

# Rules Assessment

**Proposal:** Land use consent for 81 residential units across four apartment blocks and unit title subdivision

**Address:** 96 Beach Haven Road and 13 Cresta Avenue, Beach Haven

**Unitary Plan:** Auckland Unitary Plan (Operative in Part)

Site Zoning	
Zone	Residential - Single House
Overlays/Controls	N/A
Other Limitations	Overland flow path (greater than 4,000m <sup>2</sup> )
Designations	Airspace Restriction Designation – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Activity	Compliance	Non-Compliance
Chapter E Auckland-Wide		
E1 to E7	N/A or permitted	
E8 Stormwater – Discharge and Diversion	<p>Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that complies with Standard E8.6.2.1 – Permitted (A1).</p> <p>Refer to Table 3 below for assessment against permitted standards.</p>	
E9 Stormwater quality – High contaminant generating car parks and high use roads	Designed for more than 30 vehicles	
E10 Stormwater management area – Flow 1 and Flow 2	N/A – site is not identified with the SMAF overlay.	
E11 Land Disturbance - Regional		Infringes – the proposed earthworks do not comply with E11.4.1(A8) and (A9) which requires consent as a <b>restricted discretionary activity</b> . However, this has been addressed in a separate land use consent application for bulk earthworks (BUN60384511) that was approved on 21 December 2021.

Activity	Compliance	Non-Compliance
E12 Land Disturbance – District <ul style="list-style-type: none"> <li>Greater than 2,500m<sup>2</sup> - RDA (A6)</li> </ul> Greater than 2,500m <sup>3</sup> - RDA (A10)		As above, the proposed earthworks do not comply with E12.4.1(A6) and (A10) which requires consent as a <b>restricted discretionary activity</b> . However, this has been addressed in a separate land use consent application for bulk earthworks (BUN60384511) that was approved on 21 December 2021.
E13 Cleanfills, Managed Fills and Landfills	N/A	
E14 Air Quality	N/A	
E15 Vegetation Management and Biodiversity	Permitted – the subject site is not within an urban area; is not subject to any Wetland Management, Natural Stream, Natural Lake or Urban Lake Area Overlays; is not in close proximity to any streams, rivers or lakes, is not within a rural zone and is not near the coast or cliff.	
E16 to E22	N/A	
E23 Signs	N/A – no signs proposed.	
E24 Lighting	Will comply.	
E25 Noise and Vibration	Otherwise complies.	Activities that do not comply with a permitted activity standard (Standard E25.6.2) is a <b>restricted discretionary activity</b> under Rule E25.4.1(A2).
E26 Infrastructure	N/A	
E27 Transport	Refer to Table 1 below.	
E28 to E29	N/A	
E30 Contaminated Land	Permitted – refer to (BUN60384511) which was approved on 21 December 2021.	
E31 to E35	N/A	
E36 Natural Hazards and Flooding	Complies – the proposal will not change the entry or exit point of the overland flow path and will be maintained within the gully/channel.	
E37 Genetically Modified Organisms	N/A	
E38 Subdivision – Urban		Unit title subdivision – <b>Controlled (A4)</b> .

Activity	Compliance	Non-Compliance
E39 Subdivision – Rural	N/A	
E40 Temporary Activities	N/A	
<b>E27 Transport</b>		
E27.4.1 Activity Table		Parking, loading and access which is an accessory activity, but which does not comply with the standards for parking, loading and access – <b>Restricted Discretionary (A2)</b> .
E27.6.1 Traffic Generation Standards	N/A – less than 100 dwellings proposed.	
E27.6.2.4 Number of Parking and Loading Spaces <ul style="list-style-type: none"> <li>(T46) Dwellings: No minimum or maximum rate.</li> </ul>	Complies - total 63 parking spaces proposed, which satisfies the parking requirements as no minimum parking rates are specified.	
E27.6.2.5 Required Bicycle Parking Rates	Complies – a total of 81 resident bicycle parking spaces are provided on-site within the dedicated bicycle storage building. Four visitor bicycle parking spaces are provided by way of two bicycle stands.	
E27.6.2.7 Loading	N/A – no loading space is required, however private rubbish collection is proposed.	
E27.6.3.1 Design of Parking and Loading Spaces <ul style="list-style-type: none"> <li>Dimensions set out at E27.6.3.1.1</li> <li>Spaces must be located on the same site as the activity to which it relates; not be used for any other purpose; kept clear and available when the activity is in operation etc. Refer E27.6.3.1(1)(a)-(g).</li> </ul>	Complies – all 63 parking spaces comply with the parking space dimensions for 90-degree spaces: 5m depth x 2.5m wide with 6.7m manoeuvring.	
E27.6.3.2 Size and Location of Loading Spaces	N/A	
E27.6.3.3 Access and Manoeuvring <ul style="list-style-type: none"> <li>Must accommodate 85<sup>th</sup> percentile tracking curves for cars</li> <li>Loading must comply with the RTS 18 tracking curves</li> </ul>	Complies – refer to drawings.	

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<ul style="list-style-type: none"> <li>Only car parks for dwellings may be stacked</li> </ul>		
<p>E27.6.3.4 Reverse Manoeuvring Not permitted where:</p> <ul style="list-style-type: none"> <li>Four or more spaces are served by a single access</li> <li>There is 30m between the parking space and the road boundary</li> <li>Access is from an arterial road or Vehicle Access Restriction</li> </ul>	N/A – reverse manoeuvring is not required or proposed as all vehicles can exit the site to Cresta Avenue in a forward direction.	
<p>E27.6.3.5 Vertical Clearance</p> <ul style="list-style-type: none"> <li>Minimum 2.1m for residential</li> </ul>	Complies – refer to plans.	
<p>E26.6.3.6 Formation and Gradient</p> <ul style="list-style-type: none"> <li>Maximum 1:20 for other spaces</li> <li>Maximum 1:8 for manoeuvring</li> </ul>		<p><b>Infringes</b> – some of the parking spaces have a maximum gradient of 1:16 (6.25%) which exceeds the maximum 1:20 gradient permitted for parking spaces.</p> <p>However, it is noted that the proposal complies with the maximum 1:8 gradient permitted for manoeuvring areas.</p>
<p>E27.6.3.7 Lighting</p>	Complies – bollard lighting will be provided in the car parking area.	
<p>E27.6.4.1 Vehicle Access Restrictions</p>	N/A – the proposed vehicle crossing on Cresta Avenue is not an arterial road and is located approximately 130m from the nearest intersection.	
<p>E27.6.4.2 Width and Number of Vehicle Crossings</p> <ul style="list-style-type: none"> <li>1 crossing per 25m frontage</li> <li>Minimum 2m separation between crossings on adjacent sites, except that two crossings on adjacent sites can be combined to max 6m width</li> <li>Minimum 6m separation between crossings servicing the same site</li> <li>Must comply with E27.6.4.3</li> </ul>	Complies – the proposed crossing is at least 2m setback from crossings on adjacent sites and only one crossing is proposed across the 13 Cresta Avenue site frontage.	
<p>E27.6.4.3 Width of Vehicle Access and Queuing Requirements</p>	Complies – proposed vehicle crossing is 5.5m wide.	

Activity	Compliance	Non-Compliance
<ul style="list-style-type: none"> <li>• Passing bay requirements apply to accesses over 50m in length under 5.5m width</li> <li>• (T150) Minimum crossing width 3m (two-way), maximum crossing width 3.5m (two-way) and minimum clear corridor of 3.5m</li> </ul>		
<p>E27.6.4.4 Gradient of Vehicle Access</p> <ul style="list-style-type: none"> <li>• (T157) Vehicle access serving any other residential activities (including rear sites) = maximum 1:5 (20%)</li> <li>• 4m long 1:20 platform where adjoining road boundary</li> </ul>	Complies – the proposed gradient across the site will not exceed 1:5 for residential activities and provides a 1:28 gradient for the first 5m adjoining the road boundary which complies with the permitted standards.	
E27.6.4.5 Sightlines for Road/Rail Level Crossings	N/A	
E27.6.5 Design and Location of Off-Road Pedestrian and Cycling	N/A	

### H3 Residential – Single House Zone

H3.4 Activity Table	Demolition of buildings – Permitted (A32)	Activities not provided for as more than one dwelling is proposed per site – <b>Non-Complying (A1)</b>
<p>H3.6.6 Building Height</p> <ul style="list-style-type: none"> <li>• Maximum 8m except 50% of roof in elevation can exceed by 1m where whole roof slopes &gt;15°</li> </ul>		<p><b>Restricted Discretionary</b> Rule C1.9(2) infringements as follows:</p> <ul style="list-style-type: none"> <li>• Block A infringes the permitted 8m height by approximately 3.2m at the western boundary reducing to 2.7m at the eastern boundary.</li> <li>• Block B infringes the permitted 8m height by approximately 2.6m at the western boundary reducing to 2m at the eastern boundary.</li> <li>• Blocks C infringes the permitted 8m height by approximately 2.4m at the western boundary reducing to 1.3m at the eastern boundary.</li> </ul>

		Block D infringes the permitted 8m height by approximately 2m at the eastern boundary reducing to 1.5m at the western boundary.
<p>H3.6.7 Height in Relation to Boundary</p> <ul style="list-style-type: none"> <li>• 2.5m + 45° to side and rear boundaries</li> </ul>		<p><b>Restricted Discretionary</b> Rule C1.9(2) infringements as follows:</p> <ul style="list-style-type: none"> <li>• Block A protrudes beyond the eastern recession plane by a vertical height of 400mm over a horizontal length of 7m as it relates to the roof eaves in the north-eastern corner of the building.</li> <li>• The proposed northern bin and bike storage protrudes beyond the eastern recession plane by a vertical height of 250mm over a horizontal length of 9m.</li> <li>• Block D protrudes beyond the southern recession plane by a vertical height of 350mm over a horizontal length of 4.9m as it relates to the roof of the stairwell in the south-western corner of the building.</li> <li>• Block D protrudes beyond the southern recession plane by a vertical height of 350mm over a horizontal length of 18m as it relates to the roof eaves in the south-eastern corner of the building.</li> </ul>
<p>H3.6.8 Yards</p> <ul style="list-style-type: none"> <li>• 3m front yard</li> <li>• 1m side/rear</li> <li>• 10m riparian</li> <li>• 30m lakeside</li> <li>• 10m coastal</li> </ul>	<p>Rear yard complies.</p> <p>Note: No front yard setback required as the site is a rear site.</p>	<p><b>Restricted Discretionary</b> Rule C1.9(2) infringements as follows:</p> <ul style="list-style-type: none"> <li>• The northern bin and bike storage encroaches into the 1m side (east) yard setback by approximately 0.5m for a length of approximately 14.2m.</li> <li>• The southern bin and bike storage encroaches into the 1m side (east) yard setback by approximately 0.5m for a length of approximately 9.8m.</li> </ul>
<p>H3.6.9 Maximum Impervious Area</p> <ul style="list-style-type: none"> <li>• Maximum 60% site area</li> </ul>	<p>Complies – 3,566m<sup>2</sup> and 49.9% proposed.</p>	

H3.6.10 Building Coverage <ul style="list-style-type: none"> <li>Maximum 35% net site area</li> </ul>	Complies – 2,016m <sup>2</sup> or 28.2% proposed.	
H3.6.11 Landscaped Area <ul style="list-style-type: none"> <li>Minimum 40% net site area</li> <li>Minimum 50% front yard</li> </ul>	Note: No front landscaping required as the site is a rear site.	<b>Restricted Discretionary</b> Rule C1.9(2) infringements as follows: Total landscaped area does not meet the minimum 40% required, with 39.1% or 2,795m <sup>2</sup> ) proposed.
H3.6.12 Front, Side and Rear Fences and Walls <ul style="list-style-type: none"> <li>Front yard: either maximum 1.4m; or 1.8m for 50% and 1.4m for the remainder; or 1.8m if 50% visually open as viewed perpendicular to the front boundary</li> <li>Side, rear, riparian, lakeside and coastal yards: maximum 2m</li> </ul>	Consented as part of (BUN60384511) which was approved on 21 December 2021.	

**TABLE 3: STORMWATER E8.6.1 GENERAL STANDARDS**

Assessment Criteria	Comments
The design of the proposed stormwater management device(s) must be consistent with any relevant precinct plan that address or addressed stormwater matters.	N/A – the site is not identified within a precinct.
The diversion and discharge must not cause or increase scouring or erosion at the point of discharge or downstream.	Given the proposed impervious surface is within the permitted threshold, it is considered that the increase in stormwater runoff will not result in scouring or erosion downstream.
The diversion and discharge must not result in or increase the following: <ul style="list-style-type: none"> <li>a) Flooding of other properties in rainfall events up to the 10% annual exceedance probability (AEP)</li> <li>b) Inundation of buildings on other properties in events up to the 1% annual exceedance probability (AEP)</li> </ul>	The subject site is identified as being subject to an overland flow path traversing the western and southern site boundaries. It is concluded that the overland flow path can be easily accommodated down the western boundary of the proposed development. Further, the increase in stormwater runoff can be appropriately managed by the proposed stormwater servicing, and as such will not change the entry or exit point of the overland flow path and will not result in any flooding on surrounding properties.
The diversion and discharge must not cause or increase nuisance or damage to other properties.	The proposed impervious surfaces is within the permitted threshold, and there it is considered that the increase in stormwater runoff will not cause nuisance or damage to other properties. Further, the proposal complies with the permitted standards.

**TABLE 3: STORMWATER E8.6.1 GENERAL STANDARDS**

Assessment Criteria	Comments
<p>The diversion and discharge of stormwater runoff must not give rise to the following in any surface water or coastal water:</p> <ul style="list-style-type: none"> <li>a) The production of conspicuous oil or grease films, scums or foams, or floatable or suspended materials;</li> <li>b) Any conspicuous change in the colour or visual clarity;</li> <li>c) Any emission or objectionable odour;</li> <li>d) The rendering of fresh water unsuitable for consumption by farm animals; and</li> <li>e) Any significant adverse effects on aquatic life.</li> </ul>	<p>N/A – the proposal is for runoff from a residential site only. Runoff will not include any grease films, scums or foams, or floatable or suspended materials, cause any conspicuous change in colour or contain any odour.</p>
<p>Where the diversion and discharge is to ground soakage, groundwater recharge or peat soil areas any existing requirements for ground soakage, including devices to manage discharges or soakage, must be complied with.</p>	<p>N/A – site does not discharge to soakage.</p>