

1 November 2021

## Planning Memorandum

### Proposed fast-track consent under *COVID-19 Recovery (Fast-track Consenting) Act 2020*

43A, 45 Waimarie Street and 819 Riddell Road, St Heliers

## 1.0 Introduction

Civix Ltd is a planning, surveying and engineering company assisting Sanctum Projects Ltd ("SPL" or "the applicant") with a proposed residential development in St Heliers, comprising the above addresses. The site is located in the Residential – Mixed Housing Zone ("MHS") under the Auckland Unitary Plan Operative in Part ("AUP"). The proposal is sought to be processed under the fast-tracked process under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("C19FTCA"). This memorandum ("planning memorandum") sets out a summary of the proposed development for which consent is applied, and the regulatory framework.

The application seeks referral to an expert consenting panel for consent for 58 residential dwellings on the sites at 43A and 45 Waimarie Street, and 819 Riddell Road, St Heliers.

The development as currently proposed, including the development intent where detailed technical investigations have yet to be finalised, is described within this planning memorandum including assessments in Sections 4, 5 and 6. The assessments demonstrate that:

- a) the proposal aligns with the relevant objectives and policies of the AUP; and
- b) any adverse effects on the environment associated with the proposal are likely to be less than minor, noting that further detailed assessment is required as part of the full application.

In particular, the development proposes a high-quality built form across the site, with exceptional landscaping and urban design outcomes. The proposal has been refined by a number of industry experts, as evidenced by memoranda and reports provided in **Appendices A-P** in support of the application. It is noted that the proposal would be one of the larger redevelopments within St Heliers since the AUP provisions became operative and seeks to optimise and enhance a currently underutilised site to provide 58 residential dwellings.

As this memorandum demonstrates, the development is in keeping with the planned outcomes for the MHS zone and will not have adverse effects beyond that permitted by the AUP. The proposal is therefore entirely acceptable from a planning perspective.

It is proposed that the Minister for the Environment refer this project to an Expert Consenting Panel for detailed consideration, with the complete Assessment of Effects report and all other comprehensive documentation to be included at that next stage of the C19FTCA process.

## 2.0 Location and Site Description

The application site is entirely situated within the MHS zone. There are minimal AUP notations relevant to the site, as set out in the table below.

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

Site Addresses:	<ul style="list-style-type: none"><li>• 43A Waimarie Street, St Heliers</li><li>• 45 Waimarie Street, St Heliers</li><li>• 819 Riddell Road, St Heliers</li></ul>
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Legal Description:	<ul style="list-style-type: none"> <li>• Lot 2 DP 69975</li> <li>• Lot 1 DP and Lot 2 DP 46758</li> <li>• Lot 15 DP 18184</li> </ul>
Property Area:	7,301m <sup>2</sup>
District Plan:	Auckland Unitary Plan – Operative in Part 2016 (updated 14 <sup>th</sup> May 2021)
Appeals/Modification:	-
Zoning:	Residential – Mixed Housing Suburban ('MHS')
Overlays/Precinct	-
Controls	Macroinvertebrate Community Index - Urban
Designations	-

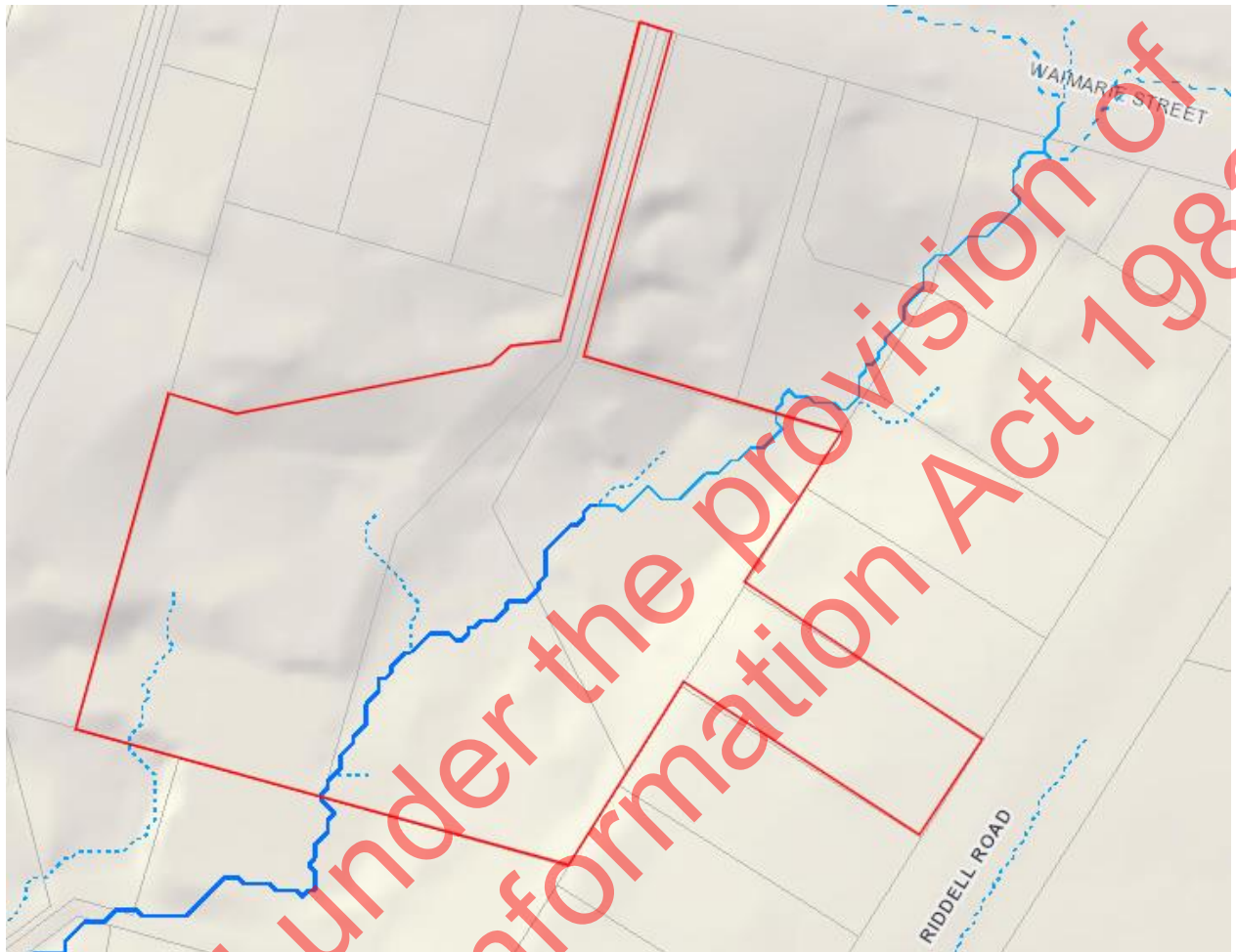
Figure 1: Aerial photograph of the site (Auckland Council Geomaps)



The site comprises 3 contiguous sites in the Auckland suburb of St Heliers. 43A and 45 Waimarie Street are both rear sites, accessed via an approximately 50m long shared driveway and vehicle crossing on Waimarie Street. The sites are irregular in shape and have a steep topography. An overland flow path ("OLFP") is identified within the site, flowing in a north-south direction. 819 Riddell Road is rectangular and has a frontage directly onto Riddell Road.



Figure 2: Overland flow path across the site (Auckland Council Geomaps)



### 3.0 Proposal

The applicant intends to remove all existing buildings and structures on the subject site to enable the construction of 58 terraced units. The units will comprise a variety of housing typologies, including 3 storey, 2.5 storey and 2 storeys, with a mixture of garages and shared carparking spaces, in addition to a mixture of 2, 3 and 4 bedroom configurations.

Vehicle access to the site will be provided via a new two-way vehicle crossing to be constructed adjacent to the south-western boundary of 819 Riddell Road. A pedestrian footpath is also proposed at this access and will be delineated from the vehicle accessway via coloured concrete treatment. A secondary pedestrian-only access will be provided via the existing shared accessway from Waimarie Street. As the Waimarie vehicle access is a shared driveway with other properties, it cannot be retired from vehicle use entirely, but it is not proposed that vehicles will access this development via the Waimarie access.

The development will be serviced via private rubbish collection as outlined in the memo prepared by Green Gorilla in **Appendix O**, which will include communal refuse facilities. Other servicing matters have been noted in the civil engineering memo by Civix in **Appendix J**.

## 4.0 Reasons for Consent

The proposal will require resource consent for the reasons set out in the attached table (refer to **Attachment – Reasons for Consent Table**, below), in accordance with the concept plans provided by BDG Architects in **Appendix E**, and other technical details provided in **Appendices C-P**.

In summary, consent is sought for:

- Land use, for the construction of 58 dwellings;
- Subdivision, for the creation of 58 freehold lots and JOALs for communal infrastructure;
- Groundwater take and diversion;
- Earthworks; and
- Construction of new buildings within or over and overland flow path.

The land use and subdivision activities proposed have a **Restricted Discretionary activity status**, including the construction of 58 new dwellings and infringements to standards in the MHSZ. None of the activities requiring consent have a prohibited activity status. All MHS zone standards applicable to the development have a restricted discretionary status, and where Auckland-wide rules are applicable to the development, they also have a **Restricted Discretionary activity status**, which confirms they are enabled by and provided for by the AUP.

There are also policy documents outside of the AUP which are applicable to the development (as identified in Section 7.0 below). These are addressed in some detail in the application for referral.

## 5.0 Assessment of Effects

At a broad level, the proposal is consistent with the provisions of the MHS zone, the purpose of which is to enable new buildings that provide for residential activities.<sup>1</sup> Furthermore, the proposed built form and scale is consistent with the MHS zone as discussed in relation to specific AUP directives under Section 6.0 below. While the proposal does not achieve full compliance with the standards for the MHS zone (where applicable), the development has taken a more high-level view of the site within its specific context, and noting its unusual characteristics such as shape, topography and location to inform the design.

The proposal will infringe the following MHS zone standards:

- Standard H4.6.4 Building height;
- Standard H4.6.5 Height in relation to boundary (HIRB); and
- Standard H4.6.7 Yards

In consideration of the effects of the above infringements, the following is noted:

- The proposed 3 storey dwellings which infringe the maximum building height are located within the centre of the site where they will be visually obscured from the public realm and adjacent sites by the surrounding dwellings. Furthermore, the topography of the site ensures that these dwellings largely present as two-storey dwellings.

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<sup>1</sup> Auckland Unitary Plan, Chapter H4: Mixed Housing Suburban zone, at H4.1. The zone description states that the zone enables intensification while retaining a suburban built character.



- Units 9-11 infringes the HIRB recession plane against the eastern boundary, and Unit 51 infringes the HIRB recession plane against the southern boundary. The effects of these infringements will be mitigated through extensive boundary planting and an attractive façade treatment with a recessive colour palette to reduce visual dominance and adverse privacy effects. Furthermore, the HIRB infringements will not result in shading that would compromise enjoyment of outdoor living spaces by neighbouring residents.
- Unit 1 infringes the front yard setback, however the effects will be less than minor as the street front elevation has been designed to promote passive surveillance and to be visually engaging. Additionally, there is sufficient space within the front yard for planting. As such, the overall purpose of the standard is met.

Despite these infringements, we consider that they are no more than minor, and any adverse effects arising from them are able to be appropriately avoided, remedied, or mitigated.

It is noted that there are a number of opportunities to achieve a high-quality design which better responds to its surrounds and ensures a functional layout internally, and as informed by ongoing urban design input.

Therefore, the proposal ensures that the intent of each of the development standards is achieved, in particular the management of building height and bulk towards the boundaries shared with adjacent sites, and the provision of linkages through the site.

In terms of the potential adverse effects 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* and confirmation that vulnerable activities have been located outside of the OFLP will be provided as part of this assessment.
- A groundwater assessment and proposed implementation and management measures during works on completion will be detailed within a full *Groundwater Report*.
- Technical details of proposed buildings and planting will be included as part of the *Architectural Plans* and *Landscape Plans*.
- An assessment of the proposed parking, loading, access and traffic generation associated with the development will be provided as part of a full *Transport Impact Assessment*.

Finally, it is noted that a subdivision scheme plan will be provided as part of the next stage of the process in order to confirm the proposed boundaries for the subdivision.

## 6.0 Objectives and Policies Assessment – Mixed Housing Suburban Zone

The proposed development accords with the objectives and policies for the Residential – Mixed Housing Suburban zone as follows

<i>H4.2. Residential – Mixed Housing Suburban Objectives</i>
(1) <i>Housing capacity, intensity and choice in the zone is increased.</i>
(2) <i>Development is in keeping with the neighbourhood's planned suburban built character of predominantly two</i>

<i>storey buildings, in a variety of forms (attached and detached).</i>
<i>(3) Development provides quality on-site residential amenity for residents and adjoining sites and the street.</i>
<b>H4.3. Residential – Mixed Housing Suburban Policies</b>
<i>(1) Enable a variety of housing types including integrated residential development such as retirement villages.</i>
<i>(2) 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>(c) requiring sufficient setbacks and landscaped areas.</i>
<i>(3) 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>
<i>(4) Require the height, bulk and location of development to maintain a reasonable standard of sunlight access and privacy and to minimise visual dominance effects to adjoining sites.</i>
<i>(5) Require accommodation to be designed to meet the day to day needs of residents by:</i>
<i>(a) providing privacy and outlook</i>
<i>(b) providing access to daylight and sunlight and providing the amenities necessary for those residents.</i>
<i>(6) Encourage accommodation to have useable and accessible outdoor living space.</i>
<i>(7) 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>
<i>(10) Recognise the functional and operational requirements of activities and development.</i>

The site is well positioned for redevelopment and the proposal efficiently uses land close to local centres and community facilities to provide additional housing in a well-established Auckland suburban area. Access to public transport is provided within the immediate area via bus routes to the wider Auckland area. As such, the provision of additional housing which retains a spacious and low-level form is appropriate within the existing and future context of the site and accords with Objective H4.2(2) and Policy H4.3(2).

The proposal incorporates a modern architectural design with use of different materials and colours which will ensure a high-quality end product, whilst also adding visual interest. The proposed site layout has ensured that sufficient space is provided for pedestrian pathways, accessways and private outdoor living spaces associated with each dwelling. These spaces have been thoughtfully located to provide good indoor/outdoor flow and are readily accessible and useable which will contribute to the wellbeing of the future occupants. Given the above, the proposal is seen to accord with Objectives H4.2(2) and H4.2(3), as well as Policies H4.3(2), H4.3(5) and H4.3(6).

In addition, the proposed built form generally meets the standards for the zone, aside from minor non-compliances with any associated effects having been avoided or appropriately mitigated. This will ensure the development reflects the overall scale of buildings anticipated within the zone and ensures that the character and amenity of the public realm and adjacent private properties is maintained and enhanced. Therefore, the current proposal is considered to be a compatible built form in accordance with Objective H4.2(3), and Policies H4.3(2), H4.3(4) and H4.3(5).



Overall, the redevelopment of the site represents a residential outcome expected within the MHS zone, noting that the provisions seek to maintain the amenity of existing residential areas and protect the existing lower density development, while enabling additional residential capacity, subject to appropriate design. It is considered that the proposal will represent a good quality outcome, and one which will preserve the existing residential amenity found within the vicinity of the site, while concurrently enabling additional residential development as envisaged within the zone.

As such, the proposal is consistent with the objectives and policies for the zone.

## 7.0 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. In October 2021, the Resource Management (Enabling Housing Supply and Other Matters) Amendment Bill 2021 was introduced and seeks to accelerate housing supply by bringing forward and strengthening the NPS-UD.

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 aligns with these higher-level directives by significantly increasing residential density (by providing 58 dwellings) and establishing supporting uses that will serve residents in a manner that provides a high-level of amenity for future uses. Furthermore, the activities proposed are provided for within the MHS zone and the scale, built form and design generally accords with the outcomes sought by the zone, noting that further detailed assessment will be provided as part of the application.

Overall, the proposed design responds to the intention under the MHS zone provisions by providing a more intensive residential development, which is anticipated in terms residential amenity under the AUP provisions. As such, the proposal aligns strongly with the outcomes anticipated under the NPSUD.

## 8.0 Summary

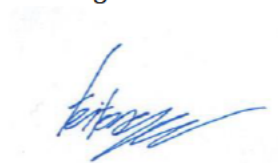
The proposed development is for the construction of 58 residential terraced units with a range of typologies, followed by subsequent freehold subdivision.

From a planning perspective, the as application for referral can be supported on the following basis:

- The proposed built form and density of the development reflects the anticipated outcome of the zone and is compatible with the surrounding locality.
- The anticipated infringements to the development standards of the MHS zone remain consistent with the intent of each provision, as they have sought to be avoided, remedied or mitigated through careful development and design responses by architectural, landscape and urban design specialists.
- Infringements to Auckland-Wide provisions in the AUP will be sufficiently addressed via mitigation detail in future reporting.

Overall, subject to detailed design and resolution of specialist inputs, the application for referral is supportable.

Kind regards



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## Attachment – Reasons for Consent Table

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan:  Chapter H4 – Residential Mixed Housing Suburban	H4.4.1(A4)	The proposal involves construction of 58 new dwellings.	Restricted Activity Discretionary	Across the site.
	C1.9	The proposal infringes Standard H4.6.4 Building height.	Restricted Activity Discretionary	Three level units (i.e., Lots 43-50).
	C1.9	The proposal infringes Standard H4.6.5 Height in relation to boundary	Restricted Activity Discretionary	Units 9-11
	C1.9	The proposal infringes Standard H4.6.7 Yards	Restricted Activity Discretionary	Unit 1
Auckland Unitary Plan:  Chapter E7 Taking, using, damming and diversion of water and drilling	E7.4.1 (A20) and;  E7.4.1(A28)	The proposal may require dewatering or groundwater level control associated with a groundwater diversion.  The proposal may also require the diversion of groundwater, caused by any excavation, that does not meet the permitted activity standards.	Restricted Activity Discretionary	Across the site
Auckland Unitary Plan:  Chapter E12 Land disturbance - District	E12.4.1(A6) and;  E12.4.1(A10)	Land Disturbance across the site will exceed 2,500m <sup>2</sup> and 2,500m <sup>3</sup> .	Restricted Activity Discretionary	Across the site
Auckland Unitary Plan:  Chapter E36 Natural Hazards and Flooding	E36.4.1(A42)	The proposal involves new buildings located within or over an overland flow path.	Restricted Activity Discretionary	Overland flow paths on site.

Relevant plan / standard	Relevant rule / regulation	Reason for consent	Activity status	Location of proposed activity
Auckland Unitary Plan:  Chapter E38 Subdivision - Urban	E38.4.2(A14)	The proposal involves freehold subdivision in accordance with a land use consent.	Restricted Activity    Discretionary	Across the site.

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