

9 September 2022

**Proposed Fast-track consent under *Covid 19 Recovery (Fast-track Consenting) Act 2020*  
70 Residential Units and Subdivision, 30 Sandspit Road, Howick**

## 1 Introduction

Civix Ltd is a Planning, Surveying, and Engineering company assisting Box Property Investments Ltd (“Box”) with a proposed development for terraced houses and apartments at 30 & 40 Sandspit Road and 2 & 4 Reydon Place (“the Site”). The Site is currently located in the Single House Zone (SHZ) but is notified under Plan Change 78 of the Council to be Mixed Housing Urban Zone (MHUZ) and subject to the Medium Density Residential Standards (MDRS).

The purpose of this letter is to introduce the Box project for terraced housing and apartments (70 dwellings in total) at the Site. The development consists of three apartment buildings and 12 terraced houses with associated parking and access. Box is seeking for this project to be fast-tracked under the Covid 19 Recovery (Fast-track Consenting) Act 2020 (“the Act”).

The following details are at a broad level aimed at initially reaching out to you so that you are aware of this proposal, and to seek your initial comments to assist the process and korero going forward.

The following sets out a summary of the application details and regulatory framework.

Our desk-top review of the AUP has identified that:

- The site is not located within any Iwi Statutory Acknowledgement Area on Auckland Council GIS.
- There are no identified items of cultural or historical significance in the Council’s GIS.
- As the site has previously been developed for a service station and housing the ground has already been substantially disturbed and re-worked.
- The site has been subject to previous notified consent applications, none of which were subject to submissions from any iwi authority, indicating that this site is not of particular interest.

Nevertheless, it is best practice to receive the views of Iwi directly to inform any redevelopment of land. We also recognise that it is common practice for the multiple iwi authorities across Auckland to identify whether or not they defer to one of the other iwi who have a greater connection with the relevant land.

We would like your feedback on:

- Do you wish to engage directly with Box, or do you defer to another iwi authority?
- Do you recognise a planning document which you consider that we should have regard to when preparing the resource consent application (i.e. do you have an iwi management plan or do you recognise an iwi management plan that has been prepared by a different iwi authority)?
- Are there particular cultural value aspects or locations relating to the natural and physical environment of the Site and surrounds of interest to you or that we should take account of? If so, what do you consider is the best way for us to recognise and reflect those values in undertaking the proposed development?

- Do you wish to provide a Cultural Impact Assessment?

## 2 Geographical Location and Site Description

The site is currently zoned Residential - Single House Zone (“SHZ”) under the Auckland Unitary Plan (“AUP”). This typology of development is only envisaged via an Integrated Residential Development as a discretionary activity and requires the development to provide communal facilities of a scale suitable to the development. Despite this, the planning framework is undergoing significant change through the introduction of the Medium Density Residential Standards (“MDRS”). Auckland Council has notified the Site and the surrounding neighborhood to be rezoned to the modified Residential - Mixed Housing Urban Zone (MHUZ) under Plan Change 78.

Notably the proposed site includes the former Steward Motors service station and workshop which is now vacant and run-down. The Site is located directly opposite Howick College to the east, and Cockle Bay School to the north. A Four Square, bakery and restaurant are located approximately 250m to the north.

It is a large site, with a number of large buildings and has road boundaries on 3 sides. This has allowed a careful development design to protect the residential amenity for dwellings within the same block, while also achieving the kind of high residential intensity anticipated by the MDRS. The taller buildings on the road frontage do not impact residential amenity as Howick College sits across the road. The terraces provide a more traditional interface where the site has common residential boundaries.

The relevant details of the Site are noted in **Table 1** below, and the aerial of the site is included below in **Figure 1**.

*Table 1: Relevant Features and Notations of the Auckland Unitary Plan (AUP) relating to the Site.*

<b>Site Address:</b>	30 & 40 Sandspit Road and 2 & 4 Reydon Place, Howick.
<b>Legal Description:</b>	30 Sandspit Road: Lot 2 DP 334191. CT 140265 (3781m <sup>2</sup> ) 40 Sandspit Road: Lot 67 DP 52881. CT NA9B/345 (809m <sup>2</sup> ) 2 Reydon Place: Lot 68 DP 52881; Flat 1 DP 65738 and Garage 1 DP 65738. CT NA21C/627 (827m <sup>2</sup> ). 4 Reydon Place: Lot 68 DP 52881; Flat 2 DP 65378 and Garage 2 DP 65738. CT NA21C/628 (827m <sup>2</sup> ). (All owned by Box Property Investments Ltd).
<b>Site Area:</b>	Total Site Area of 5,417m <sup>2</sup>
<b>District Plan:</b>	Auckland Unitary Plan – Operative in Part
<b>Zoning:</b>	Residential – Single House Zone
<b>Controls:</b>	Macroinvertebrate Community Index – Urban Stormwater Management Area Control – Flow 2.
<b>Treaty Settlement Area – Statutory Acknowledgement Area</b>	No Statutory Acknowledgement Area

Box Property Investments Ltd own the land, and there are no other owners involved with the Site.

Figure 2: Aerial view of the Site, with the boundary outlined in red (Source: Auckland Council Geomaps).



The Site falls away quite steeply to the west, and the proposed development is able to take advantage of this by way of locating the apartments on the upper area of the site, with the terraced houses located on the lower area such that views to the west toward are best maximised for the proposed units, while also managing the effects on neighbours to the south. The impacts of the proposal are also significantly assisted by the road boundaries on three sides.

### 3 Application History

A land use consent application<sup>1</sup> was lodged on 27th July 2018 for an Integrated Residential Development ("IRD") at the Site.

That development consisted of residential units made up of two components. The first component comprised three, three level buildings (with two levels of basement car parking) located along the Sandspit Road frontage. These buildings contained 44 residential units (12 three-bedroom units, 29 two-bedroom units and three one-bedroom units). A café was proposed on the corner of Sandspit Road and Trelawn Place.

The buildings were located above two podium levels situated below the level of Sandspit Road, which were

<sup>1</sup> BUN60324132 & LUC60323963.

largely for carparking and accessed via Trelawn and Reydon Place. Ten one-bedroom units were located on the terrace podium at the upper parking level, between Trelawn Place and Reydon Place, and were accessed directly from the upper-level car park. The two levels of carparking contained a total of 113 parking spaces, 122 cycle parks and 86 storage units.

The second component comprised of four buildings, containing a total of 16 residential units, located along the north-eastern boundary of the site.

The development had a number of communal facilities including a swimming pool, BBQ/outdoor living area, a common room with facilities for a manager and cleaner and a café open to the public.

The application was limited notified on 1 February 2019 to the following properties:

- 3, 3A & 5 Trelawn Place;
- 1, 5, 6, 6A, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20 Reydon Place; and
- 37, 39, 41, 43, and 45 Sandspit Road.

In total, 16 submissions were received, all of which opposed the development.

The application was heard by independent commissioners in July 2019 and subsequently consent was refused. The Commissioners raised a number of concerns with the proposal being:

- *“That the application is not for an IRD but for a multi-unit residential development;*
- *Consent cannot be granted as the proposal fails to satisfy the requirements of either the ‘gateway’ tests set out in S104D(1) of the RMA;*
- *The effects on the proposal will be more than minor, particularly effects relating to the amenity of the area in general and on neighbouring residents;*
- *The proposal is contrary to the relevant objectives and policies of the AUP;*
- *There is a high potential for an undesirable precedent to be set if this consent was granted;*  
*and*
- *The proposal is not consistent with the purpose of the RMA.”*

The Applicant decided not to pursue that development and instead undertook a re-design which it sought to have directly referred to the Environment Court. That re-design reduced the number of dwellings resulting in a proposal that included:<sup>2</sup>

- 54 residential units across three 3-storey buildings and three 2-storey buildings;
- An on-site café Proposed communal facilities include a gymnasium, swimming pool, shared amenity space, common room, WC and manager’s office;
- 84 car parks, 56 bicycle parks and a loading space are provided in the basement. A further eight bicycle parks are provided on Sandspit Road.

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<sup>2</sup> BUN60356953, LUC60356954, DIS60356955

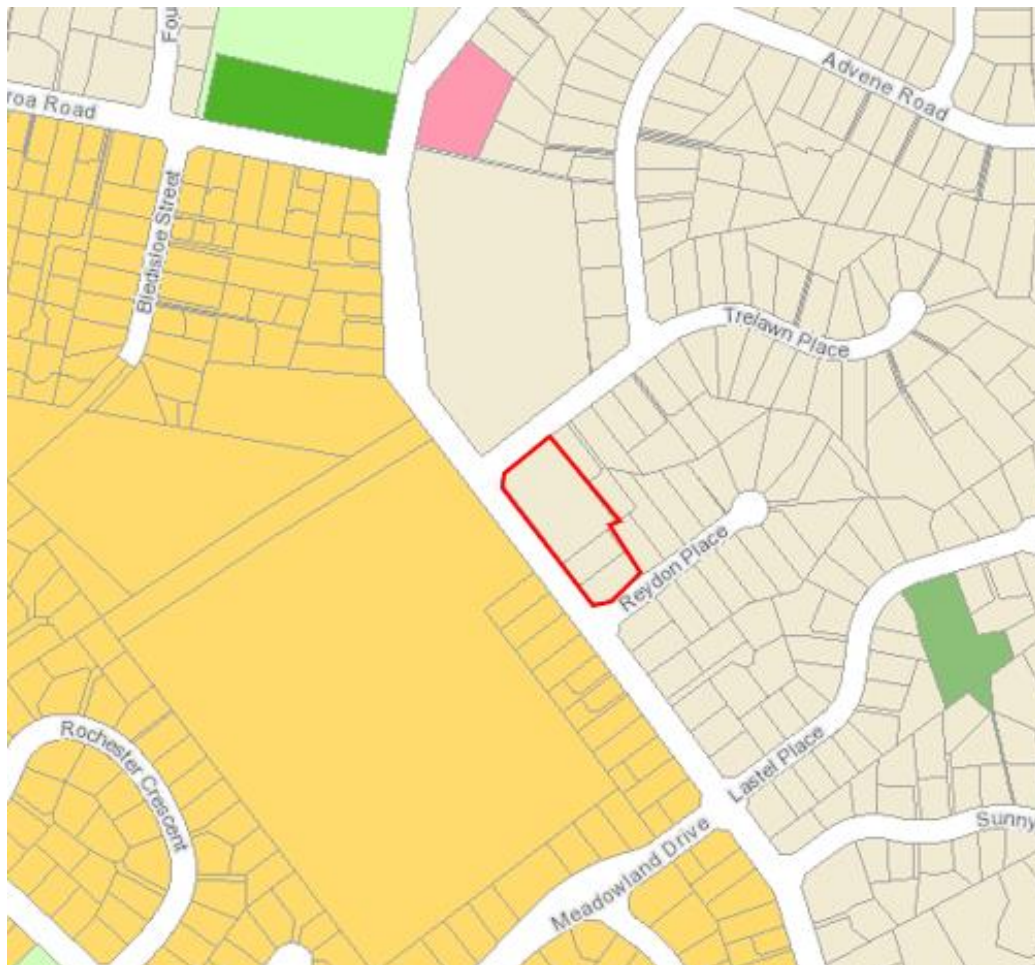


While that application was in process, the Government announced the MDRS changes to the RMA, but unfortunately there is insufficient scope to amend that application to align with the present proposed design.

## 4 Zoning and MDRS Changes

The current zoning map is shown below in **Figure 2**, noting both section 77M of the Resource Management Act 1991 (“RMA”) and that the MDRS rezoning to MHUZ is likely to be ‘live’ by the time a decision on this fast-track application is made.

*Figure 2: Site location and zoning. Light tan is Residential Single House Zone. Yellow is Residential Mixed Housing Suburban.*

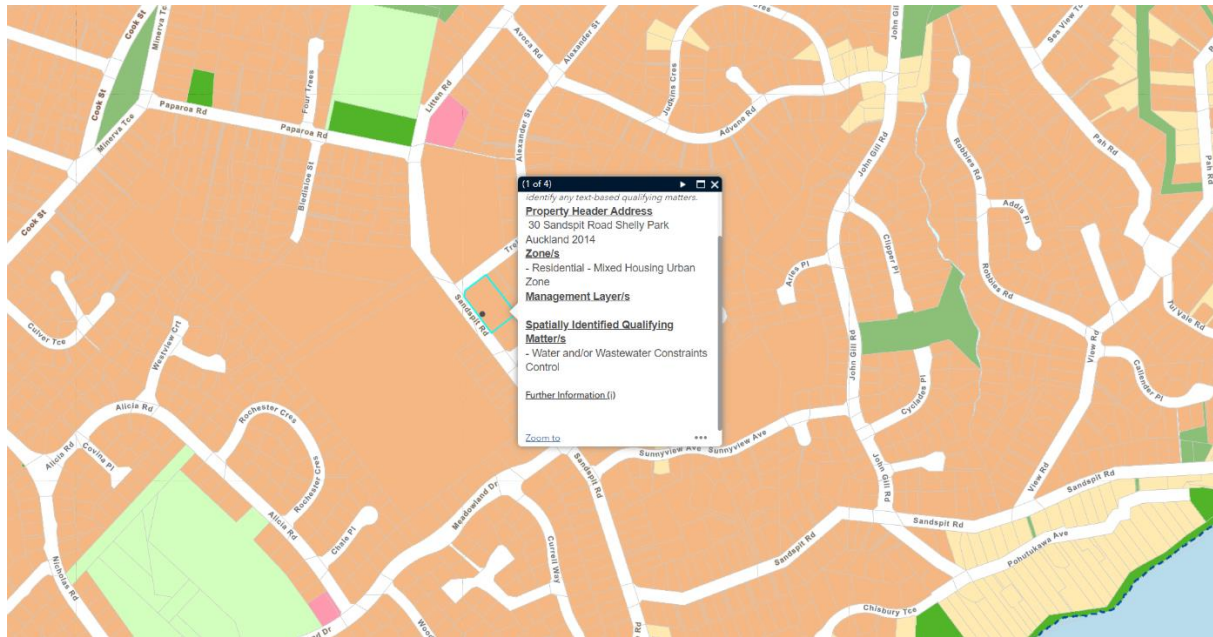


**Figure 3** below shows how the wider area is to be zoned MHUZ. This zone is the AUP’s MDRS zone with permitted height of 11m.

The zoning change was notified under the Council’s MDRS plan change on 18 August 2022. While permitted activity rules from that plan change have immediate effect, this proposal does not comply with all of those rules, so will not be a permitted activity. It therefore requires consent under the operative AUP provisions until such time as decisions on the MDRS plan change are made. However, any application for this proposal must be assessed against the objectives and policies set out in Plan Change 78 and not those in the AUP, to the extent there is any inconsistency between the two.

Auckland Council has not identified the Site as being subject to any “Qualifying Matters” other than water or wastewater constraints control requiring suitable responses to those matters through applications demonstrating suitable engineering solutions – noting this has already been assessed at the preliminary level for this development with these services able to be provided.

Figure 3: Auckland Council PC78 Viewer GIS: Showing the proposed rezoning for the Site and surrounding areas



## 5 Proposal

The proposal is to provide 70 residential units, comprised in five buildings. Three of the buildings will contain four-level apartments and be up to 12.4m high, running lengthways along Sandspit Road. The two remaining buildings will contain terraced housing and be up to 6.5m high, located on a lower elevation immediately to the east of the four-level apartments.

This is a key site characteristic and development response. Rather than merely seeking three storey buildings across the entire site there is a considered architectural response to the site, including massing buildings adjacent to the site frontage and providing a more traditional suburban typology where there is a common residential boundary interface. The yield is in fact less than what could be achieved should three storey apartment buildings be pursued across the site as set out below in *Section 6 – Reasons for Consent: MDRS*, i.e. 70 dwelling units proposed vs 108 units.

The proposed plans are included in **Appendix 1**. These show:

- 12 two-level three-bedroom terrace houses.
- 58 units over four-levels within three apartment blocks.
- 96 basement car parking for the apartments and communal parking for the terraced houses.
- Communal socialising area including BBQ, lounge facilities, and swimming pool.

Access to the apartment basement car parks is via a ramp from Trelawn Place, and access for the communal parking for the terraced housing is from Reydon Place. Ancillary space is to be provided for waste management and storage.

The development will occur after removal of all existing buildings and structures on the Site.

Clearwater Construction will be managing and constructing the development, having a proven track record of completed projects, with proven financial capacity for delivery.

MAP architects also has a proven track record with many high quality developments to its name.

The application will include the following expert inputs:

- Landscape plans and landscape assessment;
- Urban design;
- Architectural;
- Civil engineering;
- Geotechnical;
- Construction – Traffic & Construction Management Plan;
- Acoustic – Construction and Operational Noise;
- Soil contamination – Site Investigation, Remediation Action Plan;
- Traffic and Transport Assessment;
- Lighting Report;
- Economic report;
- Waste management; and
- Legal counsel.

The development seeks to optimise use of this large Site to increase housing supply in the Auckland region, consistent with its proposed MHU-M zoning. The developer also intends to bring the dwellings to market quickly.

The proposed design is considered sympathetic to its location and neighbouring properties when considered against what is possible for application under the MDRS permitted baseline, or some other land use application applied for involving four or more dwellings as a restricted discretionary activity.

## 6 Regulatory Framework

### 6.1 Auckland Unitary Plan Operative in Part

#### 6.1.1 Current Single House Zone and Ancillary Development Activities

While noting that final architectural plans are still being refined at this stage, the following reasons for consent have been identified. A brief assessment of the MHUZ and MDRS provisions is also provided, in accordance with section 77M of the RMA and given that this may be the applicable planning framework at the time any decision on this fast-track application is made.

The following assessment considers the following core development standards for the SHZ and the MHU-M including those under the MDRS.

The core bulk and location aspects of the proposal considered in the following sections include:

- Maximum height of the apartments at 13.587m (highest Apartment Building 2).
- Site coverage of 49.7%.
- Impervious area of 59.1%.
- Landscaped area of 38.27%
- Front yard of 1.5m.

## District Land Use Consent (s9(3))

### Auckland Unitary Plan (Operative in Part)

#### *Single House Zone*

- More than one dwelling on a site is not provided for in the SHZ other than by way of an IRD. As this proposal is not for an IRD, it is not specifically provided for in the Activity Table and therefore requires consent as a **non-complying** activity under Rule H3.4.1(A1).
- Given the bulk and location of the proposed development, there are several development standards not met. As infringement of standards for a non-complying activity is not specifically provided for in the SHZ rules or under Chapter C – General Rules, this activity component requires consent as a **discretionary** activity under Rule C1.7(1). The bulk and location standards infringed identified from the preliminary plans provided are:
  - Maximum height 8m and up to 9m to provide for sloping roofs (proposed up to 13.587m - **infringes**).
  - Maximum site coverage 35% (proposed 49.7% - **infringes**).
  - Maximum Impervious Area 60% (proposed 59.1%)
  - Minimum landscaped area 40% of the net site area (proposed 38.27% - **infringes**)
  - Front yard of 3m (proposed 1.5m – **infringes**)

#### *Land Disturbance – District*

- Land disturbance exceeding 2,500m<sup>2</sup> in area and 2,500m<sup>3</sup> in volume requires consent as a **restricted discretionary** activity under rules E12.4.1(A6) and (A10) respectively.

### Other unidentified consent components that may require consent

#### *Transportation*

It is noted that there has not yet been a detailed assessment of the traffic design and standards for the access and parking layout, so there may be some infringements identified to be applied for, noting this can be resolved through detailed design and assessment.

- Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access requires consent a **restricted discretionary** activity under rule E27.4.1(A3).



### *Noise and Vibration*

It is not known at this stage whether construction noise and vibration will require consent, which can be determined once the detailed geotechnical assessment is provided.

- Construction noise and vibration that does not comply with permitted activity standards requires consent as a **restricted discretionary** activity under rule E25.4.1(A2).

### *Contaminated land*

The Site has been used for an activity that is included in the Ministry for the Environment's Hazardous Activities and Industries List. The extent of (and appropriate mitigation for) any contamination resulting from this activity will be determined through the Preliminary Site Investigation and the Detailed Site Investigation.

As a result of the Site's previous use, the proposal likely requires consent under the:

- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES: CS) as a **restricted discretionary** activity in accordance with Regulation 10; and
- Rule 30.4.1(A6) of the AUP as a **controlled** activity.

### *6.1.2 Mixed Housing Urban Zone: MDRS*

As discussed above, the provisions of the MHU-M also require consideration in terms of section 77M of the RMA and the planning framework that may be applicable at the time a decision is made on this fast-track application. These are summarised as follows (i.e. this summary incorporates the existing MHU provisions, as those are required to be amended in accordance with the MDRS).

- Four or more dwellings is a **restricted discretionary activity** under Rule H5.4.1.
- Maximum Height 11m plus 1m to provide for pitched roofs. The proposed apartments utilise the average ground height method for maximum height as shown on Drawing Number RC0.04. This shows compliance for the terrace houses, but for the apartments, there are the following **infringements**:
  - Residential Building One, 2.180m
  - Residential Building Two, 2.587m
  - Residential Building Three, 1.952m.

It is noted that these infringements are related to the 11m height restriction only as the roofs are not pitched, whereas if they were, the maximum height is increased by a further 1m.

- Maximum site coverage 50% (the proposed site coverage is 49.7%).
- Maximum Impervious area 60% (proposed 59.1%).
- Apartments Ground Floor Outdoor Living Space 22.2m<sup>3</sup> - minimum dimension 3m.
- Minimum landscaped area 20% (proposed 38.27%).
- Front yard of 1.5m (proposed 1.5m).
- Development that does not comply with the standards applying to that activity is a **restricted discretionary** activity under rule C1.9(2).

Therefore the only infringements relate to maximum height under the MDRS.

#### *MDRS Permitted Baseline*

MAP Architects has completed some permitted baseline plans under the MDRS within the **Appendix 1** plans, at Drawing Numbers RC4.01 and RC4.02. This shows some 42 residential units of maximum 12m height. This can be compared to the efficiency provided by the additional 28 units under this design to provide a yield of 70 units, noting this design also provides for a variety of housing types compared to a more regimented subdivision first followed by permitted land use application.

In this regard, noting the overall of the intent of the National Policy Statement on Urban Development 2020 (“NPS-UD”) to enable high quality residential intensification and the provision of affordable housing options, the proposal responds to this overall policy guidance through making the most efficient use of the site in recognition of its specific spatial and locational attributes. Accordingly, the proposal better aligns with this policy direction than an otherwise permitted subdivision and development proposal under the MDRS once operative.

#### *Other consent components*

There may be other consent components relating to transportation, land disturbance, contaminated land, and noise and vibration, with these technical aspects to be addressed by the various experts in the preparation of the detailed application once the application for Referral for the Fast Track application is approved.

#### *Summary*

As is evident from the above preliminary assessments of the provisions, the scope and intensity of the proposed development is consistent with the level of residential development anticipated in this location under the MHU-M zone, once that it is in place. To this end, the proposal will also provide additional housing with appropriate (and relatively affordable) typologies, as intended under the NPS-UD.

## 6.2 National Policy Statement on Urban Development (NPS-UD)

The NPS-UD took effect on 20 July 2020 and replaces the National Policy Statement on Urban Capacity 2016. The NPS-UD sets out the objectives and policies for planning for well-functioning urban environments under the RMA and seeks to provide sufficient development capacity to meet the different needs of people and communities.

To this end, the NPS-UD supports the Ministry of Housing and Urban Development’s Urban Growth Agenda, which aims to remove barriers to the supply of land and infrastructure to make room for cities to grow up and out. The NPS-UD does this by :

- Addressing constraints in our planning system to ensure growth is enabled and well-functioning urban environments are supported; and
- Setting out objectives and policies that Councils must give effect to in their resource management decisions.

In this regard, there are several objectives and policies which support urban intensification that meet certain criteria, such as:

- Provision of a variety of homes in terms of price, location, and different households.
- Proximity to urban centres or rapid transport.
- Supporting reductions in greenhouse gas emissions.
- Responding to the effects of climate change.

The overall intent of the NPS-UD is clear in that where intensification is practical, Councils are required to be responsive to such proposals – particularly in relation to proposals that would supply significant development capacity.

The proposal will not have any significant adverse environmental effects on freshwater quality, air quality or indigenous biodiversity. However, it will result in a number of benefits, including the provision of a variety of housing typologies to meet different needs of those seeking housing in the area. The Site is well-serviced in terms of bus stops and services, is within approximately 250m distance to the local shopping centre (zoned Business – Neighbourhood Centre) which contains a convenience store and restaurants, is very close to Howick College and other schools, and is in proximity to a range of recreation reserves and beaches (including most immediately, Cockle Bay).

As such, the Site has good accessibility to community services, parks/open spaces and public transport (a bus stop is located on each side of Sandspit Road in easy walking distance).

With regards to sustainability, climate change and a transition to a low-emissions economy, measures will be explored and implemented to align with these outcomes in terms of the construction phase and provision for alternative transport options. Given the development has been designed to optimise intensity, a greater amount of housing can be provided for equivalent building materials. As such, it is expected that on a per house basis, the proposed development will produce less greenhouse gas than a typical residential development. The typologies proposed are also easier to heat and to keep warm, requiring less energy use. MAP Architects advise that sustainability and energy efficiency are core values their work, taking an integrated design approach with a high degree of collaboration across the client and the consultant team to ensure each project is sympathetic to environmental and program requirements.

This project has been designed to feature high levels of thermal insulation and high-performance glass specification. Areas of glazing are carefully located and protected by large overhangs to ensure thermal comfort and energy efficiency. Lighting and heating systems were carefully designed for energy efficiency in use and life cycle costed.

All elements of the external building fabric are carefully selected for durability and maintainability.

Further to the above, Clearwater Construction's methodology includes a focus on energy efficiency and sustainability, noting the following positive aspects:

- Reuse of Demolition materials, particularly concrete crushing for site aggregates
- Recycling of 90% of construction waste through CCL's selected waste management provider
- Onsite environmental management establishment & use of best practice to manage noise, dust and other emissions
- Selection of high insulation façade and roofing systems to maximise thermal efficiency
- Selection of materials where practicable that maximise recycling and energy efficiency and minimise carbon emissions and use of non-renewables (e.g., low e glazing systems, LED lighting)

- Design and selection of Services Systems that maximise passive outcomes and minimise energy usage
- Selection of energy efficient appliances and fittings throughout apartments
- Sourcing of products and labour through suppliers and contractors in compliance with the proposed Modern Slavery legislation

The proposed design provides more intensive residential developments in the anticipated MHUZ and MDRS aligning strongly with the outcomes anticipated under the NPSUD.

### 6.3 National Policy Statement for Fresh Water Management 2020.

This sets out the objectives and policies for freshwater management, including:

- Recognition of Te Mana o te Wai in freshwater management.
- Reflection of tangata whenua values and interests in decision making.
- Improving degraded water bodies using bottom lines as defined in the NPS.
- Safeguarding and enhancing the life-supporting capacity of water and associated ecosystems, including threatened ecosystems.
- Work towards targets for fish abundance, diversity and passage.
- An integrated approach to management of land and freshwater and coastal water.

The Site contains no significant waterbodies, and the proposal will be readily able to control any sediment runoff into any waterbodies, given the application of appropriate sediment control measures.

The proposal does not compromise any outcomes anticipated in the NPSFWM.

### 6.4 National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS) is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed - and if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

It is proposed to complete a detailed site investigation in order to determine if there are any contaminants in the soil to levels requiring remediation, and if this is the case there will be an associated remediation action plan implemented prior to construction.

This is standard practice, and the methods to be followed to remediate and validate any contaminated soil will respond to the outcomes anticipated under the NESCS.



## 6.5 Treaty Settlements and Iwi Management Plans applicable to the location.

The site is not located in any Iwi Statutory Acknowledgement areas, and currently there are no known Treaty Settlements associated with the site.

It is the intent of the proposed consultation that any legal documentation or agreements be identified and discussed in this application, and this includes any Iwi Management Plans that may be held by iwi, and/or lodged with Auckland Council.

## 7 Conclusion

The proposed development is for the construction of the residential apartment blocks and two terraced housing blocks comprising a total of 70 dwellings. Subject to detailed design and resolution of specialist inputs the consent is considered supportable.

The proposal makes the most efficient use of this large site in the SHZ noting the imminent up-zoning to MHUZ and development under the MDRS, making a valuable contribution to the affordable housing crisis in Auckland.

Environmental effects can be mitigated through appropriate construction methods and it is considered that matters of value to Maori are likely not adversely affected, noting that specific concerns can be discussed and addressed through the application preparation and further through the application assessment processes.

Thank you for taking the time to review and consider this proposal, and we look forward to receiving your feedback as set out above in Section 1 – Introduction.

For any further information or clarification, please contact:



**Lance Hessell – Senior Planner**

Civix Limited

s 9(2)(a)



## [Appendix 1](#)

### Proposed Architectural Plans