

Planning Assessment

Whenuapai – Residential and Industrial Development

Cabra Developments Limited

1. Proposal

Cabra Developments Limited ("**Cabra**") proposes to construct and subdivide 15 Clarks Lane and 10 and 16 Sinton Road, Whenuapai into approximately 227 standalone and terraced dwellings and to construct and subdivide 90 Trig Road, Whenuapai into an industrial storage yard and two warehouse buildings, as illustrated in Figure 1 ("**the Proposal**").

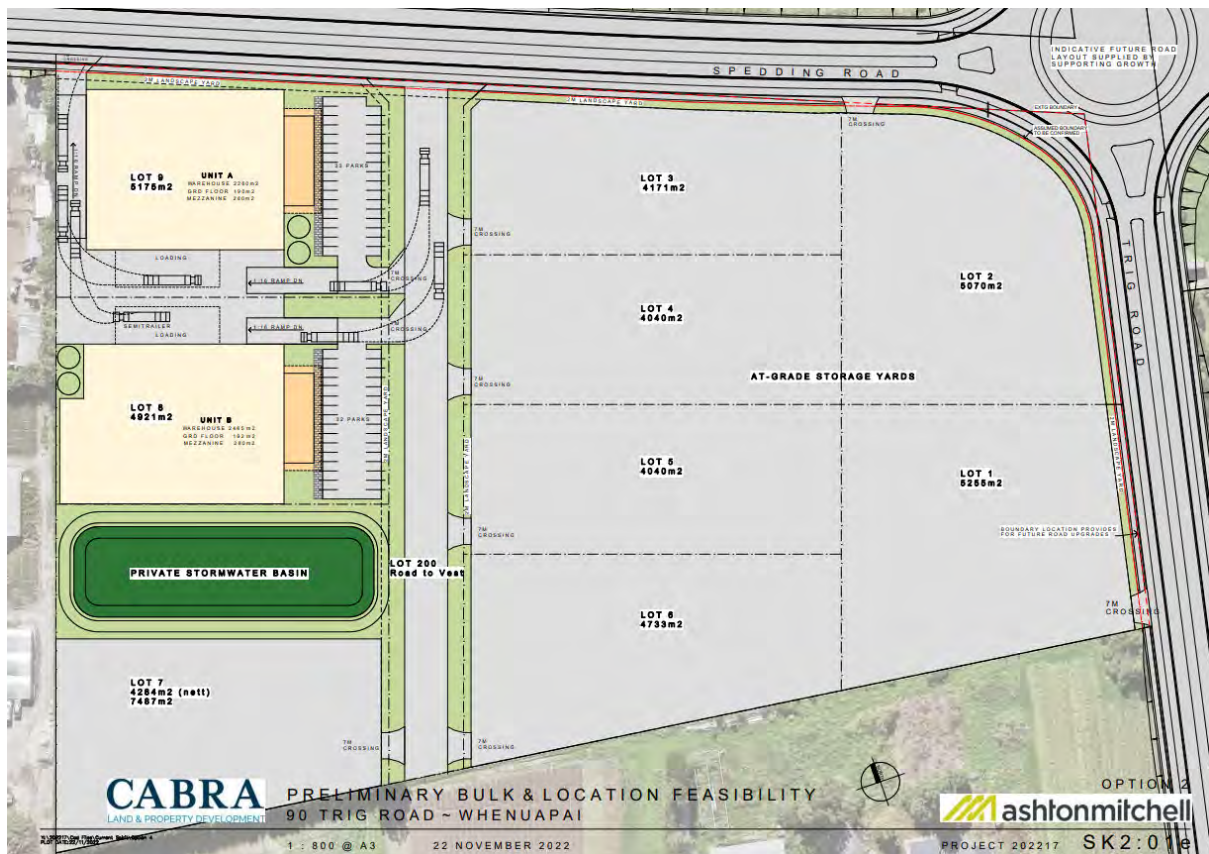
By way of background, all four lots are within the Future Urban Zone under the Auckland Unitary Plan (Operative in Part) ("**AUP**"; Figure 2) and are situated within the Whenuapai Structure Plan ("**WSP**"). The three residential lots are located within the land formerly subject to Plan Change 5 Whenuapai ("**PC5**"), prior to Auckland Council withdrawing the plan change in July 2022. Council's reasons for withdrawing the plan change application are discussed in further detail below, none of which are present any obstacle to the progress of the proposed development.

Cabra intends to utilise the Covid-19 Recovery (Fast Track Consenting) Act 2020 ("**Fast Track Act**") to pursue the necessary statutory approvals for the above works. This planning assessment supports its referral application with a specific focus on the planning framework and an analysis against the relevant objectives and policies of the AUP and higher order National Policy Statements and National Environmental Standards. A complete planning checklist is provided at **Appendix 4**, which should be read alongside the application and supporting documents by other experts.

Site A – 15 Clarks Lane



Site D – 90 Trig Road




2. Site Information


The residential lots (Sites A-C) are zoned Future Urban in the Auckland Unitary Plan – Operative in Part (“AUP”), with a narrow sliver of the coastal edge zoned Coastal – General Coastal Marine. The planning framework for each site is substantially similar given the sites’ proximity to each other, however the location / extent of each overlay, control and designation varies slightly applied relative to the particulars of the site, as evidenced in the following tables. The industrial lot (Site D) is also zoned Future Urban, but is located in-land and therefore is not subject to the same coastal zoning pattern as Sites A-C.

Copies of the Certificates of Title are enclosed with this report.


A. 15 Clarks Lane, Whenuapai

Address	15 Clarks Lane, Whenuapai
Site Area	3.3955ha
Title	Lot 2 Deposited Plan 92753
Relevant Interests on Title	Appurtenant hereto is a telephone and electricity supply right created by Transfer B048685.1
Current Land Use	Single residential dwelling, former viticultural activities and ancillary structures
Unitary Plan Zone	Future Urban Zone
Precinct	None
Overlays	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer
Controls	Macroinvertebrate Community Index – Rural
Designations	Airspace Restriction Designations – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
Hazards and other notations	Contamination, stream, flooding (within stream), overland flow paths. Known wetland within stream in southern corner (refer Figure 3).
Whenuapai Structure Plan	Stage 1 (2018-20226) – Low and medium density zoning
Aerial Photograph	

B. 10 Sinton Road, Whenuapai

Address	10 Sinton Road, Whenuapai
Site Area	2.7291ha
Title	Lot 25 Allotment 2 Parish of Waipareira
Relevant Interests on Title	None
Current Land Use	Two residential dwellings and pastoral land and ancillary structures
Unitary Plan Zone	Future Urban Zone Coastal – General Coastal Marine Zone
Precinct	None
Overlays	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer
Controls	Macroinvertebrate Community Index – Rural, Native Coastal Inundation 1% AEP plus 1m control – 1m sea level rise
Designations	Airspace Restriction Designations – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
Hazards	Overland flow paths (refer Figure 3)
Whenuapai Structure Plan	Stage 1 (2018-20226) – Low and medium density zoning
Aerial Photograph	

C. 16 Sinton Road, Whenuapai

Address	16 Sinton Road, Whenuapai
Site Area	2.8758ha
Title	Lot 9 Deposited Plan 57408
Relevant Interests on Title	None
Current Land Use	Single residential dwelling and pastoral land
Unitary Plan Zone	Future Urban Zone Coastal – General Coastal Marine Zone
Precinct	None
Overlays	Significant Ecological Area Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer
Controls	Macroinvertebrate Community Index – Rural, Native Coastal Inundation 1% AEP plus 1m control – 1m sea level rise
Designations	Airspace Restriction Designations – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
Hazards	Contamination, overland flow paths (refer Figure 3)
Whenuapai Structure Plan	Stage 1 (2018-20226) – Low and medium density zoning
Aerial photograph	

D. 90 Trig Road, Whenuapai


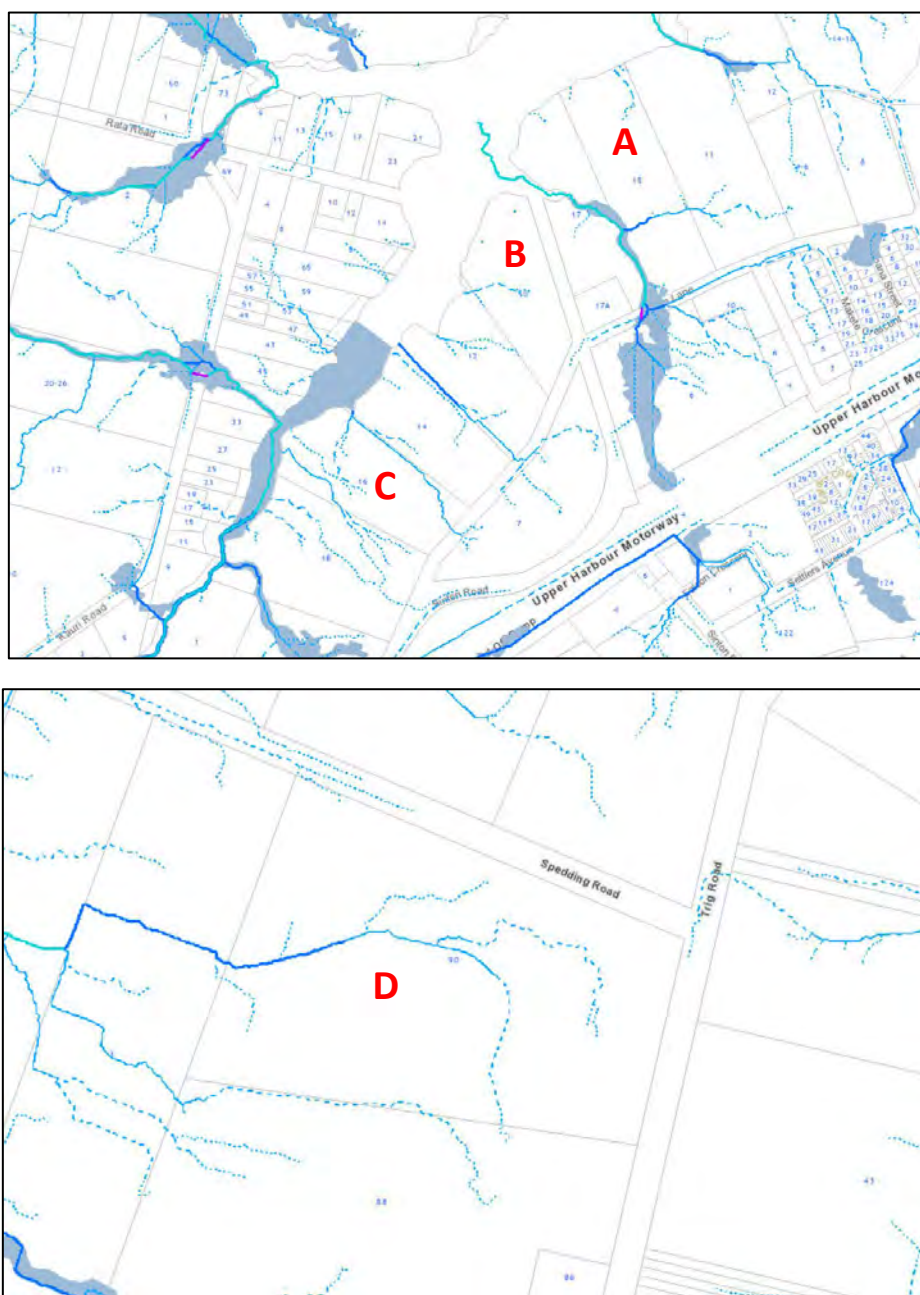
Address	90 Trig Road, Whenuapai
Site Area	4.9574ha
Title	Lot 4 DP 55087
Relevant Interests on Title	None
Current Land Use	Single residential dwelling and pastoral land
Unitary Plan Zone	Future Urban Zone
Precinct	None
Overlays	Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Kumeu Waitemata Aquifer Infrastructure: Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA) – north western half of site only
Controls	Macroinvertebrate Community Index – Rural
Designations	Airspace Restriction Designations – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence
Hazards	Contamination, overland flow paths (refer Figure 3)
Whenuapai Structure Plan	Stage 1 (2018-20226) – Business
Aerial Photograph	

Figure 3 – Flooding Hazards and Streams



No sites are subject to the Cultural Heritage Inventory list, Heritage NZ List, NZ Archaeological Association maps, or any other known hazards or constraints.

3. Background – Zoning, WSP and PC5

Whenuapai Structure Plan 2016

Auckland Council prepared the WSP in 2016 to facilitate the integrated and comprehensive urbanisation of the Whenuapai area (surrounding the NZDF Airbase) and to address following matters/aspirations:

- sustainable urban development,
- a quality built urban environment,
- a well-connected Whenuapai,
- the national significance of the Whenuapai Airbase,
- the provision of infrastructure,
- an enhanced natural environment and protection of heritage, and
- the provision of quality open spaces.

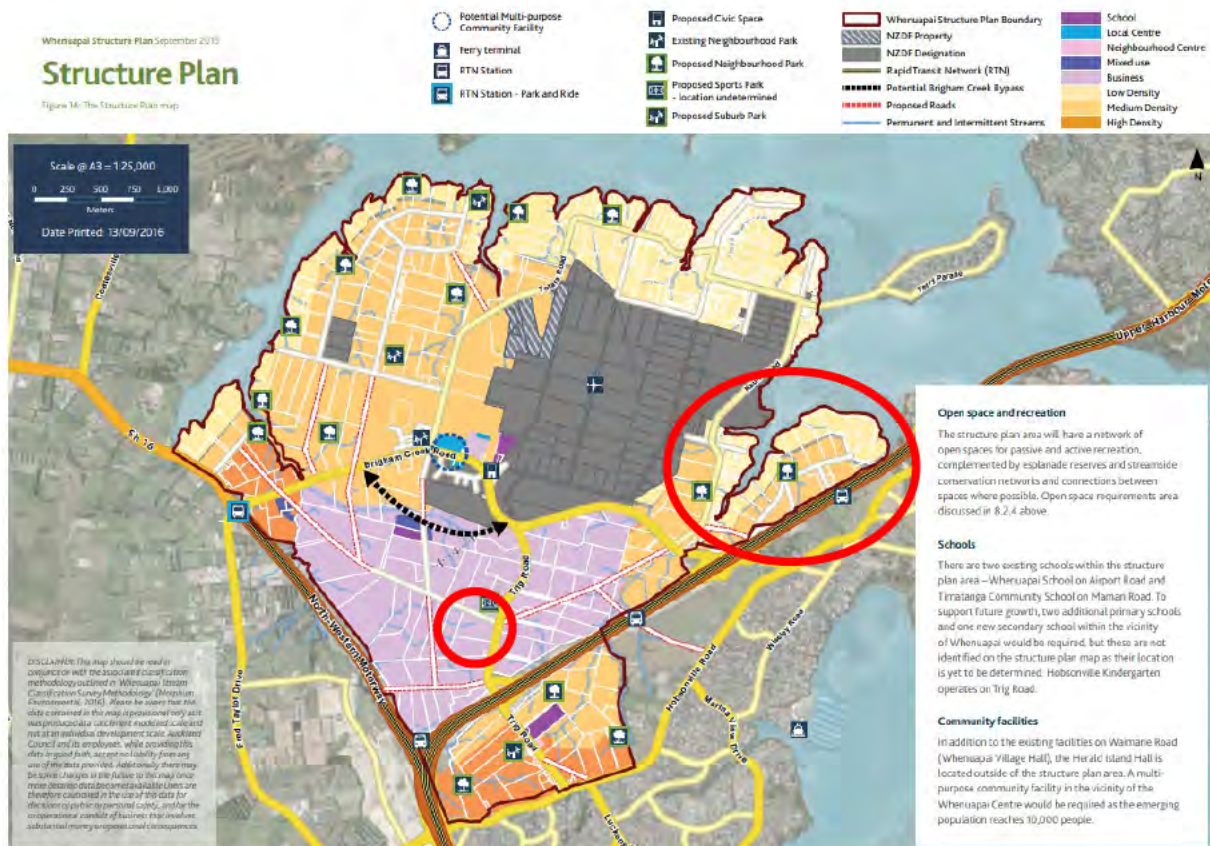
The Structure Plan generally separates the southern part of the Structure Plan area into Stage 1, which was anticipated to be 'development ready' between 2018-2026, with the balance land to the west and north located within Stage 2, anticipated to be 'development ready' beyond 2027. Sites A-D are located within Stage 1.

The WSP identifies Sites A-C as being appropriate for low – medium density residential development, and Site D for commercial activity, as illustrated in Figure 2. The following notations within the WSP are relevant to the subject sites:

- Transport networks
 - Clarks Lane, Sinton Road, Trig Road and Spedding Road (adjacent to the subject site) are all identified for potential future bus and cycle routes.
- Infrastructure
 - Wastewater pipe (in service) shown along the Spedding Road frontage of Site D.
 - A water sensitive design approach will be adopted for the management of stormwater, utilising the existing stream network (both permanent and intermittent streams).
- Natural Environment and Heritage
 - No Cultural Heritage Index sites located within Sites A-D, nor immediately adjacent.
 - Coastal constraints are identified along the rear part of Sites A-C.
 - Indicative riparian margin is identified along the intermittent/permanent stream at the western boundary of Site A.
 - Wetlands are identified within the CMA adjacent Sites A-C. A wetland is identified on the southern side of Clarks Lane opposite Site A (but not within Site A), and to the west of Site C.
- Open Space and Recreation
 - Indicative esplanade identified along the stream within Site A.
 - Open space identified to the west of Site A and north of Site D, both of which have now been acquired by Auckland Council for open space purposes.

The Structure Plan Map is shown below, including the indicative activities.

Figure 2 – Whenuapai Structure Plan Map

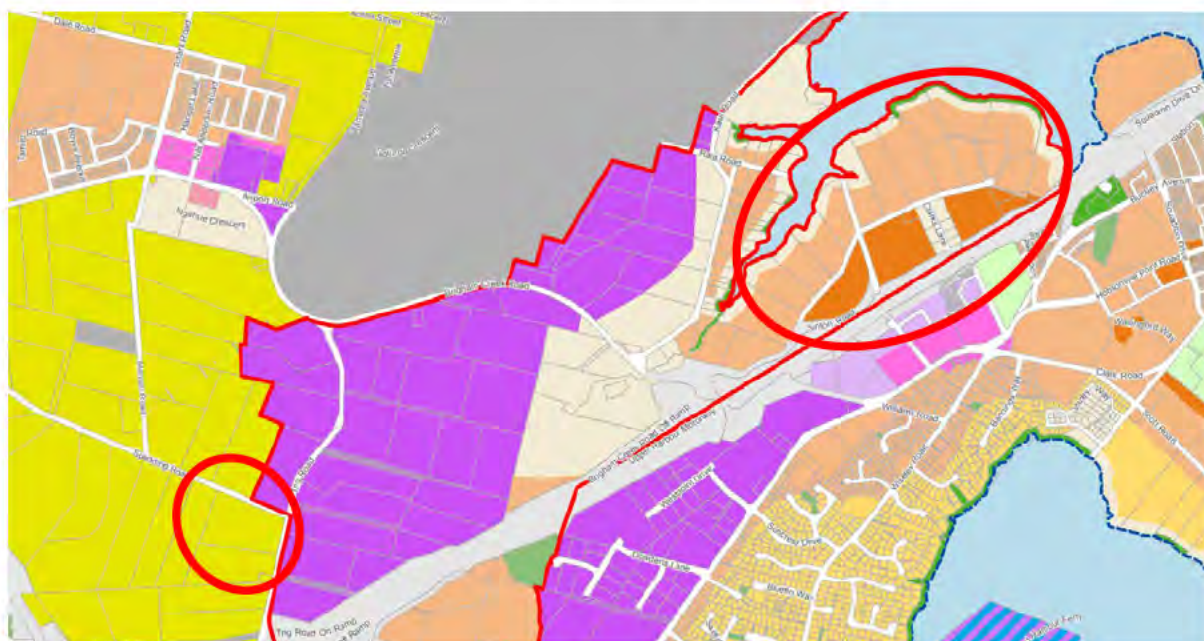


Plan Change 5 Whenuapai

Auckland Council subsequently publicly notified PC5 in September 2017 to 'live-zone' the majority of Stage 1 of the WSP, being the eastern and southern extents of the Structure Plan area.

As notified, PC5 proposed to zone Sites A-C in a combination of Residential – Single House (for a depth of approx. 40m along the coastal edge, 20m of which is to be vested as esplanade reserve) and the balance zoned Residential - Mixed Housing Urban, as shown in Figure 3. This zoning pattern generally aligned with the WSP map at Figure 2 above, albeit identifying additional residential intensity would be suitable on the southern side of Clarks Lane. Site D was excluded from PC5.

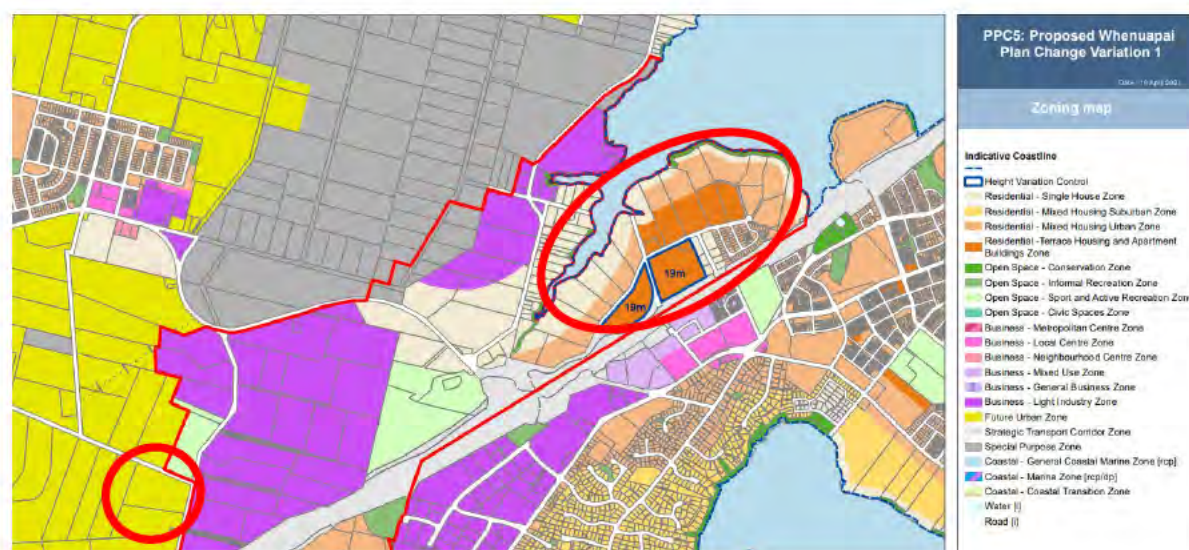
Figure 3 – Plan Change 5 zone map (as notified) (sites in red)



The submission period, evidence exchange, and hearings occurred over the course of 2018, before the process stalled to resolve transport upgrade financing and funding arrangements, and in response to challenges of the appropriateness of the NZDF engine testing noise overlay, and later, to address the National Policy Statement on Urban Development 2020 and the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. The plan change process remained on hold between 2018-2021.

Auckland Council proceeded to prepare a variation to PC5 to address these matters, owing to the extent of changes being out of scope of the originally notified version. In 2021, Auckland Council issued a draft of Variation 1 for informal feedback. As it relates to Sites A-C, the draft variation introduced Terrace Housing and Apartment Buildings ("THAB") zoning within the southern part of Site A (refer Figure 4), and identified revised Engine Noise Testing contours relative to NZDF operations across parts of the north-western halves of Sites B and C.

Figure 4 – Draft Variation 1 to Plan Change 5 zone map (sites in red)



Variation 1 was never formally notified, nor did it proceed beyond informal feedback stage.

Auckland Council withdrew PC5 in its entirety on 16 June 2022.

Auckland Council listed the following reasons for withdrawing PC5, none of which present an obstacle to the future development of Sites A-C (or D):

Reason for withdrawing PC5	Comment
i. There is no funding budgeted in the lifetime of the Auckland Unitary Plan (ten years) for the upgrading of the wider transport networks to address the anticipated adverse effects from increased traffic generated by the development of land in Proposed Plan Change 5;	<p>Auckland Council is not required to provide any costs toward the provision of infrastructure associated with the Proposal.</p> <p>The overall development enabled by the Proposal is significantly less than that which was sought to be enabled via PC5, so the provision of infrastructure will be necessarily reduced as a result.</p> <p>The applicant will fund all upgrades required to mitigate the effects of the Proposal (together with additional upgrades that are not necessarily required as mitigation), as listed in the Transport Assessment at Appendix 6 and the Application Form.</p> <p>By way of context, recent decisions on other large, strategic plan changes in Auckland have confirmed that infrastructure funding and financing is not required to be budgeted in the lifetime of the AUP in order to grant a plan change request. It is simply necessary to identify that available options exist to deliver necessary infrastructure to service the proposed development and, if necessary, to assess any thresholds that may need to be identified before further development can</p>

	<p>occur. It then becomes the role of the plan change proponent and subsequent developers to ensure infrastructure delivery and development occurs in an integrated manner.</p> <p>Cabra will pay all development contributions generated by the Proposal.</p> <p>In terms of wider network upgrades that will be required cumulatively across Whenuapai as growth occurs over time, any immediate need for this has stalled following the withdrawal of the plan change. However, the Supporting Growth Alliance is continuing to plan for growth in North West Auckland, such as the design and implementation of a roundabout upgrade at the intersection of Trig and Spedding Roads, which will represent some of the upgrades required to facilitate growth in the future, should Council propose a replacement plan change at some point in the future.</p>
<p>ii. progressing Proposed Plan Change 5 (and any variation) through to a decision by independent hearing commissioners will not provide sound resource management outcomes in terms of managing adverse effects on the wider transport network;</p>	<p>The Transport Memo at Appendix 6 confirms that the existing road network can accommodate the level of traffic that will be generated by the proposed development, and that the proposed infrastructure upgrades will positively benefit (and will not result in adverse effects on) the transport network.</p>
<p>iii. progressing Plan Change 5 will not result in the rezoning of land within the Rural Urban Boundary that is integrated with the provision of infrastructure;</p>	<p>In respect of Sites A-C, the masterplans and engineering plans illustrate that the proposed layout foreshadows and provides for development on neighbouring sites through the delivery of future road connections at side boundaries, such that adjacent development can connect to the (upgraded) local road network in an integrated arrangement and in general accordance with the WSP.</p> <p>In terms of infrastructure, the wastewater network has been designed to accommodate future development on intervening landholdings, ensuring development can connect to infrastructure in a coordinated arrangement.</p> <p>In respect of Site D, the layout anticipates the future works at the intersection of Trig and Spedding Roads, providing for the short, medium and long-term upgrades anticipated to</p>

	<p>occur. Stormwater will be managed on-site until such time that the public network has been comprehensively upgraded.</p> <p>As such, progressing Sites A-D in the proposed manner will provide an integrated infrastructure arrangement that will not interfere with the Council's ability to progress a plan change that delivers on the outcomes of the WSP in the future. Future road and infrastructure networks can connect to (and will benefit from) the Proposal, which is consistent with the WSP.</p>
<p>iv. progressing Plan Change 5 creates a risk of the council having to provide infrastructure that is currently unfunded, or having to divert funding from other locations for which funding is required and exists.</p>	<p>As above, Auckland Council will not be required to provide any infrastructure to support the Proposal. Cabra will deliver all infrastructure connections and road upgrades as set out in the Engineering Memo and Transport Memo at Appendices 5 and 6.</p> <p>The LTP includes various upgrades to the existing network, but does not appear to fund any of the works proposed as part of the Proposal. That said, no funding is required to be diverted to deliver the Proposal, as the developer will self-fund those listed in this application.</p>

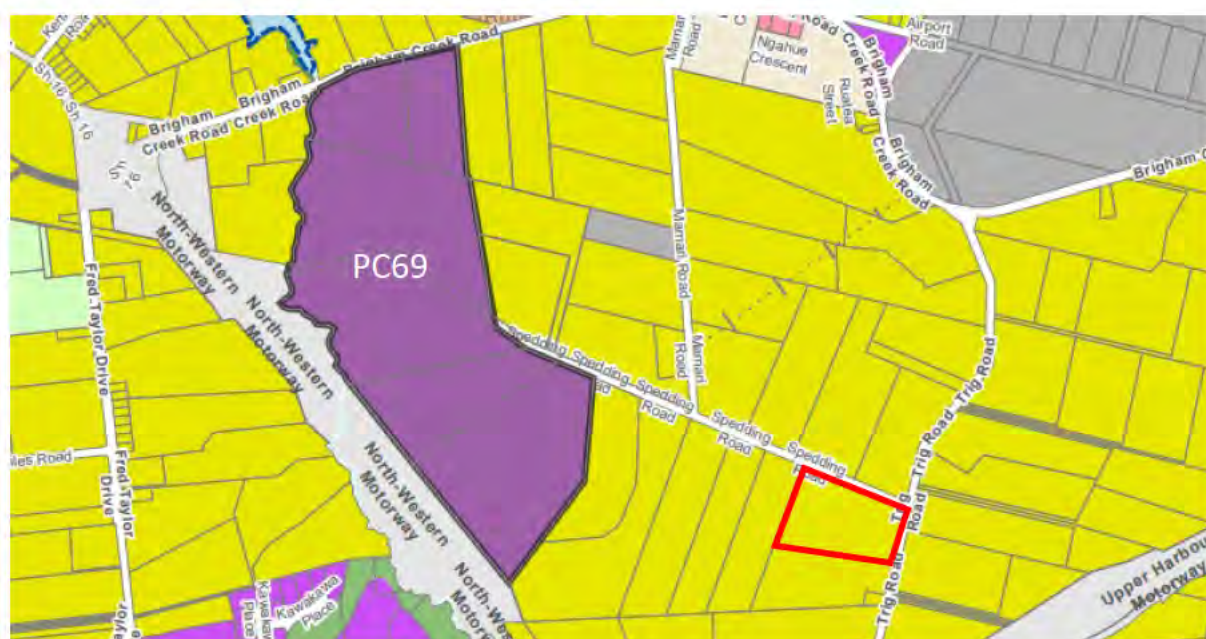
Plan Change 69 Spedding Block

Resource consent has recently been granted to rezone 52ha of Future Urban zone land to Light Industry at the western edge of the WSP, 500m to the west of Site D. Appeals close 16 January 2023.

As it relates to the subject application, the plan change requires the intersection of Trig and Spedding Roads to be signalised, the detailed design of which will be confirmed at resource consent stage. The signalisation is required to be operational prior to subdivision or land use consent of the plan change area, and therefore will be implemented in the short-medium term.

The location of land approved to be rezoned from Future Urban to Light Industrial is shown in purple at Figure 5, with Site D shown in red.

Figure 5 – Extent of PC69 (Light Industry zone in purple; Site D in red)



4. Statutory Analysis

National Policy Statement on Urban Development 2020

The National Policy Statement on Urban Development (NPSUD) directs local authorities to provide sufficient development capacity in their resource management plans to meet demands in housing and business growth. The NPSUD acknowledges that sufficient development capacity is critical to ensuring urban land can be developed efficiently to meet community needs. Further, the NPSUD acknowledges the importance of commercial feasibility and commercial viability when taking account of whether certain developments can occur in certain locations. The NPSUD requires councils to plan well for growth and to do so in a way that:

- Ensures the principles of the Treaty of Waitangi are taken into account.
- Ensures that plans make room for growth both up and out, and that rules are not unnecessarily constraining growth.
- Develops, monitors and maintains local evidential bases for demand, supply and prices of land (for housing and to inform planning decisions).
- Aligns and coordinates with planning across urban areas.

In the context of the site, Auckland Council is a Tier 1 authority and therefore all provisions of the NPSUD apply. Of particular interest to the Proposal:

- Objective 1 is the NPSUD's overarching objective which seeks to deliver well-functioning urban environments that enable all people and communities to provide for their social, economic and cultural wellbeing and for their health and safety, now and in the future.
- Objective 2 of NPSUD seeks that planning decisions improve housing affordability by supporting competitive land and development markets.

- Objective 4 of the NPSUD recognises that urban environments and their amenity values change over time and develop 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.
- Finally, Objective 8 seeks that urban environments support reductions in greenhouse gas emissions and are resilient to climate change effects.

The following comments are made in respect of the way in which the project will give effect to these objectives, as well as the policies of relevance.

Objective 1 – Well-functioning urban environment

The Proposal involves the construction of a development that will contribute to a well-functioning urban environment through the intensification of residential development, and a variety of industrial activities, albeit on contiguous sites. Importantly, the layout of Sites A-C futureproof development of intervening lots such that the peninsula can continue to grow in an integrated manner, in accordance with the WSP.

With reference to Policy 1 of the NPS-UD, the Proposal involves a variety of homes across Sites A-C that meet the needs of different households. The Masterplan at **Appendix 1** illustrates the mix of seven typologies providing different configurations ranging from two-bedroom terraces to five-bedroom standalone dwellings distributed across each site, with larger dwellings generally located along the rear of each site at the coastal interface. The wide variety of typologies will meet the needs of different households and deliver a range of price points.

The preceding assessment confirms consultation has commenced with relevant iwi; however no responses have been received at the time of writing. The Applicant welcomes the opportunity for engagement and for local iwi to express their cultural traditions and norms through design features such as architecture and landscape (both soft and hard landscape). Ongoing dialogue will occur with those iwi who indicate interest in the Proposal.

The Proposal involves the construction of a footpath along one side of the road reserve of Clarks Lane / Sinton Road connecting to the southern end of Clarks Lane and the existing Clarks Lane Overbridge (across Upper Harbour Highway). The new footpath will upgrade the existing rural road to an urban standard and significantly improve pedestrian and cycle connectivity for existing and future residents along Clarks Lane and Sinton Road with the following local amenities:

- Hobsonville Town Centre including retail, food and beverage, and two supermarkets within a 700m–950m walking distance from Sites A-C respectively;
- Bus stops on Hobsonville Road that provide transport east and west;
- Pedestrian, cycle and bus connection to the retail, food and beverage, and ferry services at Hobsonville Point to the east; and
- Bus connection to Westgate Shopping Centre and bus interchange (zoned Metropolitan centre under the AUP) to the west.

Further, the proposed pedestrian and cycle upgrades provide important connections and access for all people between housing, jobs, community services, natural spaces and open spaces, including by way of public transport (via the bus routes along Hobsonville Road). The WSP also identifies Clarks Lane and Sinton Road as being suitable as a local bus route in the future. Auckland Council has purchased 17A

Clarks Lane, adjacent Site A, for the purpose of delivering open space in accordance with the WSP. This is walking distance from Sites A-C. The transport upgrades and resultant opportunities for walking, cycling public transport to local amenities will support reductions in greenhouse gas emissions.

The Economics Assessment at **Appendix 9** confirms the Proposal will support the competitive operation of land and development markets in the Whenuapai, Hobsonville, Kumeu, West Harbour, Greenhithe and Massey area, which is of particular importance as this area is expected to experience a housing shortage in the short-term, and therefore potentially will see an increase in house prices unless supply increases.

The layout and design of Sites A-C are specifically designed to be resilient to the likely current and future effects of climate change. In particular, buildings shall be set back at least 26m from the coastal boundary of each site to accommodate incremental erosion over time, and will provide for flooding and overland flow paths including when climate change is accounted for.

The site plan at **Appendix 2** illustrates that Site D will deliver (via subdivision consent) a variety of sites that are suitable for different warehouse and yard storage activities consistent with the light industrial outcome anticipated by the WSP. Land use consent will be jointly sought to deliver these activities.

Overall, the Proposal will contribute to the well-functioning urban environment that is emerging in Whenuapai.

Objective 2 – Housing affordability

The Economics Assessment at **Appendix 9** confirms the average house price in Hobsonville (being the nearest relevant comparison) *“increased from \$958,000 to \$1,140,000 (+19%) over the past three years. Most of the recent price escalation occurred in 2021, as prices in both the wider region and local area have become increasingly unaffordable. The proposed development will provide additional capacity for housing supply, which could contribute to reducing further price escalations.”* (page 22).

Further, Formative state:

“Cabra is proposing to undertake higher density development in its residential developments, which can be expected to provide dwellings that are relatively more affordable than what is available in the Whenuapai-Hobsonville-Kumeu-West Harbour-Massey-Greenhithe areas.” (page 13).

On this basis, it is considered that the Proposal will improve housing affordability by increasing the supply of housing and, in particular, the supply of smaller housing typologies which are currently lacking in the area (due to historical low density zoning and subsequent large-lot pattern of subdivision), and therefore will achieve the anticipated outcomes of Objective 2.

Objective 4 – Changing urban environments

Despite the WSP pre-dating the NPS-UD, it is considered to be a (non-statutory) planning document that gives effect to and foreshadows the outcomes to be sought via the NPS-UD. Residential and business intensification and supply is at the heart of the document and it delivers on many of the themes and outcomes anticipated by the NPS-UD.

Plainly, the area of Whenuapai area is earmarked for change and the WSP (and former PC5) foreshadows that amenity values will change over time in response to the need for housing, intensification, and additional business zoned land in response to the diverse and changing needs of people, communities and future generations. The Proposal directly responds to this change in demand through the provision of more intensive housing typologies, whilst appropriately managing the potential adverse effects that can arise from intensification, particularly where it is the ‘first cab off the rank’ as change occurs over time.

The proposed changes:

- a) are in-keeping with the anticipated outcomes of the WSP, and futureproof development on neighbouring sites;
- b) may detract from the existing low-density amenity values appreciated by some immediate neighbours (noting however the masterplan has sought to mitigate the potential adverse effects in this regard, where necessary), but will improve the amenity values appreciated by future residents, including future generations, and the wider community, including by providing increased and varied housing densities and types within Sites A-C; and
- c) the following assessment confirms the potential adverse effects of the Proposal can be appropriately mitigated.

The Proposal meets the other anticipated outcomes of Policy 6 as it is consistent with Policy 1 for the reasons above; will directly contribute to development capacity in Whenuapai; and appropriately mitigates the likely current and future effects of climate change (refer below). The Proposal is therefore consistent with Objective 4.

Objective 6 - Responsive planning

Objective 6 and the integrated, strategic and responsive approach to development is critical to the delivery of well-planned development and well-functioning urban environment. In this case, the WSP provides a framework for the delivery of integrated infrastructure planning to ensure the outcomes are strategic in the medium and long term. Local authorities are to be responsive to proposals relating to urban development, particularly those that would supply significant development capacity, such as the subject Proposal.

Policy 8 of the NPS-UD identifies the need for decision makers to be responsive to plan changes that would add significantly to development capacity and contribute to well-functioning urban environments, even if the development capacity is unanticipated by RMA planning documents, or out-of-sequence with planned land release. In this regard, Auckland Council's Future Urban Land Supply Strategy ("FULSS") identifies Whenuapai Stage 1 as being 'development ready' within Decade One, between 2018 and 2022. Plainly, without PC5, the integrated delivery of infrastructure is not in place to facilitate intensification, nor is any funding mechanism in place to deliver that integrated delivery over time. However, the development of Sites A-D can progress ahead of any more significant plan change or neighbourhood-wide delivery of infrastructure because the Proposal is self-sufficient, and goes a step further to futureproof the development of adjacent lots. The Proposal is not 'out of sequence' of the FULSS as the timing is as anticipated, albeit the FULSS anticipated infrastructure delivery mechanisms to be in place by this time (and they are not, due to the withdrawal of PC5).

The proposed development is not unanticipated by RMA planning documents as the Proposal is consistent with the WSP; however this is yet to be enshrined through the plan change process following the withdrawal of PC5. Further, it is not out-of-sequence with planned land release as WSP had anticipated the proposed development occurring between 2018 and 2022, and all infrastructure necessary to facilitate development and to mitigate the effects of urbanisation will be delivered integrally by the applicant. In this regard, the development of Sites A-D is appropriate for the following reasons:

- The proposed infrastructure (servicing and road layout) is integrated to provide for the development of Sites A-C in the short-term and adjacent sites in the medium-term.

- Infrastructure at Site D is designed to cater to the subject site (i.e. is self-sufficient) until such time that the public stormwater network is upgraded and can accommodate runoff from the site in the medium-term.
- The proposed transport upgrades within Clarks Lane and Sinton Road will bring forward pedestrian and cycle amenity that is anticipated by WSP, but will not otherwise be delivered (until the medium/long-term) without the subject application taking an integrated approach to pedestrian and cycle connectivity in the short-term.
- The site layout of Site D is designed to cater to the short-term upgrade of the Trig/Spedding Road intersection (to be delivered via PC69) and the medium/long-term roundabout to be delivered by the Supporting Growth Alliance.

As such, the project avoids the potential effects on infrastructure that can arise from development proceeding out-of-sequence, and is consistent with Objective 6 and Policy 8.

Objective 8 – Greenhouse gas emissions and climate change

The preceding assessment describes the way in which the Proposal will support the reduction in greenhouse gas emissions through the ancillary works proposed to connect Clarks Lane/Sinton Road with the Clarks Lane Overbridge, provided pedestrian and cycle connectivity to Hobsonville and Westgate.

The preceding assessment describes the way in which the Proposal is resilient to the likely current and future effects of climate change, through the 26m building setback along the CMA, and providing for flooding and overland flow paths (including when climate change is factored) into the Masterplan. No works or habitable buildings are proposed within the Coastal Inundation Plus 1m Sea Level Rise overlay.

The Proposal achieves the anticipated outcomes of Objective 8.

National Policy Statement on Highly Productive Land 2022

The National Policy Statement on Highly Productive Land 2022 (**NPS-HPL**) seeks to avoid the development, use and subdivision of land that is suitable for land-based primary production. Clause 3.4(2) of the NPS-HPL excludes land that, at the commencement date of the Policy, is identified for future urban development. In this case, Sites A-D are zoned "Future Urban" under the AUP and the NPS-HPL is not applicable.

New Zealand Coastal Policy Statement 2010

No works are proposed within the CMA. Resource consent is not required under Chapter F Coastal of the AUP. The proposed stabilised coastal outfalls are proposed to be entirely located within land that is zoned Future Urban (not Coastal).

For completeness however, works adjacent to the CMA will achieve the anticipated outcomes of the NZCPS for the following reasons:

- Vesting of the coastal esplanade reserve will enhance the integrity, form, function and resilience of the coastal environment by limiting the scale and scope of works within 20m of the CMA, and enhance the flora and fauna at the coastal edge through the proposed enhancement of the vegetation within the esplanade (objective 1 and 4).
- Limiting development adjacent the coastal environment to the possible construction of a pedestrian walkway/boardwalk will preserve the natural character, features and landscape values of the coastal environment (objective 2).

- Consultation with mana whenua is on-going and, to date, a range of sustainable management practices have been incorporated which the Applicant is willing to build upon with input from mana whenua, if received, giving effect to objective 3.
- Residential dwellings and accessory buildings will be set back at least 26m from the CMA, consistent with the coastal erosion setback control identified within the WSP (and former PC5), reducing the risk of coastal hazards at the interface (objective 5).
- The proposed development provides for residential use, development and subdivision, wholly enabling people and their communities to provide for their social, economic and cultural wellbeing, and their health and safety (objective 6).

National Policy Statement on Freshwater 2020

The National Policy Statement on Freshwater (**NPSFW**) provides direction to local authorities on managing activities that affect the health of freshwater. It came into force on 3 September 2020. Requirements of the NPSFW include:

- Managing freshwater in a way that gives effect to Te Mana o te Wai through involving tangata whenua and working with the community to set long term visions in regional policy statements.
- Improving degraded water bodies.
- Avoiding any further loss or degradation of wetlands or streams, mapping existing wetlands and encouraging their restoration.
- Monitoring and reporting annually on freshwater. Given no water bodies are present on the site and the Proposal to discharge stormwater (compliant with 60% site imperviousness) to the stormwater attenuation pond to be vested (and located adjacent Lot 2) is already consented, the NPSFW is not considered to be relevant. Likewise, therefore, the National Environmental Standard for Freshwater is not relevant.

Refer assessment below under NES-F.

National Environmental Standard on Freshwater Management 2020

The National Environmental Standard on Freshwater Management (**NES-F**) regulates activities that pose risks to the health of freshwater and freshwater ecosystems. It came into force on 3 September 2020 and sets requirements for carrying out certain activities, including compliance with standards to:

- Protect existing inland and coastal wetlands.
- Protect urban and rural streams from in-filling.
- Ensure connectivity of fish habitat.
- Other rural and agricultural-related restrictions.

The Ecological Memo at **Appendix 7** identifies resource consent may be required under the NES-F as a Non-complying activity for the diversion and discharge of stormwater within 100m of the natural inland wetland within Site A and/or the coastal wetland adjoining the rear boundaries of Sites A-C; however the Ecological Memo confirms such works will not result in the partial or complete drainage of any wetland environment, nor result in any loss of ecological value.

Restoration works within and in 10m of a wetland will be undertaken in accordance with the permitted activity standards at regulation 53, and resource consent will be sought as a Restricted Discretionary activity under regulation 54 should an infringement arise.

The Proposal does not involve any activities that are prohibited under regulation 53.

No stream reclamation is proposed.

The Ecological Memo at **Appendix 7** confirms the Proposal will not therefore adversely affect the ecosystem health, nor do the proposed works involve loss or degradation of the wetland or streams. The Proposal encourages restoration of diversity while maintaining in stream passage for fish.

National Environmental Standard for Assessment and Management of Contaminants in Soil to Protect Human Health

The purpose of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (**NESCS**) is to provide a nationally consistent approach to the assessment and management of contaminants in soil for the protection of human health. The NESCS does not include a policy framework to guide the assessment of applications; however, it does identify the matters that will be taken into account when a controlled or restricted discretionary activity consent is required under the NES.

In this case, the Auckland Council maps indicate that Sites A, C and D are known to be, or have historically been, occupied by activities that are listed on the Hazardous Activities and Industries List (**HAIL**). Therefore, the Applicant will carry out a Detailed Site Investigation prior to lodgement of subsequent resource consent applications, and prepare Remedial Action Plans for those sites requiring remediation to ensure any land disturbance during remediation is undertaken using best practice methodologies to avoid adverse effects on human health. A Preliminary Site Investigation will also be undertaken in respect of Site B, for completeness. The Applicant will proffer a suite of relevant conditions of consent in respect of the management of human health, including the preparation of a Site Validation Plan to confirm the land is clear of contamination prior to the commencement of civil works, and ultimately providing suitable ground conditions for more intensive residential use. The project will deliver the anticipated outcomes of the NES accordingly.

Auckland Unitary Plan – Regional Policy Statement

Having reviewed Chapter B2, the Proposal achieves a quality compact urban form for the reasons set out in respect of the NPSUD (refer **Application Form**) and is consistent with Chapter B2 more broadly. All works are wholly within the RUB and the Economics Memo (**Appendix 9**) confirms the area of Whenuapai requires additional housing supply to meet residential demand. The Proposal will increase housing supply and therefore improve affordability and typology choice in the area. There are no natural or physical constraints that render Sites A-C inappropriate for urbanisation and intensification. The Proposal is consistent with the relevant structure plan, the WSP.

The development of Site D for light industrial use and subdivision is wholly consistent with Chapter B2.5 as it will promote economic development and the efficient use of land; will not result in reverse sensitivity effects; and provides an activity for which there is demand in the market (at-grade yard storage).

The Proposal involves the delivery of a suite of engineering and transport infrastructure works that will facilitate the Proposal, mitigate the effects of the proposed use (and intensity), and improve pedestrian connectivity with the surrounding commercial, retail and employment activities, and public transport facilities. The proposed infrastructure works facilitate and encourage future development on adjacent sites. The Proposal is consistent with Chapter B3 Infrastructure, transport and energy accordingly.

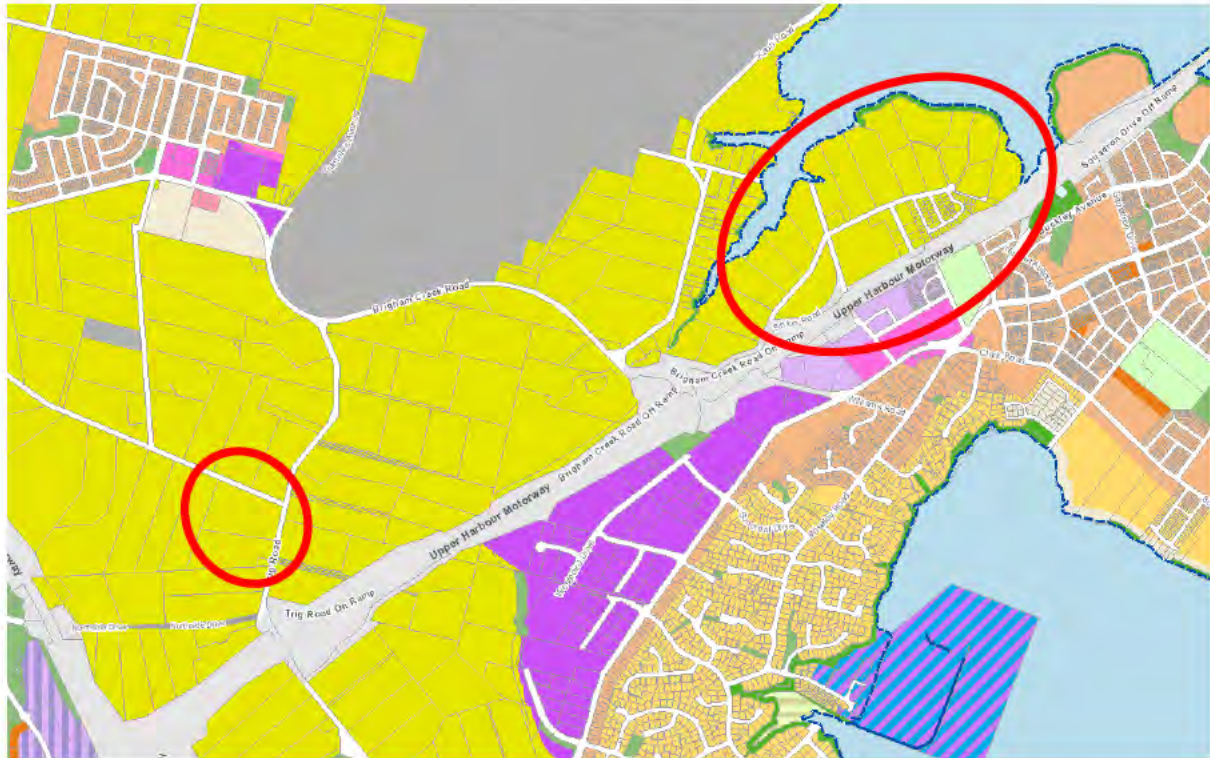
The assessment of effects below confirms the proposed design and layout will provide a development that is resilient to natural hazards, climate change and contaminated land, consistent with the anticipated outcomes of Chapter B10 Environmental Risk.

Overall, the Proposal will deliver an urban development that is consistent with the relevant objectives and policies of the Regional Policy Statement, despite that development preceding ahead of a plan change.

Auckland Unitary Plan – Future Urban Zone

Sites A-D are zoned Future Urban under the AUP, as shown in Figure 6.

Figure 6 – AUP zoning map



The objectives and policies of the Future Urban zone generally seek to avoid urbanisation (including use, development and subdivision) until the land is re-zoned, a process that was underway until PC5 was withdrawn in July 2022.

Objective 1 seeks to ensure land is used and developed in accordance with the Rural Production zone until rezoned for urban purposes, Objective 3 seeks to ensure future urban development is not compromised by premature subdivision, use or development, and Objective 4 seeks to avoid urbanisation on Future Urban zoned land until rezoned for urban purposes.

Policy H18.3(6) states that subdivision, use and development of land should be avoided if it may result in one or more of the following:

- a) structures and buildings of a scale and form that will hinder or prevent future urban development;
- b) compromise the efficient and effective operation of the local and wider transport network;
- c) require significant upgrades, provisions or extension to the wastewater, water supply, or stormwater networks or other infrastructure;
- d) inhibit the efficient provision of infrastructure;
- e) give rise to reverse sensitivity effects when urban development occurs;
- f) give rise to reverse sensitivity effects in relation to existing rural activities or infrastructure; or
- g) undermine the form or nature of future urban development.

The Proposal involves urban development on land that is zoned Future Urban in advance of a plan change, owing to the withdrawal of PC5. However, the supporting assessment attached (and the **Application Form**) confirm that the Proposal will not compromise or undermine future urban development elsewhere in the Future Urban zone. The layout and design of all lots, including layout of roads and design of infrastructure, anticipates future similar development on adjacent properties and, in the case of Sites A-C, infrastructure is sized and roads are designed to futureproof and encourage efficient future development. Clarks Lane and Sinton Road upgrades are designed to accommodate additional traffic, pedestrian and bicycle generation from within the peninsular. Adjacent local development is provided for and encouraged, not compromised, by the Proposal.

The Proposal will not result in adverse reverse sensitivity effects on existing rural activities or infrastructure, including the NZDF as discussed below (refer correspondence with NZDF at **Appendix 10A**). There are no existing rural activities proximate to Sites A-C. The proposed light industrial activity at Site D will not generate reverse sensitivity effects as it is not an activity which is sensitive to rural activities.

The Proposal will result in the creation of smaller lots in a layout and design that delivers an integrated and comprehensively designed community, which will facilitate (rather than compromise) future urban development on adjacent lots over time. This does not constitute fragmentation of land in the context of Policy 4 as the Proposal delivers the urban development of large lots, rather than create smaller fragmented landholdings that would otherwise prevent integrated urban development in the future.

More than one dwelling is proposed, contrary to Policy 5 and the Proposal will result in subdivision, use and development that does not maintain rural character and amenity, contrary to Policy 3. The urbanisation of Sites A-C will inherently bring about a change in character and amenity. The Proposal will continue to deliver a high-quality character and amenity, albeit one that is urban in character, rather than rural. The Future Urban zone anticipates change over time and identifies the area as being suitable for urbanisation, in principle and, in this case, the intensity (and associated character and amenity) is consistent with that envisioned by the WSP (low density at the coastal edge and medium density across the balance). AUP Single House and Mixed Housing Urban zone outcomes and standards have been used as a guide to determine the appropriate design, intensity, form and layout of Sites A-C, relative to the location of these zones as specified in the WSP.

In respect of Policy 2, Sites A-D are not currently used for any activities that rely on soil quality, and nor has the land been used for any sort of commercial-level horticultural or viticultural purpose. The Application Form confirms that Future Urban zoned land is excluded from the recently released NPS-HPL.

In summary, we consider the Proposal will enable rather than undermine the character and amenity of the anticipated future urban development and delivery necessary infrastructure upgrades, without compromising the efficient and effective operation of the local and wider transport network.

Auckland Unitary Plan – Auckland-wide

Beyond the zone provisions, the proposed development would necessitate consenting relative to Auckland-wide provisions in Section E of the AUP, including earthworks, new impervious area within a Stormwater Management Area Flow – control area, among others. A list of potential consent matters is included in **Appendix 4**. We consider the Auckland-wide provisions are likely to be uncontroversial from a consenting perspective.

Potential Adverse Effects

The following identifies the potential adverse environmental effects that may arise from the project (including the nature and scale) and the manner in which these effects can be appropriately avoided, remedied or mitigated.

Urban design, streetscape and surrounding residential amenity

The masterplans prepared by DKO at **Appendix 1** arrange residential density across each site to reflect the anticipated outcomes of the WSP, delivering the 20m esplanade and lower density 600m² lots to provide an appropriate setback and interface with the coastal environment and natural character of the inlet, and the coastal erosion protection yard anticipated by the WSP (and PC5), having further progressed the earlier coastal erosion constraints identified in the WSP. Medium density residential development is located across the balance of the site, serviced by an internal road layout that provides a logical and well-connected arrangement that also futureproofs connections to adjacent lots as development occurs over time, and a series of Jointly Owned Access Lots (JOALs) which reduce vehicle crossings and presence of cars and garages within the public streetscape.

Esplanade reserves are proposed along the coastal and stream edge with pedestrian walkways again futureproofing the construction of a consistent public walkway along the coastal edge as development progresses over time. Pedestrian connectivity is provided between the proposed footpath in the road reserve, through each site to the esplanade reserves.

A series of house typologies are proposed to provide variety of built form across each site, relative to the constraints and opportunities of each lot. Precedent imagery at **Appendix 1** illustrates the design quality, appearance, form and intensity of the Proposal. Streetscape design, both internal to the site and along the frontage, similarly provides the streetscape quality and amenity anticipated by the Single House and Mixed Housing Urban zone respectively. All dwellings are two storeys in height, acknowledging the low scale of existing development in the surrounds.

The Landscape Memo at **Appendix 8** identifies several landscape opportunities to enhance the quality of vegetation and amenity within Sites A-C, delivering a comprehensive and integrated landscape response to assist with integrating the proposed residential intensity, form and appearance with the existing and planned character of the environment, which will be inherently 'urban' in nature by virtue of the Future Urban zone. These landscape opportunities include:

- Vegetation retention, removal of pest species and enhancement planting with coastal and stream riparian areas, and the construction of a pedestrian walkway to improve pedestrian access to the respective waterway (prior to vesting as esplanade reserve).
- Enhancement of the wetland within Site A to improve the quality of the natural feature.
- Street trees and planting to enhance amenity and appearance of the streetscape and JOAL environments.
- On-site landscaping within each lot to enhance the appearance of the dwellings when viewed from the streetscape (consistent with the respective Single House and Mixed Housing Urban zone outcomes) and on-site amenity and privacy for residents.
- All planting will have regard to NZDFs suggested conditions of consent, which have been adopted by the Applicant (further discussed below).

Turning to Site D, the layout is functional in design owing to the light industrial activities proposed. One warehouse building is proposed to address the street to enhance the streetscape interface with Spedding Road, with perimeter landscaping adjoining the balance of the Trig and Spedding Road frontages

providing partial screening to the at-grade storage activity behind, and visually integrating the development with the surrounding rural and rural services character. The internal road layout provides access to the stormwater pond for maintenance; long-term, the pond can be decommissioned following public stormwater network upgrades.

The proposed layout and design of each site, architectural quality and variety, streetscape design and landscape concept will ensure the potential effects arising from the appearance, form and intensity of the Proposal will be acceptable on the character and amenity of the local environment, notwithstanding the change that each development will bring, and that the Proposal will result in less than minor adverse effects on the character and amenity of the environment accordingly.

Wetlands and stream

The Ecological Memo attached at **Appendix 7** describes the potential adverse effects of the Proposal on the ecological values present at each site is summarised as follows (pages 4-5):

- The permanent stream within Site A has been avoided.
- The reclamation of artificial channels and ephemeral reaches are expected to have a low-level of effect on ecological values.
- Natural wetlands are located on site and within 100 m of the proposed development. Works within, and within 10 m of, the natural freshwater wetland have been avoided. There will likely be discharges of stormwater and diversion of water within 100 m of wetlands.
- The proposed earthworks and development can be effectively designed and/or mitigated to ensure no partial drainage of any natural wetland or loss of ecological value.
- All other identified aquatic habitats and ecosystems within the sites are proposed to be retained.
- No building infringements or removal of vegetation within the 10 m riparian yard of the permanent stream is proposed. As such, there will be no direct adverse effects (e.g. removal or reclamation) on those natural ecosystems.

Further, the Proposal has the potential to increase the *“ecological value of the natural wetlands, permanent streams and terrestrial habitats through appropriate native riparian and buffer planting around the freshwater habitats, SEA and along the esplanade bordering the CMA.”*

The Ecological Memo concludes:

The proposed activities should not result in the complete or partial drainage of the natural wetlands as direct works within the wetlands have been avoided and the contributing catchment will not be significantly altered. The development is consistent with the outcomes expected of the National Environmental Standards for Freshwater (NES-F) and the NPS-FM and will allow for the retention and protection of identified ecological features, including natural wetlands and streams. The proposed development is expected to have low adverse effects on the ecological values of the sites, and if restoration, enhancement and protection of the ecological features is carried out (i.e. native riparian and buffer planting and removal of undersized culverts), the development will likely provide an overall net positive biodiversity gain.

To confirm, the Proposal will not result in the complete or partial drainage of any wetland and is therefore not prohibited under regulation 53.

As such, it is considered that the Proposal will result in less than minor adverse effects upon the ecological values of the coastal and natural inland wetlands, and that positive ecological effects will arise from the proposed riparian enhancement works.

Reverse sensitivity

The primary concern in this regard is the potential for reverse sensitivity effects upon NZDF and the on-going operation of the Whenuapai Airbase, particularly during periods of engine testing.

The Applicant has met with Ms Rebecca Davies of the NZDF and supplied updates to the masterplans as the design has progressed. Ms Davies has supplied a list of conditions of consent which Cabra has agreed to proffer at the time of making application (in relation to acoustic insulation and mechanical ventilation and other matters), and Cabra has confirmed to NZDF that a no-complaints covenant will be placed on the title of all new lots (not only those located within the aircraft noise contour).

The proposal will result in less than minor adverse reverse sensitivity effects on this basis.

A copy of Cabra's correspondence with Ms Davies together with a copy of the draft conditions and consent notice are appended at **Appendix 10A**. Consultation with NZDF will continue to progress and further correspondence will be supplied to the MfE as and when received.

Effects on the transport network (including pedestrian and cycle networks)

The Applicant will undertake all necessary works to mitigate the effects of the proposed development, namely the traffic capacity, operational and safety effects arising from increasing the intensity of residential development across all three sites. Preliminary traffic engineering analysis confirms the wider network has capacity to accommodate the proposed increase in traffic generation, and further assessment will be undertaken at the time of resource consent application. Preliminary discussions with Auckland Transport ("AT") indicate that the extension of a formed road within a paper road is likely acceptable.

Local transport effects can be readily managed through appropriate design of new pedestrian footpaths, carriageway widening and frontage upgrades to deliver an urban road form in the locality of the project, and to provide important pedestrian connections to existing pedestrian infrastructure in the local vicinity, benefiting future residents within the project and those within the neighbourhood. In particular, these works will provide safe public footpath from the south-western end of Sinton Road to the Clarks Lane Bridge, a pedestrian/cycle overbridge across the Upper Harbour Motorway providing direct public access to Hobsonville Town Centre (including retail, food and beverage, and two supermarkets), within a 700m–950m walking distance from Sites A-C respectively, and to the bus stops on Hobsonville Road that provide transport to Westgate Shopping Centre and bus interchange (zoned Metropolitan centre under the AUP) to the west and the retail, food and beverage, and ferry services at Hobsonville Point to the east.

Preliminary discussions with AT indicate the south western extension of Sinton Road within the paper road would be acceptable in principle; further discussions with AT are on-going.

In terms of Site D, the recently approved Plan Change 69 requires the signalisation of the intersection of Trig and Spedding Road prior to commencement of development (subdivision or occupation of buildings), thus indicating the upgrade will occur in the short-medium term. The PC69 proponent has confirmed the signalisation can be undertaken within the road reserve (without requiring any land within Site D). Longer-term, the Supporting Growth Alliance has advised Cabra that it plans to construct a roundabout at the intersection, and site layout at **Appendix 2** confirms the layout can accommodate this infrastructure upgrade in the long-term. Regardless, The Transport Memo confirms that the current design of the intersection can accommodate the anticipated traffic generation from the proposed activity, and is not reliant on the forthcoming signalisation, nor long-term roundabout.

Any Proposal is likely to be able to comply with all relevant provisions in Chapter E27 Transport in the AUP (except that more than 10 dwelling will be served by a single JOAL in some locations), which can be ascertained once further design development occurs. The Transport Memo at **Appendix 6** confirms there

are no transport reasons that the project should not be referred. It is considered that the Proposal can be designed such that it will result in less than minor adverse transportation effects accordingly.

Civils, infrastructure and hazards

Preliminary civil engineering input has determined the scope of earthworks and infrastructure required to support the Proposal, as follows:

- Civil earthworks will plainly be required to facilitate construction of roads and building platforms, the exact volume of which will be determined at consent stage, noting however that no significant cut or fill or retaining walls are required.
- Groundwater is not anticipated to be reached.
- Two new wastewater pump stations are required (Sites A and C) and Cabra has undertaken (and continues to undertake) consultation with Watercare regarding the size and location of each pump. Extensions will be provided to the public network in the road reserve; initial landowner approval has been obtained from both intervening landowners (12 and 14 Sinton Road; refer **Appendix 10C and 10D**) to facilitate connection of the wastewater network between Sites B and C.
- Stormwater will be treated and discharged to the coast via a stabilised coastal outfall.
- Water supply is available in the road reserve.

All sites are subject to overland flow paths and/or flood plains which have been integrated into the masterplan ensuring neither hazard will result in adverse effects off site, nor on the future residents of the site or their property.

The layout of the site comprises a 20m esplanade reserve and a 26m building setback (from the MHWS) within lower residential density (via the Single House zone) along the coastal interface, providing a suitable relationship with the CMA, providing a design response that is resilient to coastal erosion hazards over time. Further geotechnical input will be obtained as part of the resource consent stage. No works are proposed within the Coastal Inundation plus 1m sea level rise overlay; the overlay is contained to the coastal edge which will be vested to Auckland Council as esplanade reserve.

Auckland Council's records identify soil remediation will be required at Sites A, C and D owing to former horticultural and viticultural activities; a Detailed Site Investigation and supporting Remedial Action Plan will be prepared accordingly. A Preliminary Site Investigation will be carried out in respect of Site B, with a Detailed Site Investigation and Remedial Action Plan following, if required.

All such works are standard for this scale of development, in a greenfield location. The layout and design of the Proposal will ensure that adverse earthworks, servicing and natural hazards can be appropriately mitigated to result in less than minor adverse effects on the environment, and on the safety of future residents.

Subdivision effects

The Engineering and Transport Memos at **Appendices 5 and 6** respectively confirm that each proposed lot will be designed to accommodate the shape and form of the proposed use, relative to the respective dwelling typology or industrial activity as demonstrated on the site plans at **Appendices 1 and 2**. Each proposed lot will have frontage to and legal access from a vested road or JOAL and will be serviced by stormwater, water supply and wastewater connections as well as usual services including telecommunications and electricity.

The site layouts for Sites A-C include the creation of coastal and stream esplanade reserves ("Local Purpose Reserve to Vest"), within which existing riparian vegetation will be enhanced and public access/walkways

provided prior to being vested. The coastal esplanades are designed to comply with the minimum required width of 20m. Public and maintenance access will be provided to each esplanade via a "Local Purpose Reserve to Vest", from the nearest vested road.

At Site A, an esplanade reserve will also meander along the stream adjoining the south western boundary averaging 20m in width; in some locations the dimension exceeds 20m and in others it is slightly less than 20m owing the construction of the proposed road. While this arrangement triggers a consent requirement, the layout is appropriate as the quality of the riparian vegetation will be enhanced, no construction works are within the 10m riparian yard (except vegetation enhancement) and public access will be provided along the stream edge, such that the effects arising from localised infringements to the 20m width will be less than minor.

Sites A and C involve the creation of a "Local Purpose Utility Reserve to Vest" for the purpose of accommodating a wastewater pump, the area of which will be sized to accommodate growth in the catchment over time. The land will be vested to Auckland Council and the wastewater pump vested to Watercare, as discussed with Watercare (refer correspondence at **Appendix 5**). The location of the Local Purpose Utility Reserve is driven by the topography of the land and has been integrated with the layout of the site at a masterplan level to ensure it is accommodated in an appropriate location. Any above ground utilities will be screened by landscaping to mitigate visual effects.

Site D involves the creation of a private stormwater basin which will remain part of Lot 7 until such time that the public stormwater network is completed and the basin can be decommissioned, and converted to at-grade storage yard.

There are no reasons to refuse subdivision under section 106 of the RMA as there is no significant risk from natural hazards (as all natural hazards have been accounted for in the layout of each site, as discussed within the preceding assessment) and because sufficient provision has been made for legal and physical access to each allotment to be created by subdivision.

The subdivision layout is appropriate and the proposal will result in less than minor adverse subdivision effects.

Potential Positive Effects

The proposal will deliver approximately 227 residential dwellings in a range of typologies and price points, delivering housing choice and supply to the Whenuapai area, being an area that is currently lacking smaller (and therefore generally more affordable) residential dwellings. All dwellings will be designed and constructed to a high architectural quality, delivering quality on-site amenity for residents. The location is well-suited to urban residential use given its location proximate to retail, commercial and public transport amenities. Ecological benefits are proposed through riparian enhancement planting. Public access to the coastal and stream edges is promoted through public esplanades and walkways. Pedestrian and cycle connectivity and safety is enhanced through the provision of footpath and road upgrades, providing access to the Clarks Lane Overbridge. With regard to the purpose of the Fast Track Act, the Proposal will urgently promote employment as set out in **Appendix 9**, supporting Auckland's (and New Zealand's) recovery from the economic and social impact of Covid-19. Further, the Proposal provides certainty of ongoing investment in North West Auckland, by Cabra for the benefit of those involved in the construction of the Proposal. The preceding assessment confirms the Proposal will promote the sustainable management of natural and physical resources.

The Proposal will deliver positive effects that also achieve the purpose of the Fast Track Act.

5. AUP Plan Changes

Auckland Council notified a suite of plan changes to the AUP on 18 August 2022. Plan Change 78 (“**PC78**”), referred as the ‘intensification planning instrument or IPI’ delivers on the directives of the NPS-UD, with Plan Changes 79-86 making consequential changes. PC78 only has immediate legal effect to the extent that the objectives and policies to the MHU zone (insofar as it relates to any application) are proposed to be amended to give effect to Objective 3 of the NPS-UD. No changes to the Future Urban zone are proposed under PC78.

The sites are therefore excluded from PC78. Variation 1 to PC5 foreshadowed the anticipated additional intensity that may arise when the outcomes of the NPS-UD are applied to the peninsula. However, the Proposal has not been designed on this basis given the uncertainty / timing of a plan change that would deliver the stated outcomes of the NPS-UD.

The Medium Density Residential standards (as set out in the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021) will be embedded in the MHU zone following PC78, being the zoning which is anticipated to be widespread across the peninsula at such time that Council (or a private proponent) progresses a plan change application in the area. As such, the Proposal will successfully ‘knit into’ the scale, form, appearance and intensity enabled on adjoining sites as development occurs over time. The Proposal does not prejudice the appropriateness of residential intensity that is required by the NPS-UD and further is in line with, and encouraging of, MHU-scale development in the local vicinity, and Whenuapai generally.

6. Section 104D

It is proposed to lodge four separate resource consent applications, being one joint land use and subdivision application per site.

At this stage, we consider that each application for Sites A-C will require resource consent as a non-complying activity for (at least) three reasons (refer **Appendix 4**):

1. The diversion and discharge of stormwater within 100m of a coastal or natural inland wetland requires non-complying activity consent under regulation 54 of the NES-F;
2. The construction of more than one dwelling per site in the Future Urban zone requires consent as a non-complying activity under rules H18.4.1(A2) and (A28) of the AUP; and
3. Subdivision not otherwise provided for in the Future Urban zone requires consent as a non-complying activity under rule E39.4.3(A29) of the AUP.

Site D will require resource consent as a non-complying activity for (at least) the following reason (refer **Appendix 4**):

1. Subdivision not otherwise provided for in the Future Urban zone requires consent as a non-complying activity under rule E39.4.3(A29) of the AUP.

Section 104D of the Resource Management Act 1991 (“**RMA**”) applies to non-complying activities and establishes a threshold, referred to as “the gateway tests”. Before Proposals can be considered against section 104 of the RMA for grant of consent, they must pass one of the gateways, being either that:

- the effects of the Proposal are no more than minor (section 104D(1)(a)); or
- the Proposal is not contrary to the objectives and policies of the relevant plan or plans (section 104D(1)(b)).

Under section 104D of the Resource Management Act, a non-complying consent application would be required to demonstrate that the proposed activity either does not generate more than minor adverse effects or that it is not contrary to relevant objectives and policies, prior to being able to be considered for grant of consent under section 104.

The proceeding assessment confirms that the Proposal is considered to result in less than minor adverse effects and therefore passes the first gateway. For completeness, while we consider the proposal achieves the anticipated outcomes of the AUP as set out in the relevant objectives and policies of the Future Urban zone, Council may consider the prescribed terminology seeking to avoid urbanisation of the Future Urban zone (until such time that the land is rezoned) may result in a scenario whereby Council find the Proposal is contrary to the zone or relevant Auckland-wide objectives and policies. Even if Council arrives at that conclusion, this does not prevent the application from passing through the first of the section 104D gateways and therefore does not prevent consent from being granted following a section 104 assessment.

Consenting implications

We consider it highly likely therefore that the four resource consent applications for Sites A-D would be publicly notified and, combined with the unique planning history of the area, Cabra opted to approach the Ministry to consider the Fast Track Consenting process, noting the high likelihood of delay via Council.

7. Conclusion

It is considered that the Proposal is not inconsistent with (and in respect of section 104D not contrary to) the relevant objectives and policies of the AUP for the reasons set out above. The application and supporting documentation confirm that the Proposal results in less than minor adverse effects and positive overall economic benefits. In this regard, under the RMA the Proposal is capable of passing both gateway tests of section 104D. No persons are considered to be adversely affected. For these reasons and those further elaborated upon in the application, the Proposal is worthy of referral and ultimately grant of consent under the Fast Track Act.

Prepared by:

A handwritten signature in blue ink, appearing to read 'H Edwards', with a long, flowing horizontal stroke extending to the right.

Hannah Edwards

Director

BPlan (Hons)

Attachment 1: Records of Title



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier **NA49B/640**
Land Registration District **North Auckland**
Date Issued 11 February 1981

Prior References
NA46D/580 NA46D/581

Estate Fee Simple
Area 3.3955 hectares more or less
Legal Description Lot 2 Deposited Plan 92753
Registered Owners
Cabra Developments Limited

Interests
Appurtenant hereto is a telephone and electricity supply right created by Transfer B048685.1
11661088.4 Mortgage to Westpac New Zealand Limited - 28.2.2020 at 12:45 pm

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Limited as to Parcels
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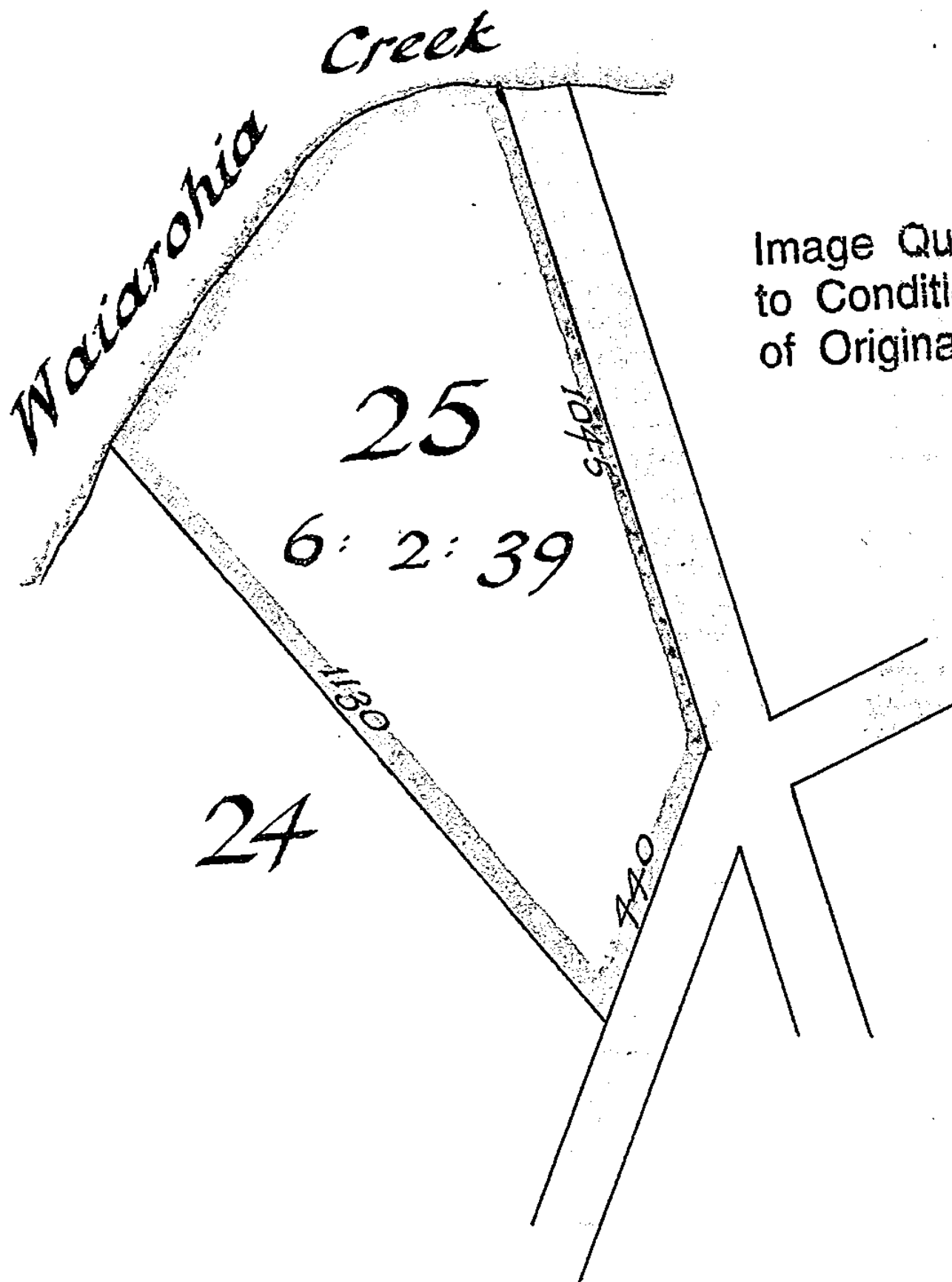

R.W. Muir
Registrar-General
of Land

Identifier **NA762/294**
Land Registration District **North Auckland**
Date Issued 29 August 1940

Prior References
DI 22A.231

Estate Fee Simple
Area 2.7291 hectares more or less
Legal Description Lot 25 Allotment 2 Parish of Waipareira
Registered Owners
Cabra Developments Limited

Interests
10743283.3 Mortgage to Westpac New Zealand Limited - 18.5.2017 at 12:48 pm





**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier NA12C/169
Land Registration District North Auckland
Date Issued 16 March 1967

Prior References
NA8A/1135

Estate Fee Simple
Area 2.8758 hectares more or less
Legal Description Lot 9 Deposited Plan 57408
Registered Owners
Cabra Developments Limited

Interests
11452096.3 Mortgage to Westpac New Zealand Limited - 28.6.2019 at 3:54 pm

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RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
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R.W. Muir
Registrar-General
of Land

Identifier **NA6B/668**
Land Registration District **North Auckland**
Date Issued 21 July 1965

Prior References
NA692/370

Estate Fee Simple
Area 4.9574 hectares more or less
Legal Description Lot 4 Deposited Plan 55087
Registered Owners
Cabra Investments Limited

Interests

