

Applicant: Pohuehue Community  
Housing Limited

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Site: 1695 Pohuehue Road,  
Warkworth

Report Title: Resource Consent  
Applications and  
Supporting  
Assessment of Effects  
on the Environment for  
Emergency/Social  
Housing and  
Associated Discharge  
to Wastewater to  
Land.

Report Date: July 2025

Report Version: Final

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# 1. Introduction and Overview

Pohuehue Community Housing Limited (“**the applicant**”) owns emergency/social housing at 36, 40 and 46 Valerie Close along with 1711 and 1723 Pohuehue Road. This housing was originally established as workers accommodation (associated with the Puhoi to Warkworth Motorway construction) but subsequently consented for emergency housing. The relevant resource consents are included in Appendix One. These consents will be surrendered upon the dwellings being relocated to the new site and the remaining dwellings decommissioned.

This housing is operated by De Paul Emergency Housing and Support Services on behalf of the Ministry of Housing and Development. This housing has proven very successful particular in terms of the housing requirements for members of the Kiribati community residing in Warkworth. The Kiribati community has been established in Warkworth since about the 1980’s and approximately 600 people of Kiribati descent live in the wider area

The current housing is on land within the Proposed Plan Change 93 (Warkworth South) area. Council has approved the plan change (with the appeal period closing on 7 July), and the re-development of this area for housing is expected to commence in the 2025/2026 earthworks season.

Pohuehue Community Housing Limited are now required to relocate the housing. De Paul has confirmed that it still requires this housing and would prefer a 15-year contract for the relocated housing in the new location.

The current housing has been very successful in terms of the health and social well-being of the families residing in it for various reasons. These include:

- 1 The location of the housing in a “rural” setting provides a high level of amenity and outdoor recreational opportunities for families (and in particular the children).
- 2 The clustering of houses creates a small village like setting which is consistent with the cultural background of the residents and is preferred by families. This contributes to the social and cultural well-being of the families.
- 3 The current location has good accessibility to the key areas of employment for the Kiribati community in Warkworth (including Southern Paprika on Woodcocks Road).
- 4 The current location has good accessibility to the Warkworth educational facilities used by the community including Mahurangi College and Warkworth Primary School.

There have been no known complaints about the housing either to Council or to Warkworth Estates Limited/Pohuehue Community Housing Limited since it was established.

Based on the above, when identifying a potential new location for the housing the key objectives were to secure a site that:

- 1 Was within a rural area and offered a similar level of amenity for the residents, including areas of usable open space;
- 2 Was in close location to Warkworth;
- 3 Was a single or adjoining properties where the housing could be clustered to create a village like setting; and
- 4 Was an adequate size to allow for on-site servicing.

The applicant identified 1695 Pohuehue Road as suitable and the property has been purchased. Furthermore, this site is within the same catchment (including the roading network) as the existing housing so there is no change to vehicles entering Valerie Close than the current situation.

The site is not part of the PC93 area. Any re-zoning of this Future Urban Zoned site is likely to be many years away. The use of transportable homes allows for the dwellings to be relocated at the time the site is re-zoned and is to be developed. This reflects the current situation.

The applicant is seeking a Land Use Consent (for a non-complying activity) for the housing (1 minor dwelling, 10 other dwellings + managers office) for a 15-year period. The land use consent is to also cover the following:

- Non-compliance with 2 transportation rules;
- Earthworks (a restricted discretionary activity); and
- Removal of 7 trees within the riparian yard (a restricted discretionary activity).

Resource consent (a regional consent) is also being sought for:

- Discharge of treated wastewater to land (a discretionary activity).

This document comprises the resource consent applications and the supporting Assessment of Effects on the Environment (“**AEE**”). It has been prepared in accordance with s88 and the Fourth Schedule to the Resource Management Act 1991 (“**the Act**”) and the Auckland Unitary Plan Operative in Part (“**AUPOP**”).

### Site Identification Details

Street Address:	1695 Pohuehue Road
Owner:	Pohuehue Community Housing Limited
Legal Description:	Lot 1 Deposited Plan 100471
Site Area:	2.8741 ha
Applicant:	Pohuehue Community Housing Limited
Zoning:	Future Urban Zone
Other UP Notations:	Natural Resources: Natural Stream Management Areas Overlay [rp] Natural Resources: High-Use Stream Management Areas Overlay [rp] Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Mahurangi Waitemata

The Computer Freehold Register for the site and associated interests are included as Appendix Two.

## 2. Site Description

The subject site is currently a vacant countryside living lot with a single dwelling, various accessory buildings (which reflects that it was used in part by the former owner in the past as a rural contractors yard), a pine (*pinus pinea*) plantation (for harvesting of pine nuts) and a large pond (constructed by the former owner a number of years ago). The site has a north and western aspect and is gently sloping (generally to the pond which runs along a north-south axis in the middle of the site). That part of the site not covered by buildings or the pine plantation is either landscaped or in grass. There is a very narrow, modified watercourse running from the southern boundary into the constructed pond.

The site is accessed via a driveway off Valerie Close. This accessways traverses another property and as part of this proposal a new access will be formed directly off Valerie Close. The previous accessway from the site onto Valerie Close appears to have been closed off by a fence a number of years ago and planting has been undertaken on the road berm (although it is unclear when and who this was undertaken by as it is not standard street tree planting).

The wider area is countryside living in nature and a mix of pasture, bush and dwellings. The adjoining sites are used for countryside living. The land to the immediate north on the other side of Valerie Close is subject to Proposed Plan Change 93 which will provide for the urban development of that area (including about 1600 houses, a local centre, open spaces and the further development of the Morrisons Heritage Orchard).

With the opening of the Puhoi to Warkworth Motorway, traffic numbers along Pohuehue Road (formerly State Highway One) have dropped significantly and this has positively changed the character of the area and in particular reduced the background traffic noise. It has also markedly improved accessibility into and out of Valerie Close.

The area is zoned Future Urban and this is reflected in a number of properties being purchased in recent times for future urban development and the land being kept in a holding pattern. The subject site is not an economical farm unit and until its recent sale used as a countryside living lot.

The existing constructed pond on the site is to be retained as is the small channelised watercourse feeding it from the south. A number of pine trees will be removed to allow for an area of housing and the accessway, with other trees on the site being retained. A small number of street trees will require removal to allow for the new accessway.

The existing house on the property is to be removed. The other accessory buildings (except the two shipping containers close to Valerie Close) are to be retained in the interim with one use for bike parking.

It is noted that there is a large shed on the adjoining property which extends into the subject site. This is a historical anomaly and does not impact on this application.

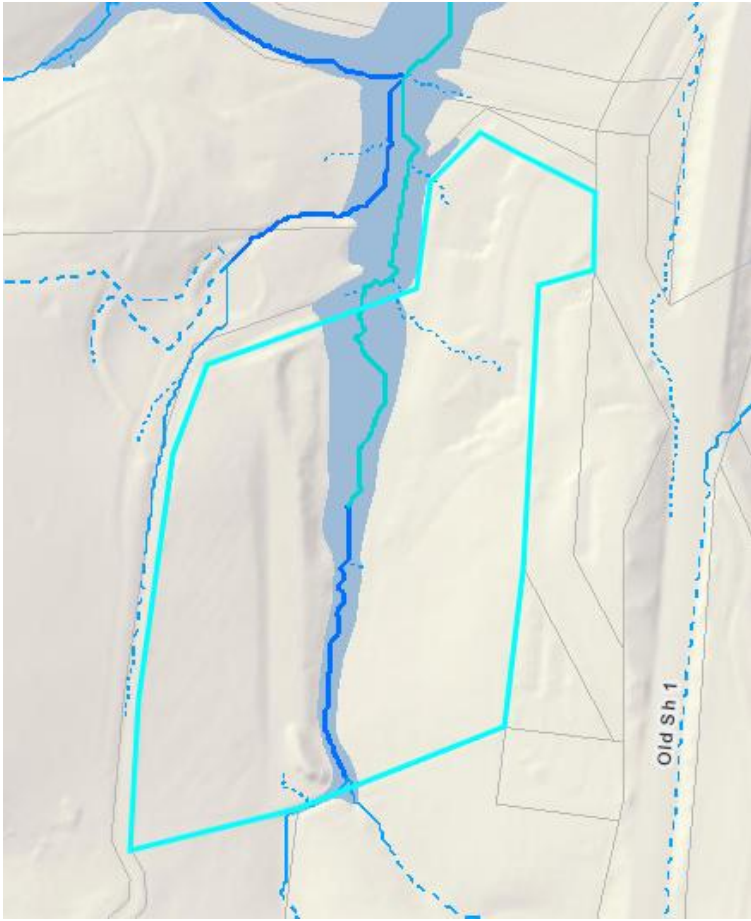
The Geotechnical Report (Appendix Seven) describes the geotechnical condition of the site.



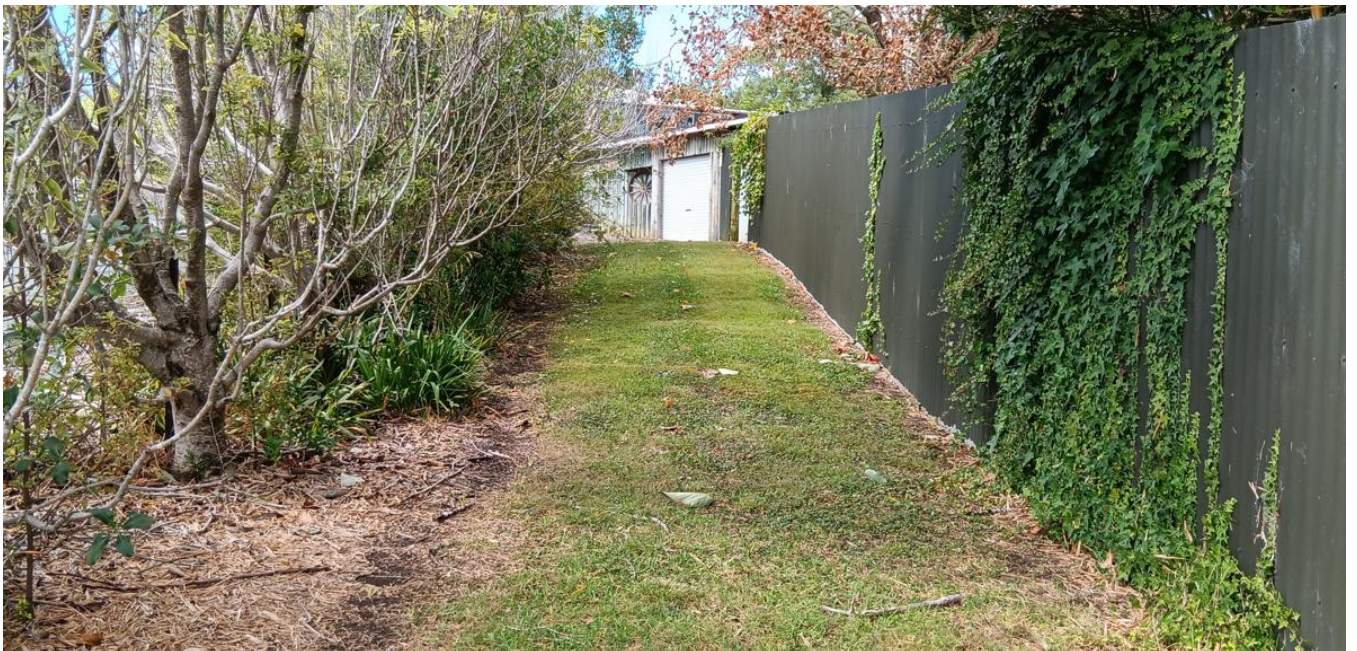
**Figure One: An Aerial of the Subject Sites Showing the Wider Environment and Current Location of Houses (Courtesy of Google Earth, 2/9/2024)**



Figure Two: Close Up Aerial of the Subject Site (Courtesy of Google Earth, 2/9/2024)



**Figure Three: Catchment Plan (From AC Geomaps as at 3/3/2025)**



**Figure Four: Location of the New Driveway Off Valerie Close**



**Figure Five: The Modified Watercourse South of Inlet into Pond Looking South.**



**Figure Six: Modified Watercourse from Southern Boundary Looking North.**



**Figure Seven: Existing Containers (to be removed) and Location Of Unit 1**



**Figure Eight: Former Access onto Valerie Close**



**Figure Nine: Existing House (to be Removed)**



**Figure Ten: Location of Unit 1 (by Containers) and Unit 2**



**Figure Eleven: Location of Units 4, 5 and 6**



**Figure Twelve: Location of Unit 7 (Canna Lillies on Left) and Unit 8 (Beyond Canna Lillies where Pine Trees are)**



**Figure Thirteen: Looking East Over Watercourse to Position of Units 9 and 10.**





**Figures Fourteen to Sixteen: The Housing in their Current Locations**



**Figure Seventeen: Valerie Close with New Vehicle Crossing Location Just Past End of Shed.**

### 3. Proposal Description

The site plan is included in Appendix Three along with the floor and elevation drawings for the buildings.

The existing house on the property is to be removed along with two shipping containers.

Twelve existing transportable homes used for housing and currently located in the Valerie Close valley are to be relocated onto 1695 Pohuehue Road. In addition, a small managers office (identified as unit 3 on the site plan) is to be relocated onto the site but will not be used for accommodation purposes. One of the existing sheds is to be used for bike parking.

A new access into the site from Valerie Close is to be formed along with a metalled internal accessway providing access to each house. Parking for each house is to be provided outside each house off the accessway and the layout is designed so no reversing of cars is required on the site (except for unit 1). The vehicle crossing will be constructed to the relevant AT standard for a residential crossing and will be concrete and 5.5m in width at the boundary.

All buildings have a palisade weatherboard exterior (finished in either a dark or a light colour), aluminium joinery and a steel and tube plumbdek roof. There will be a west facing wooden deck on all buildings (and this is an important contribution to the success of these houses). Each house has a single 30,000 litre above ground green water tank. All houses will be connected to the on-site wastewater treatment plant. Power will be supplied to each house and the manager's office with all electrical cabling underground.

A number of trees will need to be removed to provide for the housing and accessway and this includes 7 Pine Trees within the riparian yard. No modifications to the watercourse or ornamental pond are proposed.

No houses are within a flood plain.

This site is serviced in terms of the Council rubbish and recycling collection services.

#### ***Wastewater Treatment and Disposal***

A new advanced secondary treatment plant is to be installed and implemented in accordance with TP58 and a new disposal field (including a reserve area) installed. This system is described in Section 5 of the Engineering Report in Appendix Four and will be compliant with TP58.

#### ***Potable Water Supply***

Each dwelling will be serviced by a 30,000 litre tank using rain harvesting for the main water source.

The pond is to be used for the firefighting water supply.

#### ***Stormwater Management***

Stormwater management is addressed in Section 4 of the Engineering Report (Appendix Four). Stormwater neutrality will be achieved through retention in the stormwater tanks for each house. Overflow from the tanks will be directed towards the ornamental pond. Overall, stormwater neutrality will be achieved.

#### **Existing Sites**

It is confirmed that the two established houses on 1711 and 1723 Pohuehue Road which are currently used for housing are not to be shifted and are to be vacated before being removed/demolished as part of the future development of these sites. There will be no housing retained on 36, 40 and 46 Valerie Close.

## 4. Resource Consents Required

The subject site is within the territorial boundaries of Auckland Council and is therefore subject to the AUPOP. There are no known appeals to the site zoning, overlays or the AUPOP provisions relevant to this application.

Zoning: Rural – Future Urban

Other UP Notations: Natural Resources: High-Use Stream Management Areas Overlay [rp]

Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Mahurangi  
Waitemata

The AUPOP Map is provided at the end of this section.

The site is not identified as having highly productive soils. There are no Cultural Heritage Sites listed on the property or in close proximity.

The existing residential dwelling is a permitted activity and is to be removed.

No subdivision is proposed.

### Status of the New Buildings

As the existing house is to be removed, one of the new dwellings (in this case Unit 5) is the new permitted dwelling for the site.

One of the dwellings can be considered the minor dwelling for the site (in this case, this is considered to be Unit 4). Consent is required for this as a restricted discretionary activity (Rule H18.4.1(A29)).

In respect to the houses, they are to be considered as non-complying under Rule H18.4.1(A28) or (A30 (for those units 6, 11 and 12 being under 65m<sup>2</sup> in area and therefore being minor units)). In terms of H18.4.1(A30) (for the other minor units) the other standards (2 to 5) are complied with and the sixth standard is not applicable as no subdivision is proposed.

It is understood from the pre-application meeting that Council is likely to consider that the proposal falls within the ambit of H18.4.1(A28).

Dwellings 8, 9, and 10 will not comply with the 20 m riparian yard (Rule H18.6.3).

In terms of the relevant standards, it is confirmed that the new dwellings will comply with the following:

- A maximum height of 9 m (Rule H18.6.2)
- A side or rear yard of 6m (Rule H18.6.3)
- A front yard (along Valerie Close) of 10 m (Rule H18.6.3)

There are no other specific standards requiring consideration.

The mangers office can be considered to be a permitted accessory building to the main dwelling.

### Earthworks

The proposed earthworks of 1044 m<sup>3</sup> over 2927 m<sup>2</sup> (of which a very small area/volume is within the road reserve to form the accessway) requires resource consent under E12.4.1(A6 and A9) as the area of earthworks exceeds 1000 m<sup>2</sup> and 1000 m<sup>3</sup>. However, as the proposal will not comply with Standard E12.6.2(1) as the volume and area of earthworks in the riparian yard (being 8.3 m<sup>3</sup> over 67.7 m<sup>2</sup>) exceeds 5 m<sup>3</sup> and 5 m<sup>2</sup> then consent is required for the earthworks under C1.9. This is a restricted discretionary activity. All other standards can be complied with.

### Vegetation Removal

The removal of 7 pine trees (*Pinus Pinea*) within the 20m riparian yard is a restricted discretionary activity under Rule E15.4.1(A16).

The removal of the 3 street trees (pittosporums) on Valerie Close (to form the new driveway into the site) is a permitted activity under Rule E17.4.1(A10). Tree owner approval will be required and will be sought once resource consent has been obtained.

### **Construction of New Driveway and Accessway**

The driveway design complies with the relevant standards under Rule E27.6.3.3 and E27.6.4.1. No consent is therefore required for the construction and use of the new driveway.

In keeping with the rural character of the site and immediate surrounds, the internal accessway and carparks are to be metaled.

As outlined in the Traffic Report, there is a non-compliance with Rules E27.6.3.6 (gradient of car parking space) and E27.6.4.3 (passing bay requirement). This requires consent as a restricted discretionary activity under Rule E27.4.1(A2).

If PC79 becomes operative, there is also a non-compliance under E27.6.3.2(A) (accessible parking).

A new vehicle crossing application will be made with Auckland Transport upon granting of this consent.

### **Wastewater Treatment and Disposal**

The new wastewater treatment and disposal proposal requires resource consent under Rule E5.4.1(A6) as a discretionary activity. The reason for this is that the maximum daily discharge to ground will be 10.8 m<sup>3</sup> which exceeds the 6 m<sup>3</sup> per day provided for as a restricted discretionary activity.

### **Potable Water Bore**

As outlined in the Engineering Report, a new water bore may be drilled for a complying potable water take. This is still to be confirmed, and a separate consent application would be made for any such bore (under E7.4.1(A15)). The granting of the consent being applied for under this application is not dependant on any future consent for a water bore being granted.



**Figure Seventeen: AUPOP Plan Map (Subject Site Outlined in Blue)**

## 5. Assessment of Effects on the Environment

The assessment commences with a description of the permitted baseline and the consented environment before assessing the proposal in terms of the relevant assessment criteria.

The existing environment has been described in Section Two of this report.

### Permitted Baseline and Existing Environment Assessment

A consent authority under s104(2) has the discretion to disregard an adverse effect if the plan (or a national environmental standard) permits an activity with that effect for the purposes of forming an opinion as to any actual or potential effects on the environment of allowing the activity.

The starting point therefore in determining the permitted baseline which effects are to be assessed against is the existing environment overlaid with permitted, non-fanciful, activities.

Farming, greenhouses, free-range poultry farming, forestry, conservation planting, animal breeding and boarding, produce sales and produce manufacturing are all permitted activities. A number of these uses require buildings and therefore it is reasonable to expect a degree of construction on each site. Greenhouses in particular may be of a size of a dwelling (or a number of dwellings combined) expected on this property.

A single dwelling on a lot (and accessory buildings), complying with the relevant standards, is also a permitted activity.

The existing environment consists of the existing house and accessory buildings along with the modified watercourse and ornamental pond plus the mix of ornamental landscaping, gardens, pine plantation, grass and a small clump of native trees.

In terms of this assessment, Unit 5 is considered to be the new permitted single dwelling on the site. This unit will be located in the approximate location of the existing house once it is removed.

The manager's office is a permitted accessory building (to Unit 5).

### Assessment of the Additional Minor Dwelling (Unit 4)

The following assessment follows the assessment criteria set out in the AUPOP for restricted discretionary activities:

*H18.8.2.*

*The Council will have regard to the following policies when considering the matters listed in H18.8.1:*

- (1) *Policies H18.3(1), (2), (3) and (6).*
- (2) *The assessment criteria applicable to restricted discretionary activities in the Rural – Rural Production Zone under H19.12.2*

#### **H18.3. Policies**

- (1) *Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).*
- (2) *Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.*
- (3) *Require subdivision, use and development to maintain and complement rural character and amenity.*
- (6) *Avoid subdivision, use and development of land that may result in one or more of the following:*

- (a) *structures and buildings of a scale and form that will hinder or prevent future urban development;*
- (b) *compromise the efficient and effective operation of the local and wider transport network;*
- (c) *require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;*
- (d) *inhibit the efficient provision of infrastructure;*
- (e) *give rise to reverse sensitivity effects when urban development occurs;*
- (f) *give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or undermine the form or nature of future urban development.*

(Rural Production Zone Policies (H19.3.3))

- (2) *Provide for forestry activities including:*
  - (a) *planting and management of new and existing forests in recognition of their production values, land stability and carbon sequestration functions, and multiple use for active recreation;*
  - (b) *woodlots and farm-scale forestry; and*
  - (c) *planting of indigenous species and amenity exotic species for long-term production purposes and the eventual harvesting of these species.*
- (3) *Enable the establishment of new greenhouses and the expansion of existing greenhouses in specific locations where there are advantages for operational efficiencies, transport accessibility and the provision of energy such as natural gas supplies and services, and manage the amenity expectations of other activities in these areas.*
- (4) *Provide for intensive farming, while managing the adverse effects and require compliance with good industry practice.*
- (5) *Require intensive farming of new species, including terrestrial, freshwater and marine species not currently farmed in the Rural – Rural Production Zone to:*
  - (a) *be designed and operated to prevent the escape of any species of animal or plant that could have an adverse effect on the natural environment; and*
  - (b) *not include any mustelid species.)*

### Assessment

The proposed use of the building is unique in that it is to continue to be used for emergency/social housing, but on this new site. Although such a use is not specifically provided for under Policies 19.3.3(2) to (5) it is considered that the proposal is not inconsistent with those policies.

Council has earlier granted consent for this housing in various locations on Valerie Close/Pohuehue Road. This housing has generally been used for members of the Kiribati community. Warkworth has a high permanent and seasonal population of Kiribati people with many working in local horticultural industries and, in particular, at Southern Paprika.

The housing has proven to be very successful and there remains a demand for it. The current housing sites are about to be re-zoned for urban development and the housing needs to be relocated. The subject site provides a suitable and practical option and is very close to the existing housing.

The use is not reliant on the quality of soil. It is noted that the subject site does not contain elite soils and the site is currently a former pine nut farm but in more recent times has included a contractor's yard. The proposal does not impact on the production values of the sites (which itself is limited in temporal terms given that the area has been identified for future urban use).

The proposal compliments the current character and amenity of the area. The immediate area still remains a degree of rural character albeit with a relatively high percentage of housing for a rural area and this is expected to change rapidly in the next few years as the area to the north of Valerie Close is developed in accordance with PC93.

The placement of the proposed building will minimise the visual dominance of them (with this area having no houses directly looking onto them). The minimisation of visual effects beyond the site is assisted also by the topography, existing vegetation (both on the site and on adjoining sites) and boundary fencing.

Overall, given the existing rural nature of the area it is considered that the proposal will complement the current character although recognising that the character of this specific area has changed in recent years and is expected to change markedly as this area is developed for urban purposes.

Given the temporary nature of the building, it will not hinder or prevent future urban development. The building can be transported off the site prior to or when the site is re-zoned for urban development. At that stage, it is expected that the site will then be developed in accordance with its zoning. There is no sound economic reason why the applicant would progress a development now that would hinder the future urban development of the site.

The proposal will not compromise the efficient and effective operation of the local and wider transport network. This house is accessed off Valerie Close as it is for its current location.

No upgrading of extensions of infrastructure outside the site is required to provide for the proposal.

The proposal does not inhibit the provision of infrastructure.

Given both the temporary nature of the proposal and the nature of the proposal (being accommodation) no reverse sensitivity effects will arise if urban development occurs on the site boundaries (although this is not expected).

No potential reverse sensitivity effects have been identified.

The house can be adequately serviced in terms of potable water, wastewater and electricity.

Given the temporary nature of the proposal, it will not undermine the form or nature of future urban development. Transportable housing was used initially on the basis that they would need to be shifted when the current sites were re-zoned.

### **Rural Production Assessment Criteria for Restricted Discretionary Activities (H19.12.2) (for the minor dwelling)**

*(1) all restricted discretionary activity and their accessory buildings:*

- (a) whether the design and location of the buildings, and site landscaping, avoid, remedy, or mitigate the adverse visual effects of the buildings and related site works on rural and rural coastal character and amenity values including where the proposal is within or adjacent to any Outstanding Natural Landscape, Outstanding Natural Character and High Natural Character areas. The following are relevant:*
  - (i) building bulk;*
  - (ii) glare or reflections off the exterior cladding;*
  - (iii) landform modification needed for building platforms;*
  - (iv) screening from neighbouring sites;*
  - (v) views of the buildings from any public road or open space used for recreation, including any beach, coastal marine area, coastline, or regional park; and*
  - (vi) related signage.*
- (b) whether noise from fans, ventilators, heaters, or other machines, or from on-site activities can be adequately mitigated;*

- (c) *whether the design and location of the buildings, and the associated traffic avoid, remedy or mitigate adverse effects on the road network or traffic safety;*
- (d) *whether the control, treatment, storage, or disposal of stormwater can be adequately managed;*
- (e) *if the site contains elite soils whether the proposed buildings, structures, or site development prevent or compromise its availability or use for activities that directly rely on it;*
- (f) *if the site contains prime soils, whether the proposed buildings, structures, or site development can be relocated so as not prevent or compromise its availability or use for activities that directly rely on it; and*
- (g) *for fire stations, the extent to which functional requirements and the benefits that having the emergency services in the location are to be taken into account.*

### Assessment

The proposal compliments the current character and amenity of the area. The immediate area still remains a degree of rural character albeit with a relatively high percentage of housing for a rural area. The Future Urban Zone itself identifies that this area will undergo a rapid change in character and amenity in coming years as it is zoned then developed for urban use. PC93 provides for the urban re-development of the area to the north of Valerie Close and development work in this area is expected to commence in the 2025/2026 earthworks season.

Overall, given the existing rural nature of the area it is considered that the proposed minor dwelling will complement the current character although recognising that the character of this specific area has changed in recent years and is expected to change markedly as it is developed for urban purposes.

The minor dwelling is small in terms of footprint and is single storey. Its exterior finish ensures no glare effects will arise.

There will be no significant effect on the existing landform to install this dwelling.

The site is not in close locality to any areas of outstanding natural landscape, outstanding natural character or high natural character areas.

The site is viewed from Valerie Close. Given the existing topography, fencing and vegetation, the new building (Unit 4) will unlikely be able to be seen from Valerie Close.

The proposal will not compromise the efficient and effective operation of the local and wider transport network. The house is currently located on Valerie Close so shifting it to this site does not change the expected traffic volumes going into or leaving Valerie Close from Pohuehue Road.

No signage is proposed.

The noise controls for the zone will need to be complied with and there is no reason why they cannot be achieved, and this is confirmed in the Acoustic comment (Appendix Five).

The site does not contain elite soils. In any event, the building is a transportable building and can always be removed off site if a new productive purpose for the land (requiring the soil) is proposed.

All stormwater runoff is into the existing pond with the water tank providing the required retention.

### **Assessment of the Other Minor Dwellings (Units 1, 2, 6-13)**

As outlined earlier, the other 10 dwellings are to be considered as non-complying activities.

The proposed use of the dwellings is unique in that they are to continue to be used for emergency/social housing, but on this new site and within a single cluster. Although such a use is not specifically provided for under Policies 19.3.3(2) to (5) is it considered that the proposal is not inconsistent with these policies.

Council has earlier granted consent for the housing in various locations on Valerie Close/Pohuehue Road. This housing has generally been used for members of the Kiribati community as outlined earlier in this report. The current locations are about to be re-zoned for urban development and the housing needs to be relocated. The subject site provides a suitable and practical option and is very close to the existing housing.

The use is not reliant on the quality of soil. As outlined earlier the subject site does not contain elite soils and the site is currently a former pine nut farm but in more recent times has included a contractor's yard. The proposal does not impact on the current production values of the sites (which itself is limited in temporal terms given that the area has been identified for future urban use).

The proposal compliments the current character and amenity of the area. The immediate area still remains a degree of rural character albeit with a relatively high percentage of housing for a rural area and this is expected to change rapidly in the next few years as the area to the north of Valerie Close is developed in accordance with PC93.

It is recognised that the site will now contain 12 dwellings and will visually appear as a small clustering of dwellings, similar to a small campground with cabins/units. The current situation is that the housing is located in three clusters at the current site with this proposal now bringing those houses onto a single site. This is expected to have some social benefits as it better reflects the scale of a community village in Kiribati.

The location of the proposed buildings will minimise the visual dominance of them (with this area having no houses directly looking onto them). The minimisation of visual effects beyond the site is assisted also by the topography, existing vegetation (both on the site and on adjoining sites) and boundary fencing. Actual views into the section are very limited and, depending on the angle of the view, the buildings will be seen within the context of the existing pine plantation or within the grassed/vegetated grounds of the existing house.

All houses comply with the front and side/rear yard requirements. No overshadowing or domination effects should therefore arise on adjoining properties. Likewise, no houses are in direct sightlines of adjoining residential properties with existing vegetation, fencing and topography providing visual screening.

Views from the existing dwelling at 1693 Pohuehue Road are limited by the existing fencing and hedging. Any views of the new houses at the southern end of the site from 1673 Pohuehue Road will be at a distance and through the pine plantation. The new houses will also be at a lower elevation than that house with the trees on 1673 Pohuehue Road also providing a degree of visual screening from the existing house. It is unlikely that views to the new housing from the dwelling on 1659 Pohuehue Road can be achieved, with the existing vegetation providing a high degree of screening and the house being about 140 m away from the site boundary. Views of the houses from any other dwellings on adjoining sites is also unlikely.

The site has a very short frontage along Valerie Close. Given the existing fencing and vegetation, any glimpses of the houses are likely to only be achieved through the new gate. The view achieved into the site will be very limited and potentially only to dwelling 1 and 2. It is recognised that there are views into the site from the accessway which services 7-11 Valerie Close but much of the view along the accessway will be obscured by vegetation and/or topography. Any views into the site will also be of a transient nature by users of the accessway as they enter or leave their property.

Overall, although the proposal will not be visually consistent with the current rural visual character of the area (which is changing), the actual visual effects beyond the site will be very limited and overall are considered to be less than minor.

Given the temporary nature of the buildings, they will not hinder or prevent future urban development. The buildings can be transported off the site prior to or when the site is re-zoned for urban development. There is no sound economic reason why the applicant would progress a development now that would hinder the future urban development of the site.

The proposal will not compromise the efficient and effective operation of the local and wider transport network. Access to the site is off Valerie Close. The housing is all currently located off Valerie Close so there is no additional traffic being generated on this part of Valerie Close. Overall, there should be a reduction in traffic movements as two existing emergency housing houses currently used are not being relocated and are being decommissioned.

No upgrading of extensions of infrastructure outside the site is required to provide for the proposal. All dwellings can be serviced in terms of potable water, wastewater and electricity.

The proposal does not inhibit the provision of infrastructure.

Given both the temporary nature of the proposal and the nature of the proposal (being accommodation) no reverse sensitivity effects will arise if urban development occurs on the site boundaries (although this is not expected). No existing adjoining land uses have been identified which may be sensitive to the use of the subject site for this housing. No potential reverse sensitivity effects have therefore been identified.

Given the temporary nature of the proposal, it will not undermine the form or nature of future urban development. Transportable housing was used initially on the basis that they would need to be shifted when the current sites were re-zoned.

The site does not contain elite soils. In any event, the buildings are transportable buildings and can always be removed off site if a new productive purpose for the land (requiring the soil) is proposed.

As outlined earlier, the current housing has been very successful and there remains a demand for it. Unfortunately, with the on-going housing shortage in Auckland there remains a need for emergency/social housing and the positive benefits that this provides has to be considered as part of any assessment of effects.

### **Assessment of the Non-Compliance with the Riparian Yard Control**

Units 8 to 10 will not comply with the 20 m riparian yard along the modified watercourse. The watercourse is very narrow (approximately 0.5 m) and in the past has been modified so it runs within a shallow and narrow straight trench. The riparian area on either side is mainly in grass with a few trees (including the pine trees) within the riparian yard. This assessment follows C1.9(3).

It is considered that Policy H18.3(3) is the only relevant objective or policy of the Future Urban Zone which is relevant to the riparian yard standard. It is considered that the infringement of the riparian yard in this case will not impact on the existing rural character and amenity. The area of riparian yard being infringed is in grass and pine trees and maintained as part of the landscaped grounds.

The purpose of the yard standards in the Future Urban Zone are stated as:

*To ensure adequate and appropriate separation distance between buildings and site boundaries to minimise:*

- *adverse effects of buildings on the character and amenity values enjoyed by occupiers of adjoining properties; and*
- *opportunities for reverse sensitivity effects to arise.*

In respect to this purpose, it is considered:

- The infringement of the riparian yard will not impact on the character and amenity values enjoyed by occupiers of adjoining properties.
- No reverse sensitivity effects will arise as a result of the non-compliance.

There are no specific assessment criteria for yard infringements under the Future Urban Zone.

There are no unique characteristics of the site which require consideration. The infringement is occurring as a result on the design seeking to minimise the earthworks required for the development and minimising the number of pine trees requiring removal. Although there may be an opportunity to shift the three units over to the other side

of the stream and outside the riparian yard, this would result in the need for the watercourse to be culverted (to allow a vehicle access) and significant additional earthworks. The adverse effects from complying with the riparian yard control would therefore be significantly greater.

It is considered that no adverse effects will arise from the infringement of the riparian yard. Given the use and zoning of the site currently, it is highly unlikely that the riparian yard would be planted up or utilised for public access. However, at the time of re-zoning then urban development it is highly likely that there will be a requirement similar to that in PC93 that riparian planting and public access is provided along the watercourse.

At that time the housing would have been or would be removed. The proposal therefore does not impact on the possible future use of the riparian yard.

There is only a single standard infringement so an assessment of cumulative effects from different infringement is not required.

## Assessment of the Tree Removal

Rule E15.8.2 sets out the assessment criteria for the removal of trees within the 20m riparian yard. The assessment criteria are provided in italics below and then an assessment under each criteria is undertaken.

*(a) ecological values:*

- (i) the extent to which the vegetation alteration or removal is minimised and adverse effects on the ecological and indigenous biodiversity values of the vegetation are able to be avoided, remedied or mitigated;*
- (ii) whether vegetation removal will have an adverse effect on threatened species or ecosystems; and*
- (iii) the extent to which the proposal for vegetation alteration or removal has taken into account relevant objectives and policies in Chapter B7.2 Indigenous biodiversity, B4. Natural heritage, Chapter E15 Vegetation Management and biodiversity, E18 Natural character of the coastal environment and E19 Natural features and natural landscapes in the coastal environment.*

### Assessment

The area of vegetation removal is a very small part of a pine plantation (formerly used for the harvesting of pine nuts). Seven trees require consent for removal.

The tree removal will not have an adverse effect on any threatened species or ecosystems.

- The area of vegetation removal does not have significant indigenous biodiversity value.
- The works are not within an area identified as being an outstanding natural feature or landscape.
- No notable trees are being removed.
- The trees being removed are part of a former pine plantation used for the harvesting of pine nuts. The majority of the pine plantation on the site is being retained.

*(b) hazard mitigation*

- (i) the extent to which the vegetation serves to avoid or mitigate natural hazards and the amount of vegetation to be retained or enhanced;*
- (ii) the extent to which the vegetation alteration or removal will increase natural hazard risks; and*
- (iii) whether the vegetation alteration or removal is necessary to mitigate an identified bushfire risk.*

### Assessment

The vegetation to be removed is a former pine plantation and was not planted to mitigate and specific natural hazards.

Then removal of the pine trees will not increase the risk of any natural hazards.

*(c) sediment, water quality and hydrology:*

- (i) the extent to which vegetation alteration or removal will adversely affect soil conservation, water quality and the hydrological function of the catchment and measures to avoid remedy or mitigate any adverse effects.*

#### Assessment

Development of the accessway and installation of the housing in the area of tree removal will occur very shortly after the tree removal and this will stabilise the area disturbed by the tree removal. Any remaining open areas will be re-grassed.

Any effects on soil conservation, water quality and the hydrological function of the catchment will be negligible.

*(d) landscape, natural features and natural character values:*

- (i) the extent to which vegetation alteration or removal will have adverse effects on the values identified for scheduled outstanding natural landscape, outstanding natural features, outstanding natural character and high natural character areas; and*
- (ii) the extent to which vegetation alteration or removal adversely affects landscape, natural features and natural character values particularly on adjacent public space including the coast, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.*

#### Assessment

The 7 trees that require consent to be removed are part of a former pine plantation (used for the harvesting of pine nuts). The removal of all other trees would be a permitted activity.

The site is well removed from any scheduled areas of outstanding natural landscape, outstanding natural values, outstanding natural character and high natural character and will therefore have no impact on such areas.

It is considered that the removal of the 7 trees will not adversely affect landscape, natural feature or natural character values. The area of tree removal is not adjacent to any public space.

*(e) amenity values:*

- (i) the extent to which the vegetation alteration or removal will have adverse effects on the amenity values of any adjacent open space including the coast, parks, reserves and walkways and measures to avoid, remedy or mitigate any adverse effects.*

#### Assessment

The location of the vegetation to be removed is not adjacent to any existing open space (including parks, reserves and walkways).

*(f) Use:*

- (i) whether the vegetation alteration or removal is necessary to enable reasonable use of a site for a building platform and associated access, services and living areas, and existing activities on the site;*
- (ii) the extent to which the vegetation alteration removal is necessary taking into account the need for, or purpose of, the proposed building or structure;*
- (iii) the extent to which the vegetation alteration or removal is necessary to enable reasonable use of the site for farming purposes;*
- (iv) whether the vegetation alteration or removal will improve the reliance and security of the network utility, or road network;*
- (v) whether the vegetation alteration or removal is necessary for a structure that has a functional or operational need to be in the proposed location; and*

(vi) *the extent of the benefits derived from infrastructure and the road network.*

#### Assessment

The removal of 7 trees within the riparian yard is necessary to enable the reasonable use of the site for emergency housing. Although there are other options for the house location on the other side of the watercourse, this would result in the need for culverting of the watercourse and extensive earthworks to form the accessway formation.

In any event, once the site is re-zoned then it is highly likely that the full pine plantation would be removed as part of the urban development of the site. Given that an urban zoning is only likely to have a 10 m riparian yard, the removal of the full plantation would be a permitted activity.

(g) *methods and location:*

(i) *whether there are practicable alternative locations and methods including consideration of an application to infringe development control where this would result in retention and enhancement of vegetation on the site; and*

(ii) *whether the effects from the alteration or removal of vegetation and land disturbance can be minimised through works being undertaken on an alternative location on the site, and/or method of undertaking the works.*

#### Assessment

To provide for the efficient establishment of the emergency housing on this site, there is no alternative but for the removal of part of the pine tree plantation. This needs to also be viewed in the context that when the area is re-zoned for urban development (which it has been identified for through its Future Urban Zoning) then it is highly unlikely that the pine plantation would be retained.

(h) *mitigation measures:*

(i) *the extent to which revegetation can remedy or mitigate adverse effects, including eco-sourcing and the ongoing maintenance of revegetation measures.*

#### Assessment

The minimum number of trees from the Pine lot are being removed to provide for the accessway and housing and of these only 7 are within the 20 m riparian yard. Any open areas remaining will be re-grassed to be consistent with the existing situation. No ecological mitigation is considered necessary in this case.

(i) *bonds and covenants:*

(i) *whether conditions of consent can avoid remedy or mitigate adverse effects including the imposition of bonds, covenants or similar instruments.*

#### Assessment

It is considered that the imposition of bonds, covenants or similar instruments is not necessary in this instance to mitigate any adverse effects.

(j) *Mana Whenua values:*

(i) *the extent to which any adverse effects on Mana Whenua values can be avoided, remedied or mitigated, and having regard to the objectives and policies in E20 Māori Land whether the proposed works are appropriate to provide for Mana Whenua, mātauranga and tikanga values.*

#### Assessment

No specific effects on mana whenua values have been identified. The trees to be removed are a former pine forest (for pine nuts) and does not include native trees. With the proposed sediment controls, no effects on the modified watercourse are expected.

## Assessment of the Earthworks

The following assessment addresses those assessment criteria under Rule E12.8.2.

*(1) all restricted discretionary activities:*

- (a) whether applicable standards are complied with;*
- (b) the extent to which the earthworks will generate adverse noise, vibration, odour, dust, lighting and traffic effects on the surrounding environment and the effectiveness of proposed mitigation measures;*
- (c) whether the earthworks and any associated retaining structures are designed and located to avoid adverse effects on the stability and safety of surrounding land, buildings, and structures;*
- (d) whether the earthworks and final ground levels will adversely affect overland flow paths or increase potential volume or frequency of flooding within the site or surrounding sites;*
- (e) whether a protocol for the accidental discovery of kōiwi, archaeology and artefacts of Māori origin has been provided and the effectiveness of the protocol in managing the impact on Mana Whenua cultural heritage if a discovery is made;*
- (f) whether the extent or impacts of adverse effects from the land disturbance can be mitigated by managing the duration, season or staging of such works;*
- (g) the extent to which the area of the land disturbance is minimised, consistent with the scale of development being undertaken;*
- (h) the extent to which the land disturbance is necessary to provide for the functional or operational requirements of the network utility installation, repair or maintenance;*
- (i) the extent of risks associated with natural hazards and whether the risks can be reduced or not increased;*
- (j) whether the land disturbance and final ground levels will adversely affect existing utility services;*
- (k) the extent to which the land disturbance is necessary to accommodate development otherwise provided for by the Plan, or to facilitate the appropriate use of land in the open space environment, including development proposed in a relevant operative reserve management plan or parks management plan;*
- (l) for land disturbance near Transpower New Zealand Limited transmission towers:*
  - (i) the outcome of any consultation with Transpower New Zealand Limited; and*
  - (ii) the risk to the structural integrity of transmission lines. the extent to which earthworks avoid, minimise, or mitigate adverse effects on any archaeological sites that have been identified in the assessment of effects.*

### Assessment

It is noted:

- (i) A sediment and erosion control plan has been prepared in accordance with GDO5.*
- (ii) The earthworks are relatively limited and construction noise limits can be complied with. No vibration, odour or lighting effects are expected. A dust nuisance is not expected to occur but if it does then a water truck can be used to dampen down dust generating areas. Traffic effects are expected to be minimal given the low volume of earthworks.*
- (iii) Given the minor nature of the earthworks and their location within the site, no effects on the stability or safety of adjoining land (and buildings) are expected.*
- (iv) There will be no effects on overland flow paths or flooding outside the site.*

- (v) In the very unlikely effect of an accidental discovering, the accidental discovery protocols in the AUPOP will be followed.
- (iv) Given the minor nature of earthworks, no staging is proposed. It is considered that the earthworks can be undertaken outside the earthworks season given the minor nature of the earthworks.
- (iv) No specific natural hazards have been identified which may be exacerbated by the works.
- (v) There will be no effect on any public utilities.
- (vi) There are no Transpower New Zealand facilities in close locality.

### **Assessment of Transportation Non-Compliances**

This assessment follows the relevant criteria under Rule E27.8.2(8).

The minor non-compliances with the accessway standards are within the site and will have no effect on the wider roading network. Likewise, there will be no effect arising on pedestrian amenity (including within the site) or the streetscape amenity.

A more detailed assessment has been included as Section 5 of the Traffic Impact Assessment (Appendix Six). This assessment concludes:

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

### **Assessment of Wastewater Discharge**

Section 5 of the Engineering Report addresses the proposed wastewater treatment and discharge. The drawing W-01 shows the location of the main disposal field and the area for the reserve field.

There is no public wastewater network available for the site to connect to. It would be completely uneconomic to extend the current wastewater network from Wech Drive to this site. Furthermore, it is understood that Watercare is not allowing new connections in Warkworth to the current wastewater network due to the significant delays by Watercare in commissioning the new Snells Beach wastewater treatment plant. On-site treatment and disposal to land are therefore the only viable option.

The level of treatment is appropriate for this site and reflects the level of treatment already utilised at the current housing sites. The proposed discharge location has an appropriate set back both from the site boundaries and from the watercourse and ornamental pond so there should be no effects beyond the site boundary or on the waterbodies. A large reserve area has been identified on the if for any reason a larger disposal area is required.

No public health issues should arise on the basis that the wastewater treatment plant is constructed and maintenance appropriate. A maintenance contract will be entered into.

No specific mana whenua issues have been identified which may arise from the proposal.

Based on this, there are no reasons under s107 of the Act why consent cannot be granted.

### **Summary of Effects**

The housing providing an important service for the Warkworth area and in particular for the Kiribati community. This is considered to be a positive effect and given its importance for the social and cultural well-being of a sector of the community, should be enabled by Council.

Any adverse effects arising (including on the current rural character and amenity) will be less than minor. Any such effects needs to be balanced up against the significant positive benefits that will be achieved.

## 6. Assessment Against the Relevant Objectives and Policies

This section assesses the proposal against the relevant objectives and policies of the AUPOP.

### Auckland Regional Policy Statement

#### B9.2.1. Objectives

- (2) *Areas of land containing elite soil are protected for the purpose of food supply from inappropriate subdivision, urban use and development.*
- (3) *Rural production and other activities that support rural communities are enabled while the character, amenity, landscape and biodiversity values of rural areas, including within the coastal environment, are maintained.*
- (4) *Auckland's rural areas outside the Rural Urban Boundary and rural and coastal towns and villages are protected from inappropriate subdivision, urban use and development.*
- (5) *Auckland's rural areas inside the Rural Urban Boundary are not compromised for future urbanisation by inappropriate subdivision, use and development.*

#### Assessment

- 1 The site is not identified as containing elite soils (ie it is not identified on the AUPOP maps as being Highly Productive Land).
- 2 The site was previously a pine plantation (for the harvesting of pine nuts) but in recent years has been used for countryside living and a contractors yard. Although a number of pine trees require removal, there is nothing prohibiting the harvesting of pine nuts from the remaining trees if the landowner decided to proceed with that.
- 3 The site has been zoned for future urban and is likely to be re-zoned for urban development in the medium term. Although the non-statutory Auckland Future Development Strategy has identified this area of Warkworth South as not being development ready till 2045, very little weighting can be given to this given (a) that it is a non-statutory document and (b), the timing of this development strategy does not reflect the actual development and plan change approvals now progressing. For example, PC 93 covers much of the Warkworth South area and development is due to commence in 2025/2026.
- 4 It is considered that this proposal is not an inappropriate use of the site while it is in limbo awaiting to be zoned for urban development. It has proven to be an appropriate and efficient use of land resource in part of the PC93 area while the re-zoning of the land was progressed.
- 5 The proposal does not compromise the future urbanisation of this site as the new buildings will be temporary in nature and can be transported off site prior to the area being developed once the area is re-zoned.

### Future Urban Zone Objectives and Policies

#### H18.2. Objectives

- (1) *Land is used and developed to achieve the objectives of the Rural – Rural Production Zone until it has been rezoned for urban purposes.*
- (2) *Rural activities and services are provided for to support the rural community until the land is rezoned for urban purposes.*
- (3) *Future urban development is not compromised by premature subdivision, use or development.*

- (4) *Urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes.*

### **H18.3. Policies**

- (1) *Provide for use and development which supports the policies of the Rural – Rural Production Zone unless that use and development is inconsistent with policies H18.3(2) to (6).*
- (2) *Enable activities that are reliant on the quality of the soil or require a rural location to operate or which provide for the day to day needs of the local rural community.*
- (3) *Require subdivision, use and development to maintain and complement rural character and amenity.*
- (4) *Avoid subdivision that will result in the fragmentation of land and compromise future urban development.*
- (5) *Prevent the establishment of more than one dwelling on a site except for the provision for minor dwellings and workers' accommodation.*
- (6) *Avoid subdivision, use and development of land that may result in one or more of the following:*
- (a) *structures and buildings of a scale and form that will hinder or prevent future urban development;*
  - (b) *compromise the efficient and effective operation of the local and wider transport network;*
  - (c) *require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;*
  - (d) *inhibit the efficient provision of infrastructure;*
  - (e) *give rise to reverse sensitivity effects when urban development occurs;*
  - (f) *give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or undermine the form or nature of future urban development.*

### **Assessment**

- 1 The site is used for countryside living and formerly contained a small contractors yard. At some stage part of the site was planted in pines for the harvesting of pine nuts but this use has not been undertaken for some time. The site therefore has no current primary production use. A small area of pines will be removed but this does not prohibit the harvesting of pine nuts from the remaining trees if the landowner wanted to undertake this.
- 2 The proposal is to relocate existing housing for the Kiribati community from elsewhere on Valerie Road and Pohuehue Road to this site. As noted earlier, this community established in Warkworth in the 1980's and many are employed in the horticultural industry in Warkworth (particularly at Southern Paprika).
- 3 Owing to the temporary nature of the buildings, the future urban development of the site is not compromised or hindered. Likewise, the proposal will not undermine the form or nature of that future urban development.
- 4 The proposal is not for the urbanisation of the site.
- 5 The building will complement the current rural character and amenity of the area, which itself is undergoing transition and will change rapidly as the adjoining PC93 area is developed.
- 6 No subdivision is proposed. It is recognised that there will now be more than one residential dwelling on the site but the dwellings are for a specific and unique use and this is not a situation where it could be argued that it may set a precedent for development of other rural or future urban zoned sites.
- 7 The proposal will not impact on the current operation of the local and wider transport network. A new driveway into the site (to replace the existing driveway which does not appear to provide legal access into the site) is to be formed off Valerie Close. Given that the proposal is the relocation of emergency housing

from other sites accessed off Valerie Close (and the small feeder loop off Pohuehue Road which provides access to Valerie Close), there should be no actual increase in vehicle movements existing or entering off the main Pohuehue Road.

- 8 No upgrades to the public wastewater, water or stormwater networks are required. The proposal will not impact on the future provision of infrastructure in this area as the area is urbanised.
- 9 Owing to the temporary nature of the proposal, no reverse sensitivity effects will arise as urban development occurs in this area, as by that time this use is likely to have ceased.
- 10 No reverse sensitivity effects will arise in relation to existing activities or infrastructure in this area.

## **Earthworks Objectives and Policies**

### *E12.2. Objectives*

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

### *E12.3. Policies*

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

### Assessment

- 1 The minimum area and volume of earthworks is being undertaken to create the driveway, accessway and building platforms. The earthworks will not impact on the safety of people and any adverse effects arising will be less than minor.
- 2 The proposed earthworks will not impact on any natural or physical resources scheduled in the AUPOP.

- 3 Given the relatively small area and volume of earthworks and their location, there should be no noticeable adverse effects beyond the site in terms of construction noise, vibration, odour, dust and lighting (noting that no nighttime works are proposed).
- 4 Minimal construction traffic is required during the earthworks given the small volume of earthworks.
- 5 Given the location of the works and the minor nature of the works no impacts on cultural heritage features or values should arise.
- 6 The AUPOP Accidental Discovery Protocol will be used in the event there is an accidental discovery.
- 7 A sediment and erosion control plan has been prepared and can be practically implemented.
- 8 Given the offset to adjoining site boundaries, there should be no effects on the stability and safety of surrounding land, buildings and structures.

### **Tree Removal within the Riparian Yard**

#### *E15.2. Objectives [rcp/rp/dp]*

- (1) *Ecosystem services and indigenous biological diversity values, particularly in sensitive environments, and areas of contiguous indigenous vegetation cover, are maintained or enhanced while providing for appropriate subdivision, use and development.*

#### *E15.3. Policies [rcp/rp/dp]*

- (1) *Protect areas of contiguous indigenous vegetation cover and vegetation in sensitive environments including the coastal environment, riparian margins, wetlands, and areas prone to natural hazards.*
- (2) *Manage the effects of activities to avoid significant adverse effects on biodiversity values as far as practicable, minimise significant adverse effects where avoidance is not practicable, and avoid, remedy or mitigate any other adverse effects on indigenous biological diversity and ecosystem services, including soil conservation, water quality and quantity management, and the mitigation of natural hazards.*
- (3) *Encourage the offsetting of any significant residual adverse effects on indigenous vegetation and biodiversity values that cannot be avoided, remedied or mitigated, through protection, restoration and enhancement measures, having regard to Policy E15.3(4) below and Appendix 8 Biodiversity offsetting.*

#### Assessment

- 1 The site is not a sensitive area. The pines being removed within the riparian yard are part of a pine plantation and do not form part of a contiguous indigenous vegetation cover. The trees were specifically planted to provide a crop (ie pine nuts) and the harvesting from these trees is no longer undertaken.
- 2 There will be minimal effects on biodiversity. The trees are not suitable for bat roosts and it is highly unlikely they are used for roosting by native birds. There are no obvious signs of roosting. Given the extent of mature native vegetation in the wider area it is expected that this area of pines is unattractive to native birds for roosting.
- 3 No significant residual effects will arise from the removal of the 7 trees, so no mitigation is considered necessary.

### **Wastewater Disposal**

#### *E1.2. Objectives [rp/rcp]*

- (1) *Freshwater and sediment quality is maintained where it is excellent or good and progressively improved over time in degraded areas.*

- (2) *The mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua.*

*On-site and small scale wastewater treatment and disposal*

- (23) *Enable on-site domestic-type wastewater treatment and disposal where:*

- (a) *there is no wastewater network available, or it is not practicable to connect into one of the network, or any existing network does not have capacity and it is not practicable to upgrade it; and*
- (b) *the on-site wastewater treatment results in a discharge that is of a quality and volume that avoids significant adverse effects on groundwater, surface and coastal water quality, public health and amenity.*

- (24) *Require proposals for on-site wastewater treatment and disposal to land or water to demonstrate all of the following:*

- (a) *there is no practicable alternative land based disposal option;*
- (b) *significant adverse effects on public and environmental health, water quality and amenity values are avoided and other adverse effects are remedied or mitigated;*
- (c) *an assessment of the site conditions has been undertaken and the proposed system and its design are appropriate for these conditions;*
- (d) *the design of the on-site wastewater system and the proposed volume of discharge will minimise the level of contaminants to the greatest extent practicable;*
- (e) *that adverse effects on Mana Whenua values will be avoided; and*
- (f) *that operations, management and response procedures are in place to ensure the on-going performance of the system and where systems service more than one site, responsibilities for these functions are clearly identified.*

- (25) *Only allow the discharge of treated wastewater to water where all the following are addressed: ...*

Assessment

- 1 There is no public wastewater network in close locality available for this site to connect to.
- 2 As addressed in the Engineering Report, the proposed treatment plant and discharge quality is appropriate. No adverse effects on groundwater, surface or coastal water, public health or amenity will arise.
- 3 An assessment of site conditions has been undertaken and are addressed in the Engineering Report. An additional reserve area has been identified.
- 4 A maintenance contract will be entered into and it is expected that Council will set this as a condition of consent.
- 5 There is no discharge of treated water into water.

**Transportation**

*E27.2. Objectives*

- (4) *Parking, loading and access is safe and efficient and, where parking is provided, it is commensurate with the character, scale and intensity and alternative transport options of the location.*

*E27.3. Policies*

*Access*

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

Assessment

The proposal generally complies with the transportation standards in E27 except for two minor design aspects. However, the effects arising from these non-compliances have been assessed as being less than minor.

It is therefore considered that the proposal is not contrary to the relevant objectives and policies of E27.

**Summary**

Overall, it is concluded that the proposal is not contrary to the relevant objectives and policies of the AUPOP.

## 7. Section 104 Assessment and Comment on Part 2

When considering the applications, Auckland Council must consider the matters listed under Section 104(1) of the Act. A comment has also been provided on Part 2 of the Act.

### Section 104(D) Assessment

As a non-complying activity (the land use consent), the proposal must pass one of the arms of S104(D) before Council can consider granting consent. S104D states:

- (1) *Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—*
- (a) *the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or*
  - (b) *the application is for an activity that will not be contrary to the objectives and policies of—*
    - (i) *the relevant plan, if there is a plan but no proposed plan in respect of the activity; or*
    - (ii) *the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or*
    - (iii) *both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity.*

Having assessed the potential effects, we have come to the conclusion that any adverse effects arising will be less than minor. The first arm of the s104D test is therefore passed and Council can consider granting the land use consent.

In respect to the second arm, we have not identified any objectives or policies in the AUPOP that the proposal is contrary to.

It is considered that the proposal passes the s104D gateway tests and Council can consider granting the land use consent. The s104D test does not apply to the regional consent for the discharge of treated wastewater to land.

### Section 104(1) Assessment

Section 104(1) reads:

- “(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to-*
- (a) *any actual and potential effects on the environment of allowing the activity; and*
  - (ab) *any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity;*

In my opinion any actual or potential adverse effects on the environment arising from the relocation of the housing onto this site and their use and the associated earthworks, tree removal in the riparian yard and the discharge of treated wastewater will be less than minor.

- (b) *any relevant provisions of-*
  - (i) *a national environmental standard:*
  - (ii) *other regulations:*
  - (iii) *a national policy statement:*
  - (iv) *a New Zealand coastal policy statement:*

(v) *a regional policy statement or proposed regional policy statement:*

(vi) *a plan or proposed plan; and*

There are no regulations or national policy statements of relevance.

The relevant provisions of the AUPOP have been addressed in Section 5 of this report. Overall, it is considered that the proposal is not contrary to the relevant objectives and policies of this statutory planning documents.

(c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

It is considered that the proposal is not contrary to the Auckland Plan 2050 and in part gives direct effect to it. In particular:

- Belonging and Participation – Directions 1 and 2
- Homes and Places - Direction 2 (and in particular Focus Area 2)

## **Part 2 Assessment**

The author is unaware of any reasons why the relevant provisions of the AUPOP cannot be relied upon and why recourse may be required to Part 2 of the Act.

## 8. Consultation and Notification

### Consultation

The owner and occupier of 1693 Pohuehue Road has been approached by the applicant. The situation regarding the shed on this property encroaching over the applicant's site has been discussed and can be resolved outside this consenting process. The owner/occupier did not wish to provide written consent to the proposal.

No mana whenua values have been identified which may be adversely affected by the proposal. No iwi consultation has therefore been initiated.

A Pre-Application site meeting was undertaken with Auckland Council and Council subsequently sent a summary of the meeting. In response to the clarifications sought in that summary it is noted:

- The resource consents for the current housing are included in Appendix One. It is confirmed that the existing housing was legally established.
- The owner/occupier of 1693 Pohuehue Road has been contacted by the applicant.
- An Acoustic Assessment has been prepared and is included in Appendix Four. No reasons have been identified why the noise standards for the zone will not be complied with. In any event, if a noise nuisance did arise then this is a matter addressed via the Council enforcement process. We are unaware of any noise complaints relating to the current emergency housing.
- Rather than a condition limiting the consent to a 15-year period, Council has identified that it may require a sunset condition relating to when the site is re-zoned. The applicant is happy with either approach but for simplicity is offering the 15-year consent period condition. In practice, as for the current situation, it is highly likely that if the land is re-zoned within that 15-year period then the housing would be decommissioned so the property could be developed in accordance with its new zoning.

### Notification

Section 95A of the Act sets out the steps a consenting authority must follow in order to determine whether to publicly notify an application.

In terms of 95A(3)(a), the applicant does not request public notification.

In terms of 95A(3)(b), at this stage there are no matters which now trigger the requirement to notify the application.

Turning to Step 2 under s95(A):

In terms of 95(5)(a), there are no specific rules or national environmental standards precluding notification.

In terms of s95(5)(b), the proposal does not fall within those matters exempt from notification. The consideration of notification therefore goes to Step 3.

Turning to Step 3 under s95(A):

In terms of s95(8)(a) there are no specific rules or national environmental standards requiring notification of the applications.

In terms of s95(8)(b), it has been determined in this assessment of effects on the environment that any adverse effects will be minor or less than minor. Notification is therefore not triggered in terms of adverse effects on the environment being more than minor.

Turning to Step 4 under s95(A)

In terms of s95(9), no special circumstances have been identified which warrant the application being publicly notified. In particular there is nothing exceptional or unusual about the application (apart from it being for temporary emergency housing rather than permanent housing), the application contains adequate information about the proposal and its potential effects and public notification will not result in additional relevant or useful information being received which is required to inform the substantive decision-making process.

Therefore the application does not require to be publicly notified.

Subsequently, s95B of the Act must be considered in terms of whether or not there is a need to notify the application on a limited basis.

In terms of s95(B) (2) there are no customary rights orders or customary marine title groups in place in the vicinity of the subject site.

Likewise in terms of s95(B)(3), the proposal is not on land subject to or adjacent to, or may affect, land that is subject to a statutory acknowledgement.

Turning to Step 2 under s95(B), the application is not for a controlled or prescribed activity.

Turning to Step 3 under s95(B)

In terms of s95(B)(7), consent is not being sought for a boundary activity or a prescribed activity.

In terms of s95(B)(8) it is considered that there are no parties affected in terms of s95(E). In respect to s95E it is considered:

- 1 The buildings are located so that they comply with the yard standards and they will not overshadow or dominate adjoining sites or block any significant sightlines from adjoining dwellings or properties. The buildings themselves are smaller than a permitted greenhouse on this site.
- 3 The site is zoned Future Urban and is expected to be re-zoned for future urbanization in the future. The land on the opposite side of Valerie Close and Pohuehue Road has now been zoned for urban development under PC 93. The
- 4 There should be no change in existing traffic volumes within the roading network (and including at the Pohuehue Road/Valerie Close intersection) as the emergency housing is being shifted to other sites which are accessed off Valerie Close.
- 5 The activity should comply with the noise standards for the zone. If a non-compliance did arise then this is an enforcement matter.
- 6 Given the proposed use and the existing adjoining uses, no reverse sensitivity effects should arise.
- 7 There is no effect on recreational values on adjoining properties or the wider area.
- 8 Based on the above (and taking account of the permitted baseline) it is considered any adverse amenity effects on adjoining properties would be less than minor.

Finally in terms of Step 4, no other parties have been identified where it is considered that circumstances may apply which warrant the limited notification of the application to those parties.

It is therefore concluded that the applications can be processed and determined on a non-notified basis.

## 9. Recommended Consent Conditions

It is expected that Council will apply the standard conditions to the discharge of wastewater to land consent. There are no specific circumstances in this case where bespoke or additional conditions are required.

The following resource consent conditions are recommended for the land use consent:

### Activity in Accordance with Plans

- 1 The housing permitted by this consent shall be carried out in general accordance with the plans and all information, including any supplementary documentation and information submitted in support of this application, subject to any amendments as may be required by the following conditions of this consent.

The information submitted with the application is detailed below and referenced by Council as: Proposal TBC and Approved Plans Sheets TBC as identified below.

- Application and Assessment of Effects (Osborne Hay (North) Limited, July 2025).

Title	Sheet Reference	Revision	Date
"Council Adds Final Document Details"			

### Commencement of Consent

- 2 The consent (or any part thereof) shall not commence until such time as the following charges, owed at the time the Council's decision is notified, have been paid in full:
  - (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991; and
  - (b) All additional charges imposed under section 36(3) of the Act to enable the Council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
- 3 The consent holder shall pay any subsequent further charges imposed under s36 of the Act relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges, under s36(3) of the Act that are subject to challenge, the consent holder shall pay such amount as it determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

### Monitoring Charges

- 4 The Consent Holder shall pay the Council a consent compliance monitoring charge plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent. (This charge is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files etc, all being work to ensure compliance with the resource consent).
- 5 The consent compliance monitoring charge shall be paid as part of the resource consent fee and the consent holder shall be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

### Network Utility Services

- 6 Power and any telephone services shall be installed underground.

### Water Supply

- 7 Each building shall have installed as a minimum, 1 x 30,000 litre water tanks (or tanks to the equivalent volume), for potable water supply and stormwater attenuation prior to the occupation of the dwelling.

#### **Term of Land Use Consents for the Emergency Housing**

- 8 The consent for the workers accommodation building shall expire on the 1<sup>st</sup> of November 2040 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991. Within 12 months of the consent expiring the emergency housing buildings (including the managers office) are to be removed from the site or resource consent obtained (if required) for their continued use on the site.

#### **Access/Parking**

- 9 All parking and manoeuvring areas shall be formed to a permanent all-weather metalled standard to the dimensions set out in the Council's "Standards for Engineering Design and Construction" prior to the occupation of any building.

#### **Fire Fighting Water Supply**

- 10 Sufficient water volume shall be provided in accordance with NZFS Fire Fighting Water Supplies CoP SNZ 4509:2008 and that this water supply be accessible for firefighting purposes. Should the water supply be provided by way of tank storage, this storage must be located a safe distance away from any habitable dwelling in accordance with the above CoP.

## 10. Conclusion

The applicant current owns emergency/social housing on various sections off Valerie Close and Pohuehue Road. This housing is operated by De Paul Emergency Housing and Support Services on behalf of the Ministry of Housing and Development and services the Kiribati community.

As PC93 is about to become operative and development is to commence, the existing housing is to be shifted. Number 1695 Pohuehue Road was identified as being suitable for the housing (including in terms of the social and health outcomes being sought for the tenants) and has been purchased.

The proposal is to relocate 12 of the existing houses and a managers office onto this property (and to remove and the existing house). A new wastewater treatment plant and disposal area is also to be established on the site and will be similar to the existing systems servicing the current housing.

Based on the various specialist reports and our planning assessment, we have concluded that the potential effects will be no more than minor. As far as we are aware, there have been no complaints in respect to the current housing or any issues of non-compliance identified by Council.

Although emergency/social housing is not specifically provided for in this zone, it is considered that the proposal is not contrary to the relevant objectives and policies of the AUPOP. The proposal is definitely not so repugnant to any objectives or policies that it could give rise to a basis for the consent applications being declined.

In our opinion, granting consent with the conditions recommended in Section 9, would give effect to Part 2 of the Resource Management Act 1991.

Appendix One: **Existing Resource Consents**

Appendix Two: **Computer Freehold Register**

## Appendix Three: **Drawings**

## Appendix Four: **Engineering Report**

## Appendix Five: **Noise Assessment**

## Appendix Six: **Traffic Impact Assessment**

## Appendix Seven: **Geotechnical Report**

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