

Planning Memorandum

Proposed Fast-track consent under *Covid 19 Recovery (Fast-track Consenting) Act 2020* 115 Residential Units and Subdivision, 1 Sels Road, Papatoetoe

This memorandum is to support an application for referral for a proposed fast-tracked consent for a residential development, to establish 115 dwellings and associated freehold subdivision, including a public accessway which our client, Acanthus Ltd ("Acanthus"), wishes to undertake at No. 1 Sels Road, Papatoetoe. The relevant details of the proposed development are noted in **Table 1** below:

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

Site Address:	1 Sels Road, Papatoetoe
Legal Description:	Lot 1 DP 503731 CT 756813 Owned by John Owen Self, Adrianna Maria Self, and Roger William Clark
Site Area:	3.6413ha
District Plan:	Auckland Unitary Plan – Operative in Part
Zoning:	Residential – Mixed Housing Suburban Zone
Overlays:	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] – Manukau Southeast Kaawa Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] – ID 22, Crater Hill Infrastructure: Aircraft Noise Overlay - Moderate aircraft noise area (MANA), Auckland Airport - moderate aircraft noise area Infrastructure: Aircraft Noise Overlay - Aircraft noise notification area (ANNA), Auckland Airport - aircraft noise notification area
Controls:	Controls: Macroinvertebrate Community Index – Urban
Designations:	Designations: Designations – 6709, State Highway 20: To undertake maintenance, operation, use and improvement to the State Highway network., Designations, New Zealand Transport Agency Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd
Treaty Settlement Area – Statutory Acknowledgement Area	No Statutory Acknowledgement Area

Acanthus have a sales and purchase agreement with the landowners to purchase all the land subject to this application (included as **Appendices B and C** to the application).

The proposal is described fully within this *Planning Memorandum* which includes assessment at Sections 3, 4 and 5. The assessments demonstrate that the proposal aligns with the relevant objectives and policies of the AUP and National Policy Statements, and that any adverse effects on the environment associated with this proposal are less than minor, and positive overall. In particular, the proposal provides a density of development making efficient use of land in the Mixed Housing Suburban Zone (MHSZ), while complying with the development controls. As this memorandum demonstrates, the development is in keeping with the planned outcomes for the MHSZ, and therefore the proposal is entirely acceptable from a planning perspective. The proposal also responds to the ONF 22 overlay of Nga Kapua Kohu Ora/Crater Hill. The other Aircraft Noise Overlays are addressed through design solutions for noise attenuation as set out in the acoustic assessment of Styles Group included in **Appendix T** so this is not addressed further in this summary.

It is deemed that the Ministry for the Environment should therefore accept this application for processing, with the complete Assessment of Effects report and all other comprehensive documentation to be included at the next stage of the *Fast Track* process when the project is referred to an expert consenting panel.

Figure 1: Aerial view of the site showing details. (Source: Auckland Council Geomaps).



The proposal and reasons for consent identified are provided in the following sections with the concept plans for the development by Collingridge and Smith Architects (UK) Ltd 'CASA' attached at **Appendix D**, and landscaping plans by Boffa Miskell Ltd provided in **Appendix E**.

1.0 Proposal

Acanthus Limited seeks to construct 115 residential dwellings under Chapter H4 – Mixed Housing Suburban Zone (“MHSZ”) under the Auckland Unitary Plan (AUP) and undertake associated earthworks and other activities for the establishment, access, and servicing of these dwellings, and to subdivide these for freehold titles.

It is also proposed to include a new public walkway along the ridgeline to the south of the residential units (remaining under private ownership with an associated Residents Society including rules for maintenance etc.) and to include landscape elements of significance to iwi to inform and acknowledge the iwi heritage of this location and their associations with Nga Kapua Kohu Ora/Crater Hill. To further mitigate and enhance the neighbourhood, it is proposed to retain and protect a large stand of native trees and a smaller one located at the frontage to Selfs Road as shown in the landscape and architectural plans.

The land use and subdivision activities are a restricted discretionary activity. Stormwater discharges are to be authorised under the regional stormwater Network Discharge Consent (NDC) by provision of a suitable Stormwater Management Plan.

The preliminary site investigation (PSI) for land contamination (**Appendix S**) has identified that the north-western portion of the site had been used for horticulture activities in the past (1950's or earlier), and that typical small scale contamination sources associated with farming activities are also anticipated. These activities require approval under the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health (NESC) and possibly also under Chapter E30 of the AUP depending on the results of soil testing. In this regard, we are currently unsure of the overall activity status of the application, noting that whatever the results of soil contamination testing shows, the activity status will not result in any prohibited status affecting the site, with the most restrictive status applicable under these documents being the discretionary status.

The purpose of the project is to make the most of a large site in the MHSZ and increase housing supply in the Auckland region providing affordable housing to meet market demand, by optimising the efficient development of the site and bringing the dwellings to market quickly.

In recognition of the site's location in the MHSZ, some core development controls of the Zone have been applied to guide an acceptable level of built form effect such as coverage, building height, daylight, impervious areas, and height in relation to boundary at the interface with existing residential sites.

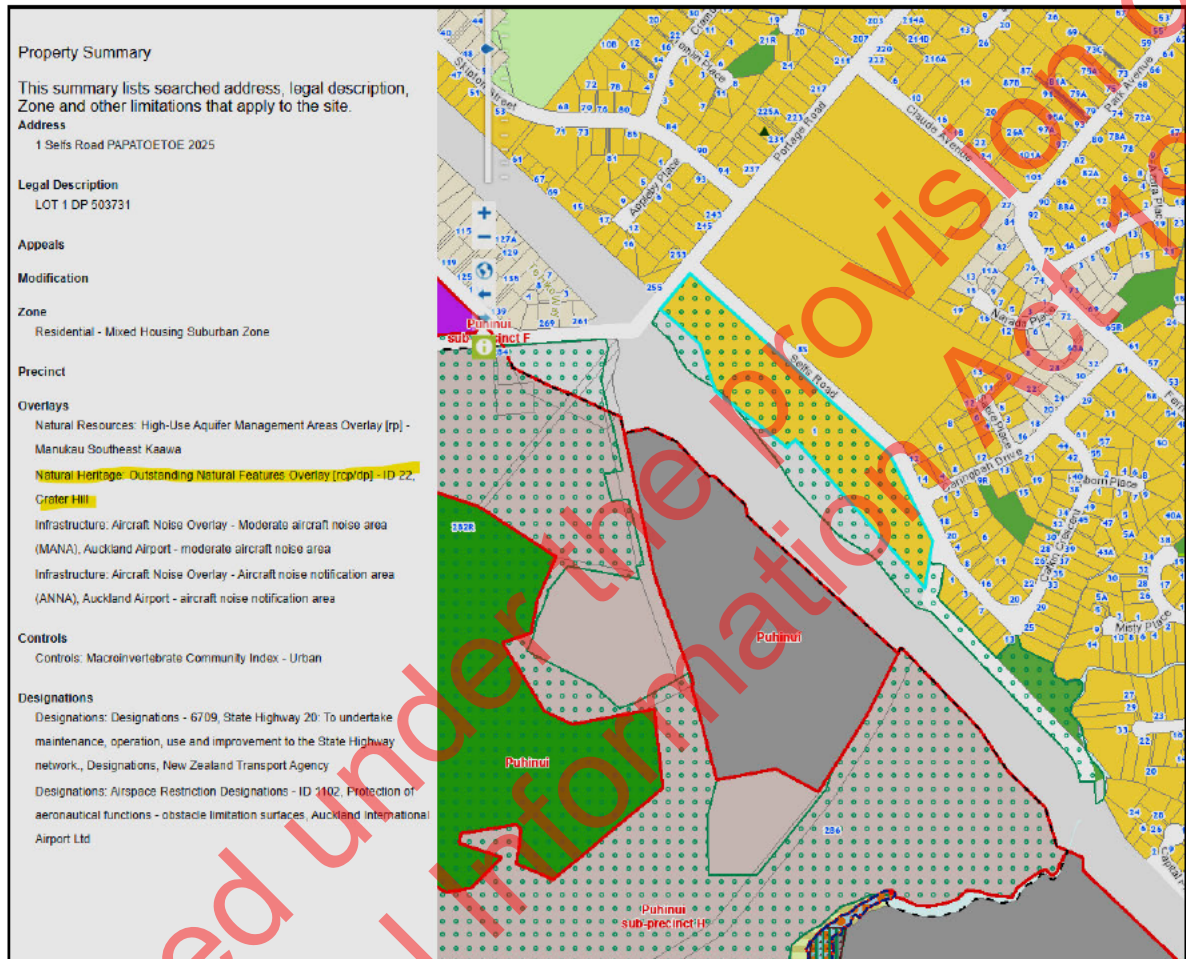
The site is subject to an Outstanding Natural Features overlay (ONL), with Nga Kapua Kohu Ora being identified as ID 22. Nga Kapua Kohu Ora has previously been the subject of litigation, however, that relates to what is now the Puhinui Precinct and that is located on the southern side of the motorway in the Rural Production Zone and has no relevance to this site. In recognition of this ONF, Acanthus Ltd has been engaged with iwi and continues to build relationships with those remaining engaged in consultation being:

- Te Ākitai Waiohau
- Ngāti Te Ata
- Ngāti Tamaoho
- Ngaati Whanaunga

A summary of consultation with iwi is included below in **Section 6**.

Zoning and overlay maps are shown below in Figure 2.

Figure 2: Zoning and Overlays relating to the site and surrounds.



The Applicant has engaged an archaeologist, Matt Campbell, who has given a preliminary indication that an Authority under the Heritage New Zealand (Pouhere Taonga) Act 2014 will be required. His assessment is included in **Appendix I**. Works will be subject to consent conditions requiring works to cease (i.e., identification and protection protocols) should any items of cultural or heritage significance be discovered, with notification to Heritage New Zealand and iwi made to enable appropriate actions prior to re-commencing works- subject to consultation with Iwi that identification and protection protocols can be activated.

2.0 Reasons for Consent

The proposal will require resource consent for the following reasons:

Activity	Resource Consent
Four or more dwellings in the MHSZ	H4.4.1(A4) Restricted Discretionary Activity
New buildings	H4.4.1(A34) Restricted Discretionary Activity
New Buildings in ONF ID 22 – Crater Hill	D10.4.2(A1) Restricted Discretionary Activity
Traffic generation from more than 100 new dwellings does not comply with Standard E27.6.1.1(T1)	E27.4.1(A2) Restricted Discretionary Activity
Reverse manoeuvring onto JOAL's serving more than four lots does not comply with Standard E27.6.3.4.	E27.4.1(A2) Restricted Discretionary Activity
A loading bay is required for the residential development which has more than 5,000m ² GFA and none is provided, not complying with Standard E27.6.2.7.	E27.4.1(A2) Restricted Discretionary Activity
Stormwater discharges from greater than 5,000m ² of roads which comply with Standards E8.6.1 and Standard E8.6.4.1.	E8.4.1(A5) Restricted discretionary activity
Earthworks greater than 1ha up to 5ha where land has a slope less than 10 degrees.	E11.4.1(A4) Controlled Activity
Earthworks greater than 2,500m ²	E12.4.1(A6) Restricted Discretionary Activity
Earthworks greater than 2,500m ³	E12.4.1(A8) Restricted Discretionary Activity
Earthworks in ONF ID22 – Crater Hill greater than 50m ³	E12.4.3(A41) Restricted Discretionary Activity
Dwellings in the Aircraft Noise Overlay - Moderate Aircraft Noise Area (MANA) where the average density exceeds one dwelling per 400m ²	D24.4.3(A38) Restricted Discretionary Activity
Dwellings within the Aircraft Noise Notification Overlay – Aircraft Noise Notification Area (ANNA). Note: The ANNA is defined as "the area generally between the 55db Ldn and 60dB Ldn future noise contours as shown on the Aircraft Noise Overlay Map for Auckland International Airport.	D24.4.3(A38) Restricted Discretionary Activity
National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011: Subdivision and change of use of land.	Unknown (worst case activity status under the NES is Discretionary)

Activity	Resource Consent
Subdivision in accordance with an approved land use consent complying with Standard E38.8.2.2.	E38.4.2(A14) Restricted Discretionary
Subdivision listed in the Activity Table not meeting the standards in E38.8 Standards for Subdivision in residential zones. The subdivision does not comply with Standard E38.8.1.2(1) – Access to rear sites, where a single jointly owned access lot must not serve more than 10 rear sites. The COAL's will have more than 10 sites served off them.	E38.4.2(A31) Discretionary Activity.

The earthworks and all other Auckland-Wide rules applicable to the development have a Restricted Discretionary Activity Status which confirms they are enabled and provided for by the plan. There is one possible exception regarding rules relating to soil contamination. This is because a DSI – detailed site investigation – has not been undertaken. However, even if contamination is found, it is expected that the project would be designed to meet the RDA criteria of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011.

For completeness, it is noted the proposal as currently designed complies with all land use development controls for the MHSZ, and this land use is a restricted discretionary activity.

Subdivision would also be a restricted discretionary activity, but for the application of Rule E38.4.2(A31) which triggers discretionary activity status where more than 10 rear sites are served by a COAL (commonly owned access lot).

However, the overall land use component remains restricted discretionary. This is because, land use and subdivision consents can be unbundled as subdivision follows the land use consent. I consider that unbundling is acceptable in this case.

There will also be the other consent aspects applicable (such as contamination) which will be clarified as the documentation is advanced to enable an accurate assessment against all rules of the AUP, however, there is nothing that could not be appropriately addressed through good design decisions and targeted conditions as set out above.

3.0 Assessment of Effects

At a broad level, the proposal is consistent with the underlying MHSZ intention which confirms buildings of one to two storeys in height is enabled. The proposed built form and density is consistent with this intention for the following reasons:

- The dwellings will all be one storey in height and follow the slope of the land to respect the natural topography of, and minimise potential impacts on, ONF 22 - Nga Kapua Kohu Ora when viewed from all locations, and to avoid additional built form effects when viewed from Nga Kapua Kohu Ora.
- The proposed dwellings are designed and located such that residential amenity is achieved through provision of complying outdoor living areas providing 4 hours of sunlight on any day in the year for at

least 75% of the outdoor living areas, provision of space for cycle and other storage, integrated landscaping of the streetscape and the proposed public walkway to the south, and good access and manoeuvring to sites with sufficient waste management access. This is noting the proposed subsequent subdivision of the land will result in a freehold allotment per dwelling being consistent with the expectations for the density in the zone.

- The proposed modest design of the dwellings, the high-quality level of landscape and urban design outcomes and associated amenity, and the introduction of a public walkway at the ridgeline providing stunning views to the south over Nga Kapua Kohu Ora and all other directions, ensures that the amenity values of the neighbourhood are protected and enhanced, noting this walkway also links from Portage Road to the reserve to the east. This is particularly the case regarding the provision of the walkway in this location which could otherwise be an opportunity lost forever.
- The proposed land use complies with the development standards for the MHSZ with no infringements.

In terms of the potential effects resultant from infringements to Auckland-Wide provisions in the AUP, the following is noted:

- Erosion and sediment control measures will be provided with a full *Infrastructure Report* and provided to the MfE for the next stage of the Fast-Track process in order to confirm how the proposed earthworks will be managed.
- Proposed stormwater mitigation measures will also be detailed in the *Infrastructure Report* to address the extent of impervious area required for the driveway and building coverage, noting there is also to be stormwater treatment within the COAL's in response to iwi concerns around water quality effects.
- Access is designed to provide ready accessible and safe access to the proposed sites, including waste management and emergency vehicles.
- Water and wastewater services are available to the development without any capacity issues as set out in the civil statement provided in **Appendix P**.

4.0 Objectives and Policies assessment – Mixed Housing Suburban Zone

The proposed development accords with the objectives and policies for the SH zone as follows:

H4.2. Objectives	
1. <i>Housing capacity, intensity and choice in the zone is increased.</i>	<p>The proposed development will provide residential dwellings with a built form of one storey in height and at a density enabled under the Zone provisions in order to optimize the efficient residential capacity.</p> <p>The dwellings are specifically targeted at the affordable market in order to assist the provision of supply for this price range in this location.</p>
2. <i>Development is in keeping with the neighbourhood's planned suburban built character of predominantly two storey buildings, in a variety of forms (attached and detached)</i>	<p>The development provides one level dwellings in this location to both respect the landform of the ONF and to also control price points for the affordable market. While many typologies are similar in appearance, variety is afforded by way of</p>

	<p>varying slopes and landscape treatments, and retention of existing large native trees fronting Selfs Road. Further, the provision of the public walkway at the ridgeline results in an enhancement for the neighbourhood and wider community.</p>
<p>3. <i>Development provides quality on-site residential amenity for residents and for adjoining sites and the street.</i></p>	<p>The proposed dwellings are provided adequate outdoor living areas with sufficient daylight, and the landscape plan comprehensively designed in order to achieve a high level of visual amenity for the site and surrounds.</p>
<p>4. <i>Non-residential activities provide for the community's social, economic and cultural well-being, while being in keeping with the scale and intensity of development anticipated by the zone so as to contribute to the amenity of the neighbourhood.</i></p>	<p>The proposed public walkway will significantly enhance well being of the community, and the landscape elements will reflect Māori cultural values and associations with the site and location. This is a significant enhancement of amenity values for the location given the site's MHSZ and the potential lost opportunity should this not be provided with any other alternative proposal.</p>
<p>H4.3. Policies</p>	
<p>1. <i>Enable a variety of housing types including integrated residential development such as retirement villages.</i></p>	<p>The proposed development complements the existing housing in the surrounding area providing single level affordable housing under an integrated design approach adding to the mix of housing architecture in this location.</p>
<p>2. <i>Achieve the planned suburban built character of predominantly two storey buildings, in a variety of forms by:</i> <i>(a) limiting the height, bulk and form of development;</i> <i>(b) managing the design and appearance of multiple-unit residential development;</i> <i>and</i> <i>(c) requiring sufficient setbacks and landscaped areas.</i></p>	<p>The development will be compliant with the development standards of the zone so as to ensure adverse effects on adjacent properties are avoided. The dwellings are only one storey in height and are specifically designed to fit into the landscape to respect the ONF. This is further complemented by the proposed landscaping. As such, the proposal will avoid detracting from the character and amenity values of the zone, and will in fact enhance this by provision of the public walkway and the preservation of the significant trees fronting Selfs Road.</p>
<p>3. <i>Encourage development to achieve attractive and safe streets and public open spaces including by:</i> <i>(a) providing for passive surveillance</i> <i>(b) optimising front yard landscaping</i> <i>(c) minimising visual dominance of garage doors.</i></p>	<p>The development has been designed to ensure passive surveillance is achieved to all communal areas. Car parking is provided via a combination of uncovered parking and garages so as to minimise the extent of garage doors fronting the private lanes for the development. High-quality front yard landscaping is proposed for all dwellings.</p>
<p>4. <i>Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.</i></p>	<p>The buildings are to be single level only and readily comply with the maximum height and height in relation to boundary controls. The outdoor living areas of the proposed sites achieve 4 hours of sunlight on any day in the year for at least 75% of the outdoor living areas, and there are no</p>

	immediately adjoining residential sites to 1 Selfs Road, being essentially an 'island' bounded by Portage Road to the west, Selfs Road to the north, grassed road reserve area of Selfs Road to the east, and the motorway reserve and alignment to the south. Privacy is achieved between dwellings within the development site by compliance with outlook space requirements.
5. <i>Require accommodation to be designed to meet the day to day needs of residents by:</i> <i>(a) providing privacy and outlook; and</i> <i>(b) providing access to daylight and sunlight and providing the amenities necessary for those residents.</i>	Functional private outdoor living spaces will be provided for all dwellings on site as specified on the architectural plans, and these have been designed for adequate sunlight. Privacy is achieved by compliance with the outlook space standards.
6. <i>Encourage accommodation to have useable and accessible outdoor living space.</i>	This is addressed in the discussions above.
7. <i>Restrict the maximum impervious area on a site in order to manage the amount of stormwater runoff generated by a development and ensure that adverse effects on water quality, quantity and amenity values are avoided or mitigated.</i>	The extent of impervious areas on the site comply with the 60% maximum standard, being 56.5%. The stormwater is to discharge to the public stormwater system with approval to be obtained via authorisation under the NDC. Stormwater treatment is proposed for the COAL's via raingardens in order to address concerns raised by iwi.
8. <i>Enable more efficient use of larger sites by providing for integrated residential development.</i>	While the proposal is not an Integrated Residential Development, it is designed in an integrated manner such that it achieves a coordinated design approach enabling high quality landscape and urban design visual outcomes, while also optimizing the efficient capacity for the site.
9. <i>Provide for non-residential activities that:</i> <i>(a) support the social and economic well-being of the community;</i> <i>(b) are in keeping with the scale and intensity of development anticipated within the zone;</i> <i>(c) avoid, remedy or mitigate adverse effects on residential amenity; and</i> <i>(d) will not detract from the vitality of the Business – City Centre Zone, Business – Metro Centre Zone and Business – Town Centre Zone.</i>	The only non-residential activity proposed is the provision of the new public walkway along the southern ridgeline as discussed above.
10. <i>Recognise the functional and operational requirements of activities and development</i>	This is recognised in the comprehensive design of the site incorporating services, access, and recreational components.

5.0 Other Planning Documents

The following higher-order planning documents are identified as being potentially applicable to the proposed development:

National Policy Statement on Urban Development

The NPSUD took effect on 20 July 2020 and replaces the National Policy Statement on Urban Capacity 2016. The NPSUD sets out the objectives and policies for planning for well-functioning urban environments under the Resource Management Act 1991 and seeks the provision of sufficient development capacity to meet the different needs of people and communities.

It contributes to the Urban Growth Agenda (UGA) which aims to remove barriers to the supply of land and infrastructure to make room for cities to grow up and out. The NPSUD does this by addressing constraints in our planning system to ensure growth is enabled and well-functioning urban environments are supported.

The MFE website on the NPSUD states that it contains objectives and policies that Councils must give effect to in their resource management decisions.

In this regard, there are several objectives and policies in support of intensification satisfying certain criteria such as:

- Provision of a variety of homes in terms of price, location, and different households.
- Enabling Māori to express their cultural traditions and norms.
- 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 NPSUD 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 proposed design responds in terms of anticipated residential amenity under the AUP provisions relating to more intensive residential developments in the MHSZ as referred in Objective H4.2.1 above.

The proposal aligns strongly with the outcomes anticipated under the NPSUD.

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 does not contain any overland flow paths or watercourses or wetlands.

As such, the proposal does not compromise any outcomes anticipated in the NPSFWM.

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.

6.0 Iwi Consultation

Given the cultural significance of the site and its location within a wider cultural landscape, the applicant recognised that iwi consultation was of paramount importance on this project and sought to engage on a personal and detailed level. This has resulted in numerous site visits, online meetings and providing packages of updating information.

Four iwi have been formally engaged to prepare Cultural Values Assessments (CVA's). These CVA's have now all been provided and are included in **Appendix Z1-Z4**. There are many common themes within these CVA's, aside from the Whakapapa/Genealogy and cultural historical associations of each iwi with the land. These common themes include:

- Recognition and acknowledgment of each iwi's history in Tāmaki Makarau.
- Opportunity to exercise the role of kaitiaki in Tāmaki Makarau.
- Adopting best engineering environmental practices to ensure high quality outcomes in terms of avoiding adverse effects on water quality from discharges, and potential effects from flooding and other stormwater discharge considerations.
- Minimising the extent and volumes of earthworks as best practicable.
- Ensuring opportunity for cultural inductions for contractors so that they are aware of potential matters of concern to iwi, including effects on water quality, soil (contamination), and potential archaeological effects, and also that contractors are fully aware of their obligations under the relevant statutes, regulations, authorities, and contracts.
- Enabling opportunity for karakia prior to works starting.
- Identification and inclusion of appropriate cultural landscape elements within the landscape plan, including plant species, cultural sculptures, and possibly storyboards.

The applicant confirms that mana whenua will have input into specific landscape design components, and a draft cultural landscape plan has been circulated amongst iwi to initiate consideration of this. It has been agreed with the iwi authorities that the desired cultural landscape elements (sculptures, storyboards, plant species etc.) and other matters (such as stormwater treatment, tree protection, naming of access lanes etc.) will be addressed through consent conditions currently being advised by iwi for further kōrero and resolution.

The applicant has confirmed with each iwi authority that iwi input and consultation will continue to be ongoing and collaborative as the project progresses.

Full details of steps taken to engage with and consult iwi is attached to the application form as **Appendix K2**, which sets out every effort taken to make contact with all iwi with a possible interest, and the ongoing collaboration with Te Ākitai Waiohū, Ngāti Te Ata, Ngāti Tamaoho, and Ngaati Whanaunga.

7.0 Summary

The proposed development is for a residential development in the Mixed Housing Suburban Zone and associated land use and subdivision consents which requires consent as a restricted discretionary activity, subject to clarification of the status of consent required for soil contamination under the NESC and AUP.

From a planning perspective, the consent is supportable as:

- Four or more dwellings on a site in the MHSZ is provided for as a restricted discretionary activity and the subdivision of this land use is also a restricted discretionary activity. Residential intensification of this land is supported under Objective H4.2.1 which states:

Housing capacity, intensity and choice in the zone is increased.

- The proposed built form and density of the development is compatible with the existing character of the area.
- The development complies with development standards for the MHSZ.
- The provision of the proposed public walkway is a significant benefit to the future residents of the site, the existing community, and iwi which will have an on-going involvement and relationship with the site.
- The proposal achieves the outcomes sought under the Fast Track legislation and also the NPSUD seeking the provision of additional affordable housing capacity as a matter of national importance.
- Collaboration with iwi has been initiated from the outset, with positive progress made toward final resolution of matters by way of consent conditions and an agreement with iwi authorities to facilitate continued involvement as the project progresses.

Overall, subject to detailed design and resolution of specialist inputs, the consent is supportable.

Kind regards



Lance Hessel

Civix Limited

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