

Notification and substantive report for subdivision consent under the Resource Management Act 1991(RMA)



Non complying activity under the operative plans

1. Application description

Application number(s):

Legacy Numbers:

R66533 (District Landuse, regional earthworks and subdivision)

REG- 66820 (Stormwater discharge)

Newcore:

BUN20444732

SUB60035455

LUC60010951

DIS60048630

Applicant's name:

Vavasour Investments Limited

Site address:

59 Arabella Lane, Snells Beach

Legal description:

Lot 2 DP 497235

Site area:

6.7467

**Auckland Council District Plan
(Rodney Section) Zoning:**

High Intensity Residential

East Coast Rural

AUP(OiP) Zoning:

Residential- Mixed Housing Suburban (not subject to appeal)

Rural- Rural- Coastal (not subject to appeal)

Special features, overlays etc:

Natural Resources: Significant Ecological Areas Overlay
- SEA_T_2289, Terrestrial

Natural Heritage: Outstanding Natural Landscapes
Overlay [rcp/dp] - Area 38, Matakana River South,
Subject to Appeal

Natural Heritage: High Natural Character Overlay
[rcp/dp] - AREA 57, Brick Bay

Built Heritage and Character: Historic Heritage Overlay

Extent of Place [rcp/dp] - 394, Pa site R09_169

Headland pa site with terrace/s, pit/s and midden

Proposed plan change(s): N/A

Zoning: N/A



Figure 1: Application site and surrounds

The information has been reviewed and assessed by the following specialist(s):

- Andrew Woodford- (former) Senior Planner,
- Hannah Thomson- Consultant Planner,
- Steve Cavanagh- Consultant Development Engineer,
- Natasha Carpenter- Principal Coastal Specialist,

- Andrew Gratton, Consultant Traffic Engineer,
- Bodo Halberg- Senior Specialist Advisor Stormwater and ITA,
- Libby Caldwell- Specialist Advisor- Earthworks and Contaminated Land,
- Leo Jew- Principal Landscape Architect,
- Jennifer Esterman- Specialist Urban Design,
- Jonathan Begg- Parks Consent Planner.

2. The proposal, site and locality description

Proposal

The proposal is set out in section 5 of the AEE by Barker & Associates (BA) ref 15207. The existing buildings on the site, namely a dwelling, sleep out and accessory building will be removed. The site will then be developed to incorporate 33 new 2-3 bedroom dwellings as part of an integrated residential development and subdivided on this basis. The buildings will be constructed on proposed Lots 3 and 5, and will be of seven different housing types.

Landuse

The housing types are summarised on pages 7 and 8 of the AEE, and in the table below.

Housing Type	Levels	Bedrooms	Floor area (m ²)	Car parking	Outdoor living area	Number proposed	Final lot numbers
A	2	2	130	1	40m ² - 90m ² , including a 9m ² deck	10	Lots 11- 15 Lots 16- 20
B	2	2	120	1 ¹	35m ² - 100m ² , including a 4m ² deck	10	Lots 21- 24 Lots 25- 27 Lots 28- 30
C	2	2	130	2 ²	75m ² - 100m ² , including a 12m ² upper deck and 25m ² roof terrace (3	6	Lots 31- 36

¹ Separate to the dwelling except in relation to Lot 21.

² One within the building and one stacked in the driveway in front of the garage.

					units)		
D	2	2	160	2 ³	90m ² - 130m ² including a 11m ² deck	2	Lots 41- 42
E	1	2	130	1	200m ² including a 10m ² deck	3	Lots 51- 53
F	2-3	3	95	1	120m ² including a 4m ² deck	1	Lot 61
G	3	2	160	1	160m ² including a 8m ² deck and a 10m ² covered roof terrace	1	Lot 71

Table 1: Proposed dwellings

8 communal visitor parking spaces are proposed near the entrance to the site from Arabella Lane (adjacent to the proposed cul-de-sac head which is to vest). These will be created on the balance site and commonly owned.

In addition to the above buildings, five boat sheds are proposed near the sites southern boundary. These will be constructed of translucent polycarbonate panels and folded metal. The buildings are single level and will be used by residents of the development.

The applicant is seeking resource consent for earthworks totalling approximately 8,600m³ across 1.1 hectares, and the vast majority of this will be fill. The earthworks are required for the formation of building platforms, the upgrade of the accessway and the rehabilitation of sand dunes. This will occur across Lots 3, 4 (proposed esplanade reserve) and 5. The public walkway existing to the south of the site is also proposed to be extended. This will be a 1.5m wide walkway located at the back of the dunes. A grassed area will also be created within the proposed esplanade reserve.

The sand dunes are to be planted, as will areas of the site in general. The side of the hillside to the west of the development area will also be planted in broadleaf species, and protected (shown as Areas C, T, V and W on the scheme plan). An area of protected native bush, labelled A, will not be altered as part of this development.

The residential development will create approximately 6000m² impervious area.

Subdivision

The application will see the subdivision of the site on the basis of the land use consent detailed above. Each unit will be subdivided onto a separate free hold title, with garage areas to be amalgamated with these where they are not directly adjacent. Access to the sites will be obtained via an accessway within Lot 1, which will be owned by the body corporate/ residents society. The survey plan also indicates Areas

³ One parking space is within the building, the second space is stacked in front of the garage.

C, T, V and W are to be subject to land covenants which will protect the planting proposed on these areas. This relates to the area on the hillside to the west of the proposed integrated residential development.

The AEE states that the density of development will be one site per 746m² (based on the “parent site” resulting from the implementation of resource consent R56767B). Based on the current parent title the density would be much lower, although the residential sites will individually be smaller than this. The higher average is obtained due to the larger size of proposed Lot 1, which will be commonly owned. Lot 1 will contain the accessway, areas of protected planting and existing vegetation and pedestrian walkways.

Lot 4 is proposed to vest as esplanade reserve. This 3767m² reserve will join to the existing esplanade to the south and extend along the coastal edge of the site. The application will essentially re-consent the esplanade areas approved as part of an underlying resource consent. Lot 6, a cul-de-sac termination of Arabella Lane, will vest as road.



Figure 2: Proposed Subdivision

Site and surrounding environment description

The applicant provides a description of the site and receiving environment in Section 4 of the AEE by BA. The subject site is accessed from Arabella Lane via a metalled driveway. This leads to a residential dwelling, a minor unit and a large shed (all of which are proposed to be removed prior to earthworks commencing on the site). These are located on a flat section of the site, adjacent to Snells Beach. To the west of this flat area, a small wooden retaining wall is present, before a hillside that slopes further to the west. This is vegetated in a variety of native species including pururi, nikau, pukapuka, cabbage trees and toitoi. The remainder of the site contains mixed vegetation, including a large Norfolk Island Pine and pines near the coastal edge, and pasture.



Figure 3: Dwelling on the site, and general location of proposed units



Figure 4: Boat Shed located near the southern site boundary



Figure 5: Residential building (presumed minor unit)



Figure 6: View over site from northern section, looking south

The immediate receiving environment includes an unnamed stream which is located within the subject site, with flows coming from the esplanade reserve to the south. This unnamed stream discharges to Kawau Bay within the Hauraki Gulf.



Figure 7: Watercourse on the site



Figure 8: Norfolk Island Pine Tree

The subject site had a split zoning in the Auckland Council District Plan (Rodney Section) with the more elevated section of the site (which makes up the majority of the site area) being zoned East Coast Rural. The lower flatter areas adjacent to the coastal edge were zoned residential high intensity. These zonings have been brought through into the AUP(OiP), with the zonings being split as Rural- Coastal and Mixed Housing Suburban. The headland was previously shown as Outstanding Natural Landscape (ONL) in the ACRPS, and the headland and land to the immediate south of this is now shown as ONL. This is subject to appeal.

The surrounding area is a mixture of medium and high density residential development and rural land. Esplanade reserves and the coastal area are located to the east. This is illustrated in the photos below.



Figure 9: Snells Beach residential area (to south of application site)



Figure 10: Higher density development to the south of application site (Little Compton Mews)

Background

Council records (NewCore) indicate the site has been the subject of the following consents:

- Building consent applications for dwelling, impermeable area, implement shed x2, temporary sales office.
- R56767 and two variations pursuant to section 127 RMA (as detailed below).
- L30751- Resource consent for implement and storage shed (referred to as the boat house on current plans)- Granted 12/2/01
- L65822- Temporary 7000m³ earth stockpile- Granted 5/11/15.

Subdivision Consent R56767 was granted on 21 January 2011 which authorised the subdivision of Lot 3 DP 203304 into 3 residential lots and two lots being esplanade reserve. An objection to conditions was received and processed by Council with an amended decision being issued on 19 April 2011.

Subdivision Consent R56767/A was granted on 16 December 2013. This is described in the planners report as:

The proposed variation primarily relates to the provision of an updated scheme plan (as required by condition 8(c) showing the provision of an indicative reserve and show all covenanted areas as required by condition 8(a). The applicant has also suggested some amendment to the conditions which attempt to match the current wording of similar consents issued by Council.

This consent was varied again in April 2016 by resource consent R56767/B. This is described as:

To vary the conditions of resource consent R56767/A to enable the proposed staging of the subdivision into two stages and to amend the boundaries of Lots 1, 2 and 3 to be generally in line with previously approved lot boundaries, whilst also creating Lot 6 which is 'road to vest' that will assist a future high intensity subdivision of Proposed Lot 3 (Subdivision application R66533) currently before council for processing.

The first stage would create Lot 1 with a balance lot remaining, and the second stage would involve the creation of Lots 2, 3, 4 and 6. In order to facilitate the staging of the subdivision, Conditions 1, 8 (f), 8(m), 9(a), 9(b) and 9(e) are to be amended and Condition 6 and 7(d),7(e), 7(f), 8(u) and 9(j) being added. In addition to the variation, a land use consent has been applied for to enable future buildings located on Lot 1 to be sited up to 3m from the front, side and rear boundaries of the site.



Figure 11: Scheme Plan approved by resource consent R56767B

Council records indicate that s224(c) certification was obtained for Stage 1 of this subdivision (Lots 1 and 2) in 2016. Council's surveyor has also confirmed that certification pursuant to section 223 RMA was also obtained for Lot 4 (enabling the issue of a Limited Title Plan as submitted as part of the application). This is however now over 3 years old and has lapsed. For this reason, the current application includes the re-consenting of Lot 4, albeit this will be the same size and shape as that consented by R56767B.

An application was also made in 2013 to subdivide the site into 17 lots (reference SLC59720). This is still on hold. It relates primarily to the same area that is proposed by this application to be built on. Therefore both applications cannot proceed.

Another application reference REG- 66820 has also been on hold since 2016. This is described as:

Stormwater - Bundled Consent for integrated residential development for the following: 34 lot subdivision, 33 new dwellings, height in relation to the boundary, site coverage, private open space and on site parking infringements, visitor parking space shortfall, construction of an access lot servicing 33 sites, earth works of approximately 600m³ cut - 8000m³ fill, earthworks within an overland flowpath, earthworks within 50m of a site or place of value to Mana Whenua, unretained fill within 2m of the boundary, vegetation removal within 10m of a stream.

3. Reasons for the application(s)

The site has a split zoning under the AUP(OiP), and neither of these zones are subject to appeal. These two zones are shown in the AUP(OiP) map below. The residential development is proposed within the section zoned Residential- Mixed Housing Suburban.



Figure 12: Zoning of application site and surrounding land

The site is also affected by overlays, as noted below. The ONL overlay is subject to appeal.



Figure 13: AUP(OiP) overlays affecting the application site

Resource consent is needed for the following reasons:

Auckland Council District Plan (Rodney Section)

The majority of rules within the AUP(OiP) affecting this development are not subject to appeal and are treated as operative. Consent is however required under rule 8.9.2 due to an appeal to rule H4.4.1 (more than 3 household units on a site).

Under the ACDP(RS), the development meets the definition of an Integrated Residential development. The site is zoned Residential High Intensity under this plan. Within this zone, Integrated Residential Developments are provided for but as this proposal does not meet all the relevant standards (8.10.1 (Maximum Height), 8.10.2 (Height to Boundary), 8.10.4 (Site Coverage), 8.10.7 (Private Open Space)), the application is a **non-complying activity**.

Auckland Unitary Plan (Operative in Part)

The zoning and overlays affecting the site have been detailed in section 1 above. The works occur on the part of the site zoned Residential- Mixed Housing Suburban. The application also includes earthworks, creation of impermeable areas and vegetation removal. Resource consent is required for the following reasons:

- Table D11.4.1 (A12)- Buildings and structures including dwellings not provided for as a permitted activity in an Outstanding Natural Landscape- **Discretionary Activity**. This rule has been appealed however there is no corresponding rule in the ACDP(RS).
- Table E8.4.1 (A10)- All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for- **Discretionary Activity**.
- Table E11.4.1(A9)- Greater than 2,500m² within the Sediment Control Protection Area- **Restricted Discretionary Activity**.
- E12.4.1(A10)- Earthworks greater than 2500m³- **Restricted discretionary activity**.
- E12.4.2(A30) and A(33)- Earthworks in the Outstanding Natural Landscape overlay that are more than 50m² and 250m³- **Restricted discretionary activity** (subject to appeal). There is no corresponding rule in the ACDP(RS).
- The application also includes earthworks within an area noted in AUP(OiP) planning maps as SEA. There is no vegetation within this area and it would therefore appear to be a mapping error. The area is circled (in red) in the plan below.

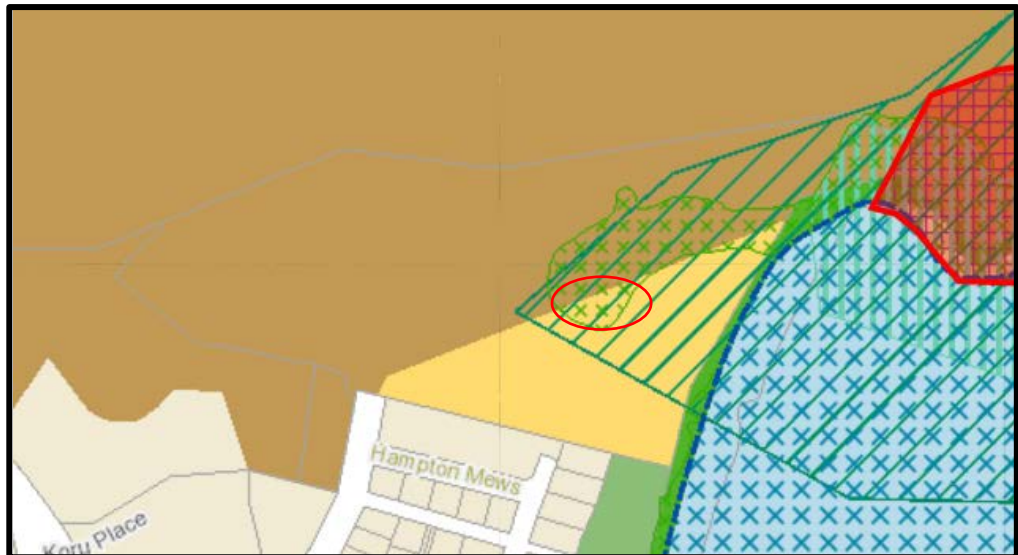


Figure 14: SEA area

Technically this is an infringement and it is included for completeness.

Table E11.4.3 (A28 and A30)- Earthworks greater than 5m² and 5m³-
Restricted discretionary activity.

- E15.4 A19- Vegetation alteration or removal within 10m of urban streams (removal of Norfolk Island Pine tree and pine trees)-
Restricted discretionary activity.
- Table H.4.4.1- More than three dwellings per site- **Restricted Discretionary Activity.** The applicable standards are Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards. Compliance with these standards is detailed as follows:
 - Standard H4.6.4- Building height- Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more- Infringements present on Lots 16- 20, 31, 33, 35, 41, 42, 61, 71-**restricted discretionary activity.**

The infringements are detailed in a letter from B&A dated 26/9/16 as follows:

- Lot 16: 1.342m infringement with 9.342m proposed.
 - Lot 17: 1.318m infringement with 9.318m proposed.
 - Lot 18: 1.310m infringement with 9.310m proposed.
 - Lot 19: 1.295m infringement with 9.295m proposed.
 - Lot 20: 1.276m infringement with 9.276m proposed.
 - Lot 31: 0.923m infringement with 8.923m proposed as it relates to the roof deck.
 - Lots 33 and 35: 0.623m infringement with 8.623m proposed as it relates to the roof deck.
 - Lot 41: 1.212m infringement with 9.212m proposed.
 - Lot 42: 1.137m infringement with 9.137m proposed.
 - Lot 61: 3.2m infringement with 11.2m proposed.
 - Lot 71: 2.747m infringement with 10.747m proposed.
- Standard H4.6.5 Height in relation to boundary- Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries- Infringements created by proposed boat sheds. This is a **restricted discretionary activity**.

The infringements are detailed in a letter from B&A dated 26/9/16 as follows:

- The proposed boat sheds infringe the HIRB standard (H4.6.5) by a maximum vertical height of 3.1m reducing to 2.6m over a length of 22.4m.

A small infringement (in the order of 0.2m) of the corner of the garage for unit A11 is also created on the southern boundary.

- Standard H4.6.7 Yards- A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H4.6.7.1 Yards, being:
 - Front yard- 3m
 - Side yard- 1m
 - Rear yard- 1m,
 - Riparian yard- 10m,
 - Coastal protection yard- 10m.

The application identifies that infringements of this rule are created on Lots 13- 19, 22- 24, 28- 30, 31, 51- 52, 61, 71, 72- 73. This however would appear to be based on

assessment of the site once subdivided; these boundaries do not exist at present. Based on the boundaries as they exist now, no yard infringements are created.

This rule is subject to appeal and is not operative.

- As a result of the subdivision and the new location of site boundaries and site areas, a number of “internal” infringements of Standards related to the Residential- Mixed Housing Suburban will be created.

These are summarised as:

H4.6.5- Height to Boundary:

It is noted that rule H4.6.5 (Height to Boundary) does not apply to boundaries where there is an existing common wall between two buildings on adjacent sites or where one is proposed (subsection (3)). This would relate to situations where the buildings are attached.

Infringements (on new boundaries internal within the development) of this rule are created by units F61, E51, D41, A16, A18, A20, C36, C33, C31, B27, G71.

H4.6.7- Yards:

It is noted that this rule also does not apply to boundaries where there is an existing common wall between two buildings on adjacent sites or where one is proposed (subsection (3)). This would relate to situations where the buildings are attached.

Infringements (on new boundaries internal within the development) of this rule are created by units A12- 15, F61, E51- 53, D41- 42, A27- A20, Garages on Lots 28, 29, 30, C33, C36, C31, B25- 27, Garages on Lots 25- 27, B21- 24.

- E27.6.4.3.2 (T150)- Access widths not consistent with rule (3m- 3.5m)-. This is a **restricted discretionary activity** (Table E27.4.1(A2)). This rule is subject to appeal.
- E27.6.3.1.1- (T123)- Manoeuvring space associated with visitor carparking does not meet the required standard. This is a **restricted discretionary activity** (Table E27.4.1(A2)).
- Table E36.4.1(A4)- All other buildings and structures on land which may be subject to coastal erosion- **Restricted Discretionary Activity**. This rule is subject to appeal.
- Table E36.4.1(A41)- Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path- **Restricted**

Discretionary Activity. Minor overland flowpaths in the eastern extent of the site will be diverted.

It is noted that dune stabilisation and beach nourishment is an activity permitted by Table E36.4.1, (A14 and (A15). This is proposed in relation to the dune works to the east of the buildings.

Section 11- Subdivision

- A Historic Heritage Place is located on the site (Reference 394, Headland pa site with terraces, puts and middens). This is not located within the works area but is part of the larger parent site. Scheduled 14.1 notes that this is a category B Historic Heritage Place. Table D17.4.1 (A17) refers to “Subdivision of land within the scheduled extent of place”. The land being subdivided is not “within” the scheduled plans. It is concluded that this rule is not triggered.
- E38.8.1- Access from the right of way will service more than 10 sites- **Restricted discretionary activity.**
- E38.4.1 (A11)- Subdivision of land which contains 1% AEP floodplain, coastal storm inundation, and land which is subject to coastal hazards- **Restricted discretionary activity,**
- E38.4.2(A14)- Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1- **Restricted discretionary activity.**
- E38.4.1(A19)- Subdivision to create an esplanade reserve- **Restricted Discretionary activity.**

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (“NES”)

- It is understood that no HAIL activities have been undertaken on the site. The NES (Soil) is not triggered.

4. Status of the applications

The application for consents overlap and are considered together as a non-complying activity status.

Notification

5. Public notification assessment (sections 95A, 95C-95D)

The applicant has not requested public notification.

All further information requested (under s92) has been provided by the due date.

No rules in the relevant plans (or in any national environmental standard “NES”) preclude or require public notification of this application.

6. Adverse effects assessment (section 95A)

The following assessment addresses the adverse effects of the activities on the environment.

Effects that must be disregarded.

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The adjacent land includes the following properties:

Table 1

55 Arabella Lane, Snells Beach

57A Arabella Lane, Snells Beach

1-13 Hampton Mews, Snells Beach

2-10 Hampton Mews, Snells Beach

15 Hampton Mews, Snells Beach

52 Kauri Drive, Sandspit

71 Kokihi Lane, Snells Beach

Lot 4 DP 66357, Snells Beach Road, Snells Beach

Any effect on a person who has given written approval to the application(s)

The application includes the written approval of

- Richard and Christine Didsbury and Brick Bay Trustee Ltd, owners of 1-13 Hampton Mews.

Adverse effects

Character, amenity, landscape and visual effects

The application will see various changes to the site which will impact on character and amenity, including the construction of household units and residential use of the site, earthworks and the removal of vegetation. Construction activities also have the potential to create adverse effects in this regard. These potential adverse effects are assessed below, and includes assessment from Council specialists. Since the initial assessment was undertaken by Council's Landscape Architect Mr Leo Jew and Council's Specialist- Urban Design, Ms Jennifer Esterman, the AUP has become operative in part. The site has a different zoning and the applicable Standards are different but have the same overall intent to the ACDP(RS). Mr Jew and Ms Esterman have confirmed that their assessments remain relevant and they have no further comments they wish to make in the context of the AUP(OiP).

It is noted that Ms Esterman raised concerns with the proposal as originally submitted. The fundamental issues related to:

1. The layout of the proposed housing units. It was felt that the proposed layout results in a visually dominant built form that does not transition well with the natural environment surrounding the site.
2. The quality of the internal road being compromised due to the dominance of garages.

A meeting was held with the applicant to discuss these issues, and this is summarised in Ms Estermans memo as follows (page 1):

Following the initial memo, a request was made by the applicant for a meeting to discuss the urban design issues. A meeting was held on 5 April 2016 with the applicant's team. At this meeting the following was discussed:

- *Confirmation that photo montages will be provided to Council. The applicant felt this will provide a good understanding of the impact of the built form on the beach;*
- *It was agreed that the treatment of the garages for units 31-37 will be amended. The appearance of these garages will be softened with landscaping and instead of the garage doors running the full way across each units it will only go halfway;*
- *Applicant explained that a Precinct Society will be set up to manage the development;*
- *The issue of the continuous built form was discussed. It was suggested that the built form is broken up and gaps created which provide links from the beachfront environment through to the bush. The architect felt the small houses in the northern part of the site, facing the beach will be legible and much of the housing will be visually hidden by dunes. It was felt that the photomontages will give a better idea about how the development will look in relation to the beach.*
- *It was confirmed that the development is within the density anticipated for the site. 33 units are proposed whereas 45 units are permitted.*
- *Management of planting was discussed. Applicant suggested that the community living in the development will take ownership of the space and work to maintain it.*

Following this meeting, amended plans were submitted, in particular for units C31-C36. The assessment is undertaken on the basis of the new plans.

Construction of buildings, use of the site for residential purposes and site layout

The greatest change to the character, amenity and landscape values of the site will result from the construction and use of 33 dwellings. The dwellings have been described above. As can be seen in Table 1 the buildings will range in height, with

most being 2 stories. The dwellings are of a variety of comparable designs, with seven different typologies proposed, and different sizes. The application states that the general design of the buildings reference boat shed forms, along with a low- key coastal character.

Most of the dwellings are attached into small groups, with views present between these groups. Garages are either attached to the dwellings, or located a short distance away in a cluster. A number of the dwellings will have components above the height limit for the zone (now 8m), but in most cases this relates to the central roof area.

In terms of layout and built form, Ms Esterman makes the following comments:

As stated in the initial urban design memo, it would be ideal to provide wider (and therefore clearer) gaps between the units from beach to the natural bush. Although the proposal does not achieve the visual links to the extent desired, it is considered that the proposed development is of a suitable scale and design. The photo montages provided also confirm that there is a visual gap provided, even though it is not a continuous view to the natural bush behind.

It is considered that the proposed units are of appropriate typology and design for the anticipated density of the site. It is noted that varied roof lines and careful material selection also contribute to creating a compatible built form in this location. I believe though that additional landscape elements including structural planting of appropriate beachfront specimen trees can further soften the view of the development from the beach. Overall, I am of the view that the proposal can comfortably sit within the existing beachfront environment with appropriate landscaping along the beach frontage of the site.

The buildings are designed with a pitched roof, with the high point sitting off the centre of each dwelling. This results in each building having different roof pitches on each side. This pitch is used as the basis of materiality of the building facades, with different materials used on each side of the roof high point. The materials proposed for the dwellings includes off- white folded metal roofing cladding, translucent polycarbonate panels (to the front of the garages), horizontal timber weatherboards (dark stained), and vertical shiplap timber weatherboards (dark stained). The use of materials throughout the development is consistent, but the location of their use on the dwellings varies. This variety in materials and the use of different building typologies, adds variety and visual interest to the development. It is noted that the metal roof cladding, which will be used on the facades of the buildings as well as the roof, is a light colour. Photomontages show that this colour is more obvious in this location than the darker stained timber etc proposed elsewhere in the development.



Figure 15: Photomontage of development as viewed from the south- east

The northern part of the development area is located within an ONL overlay (see Figure 14) in the AUP(OiP), but the ONL in the ACRPS did not extend this far south, taking in the headland area. Boffa Miskell, for the applicant, has suggested that the development area has no real landscape value but it has been agreed that the headland area to the immediate north does. Mr Jew comments on this issue as follows (e-mail dated 6/6/17):

While the extent of the ONL mapping has been enlarged, the features that it seeks to protect have not changed. Given that much of the ONL within the site is a flat piece of mown lawn (that does not contribute to the identified values of the ONL) my opinion has not changed.

Typically in an ONL, visually recessive materials and colours are considered more appropriate and sympathetic to the landscape qualities of the location. Mr Jew has not raised any concerns regarding the materials or colours proposed for use. It is also noted that land to the south, which it is acknowledged is located outside the ONL, contains a mix of buildings types, designs, materials and colours. The development will read as an extension to this. Specialists have indicated that the development will not impact on the landscape values of the headland.

The roof pitches also relate to each individual dwelling; each dwelling has been designed to read as a separate entity even when located within a group of attached dwellings. This assists to reduce the perceived bulk of the built form, and allows the development overall to appear of a reduced scale, and more akin to development existing to the south.

The dwellings do not include any blank walls, but the sides of “groups” will be of less visual interest, with a smaller number of windows proposed (although this will be approximately 4 windows of differing sizes, locations and orientations). This is primarily because the buildings are orientated in a west- east direction, presumably to take advantage of views to the east, private amenity areas and views of the bush area to the west. On these facades, the buildings include large areas of glazing, doors, decks and other outdoor living areas. They will provide for passive surveillance of public areas, in particular reserve areas to the east, and commonly owned areas within the development. The Boffa Miskell VLA also notes that planting will occur on

some of these 'end' walls, being Muehlenbeckia which will climb up the walls. Boffa Miskell suggest that this will help set the buildings into the landscape.

In addition, the outdoor living spaces will be screened from one another by the use of landscaping and screens (where above ground level). The AEE sets out that there is a purposeful lack of fencing between units. The landscaping is evident on the Boffa Miskell Landscape Masterplan, providing privacy in a way which also minimises the use of hard landscaping and provides additional amenity on the site. The outdoor living spaces are primarily formalised decks or patios, with the remainder of the sites being taken up with landscaping. This landscaping is either an extension of the bush planting that exists to the rear (in the case of the western units) or an extension of the proposed dune planting (in the case of the eastern most units). This landscape design respects the different environments present, and will allow the site development to be more consistent with the existing (or expected) natural environment.

In addition to this revegetation, landscaping is also proposed around parking areas, within the access lot and in pedestrian areas. This is expected to assist in creating a high level of on- site amenity. The planting is of native species that are appropriate in a coastal context, which will overall assist in enhancing natural character. This will be an improvement on the site as it exists, where much of the development area is in grass and has little ecological connection to natural coastal processes or influences.

The exterior living areas are linked directly to interior living spaces, and in most cases these are east facing. The interior layout of the buildings is functional and the spaces adequate for their proposed uses. The design of the built form has been altered to reduce the dominance of garage doors. Garages are designed to have a single door, and the application states they will comprise less than 35% of the front façade. In three instances garages are proposed in groups of 3-4, but have been designed to read as individual entities via each having an individual roof line. 5 proposed boat sheds have been designed in a similar manner. They are all single level structures, and constructed of translucent polycarbonate (front) and folded metal roofing (including down the sides of the structures). They are not expected to be visually dominating.

A number of the dwellings are over the new 8m height limit for the zone, but in most cases this relates to the apex of the roof. The height measurement is also taken from existing ground level; ground level will be raised as a result of the proposed earthworks (please refer below). These earthworks are proposed over the entire development area, with boundary treatments to make the earthworks appear more natural. This means that the ground level will not appear artificially raised. While some of the buildings technically infringe the maximum height, they will not appear as tall as they will be seen in the context of the new ground level.

Two typologies (Type F and Type G) have feature "tower" aspects. These have a small floor area, comprising one room, but extend for three levels. There are only one of each of the typologies proposed within the development. The Type G lot will be located to the rear and will not be noticeable from public areas given its location, screening afforded by other buildings, vegetation, landform and its small size. The

Type F unit will be located in the eastern block of dwellings and will be visible from the beach and esplanade areas. This taller area is slightly stepped back from the rest of the eastern façade, and is a smaller part of the overall dwelling. This part of the dwelling is not expected to be visually dominant. Council's Landscape Architect has not raised any concerns in this regard.

Access to the development will be via a private access road within proposed Lot 1. Lot 1 is to be owned by the residents group and as a result there will be no public access on the access way, and it will be privately maintained and managed. The application sets out that one of the reasons for this is that the applicant intends to have a formation of access that would not meet Council standards for vesting. It is designed as a more relaxed, slow speed 'road' where pedestrian and vehicle use will share the space (refer to Boffa Miskell Landscape and Visual Effects Assessment, page 9). The access road will generally follow the existing driveway, but will be widened to provide a 6m wide (5.2m minimum) concrete formation. Pedestrian areas will be formed with a stabilised aggregate surface, and extend out into larger areas for people to congregate informally.

Ms Esterman makes the following comments in relation to access:

It is considered that the quality of the internal road is acceptable. A range of materials is provided along the internal road with exposed aggregate concrete with washed gravel and shells, aggrock in pedestrian zones. The internal road is well landscaped with trees located along the internal road. Although the development is still somewhat garage dominated, the changes to the design of units 31-36 have reduced the visual dominance of the garages in this part of the development. The landscaping proposed in combination with the reduced garage door extent will further contribute to the garages being less visually prominent.

As noted in the initial urban design memo, the units are essentially double fronted with units which need to address both the beach but also the internal road. I still have concerns around the garages proposed on Lots 12-15. It is suggested the design of these units be further considered to reduce the impact of garages in this location.

These garages will face onto a small side "street" of the access; they are not located on the main private road which runs through the site. The garage does take up a larger proportion of the façade than in other typologies, but in this location the overall adverse effect is not substantial. The relatively narrow width of these units makes redesign difficult, and given the location of boundaries and internal roads, there is no ability to increase the width of these units while still maintaining the same number of units. The adverse effects associated with the design are concluded to be no more than minor.

The character of the development is different to that expected and existing to the immediate south. These sites are or are expected to be utilised largely for single household units. The sites are generally in the order of 400m²- 600m². More intensive development is present 190m to the south in Little Compton Mews. The development

here comprises attached 3 storey dwellings, running in a west- east direction along a private road, and the sites are in the order of 170m²- 200m². While the design of this development is different, its character in terms of intensity is similar to that proposed here. The overall density of this development is however less due to the large commonly owned Lot 1. The actual resulting sites (excluding the commonly owned areas) will be of similar sizes to that in Little Compton Mews (refer pages 10 and 11 in the B&A AEE). Open spaces also surround the development area. This is the area of SEA to the rear of the development (which is protected and cannot be developed) and an esplanade reserve to the immediate east. These features ensure that open space will be present on at least two sides of the development in perpetuity.

The AUP(OiP) refers to this zone as being identified for further development, but that this is generally two stories in height. The application is generally consistent with this. The development is consistent with the increased density signalled by the AUP(OiP) as appropriate in this location, and that identified previously in the ACDP(RS).

Visual and landscape effects of the development have been assessed by Ms Rachel de Lambert of Boffa Miskell and peer reviewed by Mr Leo Jew, Councils Senior Landscape Architect. Comments from Mr Jew have been taken into account in the assessment above. Ms de Lamberts assessment, contained in her report dated December 2015, includes the following assessment:

- The layout focuses development away from the vegetated backdrop and the headland (identified as ONL) and onto an area that is already modified and has no notable landscape values. The development will sit low in the landscape, and hill slopes behind and the headland will remain the prominent features,
- The dune works proposed, including planting that will run back into the site, and the extension of the broadleaf forest to the rear of the development will result in an improvement to the coastal environment,
- The buildings are located and orientated to create a highly modulated organic clustering of houses. The buildings are generally located to keep the smaller buildings closer to the beach, with taller buildings to the west. One exception to this is a single three storey landmark building with a small footprint. The development avoids a linear development pattern that could appear dominant at the coastal edge,
- The height of the dunes have been designed to not only address natural hazards but also to provide a gentle visual buffer between the public and private realm. The boundary treatment will integrate the development into this natural, coastal setting,
- The development enables an expected urbanisation of the site while protecting and enhancing values of the coastal landscape and the ONL.

- The dune re-creation and landscaping will soften and obscure views of development. The development will be visible, but will be seen as an extension to the existing residential development at Snells Beach.

The above assessment has been reviewed by Mr Jew, and agreed.

It is considered that the surrounding landscape can adequately accommodate the addition of new residential development whilst maintaining the existing character of the area. It is concluded that the adverse effects on character, amenity, visual and landscape values of the location are no more than minor.

Landform Modification

Earthworks are proposed over the development area, being Lots 3, 4 and 5. The works will occur over 1.1ha of the site, and will primarily comprise filling. This is largely to raise the level of the site (to RL3.7m) and to re-create sand dunes along the eastern edge of the development area. Part of this will occur within the proposed esplanade reserve. The dune area will be planted in appropriate species, and is envisaged to reintroduce natural sand trapping and dune repair following erosion events. Filling on the remainder of the site relates to management of natural hazards (see assessment below).

The filling to recreate the dunes will be a maximum of 2m in height at the crest. Filling on the remainder of the site is in the order of 0.5m- 1.0m in the south and up to 3m deep in localised areas in the north. Fill contour plans indicate that the majority of the filling is in the order of 0.5m- 1.0m.

When viewed from the east and coastal locations, the earthworks are not likely to be noticeable. The dune formation is typical of this environment and will appear as a naturally occurring feature. In this regard it is noted that the dune will be planted in appropriate species, and will in a short period of time appear as a natural feature.

The land to the rear of the dunes will be seen in this context, and the overall small scale raising of the sites RL level, including a greater depth of filling in current localised depressions, will not bring about a highly noticeable change to the landform of the site. The dominant parts of the landform, namely the hillside to the west and the headland to the north, will be unaffected by this development. A retaining wall running along the base of the hillside may need to be replaced, but this will be screened by the buildings themselves for the most part, and it is unlikely to be visible in the wider environment.

Tree removal

The application includes the removal of a stand of pine trees near the stream mouth in the south- east of the site and their replacement with native species. The trees have no native understorey and do not have any apparent ecological value. They will be replaced with Pohutukawa, Cabbage Trees, Saltmarsh, Ribbonwood and flax. The AEE refers to the planting aiming to "create an informal, natural mix of larger shrubs

and large scale specimen trees interspersed with native backdune vegetation” (Boffa Miskell VLA, page 11). The AEE also suggests that these trees are out of character with the existing environment, which does not contain other pines. This is consistent with observations when the site was visited.

The application states that the removal of these pines is desirable as it will enable the dune restoration works noted above, and also allow for a walkway to be created within the proposed esplanade reserve.

The removal of these trees will be noticeable in the immediate environment, as they are mature and tall. However it is agreed that the trees add little to the coastal character of the location and are neither a naturally occurring species in this location nor a species widely present in this location/ contributing to a unique character. The removal of these trees will create adverse effects on the character, amenity and visual quality of the area that is less than minor and will also be mitigated over time by the replacement planting proposed.

Recently the application has been updated to include the removal of a Norfolk Island Pine Tree. This is a 25m high tree located in the south- eastern corner of the site adjacent to a small urban stream that runs into the coastal area, and next to the pines noted above. It is located adjacent to mature pine trees (also proposed for removal) and within an esplanade reserve proposed to vest as part of the approved underlying subdivision. The tree is not scheduled or otherwise specifically identified in the AUP(OiP); it is protected only due to its location in relation to the adjacent small stream.



Figure 16: Pine proposed for removal

The applicant has provided a memo from Boffa Miskell dated 23/2/17 and a letter from B&A dated 21/3/17 that specifically assess this proposed removal. The memo from Boffa Miskell includes the following assessment:

- *The Norfolk Pine tree whilst large, well established and essentially healthy is not considered to be a long term desirable or appropriate species for this part of the coastal esplanade reserve, or to be a desirable tree located in very close proximity to the proposed 33-unit residential development. The site has an anticipated high intensity of residential development and the proposal has sought to create a distinctly New Zealand coastal community with quality, architecturally designed houses with an explicit New Zealand vernacular and an integrated coastal landscape setting appropriate to the beachside location and duneland character proposed.*
- *The location of the Norfolk Pine right on the edge of the creek as it outlet to the beach (refer Photograph 4) raises issues of potential undermining and impact on the creek over time however, the key consideration is the propensity of large mature Norfolk Pine trees to drop substantial litter including branches and the public safety of this tree in the long term relative to the public reserve and close residential dwellings both within the subject site and the also newly establishing residential area to the south.*
- *In terms of timing removal of the Norfolk Pine tree at this, pre-development, stage in time, rather than at some future time when the area is fully developed has considerable benefits in terms of access and public / private safety.*

- *The existing tree forms part of the group of mature exotic vegetation – Pine and Norfolk Pine trees – the rest of which are also proposed to be removed. As the single remaining exotic tree it would become somewhat stand alone and out of keeping as a specimen tree on the foreshore. The tree is not so prominent to comprise a notable landmark (and has not been recognised as such through scheduling) but it is tall and mature and of good form.*
- *It is considered that the Norfolk Pine will become somewhat incongruous with the establishment of the final section of the coastal walkway, implemented as part of the residential proposal. This popular walking route has developed a strong coastal, native character and amenity as illustrated in Photographs 9 and 10. The proposal to remove the Norfolk Pine and to replace it with a large semi-mature transplanted Pohutukawa will be more in keeping with the character of the established coastal esplanade and reinforce the indigenous habitat qualities of the coastal environment.*
- *Long term the proposed replacement Pohutukawa tree is considered to provide a much more desirable public amenity and to enhance the indigenous natural character of the coastal environment of Snells Beach.*
- *Whilst an adverse visual effect will result from the initial removal of a large visually obvious tree this will be replaced by the Pohutukawa which as a large grade, transplanted tree will have an immediate impact and amenity.*
- *In terms of landscape effects it is considered that the Norfolk Pine is somewhat incongruous in this coastal context. The natural character of the coastal environment can be enhanced through its replacement by a multi-stemmed Pohutukawa (*Metrosideros excelsa*) tree consistent with the now well established character of the adjacent Snells Beach coastal esplanade which has an attractive and much enjoyed locally appropriate character and amenity.*

Ecological impacts associated with removal of this tree have been assessed below. The landscape impacts have been peer reviewed by Council's Landscape Architect Mr Leo Jew. Mr Jew has confirmed that he agrees with the conclusions reached by Boffa Miskell, as summarised above.

These assessments are adopted. While the tree is not in poor condition, the landscape and amenity effects associated with its removal, in the context of the development existing and proposed and the replacement planting proposed, are considered to be less than minor. The tree is large and due to this is highly visible in the immediate environment. It does not however make an especially notable contribution to the character or amenity of the area. The use of the land, being proposed as an esplanade reserve, does not require that the tree be removed but it is agreed that a coastal tree species is more appropriate in this location, both in terms of the coastal character of this location and in ecological terms (please refer below). A Pohutukawa is also consistent with the development of the application site and the intended character.

Adverse landscape and amenity effects associated with the removal of this tree are concluded to be less than minor.

Construction Effects

During construction, there will be additional activity on the site, earthworks will be undertaken (along with the associated noise, installation of infrastructure, dust etc), and additional traffic will come to and from the site.

Traffic can be managed via the implementation of a traffic management plan. The site is relatively large and it is expected that contractors vehicles can readily be parked on the site. Machinery is expected to come to the site and remain on site for the duration. There will be trucks associated with earthworks bringing fill to the site. The application states that this will be from the sites locality, from other development sites that have excess earth. 8000m³ of earth will be used on the site, most of which will be imported. The works are estimated to take 4 weeks to complete. This equates to approximately 1600 trucks over a 4 week period.

The primary amenity effect related to truck movements is considered to be noise. Silt and sediment associated with truck use (in particular tracking mud onto the roads) will be addressed via conditions of consent. The movement of material onto the site will create an adverse amenity effect, but over a very short period of time. The times this can occur will also be controlled via conditions of consent, with works being restricted during early morning, evenings and over the weekends. Conditions will also require adherence to construction noise limits. These factors will assist to manage adverse effects associated with truck movements over this time. The short period over which they will occur is also a fundamental mitigating factor, as is the short period of time over which a vehicle passes any particular dwelling in the surrounding environment. Adverse character and amenity effects are concluded to be temporary and less than minor.

Building works on the site are likely to be noticeable for some time. These activities are expected to meet relevant AUP(OiP) rules and applicable standards related to noise and hours of operation. The construction of household units is also consistent with the sites zoning, and adverse effects related to these construction activities indicated by the AUP(OiP). Adverse character and amenity effects in this regard will be less than minor.

Traffic and Transportation

The application will see the construction of 33 new household units where at present one exists. These will be accessed via the sites existing crossing point onto Arabella Lane, from which a new private road will be constructed. The end of Arabella Lane will also be extended slightly and a cul-de-sac head installed. The new private road will be contained within a commonly owned lot, Lot 1. This will provide access to all the units and resulting sites. The application also states that the private road has been designed as a low speed “beach” type environment; it will be a space shared by vehicles and pedestrians and will not have curbs or footpaths. Beach access walkways are proposed.

Each dwelling will have 1-2 dedicated parking spaces, either within a garage or in a parking space. This includes parking spaces stacked in front of the garage. In some cases the garages for a group of dwellings are connected but located slightly separate from the dwellings. See for examples Units B21- B24, B25- B27 and B28- B30.

Five boat sheds are also proposed (Lots 82- 86) along the southern site boundary, and 12 resident car parking spaces. The boat sheds were originally proposed to be commonly owned, but due to legal considerations it is now proposed that these be sold to owners within the development (refer letter from Barker & Associates dated 21/3/17). 8 communally owned car parks are located to the immediate east of Arabella Lane access and will be utilised for visitor car parking. They will be accessed directly from the new private road formation and screened by new landscaping.

The potential adverse effects in this regard have been assessed by Commute for the applicant (refer to report dated 18/12/05) and reviewed by Council's Consultant Traffic Engineer, Mr Andrew Gratton, and input from Auckland Transport (AT) sought.

Household units and subdivision

The application will result in additional traffic on the surrounding roading network. This will access Arabella Lane at its end. Commute suggest the additional traffic is in the order of 287 vehicles per day. Commute suggest that this can be accommodated on the surrounding network while having minimal adverse effects on the surrounding roading network. Mr Gratton agrees with this finding.

Commute have investigated crash records for the area and note that only 2 crashes have been reported, being at the intersection of Arabella Lane and Mahurangi East Road.

Access into the site will be via a 6m wide crossing, and the internal private road will allow for two-way traffic. The access onto Arabella Lane has been assessed by Commute to have suitable sight lines, and that the site will be accessible to 8m long trucks. This is relevant as the development is proposed to be serviced by private waste contractors, who will need to move onto and around the site. Commute also confirm that the access has been designed to allow fire appliances to enter. Mr Gratton has confirmed that the crossing and access is appropriate, including the use of a private access to provide access to this number of sites.

Each unit will have at least one car park, consistent with requirements of the AUP(OiP). Commute assessed the application in the context of the ACDP(RS) rules, which applied at the time the application was made, and required 2 car parks per dwelling. Commute suggested that the units were likely to be used as baches or by retirees. This, in association with the small number of rooms that most units have, lead Commute to conclude that the parking demand was likely to be low. Since this time, the resident car parking has been increased. This is consistent with advice from Mr Gratton. Mr Gratton has also confirmed that the spaces are of a sufficient size and that suitable manoeuvring areas are available. 8 spaces will also be available for visitors.

The on- site car parking is expected to be appropriate for this activity. Some overflow may occur on occasion onto Arabella Lane. This is however expected to be relatively low given the degree of on- site parking, the separation between the units and Arabella Lane (i.e. it would not be overly convenient to park in Arabella Lane if you were living or visiting a property within the development) and the size of the proposed units. Arabella Lane contains recessed parking bays, making the areas available for parking visually obvious and set to the side of the carriageway. Any temporary parking on Arabella Lane is not expected to impact on the flow of traffic on the road. It is also noted that Arabella Lane is a publicly owned asset; parking spaces are available for public use and are not designated to specific adjacent sites. Mr Gratton has suggested that use of these car parks on occasion in association with this development may impact on nearby site owners, as those parks would be unavailable for their use. With respect, this is not a relevant consideration in this instance; the on-street car parking is not owned by any specific property owner and they are available for use by any party. These recessed parking bays are specifically provided for people to park in them, not for use by specific parties. No adverse effects in an RMA sense are created as compared to the existing environment. In this regard the adequacy of on- site parking has been taken into account.

Auckland Transport has raised some concern with the proposal for a private road rather than one which is vested. This relates to other examples where future residents have had an expectation that Auckland Transport maintain the road. In this case it will be evident from conditions that the access is privately owned and not a public road. An advice note in consent notices will also alert future owners to this.

Overall, subject to conditions (which the applicant has agreed to and are considered to form part of the application), adverse traffic and transportation effects are concluded to be less than minor.

Construction activities

As noted above, the application will see the importation of fill to the site. Construction activities will also occur on the site, both in association with the subdivision and residential development of the site. This will create additional traffic, and transportation matters in general require consideration over this construction period.

Mr Gratton has not raised any concerns regarding construction traffic, and neither has Council's development Engineer, Mr Steve Cavanagh, in their assessments. Conditions of consent are proposed as detailed previously that relate to construction management plans. It is concluded that this will suitably address potential traffic effects during this time.

Ecology

The site is located on the urban/ rural boundary, and at present is in pasture, an area of native bush (protected) and grass adjacent to the dwelling. An area of exotic vegetation is present in the south- east of the site, adjacent to a small watercourse. This watercourse runs through the esplanade reserve to the south, and flows into the application site before discharging into the coastal marine area.

The bush on the site is noted in the AUP(OiP) as Significant Ecological Area (SEA). This is referenced 2289 and is a broadleaf forest. The forest is known to provide habitat for kereru and tui (seen by Council ecologists on site) but is also likely to provide feeding, roosting and nesting for a number of other native bird species such as grey warbler, morepork, kingfisher and fantail. Council's Ecologist notes that these species are susceptible to cat predation, especially when nesting. The area is also expected to provide habitat for ornate skink, forest gecko and elegant gecko.

This area is legally protected and required to be fenced. No works are proposed in this area, but the earthworks and proposed units will be located adjacent to this.

A second SEA is located to the immediate east. It is a marine SEA and incorporates all of the beach, foreshore and seabed at Snells Beach.

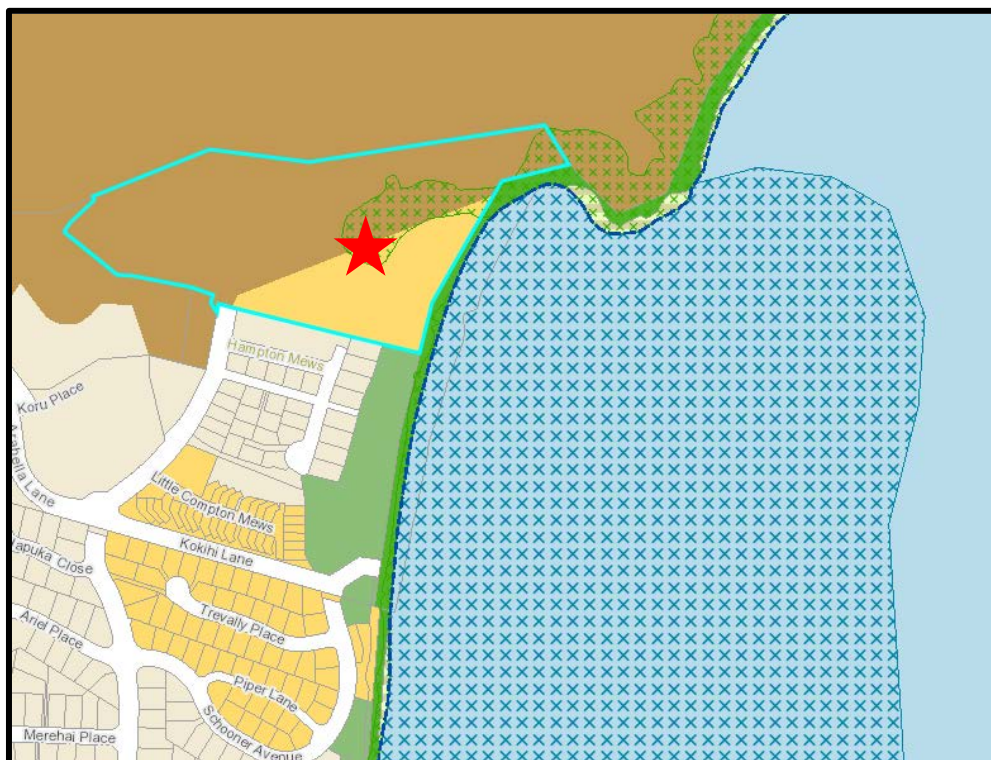


Figure 19: SEA Overlay (indicated with crosses, application site identified with star)

At the northern and southern ends of the beach, marine ecosystems grade into a fringe of pohutukawa forests. Council's ecologist notes that Northern New Zealand Dotterels attempt to nest in the northern part of the beach, near the application site. Council records also indicate that the foreshore and intertidal area contains eelgrass. It provides foraging habitat for migratory and resident shorebirds and waterfowl and some roost in the upper beach/ grassed area. Council records indicate that the birds using this SEA area include the eastern bar-tailed godwit, northern New Zealand dotterel, banded dotterel, white fronted tern, Caspian tern, pied stilt, pied and variable oystercatchers, white faced heron, black- backed gulls, red billed gulls, little shags, pied shags, black shags, mallard ducks, paradise ducks and black swan.

The proposed development works themselves are anticipated to create minimal adverse effects on the existing native vegetation and ecology of the area. No physical works will occur in the SEA areas, and effects related to disturbance will be temporary.

Once the construction works are completed, the application will see the introduction of a number of additional people, residential activities and pets (potential predators) into the area. The development area is such that this will be adjacent to the terrestrial SEA, and very close to the marine SEA. There will undoubtedly be a degree of adverse effects created by the development on these SEA areas.

This however needs to be assessed in the context of the planning documents and the existing environment. The site is zoned for residential development, as is the land to the south. Most of this has already been developed, with the eastern side of the Peninsula developed for residential development down to the Point at the southern end of Algies Bay. This is an existing urban environment and one zoned for urban use. Planning documents therefore anticipate development, and there will be a degree of adverse ecological effect associated with this.

Land to the south of the application site is largely developed. People are also already present on the beach and use the wider marine SEA area. The scale of this existing use is much greater than proposed by the application.

Council's Ecologist has raised concerns with pets as predators, and introducing potentially a large number of pets into a small area in close proximity to two SEA areas. The applicant has acknowledged that there are ecological features on and close to the site and has offered restrictions on pet ownership and pet "visitors" to the site. The condition offered would restrict the following:

- Prevent the keeping or breeding of animals on the site, other than the keeping of cats and dogs to the extent detailed below.
- Allow initial purchasers to bring desexed cats and dogs they already own into the development. Once these pets die they shall not be replaced, and no further cats or dogs shall be acquired.
- Requiring that cats be kept indoors at night.

- Requiring that dogs be contained within the curtilage of individual properties or kept on a leash.
- Dogs be kept out of the terrestrial SEA area.
- Prevent initial owners from acquiring new cats or dogs after they move into the development.
- Prevent future owners (i.e. not the initial owners) from owning cats or dogs.
- Prevent visitors from bringing pets onto the site.

The condition is proposed to be administered by the body corporate, and it is suggested a cross reference to this be contained within consent notice conditions to enable some Council control also. Primary management by the body corporate is considered to be appropriate as this is the group who will be on site on a day to day basis, and will be in a better position to monitor pet control and management (as compared to Council monitoring staff). Council will retain high level control via the consent notice restriction.

This is expected to assist in reducing potential adverse effects on the SEA areas. It is acknowledged that this will not prevent adverse effects, but in the context of the sites zoning and the existing environment, this restriction is concluded to be sufficient. The species using the SEA areas has also been taken into account, and while some require conservation consideration none are at a level of rareness that would require considerable conservation efforts and further restrictions to be implemented on the site. It is also noted that Council's Ecologist has confirmed the above restrictions are sufficient, in her opinion, to address potential adverse ecological effects in this regard. There is no evidence to suggest that on a cumulative basis, the adverse effects of development in this location will have a more than minor adverse effect on ecology of this area.

Planting on the upper slopes of the balance lot is proposed and the re-established dune area will assist in enhancing and protecting the subject site. As noted above, some of the shorebirds use these upper beach and grass areas, and the dune works proposed may be of assistance in this regard.

The application also now includes the removal of a Norfolk Island Pine tree. The matters set out in section E15.8 have been used as a guide in the assessment of this aspect of the application. As set out above, the tree is 25m in height and is protected by the AUP(OiP) due to its proximity to a small stream. It is not part of a wider SEA or other overlay, and is located adjacent to other pine trees that are also proposed for removal. The applicant has provided a memo from Boffa Miskell dated 23/2/17 and a letter from B&A dated 21/3/17 that deal specifically with this proposed removal.



Figure 20: Photograph 4 from Boffa Miskell memo, showing tree and watercourse

The trees are not considered to have any notable ecological value, even though they are located in close proximity to a stream. They will provide shading to the stream at certain times of the day or year, but this is not expected to be to the extent that it would create different habitats in the watercourse. The removal of these trees is not expected to have any adverse effects in relation to soil conservation, water quality and the hydrological function of the catchment.

Section E15 also refers to reasonable use of the land. The site is zoned for residential development and is undergoing redevelopment to implement this zoning. As part of that, new buildings are being established, vegetation removed and new landscaping established. The development will see the expansion of urban development in the immediate area and a change in the character of the application site. B&A, for the applicant, suggest that the Norfolk Island Pine is out of scale with the proposed development. This has been addressed above in relation to potential landscape and amenity impacts.

In terms of amenity effects, the trees have no notable ecological value and their removal is not expected to create any real adverse ecological effects. The Norfolk Island Pine is also proposed to be replaced by an eco-sourced pohutukawa of up to 4m in height. Pine tree removal will also be mitigated by planting native species in this area. The planting of these natives, coastal species is considered to be more ecologically appropriate in this location.

Adverse ecological effects associated with the removal of this tree are concluded to be less than minor.

Stormwater

The proposal is to create approximately 6000m² of total impervious area associated with the residential development of the site overall. Quality treatment of all paved areas will occur via a stormwater pond. This is located near the southern boundary of the site. The proposed stormwater management is detailed in the report by Hutchinson Consultant Engineers dated 7/12/15 (Version 2).

The potential effects associated with this have been assessed by Council's (former) Senior Specialist- Stormwater and ITA, Mr Bodo Halberg. In his memo dated 27/1/16 Mr Halberg includes the following assessment:

The relevant network discharge consent (Mahurangi East, no: 29384) requires quantity mitigation (extended detention, 2 and 10 year ARI peak flow control). As the site discharges in the tidal affected reach of a stream, only a few meters up the beach, it is assessed that the quantity mitigation as required by the NDC has no beneficial effect to the receiving environment. It is assessed that the discharge from the proposed site will have little or no adverse effect to the receiving environment.

The application proposes to utilise an existing pond for stormwater quality treatment. Although the pond is not designed in accordance with TP10, it is assessed that the pond has sufficient volume to provide the required quality treatment.

No information was provided about the roofing material. It is therefore recommended to make the use of inert roofing material conditional.

Long –term ownership of proposed devices

It is anticipated that the ownership of the stormwater management system will remain the responsibility of the consent holder.

Operation and maintenance

No operation and maintenance plan has been supplied by the applicant. A consent condition is recommended that the finalised document be developed and implemented upon completion of the proposed stormwater management system.

Conclusion

Overall, it is assessed that any effects of the proposed changes to the environment are sufficiently mitigated to prevent adverse effects.

The above assessment is still considered relevant (noting that the AUP(OiP)) is now operative in relation to this issue. The overarching issues remain the same as when the above memo was written and is adopted. The applicant has agreed to the related conditions of consent recommended by Mr Halberg and as such they are concluded to form part of the application.

Council's Development Engineer has also reviewed stormwater management in general terms, and not raised any fundamental concerns.

Adverse effects related to stormwater resulting from this development are concluded to be less than minor.

Earthworks

The application proposes earthworks over the entire development area, and these are expected to be completed within approximately 4 weeks. The application proposes 600m³ of cut and 8000m³ of filling. The filling will primarily involve the raising of low lying areas in the eastern extent of the works area up to a minimum height of RL3.7m. The application documents confirm that this will be sourced from local development projects, where an excess of material is present. This will be stockpiled on the site, using consent L65822.

The works will be undertaken over one earthworks season. They will be subject to various sediment and erosion controls, including:

- Stabilised entranceway;
- Clean water diversion;
- Silt fences.

Character and amenity effects associated with the proposed earthworks have been addressed above.

The proposed earthworks have also been assessed by Council's (former) Specialist Advisor- Earthworks and Contaminated Land, Ms Libby Caldwell. In Ms Caldwell's memo dated 29/1/16, the following assessment is made:

An assessment of the technical aspects of the earthworks and sediment control methodologies has been undertaken and provided the earthworks are controlled by devices which have been designed and constructed in accordance with Auckland Council Technical Publication Number 90, which has been proposed, the potential effects resulting from sediment discharges can be managed appropriately.

The applicant proposes a variety of controls to be established across the site in order to minimise the potential for erosion to occur during the earthworks operation. A stabilised construction entrance will be established to ensure the movement of construction vehicles does not track sediment out onto the public roads. Clean water diversions will be constructed to divert clean water away from the works area which will limit the amount of clean water entering the site thereby reducing the potential for overland flows to entrain sediment. Silt fences are also proposed to be installed below the earthworks area to ensure that there is no sediment laden water runoff into the unnamed stream on the site or directly to the coast at Kawau Bay.

The works are proposed to be undertaken during the earthworks season which is from 1st October until 30th April, of any year and the works are proposed to take approximately 4 weeks to complete. It is recommended that a condition of consent be included to ensure that if works are undertaken outside the earthworks season that appropriate sediment controls are in place and discussed with the Council Monitoring Officer due to the proximity to the watercourse within the site and the coastline which borders the site.

The applicant has advised that following completion of the earthworks all exposed areas will be straw mulched, and the access way to the site will be metalled to ensure that sediment laden water runoff is reduced.

The applicant advises that the erosion and sediment control measures that are installed on the site are to be monitored by the contractor that is responsible for undertaking the works.

For the earthworks, provided the erosion and sediment controls are installed and constructed in accordance with the application report, supporting documentation and any additional requirements as may be required by the guidance outlined in TP90, it is considered the resulting effects on the environment from sediment discharges during the earthworks will be appropriately managed. Recommendations to ensure this is the case have been included.

Again, while this assessment was completed pre- AUP(OiP), the provisions related to regional earthworks are very similar and as such the assessment of effects undertaken can still be relied upon.

Council's Development Engineer Steve Cavanagh has reviewed the amended subdivision proposal and noted that suitable building sites have been provided. The placement of the fill should be carried out to engineering standards & certified on completion.

The applicant has agreed to the conditions recommended by both Ms Caldwell and Mr Cavanagh and as such they are concluded to form part of the application.

Adverse effects related to the proposed earthworks are concluded to be temporary and less than minor.

Natural Hazards

Geotechnical Considerations

The application includes a report from CMW Geosciences (dated 4/9/15) that assesses geotechnical aspects of the proposal. This has included assessment of stability, liquefaction and lateral spread. The report includes the following comments:

- Snells Beach is approximately 100km from the northern mapped extent of the nearest “active” fault (the Kerepehi North Fault). International literature suggests that 70km is on or beyond the limit for experience significant liquefaction for an earthquake of Ultimate Limit State magnitude.
- In section 9.3 the report states that based on analyses undertaken to date CMW do not consider that extensive ground remediation is warranted to address the degree of potential effect identified in relation to liquefaction and lateral spread.
- There are some areas on the site (steeper slopes in the north- west) where low factors of safety are present. These are however outside the area proposed for development by this application. CMW suggests that where development is proposed near this slope, retaining walls may be required to protect buildings from landslide debris. The report states in section 9.2 that the proposed development will not be subject to instability.
- Following the completion of site works, the proposed building platforms are expected to be suitable for a variety of foundation solutions.

The application and information from CMW has been reviewed by the Council’s Development Engineer. Conditions have been suggested and the applicant has agreed to these.

Coastal erosion and coastal inundation

Council records (GeoMaps) indicate that the eastern part of the site is affected by coastal inundation. This is the area proposed for residential development and is shown in the plan below.

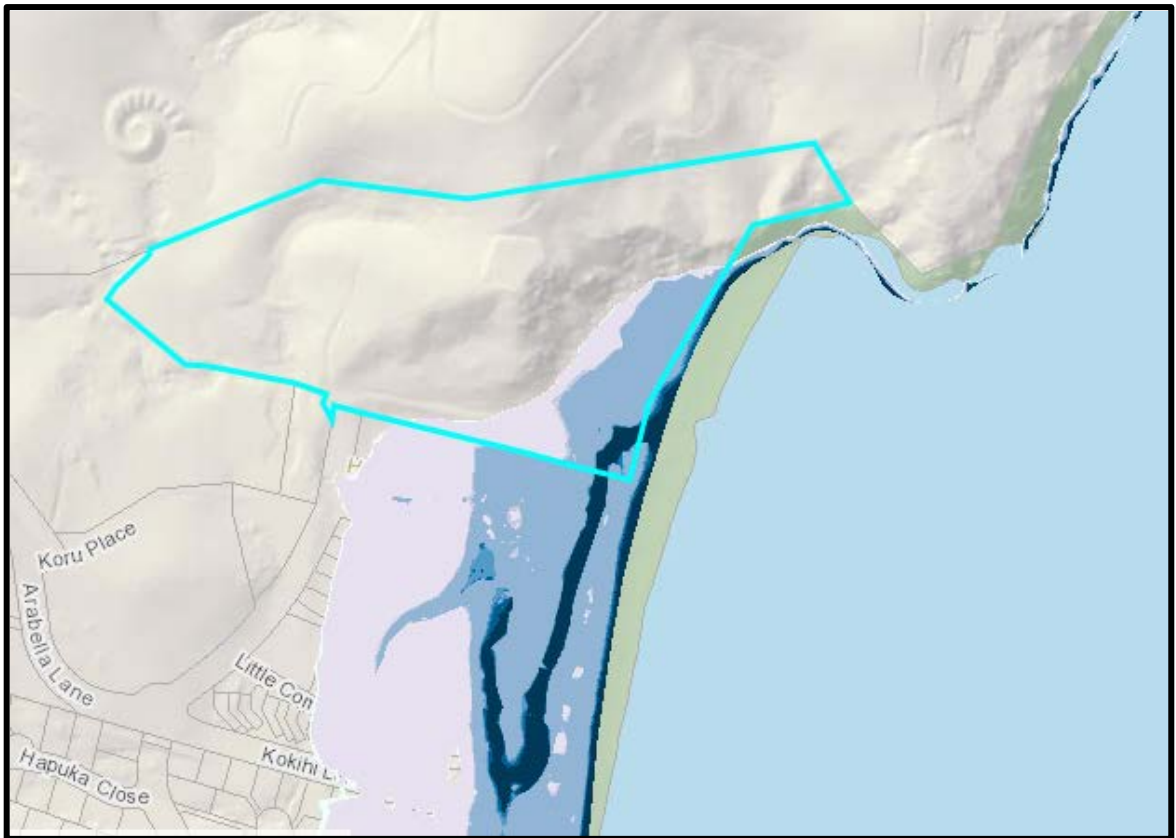


Figure 21: GeoMaps Coastal Inundation (site outlined in blue)

These issues have been assessed by Eco Nomes Ltd (Mr John Dahm) for the applicant (refer report dated July 2015) and peer reviewed by Council's Coastal Hazards team (Ms Natasha Carpenter, Principal Coastal Specialist). Eco Nomes provide a detailed analysis in this regard in the above-mentioned report and it is not proposed to repeat that here. It is however considered useful to highlight some points made by Eco Nomes, and how the application proposes to address the issues raised.

The shoreline is currently subject to dynamic shoreline fluctuations of both erosion and accretion, with the shoreline most recently experiencing a period of erosion in the order of 6m-7m. This will change with sea level rise, depending on the rates. Sea level rise is expected to primarily affect the reserve area, but higher levels of sea level rise (such as 1m) could result in erosion exceeding the reserve width. The effect of sea level rise on the site varies also depending on what (if any) management options are implemented.

Coastal inundation has also been assessed, as the site is potentially susceptible to inundation from coastal storms and tsunamis.

Various hazard management options have been reviewed by Mr Dahm and it has been decided that dune restoration, minimum ground and floor levels are the preferred options.

In terms of minimum ground and floor levels, this relates to raising the ground levels over the site (the works area) and requiring that buildings have a minimum floor level. It is proposed to import certified fill and place this over the lower part of the site where development is proposed. This will raise the site to a minimum of RL 3.7m, resulting in increases in ground level of 1.2m- 1.6m (in the more seaward areas) and 0.5m in the more landward areas. Some localised areas will be deeper filling. Mr Dahm suggests that this will provide protection from 1% AEP extreme tides (including wave set up), 1m sea level rise and a free board of 0.5m- 0.6m for wave effects.

More recently, the applicant has sought to amend the proposal to allow for floor levels to be reduced by 0.2m as compared to that originally set out in the Eco Nomes report (July 2015), resulting in a floor level of RL4.1. This is 0.4m above the proposed ground level noted above. This is detailed in the letter from Barker & Associates dated 21/3/17 and an e-mail from John Dahm dated 22/3/17. The change is proposed to make the installation of the rib raft foundation system more efficient. The change has been assessed by Mr Dahm, as set out in various e-mail exchanges between himself, Ms Carpenter and Mr Cavanagh. This is summarised in his e-mail of 22/2/17 as:

..... it is now proposed to reduce the minimum floor levels of the houses from RL4.3m to RL4.1m.

I prepared the report on coastal hazards for this site and am comfortable with this change. The proposed minimum ground level of RL3.7m alone provides adequate protection from coastal storm flooding over the next 100 years - including 1%AEP coastal storm inundation (RL2.11-2.13m including wave setup - from the earlier work by NIWA for your Council) plus 1m sea level rise plus 0.5m freeboard for wave effects (a total of 3.61-3.63). So, the reduced FFL is still comfortably adequate.

As you appreciate, the dune that will be restored along the seaward margin of the development will also provide further protection from coastal inundation and particularly the components related to wave effects.

This change has been reviewed by Ms Carpenter, who commented as follows in her e-mail of 6/3/17:

Paul [Klinac] asked me to take a look at the below regarding the proposal to reduce the FFL by 0.2m to 4.1mRL. As the proposed reduction is still well above the 1% AEP plus 1m sea-level rise levels within Chapter E.36 of the AUP I agree with Jim [Dahm] and am comfortable with this proposed change.

The altered floor levels are therefore concluded to be acceptable.

The final option proposed to mitigate potential coastal hazards effects is the restoration of a dune system, as shown in Figure 8 of the Eco Nomes July 2015 report. This will be largely contained within proposed Lot 4.

The purposes of this are detailed in section 7.2 of the Eco Nomes report, and summarised as:

- To absorb the worst coastal erosion expected under existing coastal processes,
- Restore natural sand trapping and dune repair processes,
- Protect the development from wave effects,
- Enhance the natural character of the foreshore.

The dune height is set at a minimum of RL 3.1m and will be designed to allow for processes associated with the small watercourse (including bird nesting) and to capture water that may overtop the dune (via a swale). Once constructed, the dune landform will be replanted in dune vegetation. Mr Dahm notes the importance of using experienced practitioners in this regard to ensure the success of the restoration. Conditions of consent are proposed in relation to the formation, planting and maintenance of these dunes. The applicant has agreed to these and as such they are concluded to form part of the application.

The above has also been reviewed by Council specialist Engineers, and no concerns raised regarding coastal hazards.

Having regard to the above, related assessments and agreed conditions, it is concluded that coastal hazards have been adequately addressed by the application and adverse environmental effects will be less than minor.

Servicing of subdivision

The application includes an infrastructure report from Hutchinson Consulting Engineers (ref 18430a). This details that potable water will be supplied via connection to the existing reticulated system near the southern boundary of the site. An extension will be required to the existing water main within Arabella Lane.

An existing wastewater connection is located within the site on the southern boundary near the existing boat shed. Hutchinson Consultants identify that a private reticulated gravity sewer network is proposed to service this development. There are capacity issues in this location and WSL have confirmed that 15 of the dwellings can be connected but that wastewater from the remaining dwellings will be attenuated and released at a rate no greater than the peak discharge flow for the initial 15 dwellings. To facilitate this a 22,500 litre tank near the stormwater pond is proposed. The attenuated water will be pumped and released at a controlled rate into the public wastewater system during “off peak” times. Once the local wastewater treatment plant is upgraded (expected to be 2018), the remaining 18 dwellings will be connected to the public system and the attenuation tanks decommissioned.

Council's Development Engineer has reviewed the above and not raised any fundamental issues. Conditions of consent have been suggested and the applicant has agreed to these; they are concluded to form part of the application.

It is concluded that the development can be suitably serviced, and adverse environmental effects will be less than minor.

Esplanade Reserve

The application has been updated to include the vesting of an esplanade reserve, Lot 4. This was proposed to vest as part of an underlying subdivision, Council reference R56767B. The s223 RMA certification for that subdivision has now lapsed, and as such the vesting is sought as part of the current application.

There is already an esplanade reserve present in front of the site of varying widths. The land area incorporated into Lot 4 was an Indicative Reserve shown in the ACDP(RS) planning maps and was therefore proposed for vesting as part of resource consent R56767B. It would act as a landward extension to the existing esplanade reserve.

The current application does not propose any change to the reserve area (size or shape) that was previously proposed for vesting. There is a "pinch point" where the reserve is not 20m wide (where it is 15m from MHWS as surveyed in 2013), but the majority of the reserve is wider than 20m from MHWS. Given that this is a "top up" to the existing esplanade reserve and the previous planning history, this is considered to be a reasonable outcome. Lot 4 also enables reasonable use, including the provision of a walkway, and connects with esplanade areas and walkways to the south. It will provide for public access to the land adjacent to the beach along the edge of Snells Beach.

Comments in relation to esplanade reserve matters has also been sought from Council's Parks team, and this is outlined in a memo from Mr Jonathan Begg dated 12/7/17. Comments made include the following:

The proposed reduction is considered appropriate as the dune restoration works and provision of a walkway will provide towards improving both the recreational value of the reserve, the ecological function, visual amenity and natural character of the site.

It is recommended the 223 survey includes MHWS so as council can understand the actual land area of the reserve following vesting with council, especially as councils GIS maps appear to show the existing esplanade area to be entirely within the intertidal area.

Conditions of consent should require a maintenance plan and program, for the works within the area to be vested with council. The maintenance program should be implemented so as council can ensure the works effectively provide the ecological, recreational and visual amenity benefits. The maintenance program as well as detailed design of the walkway, dune restoration works and any landscaping shall be finalized in consultation with Parks to ensure the final design reflects council's expectation. A condition of consent is recommended to ensure final landscape plans and dune restorations plans are sent to council parks to approve prior to the works commencing.

The applicant has agreed to the conditions identified by Mr Begg and as such they are concluded to form part of the application.

Adverse effects in this regard will be less than minor.

Cultural and Heritage Effects

Potential effects in relation to cultural and heritage matters has been assessed in detail and based on advice from specialists. The applicant has also undertaken consultation with iwi and contacted 14 iwi groups. It is understood only six iwi groups responded to this, with one requesting a CIA be undertaken (see below).

The application includes a report from Clough & Associates dated December 2015. This includes a detailed assessment of the values of the wider area and the application site in particular. There are three recorded archaeological sites noted in or close to the site. These are identified in Figure 6 of the Clough & Associates report, and are located in the south- eastern portion of the site. These are all shell middens (noted as sites R09/170, R09/171 and R09/978). Investigations undertaken by Clough & Associates identified a previously unknown feature, being a sparse midden now referenced as R09/2201, and that feature R09/978 is not located within the site boundaries.

Feature R09/978 was also identified a Site of Value to Mana Whenua in the PAUP. The “purple circles” (buffer) associated with features R09/980 and R08/983 also extended into the application site. These overlays have been deleted from the AUP(OiP).

The report assesses potential effects on pages 24 onwards. Feature R09/2201 is likely to be destroyed by the works due to the earthworks proposed in this location. This is shown in Figure 19 of the Clough & Associates report. Clough & Associates suggest that this feature is of no more than moderate archaeological and broader historic heritage value. It is proposed to undertake further investigations and recording of this feature prior to works in this area, rather than to protect the feature.

The application and the above report have been peer reviewed by Mr Joe Mills, Specialist Archaeology for Auckland Council. This is set out in his memo dated 3/3/16. While the memo is dated before the AUP became operative in part, given that heritage and cultural provisions within the AUP have been lessened, this memo is considered to represent a cautious assessment. Mr Mills’ memo includes a useful summary of features within or near the site which is copied below:

In summary, the wider Snells Beach area has a rich historic heritage as a valued and contested region to Maori, resulting in a significant volume of archaeological sites, particularly along the coastal foreshore. A number of these sites are recorded on or near the property proposed to be developed, as below:

□Midden: CHI 5184, NZAA R09/170; comprises shell midden in a packed layer c.6cm – 16cm thick of unbroken shell, mostly cockle with some pipi, scallop, and stone. This site is recorded on the CHI overlay as within the property, toward the southern boundary. However, this is likely an erroneous location, as the original site record form records the location of the site to the north of the property and well away from any proposed works.³

□Midden: CHI 14328, NZAA R09/978; comprises shell midden eroding out of a foreshore dune deposit for c. 180m along the banks of the stream, which extends along the northern section of the beach. The midden is overlain by up to 40cm of dune deposit and consists of whole and fragmented shell (predominantly cockle, with pipi, scallop, and whelk), charcoal, and fragments of rock in a black sandy matrix up to 50cm thick. This site is recorded on the CHI overlay as within the property toward the southern boundary, where the stream extends briefly into the property boundary. This location is also largely erroneous, as the original site record form records the location of the site as the extent of the stream exclusively to the south of the property boundary. The stream does extend into the property boundary, however within a protected esplanade reserve and thus away from proposed works.

4

□Midden: CHI 5183

shell, mainly cockle. This site is recorded on the CHI as being at the very north of the beach near the esplanade reserve at the base of the cliffs of the headland, when correctly re-located from the site record form. This site is again well outside of the property boundary and away from any proposed works.

5

□Midden: CHI 5183

and test-pitting) over the surface to be disturbed by proposed works. The deposit comprises an occupation/cooking area, with evidence of shell midden in a heavily charcoal stained sandy soil with large chunks of charcoal present, located c. 8cm below the surface at the northern end of the beach flat. The deposit extends over an area of c. 8m x 6m. The site is within the property boundaries and is likely to be impacted by the proposed works.

Further unknown sites may also be present on the property. In relation to the proposed development, Mr Mills provides the following assessment:

This section sets out Auckland Council's Cultural Heritage Implementation Team's assessment of the impact of the proposed works, as described in the submitted documents, against the provisions in the Proposed Auckland Unitary Plan 2013 and other relevant plans (see Sections 1 and 2).

The Auckland Council Cultural Heritage Implementation Team appreciates the Archaeological Assessment provided by the applicant.

We concur with the findings of the archaeological assessment conducted by Clough and Associates. In particular, the relocation of the historic heritage items recorded on the CHI has mitigated a number of concerns related to this proposal.

We find that the survey conducted by Clough and Associates, including the subsurface testing, to have been a robust and useful exercise. The results demonstrate that the potential for unrecorded subsurface archaeological remains is high, particularly in light of the discovery of the previously unrecorded site R09/2201.7.5. We agree with the recommendations provided by the archaeological assessment, to which the AEE defers. The measures, if taken, will successfully mitigate any adverse effects on the historic heritage of the area.

The investigation of R09/2201 will mitigate the adverse effects of the proposed earthworks by investigation and adequate recording in accord with good archaeological practice.

The adoption of an ADP [Accidental Discovery Protocol] is appropriate given the high likelihood of unrecorded subsurface remains revealed by subsurface testing. An ADP should be accompanied by a contractor briefing by the project archaeologist prior to the commencement of works.

Monitoring of all earthworks by an approved archaeologist will successfully mitigate any adverse effects to any subsurface archaeological remains during the portion of the works at which they are most at risk.

In summary, the CHI team is satisfied that the recommendations provided in the archaeological assessment, and deferred to in the AEE, will appropriately mitigate any adverse effects on historic heritage by the proposed works.

The above assessment is adopted. Mr Mills goes on to recommend conditions of consent; the applicant has agreed to these and as such they are concluded to form part of the application.

The application includes a Cultural Impact Assessment (CIA) from Ngati Manuhiri dated January 2016. This assesses the application and potential cultural impacts. It notes the above-mentioned sites, and suggests conditions of consent including conditions regarding iwi involvement in monitoring and accidental discovery protocols. Advice notes in this regard are suggested.

The application includes the removal of a Norfolk Island Pine tree and some pines. The trees are large but have no known specific heritage value (as identified by the AUP(OiP)). The research undertaken in this regard by Boffa Miskell in relation to the Norfolk Island Pine also agrees with this conclusion. The replacement of this exotic tree with a native species more characteristic of this area is also considered to be appropriate in a cultural sense, and consistent with feedback received from iwi (CIA from Ngati Manuhiri dated January 2016).

Adverse effects conclusion

Overall the application is concluded to create adverse environmental effects that will be no more than minor.

Special circumstances

Despite the above, the council may publicly notify an application if special circumstances exist.

There are no special circumstances for these applications. The site does not have any specific characteristics or history, and the proposal does not have any unusual features which would make notification desirable. It is acknowledged that people and groups have contacted the Council raising concerns with the proposal; these are able to be assessed under section 95A and 95B RMA and do not represent a special circumstance which warrants notification.

Public notification assessment conclusion

The application(s) can be processed without public notification for the following reasons:

- The adverse effects of the consent application are no more than minor.
- There are no special circumstances.
- The applicant has not requested notification of the application.

7. Limited notification assessment (sections 95B, 95E-95G)

If the application is not publicly notified the council must decide if there are any affected persons, or customary rights or title groups.

In deciding if a person is affected:

- A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor).
- Adverse effects permitted by a rule in a plan may be disregarded.
- The adverse effects on those persons who have provided their written approval must be disregarded.
- The council must have regard to any statutory acknowledgement under schedule 11. Within the Auckland region the following are relevant:
 - Te Uri o Hau Claims Settlement Act 2002
 - Ngāti Manuhiri Claims Settlement Act 2012
 - Ngāti Whātua Ōrākei Claims Settlement Act 2012
 - Ngāti Whātua o Kaipara Claims Settlement Act 2013
 - Te Kawerau ā Maki Claims Settlement Act 2015

Requirements of a rule or national environmental standard

There are no rules that preclude limited notification.

Limited notification / adversely affected persons assessment

The Council has been contacted by various parties, including the owners of adjacent sites, raising concerns with the proposal. The parties who have contacted the Council include:

- Snells Beach Ratepayers and Residents Association,
- Chris and Mark Windram (21 Hampton Mews),
- Geoff and Lorette Smith (15 Hampton Mews).

The issues raised include:

- The development may adversely impact on shorebirds including the godwit and NZ Dotterell,
- The scale, design and intensity of the proposed development is inconsistent

with the type, style and design of other residential developments located in the area, in particular Snells Beach has not been identified in the AUP as a growth area.

- The scale of the development will impact on the infrastructure of the area, in particular the sewerage treatment facility, located in Snells Beach.
- The development does not have sufficient parking, including that for visitors and boat trailers, to avoid congestion in Hampton Mews.
- How will stormwater and earthworks be managed adjacent to the boundary of 15 Hampton Mews?
- The esplanade reserve and planting proposed is not consistent with the Snells Beach landscape.
- The application should be notified. Mr Didsbury is not the only affected person.

An e-mail from Mr and Mrs Smith dated 12/4/17 also includes the following comments:

Our property (also known as Lot 2 DP 439052) shares a 33 metre boundary with the site of the application. The width of our property is 18 metres wide, has a road reserve frontage of over 5 metres and has an area of 627 square metres. It is vacant and we have plans to build a dwelling within the rules of the covenants on our property. Those covenants include restrictions to fencing on the reserve and road reserve boundaries and height restrictions of structures.

Please consider the permitted activities of our site and the logical layout of a dwelling and outdoor areas in your assessment. Our northern boundary should be an outdoor living area with indoor living areas oriented towards the natural sunlight. Any mitigation on the site of the application should be reasonable, aesthetically appropriate, and durable. We shouldn't look at a wall of steel.

The relatively dense vegetation along our northern boundary is planted on the site of the application, which the application does not show. The root systems and branches encroach onto our property, generate an unreasonable level of shade, an unreasonable amount of pollen and debris, and is unsightly.

The proposal does affect our property in that it effectively locates two walls of buildings along our boundary without covenanted mitigation. A Pittosporum crassifolium hedge (which are slow to grow) along the southern boundary will not shield the level of vehicle noise, emissions, and light spill of a driveway and turning area up to our boundary. According to the application, the double-ended garages proposed along our boundary could accommodate five vehicles parked along our boundary. The light spill from at least 14 units' on and off-street parking would stream into our property.

These communications are contained within the Council application file and it is recommended that the decision maker review these.

Wider concerns raised, including those relating to ecological (including effects on avifauna) and traffic matters have been addressed above in the s95A RMA assessment.

No persons are considered to be adversely affected by the activity for the following reasons.

General reasons applicable to all adjacent sites

- The proposed subdivision is considered to be in keeping with the surrounding environment and anticipated character and intensity for the zone. It is noted that the immediate and wider area has a mixture of zonings and a mixture of development is anticipated by planning documents in these areas. The land to the immediate south is zoned for medium density development, but in the immediate environment more high-density development is also present. The development proposed is not at odds with the existing character of the area, and is not contrary to what could reasonably be expected by the sites zoning. It is also noted that zonings providing for a higher density of development have been in place for some time, importantly under the legacy district Plan (ACDP(RS)). The ability to develop the site to a higher density is not a new provision of the AUP(OiP). This point is made as some parties have raised concerns regarding the scale of the development and its appropriateness in this location.
- The positioning of the dwellings and separation distances of the building platforms will ensure that dominance and shading on adjacent sites will be minimal. Standards of the AUP(OiP) are taken into account in this regard. Noise generated from respective building platforms will be consistent with that for a residential dwelling.
- Traffic and transportation related effects have been assessed by Council's Consultant Traffic Engineer. Access to the site will be along formed Arabella Lane and is not expected to impact upon adjacent sites. The additional traffic associated with the proposal has been assessed by Council's consultant Traffic Engineer and concluded to have less than minor effects upon the roading network. The development provides for an appropriate level of vehicle parking, including garages and uncovered parking spaces, on the site and any overflow into the surrounding roading network is expected to be minimal and temporary.
- There will be a degree of adverse effect on adjacent sites during construction. This can be controlled via conditions of consent, which the applicant has agreed to, including those relating to noise, hours of operation, traffic management and dust. These conditions are expected to control adverse character and amenity effects to an acceptable level during the temporary construction period.

- The development can be suitably serviced. No adverse effects on adjacent sites are expected in this regard.

For completeness and in addition to the comments above, the following assessment is also made in relation to specific adjacent sites.

52 Arabella Lane

This site is located to the immediate north/ north- east of the application site and is a large rural property. Based on aerial photos it appears to contain two household units, outbuildings, and a vineyard. It also contains a sculpture trail and associated café ("The Glass House"). The vast majority of the site is in some form of vegetation, primarily pasture.

The development area is on the eastern part of the site and well separated from the common boundaries with 52 Arabella Lane. The development area is also on a lower contour, being close to the coast. The development will be visible from parts of this adjacent site, but well separated. It will generally appear as part of a more distant view (when visible at all), and be seen as an extension to the residential development that already exists. There will be a change to the character and amenity experienced on this site, but these changes are consistent with what plan provisions generally expect on this site and are comparable with the residential development in this environment.

The application is not expected to have any adverse effects related to activities undertaken on 52 Arabella Lane; farming, viticulture and the existing sculpture trail are expected to function as they do at present. This is primarily due to the associated separation distances, and screening afforded by topography and vegetation between the various activities.

Adverse effects on the owners and occupiers of 52 Arabella Lane are expected to be less than minor.

1-13 Hampton Mews

As set out above, the application includes the written approval of the owners of this site. In accordance with section 95E(3)(a) RMA, adverse effects in relation to the owners and occupiers of this site are disregarded.

15 Hampton Mews

This site is also located to the immediate south of the application site and is vacant. Council records (NewCore) do not identify any building consents applied for or granted in relation to this site. It has frontage to an esplanade reserve and a small section of Hampton Mews. At present this sites' common boundary with the application site contains a hedge, but based on aerial photos these appear to be within the application site. The application includes the removal of this hedge, and its replacement with native species. The landscape assessment refers specifically to this site, and planting species that will improve solar access on 15 Hampton Mews. This is consistent with the relief sought by Mr and Mrs Smith.

The application seeks consent to establish a number of household units and accessory structures. Closest to 15 Hampton Mews this will comprise the side of a two storey dwelling and single car garage. The garage will be set back 1m from the common boundary, and will be constructed of folded metal roofing. This is the same finish on the side of dwelling A11. As noted previously, other materials will be used on other parts of the buildings.

From 15 Hampton Mews, the development will be readily visible but not in its entirety (with some screening being created due to other buildings, landscaping and landform). The buildings located close to 15 Hampton Mews are single level garages (3m above finished ground level) and two storied dwellings. This will impact on the character and amenity present on this site, but these changes are considered to be consistent with the environment anticipated. The application site and 15 Hampton Mews have different zonings; more intensive development of the application site has been signalled for some time by planning documents. The application must be assessed in its planning context, and it is concluded to be an appropriate use of the site in this regard.

Views of the development will also be softened by the proposed planting along the southern boundary. Given the low scale of the garages in particular, it is expected that this planting will have a positive effect in the short term. It is acknowledged that the metal roofing cladding will be visible from the site; this is a central part of the design of the dwellings. Building design and materiality can to a certain extent be a subjective issue. It is however noted that Council specialists have not raised any concerns in this regard.

The buildings will not visually dominate 15 Hampton Mews, but there will be a distinction between development on the two sites as would be expected given their different zonings.

Light from dwellings and the access will be present. This is expected to meet requirements of the AUP(OiP). There will be no floodlights or similar. It is not expected that this will create glare or similar effects on 15 Hampton Mews above what could readily be expected by development of this site.

Earthworks have been assessed previously. It is noted that these will result in relatively minor changes to the landform. Construction effects will be controlled via conditions of consent.

Having regard to agreed conditions of consent and the planning context to the site, adverse effects on the owners of 15 Hampton Mews are considered to be less than minor.

Esplanade Reserve

An esplanade reserve exists in this location, but it appears to have eroded since created as it is now within the intertidal area. This is evident in the cadastral plan below.



Figure 22: Esplanade area

The application will have no impact on the existing esplanade reserve, and in fact proposes to extend the reserve area. No works are proposed in the existing esplanade reserve, and development will be managed to minimise potential effects such as those related to discharges. The application will not impact on the ability for and type of activities being undertaken within the reserve. It is understood consultation has been undertaken with the Council parks team previously (by Mr Andrew Woodford and also the applicant directly) and no concerns have been raised. More recent comments have also been obtained from Mr Johnathan Begg as detailed previously.

Limited notification assessment conclusion

These applications should be processed without limited notification as adverse environmental effects on any party will be less than minor.

8. Notification recommendation

Non-notification

For the above reasons, these applications may be processed without public notification or limited notification.

Accordingly, I recommend that these applications are processed non-notified.

Andrew Woodford/ Hannah Thomson

Date

Senior Planner/ Consultant Planner

Resource Consents

9. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A, 95B and 95C of the RMA these applications shall be processed non-notified.



Nicola Broadbent

Date: 25/07/2017

Team Leader

Resource Consents

Consideration of the applications

10. Statutory considerations

Under s104B a consent authority may grant or refuse consent for a discretionary or non-complying activity. If it grants the application, it may impose conditions under ss108 and 220 of the RMA.

The council must have regard to Part 2 of the RMA ("Purposes and Principles" – ss5 to 8), ss104, 104B, 104D, 106, 108 and 220 of the RMA. The weighing up under s104 is subject to Part 2.

Particular restrictions for non-complying activities - s104D

In assessing the degree of adverse effects for s104D, reliance is placed on the broad assessment and conclusion for the s95A adverse effects assessment under the respective planning frameworks. This includes:

- adoption of the conclusion for the relevant "permitted baseline", applied in the context of s104(2); and
- disregarding any adverse effects on persons who have provided written approvals (identified in Table 2).

As the adverse effects are no more than minor, as a non-complying activity, the proposal can be considered against s104 and s104B.

11. Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Positive effects

The proposal will have the following positive effects. The application provides for additional housing opportunities in the area. These are primarily 2 bedroom units, which provides for a greater variety of housing choice, providing options for people with different housing needs. The application will provide for the social and physical wellbeing of future residents.

The application also improves the natural character of the site by re-creating the dune system and revegetating it. Similarly, the SEA area to the rear will be extended via planting, and protected.

Adverse effects

In considering the adverse effects, the council:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval.

The assessment and conclusion of the “permitted baseline” for the s95A adverse effects assessment are considered applicable to s104(2), and so are not repeated here.

The assessment of adverse effects done for notification identified and evaluated adverse effects only, and these are adopted for the purposes of s104(1)(a).

Summary

Actual and potential effects

The actual and potential adverse effects to the proposed development are considered to be acceptable and able to be accommodated in the existing environment.

12. Relevant statutory instruments

National Environmental Standard – s104(1)(b)(i)

The application does not trigger any NES. It is understood that no HAIL activities have been undertaken on the site and as such the NES(Soil) does not apply.

National Policy Statement – s104(1)(b)(iii)

The NPS on Urban Development Capacity is relevant to the consideration of this application. The application provides for the construction of a single household unit, and for additional housing stock in an area (Auckland) where demand is known to be high (Objective OA2). This development is also consistent with the new and legacy zoning of the site; these zonings, which enable residential development in appropriate locations, are consistent with the requirements of policies PA1 and PC4. The development can be appropriately serviced (PA2).

The application is consistent with objectives and policies of this document.

New Zealand Coastal Policy Statement (NZCPS) – s104(1)(b)(iv)

The purpose of the NZCPS is to state policies in order to achieve the purpose of the RMA in relation to the coastal environment of New Zealand.

The relevant policies of the NZCPS include the preservation of the natural character of the coastal environment which includes protection from inappropriate subdivision, use and development; protecting areas of significant indigenous vegetation and habitats of indigenous fauna in that environment; protecting the following features which are essential or important elements of the natural character of the coastal environment: landscapes, seascapes and landforms, areas of spiritual, historical or cultural significance to Maori and significant places of historic or cultural significance; protecting the integrity, functioning and resilience of the coastal environment; and to restore and rehabilitate the natural character of the coastal environment.

The application relates to the northern extension of the existing urban environment at Snells Beach. The scale and character of development is consistent with the existing environment and general zoning of the site. The application will create an acceptable level of adverse effect in relation to servicing and ecological matters in general. This includes potential effects related to earthworks, and impacts on native flora and fauna living in nearby SEA areas. In the context of the existing environment the application is not expected to create a noticeable adverse effect on the natural character of this location.

The application will have no impact on the pa located on the headland area to the north- east of the development area.

The site is subject to coastal hazard risk, but the application adequately takes this into account.

The relevant provisions, including policies 6, 11, 13, 17, 22 and 25 of the NZCPS have been considered and it is concluded that the proposal subject to the imposition of conditions, is consistent with the NZCPS.

Hauraki Gulf Marine Park Act 2000 (HGMPA) – s104(1)(b)(iv)

For the coastal environment of the Hauraki Gulf, the HGMPA requires that sections 7 and 8 of that Act must be treated as a New Zealand coastal policy statement.

When considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments, a consent authority must have regard to sections 7 and 8 of the HGMPA. These sections must be treated as a New Zealand coastal policy statement. Section 7 recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments. The objectives are intended to protect, maintain and where appropriate enhance the life supporting capacity of the environment of the Gulf and its islands.

Section 9 addresses the relationship this Act has with the RMA. Section 9(4) of the HGMPA states:

- (4) A consent authority must, when considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments, have regard to sections 7 and 8 of this Act in addition to the matters contained in the Resource Management Act 1991.*

To ensure that the life supporting capacity of the Hauraki Gulf is sustained, the proposal (as required by Section 8) will have to:

- *“ensure that the works to establish the operation protect the environment, including the stream catchments and vegetation;*
- *that it protects the cultural and historic associations of the wider Hauraki Gulf; and*
- *that there is at the minimum, the maintenance and, where appropriate, the enhancement of the natural, historic, and physical resources of this part of the region.*

all of which contributes to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand”.

A number of these matters have been assessed in the s95 RMA report. In light of these comments, it is considered that the proposal overall is consistent with the HGMPA.

Auckland Council Regional Policy Statement – s104(1)(b)(v)

The Auckland Council Regional Policy Statement ("ACRPS") sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner.

Under the ACRPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The following Chapters of the ACRPS are considered relevant: Chapter 2 (Regional Overview and Strategic Direction), Chapter 3 (Matters of significance to Iwi), and Chapter 6 (Heritage). Chapter 2 (Regional Overview and Strategic Direction), of the ARPS provides an overview of resource management in the Region and establishes a strategic approach for the management of these resources. Chapter 3 (Matters of Significance to Iwi) states broad issues which are of significance to Tangata Whenua. No issues of significance to iwi have been identified. Chapter 6 (Heritage) covers the cultural environment and includes things such as sites, artefacts and historical associations. No archaeological issues are expected with this development.

The relevant provisions of the ACRPS have been considered and for the reasons outlined above, it is concluded the proposal is consistent with the ACRPS.

Part 1 of the proposed Auckland Unitary Plan – s104(1)(b)(v)

Chapter B of the AUP (OiP) sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.

The application is consistent with the objectives and policies of B2 (Urban Growth and Form). These provisions seek to create a quality, compact urban form (B2.2.1(1), B2.4.1(1)) with this occurring within the Rural Urban Boundary (B2.2.1(2), B2.2.1(4), B2.2.2(4)- appealed). The development is in a suitable location, provides good urban design outcomes and can be serviced by existing infrastructure.

The application also provides a choice of residential accommodation (B2.3.1(1), B2.3.2(2), B2.3.2(3), B2.4.1(4)) and is not inconsistent with the existing environment (B2.4.2(1)).

The application creates acceptable effects in relation to traffic and transportation, taking into account the ability for the roading network to accommodate traffic generated from this development (B3.3.1(1), B3.3.2(1), B3.3.2(2), B3.3.2(4), B3.3.2(5)- appealed). There is however limited “non- car” options in this area, in particular a lack of public transport. There is however a bus service from Snells Beach (the “Kowhai Connection” that runs between Snells Beach (the town centre area), Warkworth and Matakana five times a day⁴⁴. Connections to more distant areas are available from Warkworth. The area is not well connected in terms of public transport, and is in a more isolated location than larger towns. Some conflict is created in relation to policies in this regard.

The application is not expected to adversely impact on the principles of the Treaty of Waitangi (B6.2.1(1)).

The application includes appropriate measures to avoid, remedy or mitigate potential adverse effects on water quality (B7.3.1(3), B7.3.2(1), B7.4.1(1)).

Issues relating to the natural character of the coast (B8.2.1(2)), use and development (B8.3) have been assessed above and are also applicable in relation to Chapter B8 of the AUP(OiP). The application is not contrary to related objectives and policies in the AUP(OiP). The site is located to the immediate north of an existing and established urban environment. Land to the south includes residential development of a similar scale to that proposed here (B8.3.1(1)). Residential development extends along almost the entire shoreline of the beach; the application does not relate to sporadic development (B8.3.2(2)) but rather development of a coastal location that is already compromised by urban development in accordance with the zoning provisions. The application is generally consistent with the character of the wider area, including the coastal character as experienced on Snells Beach (B8.3.1(3)).

The application is not contrary to the relevant objectives and policies of this document.

Plan or proposed plan – section 104(1)(b)(vi)

Auckland Council District Plan (Rodney Section)

Relevant objectives and policies

While the application still requires consent under the ACDP(RS), there are no appeals to the relevant objectives and policies. The provisions noted below are operative.

⁴⁴ <https://at.govt.nz/bus-train-ferry/bus-services/kowhai-connection/>

Proposed Auckland Unitary Plan

The following objectives and policies are considered relevant to the consideration of this application:

- Regional earthworks-
 - Objectives E11.2(1)- (3).
 - Policies E11.3(1), E11.3(2), E11.3(4), E11.3(5), E11.3(6), E11.3(7).
- District Earthworks
 - Objective E12.2(1).
 - Policies E12.3(1), E12.3(3), E12.3(4), E12.3(5), E12.3(6).
- Vegetation Management and Biodiversity
 - Objectives E15.2(1), E15.2(1).
 - Policies E15.3(1), E15.3(2). These policies are subject to appeal.
- Transportation
 - Objectives E27.2, E27.2(3), E27.2(4).
 - Policies E27.3(3), E27.3(5), E27.3(8), E27.3(14), E27.3(15), E27.3(18), E27.3(19), E27.3(20), E27.3(21).
- Natural Hazards and Flooding
 - Objectives E36.2(2), E36.2(5), E36.2(6).
 - Policies E36.3(1), E36.3(3), E36.3(4), E36.3(7), E36.3(9), E36.3(10), E36.3(12), E36.3(13), E36.3(14), E36.3(21), E36.3(22), E39.3(29), E39.3(30), E39.3(31).
- Subdivision
 - Objectives E38.2(1), E38.2(2), E38.2(3), E38.2(4), E38.2(6), E38.2(7), E38.2(8), E38.2(10).
 - Policies E38.3(1), E38.3(2), E38.3(4), E38.3(6), E38.3(11), E38.3(12), E38.3(13), E38.3(15), E38.3(18), E38.3(19), E38.3(20), E38.3(20), E38.3(24).
- Mixed Housing Suburban
 - Objectives H4.2(1), H4.2(2), H4.2(3).
 - Policies H4.3(1), H4.3(2), H4.3(3), H4.3(4), H4.3(4), H4.3(5), H4.3(6), H4.3(7), H4.3(8).

Assessment

The application will see the removal of a small number of exotics pines but this is not considered to relate to an inappropriate use. Trees are located on an urban site in an urban environment; they are not part of bush or near any significant habitats. The trees are not significant in ecological terms. The site is zoned for residential development, and the retention of trees needs to be balanced with the ability to efficiently use the land resource, including the need to provide useable public access and undertake dune restoration works. The location of the trees on site is such that some removal is required to enable this to occur. The application, including the mitigation offered by additional planting, is considered to represent a reasonable balance between vegetation removal and site development.

The application proposes best practise control in terms of earthworks, and this will adequately manage potential effects associated with the proposed earthworks. The works are not expected to create notable water quality effects in relation to either the coastal area or nearby watercourses. The volume of earthworks is considered to be reasonable, to allow efficient development of the site taking into account desirable urban design outcomes. The application includes information addressing stability and natural hazards.

The number of car parks proposed is commensurate to the scale of the activity and the size of the units. Access areas are also appropriate.

The application has been the subject of specialist assessment in relation to natural hazards. This includes stability and coastal inundation and erosion. The application appropriately takes these potential risks into account via site layout, restoring sand dunes, earthworks design and finished floor levels. These measures, in particular placement of the buildings within the site, reinstatement of dunes and finished floor levels, have removed the need for hard engineering solutions to the hazards. The development is not expected to exacerbate these natural hazards on other sites.

The zone description for the Mixed Housing Suburban zone refers to enabling intensification, and residential development being generally two stories in height (H4.1) and containing either attached or detached housing.

The application provides for an intensity of development that is consistent with the zoning, and also a choice in housing options. Amenity both on- site and on adjoining sites is expected to be high, and of a level anticipated in this zone. While the road will be private, the urban design outcome remains acceptable.

Overall garage doors will not dominate the “streetscape”, overlooking of common areas will be present, and the site will be well landscaped. The landscaping proposed is cognisant of the coastal location of the site, and takes cues from the existing natural features. Sunlight access between units on the site will be suitable, and similarly appropriate levels of sunlight will continue to enter adjacent sites.

Internal and external spaces will be functional and useable, with privacy provided via landscaping. This will assist in creating a high amenity environment.

The development overall takes into account constraints and opportunities on the site, and makes these an integral part of the development. This is achieved while still having a reasonable density of development. This is concluded to be an efficient use of the land resource.

The subdivision of the site achieves the outcomes generally sought in this zone, and relates to the approved landuse (also being approved by this application). The development can also be suitably serviced and accessed.

The area to be developed utilises the flat, coastal part of the site. No works are required within protected bush areas or in close proximity to the pa.

The application will also see the vesting of an esplanade reserve. This essentially takes into account an underlying subdivision where the s223 RMA certification has lapsed.

Conclusion

Overall, the proposal is not contrary to the relevant objectives and policies as assessed above.

13. Any other matter – section 104(1)(c)

There are no other matters under section 104(1)(c) that are considered relevant to the consideration of this application.

14. Other relevant RMA sections

Matters relevant to subdivision consents – s106

- The land and structures on the land, will not be subject to material damage by erosion, falling debris, subsidence, slippage or inundation from any source, and
- Any subsequent use that is likely to be made of the land is not likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source, and
- Sufficient provision has been made for legal and physical access to each allotment created by the subdivision.

Conditions of resource consents – s108 and s220

In addition to the conditions offered by the applicant or inherent in the application proposal, and any identified in the s104 assessment, the following additional conditions are recommended. These are set out in the draft conditions/ draft decision attached to this report.

Part 2 (Purpose and Principles)

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in

sections 6 to 8, and considered in light of the particular circumstances of each application.

In this case the application will have an impact on the natural character of the coastal environment (s6(a)) in that it introduces residential development into an area that is currently primarily pasture. This change however is anticipated by the zoning of the site, and adverse effects on the natural functioning of the coastal environment will be managed.

The application takes into account the landscape values of the site and natural features present (s6(b)). This includes nearby habitats of shore birds (s6(c)), and areas of the site identified in the AUP(OiP) as SEA. Impacts in this regard are concluded to be acceptable.

Overall, having regard to the zoning of the land and design of the development, the proposal is concluded to be an efficient use of this land resource (s7(b)). The application will result in an amenity that is comparable with that in the immediate and wider environment (s7(c)).

The application creates no known conflicts with in relation to the principles of the Treaty of Waitangi (s8) or the relationship of Maori with their lands (s6(e)).

The application uses natural resources in a way and at a rate than represents sustainable management. The application is consistent with Part 2 RMA.

Conclusion

Overall the proposal creates an acceptable level of adverse effects, taking into account specific aspects of the proposal,

Recommendation

Under sections 104D, 104, 104B, 106 and 108 of the RMA, I recommend that these non-notified non-complying activity applications are granted, subject to the following conditions.

The reasons for this decision are detailed in the attached draft decision and recommended conditions.

This report and recommendation prepared by:

Name: Andrew Woodford/ Hannah Thomson

Title: Senior Planner/ Consultant Planner, Resource Consents

Signed:



Date: 25/07/2017

Decision on application(s) for resource consent under the Resource Management Act 1991



Non-complying activity

Application number(s):

Legacy Numbers:

R66533 (District Landuse, regional earthworks and subdivision)

REG- 66820 (Stormwater discharge)

Newcore Numbers:

BUN20444732

SUB60035455

LUC60010951

DIS60048630

Applicant's name:

Vavasour Investments Limited

Site address:

59 Arabella Lane, Snells Beach

Legal description:

Lot 2 DP 497235

Proposal:

To construct 33 new 2-3 bedroom dwellings, remove pines and a Norfolk Island pine tree near a watercourse, undertake associated earthworks (8600m³ over 1.1ha) and create impermeable areas (6000m²), and to subdivide the site based on this land use including the vesting of an esplanade reserve.

The resource consents are:

Auckland Council District Plan (Rodney Section)

- Integrated residential development within the Residential High Intensity zone that does not meet all the relevant standards (8.10.1 (Maximum Height), 8.10.2 (Height to Boundary), 8.10.4 (Site Coverage), 8.10.7 (Private Open Space))- **non- complying activity**.

Auckland Unitary Plan (Operative in Part)

- Table D11.4.1 (A12)- Buildings and structures including dwellings not provided for as a permitted activity in an Outstanding Natural

Landscape- **Discretionary Activity**. This rule has been appealed however there is no corresponding rule in the ACDP(RS).

- Table E8.4.1 (A10)- All other diversion and discharge of stormwater runoff from impervious areas not otherwise provided for- **Discretionary Activity**.
- Table E11.4.1(A9)- Greater than 2,500m² within the Sediment Control Protection Area- **Restricted Discretionary Activity**.
- E12.4.1(A10)- Earthworks greater than 2500m³- **Restricted discretionary activity**.
- E12.4.2(A30) and A(33)- Earthworks in the Outstanding Natural Landscape overlay that are more than 50m² and 250m³- **Restricted discretionary activity** (subject to appeal). There is no corresponding rule in the ACDP(RS).
- The application also includes earthworks within an area noted in AUP(OiP) planning maps as SEA. There is no vegetation within this area however technically this is an infringement and it is included for completeness.

Table E11.4.3 (A28 and A30)- Earthworks greater than 5m² and 5m³- **Restricted discretionary activity**.

- E15.4 A19- Vegetation alteration or removal within 10m of urban streams (removal of Norfolk Island Pine tree and pine trees)- **Restricted discretionary activity**.
- Table H.4.4.1- More than three dwellings per site- **Restricted Discretionary Activity**. The applicable standards are Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.6 Alternative height in relation to boundary; Standard H4.6.7 Yards. Compliance with these standards is detailed as follows:
 - Standard H4.6.4- Building height- Buildings must not exceed 8m in height except that 50 per cent of a building's roof in elevation, measured vertically from the junction between wall and roof, may exceed this height by 1m, where the entire roof slopes 15 degrees or more- Infringements present on Lots 16- 20, 31, 33, 35, 41, 42, 61, 71. **restricted discretionary activity**.

The infringements are detailed in a letter from B&A dated 26/9/16 as follows:

- Lot 16: 1.342m infringement with 9.342m proposed.
 - Lot 17: 1.318m infringement with 9.318m proposed.
 - Lot 18: 1.310m infringement with 9.310m proposed.
 - Lot 19: 1.295m infringement with 9.295m proposed.
 - Lot 20: 1.276m infringement with 9.276m proposed.
 - Lot 31: 0.923m infringement with 8.923m proposed as it relates to the roof deck.
 - Lots 33 and 35: 0.623m infringement with 8.623m proposed as it relates to the roof deck.
 - Lot 41: 1.212m infringement with 9.212m proposed.
 - Lot 42: 1.137m infringement with 9.137m proposed.
 - Lot 61: 3.2m infringement with 11.2m proposed.
 - Lot 71: 2.747m infringement with 10.747m proposed.
- o Standard H4.6.5 Height in relation to boundary- Buildings must not project beyond a 45 degree recession plane measured from a point 2.5m vertically above ground level along side and rear boundaries- Infringements created by proposed boat sheds. This is a **restricted discretionary activity**.

The infringements are detailed in a letter from B&A dated 26/9/16 as follows:

- o The proposed boat sheds infringe the HiRB standard (H4.6.5) by a maximum vertical height of 3.1m reducing to 2.6m over a length of 22.4m.

A small infringement (in the order of 0.2m) of the corner of the garage for unit A11 is also created on the southern boundary.

- o Standard H4.6.7 Yards- A building or parts of a building must be set back from the relevant boundary by the minimum depth listed in Table H4.6.7.1 Yards, being:
 - Front yard- 3m
 - Side yard- 1m
 - Rear yard- 1m,
 - Riparian yard- 10m,
 - Coastal protection yard- 10m.

Based on the boundaries as they exist now, no yard infringements are created.

This rule is subject to appeal and is not operative.

- As a result of the subdivision and the new location of site boundaries and site areas, a number of “internal” infringements of Standards related to the Residential- Mixed Housing Suburban will be created.

These are summarised as:

H4.6.5- Height to Boundary:

Infringements (on new boundaries internal within the development) of this rule are created by units F61, E51, D41, A16, A18, A20, C36, C33, C31, B27, G71.

H4.6.7- Yards:

Infringements (on new boundaries internal within the development) of this rule are created by units A12- 15, F61, E51- 53, D41- 42, A27- A20, Garages on Lots 28, 29, 30, C33, C36, C31, B25- 27, Garages on Lots 25- 27, B21- 24.

- E27.6.4.3.2 (T150)- Access widths not consistent with rule (3m- 3.5m)- Rule is subject to appeal. This is a **restricted discretionary activity** (Table E27.4.1(A2)).
- E27.6.3.1.1- (T123)- Manoeuvring space associated with visitor carparking does not meet the required standard. This is a **restricted discretionary activity** (Table E27.4.1(A2)).
- Table E36.4.1(A4)- All other buildings and structures on land which may be subject to coastal erosion- **Restricted Discretionary Activity**. This rule is subject to appeal.
- Table E36.4.1(A41)- Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path- **Restricted Discretionary Activity**. Minor overland flowpaths in the eastern extent of the site will be diverted.

Section 11- Subdivision

- E38.8.1- Access from the right of way will service more than 10 sites- **Restricted discretionary activity**.
- E38.4.1 (A11)- Subdivision of land which contains 1% AEP floodplain, coastal storm inundation, and land which is subject to coastal hazards- **Restricted discretionary activity**,
- E38.4.2(A14)- Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1- **Restricted discretionary activity**.

- E38.4.1(A8)- Subdivision establishing an esplanade reserve- **Restricted discretionary activity**.
- E38.4.1(A9)- Creation of esplanade reserves- **Restricted discretionary activity**.

I have read the application(s), supporting documents, and the report and recommendations on the consent application(s). I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application(s).

Acting under delegated authority, under sections 104, 104B, s104D, 106 and 108 the application is **GRANTED**.

1. Reasons

Under section 113 of the RMA the reasons for this decision are:

1. The proposal passes the tests under s104D for non-complying activities. As discussed below the proposal is not contrary to relevant objectives and policies and will have no more than minor adverse environmental effects.
2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - The character and scale of the development is consistent with the sites zoning and the character expected in this location. The buildings are articulated individually via their design and proposed materials, and the buildings are of a scale that is appropriate in this location (being primarily 2 storied). Large, commonly owned open spaces will surround the development. The development is consistent with urban design principles, including passive surveillance and solar access and garages are not expected to dominate the “street” frontages. The proposed landscaping will both mitigate the proposed tree removal, and assist in creating a high amenity environment. The planting proposed on the dunes area and on the hillside to the rear will improve the natural character of the site.
 - Construction effects can be controlled via conditions of consent, including those relating to traffic management, hours of operation and noise creation. These works will also take place over a defined period of time, and as such these adverse effects will be temporary.
 - The proposed earthworks will occur over a relatively short period of time and will be controlled via silt and sediment controls meeting Council technical standards. This will control potential water quality effects. Once completed the areas will be regrassed/ planted.
 - The development can be suitably serviced. This includes reticulated wastewater services. No adverse effects on surrounding waterways are expected in this regard. Stormwater will also be appropriately managed from

the new impermeable areas and no increase in flooding effects are anticipated.

- All sites will have suitable access to roads, including those to vest as part of the application. The surrounding roading network can accommodate the additional traffic generated without creating any notable traffic engineering effects.
 - The sites proposed are suitable for development in engineering terms and will not exacerbate or create natural hazards. Suitable building platforms are available. The application takes into account coastal hazards, in particular coastal inundation and coastal erosion.
 - Based on information available, the application is expected to create adverse cultural and heritage effects that are less than minor.
3. In terms of positive effects the application will see the creation of new residential sites on the periphery of an existing residential environment and in a location identified in the AUP(OiP) as appropriate for this to occur in. The development also provides a variety in housing choice, by establishing smaller dwellings of 2-3 bedrooms. The development is expected to create a character and amenity that is appropriate in this location, and will enable people to provide for their social wellbeing.

The planting proposed both on the re-created dune area and the hillside to the rear will assist to enhance the natural character of the site. This is also expected to impact positively on the SEA areas in these locations.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is not contrary to the relevant statutory documents.

The National Policy Statement on Urban Development Capacity 2016 is relevant to the consideration of this application. The application provides for the residential development of the site, and as a result for additional housing stock in an area (Auckland) where demand is known to be high (Objective OA2). This development will enable residential development in an appropriate location, which is consistent with the requirements of policies PA1 and PC4. The development can be appropriately serviced (PA2). The application is consistent with objectives and policies of this document.

The development is generally consistent with provisions contained in Chapter B (regional policy statement) of the AUP(OiP).

The application is not contrary to the relevant objectives or policies in Chapters E11, E12, E15, E27, E36, E38 or H4.

The development overall takes into account constraints and opportunities on the site, and makes these an integral part of the development. This is achieved while still having a reasonable density of development. This is concluded to be an efficient use of the land resource.

The subdivision of the site achieves the outcomes generally sought in this zone, and relates to the approved landuse (also being approved by this application). The development can also be suitably serviced and accessed.

The area to be developed utilises the flat, coastal part of the site. No works are required within protected bush areas or in close proximity to the pa.

The application will also see the vesting of an esplanade reserve. This essentially takes into account an underlying subdivision where the s223 RMA certification has lapsed.

5. The application is consistent with the provisions of section 106 RMA.
6. The application will have an impact on the natural character of the coastal environment (s6(a)) in that it introduces residential development into an area that is currently primarily pasture. This change however is anticipated by the zoning of the site, and adverse effects on the natural functioning of the coastal environment will be managed.

The application takes into account the landscape values of the site and natural features present (s6(b)). This includes nearby habitats of shore birds (s6(c)), and areas of the site identified in the AUP(OiP) as SEA. Impacts in this regard are concluded to be acceptable.

Overall, having regard to the zoning of the land and design of the development, the proposal is concluded to be an efficient use of this land resource (s7(b)). The application will result in an amenity that is comparable with that in the immediate and wider environment (s7(c)).

The application creates no known conflicts in relation to the principles of the Treaty of Waitangi (s8) or the relationship of Maori with their lands (s6(e)).

The application uses natural resources in a way and at a rate than represents sustainable management. The application is consistent with Part 2 RMA.

2. Conditions

Under sections 108 and 220 of the RMA, these consents are subject to the following conditions:

General Conditions

These conditions apply to all resource consents.

1. The non-complying activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent numbers R66533/ REG- 66820, BUN2044732, SUB60035455, LUC60010951
 - Application Form, and Assessment of Environmental Effects prepared by B & A, Issue 2 dated 23/12/15.

Report title and reference	Author	Rev	Dated
Vavasour Investments Limited, Proposed Development at Boatshed Bay 59 Arabella Lane, Snells Beach, ref 18430a	Ian Hutchinson Consultants Ltd	-	December 2015
Traffic Report, ref J0009	Commute	-	18/12/15
Archaeological Assessment	Clough & Associates	-	December 2015
Coastal Hazard Assessment and Management Recommendations	Eco Nomos Ltd	-	July 2015
Landscape and Visual Assessment Including attached Landscape Concept Plans and Landscape Masterplan, Revision 04)	Boffa Miskell	1	31/5/16
Landscape Design Proposals (subject to conditions)	Boffa Miskell	-	31/5/16
Addendum to Landscape and Visual Effects Assessment	Boffa Miskell	-	23/2/17
Geotechnical Investigation Report, ref AKL2016_0089AB	CMW Geosciences	0	4/9/15

Plan title and reference	Author	Rev	Dated
Job 18430, R01	Hutchinson Consulting Engineers		December 2015
Sheets R04, R05, R06, R07, R08, R09, R10, R11, R12, R13. Note that these plans do not show the approved (and required) visitor car parking (8 spaces) or the 12 residents spaces (Units 74-81, and 87- 90).			

Plan title and reference	Author	Rev	Dated
Scheme Plan of Proposed Subdivision of Lot 2 DP 497235, ref 3331, Sheets 1-3	Warkworth Surveyors	G	16/3/17
Proposed Site Plan – Sheet RC102D (except plan to be updated to show 12 residents spaces near the pond)	Crosson Architects	D	15/6/17
Site Reference Plan - Sheet RC103C	Crosson Architects	C	22/01/2016
Units A11 – A15 – Sheet RC201B	Crosson Architects	B	22/12/2015
Units A16 – A20 – Sheet RC202B	Crosson Architects	B	22/12/2015
Units B21 – B24 – Sheet RC203B	Crosson Architects	B	22/12/2015
Units B25 – B27- Sheet RC204B	Crosson Architects	B	22/12/2015
Units B28 – B30 – Sheet RC205B	Crosson Architects	B	22/12/2015
Units C31 – C36 – Sheet RC206B	Crosson Architects	B	22/12/2015
Units D41 – D42 – Sheet RC207B	Crosson Architects	B	22/12/2015
Units E51 – E53 – Sheet RC208B	Crosson Architects	B	22/12/2015
Unit F61 – Sheet RC209B	Crosson Architects	B	22/12/2015

Unit G71 – Sheet RC210B	Crosson Architects	B	22/12/2015
Units A11 – A15 – Sheet RC301G	Crosson Architects	G	15/06/2017
Units A16 – A20 – Sheet RC302G	Crosson Architects	G	15/06/2017
Units B21 – B24 – Sheet RC303G	Crosson Architects	G	15/06/2017
Units B25 – B27 – Sheet RC304G	Crosson Architects	G	15/06/2017
Units B28 – B30 – Sheet RC305G	Crosson Architects	G	15/06/2017
Units C31 – C36 – Sheet RC306G	Crosson Architects	G	15/06/2017
Units D41 – D42 – Sheet RC307G	Crosson Architects	G	15/06/2017
Units E51- E53 – Sheet RC308F	Crosson Architects	F	15/06/2017
Unit F61 – Sheet RC309F	Crosson Architects	F	15/06/2017
Unit G71 – Sheet RC310E	Crosson Architects	E	15/06/2017
Boatsheds and Finishes – Sheet RC311D	Crosson Architects	D	15/06/2017

Other additional information	Author	Rev	Dated
E-mail: FW: Comments from NRSI earthworks team – Arabella Lane'	Matt Symons, Hutchinson Consulting Engineers	-	19/01/2016
E-mail: FW: Comments from NRSI earthworks tram – Arabella Lane'	Pamela Santos, Barker & Associates	-	20/01/2016
E-mail: Proposed change in minimum FFL	John Dahm	-	22/2/17
Letter: LAN66533	B&A	-	21/3/17
E-mail: R66533- Arabella Lane	Mat Peters, Special Projects Team	-	29/5/17
Letter: R66533	B&A	-	27/1/16
Letter: R66533	B&A	-	26/9/16

2. Under section 125 of the RMA, the land use and discharge components of this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.
3. Under section 125 of the RMA, the subdivision component of this consent lapses five years after the date it is granted unless:
 - a. A survey plan is submitted to Council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or

- b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.
- 4. The consent holder shall pay the council an initial consent compliance monitoring charge of \$900 inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent/s.

Advice note:

The initial monitoring deposit 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. In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

- 5. The Team Leader, Northern Monitoring shall be notified at least ten (10) working days prior to development (including earthworks or tree removal) commencing on the subject site. Email: ResourceConsentAdmin@aucklandcouncil.govt.nz.
- 6. Prior to the commencement of works a Construction Management Plan (CMP) shall be submitted to the Team Leader Northern Monitoring. No construction activity shall commence until confirmation is provided from the council that the CMP is approved and all measures identified in that plan as needing to be put in place prior to commencement of works have been.

The Construction Management Plan required should contain sufficient detail to address the following matters: noise, traffic, parking, dust, vibration, stockpiling, potential effects on adjacent SEA areas (these areas should be fenced in temporary fencing to prevent inadvertent damage during construction).

- 7. All construction and earthworks activities on the subject site shall comply with the New Zealand Standard 6803:1999 for Acoustics – Construction Noise at all times

The use of noise generating tools, motorised equipment, and vehicles that are associated with construction and earthworks activity on the subject site shall therefore be restricted to between the following hours to comply with this standard:

- a. Monday to Friday: 7.30am- 6pm
- b. Saturday: 8am- 3pm

- c. Sundays or Public Holidays: no works
8. Prior to the commencement of the construction or earthworks activity, the consent holder shall hold a pre-start meeting that:
- is located on the subject site
 - is scheduled not less than 5 days before the anticipated commencement of works
 - includes Councils Monitoring officer
 - includes representation from the contractors who will undertake the works and any suitably qualified professionals if required by other conditions (including the consent holders archaeologist).

The following matters shall be discussed at the meeting: traffic management, construction management, archaeology conditions, silt and sediment control, management of works in relation to SEA areas, remedial actions (as required).

The following information shall be made available at the pre-start meeting:

- *Timeframes for key stages of the works authorised under this consent*
- *Resource consent conditions.*
- *Erosion and Sediment Control Plan.*
- *Traffic Management Plan Approved by Auckland Transport.*
- *Construction Management Plan.*

Specific conditions – District land use consent LUC60010951

Engineering

9. The construction of permanent earth bunds, retaining walls, building foundations and the placement and compaction of fill material shall be designed and supervised by a suitably qualified engineering professional.
10. Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to the Team Leader, Compliance Monitoring Orewa confirming that the works have been completed in accordance with condition 8

above, within ten (10) working days following completion. Written certification shall be in the form of a geotechnical completion report, producer statement or any other form acceptable to Council.

11. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of the Team Leader, Northern Monitoring, Orewa.

Advice Note:

In accordance with this condition all earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:

- *Catchpit protection*
- *run-off diversions*
- *silt and sediment traps*
- *decanting earth bunds*
- *silt fences*

12. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity, that in the opinion of the Team Leader- Northern Monitoring is noxious, offensive or objectionable.

Advice Note:

In order to manage dust on the site consideration should be given to adopting the following management techniques:

1. *stopping of works during high winds*
2. *watering of stockpiles and manoeuvring areas during dry periods*
3. *installation and maintenance of wind fences and vegetated strips*

4. *grassing or covering of stockpiles*

In assessing whether the effects are noxious, offensive or objectionable, the following factors will form important considerations:

5. *The frequency of dust nuisance events*
6. *The intensity of events, as indicated by dust quantity and the degree of nuisance*
7. *The duration of each dust nuisance event*
8. *The offensiveness of the discharge, having regard to the nature of the dust*
9. *The location of the dust nuisance, having regard to the sensitivity of the receiving environment.*

It is recommended that potential measures as discussed with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring Orewa for more details. Alternatively, please refer to the Ministry for the Environment publication "Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions".

13. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Team Leader, Northern Monitoring Orewa will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

Advice Note:

In order to prevent damage occurring during the earthwork activity, the consent holder should consider placing protective plates over footpaths, kerbs, and drains. Where necessary, prior to works commencing, photographing or video recording of roads, paths and drains may be appropriate.

If you would like further details or suggestions on how to protect public assets during the earthwork phase, please contact the Team Leader, Northern Monitoring Orewa.

14. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring

properties. In the event that such collapse or instability does occur, it shall immediately be rectified.

15. All existing public drains on the site or near the works must be clearly marked on site prior to any excavation. If it is found any part of a public pipe is within 2m of any proposed structure the Design Engineer is to be advised to inspect and amend the design where required to prevent damage to the pipe. This may require amendment to the Building Consent. Any such public drains shall be videoed twice, first prior to earthworks or the commencement of the construction of the retaining wall on site and secondly following the completion of these activities. The first CCTV disc shall be supplied to the Consent Engineer prior to construction commencing and the second disc shall be supplied on the completion of all earthworks. Any defects in the drains caused by these works or activities, in the opinion of the Consents Engineer, shall be repaired at the full cost of the consent holder. Such repair works shall be completed to the satisfaction of the Consents Engineer, within one month of the completion of the earthworks or earlier as directed.
16. The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

17. All engineering works required by this consent shall be subject to inspection and testing pursuant to s.103.19 of the "Standards for Engineering Design and Construction". The Developer's Representative shall make applications for the inspection and testing in writing in the form of Appendix "E" of the "Standards".
18. The Developer's Representative shall give the Consents Field Supervisor at least 5 working days' notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation **may be required** to be presented at the preconstruction meeting:

- Health and Safety Plan;
- The Signed Corridor Access Request;

- Application to Construct a vehicle Crossing;
 - The relevant Resource or Subdivision Consent (and all conditions attached thereto);
 - Copies of any Auckland Regional Council Consents necessary for the works.
19. On completion of earthworks a Geotechnical or Earthworks Completion Report and a Certificate signed by the Chartered Professional Engineer who has designed and supervised the works shall be provided to the Consents Engineer.
 20. Minimum floor levels to be in accordance with the report by Coastal Hazard Assessment and Management Recommendations Report by: Eco Nomos Ltd, dated the 29th of June 2015. (No reference). Note that the Minimum habitable floor level has been revised to be a FFL of 4.1m RL (DOSLI Datum).

Archaeology

21. A copy of the Heritage New Zealand Pouhere Taonga authority for the consented proposals should be provided to the Team Leader Northern Monitoring (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) prior to works commencing.
22. A site works briefing shall be provided by the project archaeologist to all contractors prior to work commencing on the site. This briefing shall provide information to the contractors proposed to be engaged on the site regarding what constitutes historic heritage materials; the legal requirements of unexpected historic heritage discoveries; the appropriate procedures to follow if historic heritage materials are uncovered whilst the project historic heritage expert is not on site, to safeguard materials; and the contact information of the relevant agencies (including the project historic heritage expert, the Team Leader: Monitoring, the Auckland Council Heritage Unit and Heritage New Zealand Pouhere Taonga) and mana whenua. Documentation demonstrating that the contractor briefing has occurred shall be forwarded to the Team Leader Northern Monitoring prior to work commencing on the site.
23. All archaeological remains affected by the proposed works shall be investigated and recorded in accordance with good archaeological practice and in accordance with any conditions provided by the HNZPT authority. A copy of the associated investigations and records shall be provided to the Team Leader Northern Monitoring within 2 months of works being completed on the site.
24. The preliminary earthworks along the coastal flat shall be monitored by the project archaeologist to establish whether unrecorded subsurface archaeological remains are

present. Confirmation that this has occurred shall be provided to the Team Leader Northern Monitoring within 1 month of the earthworks occurring.

25. A copy of any report resulting from archaeological investigation around the proposed works shall be provided to the Heritage Unit (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz).
26. In the event that any unrecorded historic heritage sites are exposed as a result of consented work on the site, these sites shall be recorded by the project archaeologist for inclusion within the Auckland Council Cultural Heritage Inventory. The consent holders project archaeologist shall prepare documentation suitable for inclusion in the Cultural Heritage Inventory and forward the information to the Team Leader Northern Monitoring (for the Manager: Heritage Unit, heritageconsents@aucklandcouncil.govt.nz) within one calendar month of the completion of work on the site.
27. If koiwi tangata (human remains) are uncovered on the site during the implementation of this consent, work shall cease immediately in the vicinity of the remains and the mana whenua, the New Zealand Police, the Auckland Council area-based Resource Consenting and Compliance Team and Heritage New Zealand Pouhere Taonga shall be contacted so that appropriate arrangements can be made.

Urban design and Landscape

28. Prior to commencement of any work on site (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall provide a **Materials Schedule and Specifications Plan** for the proposed external cladding, glazing, screens and balustrades in general accordance with the approved consent drawings. A sample palette of materials, surface finishes, and colour schemes shall accompany this. This information shall be submitted to the Team Leader- Northern Monitoring for approval in liaison with urban design staff. Once approved, development shall occur in accordance with approved plan.
29. Prior to commencement of any work on site (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall provide a finalised set of **Landscape and Pavement Plans** (excluding areas that are to vest as esplanade reserve- see separate conditions in this regard) prepared by a suitably qualified landscape architect to the Council (Team Leader- Northern Monitoring). This shall be generally consistent with the information from Boffa Miskell detailed in condition 1 (including planting in common areas on Lot 1, on proposed individual lots and the sand dune areas), including the planting of a 4m

high Pohutukawa to mitigate the removal of the Norfolk Island Pine tree. The plans shall include:

- a. landscape plan and specifications, planting schedule, detailing the specific planting species, the number of plants provided, locations, heights/Pb sizes. This should include the planting of larger trees along the eastern extent of the site, as/ where ecologically appropriate, as discussed in the technical memo from Ms Jennifer Esterman (Council Specialist- Urban Design). This should also take into account potential shading of 15 Hampton Mews with the view to achieving a balance between amenity on the subject site, softening of views of buildings on the subject site and minimising potential shading of 15 Hampton Mews;
- b. pavement plan and specifications, detailing materiality and colour throughout the development site;
- c. irrigation plan; and
- d. annotated sections with key dimensions to illustrate that adequate widths & depths are provided for tree pits / planter boxes.

This information shall be submitted to the Team Leader Northern Monitoring for approval in liaison with Council urban design staff. The proposed Landscape and Planting Plan shall be implemented in the first planting season following the construction of the development and maintained thereafter.

30. Prior to occupation of the premises, the consent holder shall submit a **Site & Landscape Management Plan** (excluding areas that are to vest as esplanade reserve- see separate conditions in this regard), including vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and days/frequencies by the appointed contractor with arboricultural experience; This shall include cyclical landscape maintenance programme for a minimum of 5 years, outlining a specific cycle proposed and allowance for replacement of plants / trees, in case plants are severely damaged / die etc.; an irrigation system or an alternative and vandalism response and graffiti eradication policy and methodology. This plan shall be submitted to the Team Leader- Northern Monitoring for approval in liaison with Council's landscape architect. Once approved, development shall occur in accordance with approved plan.
31. Prior to commencement of any work on site (prior to the approval of Building Consent for the building other than demolition, earthworks, foundations and structural works), the consent holder shall provide a **Lighting Plan** to the Council (Team Leader- Northern Monitoring) for approval in liaison with urban design staff. This plan shall include proposed locations, lux levels and types of lighting (i.e. manufacturer's specifications once a lighting style has been determined). The purpose of this plan is

to demonstrate that adequate lighting will be provided, particularly at the entrances to the buildings pedestrian paths along the shared access way and the northern landscaped pathway for the visibility and safety of residents and visitors to the premises and passers-by outside the daylight hours and to manage potential light spill into adjacent sites and the coastal area. Once approved, development shall occur in accordance with approved plan.

Specific conditions - Regional earthworks consent

32. Consent R66533 (regional earthworks) shall expire 5 years from the date it is granted unless it has been surrendered or been cancelled at an earlier date pursuant to the RMA.
33. Upon completion or abandonment of earthworks on the subject site all areas of bare earth shall be permanently stabilised against erosion to the satisfaction of the Team Leader Northern Monitoring.

Advice Note: Should the earthworks be completed or abandoned, bare areas of earth shall be permanently stabilised against erosion. Measures may include:

- *the use of mulching*
- *top-soiling, grassing and mulching of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion & Sediment Control: Guidelines for Land Disturbing Activities in the Auckland Region.

34. There shall be no deposition of earth, mud, dirt or other debris on any road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:

- 1. provision of a stabilised entry and exit(s) point for vehicles*
- 2. provision of wheel wash facilities*
- 3. ceasing of vehicle movement until materials are removed*
- 4. cleaning of road surfaces using street-sweepers*
- 5. silt and sediment traps*
- 6. catchpit protection*

In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

- 35. The site shall be progressively stabilised against erosion at all stages of the earthwork activity, and shall be sequenced to minimise the discharge of contaminants to groundwater or surface water.*

Advice Note:

Earthworks shall be progressively stabilised against erosion during all stages of the earthwork activity. Interim stabilisation measures may include:

- the use of waterproof covers, geotextiles, or mulching*
- top-soiling and grassing of otherwise bare areas of earth*

- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader Northern Monitoring for more details. Alternatively, please refer to Auckland Regional Council, Technical Publication No. 90, Erosion and Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region.

36. Erosion and sediment control measures shall be constructed and maintained in accordance with Auckland Regional Council's Technical Publication 90; Erosion and Sediment Control Guidelines for Soil Disturbing Activities in the Auckland Region and any amendments to this document, except where a higher standard is detailed in the documents referred to in conditions above, in which case the higher standard shall apply. These measures shall be maintained throughout the duration of the earthworks activity, or until the site is permanently stabilised against erosion.
37. Prior to any earthworks commencing, a certificate signed by an appropriately qualified and experienced engineer shall be submitted to the Team Leader Northern Monitoring, to certify that the erosion and sediment controls have been constructed in accordance with the erosion and sediment control plans as specified in condition 1. of this consent.

Certified controls shall include the silt fences and the clean water diversion channels/bunds. The certification for these and any subsequent measures shall be supplied immediately upon completion of construction of those measures. Information supplied if applicable, shall include:

- a) Contributing catchment area;
- b) Shape of structure (dimensions of structure);
- c) Position of inlets/outlets; and
- d) Stabilisation of the structure.

38. No earthworks on the site shall be undertaken between 30 April and 1 October in any year, without the prior written approval of the Team Leader Northern Monitoring at least two weeks prior to 30 April of any year. Revegetation/stabilisation is to be completed by 30 April in accordance with measures detailed in TP90 and any amendments to this document.

Specific conditions – stormwater permit REG- 66820

39. Stormwater diversion and discharge permit shall expire on 7/6/2052 unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.
40. The following stormwater management works are constructed for the following catchment areas and design standards and they are completed prior to construction of further impervious surfaces.

Works to be undertaken	Catchment area	Design specifications
<i>Stormwater pond</i>	All paved areas	As per application report by Hutchinson Consulting Engineers
<i>Stormwater outlet</i>	All impervious surfaces	TR 2013/018 (inlet and outlet design for treatment devices)
<i>Building material for all diversion structures (roofs, gutters, kerbs, etc)</i>	All areas	Inert building material

41. In the event that any minor modifications to the stormwater management system are required, the following information shall be provided:

- Plans and drawings outlining the details of the modifications; and
- Supporting information that details how the proposal does not detrimentally affect the capacity or performance of the stormwater management system.

All information shall be submitted to, and verified by the Team Leader – Northern Monitoring, **prior to implementation**.

42. An Operation and Maintenance Plan for the stormwater management and treatment system shall be developed and sent to the Team Leader – Northern Monitoring **20 working days after completion of construction**.
43. The Operation and Maintenance Plan shall set out how the stormwater management and treatment system is to be operated and maintained to ensure adverse environmental effects are minimised. The plan shall include, but not be limited to:

- i. A programme for regular maintenance and inspection of the stormwater management system;
 - ii. A programme for the collection and disposal of debris and sediment collected by the stormwater management devices or practices;
 - iii. A programme for post storm maintenance;
 - iv. General inspection checklists for all aspects of the stormwater management system, including visual checks;
 - v. Details of who will hold responsibility for long-term maintenance of the stormwater management system;
44. The stormwater management and treatment system shall be managed in accordance with the Operation and Maintenance Plan.
45. A maintenance report shall be provided to the Team Leader – Northern Monitoring **on request**. The maintenance report shall include but not be limited to the following:
- a) Details of who is responsible for maintenance of the stormwater management system;
 - b) Details of any maintenance undertaken; and
 - c) Details of what inspections were completed over the preceding twelve months.
46. Details of all inspections and maintenance for the stormwater management system for the preceding three years shall be retained.
47. For stormwater flows in excess of the capacity of the primary drainage systems, major secondary flow paths shall be provided and kept free from significant obstructions such as buildings and solid fences to allow surplus stormwater from critical storms to discharge with the minimum of nuisance and damage.

Specific conditions – subdivision consent SLC66533

General Subdivision Conditions

Staging

48. Survey title plans may be processed in stages of no less than five new titles at a time in any order, as sales may dictate. This is provided that Lot 1 (common area) is included in the first stage survey title plan.

Note: the appropriate s.223 and s.224 conditions must be satisfied as they relate to each stage.

Road Name

49. The Consent Holder shall suggest to the Council names for the new commonly owned access shown on the plan of proposed subdivision noted in condition 1 after consulting the local iwi for comment, together with clearance from Addresses@linz.govt.nz so that duplication of the name in any other part of the Auckland region is avoided. The Council Surveyor should be consulted in the first instance in regard to the appropriateness of the name and road type.

Note: The road name should be available at the time of s.223 certificate.

Survey Plan Approval (s223) Conditions

To be completed before council approval of the Survey Plan

50. Before council will approve the survey title plan under section 223 of the Act, the following requirements must be completed:
- a) The survey plan shall be updated to show:
 - i. Lot 6 to vest as legal road (as shown on the scheme plan by Warkworth Surveyors reference 3221, Sheet 1) ;
 - ii. Lot 4 to vest as local purpose (esplanade) reserve (as shown on the scheme plan by Warkworth Surveyors reference 3221, Sheet 1).
 - b) Pursuant to section 220(1)(b)(ii) have endorsed on the survey plan the following conditions:
 - i. "That Lots 13 & 74 hereon be held in the same computer register"
 - ii. "That Lots 14 & 75 hereon be held in the same computer register"
 - iii. "That Lots 51 & 76 hereon be held in the same computer register"
 - iv. "That Lots 52 & 77 hereon be held in the same computer register"
 - v. "That Lots 53 & 78 hereon be held in the same computer register"
 - vi. "That Lots 16 & 79 hereon be held in the same computer register"

- vii. "That Lots 17 & 87 hereon be held in the same computer register"
- viii. "That Lots 18 & 88 hereon be held in the same computer register"
- ix. "That Lots 12 & 72 hereon be held in the same computer register"
- x. "That Lots 15 & 73 hereon be held in the same computer register"
- xi. "That Lots 41 & 80 hereon be held in the same computer register"
- xii. "That Lots 42 & 81 hereon be held in the same computer register"
- xiii. "That Lots 61 & 89 hereon be held in the same computer register"
- xiv. "That Lots 19 & 90 hereon be held in the same computer register"

Note: for each stage balance lots shall be held in the same computer register.

- c) Lots 82- 86 (boat sheds) are to be subject to an encumbrance on the title restricting ownership to a member of the residents society.
- d) The survey title plan shall show and identify the area of enhancement planting (Areas A, C,T & W and Area V) to be protected as "areas to be subject to land covenant".
- e) The survey title plan shall show and identify the party wall, access, maintenance, projection, right to drain water, right to drain sewage easements as required on a Schedule of Memorandum of Easements attached to the cadastral survey dataset as a supporting document.

Section 224(c) Compliance Conditions

- 51. Before a Certificate is issued in accordance with section 224(c) of the Act, the consent holder shall satisfy the following conditions at the consent holder's cost:

Engineering

- a) Prior to the commencement of engineering design, the Consent Holder shall nominate, in writing, its Developer's Representative in terms of Council's Standards for Engineering Design and Construction to be the first point of contact for all engineering matters. Any subsequent change to the nominated

Developer's Representative shall be immediately notified in writing to the Consents Engineer.

- b) Prior to the commencement of engineering design for the works required by these conditions, the Consent Holder and the Developer's Representative shall provide to the Council proof of Professional Indemnity Insurance and Warranties.
- c) The engineering works required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time.

Note: Structures such as retaining walls, in-ground walls and bridges will require a separate Building Consent.

- d) All engineering works required by this consent shall be subject to inspection and testing pursuant to s.103.19 of the "Standards for Engineering Design and Construction". The Developer's Representative shall make applications for the inspection and testing in writing in the form of Appendix "E" of the "Standards".
- e) The Developer's Representative shall give the Consents Field Supervisor at least 5 working days' notice of the on-site pre-construction site meeting (refer section 103.15 of the "Standards for Engineering Design and Construction"). Construction work shall not commence on the site until such meeting has been held and all necessary documentation presented.

Note: Attention is drawn to the requirements of section 103.15.3 "Standards for Engineering Design and Construction" for the following documentation **may be required** to be presented at the preconstruction meeting:

- Health and Safety Plan;
- The Signed Corridor Access Request;
- Application to Construct a vehicle Crossing;
- The relevant Resource or Subdivision Consent (and all conditions attached thereto);
- Copies of any Auckland Regional Council Consents necessary for the works.

- f) The engineering works, including the formation of the sand dunes and the footpath within proposed Lot 4 (esplanade reserve), required by this consent shall comply with the Council's "Standards for Engineering Design and Construction" as may be amended from time to time. Engineering Plans, as specified in the "Standards", shall be submitted to the Consents Engineer, and approval thereto received in writing, prior to the commencement of any works on the site. The Approved Plans shall require review if the approval is more than twelve months old.

Any variation or changes to the approved engineering plans shall be submitted for approval as an Amendment and approval received thereto prior to construction of the varied works.

The term 'engineering works' includes, but is not limited to:

- Earthworks,
- The formation of roads, the laying of pipes and other ancillary equipment to be vested in the Council for water supply, drainage or sewage disposal;
- Street lights, landscaping or structures on land vested, or to be vested, in the Council;
- The installation of gas, electrical or telecommunication reticulation including ancillary equipment;
- Any other works required by conditions of this consent.

Note: The consent holder is advised that the term 'Councils Standards for Engineering Design' refers to the current relevant standards from Councils Stormwater Code of Practice, Auckland Transport Standard, Watercare Services Ltd code of practice or other such code or standard as endorsed by Council. This may include (in the absence of any such standard) the respective legacy standard that covers the site.

Roading and Access

- g) The Consent Holder or his Contractor shall obtain a Corridor Access Request from the relevant Network Service Provider prior to the commencement of any works within the legal road.
- h) A Traffic Management Plan (TMP) in accordance with the NZTA Code of Practice for Temporary Traffic Management (COPTTM) is to be submitted to the Road controlling authority (RCA i.e. Auckland Transport or NZTA). No works are to commence within the road reserve until an approved TMP has been issued by Auckland Transport.
- i) The commonly owned access on Lot 1 and 8 visitor parking spaces as identified on the Crossan Architect Plan (RC102D) detailed in condition 1 shall be constructed to a Residential concrete standard to the Council's "Standards

for Engineering Design and Construction". Engineering Plan Approval will be required.

- j) The vehicle crossing to the boundary of Lot 1 and the commonly owned access shall be constructed/reconstructed to the residential standards of the Standards for Engineering Design and Construction.
- k) The cul-de-sac head on Lot 6 (note condition 50a) shall be constructed to a Residential standard to the Council's "Standards for Engineering Design and Construction". Engineering Plan Approval will be required.
- l) When a new road name has been resolved with Local Board approval, the Consent Holder shall erect nameplates, in accordance with the Council's "Standards for Engineering Design and Construction".

Servicing

- m) The existing public Stormwater, Wastewater and Water supply system which lies within or is contiguous to the land in the development shall be extended or modified to the requirements of the Council's "Standards for Engineering Design and Construction" to serve all Lots within the development to become part of the public services of the District.

Note: An Engineering Approval is required prior to the commencement of the above works in accordance with the subdivision plans and details provided.

Note: The consent holder is advised that the term 'Councils Standards for Engineering Design' refers to the current relevant standards from Councils Stormwater Code of Practice, Auckland Transport Standard, Watercare Services Ltd code of practice or other such code or standard as endorsed by Council. This may include (in the absence of any such standard) the respective legacy standard that covers the site

- n) Connections to the proposed public system which lies within or is contiguous to the land in the Scheme Plan shall be provided to serve all Lots within the development within the subdivision, to the Council's "Standards for Engineering Design and Construction".
- o) Written confirmation shall be provided from the electricity network supplier responsible for the area, that provision of an electric supply has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such means of supply available have been met or satisfactory arrangements have been concluded with the

Consent Holder to complete the provision of the supply.

- p) Written confirmation shall be provided from the telecommunications network supplier responsible for the area, that provision of telephone services has been made available by underground means to all saleable lots created and that all the network supplier's requirements for making such services available have been met or satisfactory arrangements have been concluded with the Consent Holder to complete the provision of the service.
- q) (management of privately owned utilities) Prior to application for the s.224(c) Certificate, the Consent Holder shall provide an undertaking in writing from their solicitor that:
 - A. A company, body corporate, or residents society will be established to operate and maintain the aforementioned access, supply, treatment, refuse and disposal systems pedestrian areas, landscaping and protected natural areas, and to manage pets on the site.
 - B. Lot 1 and all other easements will be transferred to the said company, body corporate, or residents society before any of the saleable Lots within the subdivision are transferred to new owners. Lot 1 and associated easements will be required to remain in the ownership of the company or body corporate, except with the prior approval of the Council and the titles will be caveated accordingly.
 - C. The documents required in terms of the Companies Act or similar in connection with the formation, objectives and operation of the company, body corporate or residents society shall include provision for the following items:
 - (i) the construction, operation, maintenance and ownership of the supply, collection, treatment and disposal systems to serve Lot 1 and associated easements within the subdivision.
 - (ii) The management of landscaping and protected natural areas within Lot 1.
 - (iii) The management of pets.
 - (iv) Ongoing compliance with the requirements of the Auckland Regional Council Stormwater Discharge Consent.

- (v) An appropriate shareholding in the company to be allocated to each owner of Lot 1 and associated easements within the subdivision, together with an acceptable method of management of the company's future affairs, and for the raising of funds from shareholders or members from time to time to adequately finance future maintenance and renewal obligations of the supply, collection, treatment and disposal systems.
- (vi) in the event that a public sanitary sewer system, administered by the Council, becomes available in the future, then to facilitate connection to such system, decommission the on- site system/ infrastructure and to meet any costs that arise therefrom.

In relation to the management of pets, the document shall detail that the company, body corporate or residents' society will:

- Prevent the keeping or breeding of animals on the sites, other than the keeping of cats and dogs to the extent detailed below.
- Allow initial purchasers to bring desexed cats and dogs they already own into the development. Once these pets die they shall not be replaced, and no further cats or dogs shall be acquired.
- Requiring that cats be kept indoors at night.
- Requiring that dogs be contained within the curtilage of individual properties or kept on a leash.
- Dogs be kept out of the terrestrial Significant Ecological Areas (SEA).
- Prevent initial owners from acquiring new cats or dogs after they move into the development.
- Prevent future owners (i.e. not the initial owners) from owning cats or dogs.
- Prevent visitors from bringing pets onto the site.

Note: A draft of the document shall be submitted for perusal and comment by the Team Leader Northern Monitoring and the Council's solicitors before completion.

Advice Note:

This condition refers to the management structure required for the ongoing management of the access, wastewater, water supply, stormwater systems, and the collection of the refuse and recycling, management of landscaping, natural areas and pedestrian areas.

Fencing plan

- r) The consent holder shall submit for approval by the Team Leader Northern Monitoring a fencing plan which shows the location of fencing to protect land covenant areas A, C, T, W and V.

Note: It is anticipated that fencing along the northern boundary of Lot 1 will be sufficient.

- s) A permanent ungated continuous stock-proof fence, (minimum seven wire post and batten fence with no gates) capable of preventing browsing or other damage by farmed animals, shall be constructed in accordance with the approved fencing plan outside of the dripline of the native bush and enhancement areas to be protected on Lot 1 and maintained. If the fencing is constructed after the survey title plan has been approved under section 223, a certificate from a licensed cadastral surveyor shall be provided to confirm that the fencing is located on the covenant boundary.
- t) The consent holder shall arrange with council's Team Leader, Northern Monitoring Orewa, to inspect the stock-proof fence which has been erected in accordance the approved fencing plan.

Landscape Planting & Management Plan

- u) Prior to commencement of any planting/enhancement works (Areas A, C,T, W and V) the following requirements must be satisfied:
 - i. The consent holder shall submit to council's Team Leader- Northern Monitoring, for approval, an Enhancement Planting and Management Plan incorporating a Planting and Maintenance Schedule for the planting for a minimum of 5 years. The Planting Plan shall follow best practice methodology and have regard to the planting noted in the Landscape Masterplan (Revision 3) by Boffa Miskell dated 31/5/16, Rev 4 as noted in condition 1.
 - ii. Provide a Weed and Pest Animal Control Plan for the areas for the approval of the Team Leader- Northern Monitoring.

Planting

- v) Once the Planting and Management Plan has been approved by council's Team Leader Northern Monitoring, the consent holder shall carry out planting in accordance with the approved Planting and Management Plan. Any weeds present in the enhancement planting area shall be controlled prior to planting

in accordance with the approved Weed and Pest Animal Control Plan. The consent holder shall advise council when planting is initiated.

Completion report for planted area

- w) All planting required to be undertaken on Lot 1 shall be undertaken and completed in accordance with the Approved Planting plan(s). Following completion of the required planting in accordance with the approved Planting Plan(s) the consent holder shall submit a completion report to council's Team Leader, Northern Monitoring Orewa for approval.

Esplanade Reserve (Lot 4)

- x) At Engineering Plan Approval stage, the consent holder shall submit a detailed landscape plan for the proposed esplanade reserve (Lot 4) for approval by the Parks Planning Team Leader. In particular the plans shall: .
 - i. Be prepared by a suitably qualified landscape architect.
 - ii. Be in general accordance with the Landscape Concept and Design Plans prepared by Boffa Miskell noted in condition 1, to the satisfaction of Parks Planning Team Leader.
 - iii. Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, the overall material palette.
 - iv. Include planting methodology.
 - v. Include details of construction and materiality of the proposed path.
 - vi. The approved landscape plan the streetscape shall be implemented within the recognised planting season May to September, and be carried out by a suitably qualified landscape contractor.
- y) At Engineering Plan Approval stage and prior to earthworks occurring, the consent holder shall submit a detailed Dune Restoration Plan for the proposed esplanade reserves (Lot 4) for approval by the Team Leader Northern Monitoring in consultation with the Parks Planning Team Leader, a council biodiversity specialist and Council's Development Engineer (noting the multiple roles of the dunes, including coastal hazard management and habitat

provision, and their location with a proposed esplanade reserve).. In particular the plans shall:

- i. Be prepared by a suitably qualified coastal engineer or geomorphologist .
- ii. Be in accordance with the Coastal Hazard Assessment from Eco Nomos dated July 2015.
- iii. Show all planting including details of intended species, location, plant sizes at time of planting and likely heights on maturity, the overall material palette, location of the proposed walkway.
- iv. Include planting methodology.

Prior to works commencing, the consent holder shall arrange an on- site meeting with the Team Leader Northern Monitoring and the Consent Holders Engineer responsible for undertaking and supervising these dune works. At this meeting the proposed works and methodologies shall be discussed.

Please note comments in the Eco Nomos report that professionals experienced with this type of work should be utilised, to ensure the works are successful.

- z) Landscaping, including the proposed walkway and dune restoration shall be implemented in accordance with the plans approved by the above conditions and to the following specifications to the satisfaction of the Parks Planning Team Leader as follows:

- i. Any grassed areas shall be:
 - Good quality topsoil, free of stones and clay lumps, shall be retained from the site for use on the street. All grassed and planted areas shall be developed and completed with a minimum topsoil depth of 100mm and 400mm respectively;
 - If the subsoil below the required depth (300mm) is hard and compacted, it shall be ripped;
 - All areas of the street that have been grassed must have a 90 percent strike rate, in a mowable condition, and be weed and rubbish free.

- Should site factors preclude compliance with any of these conditions, the Parks Planner must be advised in writing as soon as practicable and, in any case, prior to planting, and an alternative soil improvement methodology proposed to the satisfaction of the Advisor.
- Grassing shall only be undertaken when the weather is suitable i.e. mild, dull and moist, and when the ground is moist and workable. Where delays occur in the agreed programme which prevents areas being planted, the consent holder shall inform Parks Planner immediately.

ii. Dune and beach areas shall be:

- Weed and rubbish free
- Plantings and contours shall be well established, in accordance with dune restoration plan

aa) The consent holder shall undertake and complete the works in accordance with the approved landscape plan(s) detailed above and the relevant Auckland Council Code of Practice or Specification at its sole cost, to the satisfaction of the Parks Planning Team Leader.

bb) The consent holder shall provide for the approval of the Parks Planning Team Leader a Maintenance Plan, for all planting and landscaping to be established within the esplanade reserve.

The Maintenance Plan must include:

- i. Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
- ii. Dune maintenance policies.
- iii. Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.

iv. Vandalism eradication policies.

- cc) The consent holder shall undertake maintenance, in accordance with the approved Maintenance Plan for a two year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period shall be remedied by the consent holder at their expense.

Note conditions below regarding bonding.

- dd) If any damage/theft to the planting occurs during the maintenance period, the consent holder shall replace damaged/stolen plants with the same species and height, and shall be maintained for a period of two years following the replacement planting, to the satisfaction of the Parks Planning Team Leader.

- ee) In accordance with section 108(2)(b) of the RMA, an unconditional, on demand bond will be entered into where any landscape works required by the conditions of this consent have not been completed in accordance with the approved plans at the councils discretion. The bond amount shall be 1.5 x the contracted rate of any outstanding works and shall be agreed in consultation with the Parks Planning Team Leader prior to lodging the bond. The liability of the consent holder shall not be limited to the amount of the bond. Maintenance Bonds

- ff) Prior to the issue of the 224(c) certificate, and in accordance with section 108(2)(b) of the RMA, the consent holder will provide the Council a refundable bond in respect of the maintenance of the landscaping works required by the conditions of this consent. The maintenance bond will be held for a period of two years from the issuing of a practical completion certificate. The amount of the bond will be 1.5 x the contracted rate for maintenance and shall be agreed in consultation with the Parks Planning Team Leader.

Consent Notices

52. The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Titles by way of Consent Notices pursuant to s.221 of the Act.

Development and use of sites

- (a) Development of Lot 1, 11- 36, 41- 42, 51- 53, 61, 71- 90 shall occur in strict accordance with resource consent R66533 (including that approved via conditions). This includes building design, materials, location, landscaping,

access and parking areas.

- (b) The 8 visitor parking spaces shown on the plan reference RC102D (Jan 2016) by Crosson Architects shall remain within the ownership of the Company, Body Corporate or Residents Society established to meet conditions of resource consent R66533. The spaces shall remain available for use by visitors at all times.
- (c) Lots 82- 86 are boat sheds. These are for the exclusive use of owners or occupiers of Lots 11- 36, 41- 42, 51- 53, 61, 71- 73, and shall be owned by a person/ party who also owns one of these Lots. The boat sheds shall not be used or leased by any party who does not own or occupy Lots 11- 36, 41- 42, 51- 53, 61, 71- 73 and shall not be used for any form of habitation.
- (d) The landscaping required by the Landscape and Pavement Plan approved by resource consent R66533 shall be maintained and retained in perpetuity. In the event that the landscaping is dead or dying, it shall be replaced in the next planting season.
- (e) The owners of Lots 1, 11- 36, 41- 42, 51- 53, 61, 71- 90 shall at all times manage pets on the site to ensure that the intent of conditions of R66533 is met.

Note: The Company, Body Corporate or Residents Society set up pursuant to conditions of resource consent SUB66533 will also ensure that this is part of their (body corporate) rules.

Native bush protection

- (f) The areas of landscape and native bush to be protected on Lot 1 Areas A, C, V, T and W) identified by survey in accordance with condition 1 shall be protected in perpetuity to the satisfaction of the council's Team Leader Northern Monitoring.

The owners or their successors in title, of Lot 1 shall:

- (i) Preserve the native vegetation, wildlife habitats and the natural landscape within the areas of native bush to be protected on Lots 1;
- (ii) Not (without the prior written consent of the council and then only in strict compliance with any conditions imposed by the council) cut down, damage or destroy, or permit the cutting down, damage or destruction of the

vegetation or wildlife habitats within the areas of native bush and landscape plantings to be protected;

- (iii) Not do anything that would prejudice the health or ecological value of the areas of native bush and landscape plantings to be protected, their long term viability and/or sustainability;
- (iv) Control all invasive plants and control pest animals within the areas of native bush and landscape plantings to be protected, in accordance with the approved Weed and Pest Animal Control Plan.

Advice Note: Weed Control means, that there are no fruiting and / or flowering individuals of weed species present within the covenant area and any mature weed species present are dead. In addition there shall be no areas where weed species are smothering and / or out competing native vegetation including suppressing the natural regeneration processes. Control shall be demonstrated to the satisfaction of council's Team Leader, Northern Monitoring or similar position

- (v) Maintain an ungated stock-proof fence as approved by the council around the perimeter of the areas of native bush to be protected on Lots 1 in accordance with the approved fencing plan and keep stock out of these areas.
- (vi) Not to be in breach of this covenant if any of the areas of native bush or landscape plantings to be protected die as a result of fire and/or natural causes not attributable to any act or default on their part for which they are not responsible.

Engineering

- 53. Any buildings erected on any Lots within the development identified on the Subdivision Plan by Warkworth Surveyors Limited, reference: 3331 and dated the 16/3/17 (Rev G) shall be subject to specific investigation and design by a Chartered Professional Engineer experienced in geomechanics who is to have particular regard to the stability of the weak subsoils, and also have regard to the Geotechnical report prepared by, by CMW Geosciences (NZ) Ltd. Reference: AKL2016_0089AB Rev. 0., Dated: 4th of September 2015, and any subsequent reports. Copies of the said plan and report(s) will be held at the offices of the Council.
- 54. Minimum floor levels on any Lots within the development identified on the Subdivision Plan by: Warkworth Surveyors Limited, reference: 3331 and dated the 16/3/17 (Rev G) to be in accordance with the report by Coastal Hazard Assessment and Management Recommendations Report by: Eco Nomos Ltd, dated July 2015 (No

reference). Note that the Minimum habitable floor level has been revised to be a FFL of 4.1m RL (DOSLI Datum)

55. The owners of each of Lots (11- 36, 41- 42, 51- 53, 61, 71- 73) shall at all times when registered as proprietors of the lots:
- a. be and remain members of the Company, Body Corporate or Residents Society set up pursuant to conditions of resource consent R66533 to, amongst other things, own, hold, operate and manage the common wastewater, water supply and stormwater systems, and the collection of refuse and recycling for the subdivision; manage and maintain the landscaped areas, areas of protected natural features and pedestrian areas, and
 - b. comply with the obligations applying to the Lot owners as members or shareholders of the Company or Body Corporate, recognising that the Company, Body corporate or Residents Society is required to maintain, manage and operate the aforementioned facilities in accordance with all relevant resource and other consents and all statutory and regulatory requirements applying to the facilities from time to time.

Note that the private road servicing this development from Arabella Lane is not a public road; Auckland Transport are not responsible for the maintenance or management of this access.

3. Advice notes

1. *Please note that this resource consent does not permit the consent holder to enter and undertake works on sites they do not own.*
2. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
3. *For the purpose of compliance with the conditions of consent, “the council” refers to the council’s monitoring inspector unless otherwise specified. Please contact Kerry Flynn on 09 3010101 or monitoring@aucklandcouncil.govt.nz to identify your allocated officer.*
4. *For more information on the resource consent process with Auckland Council see the council’s website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.*

5. *If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
6. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
7. *Heritage New Zealand Pouhere Taonga Act 2014*

The Heritage New Zealand Pouhere Taonga Act 2014 (hereafter referred to as the Act) provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. All archaeological sites are protected by the provisions of the Act (section 42). It is unlawful to modify, damage or destroy an archaeological site without prior authority from Heritage New Zealand Pouhere Taonga. An Authority is required whether or not the land on which an archaeological site may be present is designated, a resource or building consent has been granted, or the activity is permitted under Unitary, District or Regional Plans.

According to the Act (section 6) archaeological site means, subject to section 42(–

1) any place in New Zealand, including any building or structure (or part of a building or structure), that –

I. was associated with human activity that occurred before 1900 or is the site of the wreck of any vessel where the wreck occurred before 1900; and

II. provides or may provide, through investigation by archaeological methods, evidence relating to the history of New Zealand; and

2) includes a site for which a declaration is made under section 43(1)

8. *It is the responsibility of the consent holder to consult with Heritage New Zealand Pouhere Taonga about the requirements of the Act and to obtain the necessary Authorities under the Act should these become necessary, as a result of any activity associated with the consented proposals.*

For information please contact the Heritage New Zealand Pouhere Taonga Northern Regional Archaeologist – 09 307 0413 / archaeologistMN@historic.org.nz.

9. *Protected Objects Act 1975*

Māori artefacts such as carvings, stone adzes, and greenstone objects are considered to be tāonga (treasures). These are taonga tūturu within the meaning of the Protected Objects Act 1975 (hereafter referred to as the Act).

According to the Act (section 2) taonga tūturu means an object that –

a) relates to Māori culture, history, or society; and

b) was, or appears to have been –

i. manufactured or modified in New Zealand by Māori; or

ii. brought into New Zealand by Māori; or

iii. used by Māori; and

c) is more than 50 years old

The Act is administered by the Ministry of Culture and Heritage. Tāonga may be discovered in isolated contexts, but are generally found within archaeological sites. The provisions of the Heritage New Zealand Pouhere Taonga Act 2014 in relation to the modification of an archaeological site should to be considered by the consent holder if tāonga are found within an archaeological site, as defined by the Heritage New Zealand Pouhere Taonga Act 2014.

It is the responsibility of the consent holder to notify either the chief executive of the Ministry of Culture and Heritage or the nearest public museum, which shall notify the chief executive, of the finding of the taonga tūturu, within 28 days of finding the taonga tūturu; alternatively provided that in the case of any taonga tūturu found during the course of any archaeological investigation authorised by Heritage New Zealand Pouhere Taonga under section 48 of the Heritage New Zealand Pouhere Taonga Act 2014, the notification shall be made within 28 days of the completion of the field work undertaken in connection with the investigation.

Under section 11 of the Act, newly found taonga tūturu are in the first instance Crown owned until a determination on ownership is made by the Māori Land Court.

*For information please contact the Ministry of Culture and Heritage – 04 499 4229 /
protected-objects@mch.govt.nz.*

10. *Tikanga*

*Guidance should be sought from Mana Whenua for tikanga in relation to the
consented proposals.*

Delegated decision maker:

Name: Nicola Broadbent

Title: Team Leader, Resource Consents

Signed:



Date: 25/07/2017