



Figure 1: Aerial photo of site at 99 Totara Road, Whenuapai, Auckland



ILU Schedule						
Typology	1 Bed	2 Bed	3 Bed	ILU Per typology	Number	Total ILU
Detached Villa 130m2			1	1	5	5
Detached Villa 150m2			1	1	10	10
Double Villa		2		2	19	38
Triple Villa		2	1	3	11	33
Villa Terrace A		3	1	4	2	8
Villa Terrace B		2	2	4	4	16
Amenity Building	15	10	0	25	1	25
<b>Totals</b>	<b>15</b>	<b>19</b>	<b>6</b>	<b>40</b>		<b>135</b>

CARE UNIT SCHEDULE	
Care	50
<b>Total</b>	<b>50</b>

\*Yield numbers approximate

- LEGEND**
-  Amenity Facility (G+2)
  -  Care Facility (G+2)
  -  Detached Villa
  -  Detached Villa
  -  Double Villa
  -  Triple Villa
  -  Villa Terrace A
  -  Villa Terrace B

Figure 2: Proposed development



Figure 3: Land use subject to NZDF approval (Designation 4311, AUP)



Figure 4: Treaty Settlement Statutory Acknowledgement Areas (Source: Auckland Council GIS)



*Figure 5: Freshwater features classification survey*



*Figure 6: Neighbouring properties to the site*



**Figure 7:** Engine noise testing contours in relation to the site

*Relevant zoning, overlays, and other features*

- *Please provide details of the zoning, overlays and other features identified in the relevant plan(s) that relate to the project location*

The western and northern boundary of the site is shown on the Auckland Council planning maps to be subject to the Significant Ecological Area Overlay Marine and borders the Coastal – General Marine Area (CMA). It is noted that these areas are located adjacent to the site and are not within the developable landmass of the site. The proposed stormwater outlet 3 will be the only structure within these areas. The indicative location of the proposed stormwater outlet has been shown on the provided civil plans, but the detail design will be undertaken at the resource consent stage. Therefore, whilst that application may be considered to relate to the Coastal Marine Area, no reasons for consent have been identified in the CMA at this stage. It is also noted that within the General Coastal Marine Zone and Significant Ecological Area Overlay Marine rules in Chapter F2 Coastal of the AUP, all activities related to stormwater discharge refer back to Chapter E8 of the AUP and the relevant reasons for consent under this chapter have already been identified within this application.

None of the controls, overlays, or the designation would impose any significant constraint on the use of the land for the proposed purpose.

Proposed Plan Change 5, promulgated by Auckland Council, has now been withdrawn. However, it did not directly relate to the site in any event as the area to which it applied did not include the land subject to this application.

The site is located within the Whenuapai Structure Plan area and is anticipated to be developed for low-density residential activities. The proposed retirement village is considered to provide low density housing that provides a range of living options that are greatly needed in the Auckland region. The proposed buildings on the site will be a maximum of three-storeys and use a range of typologies associated with low density housing, such as detached villas. The structure plan also anticipates a neighbourhood park in the western headland of the site, and this is provided for as part of the proposal, with public access granted via an easement to the park area and coastal edge of the site. It is therefore considered that the proposal is consistent with what is anticipated under the structure plan for the site.

*Rule(s) consent is required under and activity status*

- *Please provide details of all rules consent is required under (Relevant plan / standard, Relevant rule / regulation, Reason for consent, Activity status, Location of proposed activity)*

The following table summarises the AUP rules and standards that consent is required under. It is possible that there may be other small infringements that arise as the project is refined through the process, although it is considered that the summary below captures all the significant consenting matters.

Please refer to the below tables for the exact reasons for consent required for the proposed development.

**Table 1 – Reasons for Consent**

<b>H18. Future Urban Zone</b>		
<b>Rule</b>	<b>Reason</b>	<b>Activity Status</b>
H18.4.1	Activity Table	
(A2)	New buildings, building additions and accessory buildings. The same activity status and standards as applies to the land use activity that the new building, building addition or accessory building is designed to accommodate.	
(A28)	Dwellings that do not comply with Standard H18.6.8	<b>Non-complying Activity</b>
(A47)	Care centres for more than 10 people	<b>Restricted Discretionary Activity</b>
H18.6.8	Dwellings <i>(1) A proposed dwelling must not be located on a closed road or road severance allotment. (2) <b>No more than one dwelling is permitted on any site.</b></i>	<b>Infringement</b>
C1.9(2)	Infringement to Standards	<b>Restricted Discretionary Activity</b>

H18. Future Urban Zone		
Rule	Reason	Activity Status
H.18.6.2	Maximum Building Height Dwellings – 9m Maximum Building Height (other accessory buildings) – 15m	<b>Permitted</b>
H.18.6.3.1	Yards 10m Front Yard; 6m Side and Rear Yards for dwellings. 20m from the edge of permanent and intermittent streams.	<b>Infringement</b>

Auckland – wide Rules		
Rule	Reason	Activity Status
E3 Lakes, rivers, streams, and wetlands	E3.4.1 Activity Table  (A32) Culverts or fords less than 30m in length when measured parallel to the direction of water flow complying with the standards in E3.6.1.18	<b>Permitted Activity</b>
E7 Taking, using damming and diversion of water and drilling	Due to the shallow depth's groundwater was encountered on the site, consent under Chapter E7 is anticipated to be required. However, due to the exact building details not being known at this stage, the exact triggers are not able to be determined.	
E8 Stormwater – Discharge and Diversion	E8.4.1 Activity Table  Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991  (A11) Diversion and discharge of stormwater runoff from an existing or a new stormwater network.	<b>Discretionary Activity</b>
E9 Stormwater	E9.4.1 Activity Table	

Auckland – wide Rules		
Rule	Reason	Activity Status
Quality – High contaminant generating car parks and high use roads	(A7) Development of a new, or redevelopment of an existing high use road greater than 5000m <sup>2</sup>	<b>Controlled activity</b>
E11 Land Disturbance – Regional	E11.4.1 Activity Table (Future Urban Zone)  (A5) Greater than 50,000m <sup>2</sup> where land has a slope less than 10 degrees outside the Sediment Control Protection Area.  (A8) Greater than 2,500m <sup>2</sup> where the land has a slope equal to or greater than 10 degrees.  (A9) Greater than 2,500m <sup>2</sup> within the Sediment Control Protection Area	<b>Restricted Discretionary Activity</b>  Earthworks will occur across approximately 5.5ha of the site.
E12 Land Disturbance – District	E12.4.1 Activity Table (Future Urban Zone)  (A6) Earthworks greater than 2,500m <sup>2</sup>  (A10) Earthworks greater than 2500m <sup>3</sup>	<b>Restricted Discretionary Activity</b>  Earthworks across the 8.957ha site.
E15 Vegetation Management	E15.4.1 Auckland-wide vegetation and biodiversity management rules.  (A18) Vegetation alteration or removal within 20m of a natural wetland, in the bed of a river or stream (permanent or intermittent), or lake  (A19) Vegetation alteration or removal within 10m of urban streams.	<b>Restricted Discretionary Activity</b>  <b>Restricted Discretionary Activity</b>
E36 Natural Hazards and Flooding	E36.4.1 Activity Table  Activities in overland flow paths  (A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path.	<b>Restricted Discretionary Activity</b>

Auckland – wide Rules		
Rule	Reason	Activity Status
	(A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path.	<b>Restricted Discretionary Activity</b>
E36 Natural Hazards and Flooding	E36.4.1 Activity Table  Activities in the 1 per cent annual exceedance probability (AEP) floodplain.  (A37) All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	<b>Restricted Discretionary Activity</b>

Consent is required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ('NES-F'), as works will occur within specified distances of the identified natural wetlands on the site. The identified wetlands are located in the south-east and eastern areas of the site. The wetlands are to remain unaltered and intact. Please refer to Table 2 below for the reason for consent.

**Table 2 – NES-F Reason for Consent**

Reference	Requirement	Reason	Activity Status
Clause 45	Vegetation clearance, earthworks or land disturbance, discharge of water within 10m of a natural wetland for the purpose of constructing specified infrastructure.	Weed removal and earthworks would be required outside the wetland but within 10m of it, for the purpose of constructing/upgrading the culverts on the site (which is classified as 'specified infrastructure')	<b>Discretionary Activity</b>

The Ministry for the Environment has recently released some further guidance to assist in interpretation related to the protection of wetlands under the NES-F. This guidance has been reviewed and does not alter the regulatory approach in relation to the existing natural wetlands on the site.

Consent is required under the National Environment Standard for Assessing and Managing Contaminants in Soil to Protect Human Health ('NES-CS'), as remedial works will occur in the south-western area of the site where existing sheds are located, and above background levels of contamination were detected. Consent is therefore required as a Restricted Discretionary Activity under Regulation 10 of the NES-CS. Please refer to the **attached** Soil Investigation Report for further details.

As an overall non-complying land use activity, consideration will need to be given to the gateway test contained in s104D RMA. In order for an application to pass the gateway test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor, or the activity will not be contrary to the objectives and policies of both a district plan and a proposed district plan (if both exist). Only one limb of the test needs to be met to provide jurisdiction to grant an application for a non-complying activity.

It is considered that the effects of the proposal are no more than minor, for the reasons set out in the assessment of effects that accompanies this request for referral. The land has been identified for urban development and the nature of development proposed will not create any significant adverse effects. The development, being a retirement village, is of a nature found throughout urban areas without any obvious adverse effects.

While the AUP identifies the land as Future Urban zone and the proposal seeks to give effect to urban development, the objectives of the Future Urban zone state (among other things) that future urban development is not compromised by premature subdivision, use or development, and urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes. It is considered that the proposal will not compromise future development because it is consistent with what is intended for the land. However, the proposal does not avoid urbanisation until *rezoning* has occurred.

For the purposes of s104D, it is not necessary to resolve the question as to whether the proposal is contrary to the objectives and policies of the operative district plan. Only one of the two limbs of s104D must be passed for an application to be eligible to be considered on its merits in accordance with the matters set out in s104. In this instance it is considered that the effects of the proposal on the environment are clearly no more than minor, therefore jurisdiction to grant consent is established.

The overlays, controls, and designations under the AUP impose no significant constraints, as discussed below.

No water take is proposed from the Kumeu Waitemata Aquifer, which is managed through the High-Use Aquifer Management Areas Overlay.

The entire site and the surrounding Whenuapai area sit beneath the Airspace Restriction Designation - protection of approach and departure paths (Whenuapai Air Base). However, written approval is not required from the New Zealand Defence Force under Designation 4311 as the site is not located within the area where land use and subdivision are subject to NZDF approval (as shown by Figure 3 in the attached supplementary information document). Nevertheless, the proposed uses will be of a height that does not impact on the airbase approach and departure paths.

### ***Part VIII: National policy statements and national environmental standards***

*General assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard*

**National Policy Statement for Freshwater Management 2020 (NPS-FM) and Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NES-F)**

The provided preliminary ecology assessment identified the presence of two natural wetlands (as defined in the RMA and NPS-FM) on the site. The wetlands are located in the identified stream margins towards the south-east of the site.

The proposed development has been designed to minimise the impact on the identified wetlands and streams on the site as much as practically possible. This approach is consistent with the 'effects management hierarchy' from the NPS-FM, which is copied below:

*in relation to natural inland wetlands and rivers, means an approach to managing the adverse effects of an activity on the extent or values of a wetland or river (including cumulative effects and loss of potential value) that requires that:*

- a) adverse effects are avoided where practicable; and*
- b) where adverse effects cannot be avoided, they are minimised where practicable; and*
- c) where adverse effects cannot be minimised, they are remedied where practicable; and*
- d) where more than minor residual adverse effects cannot be avoided, minimised, or remedied, aquatic offsetting is provided where possible; and*
- e) if aquatic offsetting of more than minor residual adverse effects is not possible, aquatic compensation is provided; and*
- f) if aquatic compensation is not appropriate, the activity itself is avoided*

In this instance, adverse effects on to the stream system and the two natural wetlands identified on the site are avoided in accordance with (a) above, as the wetlands are to remain in place and the riparian areas enhanced with planting and weed removal. The proposal has been designed to avoid any works within the wetland and works required within 10m of the wetlands can be effectively designed and/or mitigated to ensure there is no partial drainage of any natural wetland or loss of ecological value. Stormwater discharges to the stream are proposed but will be designed to manage flows and will provide quality treatment.

The proposal is also considered to be consistent with the objective of the NPS-FM, which is outlined below:

- 1. The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:*
  - a. first, the health and well-being of water bodies and freshwater ecosystems*
  - b. second, the health needs of people (such as drinking water)*
  - c. third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.*

As concluded in the provided ecological memo, the proposed development of the site is considered to be consistent with the outcomes expected by the NPS-FM. The proposal has been designed to avoid works within natural wetlands and the minimal works required within 10m of natural wetlands will not cause the partial drainage of any natural wetland or loss of ecological values. The streams identified on the site were found to have low ecological value due to being highly modified, however, the enhancement of the streams will be undertaken as part of the proposal through riparian planting and efficient management of stormwater runoff.

The proposal is considered to manage the freshwater resources of the site in a way that will not have any direct effect on the health needs of people (clause (b)), but it will assist in enabling people and communities to provide for their social, economic, and cultural well-being through the providing of additional retirement units, infrastructure, and public open space.

It is also considered that the proposal is consistent with the relevant policies of the NPS-FM, as summarised below:

- The proposal includes the retention of existing coastal vegetation (including a pōhutukawa tree and kānuka trees) and riparian planting will also be undertaken to assist in ensuring the overall health and wellbeing of the freshwater resource is maintained and/or enhanced. This then also gives effect to the concept of Te Mana o te Wai (Policy 1).
- The applicant has engaged mana whenua and have sought feedback on the proposed development. This is considered to ensure that Māori freshwater values are effectively identified and provided for through the development (Policy 2).
- The proposal includes the creation of a public coastal area to ensure the coastal ecological values and features of the site are maintained. Further enhancement of the riparian and coastal areas of the site will be proposed under the resource consent stage to ensure the integrated management of the freshwater resources across the site is achieved (Policy 3).
- The riparian area around the stream will remain as open space to provide onsite amenity, whilst also containing the portions of the site subject to the 1% AEP floodplains to protect the development against the risks associated with flooding. The layout and design of the proposal will accommodate for the future effects of climate change through appropriate setbacks from the coastal and riparian areas on the site, and native planting to offset carbon release arising from the development activity (Policy 4).
- The identified streams on the site have been significantly modified and have little to no shading. It is considered that the enhancement of the riparian areas through the proposal will contribute to the ecological values and health of freshwater resources on and off the site (Policy 5).
- The proposal will not result in the loss (or reduction in extent) of any natural wetlands (Policy 6).
- The identified streams on the site will be retained and improved, with only the removal and upgrades of existing culverts, along with minor earthworks occurring. No reclamation of the streams are required, and the proposal has been designed to minimise the extent of works required within the riparian areas as much as practically possible (Policy 7).
- No existing water bodies that could be classified as outstanding are located on the site (Policy 8).
- Any potential species within the identified wetlands will not be affected due to the natural wetlands being fully retained and any species identified in the stream will be effectively managed through the appropriate methods at the resource consent stage (Policy 9).
- Overall, the proposal enables communities to provide for their social, economic and cultural well-being (through the creation of much needed retirement housing in the Auckland region) and in a way that is consistent with the NPS-FM (Policy 15).

It is therefore considered that the proposed development is consistent with the outcomes sought under the NPS-FM.

## **New Zealand Coastal Policy Statement 2010 (NZ-CPS)**

The proposed development is considered to be consistent with the objectives and policies under the New Zealand Coastal Policy Statement 2010 (NZ-CPS). The integrity and form of the coastal edge of the site is considered to be maintained by the proposal through the creation of a public coastal area and the avoidance of the development within the coastal areas on the site. The approximate 20m development setback from the coastal margin is considered to safeguard the function and character of the coastal environment. The proposed development is not concentrated directly along the coast and any works within proximity to the coast will be managed in accordance with the appropriate erosion and sediment controls.

Engagement with mana whenua has been undertaken and the applicant is committed to on-going collaboration during the detailed design process to ensure any adverse cultural effects on Māori arising from the proposal can be appropriately addressed and mitigated. Furthermore, the coastal area on the site will be accessible to the public via an access easement and a coastal walkway proposed along the length of the coastal edge of the site to further increase the functionality and enjoyability of the coastal area. The public will also have access to the proposed park on the western headland, providing further outdoor space for recreational and leisure activities. Enabling public access to the coastal area is also considered to provide for the social and cultural wellbeing of the community.

No heritage structures/sites of significance have been identified in the coastal area; however, accidental discovery protocols will be followed if anything of significance is discovered during site works. There are no specific sites or places of significance to mana whenua identified in the AUP in the vicinity of the proposed works, although the adjoining foreshore is located within a Statutory Acknowledgement Area (SAA) and the cultural, historic, and spiritual importance of the water to mana whenua is acknowledged and recognised.

The proposed development does not include any buildings within the Coastal Marine Area (CMA) and any minimal works that will be required along the CMA edge would be solely related to the stormwater discharge outlets, which will be comprehensively designed at the resource consent stage. The proposal is not anticipated to create adverse effects in terms of discharge, which can be managed so adverse effects are less than minor. All proposed stormwater infrastructure will utilise best practice and low impact design principles to minimise the impact on the coastal area as much as possible. All stormwater systems and discharge points will be designed in accordance with best practice to minimise their impact on the coastal areas.

The buildings that are proposed as part of the development are considered to be sufficiently setback from the coastline as to not overwhelm the natural character and amenity values of the coastal margin. The retention of native vegetation, such as a pōhutukawa tree and cluster of kānuka trees, will further retain the coastal values and features of the site. Furthermore, the site is not located within an area of outstanding natural features or landscapes as identified in the AUP.

The geotechnical investigations undertaken for the site found that the hazards identified on the site were predominantly in relation to the coastal edge of the site and can be managed through the proposed buildings already being setback by approximately 20m from the coastal edge and the avoidance of development directly along the coastline of the site. This is considered to greatly reduce the risk for future occupants and minimise harm from coastal hazards. The use of the coastal area as a

public coastal space is considered to be the most appropriate use for that part of the land and minimises the risk for the remainder of the proposed development.

It is therefore considered that the proposal provides for the integrated management of natural and physical resources in the coastal environment and is consistent with the outcomes sought under the NZ-CPS.

### **National Policy Statement on Urban Development 2020 (NPSUD)**

The NPSUD applies to planning decisions by any local authority that affect an urban environment. The NPSUD represents a significant change to national planning policy and affects all district plans for growth areas and all decisions made by planning authorities in those areas. Section 75(3)(a) of the RMA states that district plans must give effect to a national policy statement, and s104(1)(b)(iii) states that a consent authority must have regard to any relevant provisions of a national policy statement when considering an application for resource consent.

Objective 4 of the NPSUD seeks that New Zealand's, urban environments develop and change over time in response to the diverse and changing needs of people, communities, and future generations. Objective 6 seeks that planning decisions on urban development are (amongst other things) responsive, particularly in relation to proposals that would supply significant development capacity.

Policy 6 seeks that decision makers should have particular regard to any relevant contribution that will be made to meeting the requirements of the NPSUD to provide or realise development capacity. That policy also makes it clear that significant changes to planned urban built form are likely to arise in order to give effect to the NPSUD and that such changes may detract from amenity values but are not of themselves an adverse effect.

Although the applicant's development proposal is worthy of consent on its merits under the existing AUP policy framework and is consistent with the Auckland Council's overall intentions for the land under the Council's Future Urban Land Supply Strategy (FULSS) and Whenuapai Structure Plan, it is nonetheless clear that the NPSUD requires a 'step change' in planning for urban areas that are experiencing rapid growth. The Auckland region is experiencing significant pressure in terms of addressing the need for this type of housing. The proposal will make a valuable contribution to the provision of more housing in this respect.

These outcomes are consistent with the NPSUD and can occur without giving rise to any appreciable adverse effects, particularly as they are aligned with the Council's development intentions for the Whenuapai area.