0 PART 2 MATTERS .....	31
15.0 CONCLUSIONS.....	31

**APPENDICES:**

**Appendix 1:** Approved Resource Consent

**Appendix 2:** Record of Title and Interests

**Appendix 3:** Scheme Plan

**Appendix 4:** Infrastructure Report and Engineering Drawings

**Appendix 5:** Geotechnical Investigation Report

**Appendix 6:** Archaeological Assessment

**Appendix 7:** Authority to Modify

**Appendix 8:** Mana Whenua Consultation

**Appendix 9:** Consultation with Tupuna Maunga Authority

**Appendix 10:** Landscape and Visual Assessment

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**THE APPLICANT AND PROPERTY DETAILS**

<b>To:</b>	Auckland Council
<b>Site Address:</b>	24 Summit Drive, Mt Albert
<b>Applicant's Name:</b>	Sherridan and Kelly Cook
<b>Address for Service:</b>	Purpose Planning Limited PO Box 9600 Newmarket Auckland 1149 Attention: Karyn Kurzeja
<b>Legal Description:</b>	Lot 2 DP 481174
<b>Site Area:</b>	1,857m <sup>2</sup>
<b>AUP Zoning:</b>	Residential - Single House zone.
<b>AUP Overlays and Controls</b>	Natural Resources – Quality Sensitive Aquifer Management Area; Natural Heritage – Outstanding Natural Feature 108, Mt Albert; Natural Heritage – Regionally Significant Volcanic Viewshaft and Height Sensitive Area; Built Heritage and Character – Special Character Residential Isthmus C2.
<b>Locality Diagram:</b>	Refer to <b>Figure 1</b>
<b>Brief Description of Proposal:</b>	Two lot subdivision and associated site works to extend accessway.
<b>Summary of Reasons for Consent:</b>	Two lot vacant subdivision and associated earthworks, vegetation removal, construction of new structures (retaining walls) in the ONF overlay, and construction of retaining walls in a height sensitive area.

I attach an assessment of environmental effects that corresponds with the scale and significance of the effects that the proposed activity may have on the environment.

**AUTHOR**



**Karyn Kurzeja**

Director, Purpose Planning Limited

Date: 2 October 2020

## 1.0 BACKGROUND

Resource consent was granted in March 2019 (Council Reference LUC60333571) for the construction of a formed accessway, the installation of services, vegetation removal and the construction of associated retaining walls to service a vacant residential lot at 24 Summit Drive, Mt Albert. A copy of the granted resource consent is attached as **Appendix 1**.

The original application lodged in February 2018 included a two-lot subdivision and additional works in the body of the site. The application was subsequently amended in December 2018 to remove the subdivision component from the application, while the majority of the remaining components in relation to constructing the accessway leg into the vacant site proceeded to receive resource consent in March 2019.

## 2.0 SITE DESCRIPTION

The subject site is a large residential lot located on the south-eastern side of Summit Drive in Mount Albert. The site is 1,857m<sup>2</sup> in area and is held in Lot 2 DP 481174. The site is a rear pan-handled site which as noted above, is currently vacant. The site is characterised by moderate to steep slopes falling in a northerly direction at a grade of approximately 1 in 4.

The property is currently covered in a thick layer of kikuyu grass and weeds. The driveway leg was recently cleared of planting in accordance with the granted resource consent mentioned above.



*Figure 1: Looking northward across the site.*



An established vegetative framework exists along the rear of the subject site at the interface with Owairaka/Mt Albert. This backdrop includes species such as Magnolia, Puka, Titoki, Kauri, Tulip Tree and Taiwan Cherry, in addition to remnant ornamental planting. A scattering of citrus trees is located on the lower slopes, in the northern portion of the site.



**Figure 2: Vegetative backdrop at the interface with the Domain**

The site is located on the northern flanks of Mount Albert with residential properties bounding the site to the north and south with another vacant lot (which has been recently subdivided into two vacant lots) located immediately to the north-west of the subject site.



**Figure 3: Locality Map (Source: Auckland Council Geomap Viewer)**



The site is located within the Special Character Residential Isthmus C2 area, and is identified as being a height sensitive area and outstanding natural feature under the Auckland Unitary Plan. The site is underlain by basalt scoria which sits 2.6m to 4.1m below ground level.

The low basalt retaining wall at the interface with the street frontage has been consented to be removed as it currently restricts vehicle access on to the site.

## 2.2 SURROUNDING LOCALITY

The surrounding residential environment is characterised by dwellings of predominately one to two storeys in height, typically located on larger sections of between 600 – 800m<sup>2</sup> in area. Houses are designed in a range of styles encompassing a group of late 19th and early to mid-20th century buildings. As noted above, the site abuts the Owairaka /Mount Albert Domain, which is scheduled under the Auckland Unitary Plan as an ‘Outstanding Natural Feature’.

In the context of the wider area, the site is well located in terms of education facilities with Mount Albert Grammar and Marist College being within walking distance of the site. The site is also well located in terms of public transport with main bus services along Mount Albert Road and the Mount Albert train station also being within walking distance of the site. Mount Albert offers a range of amenity facilities including restaurants, bars, supermarkets and medical facilities. Recreationally the site gains direct access to the Mount Albert Domain, with the Mount Albert Aquatic centre, Owairaka Park, Rocket Park and a number of other reserves also being located just a short drive from the site.

## 3.0 PROPOSAL

It is proposed to carry out a vacant two lot subdivision and an extension of the accessway into the body of this Residential - Single House zoned property at 24 Summit Drive, Mt Albert.

### 3.1 SUBDIVISION PROPOSAL

This two lot subdivision consent application is seeking to create two vacant fee simple lots. Lot 1 is proposed to have a gross area of 1,252m<sup>2</sup> and a net site area of 732m<sup>2</sup>, while Lot 2 is proposed to be 600m<sup>2</sup> in area. A copy of the Record of Title and the associated interests is attached as **Appendix 2**. A copy of the proposed scheme plan is attached as **Appendix 3**.

A number of existing easements are already listed as interests on the existing title in relation to rights of way to convey overhead electricity, telecommunications and

computer media, a right to drain wastewater and an easement of support and building maintenance for a retaining wall in favour of Lot 1 DP 481174 (26 Summit Drive) and Lot 2 DP 55751 (28 Summit Drive). These existing easements will fall down on to the proposed subdivision scheme. The proposal does not conflict with these easement areas.

Areas shown as A – J on the proposed scheme plan are subject to existing land covenants created by Easement Instrument 10527425.1. These existing covenants will also fall down on to the proposed subdivision scheme. Of particular note is Land Covenant 10527425.1, which restricts the height of buildings or structures, and trees within the area marked ‘Y’ on DP 481174 (shown as area A-J and L-M on the proposed scheme plan attached at **Appendix 3**) to a maximum of 4m in height in perpetuity. The proposal does not affect this land covenant area.

### 3.2 SERVICING

The proposed servicing for the two lot subdivision has been designed by Airey Consultants Limited. A copy of the proposed engineering drawings and an infrastructure report are attached as **Appendix 4**, and are summarised as follows:

The stormwater is proposed to discharge to an on-site soakage device located within each lot. Testing has been undertaken and excellent soakage is available. A soakage report has been provided and is attached as Appendix B to the infrastructure report.

There is a public wastewater line which runs along the western boundary of 22 Summit Drive. A public extension has been granted along the northern boundary of 22 Summit Drive and up through Lot 2 to provide a public connection to each proposed lot.

There is a 200mm watermain located outside the site. New water meters will be supplied from this system. There is a fire hydrant within Stillwell Road. However, the accessway is 78m long and the distance from the hydrant to the extremity of Lot 2 is greater than 135m. Consequently, a new hydrant will be installed at the entrance to the accessway.

In terms of power and telecommunications, there are overhead services within Summit Drive. Underground services will be provided from the pole outside the site.

### 3.3 ACCESS

The consented accessway into the site will be installed along with a new crossing to Auckland Council and Auckland Transport standards. A non-standard crossing has already been consented (refer to LUC60333571) so that the existing power pole can remain as it is due to the fact that relocation could disadvantage and detrimentally affect the sites on either side of 24 Summit Drive.

### 3.4 EARTHWORKS

Construction of the accessway extension into the body of proposed Lot 1 comprises 208m<sup>3</sup> over an area of 244m<sup>2</sup>. Approximately 23m<sup>3</sup> of this earthworks is required to extend the public wastewater line from its consented location within proposed Lot 2 up into proposed Lot 1. Standard sediment and erosion control measures will be implemented in accordance with GDO5.

A geotechnical investigation report has been prepared for the site to assess the geotechnical suitability of the proposed building platforms on each new lot. A copy of the geotechnical report prepared by Riley Consultants is attached as **Appendix 5**. It also investigated the subsoil/foundation conditions in the proposed building platforms and the south western retaining wall, assessing the proposed ground stability, and provided preliminary retaining wall construction and general site development recommendations.

Riley concluded that the proposed residential subdivision is feasible in geotechnical terms, subject to the recommendations outlined in section 9.0 of their report. It is confirmed that the applicant will comply with all of the recommendations of the attached Riley report.

### 3.5 RETAINING WALLS

Two retaining walls are proposed in conjunction with the driveway extension works. The wall to be located along the south-west edge of the site is proposed to be a maximum height of 2.47m and it will sit 4.1m below the top of the existing retaining wall on the boundary with 26 Summit Drive. A second retaining wall is required along the north-east / north-west edge of the site to support the new driveway to Lot 2. This retaining wall will be up to a maximum height of 1.25m. Elevations of the proposed retaining walls can be seen in drawing number 7 of the engineering drawing set attached in **Appendix 4**.

### 3.6 LANDSCAPING

The landscape proposal for the subject site provides both a level of amenity from within the site and allows any future dwellings to sit more sympathetically within the landscape. A summary of the proposal is as follows;

- Low-level native planting within the planting bed dividing 22 and 24 Summit Drive;
- Titoki and Kauri trees specified in key locations between 22 and 24 Summit Drive;

- Titoki trees located at the head of the driveway for 24 Summit Drive and in front of the backdrop of trees bordering the Maunga reserve; and
- Native bush running along the southern boundary is to be culled of exotic trees and shrubs (refer GA landscape drgs #20100/1 and #20100/2 'Tree Removal Plan' and 'Planting Plan').

#### 4.0 REASONS FOR THE APPLICATION

The proposal requires resource consent under the AUP(OP) for the matters outlined below:

#### 4.1 AUCKLAND UNITARY PLAN (OPERATIVE IN PART)

##### D10 OUTSTANDING NATURAL FEATURES OVERLAY

- **Restricted Discretionary Activity** for the construction of new structures (retaining walls) within the ONF overlay pursuant to Rule D10.4.2(A1).

##### D14 VOLCANIC VIEWSHAFT AND HEIGHT SENSITIVE AREAS OVERLAY

- **Restricted Discretionary Activity** for the construction of new retaining walls, where their height does not exceed 2.5m, in a height sensitive area pursuant to Rule D14.4.1(A4).

##### E12 LAND DISTURBANCE - DISTRICT

- **Discretionary Activity** to carry out greater than 5m<sup>3</sup> and up to 250m<sup>3</sup> of earthworks (208m<sup>3</sup> total proposed) within the Special Character Areas Overlay – Residential: Isthmus C pursuant to Rule E12.4.2 (A32).
- **Restricted Discretionary Activity** to carry out greater than 50m<sup>3</sup> of earthworks (208m<sup>3</sup> total proposed) within an ONF overlay pursuant to Rule E12.4.3(A41).

##### E15 VEGETATION MANAGEMENT (DISTRICT)

- **Restricted Discretionary Activity** for the removal of greater than 25m<sup>2</sup> of vegetation within the ONF overlay area pursuant to Rule E15.4.2 (A26).

##### E36 NATURAL HAZARDS AND FLOODING

- **Restricted Discretionary Activity** for the construction of new structures (retaining walls) on land identified as being subject to instability pursuant to Rule E36.4.1(A51).

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## URBAN SUBDIVISION

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- **Restricted Discretionary Activity** for the subdivision of land that may be subject to instability pursuant to Rule E38.4.1(A11).
- **Restricted Discretionary Activity** for a two lot vacant site subdivision involving parent sites of less than 1ha complying with Standard E38.8.2.3 (600m<sup>2</sup> minimum net site area for vacant proposed sites) pursuant to Rule E38.4.1(A16).
- **Restricted Discretionary Activity** for the two lot subdivision of a site in the Special Character Area Overlay pursuant to Rule E38.4.1(A24); and
- **Discretionary Activity** for subdivision not complying with standards set out in Clause E38.8 Standards for subdivision in residential zones - not able to accommodate a building platform outside of: (d) land which may be subject to instability and (f) ONF, pursuant to Rule E38.4.1(A31).

### 4.2 CONSENT STATUS

Overall, this application is for a **Discretionary activity**.

## 5.0 PUBLIC NOTIFICATION ASSESSMENT (SECTIONS 95A, 95C TO 95D)

### 5.1 ASSESSMENT OF STEPS 1 TO 4 (SECTION 95A)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

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#### STEP 1: MANDATORY PUBLIC NOTIFICATION IS REQUIRED IN CERTAIN CIRCUMSTANCES

Step 1 requires public notification where this is requested by the applicant (s95(3)(a)), or the application involves the exchange of recreation reserved land under s15A of the Reserves Act 1977 (s95A(3)(c)).

The above does not apply to this proposal.

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#### STEP 2: IF NOT REQUIRED BY STEP 1, PUBLIC NOTIFICATION IS PRECLUDED IN CERTAIN CIRCUMSTANCES

Step 2 describes that public notification of a resource consent application exclusively involving a residential activity (as defined by s95A(6)) or subdivision activity is precluded where the activity status for the application is restricted discretionary or discretionary (ss95A(4) and 95A(5)(b)(ii)).

In this case, the proposal is for a restricted discretionary residential subdivision activity, and public notification is therefore precluded.

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### STEP 3: IF NOT PRECLUDED BY STEP 2, PUBLIC NOTIFICATION REQUIRED IN CERTAIN CIRCUMSTANCES

Step 3 describes that where public notification is not precluded by step 2, it is required if a rule or NES requires public notification, or if the activity is likely to have adverse effects on the environment that are more than minor (ss95A(7) and 95A(8)).

As public notification is precluded by step 2, this step is not applicable.

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### STEP 4: PUBLIC NOTIFICATION IN SPECIAL CIRCUMSTANCES

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary; or
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this case, the proposal involves a vacant two lot subdivision of the subject site. Whilst the subject site is located wholly within the ONF Overlay, the underlying zoning of the site is Residential – Single House zone, therefore residential development of the site is anticipated by the AUP. The proposed subdivision exceeds the minimum net site area requirements for each lot, noting that the Single House zone minimum net site area of 600m<sup>2</sup> is also required in the Special Character Isthmus C2 area. The site is therefore considered to be capable of accommodating future residential development and can be appropriately serviced. The proposed subdivision layout is considered to be in keeping with the historic pattern of subdivision in the surrounding area as the proposed lot sizes are consistent with the surrounding lot size range of around 600m<sup>2</sup> to 800m<sup>2</sup> and the lots are also orientated to enable housing to take advantage of the outlook. In terms of the ONF overlay applying to the site, (future) buildings within the ONF area are specifically provided for as a restricted discretionary activity under the AUP (OP). It is further noted that there are some recently constructed dwellings located within the extent of this ONF overlay on the southern side of the maunga.

The physical works proposed to extend the accessway into the body of proposed Lot 1 are required for the development of the existing site. This is an anticipated scenario



and therefore these works cannot be deemed to be out of the ordinary or unusual in any respect.

The proposed two lot subdivision is therefore considered to be in keeping with the intensity of development sought by the AUP (OP), and the existing environment and it is not considered that there is anything noteworthy about the proposal. It is therefore considered that the application cannot be described as being out of the ordinary or giving rise to special circumstances.

## 5.2 PUBLIC NOTIFICATION CONCLUSION

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is precluded as the application is for a restricted discretionary residential subdivision activity;
- Step 3 does not apply as public notification is precluded under step 2; and
- Under step 4, there are no special circumstances.

Therefore, this application can be processed without public notification.

## 6.0 LIMITED NOTIFICATION ASSESSMENT (SECTIONS 95B, 95E TO 95G)

### 6.1 ASSESSMENT OF STEPS 1 TO 4 (SECTION 95B)

If the application is not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

#### STEP 1: CERTAIN AFFECTED PROTECTED CUSTOMARY RIGHTS GROUPS MUST BE NOTIFIED

Step 1 requires limited notification where there are any affected protected customary rights groups or customary marine title groups, or affected persons under a statutory acknowledgement affecting the land (ss95B(2) and 95B(3)).

The above does not apply to this proposal.

#### STEP 2: IF NOT REQUIRED BY STEP 1, LIMITED NOTIFICATION PRECLUDED IN CERTAIN CIRCUMSTANCES

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Step 2 describes that limited notification is precluded where all applicable rules and NES preclude public notification; or the application is for a controlled activity (other than the subdivision of land) or a prescribed activity (ss95B(5) and 95B(6)).

The above does not apply to the proposal, and therefore limited notification is not precluded.

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### STEP 3: IF NOT PRECLUDED BY STEP 2, CERTAIN OTHER AFFECTED PERSONS MUST BE NOTIFIED

Step 3 requires that where limited notification is not precluded under step 2 above, a determination must be made as to whether any of the following persons are affected persons:

- In the case of a boundary activity, an owner of an allotment with an infringed boundary;
- In the case of a prescribed activity under s360H(1(b)), a prescribed person; and
- In the case of any other activity, a person affected in accordance with s95E.

The application is not for a boundary or prescribed activity, and therefore an assessment in accordance with s95E is required, and is set out in sections 6.3 – 6.4 below.

Overall, it is considered that any adverse effects in relation to adjacent properties will be less than minor, and accordingly that no persons are adversely affected.

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### STEP 4: FURTHER NOTIFICATION IN SPECIAL CIRCUMSTANCES

In addition to the findings of the previous steps, the Council is also required to determine whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined as being eligible for limited notification.

In this instance, having regard to the assessment in section 5.1 Step 4 above, it is considered that special circumstances do not apply.

## 6.2 SECTION 95E STATUTORY MATTERS

As required by step 3 above certain other affected persons must be notified, and the following assessment addresses whether there are any affected persons in accordance with s95E. A person is affected if the effects of the activity on that person are minor or more than minor (but not less than minor).

In deciding who is an affected person under section 95E:

- Adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded.

There is no permitted baseline in terms of the proposed subdivision activity. In terms of the proposed earthworks, up to 500m<sup>2</sup> and 250m<sup>3</sup> of earthworks may be carried out as a permitted activity in the residential zones while up to 2m<sup>3</sup> of earthworks is a permitted activity in the ONF Overlay area and up to 5m<sup>3</sup> is permitted in the Special Character Area – Residential Isthmus C. Up to 25m<sup>2</sup> of vegetation can be removed from a site within the ONF. No NES are relevant to this proposal.

- The adverse effects on those persons who have provided their written approval must be disregarded.

No persons have provided their written approval for this proposal.

The sections below set out an assessment in accordance with section 95E, including identification of adjacent properties, and an assessment of adverse effects.

### 6.3 ADJACENT PROPERTIES

The adjacent properties to be considered in the limited notification assessment under section 95B and 95E are shown in **Figure 4** below and include:

- 26 & 28 Summit Drive (south);
- 22 Summit Drive (west);
- 3, 7 & 9 Sadgrove Terrace (north); and
- 27 Summit Drive, being the Owairaka Domain (east).



*Figure 4: Adjacent properties in relation to subject site (Council GeoMaps).*

#### 6.4 ASSESSMENT OF EFFECTS ON ADJACENT PROPERTIES

The proposal is for a vacant two-lot subdivision of the subject site, and includes earthworks and retaining walls to extend the earlier approved vehicle access into the body of the site, as well as the installation of new services. No persons are considered to be adversely affected by the proposed two-lot subdivision for the following reasons:

- Both vacant lot sizes will meet the minimum 600m<sup>2</sup> site size requirement for both the Residential – Single House zone and the Special Character Residential Area Isthmus C2. Two thirds of the land area will remain within Lot 1 which has a proposed lot size of 1,252m<sup>2</sup> (gross) and 732m<sup>2</sup> (net), while Lot 2 is proposed to be 600m<sup>2</sup>.

- The proposed lot sizes are consistent with the surrounding lot size ranges and orientations in this area.
- The proposed earthworks volumes and areas are as minimal as possible to enable physical access to each lot.
- All earthworks and retaining wall structures will be carried out in accordance with the recommendations outlined in the attached geotechnical report prepared by Riley Consultants to ensure that stability of adjoining properties is maintained. It is noted that there are three options for the construction of the boundary retaining wall, two of which can be carried out without an easement or neighbours approval.
- The attached infrastructure report confirms that the site can be appropriately serviced and stormwater can be accommodated by way of an on-site soakage device on each lot;
- A landscaping plan is proposed for the subject site; and
- No future development of the lots forms a part of this subdivision consent application.

#### 6.5 SUMMARY OF EFFECTS ON ADJACENT PROPERTIES

Taking the above into account, it is considered that any adverse effects on persons at the aforementioned properties will be less than minor in relation to the proposed extent of earthworks and servicing, as well as the associated effects on stability and any visual effects from the proposed retaining walls and the future building platforms. Wider effects, including on the special character area and the ONF, the wider subdivision pattern, archaeology and mana whenua values, are assessed in section 8 below and are also considered to be less than minor. It is considered, therefore, that there are no adversely affected persons in relation to this proposal.

#### 6.6 LIMITED NOTIFICATION CONCLUSION

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory;
- Under step 2, limited notification is not precluded;
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons; and
- Under step 4, there are no special circumstances.



Therefore, it is recommended that this application be processed without limited notification.

## 7.0 CONSIDERATION OF APPLICATIONS (SECTION 104)

### 7.1 STATUTORY MATTERS

Subject to Part 2 of the Act, when considering an application for resource consent and any submissions received, a council must, in accordance with section 104(1) of the Act have regard to:

- any actual and/or potential effects on the environment of allowing the activity;
- any relevant provisions of a national environmental standard, other regulations, national policy statement, a New Zealand coastal policy statement, a regional policy statement or proposed regional policy statement; a plan or proposed plan; and
- any other matter a council considers relevant and reasonably necessary to determine the application.

When considering an application for a resource consent for a restricted discretionary activity, a consent authority must consider only those matters over which—

*(a) a discretion is restricted in national environmental standards or other regulations:*

*(b) it has restricted the exercise of its discretion in its plan or proposed plan.*

As a discretionary activity overall, section 104B of the Act states that a council:

*(a) may grant or refuse the application; and*

*(b) if it grants the application, may impose conditions under section 108.*

### 7.2 WEIGHTING OF PROPOSED PLAN CHANGES: AUCKLAND COUNCIL UNITARY PLAN

Auckland Council made the Auckland Unitary Plan operative in part on 15 November 2016. At this point, all corresponding previous rules under the legacy plans, including the Auckland Council Isthmus section, became inoperative.

It is my understanding that there are no relevant appeals to this proposal and the corresponding rules have, accordingly, been made operative in the AUP (OP) as at 15 November 2016, and that an assessment is therefore not required under the legacy District Plan objectives and policies.



It is noted that Proposed Plan Change 26 (PC26) was publicly notified in May 2019 in order to clarify the relationship between the Special Character Areas Overlay (Residential and General) and the underlying zones. However given the nature of this proposal is for a vacant two lot subdivision, it is not considered to be relevant to this particular application.

## 8.0 ACTUAL AND/OR POTENTIAL EFFECTS ON THE ENVIRONMENT (SECTION 104(1)(A))

Section 6.4 above includes an assessment of effects on adjacent properties and it was concluded that any adverse effects arising from the proposed two lot subdivision will be less than minor.

The following sections set out an assessment of wider effects. It is considered that the following effects are relevant to this proposal for a two lot subdivision:

- Special Character Effects;
- Effects on the Outstanding Natural Feature;
- Subdivision Effects;
- Archaeological Effects; and
- Effects on Mana Whenua Values

These matters are set out and assessed individually below.

### 8.1 SPECIAL CHARACTER EFFECTS

The subject site is located within the Residential Special Character Overlay – Isthmus C2. The overlay area is significant as it represents an early period of residential development in Auckland City. The underlying landscape context in the overlay area reflects volcanic landforms. The special character values include historical values, representing an early period of residential development in Auckland City, and physical and visual qualities, including built form, architectural values, and urban structure. The area retains a number of representative areas of late 19<sup>th</sup> and early 20<sup>th</sup> century suburban residential developments with a significant relationship to natural landforms and reflects a pattern of residential development in Auckland, whereby housing was constructed on the slopes of volcanic cones, often to take advantage of the outlook.

The subdivision of residential lots within various parts of the Special Character Isthmus C2 area occurred progressively as a series of separate subdivisions that occurred in the late 19th century and early decades of the 20th century. The area includes residential lots of regular size formed as part of a particular subdivision, as well as areas where

large lots have been progressively subdivided over time. Lot sizes vary throughout the area, ranging from regular lots of around 600m<sup>2</sup> to 800m<sup>2</sup> to a varied range of larger lots. The pattern and sequence of subdivision has been determined by a number of factors including proximity to the central city area, the development of public transport and other services such as reticulated water supply and sewer disposal, and the development of State housing areas.

Houses are viewed stepping up hillsides or along terraced roads on the sloping topography. Views to and from these elevated positions are an important feature of the area and building forms are viewed in relation to these significant landforms.

This proposal is for a vacant two lot subdivision and associated site works; no buildings are proposed as part of this application, however the physical works do include two retaining walls less than 2.5m in height. The proposed lots comply with the minimum lot size for vacant lot subdivision in this special character area of 600m<sup>2</sup>. The subdivision layout is also considered to be consistent with the surrounding pattern of historical subdivision, including the more recently approved subdivision on the adjoining site at 22 Summit Drive. The existing stonewall along the road boundary is already consented to be removed to provide access to the proposed lot (refer to LUC60333571). As discussed above, landscaping will be provided to screen the larger retaining wall along the south-western boundary of the site, which will be partly visible from the street.

The proposed lots are of a sufficient size such that a dwelling could be developed on each lot in the future within the permitted building envelope without compromising existing amenity and special character values.

The proposed subdivision of this site is considered to be appropriate in this regard as it only requires a minor amount of earthworks to facilitate an extension of the accessway into the body of proposed Lot 1. A total of 208m<sup>3</sup> of earthworks over an area of 244m<sup>2</sup> is required to establish vehicle access to the residential zoned lots. This includes approximately 23m<sup>3</sup> of earthworks which is required to extend the public wastewater line from its consented location within proposed Lot 2 to proposed Lot 1.

Visibility of the proposed earthworks would be extremely limited, due to the minor volumes involved, and the temporary nature of the earthworks, as such the earthworks are not considered to compromise the historic values of this location or the adjoining volcanic landform.

The proposed earthworks have been limited to the minimum amount possible to provide access into the body of the site, in line with a 3m wide accessway already consented in accordance with the minimum access width requirements under the AUP(OP). Further, limited trenching is required for the installation of new services to

this residential zoned site. It is considered that the construction of an accessway (including a turning and manoeuvring area), is an anticipated outcome of the development of this residential zoned site, irrespective of the subdivision element of the proposal.

Overall, when considering the nature of this proposal for a vacant two lot subdivision, it is considered that any adverse effects in terms of the Special Character Areas Overlay will be less than minor.

## 8.2 EFFECTS ON THE OUTSTANDING NATURAL FEATURE

The subject site is located within an Outstanding Natural Feature Area for Owairaka/Mt Albert. The volcanic feature itself consists of a large scoria cone which is now severely modified as a result of quarrying. Earthworks, including terracing, remain visible, and a small road has been constructed providing vehicle access to the tihi (summit). More recently the volcanic craters have been levelled to provide a playing field, archery area and a water reservoir; this is best depicted in **Figure 5** below.



**Figure 5: Illustration of modified areas within the Owairaka/Mount Albert Domain**

There is a distinct pattern of development along the interface with this volcanic landform which dates back to the 19<sup>th</sup> and early 20<sup>th</sup> century, whereby housing was constructed on the slopes of volcanic cones to take advantage of the outlook from these higher elevations. The subject site is the only vacant residential lot directly bordering the domain remaining.

The proposed subdivision is considered to be cognisant with the surrounding environment which features infill subdivision surrounding the volcanic feature; while future development on the site will be moderated by the established urban environment which surrounds the subject site.

It is acknowledged that development within the ONF areas requires careful consideration so as to avoid adverse effects on the landscape. The proposed subdivision of this site is considered to be appropriate in this regard as it only requires a minor amount of earthworks to facilitate an extension of the accessway into the body of proposed Lot 1. A total of 208m<sup>3</sup> of earthworks over an area of 244m<sup>2</sup> is required to establish vehicle access to the residential zoned lots. This includes approximately 23m<sup>3</sup> of earthworks to extend the public wastewater line from its consented location within proposed Lot 2 to proposed Lot 1.

In this regard, earthworks have been limited to the minimum amount possible to provide access into the body of the site, in line with a 3m wide accessway already consented in accordance with the minimum access width requirements under the AUP(OP). Further, limited trenching is required for the installation of new services to this residential zoned site. It is considered that the construction of an accessway (including a turning and manoeuvring area), is an anticipated outcome of the development of this residential zoned site, irrespective of the subdivision element of the proposal.

No buildings are proposed as part of this application, with two retaining wall structures (both under 2.5m in height) required to facilitate the extension of the accessway, which is common in the surrounding area.

A landscape response is proposed for the site with respect to the future building platforms. Refer to the Greenwood Associates landscape peer review work. In addition, one retaining wall is proposed to be a maximum height of 2.47m and will sit 4.1m below the top of the existing retaining wall on the boundary with 26 Summit Drive. It is considered that the proposed screening will sufficiently mitigate any potential adverse visual effects on the integrity of the maunga, when each lot is developed and the retaining wall is also screened by a future dwelling and its associated landscaping. A second retaining wall is required along the north-east / north-west edge of the site to support the new driveway to Lot 2. This retaining wall will be up to a maximum height of 1.25m. No screening of this second retaining wall structure is considered necessary due to its overall low height. Refer to Engineering Drawing 7 Rev 1 for the proposed retaining wall cross-sections.

The site is also identified as a 'height sensitive area' under the AUP(OP). Height sensitive areas are areas of land located on the slopes and surrounds of volcanic cones.

Height sensitive areas enable reasonable development in areas where the floor of the viewshaft is less than 9m. They also ensure that development is of a scale and location that does not dominate the local landscape or reduce the visual significance or amenity values of the volcanic feature. In this case, the proposal is for a two lot vacant subdivision and no buildings are proposed. Furthermore, as both of the proposed retaining walls are under 2.5m in height they are not deemed to be a building under the AUP(OP). Visibility of the proposed earthworks would be extremely limited, due to the minor volumes involved, and the temporary nature of the earthworks, as such the earthworks are not considered to compromise the visual integrity of the maunga.

The height sensitive overlay controls in the AUP(OP) will ensure that future development of the proposed lots is of a scale that will not dominate the landscape or reduce the values of the ONF overlay.

Overall, it is considered that any landscape effects can be appropriately managed and as such any adverse landscape effects on the ONF arising as a result of the proposal will be less than minor.

### 8.3 SUBDIVISION EFFECTS

The proposal involves a two lot vacant subdivision of the site to create two freehold residential titles. The proposed lots are able to accommodate an 8 metre by 15 metre rectangle and the attached servicing strategy prepared by Aireys Consultants (refer **Appendix 3**) demonstrates that the proposed lots can be adequately serviced in terms of water supply, wastewater disposal, stormwater disposal and the provision of utilities.

The proposed lots comply with the minimum lot size standard for vacant lot subdivision in the Special Character Area (600m<sup>2</sup>) and are of a shape that is consistent with the surrounding subdivision and development patterns of the street and surrounding area. The landscape proposal will remove the exotic trees from the site, whilst retaining a native treed backdrop against the maunga and include additional planting of native trees within the site and at the driveway entrance to soften the appearance of any future buildings on the proposed lots.

It is noted that no dwellings are able to establish on these lots, without first having obtained a resource consent. Consideration will be had at a future time of a range of matters when considering the actual and/or potential adverse effects of the design and external appearance of a future dwelling on the special character of the area and on the landscape values of the ONF, including the degree of geological modification proposed, if any.

It is considered that the proposed subdivision layout of the site is an efficient use of this land resource and it is a suitable and an appropriate outcome as it meets all of the required subdivision standards, therefore any potential for adverse effects arising as a result of the subdivision of this land will be less than minor.

#### 8.4 ARCHAEOLOGICAL EFFECTS

As discussed, the proposal involves a total of 208m<sup>3</sup> of earthworks over an area of 244m<sup>2</sup> to establish vehicle access to the residential zoned lots. Approximately 23m<sup>3</sup> of this total earthworks is required to extend the public wastewater line from its consented location within proposed Lot 2 to proposed Lot 1. An Archaeological assessment of the proposed site works was carried out by Clough & Associates (refer **Appendix 6**).

There are no previously recorded archaeological sites or features on 24 Summit Drive, nor were any identified as part of this assessment. The property has never been built on, and as it is located on the lower slopes of Owairaka, there is the potential for unidentified subsurface archaeological remains to be exposed in the course of the proposed site works.

Clough & Associates has made a number of recommendations to ensure that no adverse archaeological effects arise as a result of the proposal:

- As it is possible that subsurface archaeological features will be exposed during site works, it is recommended that an Archaeological Authority is obtained from Heritage New Zealand prior to works commencing. This would establish appropriate procedures for the management of any archaeological remains discovered;
- Preliminary earthworks across the site should be monitored by an archaeologist;
- Since archaeological survey cannot always detect sites of traditional significance to Maori, tangata whenua should be consulted.

It is confirmed that all three of the above recommendations are being implemented by the applicant. A copy of the granted Authority to Modify is attached as **Appendix 7**.

In summary, it is concluded by Clough & Associates that there are no identified archaeological sites or features at 24 Summit Drive, and therefore the two lot subdivision and future residential development of the lots would have no known adverse effects on historic heritage or the archaeology of the site.

Based on the foregoing, it is considered that any potential adverse effects in terms of archaeological values of the site can be appropriately managed.



## 8.5 EFFECTS ON MANA WHENUA VALUES

Given that the subject site is located on the lower flanks of Owairaka, it is located within an Outstanding Natural Features Overlay under the AUP(OP), as discussed previously above. As a consequence, details of the proposal to create a two lot subdivision were provided to the following iwi groups in 2018; Te Rūnanga o Ngāti Whātua, Ngā Maunga Whakahii o Kaipara Trust, Ngāti Whātua Ōrākei Trust, Ngāi Tai Ki Tāmaki Tribal Trust, Te Kawerau Iwi Settlement Trust, Ngāti Tamaoho Trust, Te Akitai Waiohua Iwi Authority, Te Ahiwaru Waiohua, Ngāti Te Ata Waiohua, Ngāti Paoa Iwi Trust, Ngāti Maru, Ngāti Tamaterā and Waikato- Tainui for any feedback. A copy of this correspondence is included at **Appendix 8** to this report.

In total, five of the 13 groups contacted responded either deferring to another group or confirming that they were satisfied with the proposal and had no further comment. Responses received from the iwi groups are also enclosed in **Appendix 8**.

Recent consultation has been undertaken with Tūpuna Maunga Authority (TMA), given their role in relation to maunga. An initial phone call followed by a letter sent to the consultant planner for TMA on 6<sup>th</sup> July 2020 outlined the details of the proposal. Follow-up correspondence was sent on 27<sup>th</sup> July asking if there was any feedback in relation to the proposal. A copy of this correspondence is attached as **Appendix 9**.

A formal response has been recently received from TMA on 29 September 2020, advising that they are opposed to the application. The Council processing officer is in receipt of a copy of this letter.

## 8.6 SUMMARY OF EFFECTS

Having regard to the actual and/or potential effects on the environment of the activity resulting from the proposal, it is concluded in the assessment above that any adverse effects relating to the proposal will be less than minor.

Further, it is considered that the proposal will result in significant positive effects including the provision of an additional residential lot within an existing residential suburb which is close to a developed town centre supporting a range of commercial, educational and recreational uses and is in walking distance to public transport routes. Both of the lots are of a sufficient size to accommodate a new dwelling with sufficient parking and outdoor living space. The proposal will therefore result in a more efficient use of land.

Overall, it is considered that when taking into account the positive effects, any actual and potential adverse effects on the environment of allowing the activity are entirely appropriate.

## 9.0 DISTRICT PLAN AND STATUTORY DOCUMENTS (SECTION 104(1)(B))

### 9.1 OBJECTIVES AND POLICIES OF THE AUCKLAND UNITARY PLAN (OP)

#### REGIONAL POLICY STATEMENT

##### CHAPTER B4.2 NATURAL HERITAGE - OUTSTANDING NATURAL FEATURES

The Regional Policy Statement contained in Chapter B4 seeks to ensure that outstanding natural features are identified and protected from inappropriate subdivision, use and development. The visual and physical integrity and historic, archaeological, and cultural values of Auckland's volcanic features that are of local, regional, national, and/or international significance are to be protected and where practicable, enhanced.

Owairaka-Mount Albert has been identified as an outstanding natural feature which is regionally significant and therefore must be protected from inappropriate subdivision, development and use. The subject site, lies outside the extent of the Domain and has a residential zoning. The proposed subdivision complies with the minimum vacant site size standard for the Residential - Single House zone, as well as the Special Character Overlay – Isthmus C2 area. The minor physical works proposed have been kept to an absolute minimum to ensure the physical and visual values of the maunga landform are maintained, as much as possible while recognising that some physical works are necessary to provide physical access to this existing residential zoned site. It is considered that the removal of exotic trees from the site will enhance the values of the ONF. As discussed throughout this report, the proposed two lot vacant subdivision is considered to be appropriate in the context of this site.

##### CHAPTER B4.3 NATURAL HERITAGE - VIEWSHAFTS

The Regional Policy Statement contained in Chapter B4 seeks to ensure that significant views to and between Auckland's maunga are protected from inappropriate subdivision, use and development. The corresponding policies seek to protect significant views to and between maunga by avoiding subdivision, use and development that would result in significant modification or destruction of the view, or significantly detract from the values of the view, and avoiding where practicable, and otherwise remedying or mitigating adverse effects of subdivision, use and development that would result in the modification of the view, or detract from the values of the view.

In this case, the site is wholly contained within the volcanic viewshaft and height sensitive areas overlay, avoidance of subdivision, use and development of this existing residential site is therefore not practicable. Given that the proposal is for a vacant two

lot subdivision and that the only structures proposed consist of two retaining walls less than 2.5m in height, this is considered to result in less than minor effects on the existing views to the maunga and between the maunga. The visual simulations have also confirmed that the visual effects of any future building sites on the property will be less than minor. Furthermore, it is considered that the proposed landscaping will mitigate the effects of the proposal to result in less than minor effects on the views of the maunga.

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## DISTRICT-WIDE OBJECTIVES AND POLICIES

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### CHAPTER H3 RESIDENTIAL - SINGLE HOUSE ZONE

The purpose of the Residential - Single House zone is to maintain and enhance the amenity values of established residential neighbourhoods in a number of locations. The Single House zone objectives and policies seek to ensure that development maintains and is in keeping with the amenity values of established residential neighbourhoods. Development should be in keeping with the neighbourhood's existing or planned suburban built character and pattern of development. In this case, the proposal is for a vacant two lot subdivision. The proposal is considered to be consistent with the Single House zone objectives and policies for the following reasons:

- The two lot subdivision is in keeping with the surrounding pattern of residential subdivision, including that recently approved on the immediately adjoining site to the west.
- The proposed lots comply with the required minimum lot size of 600m<sup>2</sup> net site area, and have a north-south orientation which enables future buildings and outdoor living areas to receive daylight and direct sunlight for much of the day.
- The lots are of a sufficient size that a dwelling could be developed on each lot within the permitted building envelope such that the sites can be developed in the future without compromising existing amenity values of adjacent residential properties.
- The proposed lots are of a sufficient size that the outdoor living environments for the proposed lots are able to be of a high quality.
- The retention of the native trees and the proposed landscaping will ensure that the proposal will be in keeping with the amenity values of the established residential neighbourhood.

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### CHAPTER D18 - SPECIAL CHARACTER RESIDENTIAL ISTHMUS C2 OVERLAY

The Special Character Areas Overlay seeks to retain and manage the special character values of residential areas identified as having collective and cohesive values,

importance, relevance and interest to communities within the locality and wider Auckland region.

The overlay objectives and policies seek to ensure that special character values of these areas are maintained and enhanced and that the physical attributes that define, contribute to, or support the special character area are retained, including built form, architectural values, streetscape qualities and cohesiveness, including historical form of subdivision and patterns of streets and roads; and the relationship of built form to landscape qualities and/or natural features including topography, vegetation, trees and open spaces. The proposal is considered to be consistent with these objectives and policies for the following reasons:

- The proposed two lot subdivision is consistent with the surrounding pattern of subdivision, including the recent subdivision of the adjoining site at 22 Summit Drive.
- The proposed lots comply with the minimum vacant net lot size requirement of 600m<sup>2</sup> for this location being the Special Character Residential Isthmus C2.
- The provisions of the AUP(OP) will ensure that the future development of both lots is assessed in terms of its suitability with respect to the Special Character values of the area.
- Onsite amenity values will be provided for with the proposed landscaping.

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#### CHAPTER D10 - OUTSTANDING NATURAL FEATURES OVERLAY

The Outstanding Natural Features overlay objectives and policies give effect to the Regional Policy Statement included in Chapter B4.2 and seek to protect Auckland's outstanding natural features from inappropriate subdivision, use and development. Further the objectives seek to ensure that the ancestral relationships of Mana Whenua with outstanding natural features are recognised and provided for.

The corresponding policies, in particular Policy D10.3(3), seek to protect the physical and visual integrity of outstanding natural features, including volcanic features by avoiding adverse effects of inappropriate subdivision, use and development on the natural characteristics and qualities that contribute to the features/values and avoiding adverse effects on Mana Whenua values associated with the feature. Notably, use and development is enabled in Policy D10.3(5) where it maintains or enhances the values or appreciation of the outstanding natural feature.

In this case, the subject site is wholly contained within the outstanding natural feature overlay; it is therefore not possible to avoid works within the extent of the ONF. The proposed subdivision has been carefully considered so as to protect the physical and visual integrity of the outstanding natural feature. In particular, the earthworks

proposed as part of this application have been kept to the absolute minimum possible so as to maintain the natural contours of the site, with the extent of earthworks primarily restricted to the driveway area.

The proposed building platforms have been located in such a position that future dwellings could be constructed on piles to retain the sloping characteristics of the site and limit further disturbance of the site contours. Furthermore, the proposed building platforms have been located so as to retain existing mature native vegetation along the interface with the maunga. The proposed two lot subdivision is also considered to be consistent with surrounding subdivision pattern and development which are also contiguous with the volcanic feature. It is therefore considered that the development can be enabled, as is will be maintaining the values of the outstanding natural features.

Overall, the proposal is considered to be generally in accordance with the ONF overlay objectives and policies.

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#### CHAPTER E12 - LAND DISTURBANCE - DISTRICT

Land disturbance is a pre-requisite for development of urban land. Land disturbance can however have an adverse effect on archaeological and heritage values and areas that have landscape or landform values that are identified in the AUP, such as ONF areas, where land disturbance is discouraged.

The earthworks objectives and policies seek to ensure that land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment. The corresponding policies seek to avoid, where practicable, and otherwise mitigate adverse effects of land disturbance in areas where there are natural and physical resources that have been scheduled in the AUP(OP) in relation to natural heritage, Mana Whenua, natural resources, coastal environments, historic heritage and special character.

In this case, the subject site is wholly contained within the ONF overlay as well as the Special Character Area overlay, it is therefore not practicable to avoid or relocate the position of the earthworks within this site to an area outside of an overlay. The physical works proposed are required to extend the accessway into the body of the existing residential zoned site. The earthworks proposed have been limited to the minimum amount possible to mitigate any potential adverse physical effects on the landform and any potential adverse visual effects on the existing landscape. Further, it is confirmed that all earthworks will be undertaken in accordance with Auckland Council GD05 guidelines.

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#### D14 VOLCANIC VIEWSHAFTS AND HEIGHT SENSITIVE AREAS OVERLAY

The subject site is identified as being a height sensitive area. The volcanic viewshafts and height sensitive areas overlay seek to ensure that regionally significant views to and between Auckland's maunga are protected and that locally significant views to Auckland's maunga are managed to maintain and enhance the visual character, identity and form of the maunga in the views. The corresponding policies seek to protect the visual character, identity and form of locally and regionally significant volcanic maunga by imposing height limits which prevent future encroachment into views of the volcanic maunga whilst enabling a reasonable scale of development, allowing development located within identified height sensitive areas up to defined appropriate limits.

In this case, no buildings are proposed as part of this application. The proposal relates only to a two lot vacant subdivision of the existing residential zoned site, and associated site works, including the construction of two retaining walls which are not considered to compromise the visual integrity of the maunga. The policies enable reasonable development, meaning that the future residential development of the proposed lots could reasonably occur under the current provisions of the Unitary Plan, subject to an appropriate assessment of the effects.

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#### E8 - STORMWATER DISCHARGE AND DIVERSION

The stormwater objectives and policies In Chapter 8 seek to ensure that stormwater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality.

Stormwater disposal is proposed by way of an onsite soakage device for each proposed lot. The attached infrastructure servicing report confirms that the stormwater can be appropriately managed on site, in turn minimising any adverse effects on the environment.

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#### E36 - NATURAL HAZARDS AND FLOODING

The natural hazards objectives and policies outlined in Chapter E36 seek to ensure that subdivision, use and development only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable, are reduced.

The subject site is identified as being potentially subject to instability, however no hazard is identified on the site. A geotechnical investigation of the site was carried out by Riley Consultants (refer **Appendix 5**) which concludes that the subject site is suitable for the proposed development.



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### E38 - SUBDIVISION - URBAN

The objectives and policies for urban subdivision are contained in sections E38.2 and E38.3 of the AUP(OP), and aim to ensure that subdivision achieves the objectives of the applicable zone, provides for long-term needs, is serviced by infrastructure, and avoids adverse effects on infrastructure, historic/Maori heritage, natural features and landscapes, and indigenous vegetation.

Having regard to the above, the proposed layout of the subdivision will minimise physical works within the ONF overlay, and enable the special character values of the zone to be maintained, as well as allowing for good levels of on-site amenity for the proposed building platforms and adjoining sites. The proposed subdivision will also avoid or mitigate all natural hazards and includes provisions to ensure that the residential lots will be adequately serviced, therefore the proposed subdivision is considered to be an appropriate and efficient use of this existing residential zoned site.

### 9.2 SUMMARY

Based upon the above assessment, it is concluded that the proposed two lot subdivision is consistent with the relevant objectives and policies of the AUP(OP).

### 10.0 RELEVANT RULES AND ASSESSMENT CRITERIA

The Unitary Plan specifies the relevant assessment criteria to be considered in assessing this application for each of the consent matters in the following sections:

- D10.8.2 for the construction of new structures in the ONF Overlay area;
- D14.8.1(1) for the construction of fences and walls less than 2.5m in height within a height sensitive area;
- E15.8.1(1) and E15.8.1(2) for vegetation removal;
- E12.8.2(1) and E12.8.2(2) for earthworks;
- E36.8.2(15) for the construction of new structures (retaining walls) on land subject to instability; and
- E38.12.2(4) and E38.12.2(7) for subdivision of the site.

These criteria largely cover the same matters that have been discussed and assessed in the above report, pertaining to environmental effects and the objectives and policies of the AUP(OP).

In particular, the proposal is compliant with the minimum net site area for vacant lots in the Single House zone and in the Special Character Areas Overlay, and whilst the earthworks involve quantities that require resource consent be obtained, the physical

effects of these changes is mitigated through the minimisation of earthworks as much as possible, the retention of a native treed backdrop to the maunga, proposed landscaping and careful arrangement of the lots and associated building platforms to reflect the subdivision pattern of the surrounding area.

It is not considered that the proposed earthworks will adversely affect the volcanic feature due to the minor amount of earthworks involved and their temporary nature, it is concluded that the visibility of the proposed earthworks would be extremely limited and would avoid adverse visual effects on landscape values or the physical integrity of the volcanic landform. The earthworks will also avoid adverse effects that would interfere with natural processes. The maunga itself, as well as the surrounding environment and the vegetation have already been modified over the years. Preliminary earthworks will be monitored by an archaeologist.

Overall, it is considered that the proposal meets the assessment criteria of the AUP (OP) for the reasons described above, in particular in sections 8 and 9.

## 12.0 OTHER MATTERS (SECTION 104(1)(C))

It is not considered that there are any other relevant matters to consider in relation to this resource consent application.

## 13.0 S106 ASSESSMENT

Section 106 of the Resource Management Act states that:

*(1) a consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*

*(a) there is a significant risk from natural hazards; or*

*(b)[Repealed]*

*(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

*Section (1A) states For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*

*(a) the likelihood of natural hazards occurring (whether individually or in combination); and*

*(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*

(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b).

In relation to the above matters, the following comments are made:

- Riley Consultants have concluded that the proposed residential development is feasible in geotechnical terms, subject to the recommendations outlined in section 9.0 of their report. It is confirmed that the applicant will comply with all of the recommendations of the attached Riley report; and
- Sufficient provision has been made to provide legal and physical access to proposed Lot 2, via a right of way easement proposed over Lot 1.

It is therefore concluded that the subdivision consent can be granted under s106 of the RMA.

#### 14.0 PART 2 MATTERS

The decision in *Davidson* makes it clear that the three caveats outlined in *King Salmon* at [88], where reference to Part 2 of the RMA may still occur, also apply to resource consent applications. Part 2 can be considered if there is any illegality, uncertainty or incompleteness in the relevant planning instruments.

It is concluded that the AUP(OP) in relation to this proposal has addressed the relevant Part 2 matters. I also consider that the relevant provisions of the District Plan and Regional Plan provisions of the AUP(OP) have "given effect" to those of the Regional Policy Statement in the AUP(OP). Accordingly, I consider reliance can be placed on the provisions of the District and Regional Plan provisions of the AUP(OP), as such there is no need for specific reference to Part 2 of the RMA, in this instance. Further given the application is not considered to be contrary to the relevant objectives and policies of the AUP(OP), the proposal is considered to be consistent with Part 2 of the RMA.

#### 15.0 CONCLUSIONS

The proposal involves a two lot vacant subdivision at 24 Summit Drive, in Mount Albert. The site is zoned Residential - Single House, and the property is located within the Special Character Residential Isthmus C2 Area, a quality sensitive aquifer management area. The land has also been identified in the AUP(OP) as an Outstanding Natural Feature and is subject to the volcanic viewshaft and height sensitive area overlays.

This application will enable people to provide for their social, economic and cultural wellbeing and for their health and safety, and in turn, avoid and mitigate adverse effects on the environment.

Based on the above report it is considered that:

- Public notification is precluded as the application is for a discretionary residential subdivision activity, and there is nothing noteworthy about the proposal that gives rise to special circumstances;
- Limited notification is not required as no persons at adjacent properties are considered to be adversely affected by the proposal when taking into account the proposed subdivision layout, the limited earthworks proposed, the landscaping proposal and the design and layout of the accessway extension into the body of the site. Furthermore, the proposed subdivision is anticipated with the property being zoned Residential – Single House zone under the AUP(OP);
- Any adverse effects in relation to special character, the ONF, subdivision and infrastructure servicing including associated earthworks, as well as archaeological effects, and effects on mana whenua values are considered to be less than minor, and acceptable when considering the positive effects of creating an additional residential lot within an existing central Auckland suburb;
- The proposal is consistent with the relevant AUP(OP) objectives and policies;
- The proposal meets the relevant AUP(OP) assessment criteria; and
- The proposal is consistent with Part 2 of the Act.

It is therefore concluded that the proposal satisfies all matters the consent authority is required to assess, and that it can be granted on a non-notified basis. Hence, in accordance with Sections 104, 104B, 104C, 106 and 108 of the Act, it is considered appropriate for consent to be granted subject to fair and reasonable conditions.

**AUTHOR**



**Karyn Kurzeja**

Director, Purpose Planning Limited

Date: 2 October 2020