

17 April 2023

Ministry for the Environment  
PO BOX 10362  
Wellington 6143, New Zealand

Attn: Rebecca Perret

Dear Rebecca,

**RE: Response to a request for information in relation to Verran Mews Project, Verran Road  
Development resource consent application under COVID-19 Recovery (Fast-track Consenting) Act  
2020**

Thank you for your letter, REF: BRF-2994, relating to the above supplication for fast track referral. A response has been prepared in relation to the matters raised in the letter. Please see below our response to each point in the same order as within the letter provided as Attachment 1.

*1. A planning assessment to address Section 104D of the Resource Management Act 1991*

Introduction

As noted in the fast track application, the proposal seeks to construct 110 residential dwellings in the Residential Mixed Housing Suburban (MHS) and Residential Single House Zone (SHZ) under the Auckland Unitary Plan Operative in Part (AUP) where, approximately 50 units will be located within the SHZ.

As such, the activity is overall a non-complying (H3.4.1(A6)) for more than one dwelling per site and / or a discretionary activity (H3.4.1(A9)) for an integrated residential development (IRD) within the SHZ. IRDs are restricted discretionary in the MHS zone, and more than 3 dwellings per site are also a restricted discretionary activity.

While there is some doubt about Auckland Council's interpretation to apply both rules when seeking consent for an IRD, out of conservatism, the applicant will seek consent under both rules for avoidance of doubt.

In terms of the specific activity / effect which triggers the non-complying activity status (more than one dwelling per site), this is only a temporary effect which arises during construction of the houses, prior to s224(c)(i.e. once the houses have been fitted out and have kitchens and bedrooms). Refer definition of site in the AUP. A fee simple subdivision is proposed – not unit title – so s224(c) will generate title for each dwelling. I am satisfied that this temporary effect is minor because it is only temporary and not greater than the effects arising once the development has been completed.

Assessment of effects: S104D(1)(a)

Whether the effects of the wider development are “no more than minor” in terms of s104D(1)(a) will involve a detailed assessment of all of the environmental effects, but I am satisfied based on the reports provided to date that the likely potential effects can be avoided, remedied or mitigated such that they are no more than minor. In terms of those likely effects:

- Earthworks and construction activities will have to be undertaken in accordance with good practice and best practice erosion and sediment control (GD05) will be applied;
- Likewise standard good practice construction conditions (e.g. construction noise and vibration management plan) will be required;
- The design of the development looks to manage the interface with adjacent properties by locating smaller built form along the edge. Interface issues always require a thoughtful and detailed assessment in terms of location of adjacent buildings, relative heights, height in relation to boundary. As with the Nola Estate fast-track consent I am satisfied that design refinements along the boundary interface can occur to ensure that adverse effects on adjacent properties are no more than minor;
- In terms of neighborhood character, the design has been master-planned with substantial input from urban design and other specialists. The buildings on the outer edges are less intensive and there is an array of surrounding development that is more intense than the standard 600m<sup>2</sup> lots anticipated by the SHZ. I am satisfied that through good design and interface control, that the effects on existing neighborhood character can be managed so that they are no more than minor. The exact parameters of that assessment will also be influenced by the MDRS / PC78 plan change.
- I note that the overall density within the SHZ is not much greater than is anticipated by the zone provisions which allow for ‘lost’ development rights within the SEA area to be relocated to the balance of the SHZ zone. More specifically:
  - The SHZ area of the site is approximately 1.7ha, and that area could yield up to 29 x 600m<sup>2</sup> sites (minimum site size per lot for SHZ subdivision under Chapter E38) where each site is permitted to have a principal dwelling and minor unit of 65m<sup>2</sup> subject to compliance to the zone standards.
  - In totality this would create a building/ density intensity of somewhat 58 units (including principal and minor dwellings). When comparing the proposal where only 50 units are proposed which will consist of apartments approximately 55m<sup>2</sup>-70m<sup>2</sup> (including decking) in gross floor area which is not dissimilar to a minor unit resulting in a less intensive development than what could be otherwise permitted.
  - The 50 units only results in a building coverage of approximately 8.93%, which means that a more intensive built form would result under the conventional 29 lots irrespective of the density proposed.
  - This would also see more buildings within the bush environment rather than the terraced blocks and apartments as proposed and will have a more significant adverse visual impact against the natural landform. This makes a multi unit development, which is set back further from the bush line, a more appropriate response to the receiving environment and is a sufficiently unusual outcome that

it would not create an adverse precedent or undermine plan integrity.

I consider that the project is also consistent with the relevant objectives and policies of the SHZ, addressed below. Before doing so it is useful to provide some images of the neighbourhood to get a sense of the neighbourhood character:



Figure 1: Infill housing 27 – 33 Verran Road, north of the site.





Figure 2: Duplex and medium density housing at 15 Verran Road to the west of the site



Figure 3: Terrace housing at 1 Verran Road

## Assessment of Objectives and Policies: S104D(1)(b)

H3.2 Objectives	
<p>(1) <i>Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.</i></p>	<p>The Single House zoning in this instance is due to the land containing native bush at the southern end of the site. The remaining neighbourhood area is zoned Mixed Housing Suburban and has a higher density character which reflects that zoning (see above).</p> <p>As a result, the key objective would be to protect the amenity and spaciousness within the bush setting, as well as the integrity and extent of the bush itself. In terms of the established residential character of the area, it is noted that there is a wide variety of housing types and densities that exist across Birkenhead area and there is currently not a strong establishment of 'single house' built form character along the bush edge, noting the following:</p> <ul style="list-style-type: none"> <li>• The character of this neighbourhood includes infill housing with some duplexes and terraces. The proposed development, particularly at the interface with adjoining sites, is not materially different to the amenity values of the surrounding neighbourhood as shown in the figures above.</li> <li>• The defined difference between the MHS and SHZ area in relation to the existing property boundaries rather than any environmental factors. As such the delineation between the zone on the site is somewhat arbitrary however the proposal as it sits within the majority of the Single House zone would remain entirely clear of buildings.</li> <li>• The visual appearance of the buildings presents a varied roof line and differentiation of units within the longer rows, and this helps to mitigate the length</li> </ul>

	<p>of the buildings.</p> <ul style="list-style-type: none"> <li>Although not 'single houses', the proportion of building coverage to open space proposed within the Single House zone area is ultimately in keeping with the proportions sought by the AUP.</li> </ul> <p>The proposal therefore does not compromise the amenity values of the neighbourhood and the bush setting.</p>
<p><i>(2) Development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings.</i></p>	<p>The development comprises of buildings that are three stories and although not of a typical SHZ built character, the built form is integrated into the landform so that externally, the buildings will appear two stories. As such, significant consideration has been given to the design and layout of the blocks so that they are in keeping with the neighbourhood's planned suburban built character of predominantly one or two storey buildings.</p> <p>Further, the Objective requires the development to be in keeping with the exiting or planned suburban built character, and it is considered that when read with the rest of the development on the Site, it would be entirely consistent with the built form of the immediate neighborhood, while respecting the amenity values of the bush area.</p>
<p><i>(3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.</i></p>	<p>Quality on-site residential amenity will be provided for residents and for adjoining sites and the street. The development within the SHZ will comply with all the zone standards, except maximum height and height in relation to boundary. The location of these buildings are sufficiently set back and visually screened from adjoining neighbours such that the amenity values on these sites will be retained, particularly as the development within the SHZ will largely be 'hidden' by the rest of the development on the site and the esplanade reserve.</p> <p>On-site amenity is provided in the form of</p>

	compliant outdoor living areas, outlooks, good access to sunlight and amenities enjoyed from the bush area and communal facilities, and the functional design and layout of the dwellings.
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H3.3 Policies	
(1) <i>Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.</i>	As assessed under Objective 2 above, the intensity of the development within the SHZ will be compatible with the planned suburban built character of the area.
(2) <i>Require development to:</i> (a) <i>be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or</i> (b) <i>be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.</i>	As assessed under Objectives 1 and 3 above, there are several mitigating factors of the development, in addition to its location and setting within the wider development Site, such that the height, bulk and form of the buildings will not compromise the character and amenity values of the planned suburban built character. The development will also maintain the generally spacious setting of the bush area given that the majority of the SHZ will be entirely clear of buildings.
(3) <i>Encourage development to achieve attractive and safe streets and public open spaces including by:</i> (a) <i>providing for passive surveillance</i> (b) <i>optimising front yard landscaping</i> (c) <i>minimising visual dominance of garage doors.</i>	<p>While the site has limited frontage to public roads, all units adjoining the internal laneways will be orientated towards the “street”, with direct pedestrian access provided, to ensure an activate frontage.</p> <p>Appropriate glazing will be provided on the front façade of these units to increase passive surveillance.</p> <p>The proposal provides for a car parking areas accessed by an internal driveways or in basements rather than towards the street, to</p>



	<p>avoid the dominance of cars and garage doors from both the public and internal streetscape.</p> <p>High-quality landscaping will be provided along the laneways to activate the streetscape, including trees, hedging and a range of low planting types. Visually permeable fencing in the front yard has previously been noted along with extensive front yard planting.</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 layout of the proposal has been designed to the most suitable orientation in relation to the site, with the layout, design and scale of buildings responding to the topography and existing features, and maintaining a low-intensity appearance at the interface, particularly within the SHZ portion. As a result, adjoining sites sit primarily up-slope of the development and orientated either north, east or west, thereby reducing the visibility of the development, and avoiding visual dominance and shading effects from the built form. Land to the south and downslope is occupied by the existing bush.</p> <p>Overall, it is considered that at a high level, the proposal has successfully avoided or otherwise mitigated visual dominance effects to adjoining sites, due to the design response proposed, noting that a substantive assessment can be provided in due course.</p>
<p>(5) <i>Encourage accommodation to have useable and accessible outdoor living space.</i></p>	<p>All units will be provided with suitable outdoor living spaces, which will be accessible from the main living areas, have good sunlight access, and of usable dimension/ layout.</p>
<p>(6) <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></p>	<p>Stormwater mitigation is provided according and therefore, the stormwater runoff levels will be sufficiently mitigated in accordance with the policy.</p>



## Conclusion

The proposed development is not contrary to the relevant objectives and policies of the zone.

While multi unit developments are not anticipated at every site within the zone, they are enabled on large sites through the IRD provisions. The proposal is capable of achieving effects on the surrounding environment no worse than those of a complying standard development noting the very minimal extent of building coverage of the units. This proposal maintains the amenity of the existing residential area as it generally meets the relevant development controls and specifically built form expectations, relative to the extent of the built form already within the surrounding area. It is considered that the proposal will continue to provide a high quality outcome, and one which will preserve the existing residential amenity found within the Birkenhead area.

Based on the above assessments under S104D(a) & (b) it is concluded that the activity of more than one dwelling per site (regarding the land use component of the application) passes both of these 'tests' noting that it only need pass one for consideration of the application.

It is also concluded that the additional comprehensively designed density overall results in net positive effects and provides better outcomes than a series of potentially ad-hoc individual standard single lot subdivisions and associated development, with lesser provision for residential supply.

The above S104D assessments of the non-complying activities identified demonstrates that the proposal will result in less than minor effects on the environment and aligns with the relevant objectives and policies, and the application can be considered for approval on this basis.

We trust the above information provides sufficient clarification relating to your requests under s92 of the RMA. Should you have any questions in relation to any of the above, please feel free to contact the undersigned.

Kind Regards



**Alvin Jung**

Civix Limited – Planning and Engineering

s 9(2)(a)