

In the matter

of the Resource Management

Act 1991 (The Act)

in the matter

of a subdivision of land in the

North Auckland Land

Registration District shown on

DP 537959

## **CONSENT NOTICE**

(Pursuant to Section 221 of the Act)

I hereby certify that THE AUCKLAND COUNCIL granted its consent SUB6035557-C to the subdivision of Lot 2 DP 463561, Lots 1 & 2 DP 311431, Lots 1 & 2 DP 197353 and Section 1 SO 537746, comprised in Records of Title NA125B/317, 987854, 45112, 45111 and 614249, as shown on DP 537959, subject to conditions, including the requirement of the owners of Lots 86 to 101, 124 to 129, 154 to 172, 1004, and 2000 to comply with the following conditions on a continuing basis at no cost to the Council.

Geotechnical Any buildings erected on Lots 86 to 101, 124 to 129, 154 to 172 and Lot 1004 identified on the 'Development Control Plan prepared by: Woods, ref: 37600, dated: Sept 2021' shall be subject to the requirements of the "Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017", the Memo by Tetra Tech Coffey (Project reference: 773-AKLGE206639-BD.3, dated: 1 April 2022), Geotech Completion Report prepared by Tetra Tech Coffey for Millwater Arran Hills Residential Subdivision Precinct 6 Stage 1 and 1-B Reference:773-AKLGE206639-AT dated 25 May 2022 and any subsequent Council approved reports. Copies of the said plan and report(s) will be held at the offices of the Council, Centreway Road, Orewa.

Impervious surfaces The owners or their successors in title of Lots 86 to 101, 124 to 129, 154 to 172 and Lot 1004 are advised that resource consent will **not** be required in regard to any impervious surface greater than 50m² under Chapter E, Section E10, Subsection E10.6.4 (impervious areas within a SMAF 1 or 2 overlay) of the Auckland Unitary Plan.

Stormwater mitigation All stormwater from buildings and paved areas on Lots 86 to 101, 124 to 129, 154 to 172 and Lot 1004 will not require onsite mitigation as the public outfalls discharge at RL2.0m DoSLI Datum and into a coastal receiving environment.

<u>Vegetated earth batters</u>) The owners or their successors in the title for Lots 87 to 101, 124 to 129, 162-167 and 2000 are required to protect in perpetuity the vegetated reinforced earth batters from the boundary and extending into the said lots as identified on the survey plan: -

• Shall preserve the natural landscape trees, vegetation and areas of bush now thereon within that part of the lot identified as such on the survey plan; and



- Shall not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by Council) cut down, damage or destroy, or permit the cutting down, damaging or destruction of any such natural vegetation; and
- Shall not do anything that would prejudice the health of any such natural landscape.
- Shall control all noxious plants and animals within the identified part of each lot.

The owners shall be deemed not to be in breach of this consent notice if any of such trees, vegetation or bush die from fire or natural causes not attributable to any act or default by or on behalf of the owners and for which the owners are responsible.

Dated this 3<sup>rd</sup> day of November 2022.

Authenticated by the Auckland Council pursuant to Section 221(2) of the Resource Management Act 1991

Signed by BRUCE J ANGOVE

Subdivision Advisor

Authorised officer under delegated authority

Reference: CCT90102302-1 SUB60305557-C

# Decision on an application for resource consent under the Resource Management Act 1991



#### Restricted discretionary activity

**Application number(s):** LUC60407970 (s9 land use consent)

Applicant: WFH Properties Ltd

Site address: 101 Kowhai Road, Upper Orewa 0992

105 Kowhai Road, Upper Orewa 0992115 Kowhai Road, Upper Orewa 0992

117 Kowhai Road, Upper Orewa 0992

119 Kowhai Road, Upper Orewa 0992138 Kowhai Road, Upper Orewa 0873

**Legal description:** 101 Kowhai Road – Lot 1 DP 537871

105 Kowhai Road - Lot 1 DP 197353

115 Kowhai Road - Lot 2 DP 197353, SECT 1 SO

537746

117 Kowhai Road - Lot 1 DP 311431119 Kowhai Road - Lot 2 DP 311431138 Kowhai Road - Lot 2 DP 463561

Lot 1 DP 43864

#### Proposal:

To provide a blanket front yard infringement dispensation up to 3m on Lots 8-12, 29, 38, 41-43, 46, 63-64, 67-71, 76-77, 85-86, 89, 94-95, 101-102, 112-113, 123-124, 129-130, 139-140, 145, 151, 154-157, 160, 167-169, and 171-173 created under BUN60305554/ SUB60305557.

To provide a blanket rear yard infringement dispensation up to 3m on Lots 38, 41-43, 156-157, 160, 169, and 172-173 created under BUN60305554/ SUB60305557.

To provide a blanket rear yard infringement dispensation on Lots 4-15, 23-25, 27, 35, 39, 158-159, 161, and 164-165 created under BUN60305554/ SUB60305557 to have one rear yard of a minimum of 6m, one rear yard of a minimum of 3m and two rear yards of 1m.

To construct a vehicle crossing on Lots 19-20, 73-74, 117-118, 132-133, 170 and 173, which will be located within an intersection where a Vehicle Access Restriction applies.

Resource consents is required for the following reasons:

Land use consent (s9) – LUC60407970

#### Auckland Unitary Plan (Operative in part)

#### District land use (operative plan provisions)

1530 Orewa 2 Precinct

- The proposal involves use and development that fails to meet the following standards and is a **restricted discretionary activity** under rule C.1.9(2):
  - The minimum front yard setbacks are to be infringed by a maximum of 3m on Lots 8-12, 29, 38, 41-43, 46, 63-64, 67-71, 76-77, 85-86, 89, 94-95, 101-102, 112-113, 123-124, 129-130, 139-140, 145, 151, 154-157, 160, 167-169, and 171-173, which infringes the 6m minimum setback for sites 650m² or greater required under standard I530.6.5(1).
  - The minimum rear yard setbacks are to be infringed by a maximum of 3m on Lots 38, 41-43, 156-157, 160, 169, and 172-173, which infringes the 6m minimum setback for sites 650m² or greater required under standard I530.6.5(1).
  - To have one 6m, one 3m and two 1m rear yards on rear Lots 4-15, 23-25, 27, 35, 39, 158-159, 161, and 164-165, which infringes the 6m minimum setback for sites 650m² or greater required under standard I530.6.5(1).

#### E27 Transport

To construct a vehicle crossing on Lots 19-20, 73-74, 117-118, 132-133, 170 and 173 where a Vehicle Access Restriction(VAR) applies under standards E27.6.4.1(2) or E27.6.4.1(3) is a restricted discretionary activity under rule E27.4.1(A5).

Note:

A Vehicle Access Restriction applies as the frontage of these lots are within 10m of an approved intersection.

#### Decision

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

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

#### Reasons

The reasons for this decision are:

 The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered:

- In relation to the blanket yard infringements, those matters are specified in C1.9(3), I530.8.1 and H3.8.1(2).
- In relation to locating a crossing within an intersection where VAR applies, those matters are listed under E27.8.1(12)
- 2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
  - a. Potential bulk and dominance adverse effects could arise from a larger dwelling being located closer to the street. However, the height in relation to boundary development standards will ensure that bulk and dominance effects will be managed and mitigated.
  - b. Space for front yard landscaping will still be provided and therefore achieving the planned suburban character for the area, in particular under the Orewa 2 precinct.
  - c. Garages will still be setback from the front boundary by 6 metres. A car can park on a driveway and not overhang the front boundary of the site or onto the footpath. This will therefore not affect the safety of pedestrians or traffic.
  - d. The rear sites greater than 650m² have been considered and approved under a DCP. Allowing the same development rights as sites sized 450m²-650m² will ensure consistency in the scale, shape and form of development throughout the area.
  - e. The proposed yard reductions are not anticipated to result in development which will adversely affect sunlight access, shading, visual and/or aural privacy for surrounding properties.
  - f. Stormwater and wastewater lines run through many sites and therefore limiting the building platforms on these sites.
  - g. In terms of locating a crossing within an intersection on those lots, as shown on the application plan (drawing 37600-01-0900-MSC), the frontage of those lots are fully within the T intersection and there is no alternative for those lots to access. the roads where these lots are located are local road which are expected to be a low-speed environment and have low traffic volumes. Pedestrian flow is also anticipated to be low. The applicant does not seek consent to infringe standard E27.6.3.4(1)(c) which requires on-site manoeuvring to be provided for access within a Vehicle Access Restriction area. Hence, it can be expected that appropriate on-site manoeuvring space will be provided for these lots to ensure the traffic and pedestrian safety. The safe and efficient operation of the road networks are expected to be adequately maintained. The associated effects therefore are considered acceptable.
  - h. In terms of positive effects, the proposed blanket land use consent will enable appropriate building envelopes to be established on sites subject to the constraints outlined. This will ensure that the subject sites can be utilised to deliver built form which is reflective of the existing built form and scale of dwellings in the surrounding Arran Hill development and Orewa 2 Precinct. Further, this proposal will enable dwellings to be situated closer to the local streets within Precinct 6, providing better passive surveillance of the public area, improving the sense of safety for pedestrians and residents alike. as the area has a mix of site sizes and development controls, by allowing dwellings on sites that are 650m² or larger to sit closer to the front boundary, it will create a more consistent streetscape;

- further, this blanket consent could reduce the need for future resource consents on these sites.
- i. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.
- In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular,
  - a. The proposal is consistent with H3.2 and H3.3 as the proposed blanket consent only relates to the yards, it is considered that these sites will still maintain one to two storey dwellings as controlled by other development control standards. Also, the proposal will not restrict future development on these lots to provide for onsite amenity. The 3m front yard setback will still provide for front yard landscaping and will maintain the planned character for the area. Other controls, like height in relation to boundary, will control the potential bulk and dominance effects of future development. Finally, the proposed blanket consent will enhance passive surveillance of the street as the potential dwellings will be closer to the street.
  - b. The proposal is also in keeping with I530.2 and I530.3 as the yard infringement would not prevent future development to deliver a high quality urban environment in which people can live, work, and play in accordance with Orewa 2: Precinct Plan 1; urban development will be keeping with urban design principles including neighbourhood definition involving building frontages being setback at a consistent distance from the street; ensuring sufficient building envelopes on lots subject to existing constraints will ensure a range of housing types are provided in the precinct; additional developmental controls under the AUP applicable to the subject sites, such as building height and height in relation to the boundary, will still control the potential bulk and dominance effects of future development in the precinct; the proposed front yard setbacks on the front lots are sufficient to provide landscaping that will reduce the appearance of building bulk and mass; and provide a high standard of amenity contributing to an appealing streetscape; and the proposed blanket consent will enable dwellings to be situated closer to local streets, enhancing passive surveillance over the road, creating an increased sense of safety within the residential environment within Precinct 6 of the Arran Hill development.
  - c. The parent site is proposed to be zoned as a Mixed Housing Urban Zone under Plan Change 78. The proposal is also consistent with the proposed objectives and policies for Mixed Housing Urban Zone under Plan Change 78 as it will not prevent future development on these lots to provide for a variety of housing types and sizes that respond to housing needs and demand and the neighbourhood's planned urban built character. The blanket yard infringements would not prevent future development to provide high quality amenity onsite, to adjoining site and to the street and would not result in unsafe street environment. Environmental values of adjoining waterbodies would not be compromised and the proposal would not inhibit future development to be resilient to the climate change.

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- d. The proposal is in keeping with the relevant objectives and policies of the Chapter E27 Transport in E27.2 and E27.3 of the Auckland Unitary Plan Operative in Part. The proposed access will provide safe and efficient access which is commensurate with the character, scale, and intensity of this precinct. Pedestrian safety and amenity long public footpaths will be maintained.
- 4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case, no other matters are considered relevant.
- 5. In the context of this restricted discretionary activity application for land use, where the relevant objectives and policies and other relevant provisions in the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
- 6. Overall, the actual and potential effects of the proposal upon the environment have been assessed as acceptable and adverse effects can be adequately avoided, remedied and mitigated through the proposed mitigation measures and the imposition of consent conditions. It is not contrary to the relevant objectives and policies of the AUP OP, and on balance, the proposal promotes the sustainable management of natural and physical resources.

#### **Conditions**

Under sections 108 and 108AA of the RMA, this consent is subject to the following conditions:

 The yard setbacks and the establishment of the crossings must be as described in the application and assessment of environmental effects prepared by John Madden of Woods and Partners Ltd dated 31/08/2022 and must be carried out in accordance with the plans stamped and referenced by the council as resource consent number LUC60407970.

#### Note:

To avoid doubt, as long as a future development on Lots 4-15, 23-25, 27, 35, 39, 158-159, 161, and 164-165 provides one 6m, one 3m and two 1m rear yards, it would be considered in accordance with the stamped plans.

- 2. Under section 125 of the RMA, 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 lapse.
- 3. The consent holder must pay the council an initial consent compliance monitoring charge of \$342 (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.

#### 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(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, should 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(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.

4. Where a garage faces the street, then the front wall (containing the garage door) of the garage on Lots 8-12, 29, 38, 41-43, 46, 63-64, 67-71, 76-77, 85-86, 89, 94-95, 101-102, 112-113, 123-124, 129-130, 139-140, 145, 151, 154-157, 160, 167-169, and 171-173 must be set back a minimum of 6m from the front boundary.

#### **Advice notes**

- 1. The applicant is advised that onsite manoeuvring space in accordance with standard E27.6.3.4(1) is required to be provided on Lots 19-20, 73-74, 117-118, 132-133, 170 and 173. Any infringement will require additional consent under the operative Plan.
- 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 officer unless otherwise specified. Please email <a href="monitoring@aucklandcouncil.govt.nz">monitoring@aucklandcouncil.govt.nz</a> to identify your allocated officer.
- 4. For more information on the resource consent process with Auckland Council see the council's website: <a href="www.aucklandcouncil.govt.nz">www.aucklandcouncil.govt.nz</a>. 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: <a href="www.mfe.govt.nz">www.mfe.govt.nz</a>.
- 5. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).
- 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.

## Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date: 10 October 2022



## **Resource Consent Notice of Works Starting**

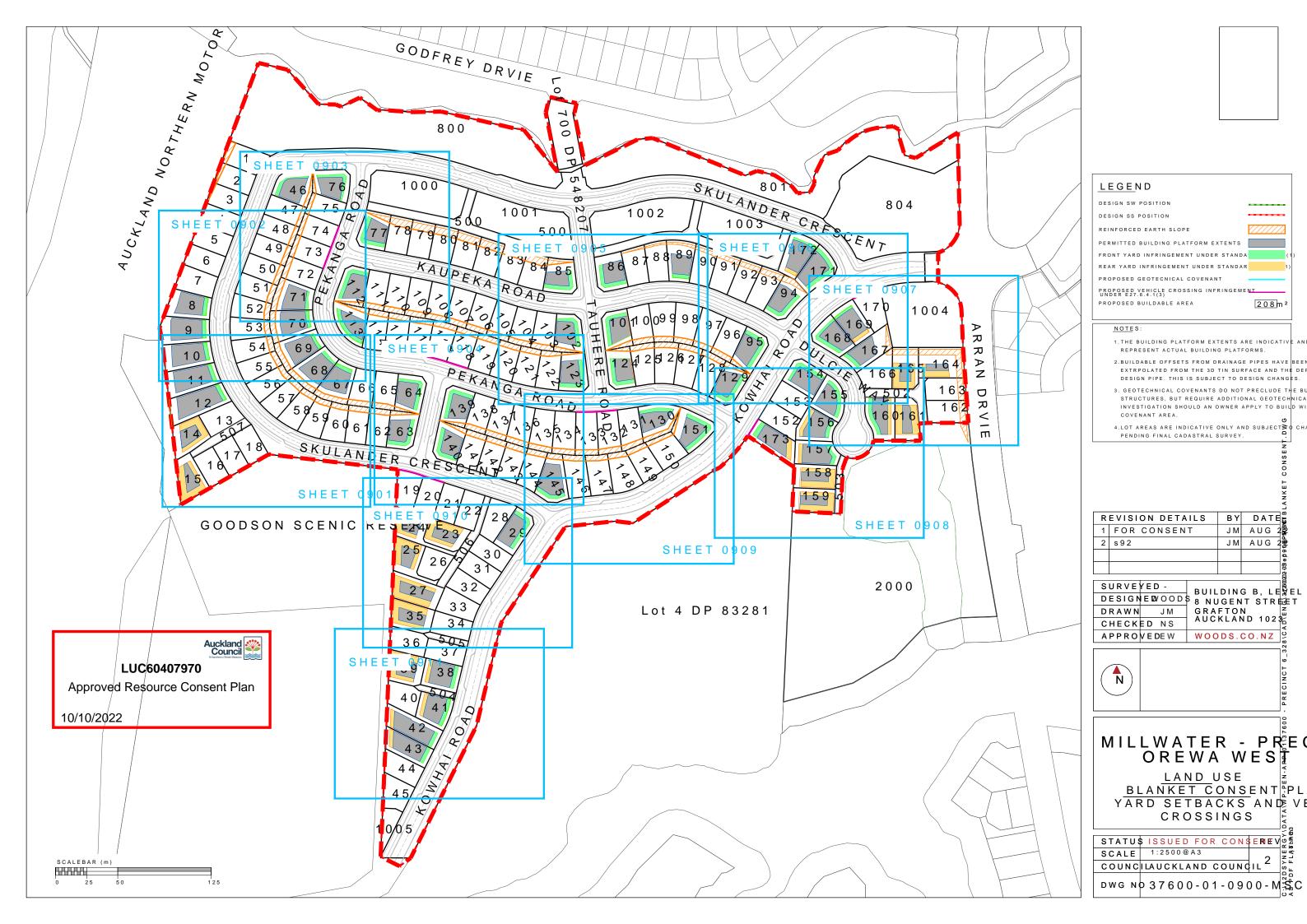
Please email this form to monitoring@aucklandcouncil.govt.nz at least 5 days prior to work starting on your development or post it to the address at the bottom of the page.

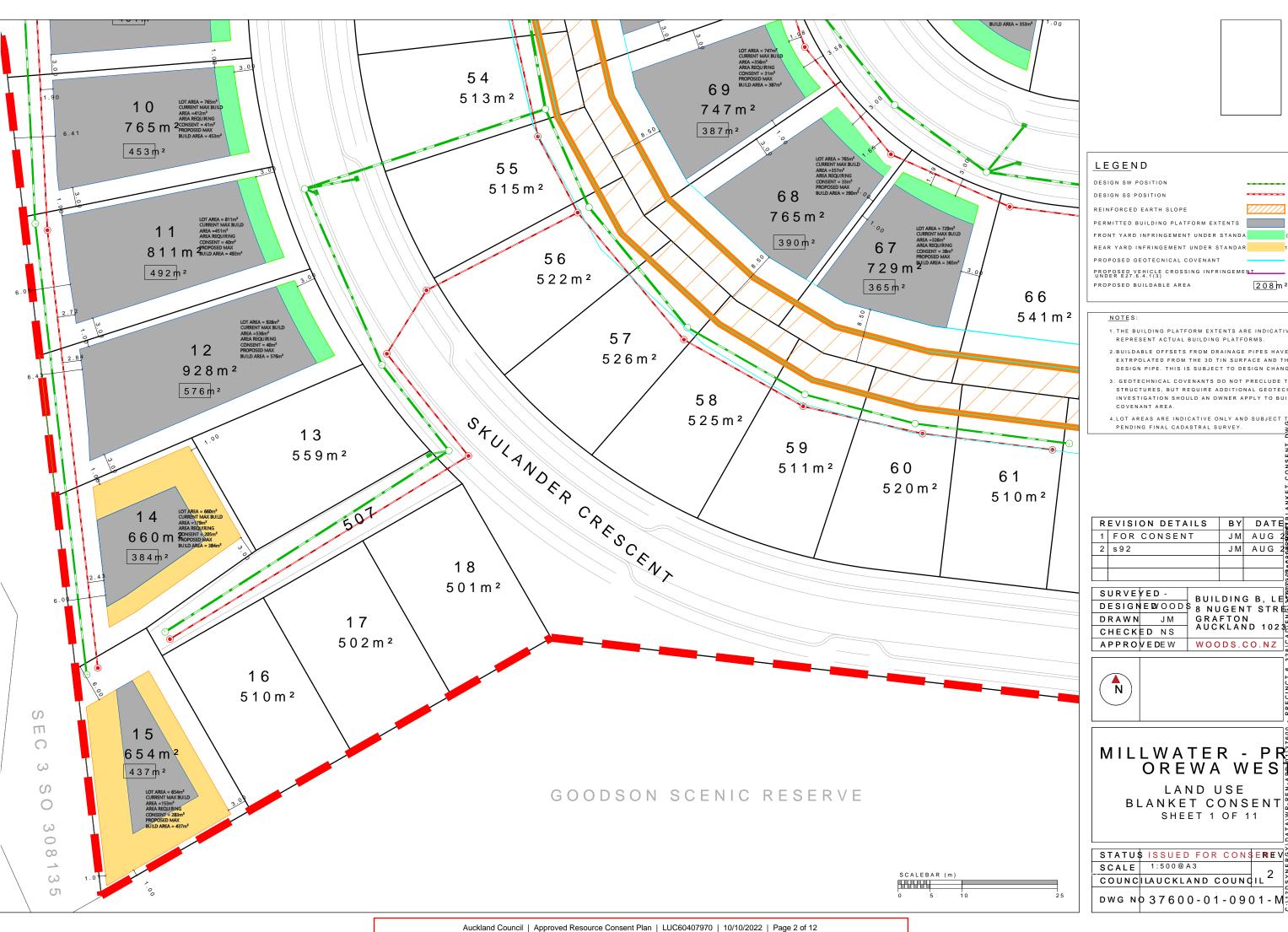
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Resource consent number:			Associated building consent:			
Expected start date of work:			Expected duration of work:			
Primary contact	Primary contact Name Mobile / Address Em		Email address			
Owner						
Project manager						
Builder						
Earthmover						
Arborist						
Other (specify)						
Signature: Owner / Project Manager (indicate which)  Date:  Once you have been contacted by the Manitoring Officer, all correspondence about he cont						

Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

#### SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via <a href="mailto:monitoring@aucklandcouncil.govt.nz">monitoring@aucklandcouncil.govt.nz</a> to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.





## 1. THE BUILDING PLATFORM EXTENTS ARE INDICATI

- 2.BUILDABLE OFFSETS FROM DRAINAGE PIPES HAVE BEEN EXTRPOLATED FROM THE 3D TIN SURFACE AND THE DEP DESIGN PIPE. THIS IS SUBJECT TO DESIGN CHANGES
- STRUCTURES, BUT REQUIRE ADDITIONAL GEOTECHNICAL
  INVESTIGATION SHOULD AN OWNER APPLY TO BUILD WIT
- PENDING FINAL CADASTRAL SURVEY

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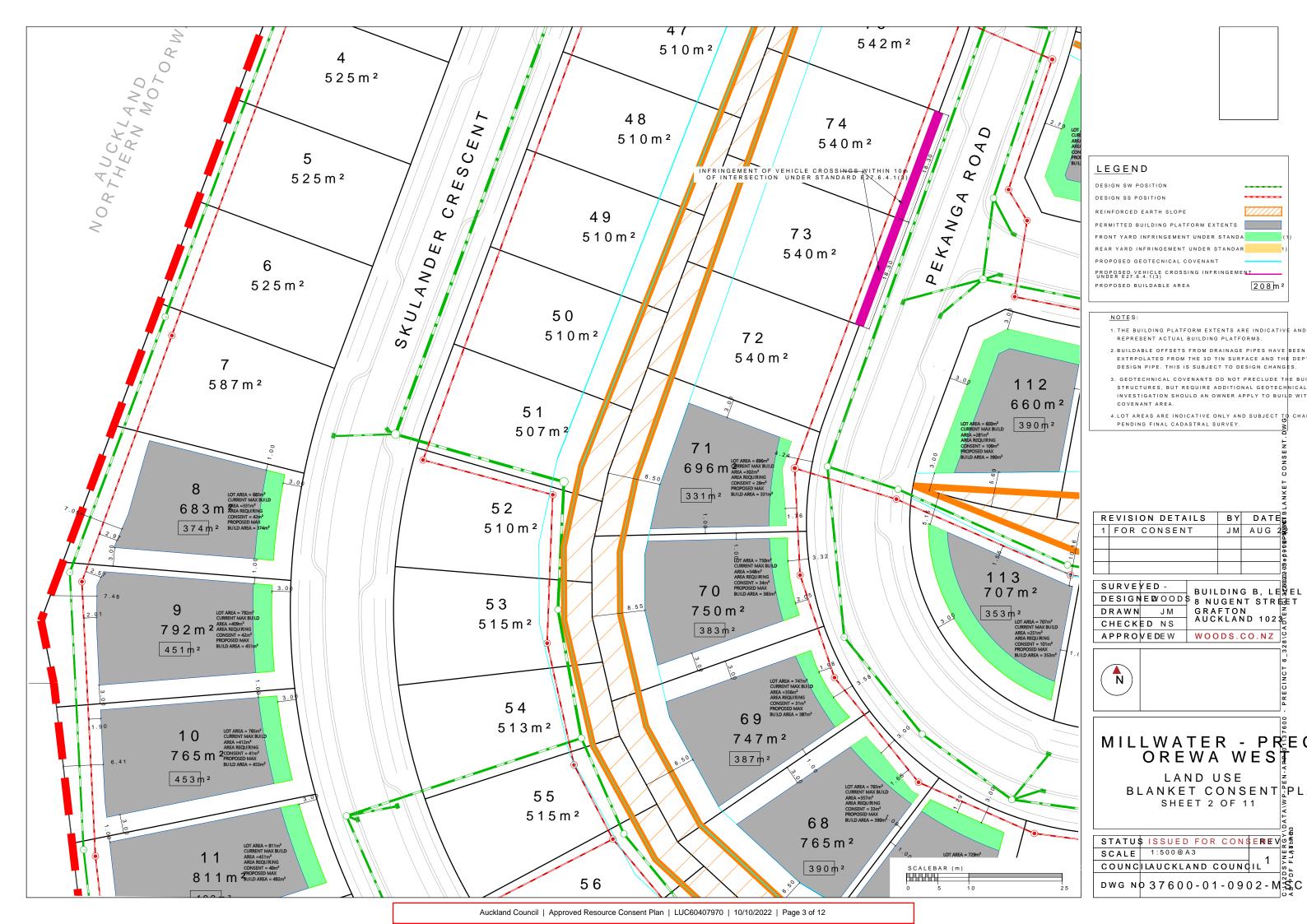
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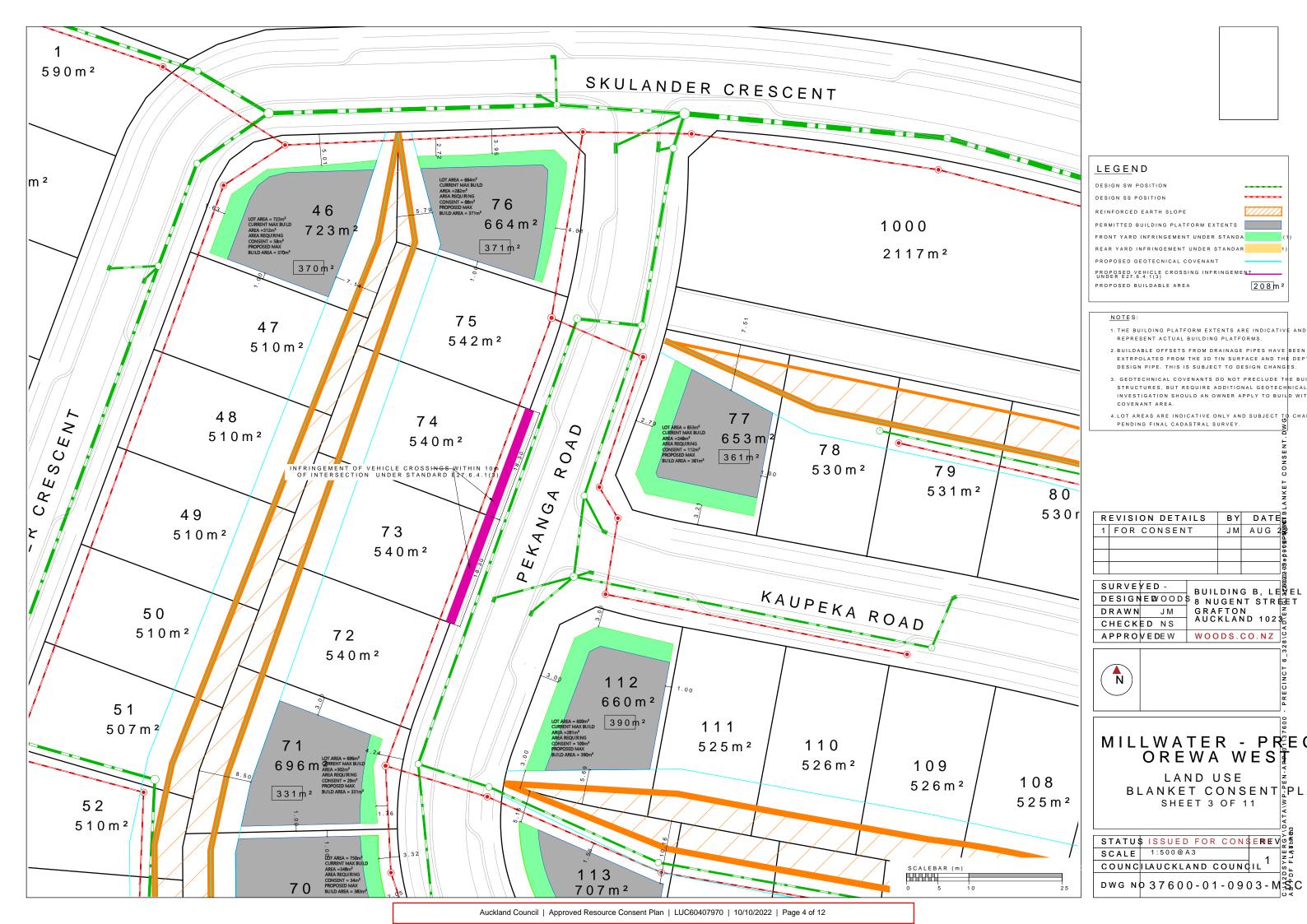
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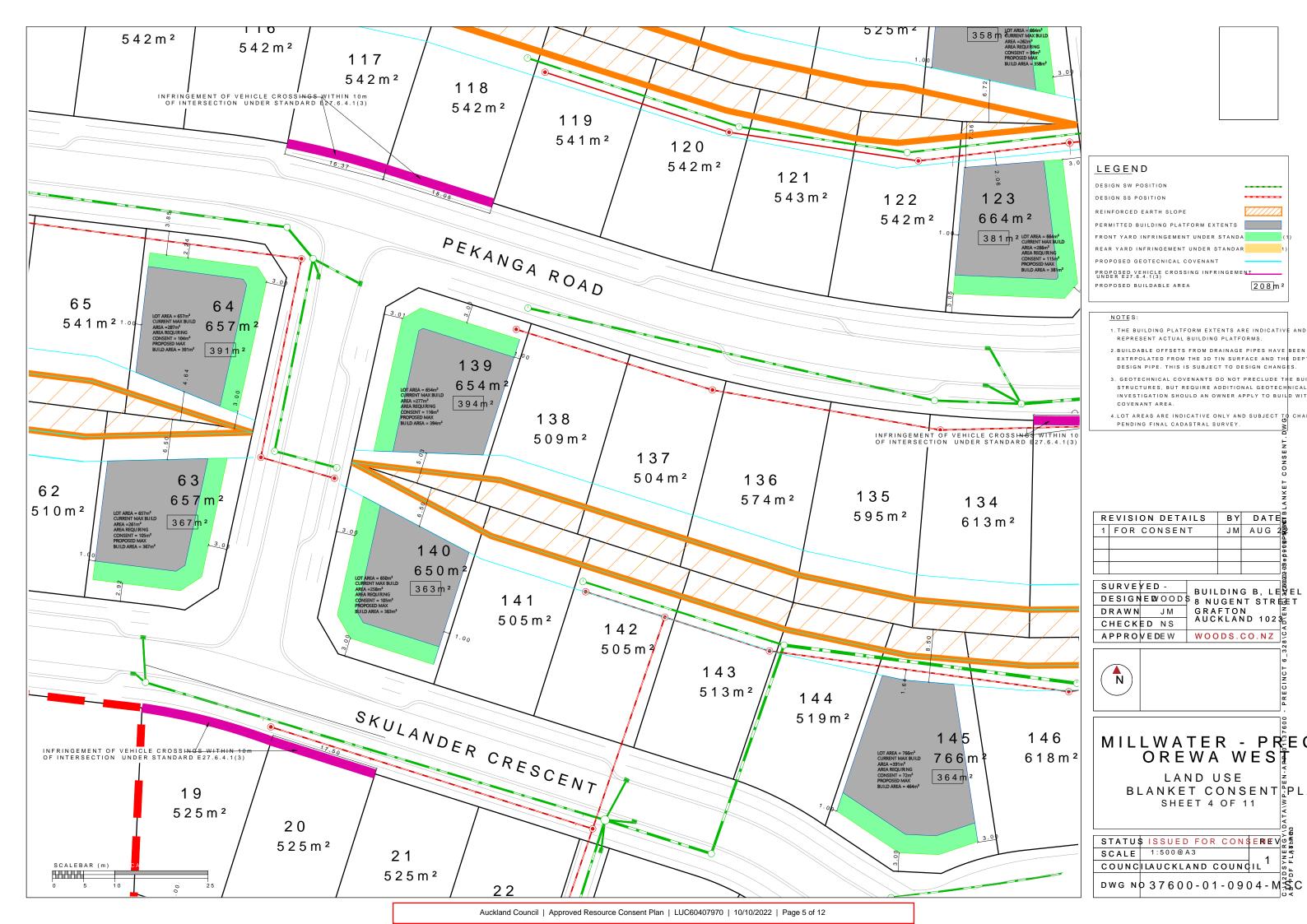
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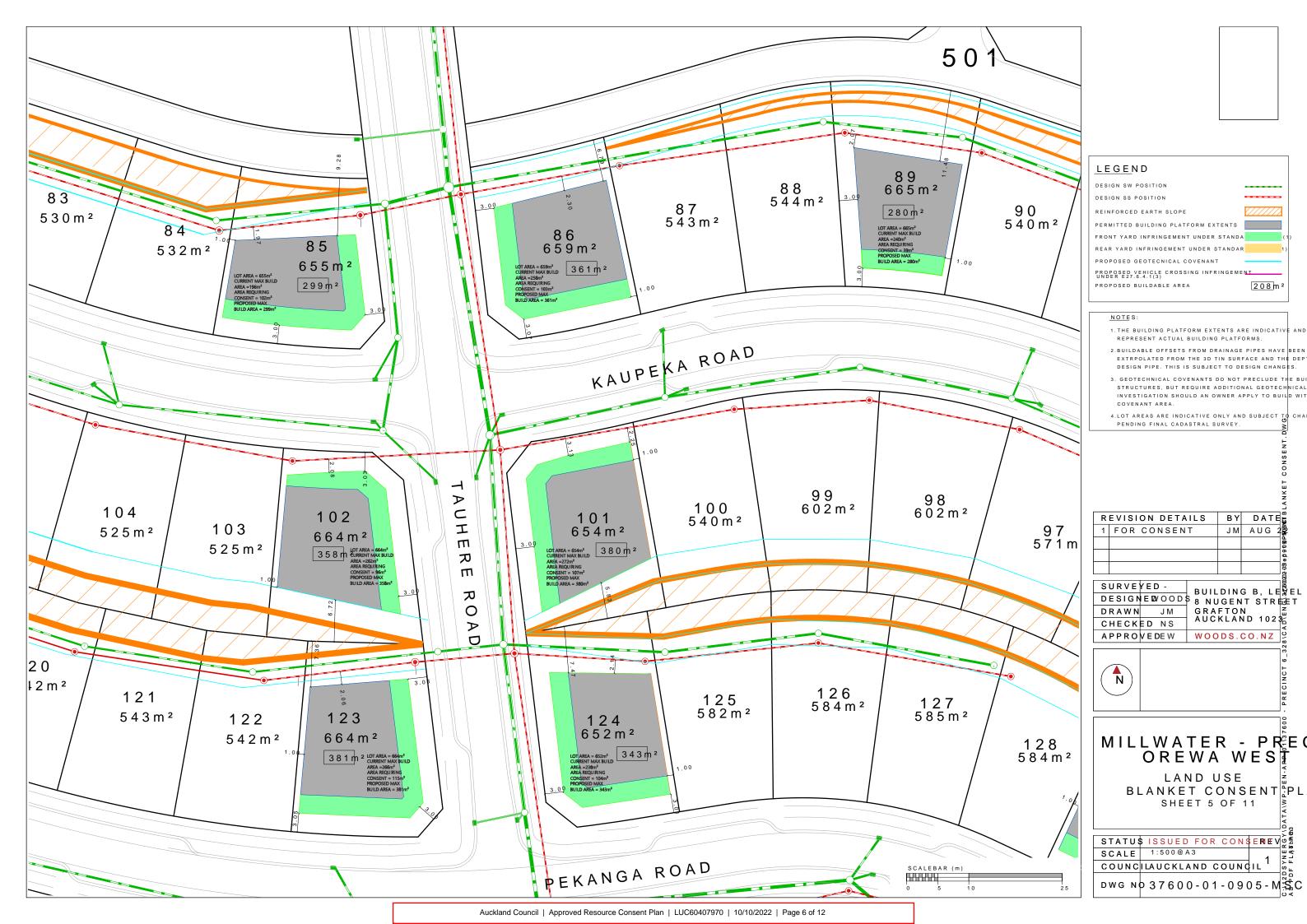
LAND USE BLANKET CONSENT PL SHEET 1 OF 11

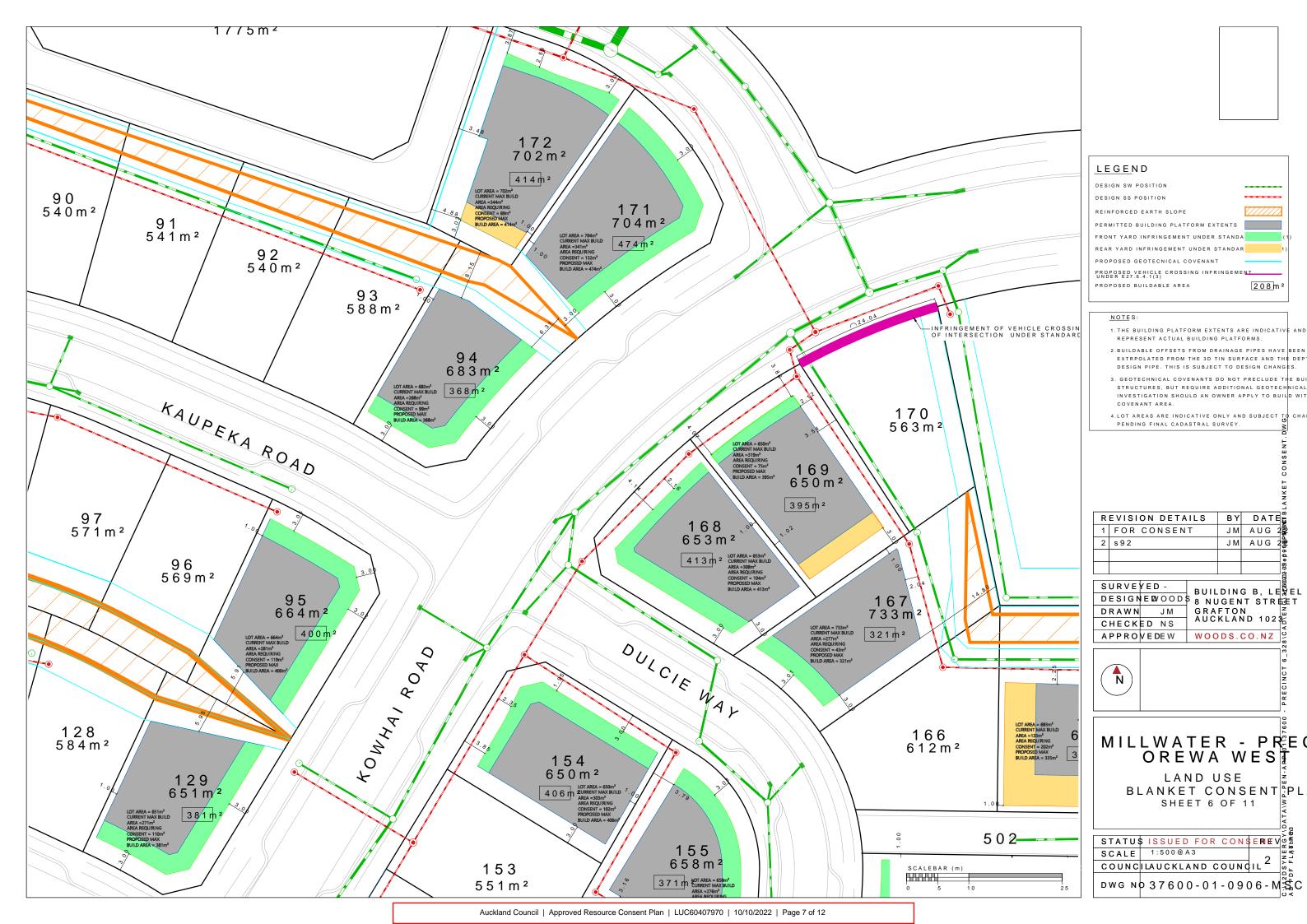
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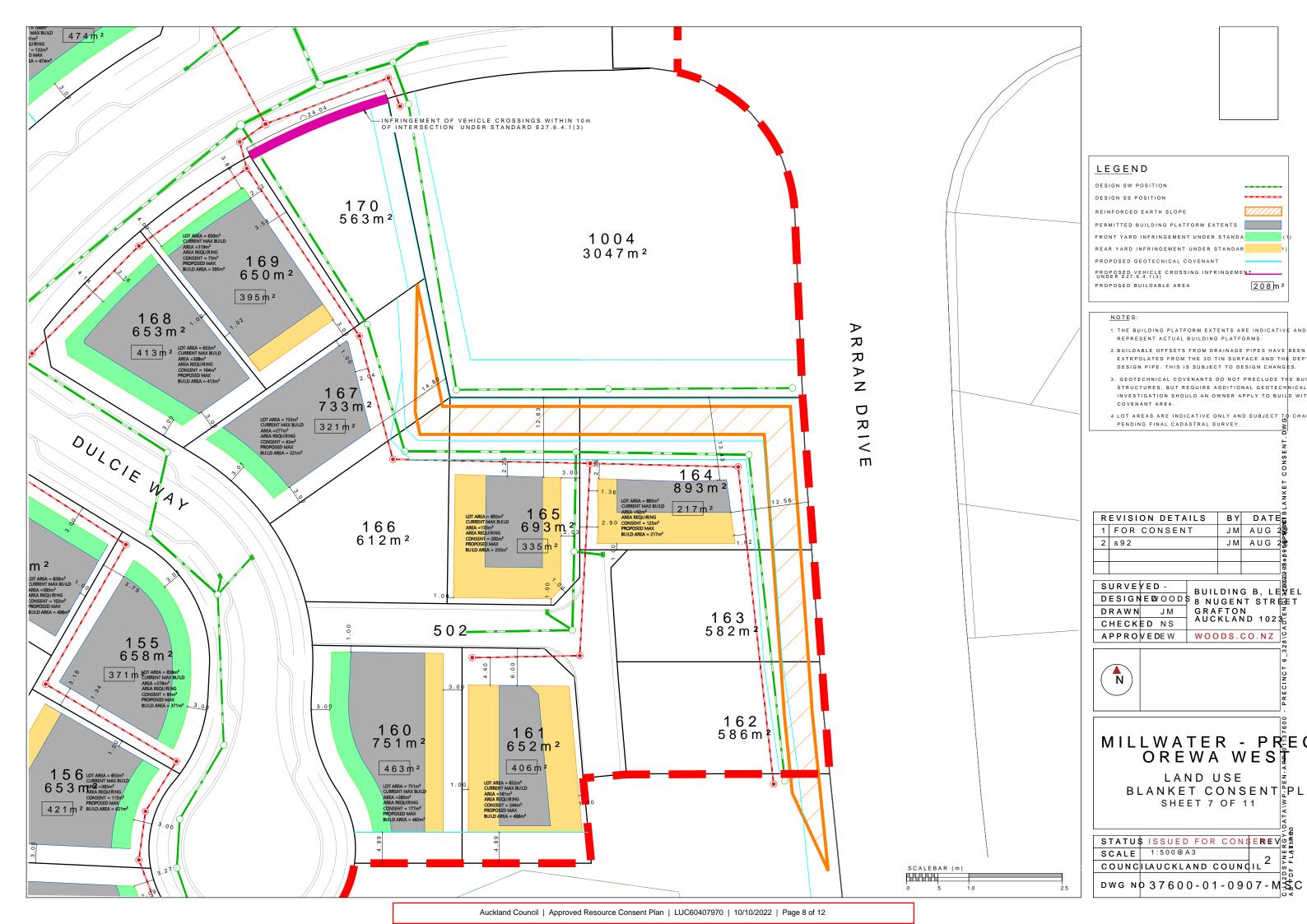


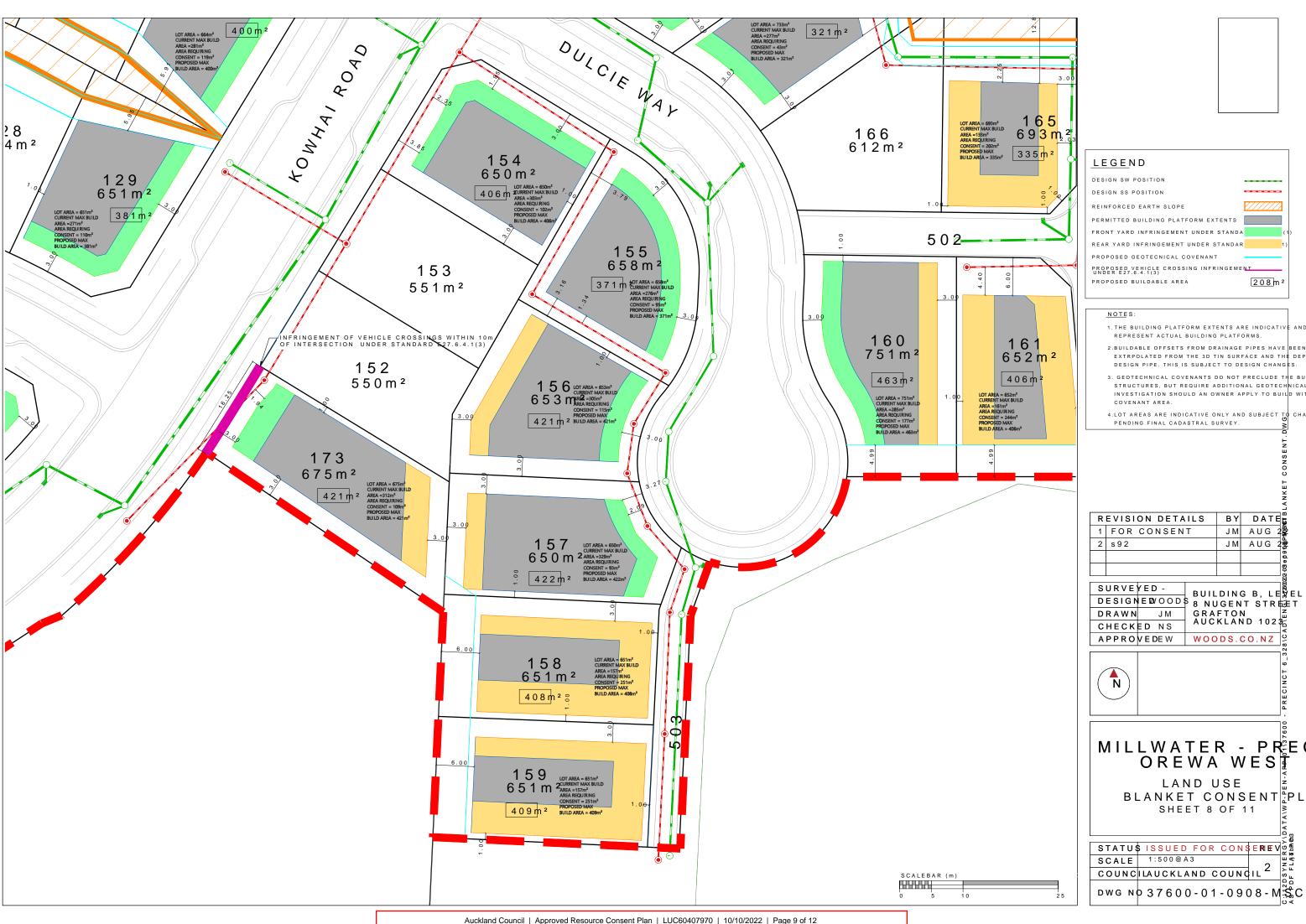


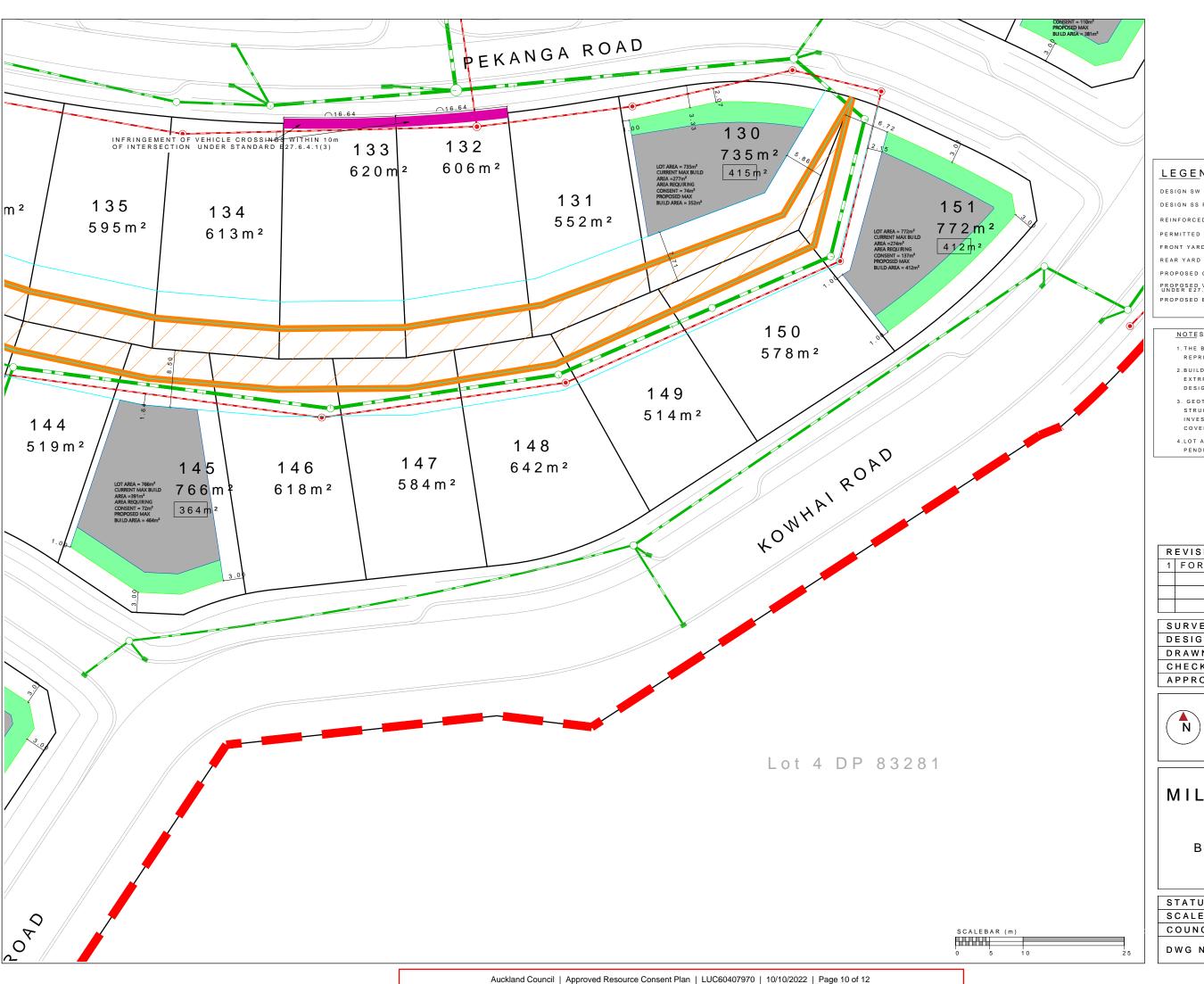


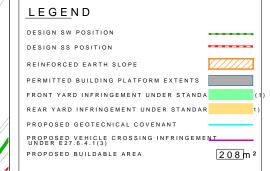












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- 4.LOT AREAS ARE INDICATIVE ONLY AND SUBJECT T PENDING FINAL CADASTRAL SURVEY.

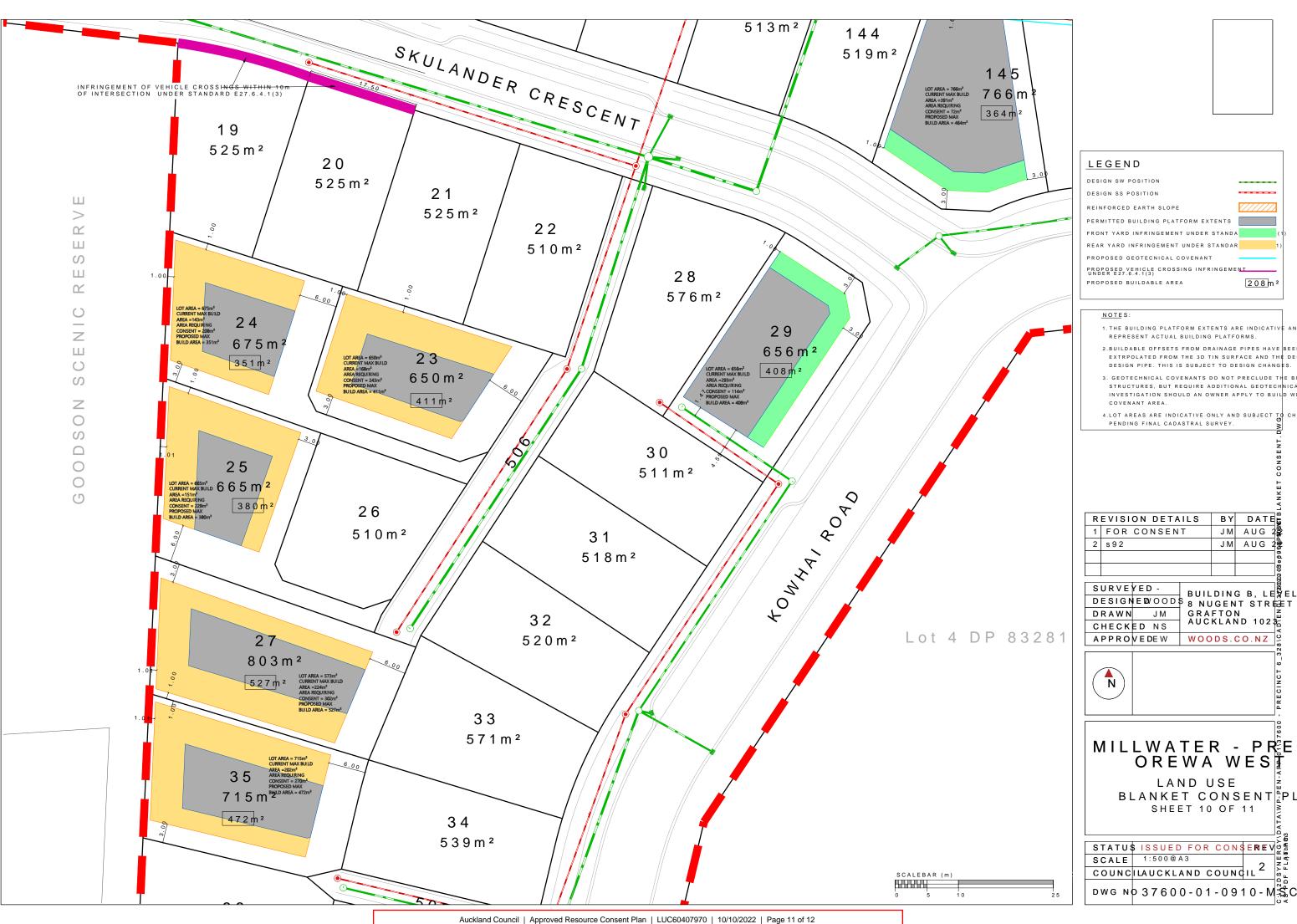
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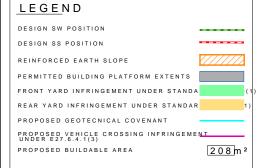
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### MILLWATER - PREE OREWA WESI

LAND USE BLANKET CONSENT PL SHEET 9 OF 11

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1. THE BUILDING PLATFORM EXTENTS ARE INDICATI

2.BUILDABLE OFFSETS FROM DRAINAGE PIPES HAVE BEEN EXTRPOLATED FROM THE 3D TIN SURFACE AND THE DEP DESIGN PIPE. THIS IS SUBJECT TO DESIGN CHANGES.

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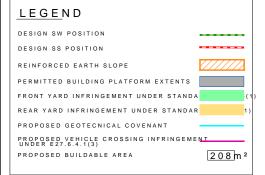
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## MILLWATER - PREE

LAND USE BLANKET CONSENT PL SHEET 10 OF 11

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### MILLWATER - PREE OREWA WES

LAND USE BLANKET CONSENT PL SHEET 11 OF 11

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