

APPLICATION FOR A PROJECT TO BE REFERRED TO AN EXPERT CONSENTING PANEL – SUPPLEMENTARY INFORMATION

Figures and tables below are provided as supplementary information to be read in conjunction with the official application form.

Part II: Project Location

Site Address/Location

- 98-100 and 102 Totara Road, Whenuapai, Auckland



Figure 1: Aerial photo of site at 98–100 and 102 Totara Road, Whenuapai, Auckland

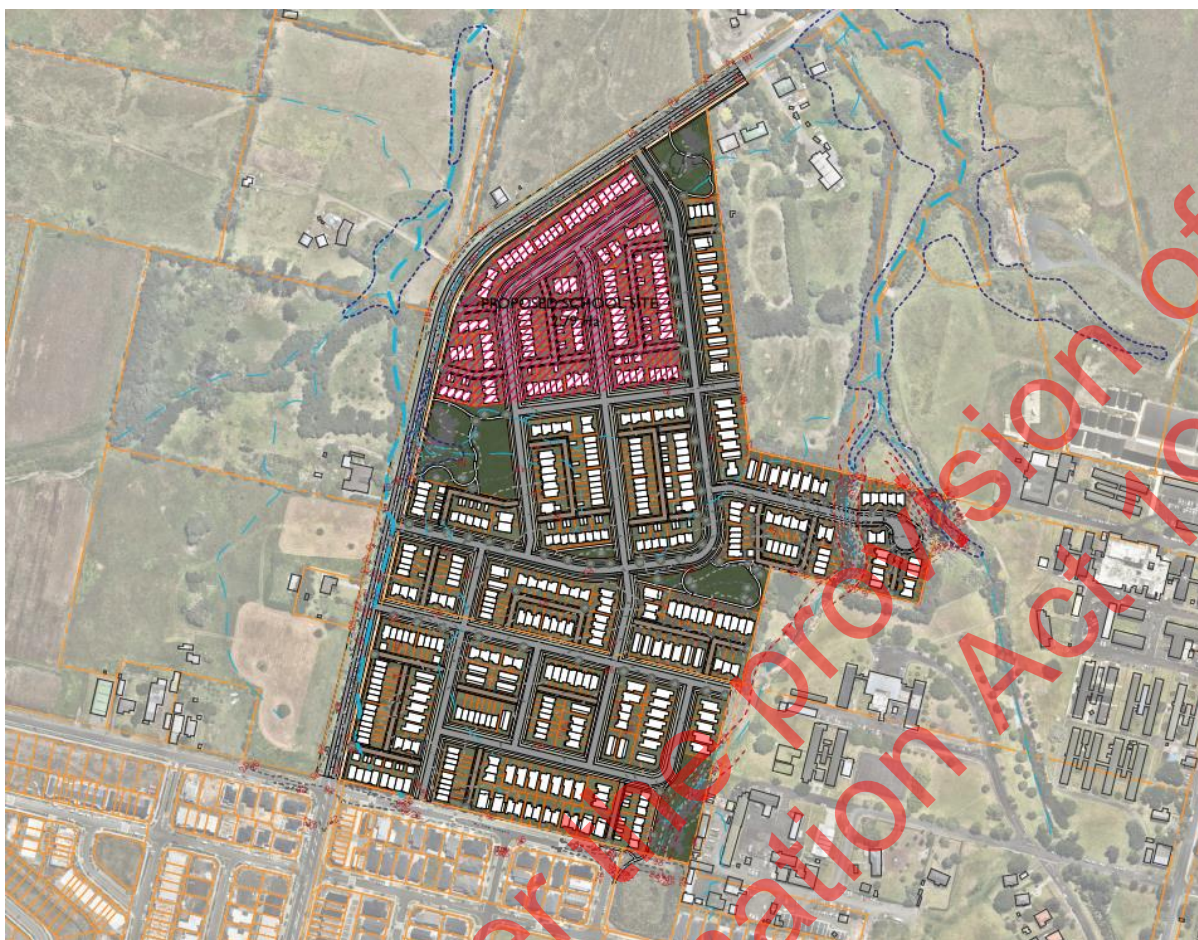


Figure 2: Proposed residential development masterplan at 98-100 and 102 Totara Road, Whenuapai, Auckland

Part III: Project Details

Rule(s) consent is required under and activity status

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

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

H18. Future Urban Zone		
Rule	Reason	Activity Status
H18.4.1	Activity Table	
(A2)	New buildings, building additions and accessory buildings. The same activity status and standards as applies to the land use activity that the new building, building addition or accessory building is designed to accommodate.	

H18. Future Urban Zone		
Rule	Reason	Activity Status
(A28)	Dwellings that do not comply with Standard H18.6.8	Non-complying Activity
H18.6.8	Dwellings <i>(1) A proposed dwelling must not be located on a closed road or road severance allotment.</i> <i>(2) No more than one dwelling is permitted on any site.</i>	Infringement
C1.9(2)	Infringement to Standards	Restricted Discretionary Activity
H.18.6.2	Maximum Building Height Dwellings – 9m	Permitted
H.18.6.3.1	Yards 10m Front Yard; 6m Side and Rear Yards for dwellings; 20m from the edge of permanent and intermittent streams.	Infringement

D17. Historic Heritage Overlay		
Rule	Reason	Activity Status
D17.4.1	Activity Table Activities within the scheduled extent of place of Category B places	Historic Heritage Overlay Extent of Place - 232, Officers' Mess
(A10)	New buildings or structures	Restricted Discretionary Activity
(A17)	Subdivision of land within the scheduled extent of place	Discretionary Activity

Auckland – wide Rules		
Rule	Reason	Activity Status
E8 Stormwater – Discharge and Diversion	E8.4.1 Activity Table Diversion and discharge of stormwater runoff from impervious areas involving a stormwater network onto land or into water or to the coastal marine area pursuant to sections 14 and 15 of the Resource Management Act 1991	Discretionary Activity

Auckland – wide Rules		
Rule	Reason	Activity Status
	(A11) Diversion and discharge of stormwater runoff from an existing or a new stormwater network.	
E11 Land Disturbance – Regional	E11.4.1 Activity Table (Future Urban Zone) (A5) Greater than 50,000m² where land has a slope less than 10 degrees outside the Sediment Control Protection Area. (A8) Greater than 2,500m² where the land has a slope equal to or greater than 10 degrees. (A9) Greater than 2,500m² within the Sediment Control Protection Area	Restricted Discretionary Activity Earthworks across the 16.3651ha site.
E12 Land Disturbance – District	E12.4.1 Activity Table (Future Urban Zone) (A6) Earthworks greater than 2,500m² (A10) Earthworks greater than 2500m³	Restricted Discretionary Activity Earthworks across the 16.3651ha site.
E15 Vegetation Management	E15.4.1 Auckland-wide vegetation and biodiversity management rules. (A19) Vegetation alteration or removal within 10m of urban streams.	Restricted Discretionary Activity Removal of weed species prior to replanting.
E17 Trees in Roads	E17.4.1 Activity Table (A10) Tree removal of any tree greater than 4m in height or greater than 400mm in girth.	Restricted Discretionary Activity Removal of several trees within the road reserve of Totara Road.
E36 Natural Hazards and Flooding	E36.4.1 Activity Table Activities in overland flow paths (A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path. (A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path.	Restricted Discretionary Activity Restricted Discretionary Activity

Auckland – wide Rules		
Rule	Reason	Activity Status
E36 Natural Hazards and Flooding	E36.4.1 Activity Table Activities in the 1 per cent annual exceedance probability (AEP) floodplain. (A37) All other new structures and buildings (and external alterations to existing buildings) within the 1 per cent annual exceedance probability (AEP) floodplain	Restricted Discretionary Activity
E39. Subdivision - Rural	Activity Table E38.4.1 Subdivision for specified purposes (A8) Subdivision of land within any of the following natural hazard areas: • 1 per cent annual exceedance probability floodplain	Restricted Discretionary Activity
	Table E39.4.3 Activity table - Subdivision in Future Urban Zone (A28) Subdivision for open spaces, reserves or road realignment. (A29) Any other subdivision not provided for in Table E39.4.1 or E39.4.3	Discretionary Activity Non-Complying Activity

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

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

The proposal may not be entirely consistent with the objectives and policies of the district plan. While the AUP identifies the land as Future Urban zone and the proposal seeks to give effect to urban development, the objectives of the Future Urban zone state (among other things) that future

urban development is not compromised by premature subdivision, use or development and urbanisation on sites zoned Future Urban Zone is avoided until the sites have been rezoned for urban purposes. It is considered that the proposal will not compromise future development because it is consistent with what is intended for the land (as set out in the Whenuapai Structure Plan). However, the proposal does not avoid urbanisation until rezoning has occurred.

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

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

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

While the site is subject to an Historic Heritage Overlay Extent of Place (232, Officers' Mess), that relates to the adjoining airbase and is mapped only at the very edge of the site (refer **Figure 3** below).



Figure 3: Historic Heritage Overlay Extent of Place. Yellow circle indicates area within the site

Resource consent will be required for works in the Historic Heritage Overlay 'Extent of Place' shown above, and for subdivision of land that is subject to the Extent of Place.

The land is subject to an Aircraft Noise Overlay - Whenuapai Airbase - noise control area (55dBA). However, the Aircraft Noise Overlay crosses the northern tip of the site (refer **Figure 4** below) and will have no effect on the development as a result. The proposal has been designed to avoid

residential dwellings beneath this overlay. The area at the northern tip of the site is allocated as public drainage reserve, so will not contain any residential dwellings.



Figure 4: Left: Aerial Photo of northern tip of site with Aircraft Noise Overlay shown (brown hatching). Right: Proposed master plan with public drainage reserve beneath overlay

It is considered that consent is not required under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020, as all streams are to be retained and restored.

The entire site and surrounding Whenuapai area is beneath the Airspace Restriction Designation - protection of approach and departure paths (Whenuapai Air Base).

The designation imposes the following conditions on uses of land:

Conditions

Restrictions Relating to Approach Paths

1. The approval in writing of the New Zealand Defence Force is required prior to the erection of any building, change in use of any land or building, or any subdivision of land, and prior to any building or resource consent application for such works/activities, within the areas of the designation shown on the planning maps as 'land use and subdivision subject to NZDF approval'. These areas are generally within 1,000 metres of the runways.
2. No obstacle shall penetrate the approach and departure path obstacle limitation surfaces shown on the planning maps and explained by the text "Explanation of Protection Surfaces Whenuapai Airfield" and Diagram MD1A below without the prior approval in writing of the New Zealand Defence Force. This restriction shall not apply to any building being erected which has a height of not more than 9.0 metres above natural ground level.

The establishment of buildings, subdivision and change of use in the northern part of the land is subject to the written approval of NZDF, as required under Condition 1 of the designation. NZDF has provided conditional guidelines for approval in such circumstances, and it is considered that the proposal will be consistent with those guidelines. Discussions are ongoing. The area affected by this restriction is identified in **Figure 5** below, and accounts for around 8% of the site.

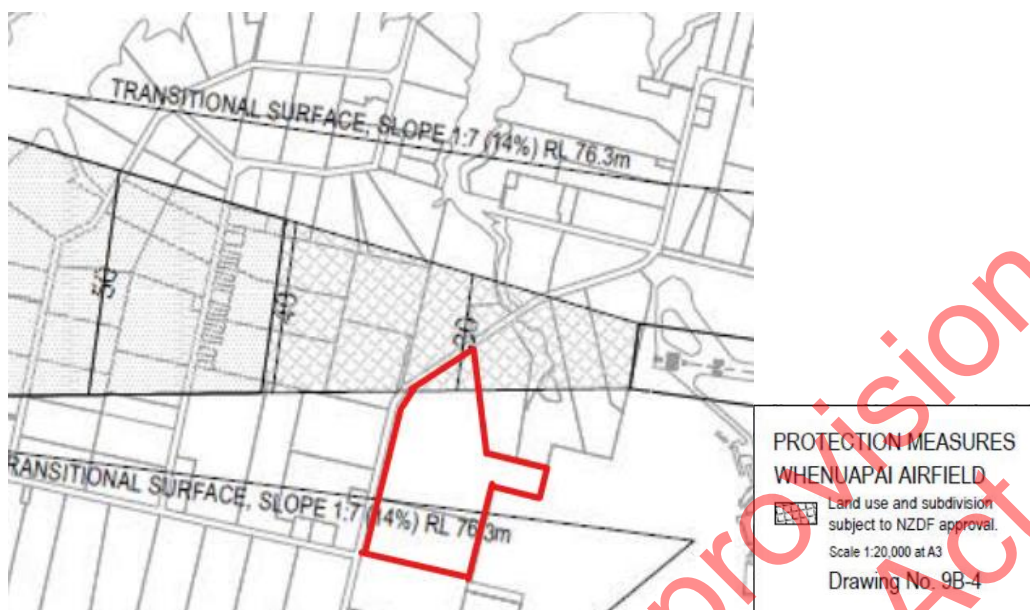


Figure 5: Area of the site where land use and subdivision is subject to NZDF approval

The restrictions of the designation in relation to building height do not apply to buildings that are no more than 9m in height, as stipulated by Condition 2 of the Designation.

Part V: Iwi authorities and Treaty settlements

Treaty settlements

- *Treaty settlements that apply to the geographical location of the project, and a summary of the relevant principles and provisions in those settlements, including any statutory acknowledgement areas*

There are no Treaty Settlement Statutory Acknowledgment areas identified over this site or immediately surrounding land (refer map in **Figure 6** below). A Statutory Acknowledgement area for a number of iwi groups is in place over the upper Waitemata Harbour that surrounds Whenuapai, but does not directly apply to the land.

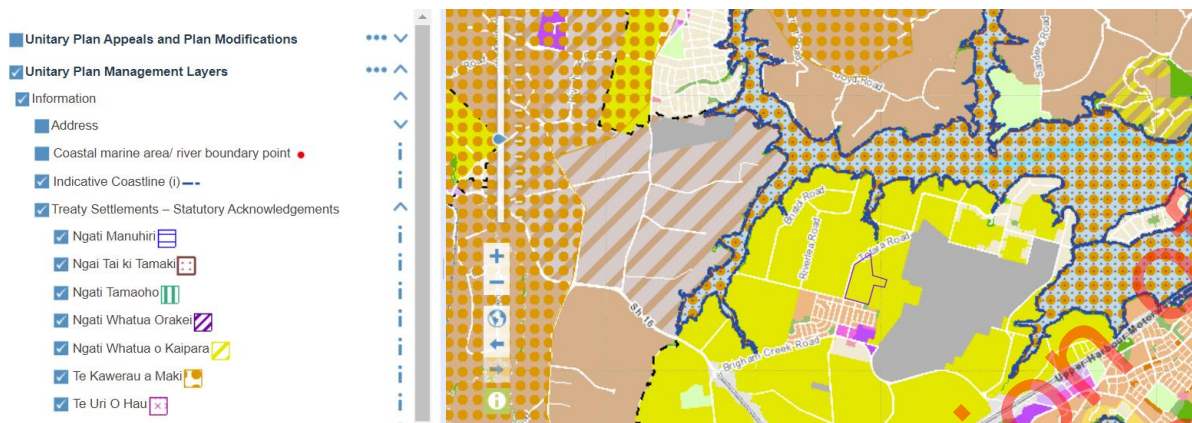


Figure 6: Treaty Settlement Statutory Acknowledgement Areas (Source: Auckland Council GIS)

Part VII: Adverse effects

In considering whether a project will help to achieve the purpose of the Act, the Minister may have regard to, under Section 19E of the Act, whether there is potential for the project to have significant adverse environmental effects. Please provide details on both the nature and scale of the anticipated and known adverse effects, noting that Section 20(2)(b) of the Act specifies that the application need only provide a general level of detail. Description of the anticipated and known adverse effects of the project on the environment, including greenhouse gas emissions

Stream ecology

Figure 7 is provided below:



Key

- Property Boundary
- Farm Crossing (culverted)
- Permanent Watercourse
- Intermittent Stream
- Ephemeral overland flow path
- Artificial Watercourse

0 50 100 150 200 m

Bioresearches
A Babbage Company

Figure 7: Stream classification survey