



THE PLANNING
COLLECTIVE



LAND USE & SUBDIVISION RESOURCE CONSENT

To create 25 residential lots, a road to vest, associated earthworks, street tree removal and

infrastructure at

124 Mahurangi East Road, Snells Beach

This planning assessment has been prepared by The Planning Collective 2021 Limited (The Planning Collective) and forms part of the application for resource consent on behalf of Silver Hill Limited to create 25 residential lots, one road to vest, and associated earthworks, street tree removal, and infrastructure at 124 Mahurangi East Road, Snells Beach. (TPC Reference SHL47-21).



This report has been prepared by:

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Dated: 16 November 2021



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Dated: 22 November 2021 updated 8 March 2022

“The curves within the circle symbol of our logo are a depiction of the shape the Mahurangi River takes as it weaves its way through Warkworth. This was chosen to illustrate the whenua and landscape of the town that The Planning Collective works so closely with.”

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- Appendix 1:** Certificates of Title and Aerial Photograph
- Appendix 2:** Topographical plans (dated 23/06/21) and Scheme Plans by Buckton Consulting Surveyors dated 2/09/21
- Appendix 3:** Engineering & Infrastructure Report & Plans by Airey Consultants Ltd dated November 2021
- Appendix 4:** Geotechnical Investigation Report by CMW Geosciences dated 2 November 2021
- Appendix 5:** Traffic Impact Assessment by TEAM dated 19/10/2021
- Appendix 6:** Detailed Site Investigation and Site Management Plan by Geosciences Ltd dated 29/07/21
- Appendix 7:** Ecology Memo prepared by Bioreserches a Babbage Company, dated 12 July 2021
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1. Application Details

Applicant	:	Silver Hill Limited
Site Address	:	124 Mahurangi East Road, Snells Beach
Legal Description	:	Lot 2 DP 91288
Certificate of Title	:	NA48B/1003
Area of Site	:	1.6126ha
Type of Consent	:	Land use & Subdivision Consent and Controlled land use consent sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011
Consent Sought	:	To create 25 residential lots, one road to vest and associated street tree removal, earthworks and infrastructure
Zoning <i>Auckland Unitary Plan</i>	:	Residential – Large Lot
		Overlays: N/A
Plan Changes	:	N/A
Additional Consents	:	

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2. Background

Auckland Council's property file contains the following consent history:

An application was approved in August 1980 under the Town and Country Planning Act (Ref: TP/48/80) to establish ancillary buildings at the subject site (the site) to be used as a veterinary hospital. The site had an existing dwelling, garage and stables, and the remainder of the site was used for pastoral farming and the upkeep of livestock and domestic pets.

Under Rodney District Council a building consent was issued (Ref ABA991575) in June 1999 authorising the replacement of the existing garage with a new garage, slightly north-west of the original position. The application includes a hand-drawn as-built plan that, while not to scale, gives the position of the stormwater holding tanks and septic tank in relation to the existing dwelling (being located approximately 20m west of the existing dwelling).

3. Site Description

The subject site is generally triangular in shape; has a site area of 1.6126ha, and is located on the corner of Mahurangi East Road (north-east), Muncaster Road (southeast) and Lett Road (south). The land slopes from the northwest to the southeast at an average gradient of approximately 10%.

Currently one dwelling and four sheds occupy the site. The existing dwelling is accessed mid-way along the Mahurangi East Road boundary. There is a shelter belt of poplar trees along the north-eastern boundary of the site, specimen trees are located sporadically around the site and around the site boundaries. The site has areas of amenity planting and gardens with the remainder of the site in pasture.

The poplar trees north of the existing access are generally located on the Council berm while the poplar trees south of the existing access and along the Lett Road frontage are located on the subject site.

There is an existing power pole and overhead powerlines located approximately 10m from the sites southwestern boundary, this line runs for approximately 50m along the southern boundary of the site before crossing overhead to the Muncaster & Lett Road intersection.

Auckland Council GeoMaps classifies Mahurangi East Road as an arterial road, while Muncaster and Lett Roads are classified as local.



Figure 1 Site locality aerial with subject site outlined in yellow. Source: Grip Maps, accessed August 2021

Surrounding Locality

The surrounding area includes a mixture of low, medium and high density residential sites, larger rural and rural residential sites, commercial, education, parks and reserves. Residential - Single House (Residential - SH) zoned land is located to the northeast, east and southeast of the site and east of Muncaster Road, while the sites directly north, west and south (over Lett Road) are zoned Rural – Countryside Living (Rural - CL). Figure 2 below illustrates the surrounding zoning.

Snells Beach shopping centre is located approximately 800m from the subject site. Included in this shopping centre is a supermarket, a mixture of cafes and restaurants, a petrol station, the warehouse and other retail stores. Snells Beach School (primary) is located just over 2km to the south, and Horizon School (intermediate and high school) is approximately 2.5km south of the subject site.

Footpaths are provided south of the site along both sides of Mahurangi East Road. The footpath continues on the eastern side of Mahurangi East Road north of the subject site. The nearest bus stop is located adjacent to the subject site on Mahurangi East Road, near the intersection of Muncaster Road. This bus stop is serviced by bus route 996, which provides connections to Warkworth and Algies Bay via Sandspit Road and Mahurangi East Road.

The wider Snells Beach area demonstrates various signs of development including recently completed subdivision and residential sites. Changes to the area will continue as the recently approved Private Plan Change 35 (PPC35) is implemented. PPC35 was made operative March 2021 rezoning Lot 1 DP 149776 at Foster Crescent, Snells Beach a 4.6384ha site from Residential – Large Lot to Residential – Single House.

Warkworth Township is located 6km to the northwest of the subject site which contains a mixture of residential, commercial, retail, and educational facilities. Warkworth is the largest rural town in the northern part of Auckland and serves a large rural catchment. The area has seen substantial residential development and growth over recent years associated with the identification of Warkworth as a Satellite Town in the Auckland Plan. As referenced in the Auckland Plan 2050 (June 2018) ‘significant residential and employment growth is expected over the next 30 years with around 1100 hectares earmarked as future urban land. This Future Urban zoned land could accommodate approximately 7,500 additional dwellings, or an additional 20,000 people’. Of note is Plan Change 25 (PC25) that was recently made Operative in Part (as per the Auckland Council Planning Committee 30 September 2021 minutes) rezones approximately 99 hectares of Future Urban zoned land to a mix of business and residential zones. This will provide for approximately 1,000 -1,200 dwellings, 13 hectares of industrial / commercial land and a new neighbourhood centre of 3,000m². Private Plan Change 40 was also made operative this year and will also provide for an additional 1,000 to 1,200 dwellings.

The sites surrounding the subject site to the east and southeast vary in size and are not always consistent with the site sizes intended under the zoning. The Residential - SH zone allows for vacant site subdivision down to 480m² while the Residential – Mixed Housing Suburban (Residential - MHS) zone allows for sites down to 320m² (for parent sites of 1ha or greater). There are examples of Residential - SH zoned sites in the surrounding area under/around 350m² and 450m². Examples include 6 Koru Place which is 343m² and 12 Koru Place which is 361m² (both sites are located approximately 500m northeast of the subject site). Similarly, 4 Riverleigh Drive is 454m² and 6 Riverleigh Drive is 457m² (both sites are

located approximately 100m southeast of the subject site). Sites approximately 500m east of the subject site are zoned Residential - MHS. The sites along Little Compton Mews are zoned Residential - MHS and are higher density terraces (site areas are around 150m²-200m²) while the sites along Aurora Ave, also zoned Residential - MHS, are around 600m² with new stand-alone dwellings (39 Aurora Ave is 658m² and 37 Aurora Ave is 604m²). The inconsistency with site sizes and current zoning appears to be related to the fact that the sites were previously zoned, or earmarked as high intensity residential areas in the Snells Beach / Algies Bay Structure Plan prepared by Rodney District Council.

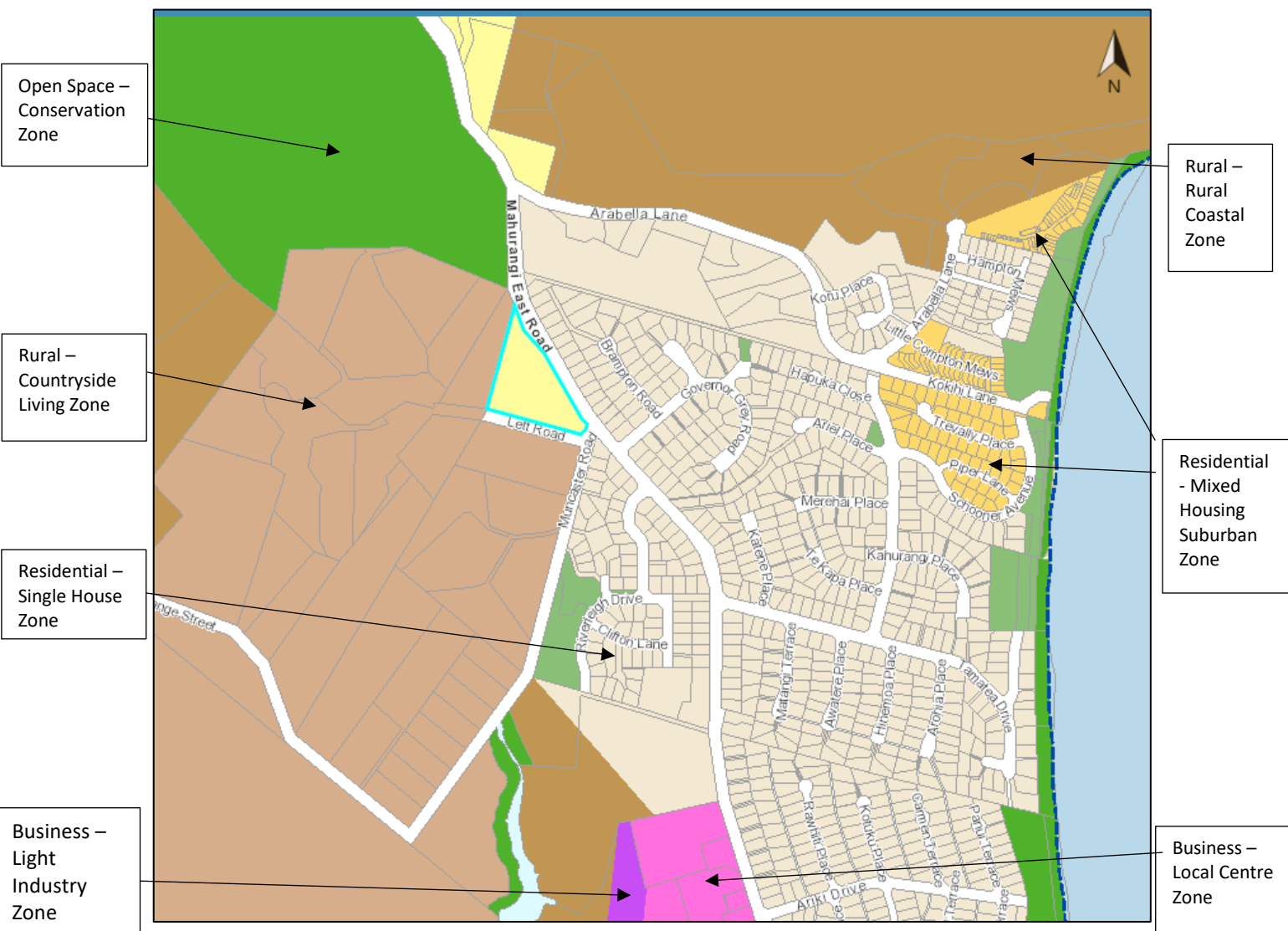


Figure 2 Subject Site (blue outline) and Adjoining Site Zoning. Source: Auckland Council GIS Maps. Accessed 11/10/2021

Certificate of Title

There are no interests on the Certificate of Title (CoT).

Non-Statutory Site Features

There's a minor (4000m² – 1ha) overland flow path traversing the southern boundary of the site which continues over Lett Road. The overland flow path discharges to the swale on the northern side of Lett Road and is then discharged through a culvert under Lett Road. The overland flow path has catchment area of 7200m² and is shown in Figure 3 below.

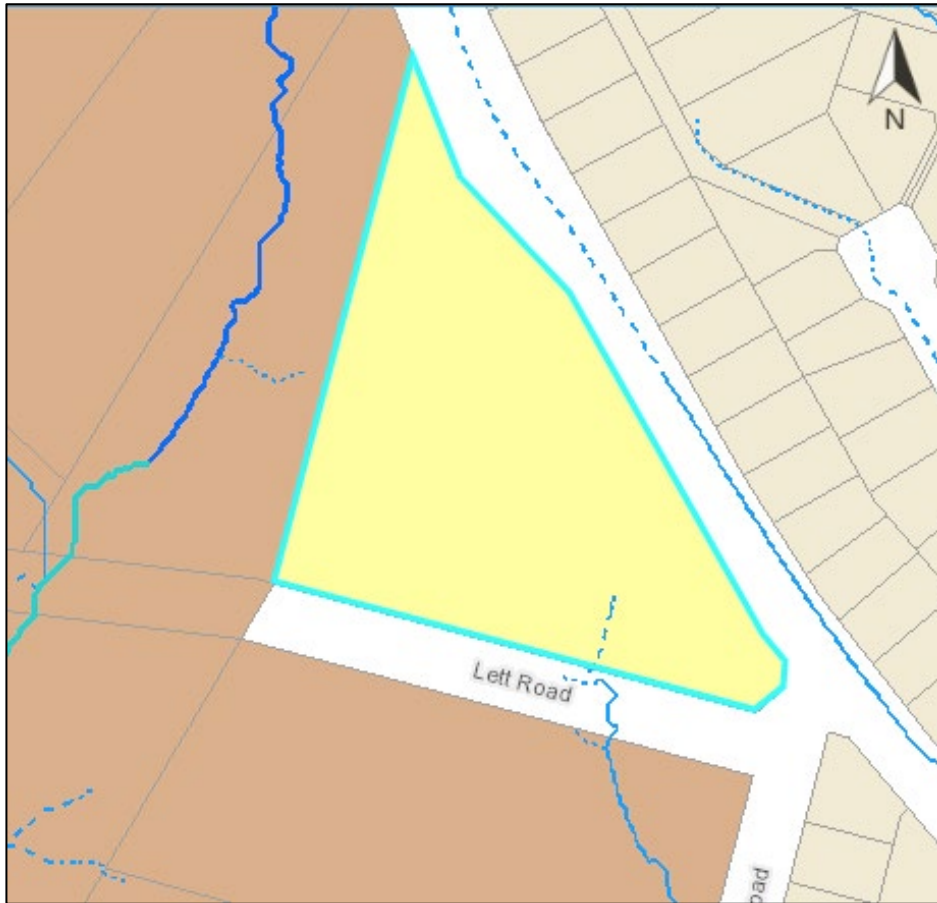


Figure 3 Overland Flow Path Traversing the Southern Boundary of the Subject Site (blue outline). Source: Auckland Council GIS Maps. Accessed 11/10/2021

There are no Cultural Heritage Inventory (CHI) sites identified on the subject site, nor are there any CHI within 200m of the site. The subject site is not within a Statutory Acknowledgment area.

4. Description of Proposal

The proposal involves the subdivision of the site into 25 residential sites, one road to vest and associated site clearance, earthworks, provision of services, and access to the proposed new lots. It is proposed to remove and trees on the site and also the Poplar trees on the road berm.

Land Use

Earthworks, noise and erosion & sediment controls

Earthworks are required to construct the proposed road, rights of way, and to alter the topography of the site to better suit future residential development. Earthworks will be undertaken as a cut to fill exercise. Generally, the earthworks will consist of fill in the eastern part of the site and cut in the western part of the site. The proposed earthworks will match into existing ground levels near the site boundary and no retaining structures are required. The maximum depth of cut is 2.28m and the maximum depth of fill is 3.21m.

The duration of the bulk earthworks phase of the project is anticipated to be 12 weeks (3 months) and the total duration of the civil works phase of the project (including the bulk earthworks as well as the drainage, roading and utility construction works) is anticipated to be 24 weeks (6 months).

The earthworks will be completed within one earthworks season (between 1st October – 30th April). No staging is proposed.

No operation of noise-generating equipment and vehicles will take place on Sundays or public holidays.

The anticipated earthworks quantities are summarised below:

Table 1 Earthworks Summary

Within the subject site	Area (m ²)	Volume (m ³)
Fill	6,910	6,770
Cut	7,130	6,220
Total	14,040	12,990 (excess fill: 550)
Within Lett Rd berm		
	2000	1000

The erosion and sediment control measures are outlined in the Engineering & Infrastructure Report and plans attached at **Appendix 3** (pages 9 & 10 of report and Dwg. 201) and include the following:

- A sediment retention pond (SRP) installed in the depressed area in the south-eastern part of the site. The SRP will collect runoff from the majority of the site and discharge clean water to the

existing culvert under Lett Road. The SRP will be provided with chemical treatment in accordance with GD05.

- A decanting earth bund (DEB) installed in the southwestern corner of the site. The DEB will connect the western portion of the site which cannot be directed to the SRP. The clean water from the DEB will be discharged to the swale on Lett Road west of the site. The DEB will be provided with chemical treatment in accordance with GD05.
- Clean water diversion bunds will be installed around the upstream extents of the site to ensure clean water does not enter the earth-worked area.
- Dirty water diversion bunds will be used to direct the sediment laden water within the site to the SRP and DEB.
- A stabilised construction entrance will be formed on the Lett Road frontage of the site in order to prevent uncontrolled sediment and dust from traffic into and off site and to limit the traffic to a single ingress and egress point.

Further details are provided in the Engineering & Infrastructure Report and plans attached at **Appendix 3**.

Dewatering

As per the Geotechnical report (Appendix 4) groundwater will not be encountered as the maximum depth of cut is 2.28m (below ground) and the winter groundwater (shallowest measurement) is 3m.

Contamination

A detailed Site Investigation has been prepared by Geosciences Ltd and is attached at **Appendix 6**. A Site Management Plan (SMP) has been prepared because of the presence of an existing septic tank system which will be decommissioned and removed as part of this consent. Additionally, there are concentrations of lead in the soil around the existing dwelling above the natural background concentrations. Prior to and during earthworks, the procedures outlined in the SMP will be followed to ensure that the potentially contaminated soil is appropriately handled and, where necessary, disposed of off-site.

Access, Proposed Road and Lett Road Upgrades

The existing driveway and vehicle crossing will be removed. All lots within the development will be accessed directly from Lett Road, or by way of a new public road which will be created running from south to north through the middle of the site. The new road will be connected to Lett Road, which is currently an unsealed road from its intersection with Muncaster Road. The new road will be 7m in width, sealed, with kerb and channel on both sides along with 1.8m wide footpaths. Right of ways will be used to access rear lots from the new road. The longitudinal gradient of the new road and footpaths will be less than 8% and therefore comply with Auckland Transport's standards.

Lett Road will be upgraded to a sealed standard, with a 6m carriageway width and kerb and channel on the northern side. A 1.8m wide footpath will also be provided on the northern side. The Lett Road upgrade will be extended to the western corner of the site frontage. Detailed design of the road network will be undertaken and submitted at the engineering approval stage.

Culvert and Overland Flow Path

The culvert under Lett Road will be replaced with a larger culvert. The upgrade of the culvert will incorporate erosion and scour protection measures to reduce erosion around the culvert inlet and outlet.

The overland flow path will be filled as part of the development. The proposed road will act as the main overland flow route through the site. Overland flow from the new lots created along the Lett Road frontage will not be concentrated and will instead sheet flow into the Lett Road reserve.

Infrastructure/Services

As outlined by Aireys in **Appendix 3**, the proposed infrastructure for the future lots is as follows:

Stormwater (pages 17 & 18):

A new public stormwater reticulation network will be constructed to serve the development. Each lot will be provided with a property connection. The stormwater network will direct stormwater to the existing culvert under Lett Road, which will be upgraded to a 450mm diameter pipe. The depression around the existing culvert and the swale along the north side of Lett Road will be removed and filled in to facilitate the road widening and footpath construction. A manhole will be constructed in the location of the existing culvert inlet. The downstream end of the upgraded culvert will be provided with erosion and scour protection in accordance with Auckland Council requirements.

Stormwater detention will be provided to ensure that the post-development 10% AEP peak flow rate is no greater than the pre-development 10% AEP peak flow rate.

Stormwater detention is proposed to be provided by detention tanks on the residential lots. No detention will be provided for the road but each lot will be required to over-mitigate peak flow rates in order account for the increased runoff from the road. Detention tanks will be designed at the building consent stage for each lot and should be designed in accordance with Table 2. We recommend that a consent notice be provided on each lot including the stormwater attenuation requirements and the permitted site discharge given in Table 2.

We propose to provide water quality treatment raingardens for the new road in accordance with Auckland Transport and Auckland Council guidelines. Detailed design of the raingardens will be undertaken at the engineering approval stage.

Wastewater (page 19):

A new public wastewater reticulation network will be constructed to serve the development. Each lot will be provided with a property connection. The wastewater network run east along Lett Road will be connected to the existing reticulation within 1 Muncaster Road.

A downstream wastewater capacity check has been undertaken which confirms that the downstream wastewater reticulation has capacity to accommodate the flows from the proposed development.

We understand that the existing Riverleigh Drive pump station may be required to be upgraded in order to achieve sufficient capacity to service the development. The specific requirements associated with the pump station will be discussed with Watercare and confirmed prior to engineering approval application for the wastewater reticulation (and pump station upgrade if required).

Potable & Firefighting (page 20)

A new watermain is proposed to be extended from the existing watermain in front of 1 Muncaster Road. The watermain will be extended to the southwestern end of the Lett Road frontage of the site. Within the site a watermain will be provided on one side of the road and a rider main of the other side. Property connections will be provided for each dwelling.

The New Zealand Fire Service Firefighting Water Supplies Code of Practice Table 1 indicates that the development has a FW2 classification with respect to firefighting water supply. FW2 classification requires a minimum of 12.5l/s from a hydrant within 135m, plus another 12.5l/s from an additional hydrant within 270m of the property.

There are existing fire hydrants on Mahurangi East Road (in front of 121 Mahurangi East Rd) and Muncaster Road (in front of 1 Muncaster Rd), both of which are within 270m of all lots within the site. Two new fire hydrants are proposed, one on the new road, and one on Lett Road. Flow and pressure testing will be undertaken on the existing hydrants at the engineering approval stage in order to confirm that the FW2 firefighting classification requirements will be met.

Power & Telecommunications (page 20)

There is existing underground power and telecommunications reticulation running along Mahurangi East Road and Muncaster Road. We consider that these services will be able to be extended to service the proposed development.

The detailed design of the power and telecommunications reticulation to service the development will be undertaken by Vector and Chorus prior to the commencement of construction.

The existing power pole on Lett Rd will be unaffected by the proposed road as the power pole is located approximately 6m to the west of the proposed road. Refer to drawing 500 in Appendix 3.

Street trees and onsite trees

The existing on site poplar trees around the site boundaries will be removed as the earthworks proposed, and the current health state of these means they are unlikely to be suitable trees to retain in this location.

It is also proposed to remove the Poplar trees on the Mahurangi East Road berm. This will facilitate a safer environment for the residential lots proposed adjacent to the road and will also assist in facilitating

construction of the Trail being constructed between Snells Beach, Warkworth and Matakana. The Trail will provide walking and cycling connections.

Rubbish collection

As confirmed by Team Traffic (**Appendix 5**) the proposed road can be accessed by a 10.3m long rubbish truck. As such, the proposed subdivision will utilise the Council kerbside rubbish collection.

Subdivision

As outlined in Appendix 3, the proposed subdivision is to create the following lots:

Table 2 Proposed Subdivision

Proposed Lot Reference	Net Lot area m ²	Activity
1	600	Vacant residential site
2	600	Vacant residential site
3	600	Vacant residential site
4	600	Vacant residential site
5	600	Vacant residential site
6	600	Vacant residential site
7	580 (726 gross)	Vacant residential site
8	580	Vacant residential site
9	580	Vacant residential site
10	662 (818 gross)	Vacant residential site
11	720	Vacant residential site
12	600	Vacant residential site
13	600	Vacant residential site
14	600	Vacant residential site
15	550	Vacant residential site
16	570	Vacant residential site
17	570	Vacant residential site
18	480	Vacant residential site
19	500 (641 gross)	Vacant residential site
20	400	Vacant residential site
21	400	Vacant residential site
22	400	Vacant residential site
23	400	Vacant residential site
24	400	Vacant residential site
25	400	Vacant residential site
26	2082	To vest as a road in Auckland Council

Easements

Right of way easements are proposed for access to the proposed rear lots being lots 7, 10, 11, 19 and 20. The memorandum of easements on the scheme plan (SP 03) attached at Appendix 2 outlines the servient and dominant tenement.

Consent notices

The following consent notices are offered to be registered on the future CoTs and form part of the proposal.

Proposed lots 4, 22, and 25:

The future access for lots 4, 22 and 25 will be separated from the boundaries of the intersecting roads by over 10m to ensure that these lots are not subject to a Vehicle Access Restriction.

The following development criteria are the AUP Residential Single House zone standards.

Development criteria for all proposed lots:

1. The below development criteria (numbers 2-8 inclusive) will restrict development on the subject lots as outlined until such time as the zoning for the sites are up-zoned from Residential – Large Lot to a more intensive zone. At which date the new zoning will take precedence over these development criteria.
2. Building Height. Buildings must be single storey and not exceed 6m in height. This consent notice shall also be secured as a private covenant in favour of each of the residential sites in the development.
3. Height in relation to boundary. Buildings must not project beyond a 45-degree recession plane measured from a point 2.5m vertically above ground level alongside and rear boundaries.
 - a. Where the boundary forms part of a legal right of way, entrance strip, access site or pedestrian access way, the height in relation to boundary control applies from the farthest boundary of that legal right of way, entrance strip, access site or pedestrian access way.
 - b. A gable end dormer or roof may project beyond the recession plane where that portion beyond the recession plane is:
 - i. No greater than 1.5m² in area and no greater than 1m in height; and
 - ii. No greater than 2.5m cumulatively in length measured along the edge of the roof.
 - iii. No more than two gable end, dormers or roof projections are allowed for every 6m length of site boundary.
4. Yards. A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in table 1 below.

Table 3 Yards

Yard	Minimum depth
Front	3m
Side	1m
Rear	1m
Riparian	10m

5. Maximum impervious area. The maximum impervious area must not exceed 60 per cent of site area. The maximum impervious area within a riparian yard must not exceed 10 per cent of the riparian yard area.

6. Building coverage. The maximum building coverage must not exceed 35 per cent of net site area.
7. Landscape area. the minimum landscaped area must be at least 40 per cent of the net site area. At least 50 per cent of the area of the front yard must compromise landscape area.
8. Front, side and rear fences and walls. Fences or walls or a combination of these structures (whether separate or joined together) must not exceed the height specified below, measured from the ground level at the boundary:
 - a. Within the front yard, either:
 - i. 1.4m in height, or
 - ii. 1.8m in height for no more than 50 per cent of the site frontage and 1.4m for the remainder, or
 - iii. 1.8m in height if the fence is a least 50 per cent visually open as viewed periductular to the front boundary.
 - b. Within side, rear and riparian yards: 2m.

5. Planning Assessment

The activity status of the application under the AUP is determined in the assessment below. A detailed rules assessment is in **Appendix 9**.

5.1 Auckland Unitary Plan – Operative in Part

The subject site is zoned Residential Large Lot as shown on the portion of planning map below:

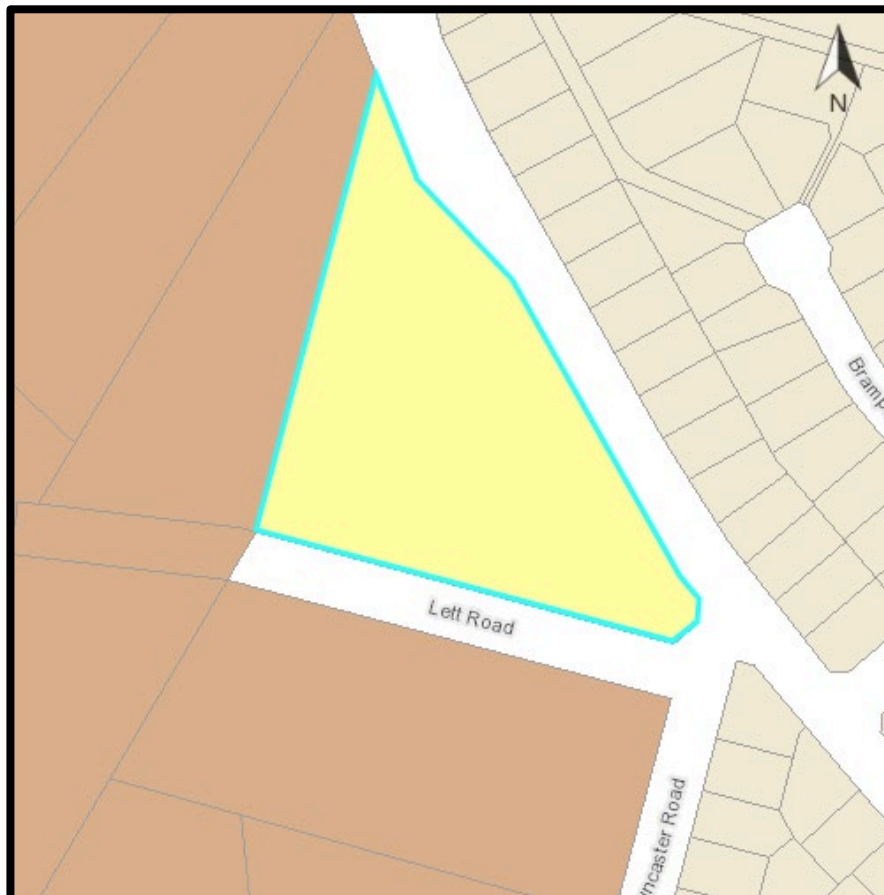


Figure 4 Subject Site zoning. Source: Auckland Unitary Plan Maps. Accessed October 2021

The Council released the AUP on the 15 November 2016. The Residential Large Lot zoning was applied to the site through the Unitary Plan process in response to a submission lodged by the previous landowner.

In terms of the provisions of the AUP, Resource Consent is required and sought for the following reasons:

H1 Residential – Large Lot Zone

H1.6.5 Yards. **Restricted discretionary** landuse consent is required under C1.9 (2) for a blanket infringement of the yard controls on proposed lots 1-25 where the following yards are proposed (and

will be registered on the titles by way of a consent notice): Front yard: 3m, side & rear yards: 1m, riparian yard: 10m from the edge of all permanent and intermittent streams.

H1.6.6. Maximum impervious area. **Restricted discretionary** consent is required under C1.9 (2) for a blanket infringement of the maximum impervious area control (H1.6.6 (1)) on proposed lots 1-25 where the following rule is proposed (and will be registered on the titles by way of a consent notice): The maximum impervious area must not exceed 60 per cent of the site area. H1.6.6 (2) will be complied with and registered on the future titles as a consent notice.

H1.6.7. Building coverage. **Restricted discretionary** consent is required under C1.9 (2) for a blanket infringement of the building coverage control on proposed lots 1-25 where the following rule is proposed (and will be registered on the titles by way of a consent notice): The maximum building coverage must not exceed 35 per cent of the site area.

E11 Land disturbance – Regional

E11.4.1 (A4). For onsite cut to fill earthworks over 14,040m² and with a volume of 12,990m³ and the site has a slope of less than 10 degrees. **Controlled**.

E12 Land disturbance – District

E12.4.1 (A6). Earthworks over an area of 14,040m² **restricted discretionary**.

E12.4.1 (A10). Earthworks with a volume of 12,990m³ **restricted discretionary**.

E12.6.2. (12) General Standards. The existing overland flow path will be filled and the new road will act as the main overland flow route through the site as such the exit point at the site will change. **Restricted discretionary** consent is required under C1.9 (2) for alteration of the overland flow path.

E15 Vegetation removal and Biodiversity – E15.4.1 (A22A) all other zones not covered above vegetation removal is a permitted activity. This means removal of all vegetation other than the street trees, is a **permitted** activity.

E17 Trees in roads

E17.4.1 (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth is a **restricted discretionary** activity.

E36 Natural hazards and flooding

Table E36.4.1 (A41) The applicant's engineer has determined that the existing overland flow path will be filled and the new road will become the overland flow which will flow to the upgraded culvert in Lett Road. **Restricted discretionary** for alteration of the overland flow path.

E38 Subdivision – Urban

E38.4.2 (A19). E38.8.3.1 (2) refers to table E38.8.2.3.1 which requires vacant lot subdivision in the Residential – Large Lot zone to meet a minimum net site area of 4,000m². The smallest proposed lot has a net site area of 400m². **Non-complying**.

In summary, the application requires assessment as a restricted discretionary land use consent and a non-complying subdivision consent activity under the AUP. The overall activity status is **non-complying**.

5.2 Resource Management (National Environmental Standard for Assessing & Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES: CS) were gazetted on 13th October 2011 and took effect on 1st January 2012. Council is required by law to implement the NES: CS in accordance with the Resource Management Act 1991 (RMA). The standards are applicable if the land in question is, or has been, or is more likely than not to have been used for a hazardous activity or industry and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.

As the property is known to contain a septic tank and effluent discharge field, encompassed by Items G.5 and G.6 of the Ministry for the Environment (MfE) Hazardous Activities and Industries List (HAIL), the risk to human and environmental health must be assessed to determine the applicability of the NES: CS.

The Detailed Site Investigation identifies that lead concentrations in soil were above the expected natural background concentration. As development earthworks exceed the permitted volumes, the proposed works are a **Controlled Activity** under Regulation 9 of the NES.

To satisfy the requirements of the NES: CS, a site management plan, commensurate to the low risk involved with the decommissioning of the onsite wastewater treatment system and disturbance of lead-elevated soil around the dwelling and garage has been included at the end of this DSI (**Appendix 6**).

5.3 Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (comes into force on 3 September 2020)

The NES Freshwater contains Regulations to manage the effects of activities on freshwater systems. An ecological assessment was undertaken to identify and freshwater systems on the site that may be affected by the proposal. The Ecology Memo (**Appendix 7**) states:

There were no wetland features (e.g. wetland vegetation, boggy or pugged ground) within the site, or within 100m of the site. As such, no 'natural wetlands' as defined by the National Policy Statement for Freshwater Management 2020 were identified.

Therefore, based on the expert opinion of Bioreserches, consent is not required under the National Environmental Standards for Freshwater (NES: FW).

5.4 Overall Activity Status

Overall, the activity status of the proposal requires **restricted discretionary** land use consent and a **non-complying** subdivision consent under AUP and **controlled** consent under the NES: CS. Because the consents are bundled the overall activity status for assessment of the proposal is **non-complying**.

We consider that all relevant consents have been applied for. However, please treat this as a full application to cover any other aspects of the proposal that Council considers require consent.

6. Activity Status Assessment Framework

Overall, the proposal is a Non Complying Activity. The matters that require consideration in assessing this application are set out in section 104, section 104B and section 104D of the Resource Management Act 1991. These matters include the actual and potential effects of allowing activities on the environment, the relevant objectives and policies of the planning documents, and any other matter that is relevant and necessary to determine the application. The provisions of section 104 are subject to the matters set out in Part II of the Act.

Prior to assessing a proposal for Non-Complying activity under s104; an assessment under s104D must be completed. A Non-Complying activity may only be considered for approval through assessing the relevant s104 matters if it passes the 'Gateway Test' set out in s104D. The *Gateway Test* requires that the proposal must not generate adverse effects on the environment that are more than minor **or** that the proposal must not be contrary to the relevant objectives and policies of the relevant planning documents.

The following sections of this application will address the actual and potential effects of the activity on the environment, the relevant objectives and policies and the relevant provisions of Part II of the Resource Management Act 1991

7. Assessment of Effects on the Environment

An assessment of the actual and potential effects generated by the proposal is outlined below. In compiling this assessment, consideration has been given to the relevant assessment criteria contained within the relevant planning documents, the existing environment, and the permitted baseline.

7.1 Matters of Discretion

While the proposal is for a non-complying activity overall and does not have specific matters of discretion, the AUP requires the assessment of the application to consider the following matters [emphasis added]:

C1.8. Assessment of restricted discretionary, discretionary and non-complying Activities

(1) When considering an application for resource consent for an activity that is classed as a restricted discretionary, discretionary or non-complying activity, the Council will consider all relevant overlay, zone, Auckland-wide and precinct objectives and policies that apply to the activity or to the site or sites where that activity will occur.

(2) When considering an application for resource consent for an activity that is classed as a discretionary or non-complying activity, the Council will have regard to the standards for permitted activities on the same site as part of the context of the assessment of effects on the environment.

As part of the context of the assessment of effects and noting the permitted activity standards infringed by the proposal, the following Matters of Discretion are considered relevant:

C1.9. Infringements of standards

(3) When considering an application for a resource consent for a restricted discretionary activity for an infringement of a standard under Rule C1.9(2), the Council will restrict its discretion to all of the following relevant matters:

- (a) any objective or policy which is relevant to the standard;*
- (b) the purpose (if stated) of the standard and whether that purpose will still be achieved if consent is granted;*
- (c) any specific matter identified in the relevant rule or any relevant matter of discretion or assessment criterion associated with that rule;*
- (d) any special or unusual characteristic of the site which is relevant to the standard;*
- (e) the effects of the infringement of the standard; and*
- (f) where more than one standard will be infringed, the effects of all infringements considered together.*

7.2 Existing Environment and Permitted baseline

Environment

The 'Environment' includes the 'Existing Environment' which includes all lawfully established activities that exist – and the 'Future Environment' which includes the effects of activities enabled by an unimplemented consent where the consent is 'live' that have not lapsed and there are no reasons why the consent is not likely to be implemented.

It is noted that the existing environment is the yard stick against which the effects of any proposal must be assessed. There is no discretion in terms of the existing environment.

The site and existing environment are detailed in Section 3 of this report. The surrounding sites vary in size and are not always consistent with the site sizes intended under the zoning. The overall character of the site and its immediately surrounding area is residential.

These activities and their constituent effects form part of the existing (lawfully established) environment.

Permitted Baseline

The permitted baseline defines the effect on the environment against which a proposed activity's degree of adverse effect may be gauged. It comprises non-fanciful hypothetical activities and their constituent effects that are permitted as of right by all relevant planning documents.

Pursuant to section 95D(b) of the Act a consent authority may disregard an adverse effect of an activity on the environment if the plan permits an activity with that effect (the 'permitted baseline' test). There are two categories to the permitted baseline test:

1. What lawfully exists on the site at present;
2. Activities (being non-fanciful activities) which could be conducted on the site as of right; i.e. without having to obtain resource consent.

Having regard to the above, given that subdivision always requires consent the permitted baseline is only considered relevant to the permitted removal of all trees on site but is not considered relevant to the subdivision itself.

7.3 Assessment of Actual and Potential Effects

The effects of the proposal have been separated into the following categories for assessment:

- 7.3.1 Streetscape, Character and Amenity
- 7.3.2 Traffic, Access & Transportation
- 7.3.3 Servicing & Other Engineering Matters (including fair and equitable provision of infrastructure)
- 7.3.4 Street Tree Removal Effects
- 7.3.5 Positive Effects

- 7.3.6 Earthworks and Construction
- 7.3.7 Site Suitability
- 7.3.8 Ecological
- 7.3.9 Soil Contamination
- 7.3.10 Natural Hazards and Flooding
- 7.3.11 Soil Contamination Effects
- 7.3.12 Cumulative Effects
- 7.3.13 Cultural Values Effects
- 7.3.14 Reverse Sensitivity Effects

7.3.1 Streetscape, Character and Amenity Effects

The proposal involves a subdivision of a 1.6126ha site. The proposal seeks consent for 25 vacant residential sites ranging in size from 400m² – 720m² (net) with a new cul-de-sac road to vest. It is proposed to remove the existing Poplar street trees in the Mahurangi East Road berm.

The Resource Management Act 1991 (RMA) defines amenity values as *those natural or physical qualities and characteristics of an area that contribute to people’s appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.*

A study of the surrounding area and site sizes in the immediate environment provides a useful context in terms of evaluating character and amenity effects of is proposal on the existing environment. Mahurangi East Road is the gateway to Snells Beach and is classified as an arterial road. From the northern boundary of the subject site to Horizon school (2.5km southeast on Mahurangi East Road) all of the residential zoned sites fronting Mahurangi East Road are zoned Residential – SH, with the subject site being the only exception (zoned Residential – Large Lot). The other non-residential zoning fronting Mahurangi East Road between the subject stie and Horizon School is either Business or Open Space, as shown below in Figure 5.

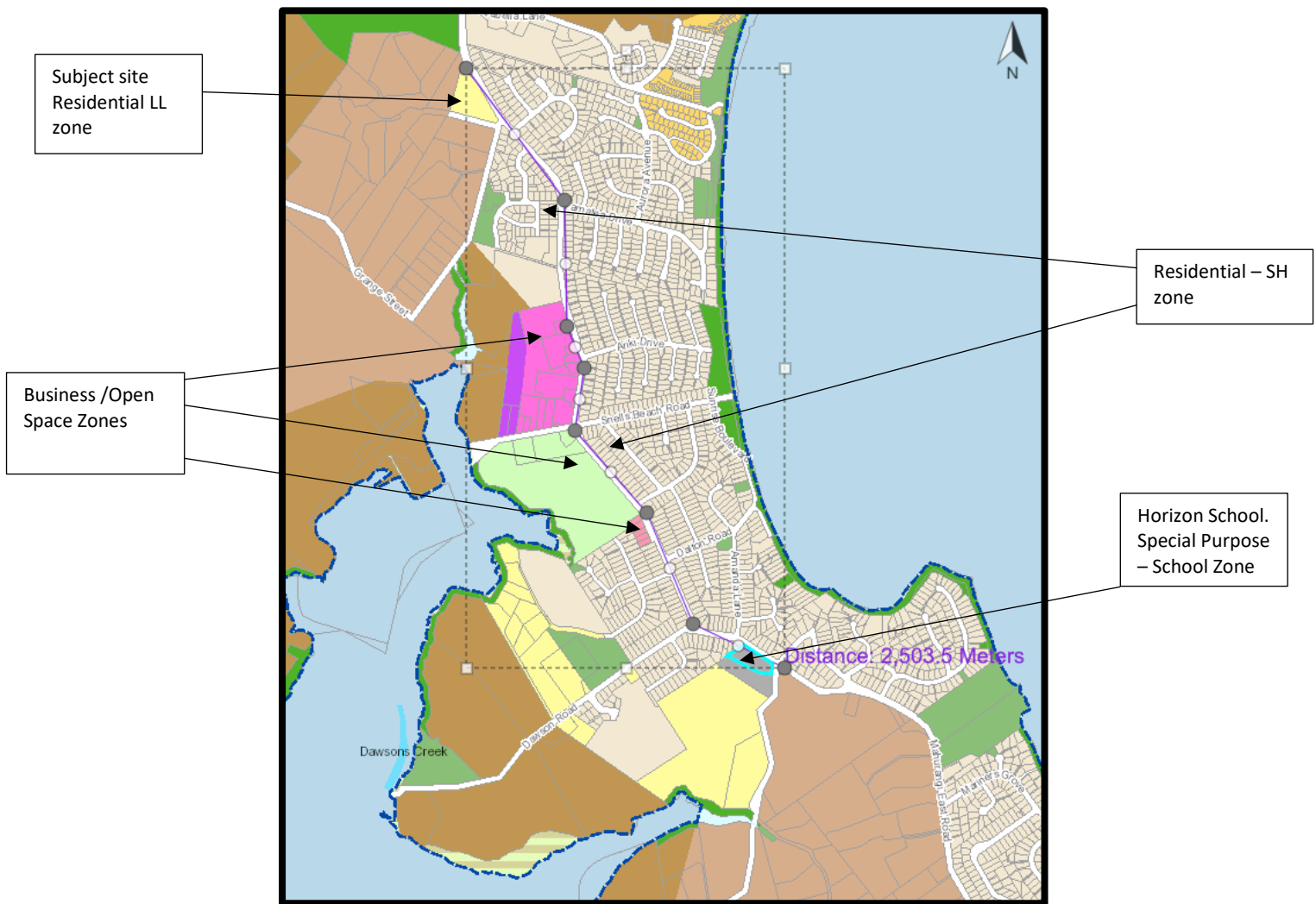


Figure 5 Zoning on Mahurangi East Road between subject site and Horizon School. Source: AUP GIS Maps. Accessed 10/11/21

The Residential Large Lot zone description is as follows:

The Residential – Large Lot Zone provides for large lot residential development on the periphery of urban areas. Large lot development is managed to address one or more of the following factors:

- *it is in keeping with the area’s landscape qualities; or*
- *the land is not suited to conventional residential subdivision because of the absence of reticulated services or there is limited accessibility to reticulated services; or*
- *there may be physical limitations to more intensive development such as servicing, topography, ground conditions, instability or natural hazards where more intensive development may cause or exacerbate adverse effects on the environment.*

To manage existing or potential adverse effects, larger than standard site sizes are required and building coverage and impervious surface areas are restricted.

The zone description anticipates the site to be on the periphery of an urban area. However, it is considered that the subject site is within the urban area of Snells Beach given that all of the adjacent

sites east on Mahurangi East and Muncaster Roads are zoned Residential – SH and the site has access to the reticulated network. Additionally, the site is approximately 800m from the main Snells Beach shopping area – Business – Local Centre. The proposed footpath along Lett Road will connect to the existing footpaths along Muncaster and Mahurangi East Roads making the proposed lots walkable to the main urban shops and schools. There is a bus stop adjacent to the site.

The subject site looks out over the Residential – SH zoned sites that adjoin to the northeast and southeast and this urban context forms part of the existing environment and character of the area. Refer to Figures 6 and 7 below. The removal of the street trees will alter the character on this side of Mahurangi East Road, however these adverse effects are deemed to be minor and will reduce to less than minor as the landscaping on the proposed residential sites is undertaken and street trees on the new Road and Lett Road are provided.

As demonstrated by the applicant’s engineers, the site can connect to the reticulated network and the subdivision can be serviced without the need for on-site discharge. Similarly, there are no instability or natural hazards that will be exacerbated by the proposed subdivision. The applicant’s ecologist has determined that there are no ecological features on the site that would warrant protection or limit development. Engineering and ecological matters are discussed in more detail below.

The site may have been zoned Residential – LL rather than Residential – SH as sought by submission 3520-4 to the Proposed AUP due to Lett Road being a metalled road. This is the only physical constraint that we see as warranting the Residential – LL zoning of the site. As outlined in section 4 of this report the proposal includes upgrading Lett Road to a 6m wide sealed carriageway, kerb, and channel and a 1.8m wide footpath on the northern side of Lett Road. Traffic matters are discussed further below.



Figure 6 Photograph taken from the subject site facing southeast. The green pasture of the subject site fronts Residential – SH zoned sites across Muncaster Road. Taken October 2021



Subject site

Residential – SH zone

Figure 7 Photograph from Mahurangi East Road facing northwest. October 2021

As discussed in section 3, the surrounding sites vary in size and are not always consistent with the site sizes intended under the AUP zoning. The Residential - SH zone allows for vacant site subdivision down to 480m² while the Residential - MHS zone allows for sites down to 320m² (for parent sites of 1ha or greater). There are examples of Residential - SH zoned sites in the surrounding area under/around 350m² and 450m². Examples include 6 Koru Place which is 343m² and 12 Koru Place which is 361m² (both sites are located approximately 500m northeast of the subject site). Similarly, 4 Riverleigh Drive is 454m² and 6 Riverleigh Drive is 457m² (both sites are located approximately 100m southeast of the subject site).

Sites approximately 500m east of the subject site are zoned Residential - MHS. The sites along Little Compton Mews are zoned Residential - MHS and are higher density terraces (site areas are around 150m²-200m²) while the sites along Aurora Ave, also zoned Residential - MHS, are around 600m² with new stand-alone dwellings (39 Aurora Ave is 658m² and 37 Aurora Ave is 604m²).

The medium and high density Residential – SH and MHS zoned sites are visible from and in some cases directly adjoin rurally zoned sites. For example, Boathouse Bay Lane Snells Beach (Lot 1 DP 521864) where Residential -MHS apartments adjoin low density Rural – Rural Coastal Zoned sites.

The subject site and proposed development are effectively the northern bookend to Snells Beach and will reflect a similar character to the development on the opposite side of Mahurangi East Road.

To ensure future development maintains and complements the surrounding rural residential character, mitigation is being offered in the form of consent notices on the individual record of titles and a private covenant in respect of restricting development of buildings to single storey only. These will ensure the future development achieves a comparable development to the surrounding Residential – SH zoned land. These include all single house zone bulk, location, and coverage standards as outline in section 4 of this report. Given that the future lots will be developed in accordance with these standards, the zone description of the Residential – SH zone is relevant to the outcome anticipated on the proposed lots:

The purpose of the Residential – Single House Zone is to maintain and enhance the amenity values of established residential neighbourhoods in number of locations. The particular amenity values of a neighbourhood may be based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character. To provide choice for future residents, Residential – Single House Zone zoning may also be applied in greenfield developments.

To support the purpose of the zone, multi-unit development is not anticipated, with additional housing limited to the conversion of an existing dwelling into two dwellings and minor dwelling units. The zone is generally characterised by one to two storey high buildings consistent with a suburban built character.

As part of these design criteria consent notices, 40% of onsite landscaping will be retained on each lot which will allow sufficient space on site for the future owners to develop a landscape strategy. This

future planting will also mitigate the effects associated with the loss of vegetation existing on the site. Additionally, the height in relation to boundary controls will mean that where future development is up to 8m in height it will be adequately setback from site boundaries to assist with mitigation of potential adverse bulk and dominance effects on the surrounding environment.

The topography of the subject site slopes from the northwest to the southeast at an average gradient of approximately 10%. Earthworks are proposed to level out the depressions in the land and prepare the lots for future development. The earthworks will be battered towards the site boundaries to avoid the need for retaining walls. The subject site sits below Mahurangi East Road and is generally level with Lett Road. The subject site is not elevated above the road nor is it a prominent ridgeline. The topography of the subject site as well as maintaining the natural site levels at the site boundaries will assist with mitigating adverse visual effects as the site is not elevated/visually significant when viewed from public places including the surrounding road network/footpaths. This is particularly relevant when comparing the subject site to the rurally zoned sites to the west which have more visual prominence and significance due to the elevated topography. Figure 8 below demonstrates the topography of the land west of the subject site.



Figure 8 Photograph taken from the western end of Lett Road showing elevated rural sites to the west. The wooden fence to the right is the subject site boundary. Here you can see the subject site and Lett Road have similar ground levels. Taken October 2021

Overall, based on the above assessment including the offered consent notice design criteria and the proposed covenant to restrict built development to single storey, the proposed subdivision is of a

character similar to the character of the immediately surrounding environment as it is influenced by the adjoining Residential – SH zoned sites in the immediate and wider environment. On the basis of the above assessment and the mitigation measures it is considered that any adverse effects on environment will be no more than minor.

7.3.2 Traffic, Access and Transportation Effects

All proposed lots will have access either directly from Lett Road or via the proposed road to vest. Lett Road will be upgraded to a sealed road, with a 6m carriageway width and kerb and channel on the northern side. A 1.8m footpath will also be provided on the northern side of the road.

The applicant's traffic engineer has prepared a traffic assessment, attached at Appendix 5. With regards to the proposed traffic effects, Keith Bell of TEAM Traffic state the following:

- *The existing footpaths provide good pedestrian connections between the subject site and the Snells Beach residential and commercial area, located to the south of the site.*
- *The crash history does not highlight any patterns that would indicate that there is any inherent safety or operational issues in the vicinity of the site that could be cause for concern from a traffic engineering perspective.*
- *The proposed development is considered to have very limited options in terms of public transport.*
- *The configuration of the ROWs are considered to be suitable to serve all of the lots that could potentially gain access from them.*
- *It is recommended that the accesses for Lots 4, 22 and 25 be separated from the boundary of the intersecting road by 10 metres to ensure that these lots are not subject to a Vehicle Access restriction (VAR) and will operate in a safe manner.*
- *The proposed engineering improvements meet the relevant standards and are considered to be suitable for the intended residential use.*
- *The anticipated number of vehicle trips will be easily accommodated by the new subdivision Road and Lett Road.*
- *The anticipated number of additional vehicle trips is low from a traffic operational perspective and will be barely noticeable in the surrounding area and on this basis, there is not expected to be any adverse effects on the surrounding network.*

We rely on the expert opinion of Keith Bell, and note that consent notices for lots 4, 22 and 25 are offered to be registered against the future CoTs and this forms part of the proposal. As outlined above, the TEAM Traffic report assessed the safety and efficiency of the proposed Lett Road upgrades. The report evaluates the safety issues in the area including crash history and concludes no significant safety issues have been identified, including the intersections of Mahurangi East and Muncaster Roads. The report anticipates there will be a daily average rate of 7.4 trips/day per newly created lot and 185 trips/day across the 25 lots. It's worth noting that these trips are based on assumptions and averages based on survey data from existing subdivisions. There are variables that go into these averages and the actual trips could be lower due to household specific information. For example, if occupants were to

walk to the local Snells Beach commercial area for work, work from home, or catch a bus to Warkworth for work then these household vehicle trips may be lower than the average.

On the basis of the Traffic Assessment provided by Team Traffic, the mitigation (consent notices), and upgrades to the roading network, overall, the potential adverse traffic, transport and access effects are considered to be no more than minor.

7.3.3 Servicing & Other Engineering Matters Effects

As outlined in Section 4 of this report, a new public stormwater reticulation network will be constructed to serve the development. Each lot will be provided with a property connection. Stormwater detention is proposed to be provided by detention tanks on the residential lots. Each lot will be required to over-mitigate peak flow rates in order to account for the increased runoff from the new road. Consent notices will be provided on each lot and will be designed in accordance with the attenuation requirements as outlined in the Infrastructure and Engineering report at Appendix 3. Water quality raingardens for the new road will also be installed.

A new watermain is proposed to be extended from the existing watermain in front of 1 Muncaster Road. The watermain will be extended to the southwestern end of the Lett Road frontage of the site. Within the site a watermain will be provided on one side of the road and a rider main of the other side. Property connections will be provided for each dwelling. Two new fire hydrants are proposed within the new road.

A new public wastewater reticulation network will be constructed to serve the development. Each lot will be provided with a property connection. A downstream wastewater capacity check has been undertaken which confirms that the downstream wastewater reticulation has capacity to accommodate the flows from the proposed development. The applicant's engineer has discussed the proposal with Watercare, Ilze Gotelli, Head of Major Developments has advised:

This review has been undertaken and I can confirm that wastewater flows from this area can be accommodated in the network. Therefore the decision is that Watercare can provide services to this area. The proposal will still be subject to a normal RC/EPA review and subject to Watercare's code of practice.

The Riverleigh Drive pump station may be required to be upgraded and this will be confirmed prior to engineering approval. Given the above granting this resource consent represents an efficient utilisation of existing infrastructure and will not compromise or effect the ability for other zoned areas to be serviced.

There is existing underground power and telecommunications reticulation along Mahurangi East and Muncaster Roads which can service the proposed development.

The applicant's engineer concludes:

We consider that the proposed development is feasible, through the provision of stormwater, wastewater, water supply service, connection to the local power and telecommunications reticulation, and access in accordance with the relevant Unitary Plan requirements and Engineering Standards.

We rely on the expert opinion of Airey Consultants in concluding that the proposed lots can be adequately serviced.

On the basis of the Engineering Assessment provided by Airys and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects on servicing and engineering will be less than minor.

7.3.4 Street Tree Removal Effects

It is proposed to remove the six Poplar Trees that are located on the Mahurangi East Road berm adjacent to the site. The trees are large and are not a suitable species adjacent to residential development because of the risk of branches dropping. Removal of the trees and a slight alteration in the site boundary adjacent to Mahurangi East Road will also assist in facilitating construction of the Trail planned to connect Snells Beach, Warkworth and Matakana. This Trail is being promoted by Matakana Coast Trail Trust and has support from Auckland Council.

The overall effects associated with removal of these trees is deemed to be positive in relation to securing the Trail. If sufficient space remains in the berm following construction of the Trail, and if planting could be undertaken whilst achieving good CPTED¹ outcomes, then it would be appropriate for additional street tree planting to be undertaken, albeit with a shorter growing species.

7.3.5 Positive Effects

The proposed subdivision will give rise to positive effects on the environment by utilising land and existing infrastructure efficiently to allow for housing of a similar layout and design as existing in the immediate environment. The proposal will cater to a small portion of the high demand for housing within the Auckland region, particularly within close proximity to Warkworth which is the largest commercial hub in north Auckland. The proposed lots are located near existing bus stops and will therefore provide for alternative means of travel within the region.

Additionally, Lett Road is currently a narrow gravel road with no footpath. The proposal will upgrade Lett Road to be a 6m wide sealed carriageway with kerb and channel and a 1.8m wide footpath on the northern side of the road. These upgrades will have a positive effects for Lett Road users.

The sites will provide a high amenity living environment with a rural outlook and close to beaches, reserves and regional parks and Matakana.

¹ CPTED – Crime Prevention Through Environmental Design

On this basis, it is considered that the proposed subdivision will have positive effects on the immediate and wider environment.

7.3.6 Earthworks and Construction Effects

Earthworks and other construction effects have the ability to adversely impact on neighbouring properties due to effects such as noise, dust, and traffic effects. Earthworks are proposed in order to construct the proposed infrastructure and prepare the majority of the sites for future development.

The duration of the bulk earthworks phase of the project is anticipated to be 12 weeks (3 months) and the total duration of the civil works phase of the project (including the bulk earthworks as well as the drainage, roading and utility construction works) is anticipated to be 24 weeks (6 months).

Any adverse effects arising from earthworks, or other construction activity e.g. installation of infrastructure, and construction of the new road; will be suitably managed by standard conditions of consent such as the application of erosion and sediment controls as required by Auckland Council GD05 and compliance with permitted standards such as noise and air quality standards.

The Engineering and Infrastructure Report included in Appendix 3 provides details of the proposed erosion and sediment controls to be implemented as well as practical works methodologies. It is anticipated that the final design details for the erosion and sediment controls will be approved at the Engineering Plan approval phase. The applicant's engineer states:

The use of noise generating equipment and vehicle movements to and from the site associated with earthworks activity will be controlled and kept to a minimum level. No operation of noise-generating equipment and vehicles will take place on Sundays or public holidays. Construction works will not generate unreasonable vibration and disturbance beyond the boundaries of the subject site. Dust control in accordance with GD05 will be provided for the duration of the earthworks. Dust control will primarily be provided by watercart. No odours are anticipated to be generated by the earthworks.

The earthworks area will be kept within the site boundary. The proposed earthworks match into existing levels near the site boundary and no retaining structures will be required. Temporary excavation slopes will be carefully managed with minimum exposure time, especially excavation near the boundaries. Cut slopes will be positioned with sufficient distance away from property boundaries, other retaining walls, structures, or steep slopes. Working close to excavation slopes will be carried out in accordance with the Worksafe NZ Excavation Safety Guidelines. Therefore, there will be no land disturbance or adverse impacts on land stability beyond the boundaries of the subject site.

Based on adherence to the erosion and sediment control methodology described above, we consider that effects of the earthworks will be less than minor.

We rely on the expert opinion of Airey Consultants. And note that, conditions of consent are accepted with regards to managing hours of operation, compliance with construction noise limits and requirements to manage dust and traffic.

On this basis it is considered that any adverse construction effects in terms of loss of vegetation on site, noise, dust and traffic will be less than minor and not appreciably different from land management activities such as farming (grazing livestock) that could occur on the site; or permitted earthworks activities that could be ongoing over a greater period of time.

7.3.7 Site Suitability Effects

The layout and design of the proposed lots are of a logical manner, and each can accommodate a 8 x 15m building area. All future dwellings can be adequately serviced, with the required connections to stormwater, wastewater, and water. All lots will have legal and physical access from the surrounding road network with pedestrian access from the surrounding streets.

The Geotechnical Report attached at Appendix 4 demonstrates the proposed lots are suitable for residential development. The recommendations in the Geotechnical report are accepted and offered as conditions on consent. In accordance with the Geotechnical Report, the following further assessments will be carried out following the earthworks;

At the completion of the works, a Geotechnical Completion Report (GCR) will be prepared in accordance with the Geotechnical Report prepared by CMD Geosciences dated 2 November 2021. The GCR will advise on anticipated foundation design parameters and any restrictions that require further engineering investigation and/ or design on individual lots to address any remaining natural hazards. Restrictions that are expected to be applied in the GCR to protect the future buildings from natural hazards associated with steep slopes, retaining walls and drain

Proposed Lots 11 to 14 inclusive are expected to require specific design prior to development due to the steep gradient of the existing slope. The specific design will need to account for the effects of soil creep and for stabilisation of cuts and fills. Specific details will be contained in the Geotechnical Completion Report but can be expected to limit the depths of fills that can be applied and require full height retaining of any cuts and fills. Stepped floor levels, piling and/ or suspended floors are appropriate approaches to building on these lots.

The above recommendations are accepted and form part of the proposal. We rely on the expert opinion of CMW Geosciences in concluding that the proposed development is appropriate from a geotechnical perspective.

On the basis of the Geotechnical Assessment provided by CMW Geosciences it is considered that the proposed lots are suitable and will not give rise to adverse stability effects on or off the site.

7.3.8 Ecological Effects

The subject site does not contain any areas of protected vegetation, nor are there any streams or wetlands on site. There's a minor (4000m² – 1ha) overland flow path traversing the southern boundary of the site which continues over Lett Road.

As per the Ecological memo prepared by Bioresarches (Appendix 7):

- *Due to the lack of connectivity to any surrounding vegetation, the low-quality existing vegetation, the lack of understorey and the negligible amount of terrestrial debris (such as logs, rocks and household rubbish) within the site, the native herpetofauna habitat value is considered to be very low. No native lizards are expected to be present within the site.*
- *The indicated overland flow path that flows through the site was located at the low point of the property. There was no evidence of wetland or aquatic plants and no evidence of a well-defined channel. Additionally, there was no pools or evidence of substrate sorting process, including scour and deposition. Rooted terrestrial vegetation was established across the entire cross-sectional width of the overland flow path (Figure 3). As such, the overland flow path was classified as an ephemeral reach. A small culvert was located under Lett Road. On the downstream side of the culvert (the site side of Lett Road), was a small area containing small cobble riprap and Ranunculid (Figure 4). The values of the overland flow path are considered to be negligible.*
- *There were not wetland features (e.g. wetland vegetation, boggy or pugged ground) within the site, or within 100m of the site.*
- *The project will require clearance of the existing vegetation and some small scale earthworks. Stormwater will be discharged to public reticulation. The site will likely be completely cleared for development, however it is expected that lawns and amenity plantings will be re-established in the short-term and as such the magnitude of effects is considered low-moderate. The magnitude of effect for all components will be high, due to the fact that the site will be completely cleared during development. However, due to the negligible to low ecological values for all components, the overall level of effect on ecological values from site subdivision is expected to be very-low to low.*

We rely on the expert opinion of Bioresarches and note that the recommendation for an erosion and sediment control plan is incorporated with the application and is an expected condition of consent to ensure effects on water quality and freshwater ecology are acceptable.

On the basis of the Ecological Assessment provided by Bioresarches it is considered that any adverse effects on ecology will be less than minor.

7.3.9 Soil Contamination Effects

A detailed Site Investigation (DSI) has been prepared by Geosciences Ltd and is attached at Appendix 6. A Site Management Plan (SMP) has been prepared because of the presence of an existing septic tank system which will be decommissioned and removed as part of this consent. Additionally, there are concentrations of lead in the soil around the existing dwelling above the natural background concentrations. Prior to and during earthworks, the procedures outlined in the SMP will be followed to ensure that the potentially contaminated soil is appropriately handled and, where necessary, disposed of off-site. The DSI concludes:

GSL has conducted a detailed site investigation with intrusive soil sampling, in accordance with the MfE Contaminated Land Management Guidelines, to determine the location and extent of current and / or former HAIL Activities on site and the potential for soil contamination, and the associated risk to human health and the environment, as a result. GSL has consequently concluded that:

- the site has been predominantly vacant rural pasture for much of its discernible history, first for farming and then as a veterinary hospital for larger farm animals and domestic pets;*
- at least three structures, a dwelling, garage, and shed were present on site prior to 1957, although their year of construction is not known;*
- a stable was added to the site between 1957 and 1966, with several smaller ancillary farm buildings added during the 1970s and 1980s;*
- limited soil sampling from around the painted structures present on site prior to 1980 indicate that most were not subject to lead-based paint use, whereas the dwelling and / or garage appear to have been subject to lead-based paint use, but not to the degree that it poses a risk to human or environmental health and are therefore not a HAIL activity;*
- soil in the curtilage of the dwelling and garage contains concentrations above the expected naturally occurring background ranges and may be retained on site for re-use within the development, or, if removed from site, disposed of at an appropriately consented facility able to accept managed fill material;*
- a suspected glasshouse was present on a small (approximately 32 m²) portion of the site circa 1973 and was likely subject to persistent pesticide use inside the building;*
- while traces of persistent pesticides were detected within the suspected glasshouse footprint, they are indistinguishable from the ambient concentrations found in Auckland soils and are not considered to qualify as a HAIL activity;*
- while technically encompassed by the HAIL, limited soil sampling indicates that the septic tank and effluent discharge field associated with the dwelling have not impacted soil as potential contaminant concentrations were detected within the expected natural background concentrations and can be regarded as cleanfill material;*
- the domestic wastewater system should be responsibly decommissioned, with residual sludge removed from the septic tank by a licensed liquid waste removalist prior to removal of the tank and excavation of the dripper lines within the effluent field.*

We rely on the expert opinion of Geosciences Ltd and note that the site remediation works will be completed prior to the earthworks proposed under this consent commencing which will assist in mitigating potential adverse effects.

On the basis of the DSI Assessment provided by Geosciences Ltd it is considered that any adverse effects from soil contamination will be less than minor.

7.3.10 Natural Hazards and Flooding Effects

The subject site does not contain any flooding overlays, streams, or wetlands. There's a minor (4000m² – 1ha) overland flow path traversing the southern boundary of the site which continues over Lett Road, the proposal includes the filling of this overland flow path. The Infrastructure and Engineering Report by Airy Consultants (Appendix 3) outlines the following:

- *The overland flow path does not extend upstream of the site. The existing culvert under Lett Road will be replaced with a larger culvert and the existing sag point on Lett Road will be maintained so that overland flow continuity downstream of the site is maintained.*
- *As the overland flow path within Lett Road will be maintained we consider that there is no effect on downstream properties as a result of the removal of the overland flow path within the site.*
- *As the downstream flow path will be maintained and erosion protection measures will be provided, we consider that there will be no adverse effects on stream ecology.*
- *As all overland flow paths will be within public road reserve, no easements will be required.*
- *We consider that the proposed removal of the overland flow path poses no risks to buildings or their occupants or contents.*
- *..The proposed removal of the overland flow path within the site will not increase the volume or frequency of flooding within the site or surrounding sites. The proposed earthworks will similarly not increase the volume of frequency of flooding within the site or surrounding sites.*
- *The subject site is not subjected to sea level rise hazard area, coastal inundation and flooding. Therefore, we do not consider that there will be any risks associated with natural hazards.*

We rely on the expert opinion of Airy Consultants and note that stormwater detention tanks will be accommodated on each residential lot which will over mitigate peak flows to account for the increased runoff from the road.

Additionally, the site works will be carried out in accordance with the Geotechnical Engineering report by CMW Geosciences.

On the basis of the Engineering and Infrastructure Assessment provided by Airey Consultants and the mitigation and offsetting measures inherent in the application it is considered that any adverse effects on natural hazards and flooding will be less than minor.

Soil Contamination Effects:

The NES: CS seeks to ensure that the risks associated with contaminated land on human health are appropriately controlled, and adverse effects on human health avoided during development activities, particularly with regards to soil disturbance and subdivision activities where the NES: CS is applicable to this application.

In this case, as discussed above, conditions can be imposed to ensure that the all proposed works are carried out appropriately and in accordance with the DSI prepared by Geosciences Ltd. To satisfy the

requirements of the NES: CS, Geosciences state 'a site management plan, commensurate to the low risk involved with the decommissioning of the onsite wastewater treatment system and disturbance of lead-elevated soil around the dwelling and garage has been included at the end of this report'.

It is therefore considered that appropriate measures are proposed to ensure that the development will be consistent with the requirements of the NES: CS.

7.3.11 Cumulative Effects

It is pertinent to consider whether adverse cumulative effects would arise from granting consent to the proposed subdivision. As set out above, any adverse effects will not be more than minor. Even effects acting together with other effects will not cumulatively create an adverse effect that could be described as minor or greater than minor.

Character and amenity will not noticeably diminish as a result of the proposal because of the existing character of surrounding medium density residential sites, similar to that proposed.

As outlined previously in this report, the proposed subdivision will not cumulatively diminish the character and amenity values of the site as the general character of this area to the northeast, east and southeast, is inherently residential.

There will be no adverse cumulative effects from the residential development of the sites as the expert reports provided with this application demonstrate that development can be accommodated, and all expert recommendations are incorporated as part of the proposal.

The proposed development will not result in adverse cumulative visual effects given the site sits at a lower elevation to Mahurangi East Road and is generally level with Lett Road. In any event the density proposed is entirely consistent with the density of development on the opposite side of Mahurangi East Road.

On this basis, it is considered that the proposal will not lead to any adverse cumulative effects that could be described as minor, or more the minor.

7.3.12 Cultural Values Effects

There are no known or recorded sites of significance or value to Māori within the subject site. The subject site is not located within or adjacent to a Statutory Acknowledgement area.

Approximately 800m to the north and east of the subject site are Statutory Acknowledgement areas (coastal and land). The proposed subdivision will have a negligible effect on the mana whenua values of these Statutory Acknowledgement areas, due to the separation of the proposed development from these areas; the proposed management of stormwater discharge and the fact that there is residential development; and rural land situated between the subject site and these Statutory Acknowledgement areas. The subject site and surrounding environment are modified due to the residential development present within the immediately surrounding area. Based on available knowledge and information,

including the historic land uses of the site, it is evident that the proposed subdivision will have less than minor adverse effects on the cultural values of the site and surrounding locality. In any event the application is proposed to be notified and local Iwi will be included in that process.

7.3.13 Reverse Sensitivity Effects

The site zoning permits residential activities complying with the standards. Similarly, care centres accommodating up to 10 people (plus staff) are a permitted activities.

The rural zoned sites to the west are already in close proximity to an urban area and areas of residential development. They are also zoned Countryside Living where the focus is on rural living, rather than farming or rural production activities. If any of these sites is utilised for farming activities now or in the future they would need to manage any potential adverse effects from permitted farming activities accordingly. The proposed new residential sites do not change or exacerbate this outcome.

Based on this, and the fact the zoning of the site is not changing from the existing residential zone, reverse sensitivity effects are not considered to arise as a result of the proposed subdivision.

7.4.1 Summary of Effects

Overall, it is considered that any adverse effects on the wider environment relating to this proposal will be no more than minor with regards to streetscape, character and amenity and traffic, access, and transportation. All other effects are considered to be less than minor. To ensure and secure this outcome mitigation measures secured by offered consent notices form part of this proposal.

7.4.2 Section 106 Matters

Pursuant to Section 106 of the RMA, a consent authority may refuse subdivision consent in these certain circumstances below:

“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.

(1A) 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).

(2) Conditions under subsection (1) must be –

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection

(1); and
(b) of a type that could be imposed under section 108

There are no s106 limitations that would prevent granting of the resource consent.

The proposal will not give rise to a significant risk from natural hazards and sufficient provision has been made for legal and physical access to each lot created by the subdivision. In addition, the proposed subdivision will have no more than minor effects on the environment as detailed in the assessment of actual and potential effects section of this report above.

8. Public Notification Assessment

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 steps are address in the statutory order below.

Step 1: Mandatory public notification in certain circumstances

Mandatory notification is required as:

- the applicant has requested that the application is publicly notified (s95A(3)(a));

The application shall be processed with public notification as soon as possible.

9. Limited Notification Assessment & Consultation

Assessment of Steps 1 to 4 (Section 95B)

It's requested that the application be publicly notified under s95A, therefore an assessment of steps 1 to 4 are not necessary.

Consultation

Consultation with neighbours

On the 22nd of October 2021 a project fact sheet along with the scheme plan of the proposed subdivision were delivered to the following neighbouring sites:

- 1 Muncaster Road
- 100 Mahurangi East Road
- 11, 18, 19, 26, 26A, 27 & 27A Lett Road
- Lot 1 DP 437251 & Lot 7 DP 206879

Of the above properties we have heard from one neighbour, Ms. Melody Nightingale of 26A Lett Road. Ms. Nightingale emailed that she was opposed to the proposal. We offered to meet (virtually – due to COVID 19 lockdowns) and outlined that would be happy to discuss/look into potential mitigation measures to address Ms Nightingale's concerns. Ms. Nightingale did not think this would be of benefit given she opposed the proposal outright. This email chain along with the supplied project fact sheet is provided at Appendix 8. Approval to access the wastewater network within 1 Muncaster Road has also been sought.

A public Open Day was held on Sunday 27th February 2022. Approximately 20 people attended the Open Day to discuss the proposal and ask questions. Visual images of the proposal were provided. Cameron Cook and Natalie Schwarz – Cook were some of the local residents who attended. They were opposed and stated that they were adversely affected by loss of privacy. We discussed whether they would like to discuss provision of fencing and / or landscaping to assist with this impact. We have not heard back from these part owners of 18 Lett Road.

Another common theme arising was a misunderstanding that three storey development was proposed. This is not proposed and is further clarified by the proposed covenant restricting development to single storey.

Burnette O'Connor met Melody Nightingale and Michael Schwarz (18 Lett Road) on the Lett Road frontage on the afternoon of Friday 25th February. It was agreed that the visual images would be provided to Melody, and this has been achieved via email.

Communication with Watercare

A downstream wastewater capacity check has been undertaken which confirms that the downstream wastewater reticulation has capacity to accommodate the flows from the proposed development. The applicant's engineer has discussed the proposal with Watercare, Ilze Gotelli, Head of Major Developments has advised (via email dated 17 August 2021):

This review has been undertaken and I can confirm that wastewater flows from this area can be accommodated in the network. Therefore the decision is that watercare can provide services to this area. The proposal will still be subject to a normal RC/EPA review and subject to Watercare's code of practice.

The Riverleigh Drive pump station may be required to be upgraded and this will be confirmed prior to engineering approval. The email chain of this conversation is attached at Appendix 8.

10. Relevant Objectives and Policies

The following objectives and policies are relevant to the consideration of this proposal.

Copies of the objectives and policies are included in **Appendix 10**. The most relevant objectives and policies are discussed below.

Auckland Plan 2050

The Auckland Plan 2050 is the Auckland Council's long-term spatial plan for Auckland. This was a legal requirement of the Local Government Auckland Amendment Act 2010 (refer to Sections 79 and 80). The Auckland Plan 2050 provides a high-level direction for Auckland and considers how the Auckland Council will address key challenges of high population growth, shared prosperity, and environmental degradation over the next 30 years. The Auckland Plan 2050 outlines six key outcomes for the development of Auckland, being six areas where significant progress is required, so that Auckland can continue to be a place where people want to live, work and visit. The key outcomes relate to belonging and participation, Māori identity and wellbeing, homes and places, transport and access, environment and cultural heritage, and opportunity and prosperity. The Auckland Plan 2050 outlines a Development Strategy which sets out how Auckland will physically grow and change over the next 30 years, taking into account the outcomes we want to achieve, as well as population growth projections and planning rules in the Auckland Unitary Plan. The Development Strategy outlines that Auckland will take a quality compact approach to growth and development, with future development being focused in existing and new urban areas within Auckland's urban footprint, limiting expansion into the rural hinterland. Warkworth is identified as a Satellite town and subject to the requirement for a strategic approach to growth as set out in Chapter B2 of the Unitary Plan and by way of the Warkworth Structure Plan. Overall, the Auckland Plan 2050 Development Strategy focuses on creating a compact urban environment and limiting residential development which fragments rural productive activities.

The proposed development will provide residential development opportunities consistent with the immediate character values and will provide for development within an existing urban area. The proposed residential development can be adequately serviced by the commercial and community services present in Snells Beach and nearby Warkworth Town Centre. This will in turn support the role of Warkworth as a satellite town.

Chapter B2 - Regional Policy Statement provisions relating to urban growth and form

B2.2.1 Objectives 1, 2, 3, 4, 5

B2.2.2 Policies 4, 5

B2.3.1 Objective 1

B2.3.2 Policy 1

B2.4.1 Objectives 1, 2, 3, 4

B2.4.2 Policies 1, 3, 6

The Regional Policy Statement is an overarching policy document relating to development of the Auckland region. It sets out the strategic framework for managing the use, development, and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner.

The policy framework for urban growth and form identifies the predominant issue with urban growth and form being that Auckland's growing population increases demand for housing, employment, business, infrastructure, social facilities, and services. The framework focuses on creating a quality compact urban form that enables a higher-quality urban environment, greater productivity and economic growth, better use of existing infrastructure and efficient provisions of new infrastructure, improved and more effective public transport, greater social and cultural vitality, better maintenance of rural character and rural productivity, and reduced adverse environmental effects.

Comment:

As detailed in the preceding sections of this report, the subject land and surrounding locality to the northeast, east and southeast are residential in character. The proposed subdivision will not create reverse sensitivity effects to the rurally zoned sites to the west as the subject site is already zoned residential as are the surrounding sites to the east which limits rural productive activities and the fact the rural zoned sites are zoned for Countryside Living, rather than rural productive purposes. The creation of residential sites on a property zoned for residential use within a setting dominated by very similar sites will provide for people's wellbeing. The subject site does not contain protected landscape features, as confirmed by the applicant's ecologist there are no wetlands, areas of ecologically significant vegetation or herpetofauna habitat on the site.

The proposed subdivision will allow for residential growth reflective of the residential character of the area and can be appropriately serviced in terms of water supply, wastewater, and stormwater management. It represents an efficient use of existing resources and will assist in achieving a compact urban form given the proximity to urban services and the fact that the site is effectively the northern bookend to the settlement of Snells Beach.

Based on the above assessment, it is evident that the proposal will be consistent with the above objectives and policies of the Regional Policy Statement relating to urban growth and form.

National Policy Statement on Urban Development

The National Policy Statement on Urban Development 2020 (NPS-UD) came into force on 20 August 2020. The NPS:UD replaced the National Policy Statement: Urban Development Capacity 2016. The NPS:UD recognises the national significance of having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future through a suite of objectives and policies to guide decision making in urban areas. There is an emphasis on providing sufficient development capacity to meet the different needs of people and communities. Relevant objectives and policies are discussed below.

Objective 1: New Zealand has well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future.

The proposal seeks to establish 25 residential allotments within walking distance to the local township, beach, public amenities and schools. The subject site is the book end of Snells Beach and utilising the site for more medium density residential development would be a more efficient use of the land

resource. The subject site is zoned for low density residential use, given that the site adjoin medium density residential development, has no protected ecological features, and can be serviced, the proposal will provide for the social, economic and cultural wellbeing of the community and the applicant. The proposed lots can be serviced, accessed and the proposed development criteria will ensure the future development is similar in character and scale to the adjoining medium density residential development. The applicant's specialists have confirmed no safety concerns or effects will arise as a result of the proposal. For these reasons, the proposal is consistent with this objective.

Objective 2: Planning decisions improve housing affordability by supporting competitive land and development markets.

A favourable decision on this planning application will assist with housing affordability and supply in the Snells Beach area as it will create 25 new residential allotments to an undersupplied market. Auckland housing crisis and ever increasing pricing has resulted in part, due to high demand and low supply. As previously discussed, the surrounding Plan Changes in Snells Beach and Warkworth, in combination with this proposal, will be adding residential land to the market in sought after locations. The more land released to the market, the more affordable land becomes. For these reasons, the proposal is consistent with this objective.

Objective 4: New Zealand's urban environments, including their amenity values, develop and change over time in response to the diverse and changing needs of people, communities, and future generations.

The urban environment of Snells Beach has substantially changed over the last ten years as the area has changed from being a popular summer holiday destination to a place for permanent residence. As the Warkworth area has increased in scale and employment opportunity, the surround beach towns, such as Snells Beach have become popular destinations. The proposal is responding to the changing needs of people, communities and future generations by allowing a site that can be adequately serviced and accessed (and is within walking distance to local amenities) to be utilised for medium density residential development. For these reasons, the proposal is consistent with this objective.

Objective 6: Local authority decisions on urban development that affect urban environments are:

- a. integrated with infrastructure planning and funding decisions; and*
- b. strategic over the medium term and long term; and*
- c. responsive, particularly in relation to proposals that would supply significant development capacity.*

The applicant's engineer has discussed the proposal with Watercare who have confirmed that the network has capacity to service the proposed subdivision. The proposed subdivision will add to the strategic development of the immediate and wider area by utilising land that can be appropriately serviced, accessed and is within the urban area of Snells Beach. The proposal will increase the supply of residential land to the market and assist with the high demand in the Auckland urban areas. For these reasons, the proposal is consistent with this objective.

Objective 8: New Zealand's urban environments:

- a. support reductions in greenhouse gas emissions; and*
- b. are resilient to the current and future effects of climate change.*

Urban sprawl, a contributing factor to greenhouse gas emissions, is characterised by low density residential housing, single use zoning and increased reliance on the private car. Medium and high density development in urban areas is a more sustainable and efficient use of the land resource. The subject site adjoins medium density residential development and therefore the proposal will be within character of the surrounding environment. The subject site is within walking distance to the local amenities and a short distance to Warkworth, the largest urban township in North Auckland. The proposed sites are within walking distance to local bus stops and there are public transport options from the site to Warkworth. Additionally, the proposal will improve the local footpath network by adding a Lett Road footpath connection. For these reasons, the proposal is consistent with this objective.

Policy 1: Planning decisions contribute to well-functioning urban environments, which are urban environments that, as a minimum:

- a. have or enable a variety of homes that:
 - i. meet the needs, in terms of type, price, and location, of different households; and*
 - ii. enable Māori to express their cultural traditions and norms; and**
- b. have or enable a variety of sites that are suitable for different business sectors in terms of location and site size; and*
- c. have good accessibility for all people between housing, jobs, community services, natural spaces, and open spaces, including by way of public or active transport; and*
- d. support, and limit as much as possible adverse impacts on, the competitive operation of land and development markets; and*
- e. support reductions in greenhouse gas emissions; and*
- f. are resilient to the likely current and future effects of climate change.*

As previously mentioned, the proposal will increase the supply of residential land to the market which will assist with the Auckland housing crisis and lack of supply. The proposed development criteria will allow opportunity for the future owner/occupiers to design a dwelling that meets their needs. The proposed development is within walking distance to the Snells Beach amenities and a short distance to Warkworth with public transport options available. For these reasons, the proposal is consistent with this policy.

Policy 2: Tier 1, 2, and 3 local authorities, at all times, provide at least sufficient development capacity to meet expected demand for housing and for business land over the short term, medium term, and long term.

The applicant's engineer has discussed the proposal with Watercare who have confirmed the proposed subdivision can connect to the reticulated wastewater network.

Policy 6: When making planning decisions that affect urban environments, decision-makers have particular regard to the following matters:

- a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement*
- b. that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes:*
 - (i) may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities, and future generations, including by providing increased and varied housing densities and types; and*
 - (ii) are not, of themselves, an adverse effect*
- c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1)*
- d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity*
- e. the likely current and future effects of climate change.*

The proposed subdivision will allow for 25 residential allotments on sites that can be serviced and are in walking distance to the local Snells Beach town centre. Additionally, the sites are 6km (with the option of public transport) to Warkworth Township which is the largest rural town in the northern part of Auckland and serves a large rural catchment. The proposal is a sustainable use of the land resource and medium density development on this site will not adversely detract from the amenity of the rural zoned sites to the west as these sites are already within close proximity, often with views of the existing medium density residential development in the immediate environment.

With regards to the above assessment, the proposed subdivision will be consistent with and support the outcomes sought under the NES-UD for Auckland.

New Zealand Coastal Policy Statement

The subject site is not within the coastal environment area or a coastal hazard area, as per Policy 1 (2) a-I, therefore this policy document is not relevant to the proposal.

Auckland Unitary Plan (Operative in Part)

Chapter E38 - Urban Subdivision

E38.2 Objectives (1, 2, 3, 4, 5, 6, 8)

E38.3 Policies (1, 3, 10, 11, 12, 13, 15, 16, 18, 19, 21, 22, 23)

Comment:

The objectives for the Subdivision - Urban section relate to the subdivision of land in a manner that provides for the long term needs of the community and minimises the potential impacts of future development on the environment; infrastructure supporting new development being planned in an integrated manner and being in place at the time of the subdivision. The provisions also seek design of the subdivision to achieve a high standard of amenity and have a layout which is safe/convenient and accessible.

The policies seek to provide for subdivision which supports the policies of the Plan for residential zones and Auckland-wide provisions.

The proposed subdivision aids in addressing the housing shortages and supply issues in Auckland and therefore provides for the long term needs of the community and region. The proposed subdivision promotes an efficient use of the land and provides public footpath infrastructure that allows for walkable, connected neighbourhoods. The proposed sites can be serviced and accessed as outlined in the specialist engineering reports. For these reasons, the proposal is consistent with the objectives and policies of the Urban Subdivision chapter.

E12 – Earthworks, District and E11 Land Disturbance – Regional

E12.2 – Objective 1, and Policies 1- 6

E11.2 Objectives 1-3, and E11.3 Policies 1-8

Collectively, these provisions seek to ensure that land disturbance is appropriately managed and controlled to avoid any potential adverse effects associated with earthworks on the natural and physical resources of the environment, and on persons with regards to construction activities (noise, vibration, traffic etc).

Comment:

As discussed, the proposed earthworks will be carried out in accordance with the plans provided, in accordance with Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region GD05 (legacy ARC TP90), and appropriate measures will be put in place during construction to ensure that truck movements to and from the site will be controlled to avoid impacting upon the surrounding traffic network, and the noise, vibration and dust generated during construction will be managed to ensure compliance with the relevant permitted activity standards of the AUP.

There are no recorded sites of significant or value to Māori within the subject site. The subject site is not located within or adjacent to a statutory acknowledgement area. Approximately 800m to the north and east of the subject site are statutory acknowledgement areas (coastal and land). The proposed subdivision will have a negligible effect on the mana whenua values of these statutory acknowledgment areas, due to the separation of the proposed development from these areas; the proposed

management of stormwater discharge and the fact that there is residential development; and rural land situated between the subject land and these statutory acknowledgment areas. The subject site and surrounding environment are modified due to the residential development present within the immediately surrounding area and there is no protected vegetation, wetlands, or stream on the subject site.

Prior to earthworks commencing, the site sediment controls in accordance with the requirements of GD05 will be established. All proposed sediment controls will be maintained and monitored during the duration of works.

Given the above, it is considered that the proposal is consistent with the objectives and policies of the AUP.

E36 Natural Hazards and flooding

E36.2 Objective 1-5

E36.3 Policy 1, 30

These provisions seeks to ensure the risk of adverse effects to people, property, infrastructure and the environment from natural hazards has been assessed and significant adverse effects are avoided.

Comment:

The proposal seeks to fill the existing overland flow path and relocate this to be within the proposed road corridor. The applicant's engineer has confirmed the proposed relocation of the overland flow path will not cause damage to property or the environment. As the overland flow path within Lett Road will be maintained there won't be effects on downstream properties as a result of the removal of the overland flow path within the site. For these reasons, the proposal is consistent with the objectives and policies within E36.

H1 Residential Large Lot

H1.2 Objective 1, 2, 3

H1.3 Policies 1, 2, 3, 5

Collectively these objectives and policies seek to maintain the planned spacious landscape character, landscape qualities and natural features of the zoned area, and to limit more intensive development to achieve these outcomes. Other reasons for applying the Zone include a lack of reticulated servicing and / or on site physical limitations. On site limitations discussed include land instability, topography, ground conditions and natural hazards.

H1.2 (1) Development maintains and is in keeping with the area's spacious landscape character, landscape qualities and natural features.

Comment:

With regards to spacious landscape character, a study of the surrounding area and site sizes in the immediate environment, provides a useful context in terms of evaluating the existing character of the area. Mahurangi East Road is the gateway to Snells Beach and is classified as an arterial road. From the

northern boundary of the subject site to horizon school (2.5km southeast on Mahurangi East Road) all of the residential zoned sites fronting Mahurangi East Road are zoned Residential – SH, with the subject site being the only exception, being zoned Residential - LL. The other non-residential zoning fronting Mahurangi East Road between the subject site and Horizon School is either Business or Open Space. The subject site looks out over the Residential – SH zoned sites that adjoin to the northeast and southeast and this urban context forms part of the existing environment and character of the area. As confirmed by the applicant’s ecologist, there are no landscape qualities or natural features on site. Therefore, the application is considered to be consistent with the areas existing character and will not impact on landscape qualities and natural features given that none exist on the site. The proposal is not consistent with maintaining the area’s spacious landscape character, given the site is surrounded by either existing medium density residential development or low-density rural development and consequently there is already limited spacious landscape character exhibited. As such, the proposal is considered to be inconsistent with part of this objective, but not contrary to it.

H1.2 (2) Development maintains the amenity of adjoining sites.

The proposal includes development criteria that will ensure the future development on the site is similar to the existing built environment to the east. The design criteria has been adapted from the Residential – SH zone and when reading the purpose of these standards, maintaining a reasonable standard of amenity for adjoining sites is a common theme. The design criteria will offer flexibility for future development with a range of single and double stories development options available to future owners. The height in relation to boundary controls will manage the height and bulk of buildings at boundaries and where two-level dwelling are proposed, they will need to be sufficiently setback from the boundary to comply with this control. Covenants will be placed on the future lot CoT which will ensure stormwater is managed and controlled in accordance with the Airy Engineering report to ensure there are not off site effects. The maximum impervious area control will ensure at least 40% of the sites are retained in landscape coverage which will allow for individual on site landscaping. Additionally front yards will be required to maintain at least 50% landscape coverage. For these reasons, amenity of adjoining sites is considered to be maintained and the proposal is consistent with this objective.

H1.2 (3) Development is appropriate for the physical and environmental attributes of the site and any infrastructure constraints.

The Geotechnical Report attached at Appendix 4 demonstrates the proposed lots are suitable for residential development. The recommendations in the Geotechnical report are accepted and offered as conditions on consent.

The Engineering and Infrastructure Report attached at Appendix 3 demonstrates that the proposed subdivision can be serviced. The applicant’s engineer has discussed the project with Watercare who have confirmed that wastewater flows from this proposal can be accommodated in the network. As such, the proposal is consistent with this objective.

H1.3 (1) Require large minimum site sizes and limit the scale and intensity of development to ensure that:

- (a) sites are able to accommodate on-site wastewater treatment and disposal;*
- (b) development will be in keeping with any landscape qualities or natural features; and*

(c) development will not exacerbate any physical limitations such as land instability

The subject site can connect to the public network and does not need to provide on-site wastewater disposal, as designed by the applicant's engineer and confirmed by Watercare. There are no landscape qualities or natural features on the subject site, as confirmed by the applicant's ecologist. The proposal will not exacerbate any physical limitations, such as land instability or flooding, as confirmed by the civil and geotechnical engineers. For these reasons, the proposal is consistent with this policy.

H1.3 (2) Require development to be of a height and bulk and have sufficient setbacks and open space to maintain and be in keeping with the spacious landscape character of the area.

The design criteria offered allows for the same height (up to 8m) as the Residential – LL zone. The bulk of buildings will be setback from boundaries to comply with the 2.5m + 45 degree recession plane. As such, if two level buildings are proposed they will be adequately setback from the boundary to comply with this control. If people do choose to build closer to the boundary it will need to be single level building i.e. approximately 2.6m in height and the permitted boundary fencing allows for up to 2m in height on side & rear yards and up to 1.8m in front yards (50% visually open) which will provide an element of screening and privacy. Additionally, each site will maintain 40% landscape coverage which will be consistent with the existing environment to the east and following Mahurangi East Road over 2.5km to the south.

Therefore, the application is considered to be consistent with the areas existing residential character. The application is not consistent with maintaining the area's spacious landscape character, given the site is surrounded by either medium density residential development or low density rural development however, because of the existing character the proposal is also not contrary to this provision. As such, the proposal is considered to be inconsistent with part of this policy, but not contrary to it.

(3) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.

With regards to the site directly south (11 Lett Road) the existing road carriageway is approximately 20m and the proposed front yard setbacks for the subdivision are 3m. 23m is considered to be an adequate separation distance to ensure sunlight access and privacy are maintained at 11 Lett Road.

The proposed site at 18 Lett Road has their existing access and manoeuvring area adjoining the shared site boundary. The northern existing dwelling at 18 Lett Road is setback approximately 5m from the shared boundary. The outdoor living area for this dwelling is located on the north-western side of the house. As such the existing dwelling will provide an element of screening of the proposed subdivision (and future development) from the existing outdoor living area. The proposed development is located to the east of this site and will not impact the northern sunlight that 18 Lett Road currently enjoys.

As previously mentioned, the proposed design criteria will control future development height, bulk, and location to be comparable to the existing development to the east. The proposal does not include retaining walls and earthworks will be battered at site boundaries so as to not raise the existing site boundary topography. The design criteria and level site boundaries will assist in minimising visual dominance and privacy effects to adjoining sites.

For these reasons, the proposed subdivision is considered to be consistent with this policy.

H1.3 (4) Encourage accommodation to have useable and accessible outdoor living space.

The design criteria proposed, including allowing up to 35% building coverage and maintaining 40% landscape coverage will allow for future development to accommodate usable and accessible outdoor living space. As such, the proposal is consistent with this policy.

H1.3 (5) 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.

A new public stormwater reticulation network will be constructed to serve the development. Each lot will be provided with a property connection. Stormwater detention is proposed to be provided by detention tanks on the residential lots. Each lot will be required to over-mitigate peak flow rates in order to account for the increased runoff from the new road. Consent notices will be provided on each lot and will be designed in accordance with the attenuation requirements as outlined in the Infrastructure and Engineering report at Appendix 3. Water quality raingardens for the new road will also be installed. As such, adverse effects on water quality, quantity and amenity values can be avoided mitigated through the proposed design. The proposal is therefore consistent with this policy.

Given the above, it is considered that the proposal is not contrary to the objectives and policies of the AUP.

11. Other Matters

11.1 Precedent

The subject site is unique in that the zoning anticipates there to be physical features on site limiting a higher density of residential development, such as land instability or natural features such as wetlands, streams or bush. Of which there are none, as confirmed by the applicant's specialists. The zoning also anticipates that the site needs to maintain larger lot sizes to provide for onsite services. However, as outlined in this report, the site can connect to the public reticulated network and Watercare has confirmed wastewater capacity.

The surrounding sites generally to the east are zoned Residential – SH and the sites generally to the west are zoned Rural – Countryside Living. As such granting consent to the proposed subdivision is not going to create an adverse precedent as neighbouring sites do not share the same Residential zone. If Residential – LL zoned sites in the wider environment share the same unique site features as the subject site (no protected/substantial ecological features on site) and have access to the public network (and the network provider confirms capacity) and they proposed a similar subdivision, this would set a positive precedence in terms of providing further choices and capacity for residential development, particularly given the housing shortages that Auckland faces. As discussed below in relation to the Snells Beach / Algies Bay Structure Plan, other Residential – Large Lot zoned sites under the Rodney District Plan, and the AUP, have already been rezoned for Residential – Single House zone purposes.

If this positive precedent were to be created, it would represent a sustainable use of the land resource by utilising available land that can be serviced by existing infrastructure, and which is close to public transport and urban amenities including shops and community facilities (as is the proposal).

Taking all relevant matters into consideration granting consent to this proposal will not set a precedent that would in turn generate adverse effects on the environment because:

- There are no land stability, natural features, or landscape sensitivities that warrant limiting residential land use density to Large Lot.
- The proposed density of residential density can be serviced by the existing infrastructure networks in this area.
- The proposed development is close to public transport, community facilities, parks, reserves and shops.
- The current planning framework encourages efficient use of the land resource for urban land uses where characteristics, such as those listed above, are exhibited.

11.2 Snells Beach – Algies Bay Structure Plan Area

The subject site was included in the Snells Beach Algies Bay Structure Plan area prepared by Rodney District Council. The Structure Plan had statutory weighting because it was incorporated into the

Rodney District Plan – Chapter 13 – Future Development and Structure Plans. A snip of the Structure Plan is shown on the following page (The subject site is circled in red and identified with a red dot).

As can be seen from the Structure Plan map areas identified as Residential Large Lot have been rezoned to Residential Single House in recent years. These areas include the land at Kia Kaha Drive (Plan Change 179 to the Rodney District Plan – pink cross) and Foster Crescent (Plan Change 35 to the AUP – blue cross).

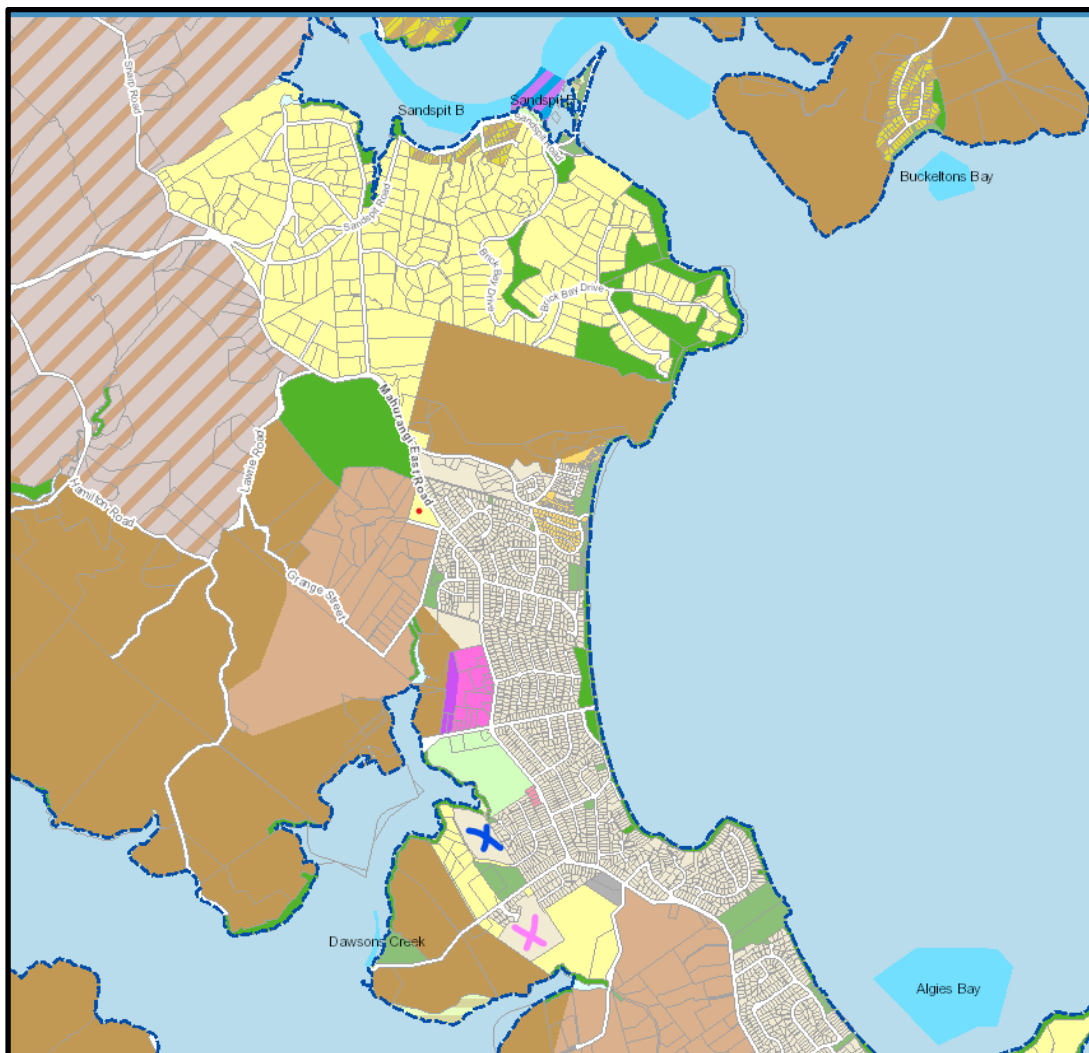


Figure 9 AUP GIS Map, accessed November 2021. Subject site shown with red dot. Plan changes shown in blue & pink cross.

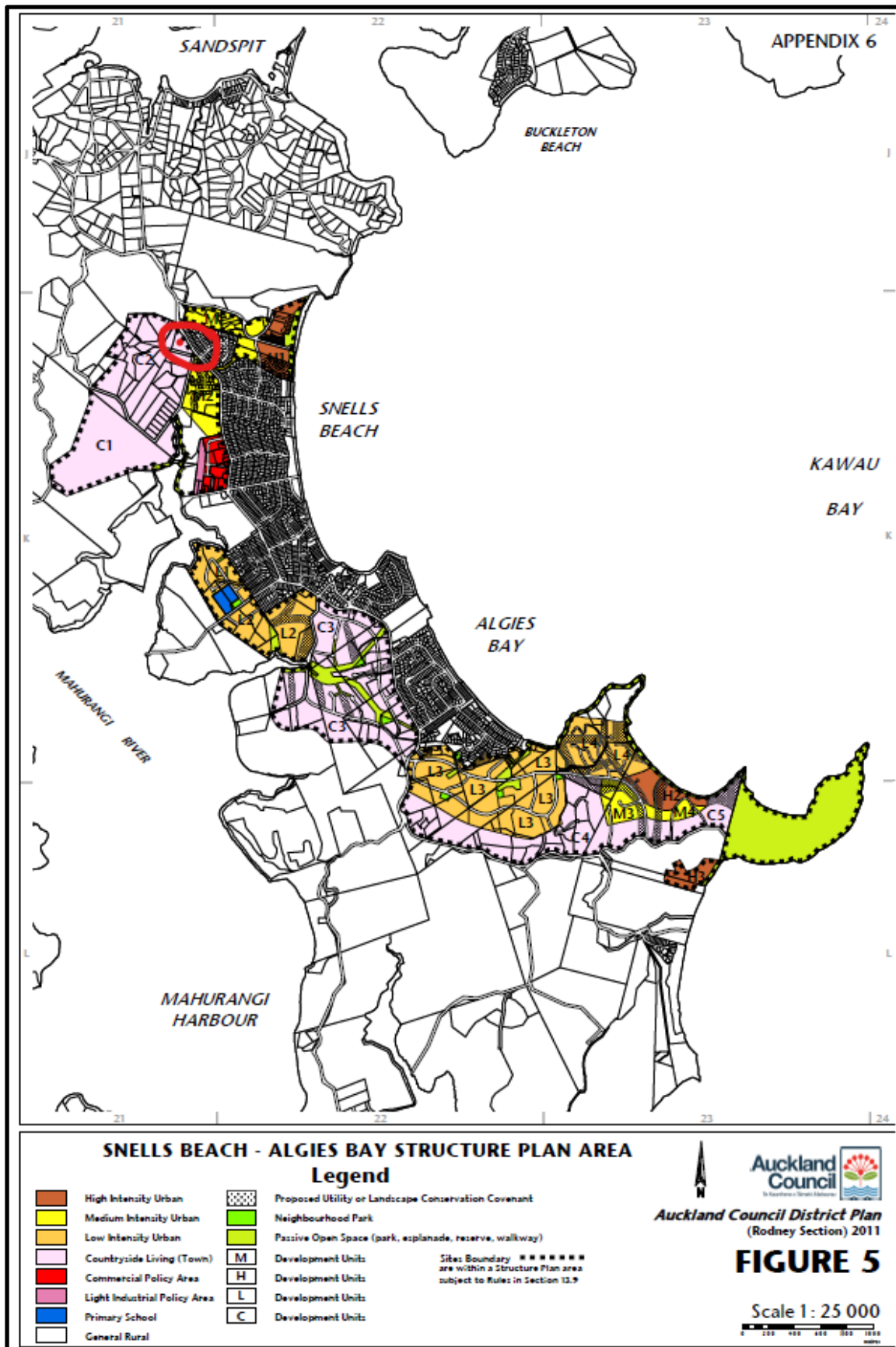


Figure 10 Snells Beach - Algies Bay Structure Plan. Source: Auckland Council. Accessed November 2021.

Whilst the other sites mentioned have had the residential density enabled via a private plan change process the National Policy Statement: Urban Development (NPS: UD) provides a new policy context that is more enabling with respect to making planning decisions. The definition of *planning decision* is set out below and clearly includes resource consent decisions:

planning decision means a decision on any of the following:

- (a) a regional policy statement or proposed regional policy statement
- (b) a regional plan or proposed regional plan
- (c) a district plan or proposed district plan
- (d) a resource consent
- (e) a designation
- (f) a heritage order
- (g) a water conservation order

As discussed above the proposed subdivision is in keeping with objectives and policies of the NPS: UD seeking to improve housing affordability by supporting competitive land and development markets.

11.3 Summary

There are no other matters considered relevant to determining this application. All relevant matters have been considered.

12. Statutory Assessment

The proposal is a Non-complying activity and therefore a determination in relation to the s104D Gateway test must be undertaken. Consent cannot be granted to a Non-complying activity if the effects of the proposal on the environment are more than minor or if the proposal is contrary to relevant objectives and policies.

The assessment undertaken demonstrates that the actual adverse effects of the proposal on the environment are no more than minor and the proposal is generally in keeping with, and not contrary to the relevant objectives and policies of the relevant documents. The proposal therefore passes both branches of the Gateway test. The merits of the application can therefore be considered in relation to s104 and s104B.

All relevant matters that need to be considered for the s104 assessment have been addressed in the preceding sections of this report.

Section 104 is subject to Part II of the Act. This assessment follows.

13. Part II of the Act

Part II of the Act sets out the Purpose and Principles. Section 5 of the Act sets out the overriding purpose, which is the sustainable management of natural and physical resources.

The Act states that 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”.*

It is considered that the proposed development is not contrary with the Act’s purpose to *“promote the sustainable management of natural and physical resources”* as it will be an efficient use of an existing resource (land). As stated above any adverse environmental effects arising from the proposal are no more than minor.

Section 6 of the Act sets out the Matters of National Importance. There are no relevant matters that require consideration under section 6 of the Act. The site is not considered to be within the coastal environment as that is defined by Policy 1 of the New Zealand Coastal Policy Statement.

Section 7 of the Act defines ‘Other Matters’ to which particular regard shall be had in decision making under the Act. Sub sections (b), (c) and (f) are considered to be relevant. They relate to the efficient use of natural and physical resources, the maintenance and enhancement of amenity values and the maintenance and enhancement of the quality of the environment. As discussed in the assessment of effects for this proposal, it is considered that any adverse environmental effects associated with the proposal will be no more than minor. This includes effects in relation to streetscape, character and amenity; traffic, access and transportation; servicing and other engineering matters; positive effects; earthworks and construction; site suitability; ecological; soil contamination; natural hazards and flooding; cumulative effects; cultural values effects; and reverse sensitivity effects.

There are no known relevant matters in terms of section 8 of the Act, which relate to the Treaty of Waitangi.

It is considered that this proposal satisfies the Purpose and the Principles of the Act.

14. Conclusion

Overall, it is concluded that the effects on the environment of the proposal will be no more than minor subject to appropriate conditions of consent and incorporating the offered consent notices in section 4 of this report.

The proposal is in keeping with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part); and while it is inconsistent with some, it is not contrary to the relevant objectives and policies.

The proposal is in keeping with the National Policy Statement Urban Development 2020 because it seeks a planning decision that will improve housing affordability, will assist in achieving a well-functioning urban environment that enables people to provide for their social, economic, and cultural wellbeing. The decision is also integrated with infrastructure planning and funding and is responsive to the demand in this area for residential living opportunities.

It is requested the consent be publicly notified under (s95A(3)(a)).

It is considered that the proposal is consistent with Part II of the Resource Management Act.

Appendix 1:

Certificate of Title and Aerial Photograph

Appendix 2:

Topographical and Scheme Plans

Appendix 3:

Engineering and Infrastructure Report

Appendix 4:

Geotechnical Investigation Report

Appendix 5:

Traffic Impact Assessment

Appendix 6:

Detailed Site Investigation and Site Management Plan

Appendix 7:

Ecology Memo

Appendix 8:

Consultation with neighbours and Watercare

Appendix 9:



Rules Assessment

Appendix 10:

Objectives and Policies

End of Report

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