

26 January 2023

Max Gander-Cooper
Ministry for the Environment

Dear Max

Fast-track application: Ara Weiti

Thank you for your time recently on the Ara Weiti fast track application.

You asked me to clarify four issues which I have set out in this letter.

1. Subdivision status for the retail component

Each of the retail sites will be a mixed-use development. There will be food and beverage, retail or some sort of professional office at ground floor, with dwellings above.

Consequently, in terms of the subdivision rules 1547.4.1(A28), each of the sites will create a dwelling. The purpose of the subdivision will enable that development.

You will realise that under provisions (A7), (A9) and (A11), offices, restaurants (excluding drive-through facilities) and retail are all permitted activities. The uses must be within area 4 and 5, which this application essentially is.

Consequently, in our view this aspect of the subdivision is within scope of the Weiti Precinct, and is a restricted discretionary activity.

2. Retirement village

The Weiti Precinct Rules adopt all the underlying zone and 'Auckland wide' provisions. This applies to activity, development, and subdivision provisions. The Unitary Plan has a practice of explicitly identifying any exceptions to this particular rule. No such exemptions are identified in the Weiti Precinct.

Under the Rural and Coastal zone, '*integrated residential development*' is a discretionary activity. The definitions section in the Unitary Plan explicitly includes a *retirement village* within the definition of '*integrated residential development*'.

Subdivision E38.4 (urban subdivision activity table) includes at (A18) "*Vacant sites subdivision involving parent sites of 1ha or greater complying with standard E38.8.3.1*" as a discretionary activity.

The minimum net site area for vacant sites in E38.8.3.1 is 2,500m².

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The subject superlot complies with this standard.

Activity I547.4.1 at (A32) states “*Subdivision not otherwise provided for*” is a prohibited activity.

The opening paragraph within I547.4 states “*The provision in any relevant overlay zone and Auckland-wide apply in this precinct unless otherwise specified below*”. (emphasis added)

Consequently, in our view the correct interpretation of this is that the superlot for an *integrated residential development* does not trigger prohibited activity status because it is provided for either within the Auckland-wide E38 standards. The subdivision use is discretionary.

Notwithstanding that we accept that the referral effectively creates the retirement village site as a superlot. This could be used for a range of complying reasons. It could be for a dwelling or (subject to a future application) dwellings. It could also be used for complying retail or commercial uses provided there was on dwelling on the site.

In terms of this referral we accept the applicant does need to have this element resolved. Te Ara Weit is happy for the referral to be on the basis the superlot will be used for a permitted activity which includes one dwelling, or be subject to a future resource consent.

3. **Whare manaaki**

The activity table in I547.4 states “*The provisions in any relevant overlay, zone and Auckland-wide apply in this precinct unless otherwise specified below.*”

The underlying zoning is the Rural and Coastal Settlement zone. Here at activity H2.4.1(A21) community facilities are a discretionary activity. Community facilities are defined in the Unitary Plan as “*Facilities for the wellbeing of the community, generally on a not for profit basis.*” It includes ... ‘*art and cultural centres, community centres, halls, marae*’.

Clearly the whare manaaki falls within the definition of a community facility and as such is a discretionary activity.

4. **Public access and public facilities**

You have raised the question of whether the provision of the public facilities put forward in the application are technically out of scope of the application, because they sit outside the land area. In particular this refers to the “cleaning station” at the public track entrance, public seating and toilet facilities, beach dune boardwalk to protect bird roosting areas, artwork, and information boards along the coastal walkway.

The applicant is committed to each of these facilities. The difficulty it has is that it does not control the land on which these facilities are located. That sits with Auckland Council and the Department of Conservation land respectively.

The applicant has been in discussions with the Department of Conservation and Auckland Council over these facilities. Each organisation is supportive in principle of the proposed public facilities. The final details are still being worked through.

The applicant is happy to either:

- amend the scope of the application to include this associated land, provided it is understood that the applicant can fully commit to these facilities, but subject only to the landowner approval; or
- offering this as an augier condition, again subject to the same qualification of land ownership approval.

You were going to reflect on what you thought was the most appropriate mechanism. As indicated, the applicant is happy to be guided by the Ministry as to what you feel is the best approach.

Thank you for your ongoing assistance. I am happy to expand on any of these points or answer any further questions.

Yours faithfully

A handwritten signature in blue ink that reads "J. Duthie". The signature is written in a cursive style with a large, stylized 'J' and 'D'.

John Duthie

Tattico