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Assessment of Environmental Effects

Proposed Residential Subdivision

941, 951 and 963 Matakana Road,

Matakana

Prepared for

Cabra Properties Limited

July 2020

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1 Key Information

Address	941, 951 and 963 Matakana Road, Matakana	
Legal Description	941 Matakana Road:	Lot 1 DP 92971
	951 Matakana Road:	Lot 1 DP 37215
	963 Matakana Road:	Pt Lot 2 DP 42253
Site Area	941 Matakana Road:	6,973m^2
	951 Matakana Road:	1,012m^2
	963 Matakana Road:	35,519m^2
	Total site area:	**43,504m^2**
Owner	941 Matakana Road:	Bruce Milne, Glenys Milne and Lisa Watkins
	951 Matakana Road:	Maurice and Sarah Puckett, under contract to purchase by Cabra Properties Limited (settlement scheduled to occur in August 2020)
	963 Matakana Road:	Cabra Properties Limited
Applicant	Cabra Properties Limited	
Operative District Plan	Auckland Unitary Plan (Operative in Part)	
Zoning	Residential – Single House zone	
Precinct	Matakana 1 Sub-Precinct B	
Overlays	N/a	
Controls	Macroinvertebrate Community Index – Rural Macroinvertebrate Community Index – Urban	
Road Classification	Matakana Road is an arterial road	

Proposed Activity	Two stage residential subdivision to create 33 vacant lots for residential use, two lots occupied by existing buildings, one lot comprising a vested road, and one JOAL with a pedestrian easement in gross, together with earthworks, stormwater management, fencing and retaining, and signage.
Consent Triggers	Auckland Unitary Plan – Operative in Part ▪ Regional earthworks consent is required to carry out 36,740m^2 of land disturbance across the site where land has a slope less than 10 degrees outside of the Sediment Control Protection Area, requiring resource consent as a Controlled activity pursuant to rule E11.4.1(A4). ▪ An area of 9,750m^3 earthworks is proposed across an area of 36,740m^2 requiring resource consent as a Restricted Discretionary activity pursuant to rules E12.41(A10) and (A6) respectively. ▪ Comprehensive development signage requires resource consent as a Restricted Discretionary activity pursuant to rule E23.4.1(A53). ▪ Diverting the exit points of overland flow paths on the site requires resource consent as a Restricted Discretionary activity pursuant to rule E36.4.1(A41). ▪ The construction of a retaining wall within an overland flow path requires resource consent as a Restricted Discretionary activity pursuant to rule E36.4.1(A42). ▪ Subdivision around existing buildings and development complying with standard E38.8.2.2 requires resource consent as a Restricted Discretionary activity pursuant to rule E38.4.2(A15). ▪ Vacant sites subdivision involving parent sites of 1ha or greater complying with standard E38.8.3.1 requires resource consent as a Discretionary activity pursuant to rule E38.4.2(A18). ▪ The JOAL will provide access to more than 10 sites (15 proposed) which does not comply with standard

	E38.8.1.2, a Discretionary activity pursuant to rule E38.4.2(A31). ▪ The construction of retaining walls within the 3m front yard setback does not comply with standard H3.6.8 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9. ▪ The construction of retaining walls within the 5m front yard setback does not comply with standard I521.6.4 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9. ▪ The creation of five lots that do not comply with the solar orientation requirements in standard I521.6.9 Solar Orientation requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9. ▪ The construction of a cul-de-sac that exceeds 120m in length does not comply with standard I521.6.10 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9. ▪ The provision of less than one street tree per site frontage does not comply with standard I521.6.11 Street Trees and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9. Overall, resource consent is required as a **Discretionary** activity.
Other consents/permits that may be required under legislation	No other resource consents are required. Bbuilding consent and EPA will likely be required.

2 Introduction

This report is submitted as part of the application by Cabra Properties Limited ("**the Applicant**") for land use and subdivision consent from Auckland Council ("**the Council**") in respect of the land at 941, 951 and 963 Matakana Road, Matakana ("**the site**") to undertake a two stage subdivision to create 37 lots for the following purposes:

- 33 vacant residential lots each with a minimum site area of 800m^2 (Lots 1 – 32 and 35),
- two lots that will be occupied by an existing dwelling (Lots 33 and 34),
- one lot that will be vested to Auckland Transport for roading purposes (Lot 37), and
- one jointly owned access lot (JOAL) (Lot 36).

The proposal involves the construction of a road and stormwater swale to be vested with Auckland Transport, and a driveway that will be jointly owned by 15 adjacent lots in a JOAL arrangement.

A two stage subdivision process is proposed to separate the existing dwelling from the balance of the balance of the site in the first instance (Stage 1), enabling the vacant lot subdivision process to occur as a separate subsequent process (Stage 2).

The purpose of this report is to provide sufficient information to enable a full understanding of the proposal and any effects that the proposed development and subdivision may have on the environment.

3 Existing Environment

3.1 The Site

The site is comprised of three titles, 941, 951 and 963 Matakana Road, Matakana. Specifically:

- 941 Matakana Road has an area of 6,973m^2 and is legally described as Lot 1 DP 92971 (however the development site is limited to the panhandle driveway only).
- 951 Matakana Road has an area of 1,012m^2 and is legally described as Lot 1 DP 37215.
- 963 Matakana Road has an area of 35,519m^2 and is legally described as Pt Lot 2 DP 42253.

Together, the properties have a combined area of 43,504m^2.

A copy of the Certificate of Title for each site is attached in **Appendix 1**.

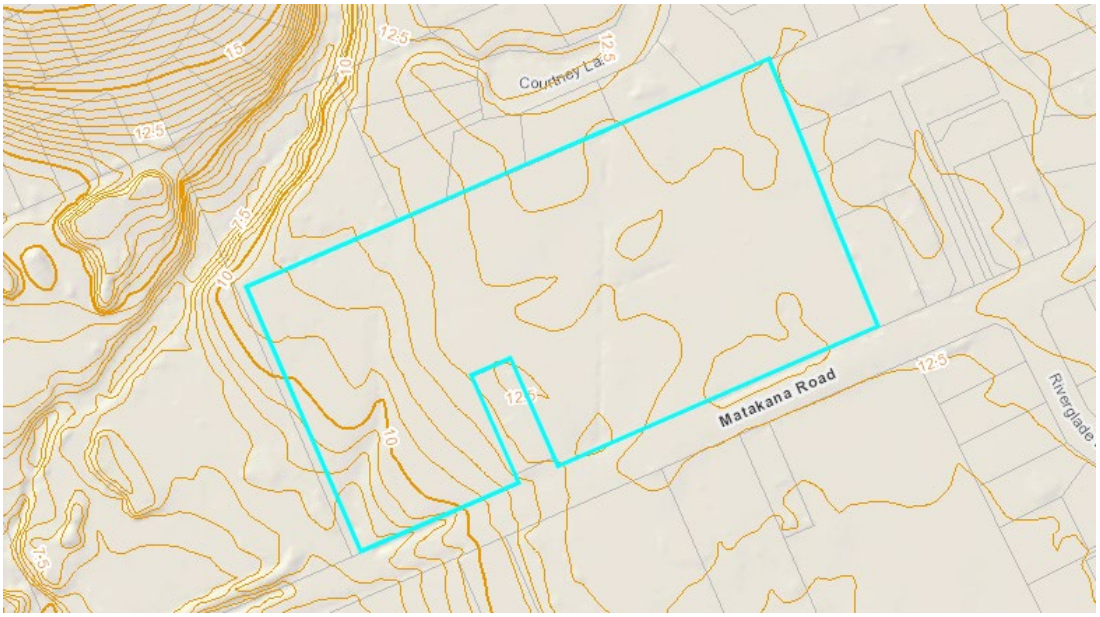
Figure 1 – Aerial Photograph of Site

Topographically, the Auckland Council GIS map in Figure 2 indicates the site is generally flat with a shallow downward sloping area in the south eastern corner within 963 Matakana Road. The site survey illustrated on engineering drawing EW-101 within **Appendix 3** further identifies numerous depressions across the site, which the Ecological Assessment (**Appendix 4**) confirms

are farm drains and ephemeral streams (as discussed in further detail below). Turning to the property at 941 Matakana Road, the driveway is generally flat however a more defined stream bisects the rear site proper (albeit that part of the site will be unaffected by the proposal).

The properties at 951 and 963 Matakana Road are generally absent of any noteworthy trees or vegetation, except for some low-level scrub within the eastern part of the site. A variety of trees and shrubs are located on the rear property at 941 Matakana Road, however these will remain untouched by the proposal as the only works on that site are located within the panhandle driveway.

Figure 2 – Topography of the site and surrounds



Existing infrastructure and services

Stormwater

As explained within the Civil Engineering Assessment (**Appendix 3**), the site currently has two existing farm drains discharging into the existing stormwater system extending along the northern side of Matakana Road (refer Figure 3). The existing inlet will be blank capped at the manholes and removed to accommodate the new stormwater infrastructure.

Wastewater

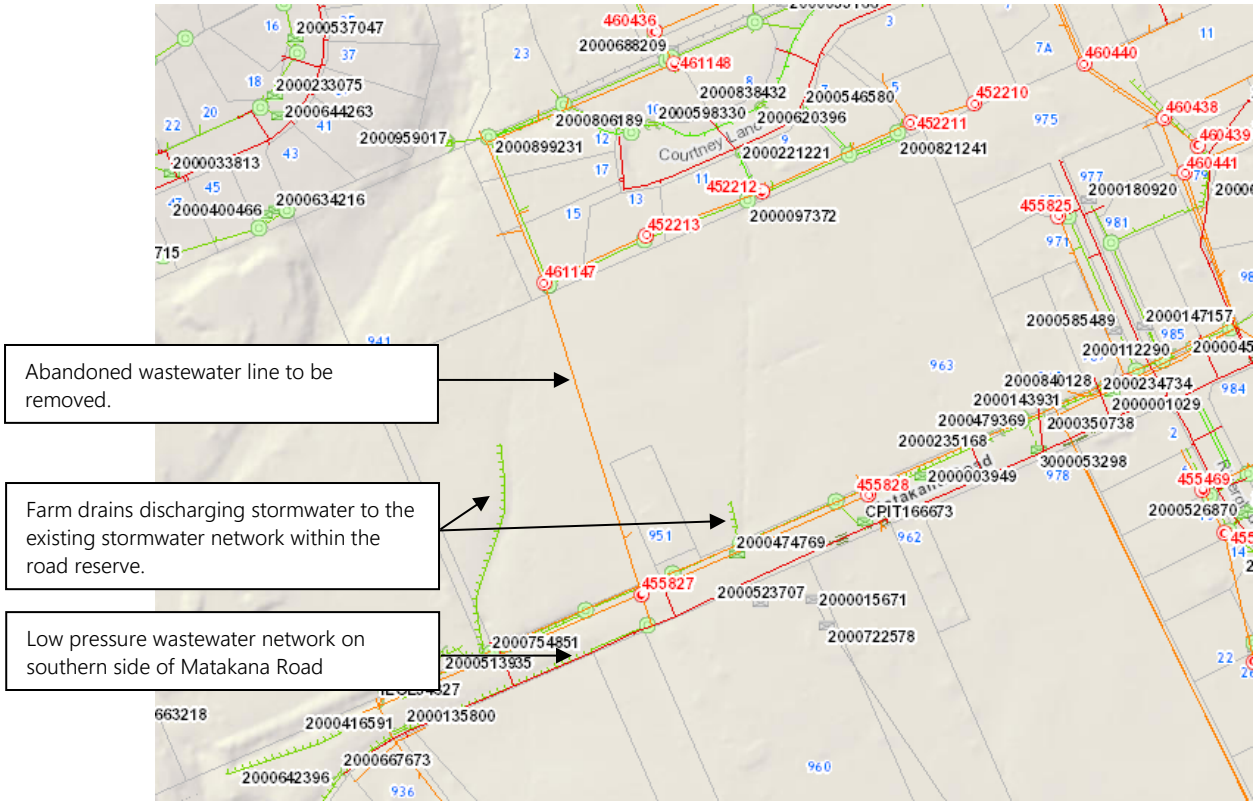
The site is located within an area serviced by low pressure wastewater reticulation. There is existing public reticulation located within the berm on the southern side of the Matakana Road

road reserve. An existing abandoned 100mm dia uPVC wastewater line bisects the western side of the site (refer Figure 3). This line will be removed during the civil works.

Water supply

Figure 3 illustrates there is no public water supply to the site.

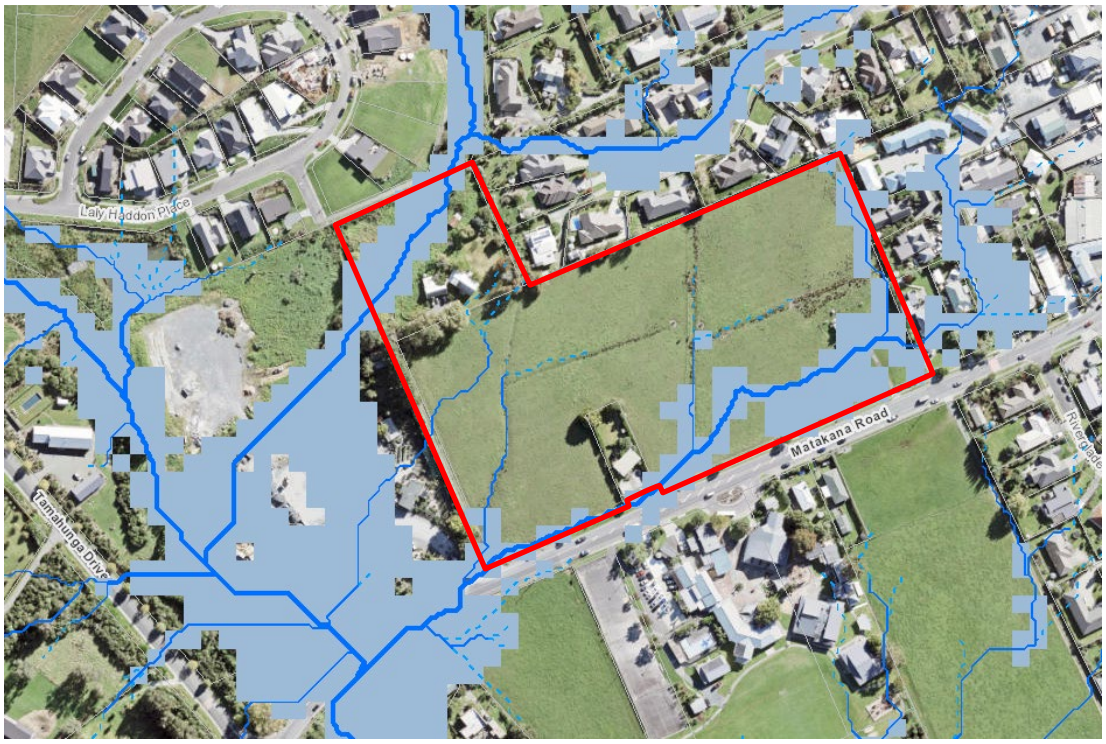
Figure 3 – Underground / Public Drainage Plan



Hazards and Stream Classification

Auckland Council GIS Maps identify a number of overland flow paths and 1% AEP flood plains on the site. These potential hazards are detailed in the accompanying Civil Engineering Assessment (**Appendix 3**), which confirms that the overland flow path and flood plain identified as parallel with the southern boundary are incorrectly recorded on-site as these hazards are wholly contained within the road reserve.

Figure 4 – Auckland Council GIS hazard plan



The Watercourse Classification Assessment within **Appendix 4** confirms there are no streams or wetlands on the site. With reference to Figure 5 below, watercourses A, B, the northern end of C and the upper reach of G are defined as ephemeral streams. The balance of watercourses are defined as artificial farm drains. Auckland Council's Ecologist confirmed their agreement with this assessment prior to lodgement and therefore the application does not trigger resource consent pursuant to Chapter E3.4.1(A49) of the AUP (refer pre-application meeting minutes **Appendix 8**).

It is noted that that the Watercourse Classification Assessment is limited to that part of the site which is subject to earthworks and subdivision works, therefore excluding the watercourse within the northern part of the site at 941 Matakana Road which remains unaffected by the proposal.

Figure 5 – Watercourse identification plan

Figure 1: Potential Watercourses (blue lines, A-G) and stormwater services (green) as indicated by the Auckland Council Geomaps.

(Source: Ecological Assessment, Geosciences)

Existing development on the site

963 Matakana Road

A single storey standalone dwelling is located within the eastern corner of the site proper, with a separate garage and gravel driveway and vehicle crossing to Matakana Road. Existing services details are fully described in the Civil Engineering Assessment (**Appendix 3**). The dwelling is serviced via a wastewater connection at the southern boundary, connecting to the public network on the southern side of Matakana Road. Stormwater is discharged to the public network on the northern side of Matakana Road. Water supply is provided via on-site tanks.

Figure 6 illustrates the balance of the site is vacant having been used for pastoral purposes historically. The site is currently grassed various farm drains and ephemeral streams intersecting the site, as further discussed below. The site is fenced with either timber or wire fencing.

Figure 6 – Existing dwelling and vacant grassed land at 963 Matakana Road

941 Matakana Road

As illustrated in Figure 7, the property at 941 Matakana Road is a rear site with a pan-handle driveway access situated between the properties at 939 and 963 Matakana Road. The site is occupied by a two-storey family dwelling situated within the eastern corner of the site, together with ancillary structures, vegetation and mature trees, and a gravel vehicle access situated at the south eastern corner of the site. While the property at 941 Matakana Road forms part of the application site, only the gravel pan-handle driveway forms part of the proposed development area, being an area of 665m^2.

Figure 7 – Existing driveway and dwelling (in background) at 941 Matakana Road

951 Matakana Road

As illustrated in Figure 8, the site at 951 Matakana Road is occupied by a single storey standalone building formally used as a residential dwelling however is currently used as a commercial premise for a surf school and surfboard rental tenant. A garage structure is located within the south western corner of the site and a vehicle crossing to Matakana Road is located at the eastern

end of the site's frontage. The existing vehicle crossing is proposed to be removed under the proposal.

Figure 8 – Existing driveway and building at 951 Matakana Road

3.2 Surrounding Area

The site is situated on the western edge of the Matakana Town Centre, an area that has experienced significant change over the past decade. The character and use of the land surrounding Matakana Village has progressively urbanised from a rural residential environment during this time, to that of a low density residential environment. Subdivision and development to the north of the site has occurred steadily, providing residential lots ranging from 600m^2 – 1,000m^2 along Laly Haddon Place, Torea Road and Courtney Lane.

The aerial photograph in Figure 9 illustrates that the site occupies a large portion of the residentially zoned land surrounding the Town Centre and is one of the remaining undeveloped parcels within walking distance to the commercial centre. The site is well-located to accommodate additional residential development in a manner that is consistent with the Single House zone and Matakana 1 Precinct under the Auckland Unitary Plan (Operative in Part) (**AUP**)

(further discussed below). The proposed development represents a subdivision layout and design that is in-keeping with the character of recent nearby subdivisions, at a density that is anticipated and provided for by the AUP.

Figure 9 – Aerial photograph of the site in relation to the Matakana Town Centre (red)

The immediately adjacent land uses are varied, indicative of the changing nature and character of the surrounding environment, including residential, industrial and school activities as described in greater detail below.

As illustrated in Figure 10, the northern boundary of the site is located adjacent five residential lots with frontage to Courtney Lane each occupied by a single family dwelling, ranging in height from one to two storeys. The Courtney Lane subdivision commenced construction in 2006 and

the lots generally exceed 1,100m^2 in area. Auckland Council's GIS records indicate a stormwater pipe discharges from the southern boundary of 11 Courtney Lane into the subject site. Further review of the engineering drawings confirms the stormwater pipe is an inlet (rather than a discharge), allowing stormwater from the subject site to be drained into the public network within Courtney Lane.

Figure 10 – Aerial photograph of the Courtney Lane subdivision

As illustrated in Figure 11, the northern boundary to the property at 941 Matakana Road adjoins a residential subdivision along Laly Haddon Place which is now largely complete. The subdivision was first approved in 2008 (Council reference R54566) and the residentially zoned lots range from 600 – 2,888m^2 in area, each occupied by a one or two storey standalone family dwelling[1]. A road stub has been constructed at the southern boundary of the subdivision in accordance with the Matakana 1 Precinct Plan, future proofing a road connection to Laly Haddon Place at such time that the intervening land at 939 Matakana Road is subdivided and developed in the future. Notably, the pedestrian footpath within the road reserve is only located one side of the road.

[1] The original consent has been varied and superseded since 2008 however the overall layout and lot areas remain generally unchanged

Figure 11 – Aerial photograph of Laly Haddon Place subdivision

The eastern boundary of the site adjoins four residential lots with vehicle access from Matakana Road, albeit one property (975 Matakana Road) is occupied by a series of standalone dwellings (presumably in a cross-lease arrangement).

The western boundary of the site adjoins 939 Matakana Road, a 3ha site that is occupied by Wharehine Contractors Limited ("Wharehine") within the south western quarter of the site and a plant nursery within the south eastern quarter of the site. The northern half of the adjacent site is currently vacant / unused and is comprised of gravel and grass. A row of tall screening trees line the eastern perimeter boundary of the site, partially overhanging the driveway to 941 Matakana Road. The vehicle crossing is located approximately 8.3m from the site's eastern boundary when measured at the boundary, having recently been reformed and painted as part of the footpath construction works described below and as illustrated in Figure 12.

Wharehine operate a ready-mix concrete plant from the site at 939 Makakana Road, involving the manufacturing and batching of concrete. This industrial activity is an outlier in respect of the surrounding residential environment, reflecting the historic rural residential character of the surrounding environment despite its residential zoning (further discussed below). Pertinent to

the subject application, a copy of the associated air discharge consent is attached within **Appendix 11** which was granted on 02 December 2010 and will lapse on 02 December 2025. This consent forms part of the existing environment therefore and is further discussed within the assessment of effects.

Figure 12 – Vehicle crossings to 941 and 939 Matakana Road (identified in red) looking west

The southern boundary of the site has frontage to Matakana Road, an arterial road providing access to Matakana Village from the south. Broken yellow 'no stopping' lines are located along the majority of the site's frontage.

Matakana Road itself is an arterial road providing primary access to Matakana from the south. Auckland Transport have recently upgraded the public footpath on the northern side of Matakana Road to provide a width of 1.8m connecting Tamahunga Drive with the historic pedestrian footpath mid-way along the site frontage. Therefore, a pedestrian footpath is provided on the northern side of Matakana Road along the full length of the site's frontage. The vehicle crossings for 951 and 939 Matakana Road were upgraded as part of this work, as illustrated in Figure 12. However, Auckland Transport erroneously constructed a portion of the footpath within the

boundary of the subject site at 963 Matakana Road. The Applicant proposes to rectify this and reconstruct the footpath wholly within the road reserve as part of the proposed works.

A stormwater channel is located within the Matakana Road road reserve at the eastern extent of the frontage. The stormwater network has been piped and grassed over along the balance (majority) of the frontage. The open stormwater drain is illustrated in Figure 13.

Figure 13 – Open stormwater channel along the eastern end of the southern boundary

The land on the southern side of Matakana Road is largely occupied by the Matakana Primary School, including classrooms and playing fields. A series of vehicle crossings serve the school, distributed along the site's frontage to Matakana Road. The school serves the local Matakana community, and in time will accommodate children from the proposed site. The balance of land on the southern side of Matakana Road is occupied by paddock / grazing land and an at-grade

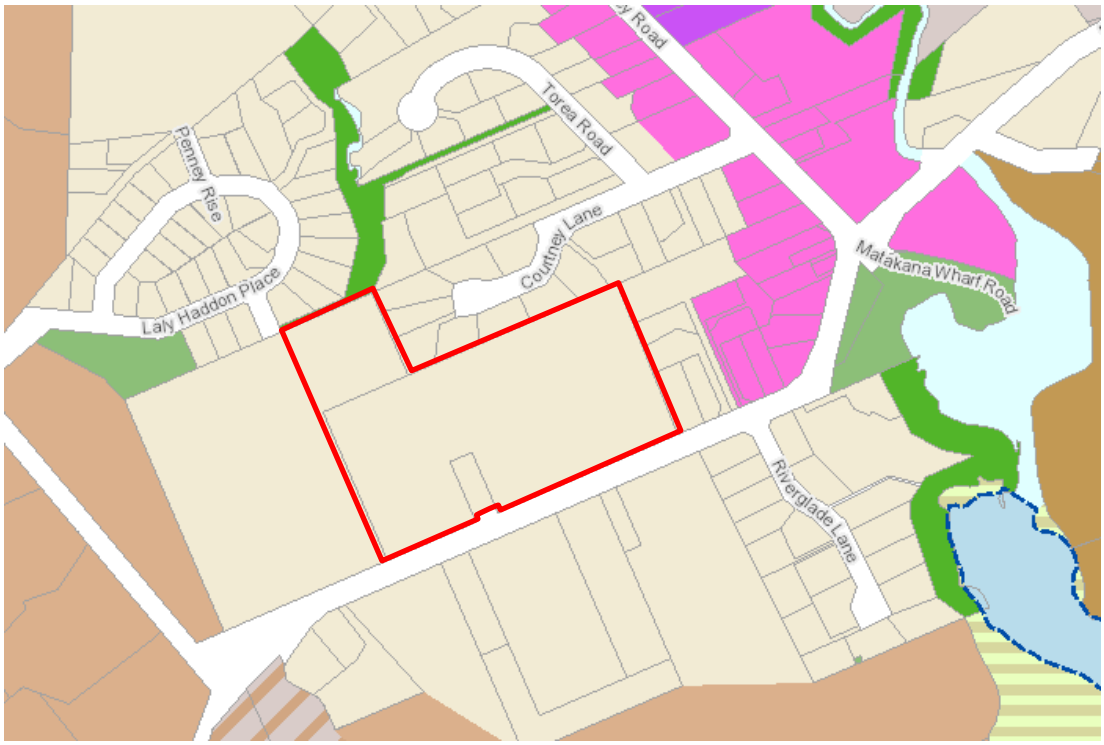
uncovered car park, providing overflow parking for visitors to Matakana Village, particularly on market days.

Figure 14 – Matakana Primary School

3.3 Auckland Unitary Plan

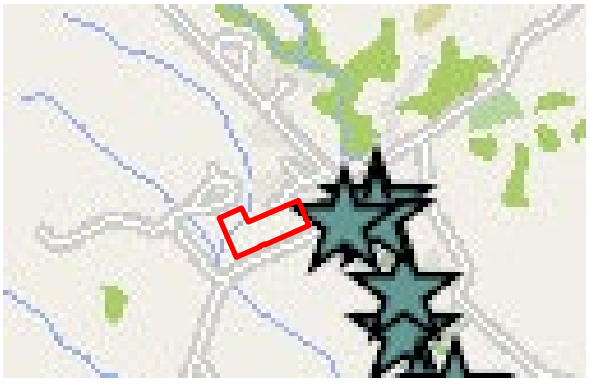
The site is zoned Residential – Single House zone under the AUP. An extract from the zoning map is provided in Figure 15 below. The immediately surrounding land is also zoned Residential – Single House.

Figure 15 – AUP Planning Map (site in red)



The site is located within a number of additional overlays and controls, addressed in the following table.

Zone	Residential – Single House Zone
Precinct	Matakana 1 Sub-Precinct B
Overlays	N/A
Controls	Macroinvertebrate Community Index – Rural Macroinvertebrate Community Index – Urban
Designations	N/A
Hazards Identified by Council GIS	Overland Flow Paths Flood Plains (partial area of site)
Ground conditions	The site is identified on Council's GIS as being subject to "RDC Expansive Soil: Soil D". CMW Geosciences has undertaken a Geotechnical Investigation Report (**Appendix 7**) to assess the sub-soil conditions and expansiveness. Groundwater was encountered 2.2m to 4.8m below ground level.
Statutory Acknowledgement Areas	The AUP maps identify that Ngati Manuhiri has a statutory acknowledgement across Matakana and its surrounds. The

	Applicant has consulted with Ngati Manuhiri. At Ngati Manuhiri's request, a Cultural Values Assessment ("CVA") is to be prepared and an on-site meeting will be arranged to discuss the proposal in further detail.
Cultural Heritage Inventory	The Auckland Council GIS maps identify the presence of a historic structure on the land to the east of the subject site, as illustrated below.
Heritage NZ	The site is not listed on the Heritage NZ website as occupying any heritage buildings or structures.
NZ Archaeological Association	The NZ Archaeological Association mapping system identifies the presence of archaeological sites to the east of the site, however the map appears to indicate these are situated outside the boundary of the site (red line approximate only) 
Contamination	The Pre-application meeting minutes (**Appendix 8**) confirm the site is not 'tagged' as being contaminated on Council's records. The land has not been used for agricultural or horticultural purposes, nor industrial activities that may have resulted in residual land contamination on the site. As such, the NES –

	Contamination and Chapter E30 Contamination of the AUP are not considered in further detail herein.

Background to the Matakana 1 Precinct Plan

By way of background, appropriate land use, subdivision and development in Matakana was first considered under the Matakana Village Sustainable Development Plan (**MVSDP**) in 2006 (**Appendix 12**). The MVSDP identifies local community aspirations and values and sets out a land-use approach for different areas in and around Matakana, and measures to ensure activities do not adversely affect stormwater runoff patterns. The development principles and outcomes set out within the MVSDP were later translated into the then operative planning framework via Plan Change 64 ("PC64") to the Auckland Council District Plan (Rodney section) in 2014. PC64 became operative in 2016, introducing new objectives, policies and rules specific to a new 'Matakana Village Overlay', including a minimum net site area of 800m^2 within the western periphery of the Matakana Town Centre, representing an increase from the underlying zone standard of 600m^2.

Auckland Council subsequently translated the provisions of PC64 into the PAUP via Matakana 1 Precinct Plan, rolling over the provisions into the PAUP including 'rolling over' the minimum lot area of 800m^2 despite the minimum 600m^2 net site area requirement of the underlying Single House zone.

There are four sub-precincts within the Matakana 1 Precinct:

a) sub-precinct A is Countryside Living zone;
b) sub-precinct B is Single House zone;
c) sub-precinct C is Light Industry zone; and
d) sub-precinct D is Local Centre – Matakana zone.

The site is located within Sub-precinct B of the Matakana 1 Precinct and is zoned Single House accordingly. Sub-precinct B is intended to provide greater flexibility to accommodate home occupation activities and to enable more than two dwellings to be constructed on a property within 200m of the Business - Local Centre zone (i.e. in areas proximate to the Matakana Town Centre). The flexibility intended by the Precinct is somewhat irrelevant in respect of the subject application which is limited (generally) to the creation of vacant residential lots, however future vendors will have the opportunity to benefit from this flexibility in the future. Pertinent to the subject application, Sub-precinct B has a minimum lot area of 800m^2 as discussed above.

3.4 Network Discharge Consent

Auckland Council's Healthy Waters obtained resource consent for a single stormwater network discharge consent ("NDC") in 2019 to manage the discharge of stormwater across the Auckland region. Pre-application discussions with Healthy Waters have confirmed the subject site and proposed development are classified as a "Brownfields – Large" site therefore requiring the preparation of a Stormwater Management Plan ("SMP") to confirm compliance with the permitted activity standards under Chapter E8.4.1(A1), as discussed within the AUP rule compliance checklist within **Appendix 9**.

Hutchinsons Engineering Consultants have prepared a draft SMP for the purposes of satisfying this requirement of the NDC and a copy can be found attached to the Civil Engineering Assessment within **Appendix 4**. The SMP has been issued in draft at this stage to enable updates following the on-going consultation process with iwi and preparation of the CVA, and also to provide opportunity for input and discussions with Healthy Waters following lodgement (noting however the proposed site-wide integrated stormwater approach obtained support from Healthy Waters prior to lodgement of this application).

4 Proposed Development

4.1 Site Layout

As illustrated on the scheme plan in **Appendix 2**, the Applicant proposes to undertake a two stage residential subdivision ultimately comprising:

- 33 vacant residential lots each with a minimum site area of 800m^2 (Lots 1 – 32 and 35),
- two lots that will be occupied by an existing dwelling (Lots 33 and 34),
- one lot that will be vested to Auckland Transport for roading purposes (Lot 37), and
- one jointly owned access lot (JOAL) (Lot 36).

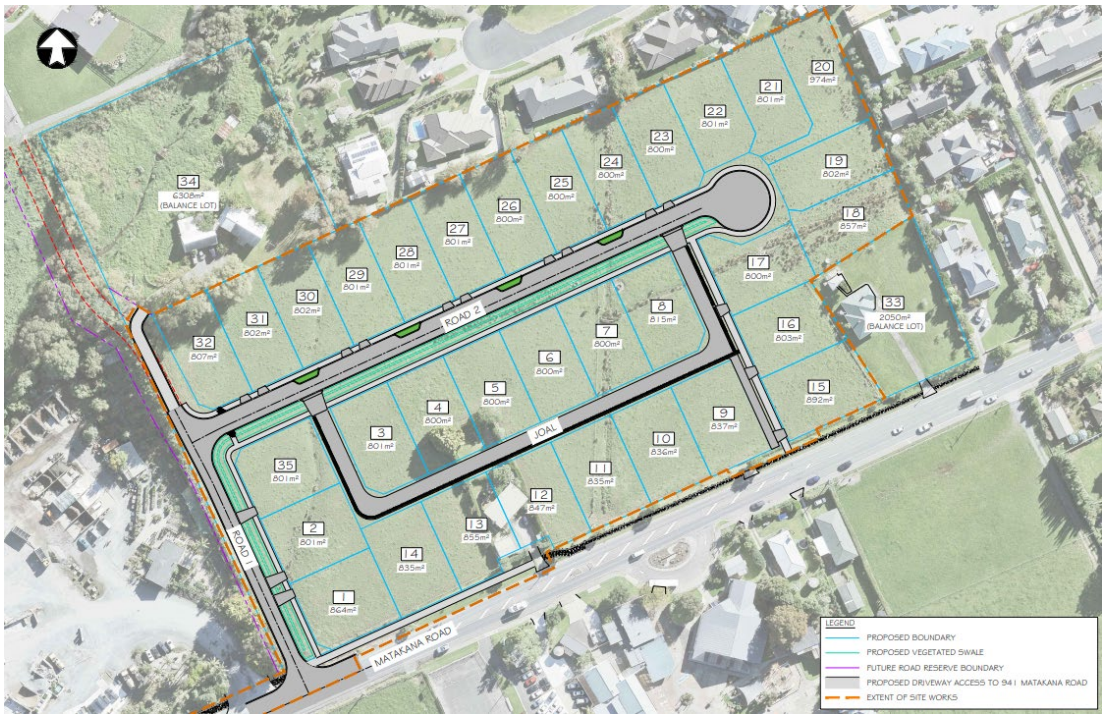
The overall layout of the site has been guided by the indicative road and open space layout as required by the Matakana Precinct Plan 1, as illustrated in Figure 16.

The road layout provides the overarching framework and layout for the proposed development. The road is designed in a 'T-shape' with the main intersection located at the south western end of the site providing vehicle and pedestrian access to Matakana Road. The north/south road is referred as Road 1 herein and extends northwards to the north west extent of site boundary, providing a temporary driveway to the rear lot at 941 Matakana Road until such time that Road 1 is extended to connect with Laly Haddon Place. The east/west road is referred to herein as Road 2 and extends for a length of 220m culminating with a cul-de-sac at the eastern end of the site. The design of each road is discussed in further detail below.

In accordance with the Precinct Plan, a connection is provided at the eastern end of Road 2 providing pedestrian connectivity with Matakana Road. Precinct Plan identifies this connection to be in the form of an 'indicative open space' however the linear shape of the 'open space' indicates that, rather, the intent is to provide pedestrian connection between the site (and future and existing development to the north west) and Matakana village. The linear shape identified on the Precinct Plan does not lend itself to informal or passive recreation, therefore rather, it is appropriate to provide pedestrian access in the form of a sealed shared path with landscaping (swale) and an easement in gross securing public access.

Figure 16 – Matakana Precinct Plan 1

Figure 17 – Proposed site layout



All proposed lots exceed the minimum site size of 800m^2 and therefore comply with Standard I521.6.12 of the Matakana Precinct provisions. The size and layout of the proposed lots are therefore consistent with the anticipated outcomes of the AUP in this location. Each lot has been shown on the engineering drawings to be able to accommodate a suitable building platform free from natural hazards and setbacks. Each lot will be capable of being accessed by compliant vehicle crossings in the future.

As part of this application, the Applicant proposes to construct the following works to prepare the site for residential development, requiring land use resource consent accordingly:

- Site-wide earthworks to establish level building platforms for each lot requiring retaining walls up to 600mm in height in the locations illustrated on engineering drawing RW-601;
- Road 1 and 2, including the temporary driveway from the northern stub end of Road 1 to the proposed boundary of 941 Matakana Road;
- Services with the road reserve including wastewater, telecommunications and power;
- Landscaping, swale and lighting within Roads 1 and 2;
- Driveway within the JOAL, including a 2.5m wide pedestrian footpath that will be subject to a pedestrian easement in gross;
- Fencing along the southern boundary fronting Matakana Road and stone walls at the corner of Lots 1, 32 and 35, with signage as discussed below.

4.2 Subdivision

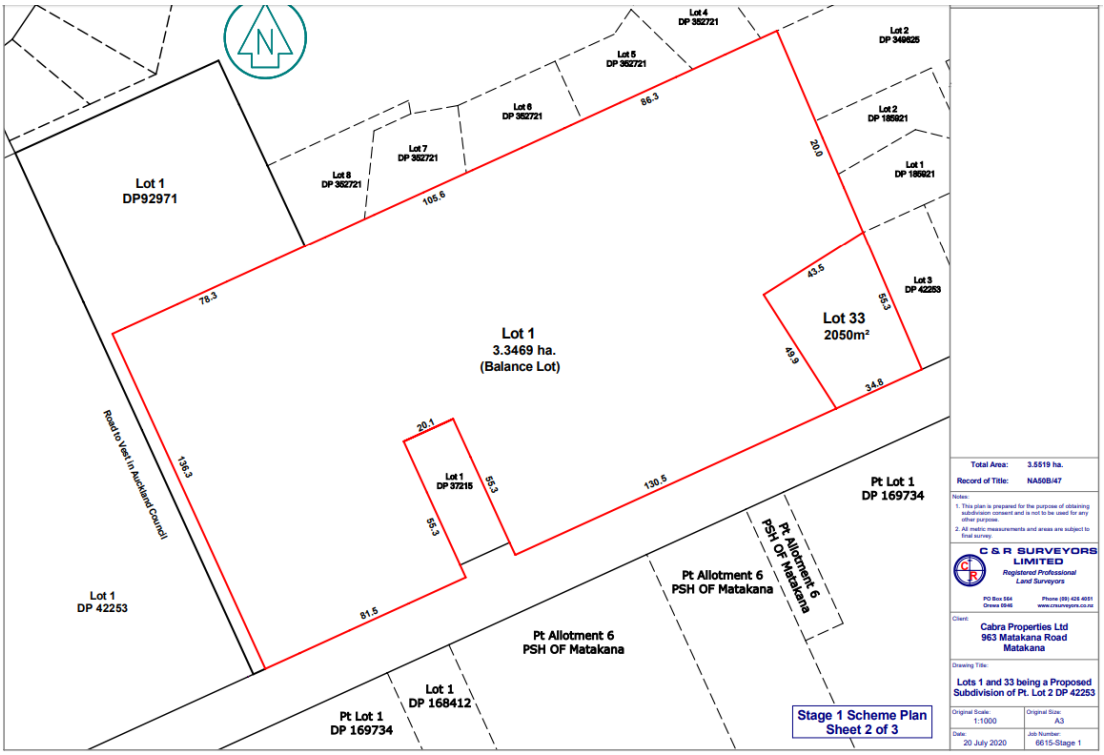
A two stage subdivision is proposed to enable the creation of a standalone lot for the existing dwelling at 963 Matakana Road (Stage 1). Subsequently, the applicant will carry out the subdivision proper to establish 33 vacant residential lots (Stage 2). Figure 18 illustrates the two stage subdivision approach. The proposed subdivision layout is illustrated on the scheme plans within Appendix 2.

Stage 1 is intended to occur immediately upon the grant of resource consent in order to establish a standalone freehold property for the existing dwelling in the south eastern corner of the site (as required by the development agreement with the former owner / current occupier). The existing dwelling at 963 Matakana Road is fully serviced, has an existing access to Matakana Road and it there are not expected to be any necessary conditions to implemented prior to the s223 and s224(c) certification process in respect of Stage 1.

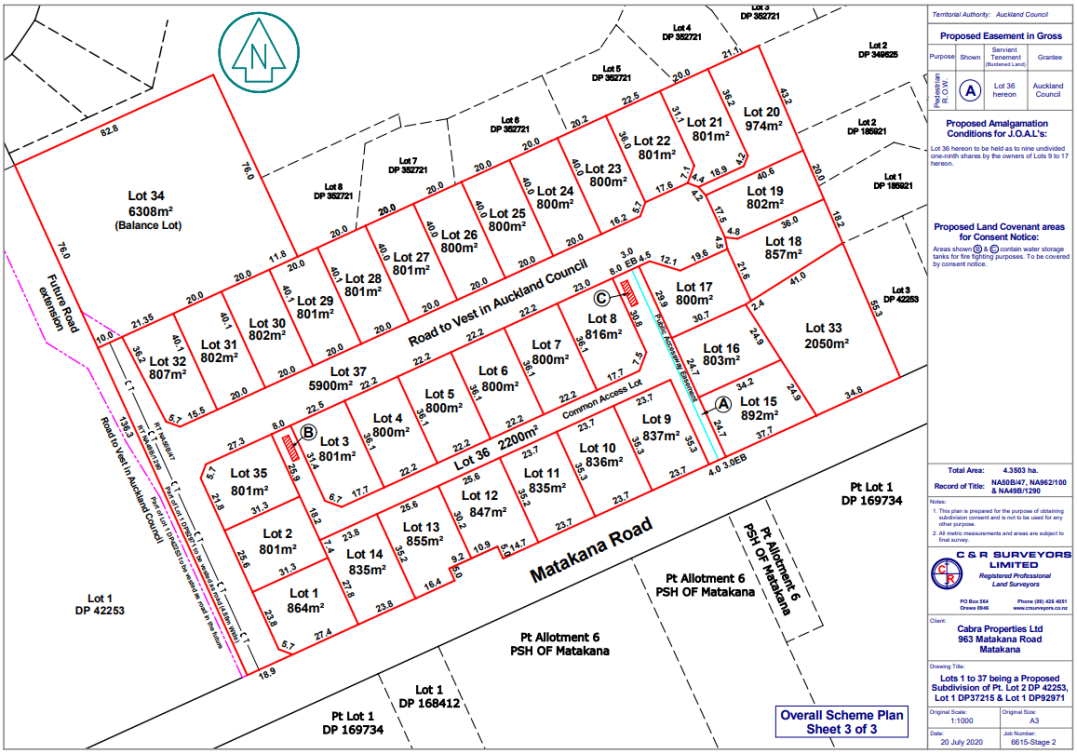
Stage 2 involves the creation of 33 vacant residential lots together with the road and JOAL lots. Subdivision will occur at the completion of the necessary physical works to implement the subdivision. The physical works to construct the necessary bulk earthworks, road, JOAL and infrastructure will commence at the next earthworks season, being October 2020. Upon completion of all necessary conditions, the applicant will apply to subdivide the land pursuant to the certification process within s224(c).

Importantly, the Applicant seeks to construct up to four show homes prior to the completing the s224(c) certification process to assist with selling the residential lots, and it is proposed to ensure that any forthcoming conditions of consent enable such an outcome (while not precluding the typical Building Consent requirements). As described above, it is also proposed to construct the road, swale and street trees prior to s224(c) to ensure that Auckland Transport receives a completed development at the time the road reserve is vested as part of the Stage 2 subdivision. This therefore triggers a technical infringement to standard I521.6.11 which requires street trees to be planted prior to subdivision, however this to occur following the Stage 1 subdivision process. It is therefore necessary to enable the Stage 1 subdivision to occur without having first planted the street trees.

Figure 18 – Subdivision Scheme Plan for Stage 1



Subdivision Scheme Plan for Stage 2



4.3 Road and JOAL layout and design

The general location and layout of the road has been designed to achieve the requirements of the Matakana Precinct 1 as illustrated on the Precinct Plan (Figure 16). The design and location of the road layout and JOAL driveway are set out in full within the Civil Engineering Assessment (**Appendix 3**) and the Transportation Assessment (**Appendix 5**).

Road layout and design

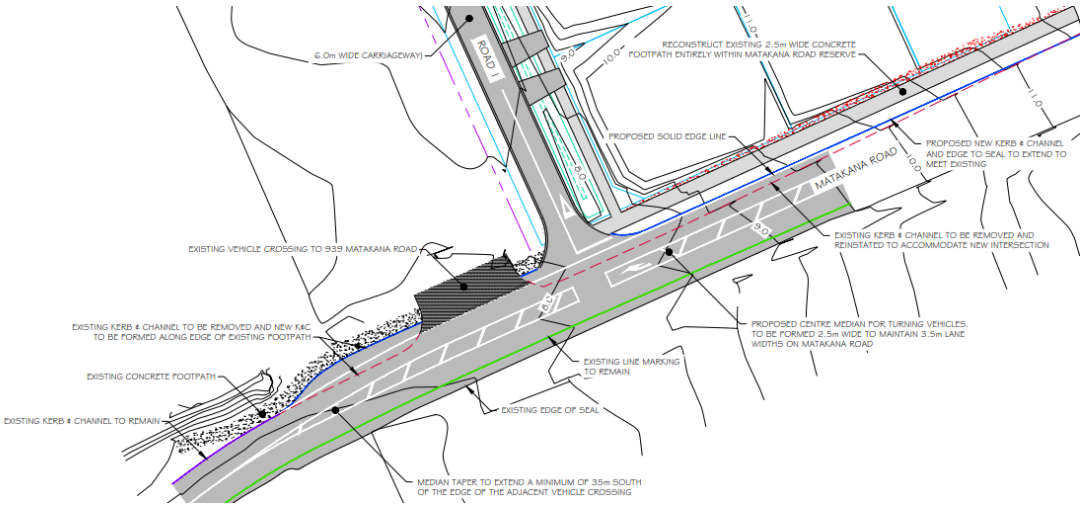
The following provides a summary of the design of the road layout and design:

- Road 1 runs in a north/south orientation along the western boundary, providing access to the proposed development from Matakana Road at the south western corner of the site. Road 1 will have a road reserve width of 14.9m, which can be widened to 17m at such time that the adjacent property at 939 Matakana Road is redeveloped and a footpath is constructed along the western edge. The cross-section in engineering drawing RD-206 illustrates the carriageway width of 6.0m with a 1.8m footpath and swale along the eastern edge. Street trees are proposed along both sides of the carriageway. The northern end of Road 1 is to be completed with a stub and temporary driveway to the rear property at 941 Matakana Road (until the Road 1 is extended to connect with Laly Haddon Place and a typical vehicle crossing can be constructed).
- Road 2 runs in an east/west orientation centrally within the site, terminating with a cul-de-sac at its western end. The cross-section in engineering drawing RD-207 illustrates the road reserve will have a width of 17m with a 7.6m carriageway. Footpaths and street trees are proposed on both sides of Road 2, with kerb build outs for on-street parking along the northern side and a swale along the southern side of the street.

As discussed above, the southern end of Road 1 is proposed to intersect with Matakana Road at the south eastern corner of the site. The detailed design of the intersection is described in the Civil Engineering Assessment (**Appendix 3**) and the Transportation Assessment (**Appendix 5**), and is illustrated in Figure 19 below. Matakana Road is an arterial road requiring careful consideration of vehicle crossings and intersections accordingly. Precinct Plan 1 dictates the location of the road and intersection and the proposal has been designed accordingly, albeit some additional safety measures are proposed within the road reserve to maintain and improve the safety and operation of the arterial road in the vicinity of the proposed intersection. Road 1 will essentially

replace the existing vehicle crossing to 941 Matakana Road. The existing vehicle crossing to 951 Matakana Road will be removed and the kerb, channel and berm reinstated.

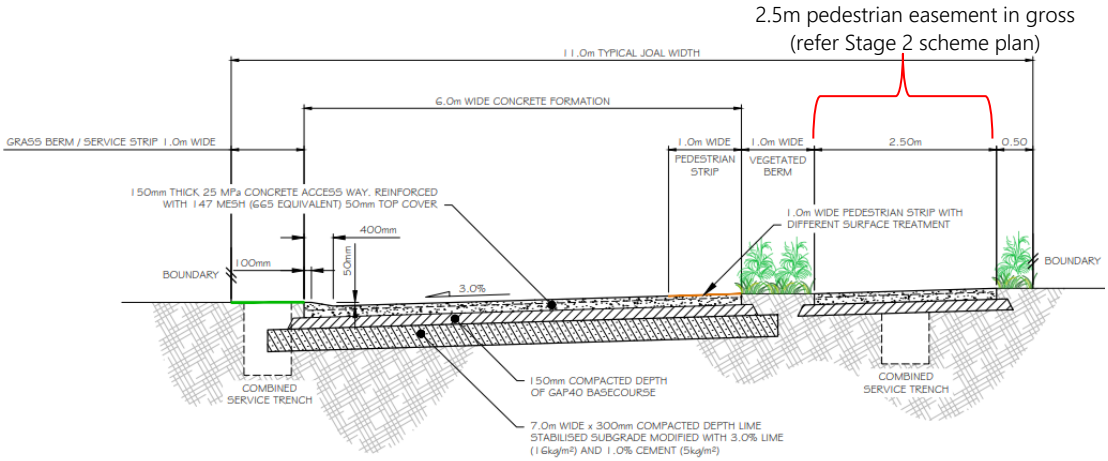
Figure 19 – Proposed design of Road 1 and Matakana Road intersection



JOAL layout and design

The proposal involves a U-shaped JOAL with access to/from Road 2. The cross-section in engineering drawing RD-207 and Figure 20 illustrates the JOAL lot will have a width of 8m comprised of a 5.5m wide driveway including a 1m flush pedestrian footpath constructed in a different surface treatment. The balance of the JOAL is grassed. A 2.5m wide pedestrian footpath is proposed to be located along the eastern edge of the JOAL, providing public access between Road 2 and the footpath along Matakana Road. An easement in gross will maintain pedestrian access in perpetuity, as illustrated on the Subdivision Scheme Plan (**Appendix 2**). The easement includes a landscaping strip on each side of the footpath, measuring 0.5m and 1.5m providing an attractive, safe, landscaped pedestrian environment with an overall width of 4m.

Figure 20 – Proposed JOAL and Pedestrian Link



4.4 Landscaping and Fencing

The Landscape Concept Plan (**Appendix 6**) illustrates the proposed landscaping and fencing across the site.

In respect of planting within the road lot to be vested with Auckland Transport, the proposal involves a combination of street trees and swale landscaping. A series of street trees are proposed to be planted along the length of Road 2 within kerb build outs, providing an attractive streetscape and pedestrian amenity for residents. While the number of proposed trees does not meet the minimum Precinct requirement of one tree per site frontage, all trees will be planted in accordance with the requirements of standard I521.6.11:

- Street trees will be planted in the road berm, in a combination of *Pyrus* and *Kohekohe*.
- The trees will be of good health and planted and maintained in accordance with good horticultural practice.
- The street trees will be at a grade of PB150 or greater and have a minimum in-ground height of 2m at the time of planting.
- The selected tree species are appropriate for the soils, microclimate and the street environment, and are capable of reaching a minimum height of 4m after 5 years and co-ordinated as to species along individual streets.
- The planting will be undertaken before the issue of a certificate under s. 224c of the RMA.

Importantly however, the street tree planting will not be undertaken after the issue of a certificate under s. 224c of the first stage of the subdivision, but rather, will be planted following construction

of the road and before the issue of a certificate under s. 224c for the second stage of the subdivision.

The eastern end of the cul-de-sac will be grassed to provide a spacious and attractive end to the street.

Swale planting along the southern and eastern side of the road reserve will comprise *carex* planting, providing a low level grass shrub along the length of the swale, without compromising its ability to provide the necessary stormwater detention function.

Both sides of the JOAL will be planted with grass to provide an attractive access lot for residents, and both sides of the 2.5m pedestrian walkway (between Road 2 and Matakana Road) will be landscaped with *lomandra tanika* planting to enhance the amenity, sightlines and therefore safety of the walkway.

Along the southern boundary of the site, a Eugenia hedge will be planted on the northern side of the proposed fence. A 1.5m high visually permeable fence is proposed along the full length of the site's southern boundary, constructed of black aluminium panels with square posts at 3m centres. The proposed design is intended to provide an attractive frontage and streetscape appearance along Matakana Road (in the absence of vehicle crossings to the arterial road), with hedging behind to provide an appropriate level of privacy and amenity for future residents.

A 1.5m high feature stone wall is proposed at the corner of Lots 1, 32 and 35 to provide a sense of arrival to residents and visitors entering the subdivision. Each wall will have a small sign identifying the road name or other identifying sign, adding to the sense of community and identity for residents.

4.5 Civil, Infrastructure and Services

Earthworks

As set out within the Civil Engineering Assessment (**Appendix 3**), the proposal involves bulk earthworks across the site to establish level building platforms and the construction of infrastructure, the road and JOAL. A volume of 9,750m^3 of earthworks is required to be undertaken across an area of 36,740m^2 on the site.

Hutchinsons drawings EW101-108 illustrate the proposed cut and fill on the site together with the proposed sediment and erosion control measures that will be in place for the duration of earthworks.

Stormwater discharge and diversion

The Civil Engineering Assessment and the Stormwater Management Plan (**Appendix 3**) set out the proposal to collect and dispose of stormwater from within the site (refer engineering drawing SW-301). In summary, the following is proposed in the absence of a publicly reticulated network at the site:

- During a 2 and 10 year event, stormwater from the road, JOAL and driveways will be discharged to the swale on the southern side of Road 1 providing stream hydrology mitigation and BPO in terms of water quality prior to discharge to the public network.
- Stormwater runoff from roofs of future dwellings will be directed to re-use tanks for water supply (providing both reuse and attenuation functions in accordance with SMAF requirements).
- Overflow from the tanks will be directed to catchpits that connect to the underground stormwater drainage network within the proposed road reserve (Roads 1 and 2).

Existing overland flow paths that commence within the site will be amended through bulk earthworks such that secondary overland flow paths will be diverted to Road 1 and Road 2, removing overland flow paths from within each proposed lot.

Wastewater connections and discharge

The Civil Engineering Assessment (**Appendix 3**) explains that the involves the construction of a new wastewater line within the road reserve of Roads 1 and 2 providing a future connection for each lot, as illustrated on engineering drawing WW-401. The proposed network will connect with the existing low pressure network within Matakana Road. The existing abandoned wastewater line is to be removed from within the site. GHD have undertaken a capacity check of the existing public wastewater line confirming there is sufficient capacity to accommodate the proposal via the proposed connection at the south western corner of the site.

Water supply

There is no public water supply near the site and therefore each future dwelling will need to be self-sufficient with respect to water supply. Domestic water supply will be from on-site rainwater tanks for the individual dwellings. Typically, two 25m^3 tanks are needed to provide adequate supply for each dwelling.

Firefighting water supply is proposed to be provided via two tanks located within the JOAL. Hutchinsons have contacted the New Zealand Fire Service to confirm acceptability in this regard, and a consent notice will be required on the JOAL title to ensure future owners aware of the maintenance and refill requirements. The Fire Service has confirmed the proposal is acceptable (refer confirmation email at **Appendix 13**).

Services

The site will be serviced with electricity and telecommunications by Vector and Chorus.

5 Matters Requiring Consent

5.1 National Environmental Standard – Contamination

The Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protection Human Health) Regulations 2011 ("**NES – Contamination**") does not apply because the site has not been used in the past for an activity described in the Ministry for the Environment's Hazardous Activities and Industries List.

The site therefore does not fall to be considered a piece of land under the NES – Contamination and no consents are required for subdivision.

5.2 Auckland Unitary Plan – Operative in Part

The Applicant seeks resource consent under the AUP for the activities and development shown on the plans in **Appendix 2 and 3** and described in this AEE.

I have provided a detailed assessment of compliance with the relevant rules of the Unitary Plan in **Appendix 9**. It is my assessment that the proposed development requires consent for the following matters:

Auckland Unitary Plan – Operative in Part

- Regional earthworks consent is required to carry out 36,740m^2 of land disturbance across the site where land has a slope less than 10 degrees outside of the Sediment Control Protection Area, requiring resource consent as a Controlled activity pursuant to rule E11.4.1(A4).
- An area of 9,750m^3 earthworks is proposed across an area of 36,740m^2 requiring resource consent as a Restricted Discretionary activity pursuant to rules E12.41(A10) and (A6) respectively.
- Comprehensive development signage requires resource consent as a Restricted Discretionary activity pursuant to rule E23.4.1(A53).
- Diverting the exit points of overland flow paths on the site requires resource consent as a Restricted Discretionary activity pursuant to rule E36.4.1(A41).
- The construction of a retaining wall within an overland flow path requires resource consent as a Restricted Discretionary activity pursuant to rule E36.4.1(A42).
- Subdivision around existing buildings and development complying with standard E38.8.2.2 requires resource consent as a Restricted Discretionary activity pursuant to rule E38.4.2(A15).

- Vacant sites subdivision involving parent sites of 1ha or greater complying with standard E38.8.3.1 requires resource consent as a Discretionary activity pursuant to rule E38.4.2(A18).
- The JOAL will provide access to more than 10 sites (15 proposed) which does not comply with standard E38.8.1.2, a Discretionary activity pursuant to rule E38.4.2(A31).
- The construction of retaining walls within the 3m front yard setback does not comply with standard H3.6.8 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9.
- The construction of retaining walls within the 5m front yard setback does not comply with standard I521.6.4 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9.
- The creation of five lots that do not comply with the solar orientation requirements in standard I521.6.9 Solar Orientation requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9.
- The construction of a cul-de-sac that exceeds 120m in length does not comply with standard I521.6.10 and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9.
- The provision of less than one street tree per site frontage does not comply with standard I521.6.11 Street Trees and requires resource consent as a Restricted Discretionary activity pursuant to rule C1.9.

Overall, subdivision consent is required as a **Discretionary** activity under the AUP.

Permitted activities

As set out within **Appendix 9** and for completeness, the proposal is not considered to require consent for the following matters:

- Appendix 4 confirms there are no intermittent or permanent streams within the site subject or proximate to the proposed works and therefore resource consent is not required to divert or reclaim a stream pursuant to rules E3.4.1(A19) or (A49) respectively.
- The proposed temporary driveway between the northern end of Road 1 and 941 Matakana Road is located within the Sediment Control Protection Area, however the construction works will not exceed 2,500m^2 in area and therefore achieve compliance with rule E11.4.1(A7).
- The Civil Engineering Assessment confirms that the flood plain illustrated as being within the site on Council's GIS maps is in fact located wholly within the adjacent road reserve,

and therefore resource consent is not required to subdivide land that is subject to a 1% flood plain pursuant to rule E38.4.1(A11).

5.3 Scope of Application

This application is for all matters requiring resource consent under the for the Proposal rather than for the specific list of consent matters / non-compliances identified by the author.

As such, if the Council is of the view that resource consent is required for alternative or additional matters to those identified in this AEE, it has the discretion to grant consent to those matters as well as or in lieu of those identified in this AEE.

I also note that, if the Council is of the view that the activity status of any of the matters requiring consent is different to that described in this AEE, or that some or all of the matters requiring consent should be bundled or unbundled in a way that results in a different outcome to that expressed in this AEE, the Council has the ability under Section 104(5) of the Resource Management Act 1991 ("RMA") to process the application regardless of the type of activity that the application was expressed to be for.

6 Statutory Considerations

6.1 Resource Management Act

Council's decision on the proposal must have regard to the relevant matters in sections 104 to 108 of the RMA. Despite all section 104 considerations being "subject to Part 2", the Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] NZCA316 has held that reference to Part 2 should not be necessary if it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes.

In the context of this discretionary activity application, it is considered that the recently (partly) operative AUP has been competently prepared, and those provisions are coherent and comprehensive, and therefore there is no need to go beyond the relevant provisions of the planning documents and look to Part 2 in making a decision.

Notwithstanding, the following assessment provides an analysis against Part 2 for completeness.

6.1.1 Purpose and Principles of the RMA

The purpose of the RMA, set out in Section 5, is to promote the sustainable management of natural and physical resources. This is defined as:

> *"managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while—*
>
> *(a) Sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
>
> *(b) Safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
>
> *(c) Avoiding, remedying, or mitigating any adverse effects of activities on the environment."*

The broader principles of the Act are set out in sections 6 to 8 of the RMA. Of relevance to this application, section 7 requires Council to have regard to the following:

(b) The efficient use and development of natural and physical resources:

(c) The maintenance and enhancement of amenity values:

(f) Maintenance and enhancement of the quality of the environment:

Section 8 requires Council to take into account the principles of the Treaty of Waitangi.

It is my assessment that the proposed development will promote the sustainable management of natural and physical resources by:

- Enabling the Applicant to develop the site in a manner that will contribute to the social, and economic wellbeing of those who seek residential accommodation in the community.
- Enabling the Applicant to develop the site in a way that will assist in providing for the reasonably foreseeable needs of future generations.
- Providing for the more efficient use and development of the valuable natural and physical resource represented by the Applicant's residentially zoned land.
- Preserving the amenity of the area and the quality of the developing urban environment.
- Appropriately managing any other potential adverse effects.

The potential adverse effects of the proposed works are discussed in section 7 of this report.

7 Effects on the Environment

Resource consent is required overall as a Discretionary activity. Therefore, Council is not limited in its discretion when undertaking its assessment of actual and potential environmental effects. Having regard to the potential effects arising from the proposal, the assessment of effects can be grouped into the following matters:

- Layout and design
- Subdivision
- Traffic, access and parking
- Infrastructure and servicing
- Earthworks and retaining walls
- Effects on Mana Whenua values
- Natural hazards
- Reverse sensitivity.

7.1 Site Layout and Design

Overall, the proposed subdivision layout has been designed in accordance with the anticipated outcomes of the Matakana 1 Precinct, as illustrated on the Precinct Plan and as borne out through the relevant development standards, primarily in respect of the road layout and 800m^2 minimum site area. Compliance in this regard demonstrates the proposal achieves the overarching outcomes sought by the Precinct in this regard. The proposal therefore provides a positive contribution to the ongoing development and intensification of Matakana, at a density that is appropriate and anticipated in this location.

Drilling down therefore into the on-site design and amenity of the proposal, the generous street widths, planting and high quality fencing, retaining and landscaping treatment will provide an attractive streetscape and boundary treatment, both when viewed from Matakana Road and within the site itself. The Applicant has worked closely with Auckland Council and Auckland Transport to deliver a successful urban design and streetscape outcome, including street planting, that is both pedestrian/cycle orientated and provides a comprehensive integrated stormwater management approach. The landscape and engineering drawings and sections confirm pedestrian footpaths will be provided on both sides of Road 2 and on the eastern side

of Road 1 (with futureproofing for the western side). Street trees and swale planting within the road reserve will provide appropriate vegetation to break up the appearance of the paved surface treatment within the road reserve. While the street design does not accommodate one tree per frontage (as required by the Precinct), the landscape concept plans illustrate trees have been located wherever possible, while also balancing on-street car parking and vehicle crossings. The vegetated swale also contributes to the overall greenery within the streetscape in lieu of additional street trees.

The use of a JOAL arrangement reduces the number of vehicle crossings that are required along vested Road 2. Lots 3-8 will access their properties from the south via the JOAL, therefore avoiding the provision of vehicle crossings across the swale, improving the operation and function of the swale, the amenity of the streetscape, optimising north facing outdoor living areas, and improving the pedestrian amenity and safety along the public footpath.

Five of the 33 vacant lots are orientated with the longer boundary in an east/west orientation, rather than north/south and therefore do not achieve the full solar orientation requirements. Each site is at least 800m^2 in area, providing future owners to design and layout the residential dwelling in a manner that optimises solar access. Driveways and vehicle crossings are located within the south western corner of each of these sites, reserving the northern parts of the site for outdoor living areas.

A series of three low level retaining walls are required along the southern street frontage boundary at the western end of the site to create level building platforms (rather than along the full length of the street frontage), stepping with the contour of the land to elevate the lower portion of the site. The retaining wall locations are illustrated on engineering drawing RW-601, confirming the maximum height of each wall is no greater than 600mm and will be constructed in keystone, providing an attractive interface when viewed from the street.

Three signs are proposed on the stone walls at the entrance to Road 1 and 2, providing a sense of address and identity for residents on arrival to the development. The shape, design and material of the signs are illustrated on the Landscape Concept Plan, which confirms they will be specifically designed to integrate with the stone wall on which they will be attached. The signs will not result in adverse visual clutter effects and the muted colour, material and small size will ensure the identification signs maintain driver safety.

7.2 Subdivision

Overall, the proposed subdivision layout has been designed in accordance with the anticipated outcomes of the Matakana 1 Precinct.

Stage 1 of the proposed subdivision enables the existing dwelling to be situated on a standalone title. The dwelling will continue to be serviced in the current arrangements, unaffected by the second stage of subdivision.

Stage 2 of the subdivision proposal involves vacant site subdivision that enables the future development of dwellings in a manner and character that is wholly consistent with the Single House zone and the Matakana Precinct provisions. In particular, all of the proposed sites have a minimum site area of at least 800m^2. Engineering drawing GE-004 confirms that the shape of each lot can accommodate a dwelling in the future, by illustrating that a 15m x 8m rectangle can be situated on the site outside the required building setbacks and natural hazards. The proposed layout confirms that all lots can be accessed from the vested lot or JOAL.

It is therefore considered that the size and shape of the lots created are consistent with that anticipated in the zone, all lots comply with the minimum lot area, and the accompanying assessments confirm that each lot can comfortably accommodate complying or permitted residential development.

The proposed lot to be vested to Auckland Transport for a road is sufficiently dimensioned and located to accommodate a road that can be designed and constructed in accordance with ATCOP and the Transport Design Manual. The cross-sections provided on engineering drawings RD-206-211 demonstrate the services trench can accommodate the necessary wastewater pipe and below ground services, together with the swale for stormwater attenuation purposes.

While the Auckland Council GIS maps identify the presence of a 1% AEP flood plain on the site, the Civil Engineering Assessment confirms that the flood plain is wholly located within the stormwater network within the road reserve, and does not enter the site. Therefore, the proposal does not involve the subdivision of land that is subject to a flood plain (and therefore does not trigger consent under E38.4.1(A11) accordingly) and nor will any proposed lots be located within the flood plain.

The proposal involves subdivision around an existing building on the site at 963 Matakana Road, located at the eastern corner of the site. Stage 1 of the subdivision involves the creation of a freehold title to carve out proposed Lot 33 from the balance of the subdivision. Lot 33 will have

a site area of 2,050m^2, compliant with all relevant site size and shape requirements and will retain all existing infrastructure and services, and the existing vehicle crossing.

It is my opinion that adverse effects associated with the proposed subdivision will be less than minor.

7.3 Traffic, Design, Access and Parking Effects

7.3.1 Traffic

The proposal does not trigger an assessment of the effects arising from traffic volumes as it does not trigger a consent matter under standard E27.6.1 Trip Generation. Specifically, the proposal involves the subdivision of land which has capacity to accommodate less than 100 dwellings.

Notwithstanding, the Transportation Assessment (**Appendix 5**) confirms the proposal is expected to generate a total of 29 trips during the peak hour and 306 trips over the course of the day, concluding that *"Overall, the surrounding road network is considered to be able to accommodate the additional traffic generated by the proposed subdivision"* (page 15).

7.3.2 Road and intersection layout and design

The location and design of the road network within the site has been driven by the Precinct Plan and Auckland Transports' design requirements under the Transport Design Manual and Code of Practice. The proposal achieves the respective location and design requirements, ensuring the road lots will be able to be vested to Auckland Transport upon completion of construction and subdivision.

Road 2 has a length of 220m running in an east/west orientation, culminating in a cul-de-sac at its eastern end. The Matakana Precinct seeks to avoid cul-de-sacs that are greater than 120m in length, however in this case, the road layout has been designed to comply with the Precinct Plan which itself dictates the required length of the road in this location. While technically an anomaly of the Plan standards, the potential effects arising from overly long cul-de-sacs have been appropriately mitigated through the provision of a public pedestrian and cycleway at the eastern end of the road. While not a vehicular access, it provides the connectivity, legibility, accessibility that is sought to be achieved by reducing cul-de-sac lengths.

The location of the intersection has been dictated by the Precinct Plan, replacing the driveway to 941 Matakana Road with a vested road that can be extended to connect with Laly Haddon

Place in the future. The proposal complies with the Precinct Plan in this regard, and it is expected that the appropriateness of the intersection was considered at the time the Precinct Plan was created (in terms of both the safety and capacity of the road network).

That said, the Transportation Assessment explains that some minor adjustments are required within the road reserve of Matakana Road to improve the safety and operation of the proposed intersection, particularly in respect of the proximity to the vehicle crossing to 939 Matakana Road. The proposed amendments are illustrated on engineering drawing RD-213. The Transportation Assessment explains the following measures are proposed in this regard:

- A right turn bay is proposed to safely separate turning vehicles from through traffic. The flush median will measure 2.5m in width retaining traffic lanes of 3.5m in each direction.

- The carriageway on the northern side of Matakana Road will be slightly widened to the north to provide sufficient clearance for through traffic. The kerb line will be reconstructed along with a portion of the recently constructed footpath which is partially located within boundary of the site.

The operation and safety of the intersection has been carefully considered in respect of the heavy vehicles that access and egress the adjacent Wharehine activity. The 2.5m flush median width is maintained across the frontage of the vehicle crossing to 939 Matakana Road accommodating any vehicles attempting to turn right into the driveway without interrupting the flow of through traffic or the operation of the intersection.

The separation distance between the proposed road and the existing driveway to the Wharehine site is 10.3m when measured from the western side of the practical edge of the driveway (rocks and planting), such that the separation distance between road and vehicle crossing is compliant accordingly. Further, the Transportation Assessment confirms the proposed changes to the road layout will further enhance the safety and operation of the road network relative to the proximity of the crossing and intersection (Transportation Assessment, page 9):

A key safety factor to consider when a vehicle crossing is proximate to an intersection is likelihood of vehicles exiting at the same time and potentially colliding. In this case, a vehicle turning right out of Road 1 may conflict with a vehicle turning left out of the landscape supplies centre. The northern edge of the road reserve is set back over 7.5m from the edge of the live lane on the Matakana Road carriageway. This is more than sufficient for a vehicle to wait at a limit line before turning onto Matakana Road. This would mean that a driver would have unobstructed visibility

of a vehicle exiting the landscape supplies centre, or vice versa, before undertaking their turn. Therefore, drivers turning out of Road 1 would be able to observe and give-way to vehicle turning left out of the landscape supplies centre thereby avoiding a potential collision. The vegetation adjacent to the driveway does not impede driver visibility.

The other key safety factor to consider is that it may not be clear whether vehicles are turning into Road 1 or the landscape supplies centre. A following vehicle may assume that a vehicle is turning into the access that is further away and therefore not decelerate in time before causing a rear-end crash. For vehicles heading west from Matakana, the right turn bay provided allows turning vehicle to move out of the through lane thereby minimising the risk of rear-end collisions. Similarly, for vehicles heading east towards Matakana, the carriageway widens on approach to the vehicle crossing allowing vehicles to partially move out of the through lane to provide a greater opportunity for a vehicle that is following too closely to move around the turning vehicle, utilise the painted median, and avoid a collision.

Appropriate levels of sightlines and visibility is achieved in both directions from the intersection.

Overall, the proposed design and location of the intersection is appropriate and will maintain the safety and operation of the road network having regard to the proposed mitigation measures.

7.3.3 JOAL and Pedestrian Access

The crescent shaped JOAL on the southern side of Road 2 is intended to remove vehicle crossings from the road reserve, and to provide access from the southern side of the street frontage properties. The JOAL will serve 15 lots, five more than the 10 permitted by standard E38.8.1.2. A typical cross-section of the JOAL is provided on engineering drawing RD-209.

Section 4.3 of the Transportation Assessment provides detailed assessment of the potential effects arising from the number of lots that will access the JOAL, concluding that the proposal in this regard is considered appropriate for the surrounding low-density residential environment for the reasons summarised as follows:

- The JOAL has been designed with a width of 8m to provide sufficient space within the lot for landscaping on either side of the 5.5m driveway, slowing vehicles by reducing the apparent width of the driveway.

- A 1m pedestrian strip will be provided within the driveway delineating a safe location for pedestrians.
- The JOAL has two entrances such that it will essentially operate as a two JOALs (a compliant outcome) as residents will utilise the entrance closest to their lot, rather than travelling the full length of the driveway unnecessarily.
- Residents of Lots 15, 16 and 17 will not use the JOAL proper (east/west length), rather limiting their use to the eastern axis further reducing the number of vehicles using the JOAL.
- The two crescent-shaped corners will naturally slow drivers as they move along the length of the driveway.
- The width of the JOAL allows for two vehicles to pass each other, however this is unlikely given the low traffic volume expected along the driveway.

At its eastern end, the north/south axis of the JOAL is situated adjacent a planted swale and 2.5m dedicated pedestrian walkway. The Subdivision Scheme Plans within Appendix 2 illustrate an easement in gross across the 2.5m walkway. The walkway provides the public with connectivity between Road 2 and Matakana Road, improving accessibility to the school and town centre to the south and east respectively.

While the Auckland Transport Traffic Design Manual recommends a width of 8m for pedestrian walkways, such an outcome assumes the land would be vested with Auckland Transport or the Council Parks team. In this case, the land is to remain within the shared ownership of the JOAL, with the easement providing certainty of public access in perpetuity. This arrangement absolves Auckland Transport and/or Auckland Council of the maintenance costs associated with a public walkway, whilst achieving the pedestrian connectivity required by the Matakana Precinct Plan.

The Applicant has undertaken extensive pre-application discussions with Auckland Transport in this regard, who support the provision of a 2.5m walkway within an overall width of 4.0m (refer pre-application correspondence within Appendix 8).

The cross-sections on engineering drawings RD-210 and 211 illustrate the design responses along the length of the public walkway, providing 1.5m (total) of planting adjacent the walkway to provide a high quality amenity for users, with good sightlines and overlooking from adjacent properties and JOAL users to provide passive surveillance of the publicly accessible pathway. The walkway and planting are located adjacent the JOAL and driveway, such that it forms part of a more spacious setting ranging from 7.0m to 11.0m in width, rather than being limited to a narrow pedestrian access which may have resulted in poor CPTD outcomes.

7.3.4 Parking

The proposed site layout and cross-sections demonstrates on-street visitor parking is provided where possible, within kerb build outs. On-street parking is not expected to be widely required as each site will have ample on-site parking with a site area of at least 800m^2.

Overall, the proposed development results in less than minor adverse effects on the existing and proposed public road environment and the safety of pedestrians and cyclists.

7.4 Infrastructure Effects

7.4.1 Stormwater Discharge

The Civil Engineering Assessment and Stormwater Management Plan (**Appendix 3**) explains the potential stormwater runoff effects arising from the proposed and future impervious surface area will be appropriately managed within the road reserve and on-site tanks in accordance with SMAF requirements to ensure that the proposal will not result in adverse effects on the wider environment and public stormwater network.

Having regard to the above and the assessment provided in the Civil Engineering Assessment and SMP, it is considered that the proposal will not result in adverse effects in respect of stormwater.

7.4.2 Wastewater Discharge

The Infrastructure Assessment confirms that the public wastewater network has existing capacity as confirmed by GHD within **Appendix 3** such that it can accommodate the proposal's wastewater demand without resulting in adverse effects on the capacity of the wider network.

7.4.3 Water Supply

The Infrastructure Assessment confirms that there is no public reticulated water network and therefore no effects on such a network arise from the proposal. The future dwellings will be required to obtain domestic water supply from tanks collecting roof water runoff and each lot has been sized and dimensioned so as to accommodate that service.

Water for firefighting purposes is to be held within underground tanks within the JOAL. The NZ Fire Service has confirmed the proposed approach is acceptable (**Appendix 13**).

Consent notices to provide sufficient domestic and firefighting water supply are proposed for each lot/title.

Overall, the proposed development results in less than minor adverse effects on surrounding public infrastructure and can be serviced without detriment to the wider environment and capacity of public networks, including in respect of stormwater, and access.

7.5 Geotechnical, Earthworks and Retaining Effects

The proposal involves bulk earthworks across the site to create level platforms in preparation for the future development of residential dwellings. In particular, the south western end of the site is currently subject to a depression in the contour which is required to be raised through the construction of retaining walls up to 600mm in height at the southern corner of each property, as illustrated on engineering drawing EW-103.

The site is identified on Council's GIS as being subject to "RDC Expansive Soil: Soil D". CMW Geosciences has undertaken a Geotechnical Investigation Report (Appendix 7) to assess the sub-soil conditions and expansiveness, concluding the site is appropriate for the intended residential use, subdivision and development.

A comprehensive suite of sediment and control measures are proposed to appropriately manage the cut/fill works, as described in detail within the Civil Engineering Report and as illustrated on drawings EW-104-108. These works including the use of two sediment retention ponds, silt fencing, stabilised construction entrance and a clean water diversion bund, in accordance with best practice.

These measures, together with standard dust control, will ensure silt and sediment is retained within the boundary of the site, appropriately mitigating the potential effects of earthworks on the surrounding environment.

The Watercourse Classification Assessment (Appendix 4) confirms there are no 'streams' on the site, and rather the watercourses are classified as either a farm drain or an ephemeral stream, noting that none of these features are deemed to hold any ecological value according to that Assessment.

7.6 Effects on Mana Whenua Values

The proposal involves regional earthworks across the site including a comprehensive suite of sediment and control measures to minimise the discharge of sediment from the site. The Applicant acknowledges its requirements in respect of accidental discovery protocols and accepts an appropriately worded condition in this regard.

The proposal involves the diversion of overland flow paths that commence within the site, redirecting overland flow to the proposed roads whereby runoff is directed to the swale. As set out within the draft Stormwater Management Plan (Appendix 3), stormwater will be discharged to the swales within the road reserve for attenuation and treatment prior to discharge to the public network. Stormwater runoff from roofs will be collected and retained on site within water tanks for potable water supply and irrigation purposes.

The appended Watercourse Classification Assessment confirms that the watercourses on the site are classified as either a farm drain or an ephemeral stream thereby confirming the absence of any ecological value accordingly.

The site is not identified on Council's GIS as being occupied by any cultural heritage or archaeological items.

Further, the Applicant is aware of its responsibilities in respect of accidental discovery protocols and is willing to accept appropriately worded conditions of consent in this regard.

Iwi consultation and statutory acknowledgement

The subject site is located within the Ngāti Manuhiri Claims Settlement Act 2012 area.

Appendix 21 of the AUP provides a description of Ngāti Manuhiri's statutory acknowledgement area. Of relevance and proximity to the subject application, the Matakana River is identified as being within the statutory acknowledgement area, which includes Matakana, its surrounds, and the coastal environment to the east. Without derogating from the widespread area of Ngāti Manuhiri's statutory acknowledgement area, the AUP describes the cultural, spiritual, historic and traditional association of Ngāti Manuhiri with Te Awa Matakanakana (the Matakana River) as follows:

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Te Awa Matakanakana - the Matakana River

Te Awa Matakanakana (also known as the Matakana River) is of major significance to Ngāti Manuhiri as a sub- regional boundary marker. In 1853 the Crown identified the area north of the river as _Parihoro's Claim', with Parihoro then being the oldest Ngāti Manuhiri rangatira in occupation of the district. The river provided an important inland route to kāinga and cultivations located on the fertile country located at the navigable head of the river. It also provided a wide range of food taken from both the fresh and salt-water sections of the river. Beyond the river mouth was one of the most valued tauranga mango (shark fishing grounds) in the region. Here over many generations, down to the late nineteenth century, Ngāti Manuhiri

and their relatives gathered large quantities of school sharks known locally as muri. The upper reaches of the Matakana River were protected by several pā, including Pukematekeo, while the lower reaches and the adjoining harbour were protected by the headland pā known as Matakanakana – the glowering eyes'. This pā, which is of considerable significance to Ngāti Manuhiri, gives its name to the river and the surrounding district.

The site is located some 200m to the west of the bank of the Matakana River. As discussed in further detail below, stormwater will be discharged from the site via a swale providing treatment prior to discharge to the public network. The public network discharges to a stream to the west of the site which connects with the Matakana River to the south east.

The applicant has consulted with Ngāti Manuhiri and all other iwi identified on Council's website as being potentially interested in development of the site (refer Appendix 14). Ngāti Manuhiri have identified that they would like to submit a CVA (therefore serving to provide an assessment of the proposal on mana whenua values), and the Applicant welcomes receipt of the Assessment in due course, which will be provided to Council upon receipt. The Applicant will be arranging a meeting with Ngāti Manuhiri and any other iwi with interest in the site in the coming weeks and feedback will be provided to Auckland Council as the consultation progresses.

To this end and while we are yet to receive the CVA from Ngāti Manuhiri or any other interested iwi to confirm the potential for adverse effects on mana whenua values, there is nothing to suggest the proposal will result in more than minor adverse effects upon mana whenua values. This view will be confirmed with Council following receipt of CVA(s) in due course.

7.7 Natural Hazards

As identified within the preceding assessment, the Auckland Council GIS maps identify the presence of overland flow paths and a 1% AEP flood plain within the site.

The Civil Engineering Assessment confirms that the overland flow path and flood plain along the southern road frontage boundary are not located within the site and rather, are wholly contained within the stormwater network in the road reserve. Therefore, the proposal does not trigger any

reasons for consent in respect of the 1% AEP flood plain (including in respect of subdivision and retaining walls within its extent). The stream within the property at 941 Matakana Road will not be affected by the proposed scope of works due to its separation distance from the area of works.

The other overland flow paths commence within the site and therefore their diversion will not result in adverse upstream flooding effects. The site will be regraded to facilitate the proposed subdivision development and the flow paths will be relocated and contained within the proposed roads and JOAL. Therefore, the site works will ensure that none of the proposed lots are located within an overland flow path or flood plain.

As such, while the proposal involves the construction of retaining walls and fencing within an overland flow path, these hazards will be relocated to the proposed road network such that the structures will not result in ponding within the property, or off-site flooding effects.

For the above reasons and those included in the expert engineering report, the proposal is considered to give rise to less than minor adverse effects in terms of natural hazards. The site is not subject to any other hazards.

7.8 Reverse sensitivity – air discharge

Wharehine operate a ready-mix concrete plant from the adjacent site at 939 Matakana Road, involving the manufacturing and batching of concrete. Resource consent was granted by the former Auckland Regional Council on 02 December 2010 (Council reference: Permit No. 38034, 38035, 38036, 38038) to authorise the ongoing use of the site as a concrete manufacturing plant under the then Proposed Auckland Regional Plan: Air, Land, Water plan ("PARP:ALW"). A copy of the decision is provided at **Appendix 11**.

The consent has a 15 year duration, ending 02 December 2025 unless resource consent is obtained to continue operating from the site. One of the rationales for imposing the duration was that the Applicant had advised Council they did not intended to stay on the site any longer than 15 years (however it is not known whether this remains the case).

Of particular relevance to the subject application, permit reference 38034 enables the discharge of contaminants into air through a filter bag system from the mixing of cement powder with other materials to manufacture concrete or concrete products at a rate exceeding 110 tonnes per day. A full description of the operation of the activity, nature of the air discharge and filter unit is

provided within the appended decision. A range of dust mitigation measures are also detailed within the decision.

At the time consent was granted, both the site at 939 Matakana Road and the subject site were zoned "Residential M (Medium intensity)" under the Proposed Rodney District Plan 2000. In 2010, the surrounding environment remained largely rural in character with isolated houses on large sections, however the medium intensity zoning signalled the surrounding land use would change over time.

Relative to the residential zoning of the land, the site was located within an Urban Air Quality Management Area, requiring high levels of amenity to protect human health. While the PARP:ALW did provide for some industrial activities within the Urban Air Quality Management Area, the activity was required to be assessed against the more stringent air quality standards within the Urban area, therefore requiring a lower degree of air discharge to maintain the amenity of existing and future residential activities within the surrounding environment (including the subject site).

Having regard to the various on-site measures employed by Wharehine to manage the level, nature and effects of air discharge and dust (when measured against the more onerous Urban Air Quality Management Area standards), the resource consent decision concludes:

> If the site is operated in accordance with the documentation provide with consent application then discharges from the site will be minimised. It is considered that the on-site dust control equipment, operational procedures and consent conditions will be sufficient to avoid off-site nuisance effects.

The applicant was granted subject to a range of conditions requiring a suite of on-site management measures to ensure the activity does not result in adverse effects upon the surrounding residentially-zoned environment, including conditions 9-11 in respect of off-site effects relevant to this application:

9. Beyond the boundary of the site, there shall be no dust and/or odour caused by discharges from the site, which in the opinion of an enforcement officer, is noxious, offensive or objectionable.

10. No discharges from any activity on site shall give rise to visible emissions, other than water vapour and clean steam, to an extent which, in the opinion of an enforcement officer, is noxious, dangerous, offensive or objectionable.

11. Beyond the boundary of the site, there shall be no discharges to air of any hazardous air pollutant, caused by discharges from the site, which is present at a concentration that causes, or is likely to cause adverse effects to human health, the environment or property.

Turning to the subject proposal and the potential for the proposed residential use of the land to give rise to reverse sensitivity effects, both sites remain residentially zoned under the AUP. The zoning and potential effects of the concrete plant remain unchanged therefore from when the application was originally considered in 2010. The medium intensity zoning at that time foreshadowed the proposed use of the land at the proposed intensity, and considered the effects accordingly. Therefore, the conditions of consent were crafted to ensure the concrete activity would not result in air discharge that would be unacceptable in a residential setting, providing a high degree of certainty that the subject site can be developed for residential use without adversely affecting the consented / existing operation of the concrete manufacturing plant since it is already undertaking the necessary mitigation measures.

Therefore, the proposed residential use of the land will not result in adverse effects upon the current and on-going operation of the concrete manufacturing activities operating at 939 Matakana Road.

7.9 Conclusion

Overall, having regard to the assessment set out above when read in conjunction with the technical reports appended to this application, it is considered that the proposal will result in less than minor adverse effects upon the surrounding receiving environment.

8 Public Notification Assessment

8.1 Legislative Tests

Section 95A of the Resource Management Act 1991 ("**RMA**") specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These are addressed in statutory order below.

Step 1: Mandatory public notification is required in certain circumstances

Step 1 requires public notification where this is requested by the applicant, or the application involves the exchange of recreation reserve land under s15A of the Reserves Act 1977.

This step does not apply in this instance.

Step 2: If not required by step 1, public notification precluded in certain circumstances

Step 2 describes that public notification is precluded where all applicable rules and NES preclude public notification; or where the application is for a controlled activity; a residential activity or subdivision activity with restricted discretionary or discretionary activity status; or a prescribed activity under section 360H(1)(a)(i).

The application is for a residential subdivision on a site that is zoned Residential – Single House with an overall discretionary activity status.

Public notification is therefore precluded in this instance.

Step 3: If not precluded by step 2, public notification required in certain circumstances

Step 3 describes that where public notification is not precluded by step 2, it is required if the applicable rules or NES require public notification, or if the activity is likely to have adverse effects on the environment that are more than minor.

Given the preclusion in step 2, this step is not required. Notwithstanding, section 7 of this report assesses the actual and potential adverse effects of the proposal on the environment where it was concluded that overall, the proposal results in adverse effects that are less than minor in terms transportation, natural hazards, infrastructure including stormwater, mana whenua, amenity and subdivision. Therefore, in my view, public notification is not required under Step 3.

Step 4: Public notification in special circumstances

If an application is not required to be publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified.

Having regard to the scheme, which conforms to the scale and nature of activities that are anticipated in the residential zone, I do not consider that any special circumstances exist. The proposal involves the subdivision of residentially zoned land for the purpose of preparing vacant lots that comply with the minimum lot areas for the zone, being entirely in keeping with the character and intensity of development that is anticipated in this setting. Nor do I consider that public notification would give rise to any alternative or additional information that would prove useful for the decision-maker in considering the application.

8.2 Public Notification Conclusion

Having undertaken the section 95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory;
- Under step 2, public notification is precluded;
- Under step 3, public notification is required given the response to step 2; and
- Under step 4, no special circumstances are considered to arise.

Therefore, based on the preceding assessment and the assessment of effects in section 7 of this report, supported by expert analysis in accompanying appendices, public notification is precluded in this circumstance.

9 Limited Notification Assessment

9.1 Legislative Tests

Under Section 95B, if the Council does not publicly notify an application, it must decide (under sections 95B(1)-(10)) if there are any reasons to limited notify.

If the application is not publicly notified under s95A, the Council must follow the steps set out in s95B to determine whether to limited notify the application. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activity (s95B(2)).

In addition, the council must determine whether the proposed activity is on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)). Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018
- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

The subject site is located within the Ngāti Manuhiri Claims Settlement Act 2012 area.

Appendix 21 of the AUP provides a description of Ngāti Manuhiri's statutory acknowledgement area. Of relevance to the subject application, the Matakana River is identified as being within the statutory acknowledgement area, which includes Matakana, its surrounds, and the coastal environment to the east. Relevant to Matakana River, the AUP describes the cultural, spiritual, historic and traditional association of Ngāti Manuhiri with Te Awa Matakanakana (the Matakana River) as follows:

Cultural, Spiritual, Historic and Traditional Association of Ngāti Manuhiri with Te Awa Matakanakana - the Matakana River

Te Awa Matakanakana (also known as the Matakana River) is of major significance to Ngāti Manuhiri as a sub- regional boundary marker. In 1853 the Crown identified the area north of the river as _Parihoro's Claim', with Parihoro then being the oldest Ngāti Manuhiri rangatira in occupation of the district. The river provided an important inland route to kāinga and cultivations located on the fertile country located at the navigable head of the river. It also provided a wide range of food taken from both the fresh and salt-water sections of the river. Beyond the river mouth was one of the most valued tauranga mango (shark fishing grounds) in the region. Here over many generations, down to the late nineteenth century, Ngāti Manuhiri

and their relatives gathered large quantities of school sharks known locally as muri. The upper reaches of the Matakana River were protected by several pā, including Pukematekeo, while the lower reaches and the adjoining harbour were protected by the headland pā known as Matakanakana – the glowering eyes'. This pā, which is of considerable significance to Ngāti Manuhiri, gives its name to the river and the surrounding district.

The site is located some 200m to the west of the bank of the Matakana River. As discussed in further detail below, stormwater will be discharged from the site via a swale providing treatment prior to discharge to the public network. The public network discharges to a stream to the west of the site which connects with the Matakana River to the south east.

The Applicant has consulted with Ngāti Manuhiri who have advised they wish to prepare a CVA. An on-site meeting is to be arranged with Ngāti Manuhiri in due course with a CVA to follow thereafter. The Applicant will continue to work with Ngāti Manuhiri in this regard and advise Council of progress accordingly.

The proposal involves regional earthworks across the site including a comprehensive suite of sediment and control measures to minimise the discharge of sediment from the site. The Applicant acknowledges its requirements in respect of accidental discovery protocols and accepts an appropriately worded condition in this regard.

The proposal involves the diversion of overland flow paths that commence within the site, redirecting overland flow to the proposed roads whereby runoff is directed to the swale. As set out within the draft Stormwater Management Plan (Appendix 3), stormwater will be discharged to the swales within the road reserve for attenuation and treatment prior to discharge to the public network. Stormwater runoff from roofs will be collected and retained on site within water tanks for potable water supply and irrigation purposes.

The appended Watercourse Classification Assessment confirms that the watercourses on the site are classified as either a farm drain or an ephemeral stream thereby confirming the absence of any ecological value accordingly.

Further, the site is not identified on Council's GIS as being occupied by any cultural heritage or archaeological items.

To this end and while we are yet to receive the CVA from Ngāti Manuhiri to confirm the potential for adverse effects on mana whenua values, there is nothing to suggest the proposal will result in more than minor adverse effects upon mana whenua values and at this stage Ngāti Manuhiri is not considered an affected party under s95E of the Act. This view will be confirmed with Council following receipt of the CVA in due course.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)), and
- the application is not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As this application is not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the application is required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if the activity's adverse effects on that person are minor or more than minor (but not less than minor)
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Written approval

While the property at 941 Matakana Road forms part of the 'site', written approval has been obtained for completeness as the Applicant does not own that property.

Permitted baseline

The proposal involves the subdivision of the land to enable the future residential use of the land. The Single House zone specifically provides for and anticipates such an outcome. The Matakana 1 Precinct similarly anticipates residential use, subdivision and development albeit at a density of at least 1 dwelling per 800m^2 site area, with which the proposal complies. The Precinct Plan provides indicative road locations and pedestrian connectivity between the site and Matakana Road. Again, the proposal achieves the anticipated outcome of the Precinct Plan in respect of site layout.

Compliance with the matters above established a relevant permitted baseline in respect of the residential use of the land and the associated effects that may arise from the creation of 33 new residential lots given their compliance with the minimum site area, including traffic generation and wastewater effects.

The permitted baseline has been considered where relevant in undertaking the following assessment of effects.

Adjacent persons

Figure 21 identifies all persons that are considered to be adjacent to the subject site.

Figure 21 – Aerial photograph identifying adjacent persons

39-43 Laly Haddon Place (north)

The properties at 39-43 Laly Haddon Place are located approximately 78m from the northern most extent of proposed works, and this separation distance provides sufficient separation distance to mitigate potential adverse effects arising from the proposal in respect of construction works and amenity effects upon completion of the proposed development.

5-15 Courtney Lane (north)

The proposed scheme illustrates a layout akin to that of the Courtney Lane subdivision, however the proposed lots at a minimum site area of 800m^2 are greater in size than that of Courtney Lane. The proposal is wholly consistent with that which can be expected to occur along the northern boundary of the site (with regard to the AUP and Precinct Plan), providing 'back to back' rear boundaries at the interface with existing fencing providing for the ongoing amenity of existing residents to the north.

The creation of vacant residential lots will enable the future construction of residential dwellings at a scale provided within the AUP and Matakana 1 Precinct, i.e. one two-storey dwelling per lot in a design that complies with the relevant bulk and location standards along the northern boundary.

Earthworks will be undertaken in accordance with best practice to ensure that silt, sediment and dust nuisance is contained within the boundary of the site. Construction noise levels will be limited to that arising from the future construction of dwellings on the site, which are expected to be achieved having regard to the nature and scale of future development and the ground conditions.

967, 971, 973 and 975 Matakana Road (east)

The proposed scheme illustrates a layout akin to that of the properties adjacent the eastern boundary, however the proposed lots at a minimum site area of 800m^2 are greater in size than that to the east. The proposal is wholly consistent with that which can be expected to occur along the eastern boundary of the site (with regard to the AUP and Precinct Plan), providing 'back to back' rear boundaries at the interface with existing fencing providing for the ongoing amenity of existing residents to the east.

The creation of vacant residential lots will enable the future construction of residential dwellings at a scale provided within the AUP and Matakana 1 Precinct, i.e. one two-storey dwelling per lot in a design that complies with the relevant bulk and location standards along the northern boundary.

Earthworks will be undertaken in accordance with best practice to ensure that silt, sediment and dust nuisance is contained within the boundary of the site. Construction noise levels will be limited to that arising from the future construction of dwellings on the site, which are expected to be achieved having regard to the nature and scale of future development and the ground conditions.

960 (Matakana School), 962 and 978 Matakana Road (south)

The proposed subdivision layout and intensity is wholly consistent with that anticipated to occur having regard to the AUP and Matakana 1 Precinct, resulting in an intensity and traffic volume which is appropriate in this location.

The Applicant has met with the Principal and a Board member of Matakana Primary School who supported the location of the proposed road intersection given its separation distance from the existing crossings to the school. Their secondary concern related to the volume of earthworks trucks that will be required to undertake bulk earthworks on the site. The Applicant has further refined the cut/fill plan to minimise the volume of cut that will be required to be removed from the site (maximum 850m^3). The applicant also proffers a condition requiring the preparation of

a Construction Traffic Management Plan to appropriately manage the movement of heavy vehicles to the site during earthworks, including a clause avoiding heavy vehicles from accessing the site during school pick up and drop off hours. This is set out in further detail with section 7 of the Transportation Assessment with **Appendix 5**.

In respect of the property at 962 Matakana Road, the site is separated by the intervening arterial road. The proposed fencing and landscaping plan along with southern boundary of the site will provide an attractive interface when viewed from the south.

978 Matakana Road is used as an uncovered car park for Matakana Market days, and the balance of the site is grass, presumably used for pastoral activities.

Earthworks will be undertaken in accordance with best practice to ensure that silt, sediment and dust nuisance is contained within the boundary of the site. Construction noise levels will be limited to that arising from the future construction of dwellings on the site, which are expected to be achieved having regard to the nature and scale of future development and the ground conditions.

939 Matakana Road (west)

The location of the new intersection has been dictated by the Matakana Precinct Plan and it is therefore reasonable to expect that an intersection and new road will be constructed adjacent the eastern boundary of 939 Matakana Road. As discussed within the preceding assessment of effects, the proposal involves a range of minor improvements to the road markings within Matakana Road to maintain and enhance the safety and efficiency of the road network following construction of the intersection.

The flush median will extend along the front of 939 Matakana Road providing a safe location for heavy vehicles to wait while through traffic travels along the arterial road, therefore improving the safety and operation of that vehicle crossing. The Transportation Assessment (**Appendix 5**) confirms that the proposed road markings will provide for the safe operation of both the new intersection and adjacent vehicle crossing. Having regard to the available sightlines from both properties, the proposal will not result in more than minor adverse effects upon the operation of the vehicle crossing (or the activities occurring on the site) accordingly.

Turning to potential reverse sensitivity effects upon the on-going operation of the concrete manufacturing plant, the preceding assessment confirms that the resource consent for the plant currently requires a high level of on-site mitigation and management measures that will ensure

an appropriate interface with the subject site, once occupied by future residential dwellings. The amenity of future residents was assessed at the time of granting consent in 2010, providing an appropriate outcome at the interface therefore. The proposal will not give rise to reverse sensitivity effects provided the concrete manufacturing activity is operating in accordance with the resource consent requirements and conditions.

Having regard to the above assessment and the preceding assessment of effects in Section 7 of this report, I conclude that the proposal gives rise to no adversely affected persons.

Iwi consultation

The Applicant has engaged with iwi to identify any with an interest in the site and proposed development. A copy of the correspondence is provided within **Appendix 14**, which confirms that Ngāti Manuhiri has requested the preparation of a CVA. At the time of lodgement, the Applicant is in the process of arranging an on-site meeting with Ngāti Manuhiri. The Applicant will provide further updates to Council as the consultation process progresses, including provision of the CVA from Ngāti Manuhiri (and any others) upon receipt.

To this end and while we are yet to receive the CVA from Ngāti Manuhiri to confirm the potential for adverse effects on mana whenua values, there is nothing to suggest the proposal will result in more than minor adverse effects upon mana whenua values and at this stage Ngāti Manuhiri is not considered an affected party under s95E of the Act. This view will be confirmed with Council following receipt of the CVA in due course.

Step 4: further notification in special circumstances

Step 4 requires us to determine whether special circumstances exist in relation to the application that warrant it being notified to any other persons not already determined as eligible for limited notification.

Special circumstances are those that are:

- exceptional or unusual, but something less than extraordinary;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. The proposal achieves development on the site that is in keeping with the anticipated character of the residential zones and complies with nearly all standards.

9.2 Limited Notification Conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the application is for an activity other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activity will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any persons.

It is therefore considered appropriate that this application be processed without limited notification.

10 Policy Framework

10.1 National Policy Statements

National Policy Statement on Urban Development Capacity 2016

The National Policy Statement on Urban Development Capacity ("NPS-UDC") was released on 3 November 2016 and directs local authorities to provide sufficient development capacity in their resource management plans to meet demands in housing and business growth. The NPS-UDC acknowledges that sufficient development capacity is critical to ensuring urban land can be developed efficiently to meet community needs. Further, the NPS acknowledges the importance of commercial feasibility and commercial viability when taking account of whether certain developments can occur in certain locations.

In the context of this proposal, Auckland is identified as being a "High-Growth Area" and therefore the Council is required to implement all policies in the NPS in terms of monitoring and providing sufficient land capacity for all activities. In respect of Matakana (including the subject site), the expectation is that the settlement can accommodate residential growth at a low density and scale, like that proposed by this subdivision.

Further, the site is zoned as being suitable for that proposed.

The NPS-UDC was replaced by the National Policy Statement on Urban Development 2020 ("NPS-UD") on 23 July 2020, shortly before lodgement of the subject application. The above assessment is provided for completeness given the timeliness of the replacement NPS.

National Policy Statement on Urban Development 2020

The NPS-UD comes into force on 20 August 2020 and places a strong presumption on residential intensification and growth within identified locations, specifically in Tier 1 growth areas including the subject site (and the wider Auckland region), reinforcing the appropriateness of the proposed development in this location and in a manner consistent with the AUP.

The proposal is considered to be wholly consistent with the outcomes of the NPS-UD and will therefore not preclude the site, nor surrounding Matakana environment from achieving these outcomes when the NPS comes into force on 20 August 2020.

National Policy Statement on Freshwater Management 2014

The National Policy Statement for Freshwater Management 2014 ("Freshwater NPS 2014") sets out the objectives and policies for freshwater management under the Resource Management Act 1991. It came into effect on 1 August 2014 and amendments made in August 2017 took effect on 7 September 2017.

This Freshwater NPS applies to the management of fresh water through a framework that considers and recognises Te Mana o te Wai as an integral part of freshwater management.

National Policy Statement on Freshwater Management 2020

The National Policy Statements on Freshwater Management 2020 ("Freshwater NPS 2020") was released for public consultation in late-2019 and is expected to come into force in late-2020. The Freshwater NPS 2020 will provide local authorities with updated direction on how they should manage freshwater under the Resource Management Act 1991, including giving effect to Te Mana o te Wai through working with tangata whenua and communities to set out long term visions for managing freshwater by prioritising the health and wellbeing of water bodies before the essential needs of people and other users. It will also place emphasis on improving degraded water bodies and seek to avoid further loss or degradation of wetlands.

Having regard to both the Freshwater NPS 2014 and Freshwater NPS 2020, the assessment within Appendix 4 confirms that there are no intermittent or permeant streams within the site (except for perhaps within the northern portion of 941 Matakana Road however no works are located proximate to the stream that require consent). Appendix 4 confirms therefore that the farm drains and ephemeral streams within the site do not hold ecological value necessitating consideration of the potential effects arising from the proposal on the ecology within the site in this regard. The proposal therefore does not involve the diversion or reclamation of any streams within the site, nor will it result in the loss of any wetlands.

The Applicant has consulted relevant iwi in respect of the proposal and is progressing the preparation of a CVA with Ngāti Manuhiri (and any other iwi identifying that such as an assessment is required).

The proposal is considered to be consistent with the anticipated outcomes of the Freshwater NPS 2014, and will not be contrary to the Freshwater NPS 2020 when it comes into force later in 2020.

10.2 National Environmental Standards

There are no applicable National Environmental Standards of relevance.

10.3 Regional Policy Statement and Regional Plan

The Regional Policy Statement of relevance is found within the AUP (Chapter B). The proposal is not considered to be of regional significance, however the following brief assessment under this document is made:

- Section B2 addresses the issue of Auckland's growing population and the corresponding demand for housing, employment, business, infrastructure, social facilities and services. The key objectives in respect of Urban Growth and Form (B2.2.1) seek to achieve a quality, compact urban form within the identified urban area and with sufficient development capacity to support growth. Related policies include B2.2.2(5) which seeks to enable higher residential intensification in and around centres, along identified corridors, close to public transport, social facilities (including open space) and employment opportunities. Similarly, the objectives in B2.4 (Residential Growth) seek to achieve attractive, healthy and safe residential intensification in appropriate locations. The proposal achieves and indeed delivers on these objectives and their outcomes, by providing for residential development in a character that accords with the underlying zone.

- Section B3 of the RPS addresses the importance of investing in appropriate infrastructure to realise Auckland's full economic potential while maintaining the quality of life for its inhabitants. The benefits of infrastructure are recognised, including enabling economic growth and enabling interaction and communication, alongside protecting environmental bottom lines. Integration of infrastructure and land use planning is key and will assist in avoiding, remedying or mitigating adverse effects of infrastructure. In this instance the proposal seeks to connect to public wastewater infrastructure and the transport network, without adversely affecting the capacity and functioning of that infrastructure. The intended mitigation measures are comprehensively addressed in the accompanying expert reports. For these reasons, I consider the proposal is consistent with Section B3 of the RPS.

- Section B6 Manan Whenua recognises the Treaty of Waitangi/Te Tiriti o Waitangi and enables the outcomes that Treaty settlement redress is intended to achieve, protect Mana Whenua culture, landscapes and historic heritage, enable Mana Whenua economic, social and cultural

development on Māori Land and Treaty Settlement Land, recognises the interests, values and customary rights of Mana Whenua in the sustainable management of natural and physical resources, including integration of mātauranga and tikanga in resource management processes, increases opportunities for Mana Whenua to play a role in environmental decision-making, governance and partnerships; and enhances the relationship between Mana Whenua and Auckland's natural environment, including customary uses. In this case, the site is located within a statutory acknowledgement area and the Applicant has consulted with Ngāti Manuhiri accordingly, as well as the other iwi identified as having an interest in the land. At least one CVA is expected to be received in due course providing an assessment of the proposal on Mana Whenua values. The site is not subject to or occupied by any cultural heritage items or archaeological items. The Applicant welcomes necessary conditions of consent regarding accidental discovery protocols. The proposal is not considered to be contrary to the outcomes of Chapter B6 therefore.

- The proposal is consistent with the provisions of Section B7 (Natural Resources) of the RPS as assessed in the preceding assessment of effects, having particular regard to the management of stormwater. Appendix 4 confirms there are no intermittent or permanent streams within the site otherwise resulting in consideration of the diversion or reclamation of a stream. Further, the proposal does not involve the degradation or loss of any wetlands.

- Finally, the proposal is considered to be consistent with the provisions of B10 (Environmental Risk) of the RPS having regard to flooding and overland flow paths. The proposal is not considered to exacerbate existing risk or create new risks of natural hazards. These matters are comprehensively canvassed in the accompanying engineering assessment.

For the above reasons, the proposal is considered to be consistent with the relevant provisions of the RPS.

10.4 Auckland Unitary Plan

10.4.1 Regional Plan

The proposal requires regional earthworks consent pursuant to Chapter E11 Land Disturbance – Regional. The following assessment is provided in this regard.

Land Disturbance - Regional (Chapter E11)

Chapter 11 is concerned with ensuring land disturbance is undertaken in a manner that protects the safety of people and avoids, remedies or mitigates adverse effects on the environment (Objective E11.2(1)), minimising sediment generation from land disturbance (Objective E11.2(2)) and controlling land disturbance to achieve soil conservation (Objective E11.2(3)). The policies within E11.3 seek to achieve these outcomes by ensuring earthworks are undertaken in accordance with best practice, appropriately managing the impact of mana whenua cultural heritage that is discovered when undertaking land disturbance, enabling earthworks necessary for a range of activities to provide for people and communities social, economic and cultural wellbeing, recognising existing environmental site constraints and opportunities, among other matters.

The preceding assessment of effects confirms the proposal involves a comprehensive suite of sediment and erosion control measures which will minimise sediment leaving the site. Turning to the appropriate management of the impact on mana whenua cultural heritage, the Applicant acknowledges its requirements in respect of accidental discovery protocols and is willing to accept an appropriately worded condition in this regard. Council's GIS does not identify any cultural heritage items on the site and nor are any archaeological items identified within the site.

The Applicant has engaged with all iwi identified on Council's website as having an interest in the site. At the time of writing, the Applicant has received one request to prepare a CVA (Ngāti Manuhiri) which will be provided to Council upon receipt.

The proposal is therefore consistent with the anticipated outcomes, objectives and policies within Chapter E11.

10.4.2 Auckland-wide Objectives and Policies

Chapter E1 Water quality

The Plan seeks to ensure that stormwater and wastewater networks are managed to protect public health and safety and to prevent or minimise adverse effects of contaminants on freshwater and coastal water quality[2], and to ensure that the mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua[3].

[2] E1.2.3 Objective.
[3] E1.2.2 Objective.

The policies that relate to stormwater management seek to achieve these objectives by minimising or mitigating new adverse effects of stormwater runoff, and where possible seek to reduce runoff over time arising from intensification and redevelopment of existing urban areas through the following methods:

- All stormwater will be treated to necessary standards prior to discharge to ground via soak hole (Policy E1.3.9a), including measures to reduce the discharge of gross stormwater pollutants (Policy E1.3.9b) to maintain the quality of groundwater within the aquifer;

- The proposal does not trigger the need to reduce the peak flow rate or volume of stormwater discharge (Policy E1.3.9c);

- The disposal of stormwater has been considered in an integrated manner across the subject site, and those adjacent development sites to ensure the necessary treatment and design is considered comprehensively (Policy E1.3.9d); and

- The design and layout of the site accounts for the overland flow paths within the site (Policy E1.3.9e).

The AUP does not require treatment of the road or JOAL due the relatively low volume of traffic that will generate contaminants, however the proposed swale will provide a good degree of treatment nonetheless. The swale will provide attenuation for 2 and 10 year events, with the underground stormwater network catering for the balance. Stormwater tanks will provide on-site attenuation and reuse for potable water supply from roof water. The proposal achieves SMAF level hydrology mitigation as required by the NDC and as agreed with Auckland Council's Healthy Waters team prior to lodgement. The proposal provides a site-wide integrated stormwater approach including the road, JOAL, roofs and impervious areas within each site in a manner that is consistent with the desired outcomes of Chapter E1.

Land Disturbance - District (Chapter E12)

With regards to the nature and extent of earthworks, the objectives and policies are concerned with works being undertaken in a manner that protects people and the environment (Objective E11.2), and which minimises the effects of sedimentation and natural hazards. In respect of the scope of the proposal, this is to be achieved by the management of earthworks activity, in accordance with standard practices (Policy E11.3.2), and by ensuring that contaminated land which may result from building demolition, is managed appropriately.

The preceding assessment of effects confirms this is the case on the subject site and further, that appropriate conditions of consent can ensure any potential adverse effects are appropriately mitigated. The proposal is therefore consistent with these provisions. The proposal is consistent with the objectives and policies of the district land disturbance provisions.

Signs (Chapter E23)

Three signs displaying the suburb or road name are proposed at the entrance to the subdivision. The signs have been designed specifically for the site to integrate with the stone walls, providing wayfinding and a sense of identity for residents. All signage therefore achieves the anticipated outcomes set out within the objectives at E23.2 and relevant policies at E23.3(1)-(4).

Transportation (Chapter E27)

No transport related infringements arise from the proposed subdivision layout such that no adverse effects result on the existing network in terms of generation, access or safety. While the proposal involves an infringement to the number of lots accessed from the JOAL (under Chapter E38), the preceding assessment of effects confirms that the design, layout and shape of the JOAL will appropriately manage the potential adverse traffic and pedestrian safety and operational effects arising from the number of vehicles utilising the JOAL. Further, the proposal is considered to appropriately provide for all users in a manner that does not detract from the safety of the network, nor the site itself. The matters in Objectives (1) to (5) at E27.2 and policies of relevance at E27.3 are therefore addressed and the proposal is consistent with those provisions.

Natural Hazards (Chapter E36)

The proposal has been assessed in respect of the potential for overland flow paths (**Appendix 3**). The Civil Engineering Assessment concludes that the site is suitable for development as proposed and will not result in adverse effects on neighbouring properties in terms of exacerbating existing or creating new natural hazards. Further, the sites can all accommodate building platforms free from any hazards. These matters therefore address the objectives at E36.2 and the associated policies at E36.3.

Urban Subdivision (Chapter E38)

Subdivision within existing urban areas is enabled by the AUP in Chapter E38 in a manner that provides for the needs of the community and minimises adverse effects on the environment. Infrastructure is required to support subdivision and development and should be provided in an

integrated and comprehensive manner. Subdivision should have a layout which is safe, efficient, convenient and accessible.

Provision	Response
E38.2 Objectives	
(1) Land is subdivided to achieve the objectives of the residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.	The proposed subdivision achieves lots that comply in all respects with the zone (and precinct) provisions regarding minimum site size, ability to accommodate a complying dwelling on a platform free from hazards and with appropriate space and orientation for the anticipated residential amenity in the Single House zone, and that anticipated by the Matakana 1 Precinct.
(2) Land is subdivided in a manner that provides for the long-term needs of the community and minimises adverse effects of future development on the environment.	The proposed subdivision is considered to achieve this objective through its consistency with zone and Precinct provisions and surrounding existing and anticipated character of development.
(3) Land is vested to provide for esplanades reserves, roads, stormwater, infrastructure and other purposes.	The proposal involves land that is to be vested for roads, which includes a swale for the management of stormwater and public infrastructure including wastewater, telecommunications, and electricity.
(4) Infrastructure supporting subdivision and development is planned and provided for in an integrated and comprehensive manner and provided for to be in place at the time of the subdivision or development.	The proposed lots will all be appropriately serviced without detriment to the singular public network (being wastewater) nor the transport network.

Provision	Response
(5) Infrastructure is appropriately protected from incompatible subdivision, use and development, and reverse sensitivity effects.	As above.
(6) Subdivision has a layout which is safe, efficient, convenient and accessible.	The proposed layout is considered to achieve all of the aspects of this objective, providing for a legible lot arrangement and access. The subdivision layout provides for public pedestrian access (via an easement in gross) between the vested road and Matakana Road.
(7) Subdivision manages adverse effects on historic heritage or Maori cultural heritage.	The proposal results in no adverse effects on heritage of any kind.
(8) Subdivision maintains or enhances the natural features and landscapes that contribute to the character and amenity values of the areas.	The proposal is considered to complement the surrounding amenity through implementation of a lot layout that delivers the anticipated residential density in a low density residential setting.
(10) Subdivision: (a) within urban and serviced areas, does not increase the risks of adverse effects to people, property, infrastructure and the environment from natural hazards; (b) avoids, where possible, and otherwise mitigates, adverse effects associated with subdivision for infrastructure or existing urban land uses; and (c) maintains the function of flood plains and overland flow paths to safely convey flood	The site is subject to overland flow but no flooding hazards, as specified in the preceding assessment. Bulk earthworks have been designed to relocate the overland flow paths into the proposed road reserves, while ensuring that existing flows will continue to be received into the site avoiding off-site flooding effects. This hazard has been given specific consideration in the proposed subdivision application in that each lot can provide for a building platform (and a large part of each site beyond that) clear of all hazards.

Provision	Response
waters, while taking into account the likely long term effects of climate change.	In this way the subdivision is consistent with policy 10(a). Sub-clauses (b) and (c) are not relevant in this case.
E38.3 Policies	
(1) Provide for subdivision which supports the policies of the Plan for residential zones, business zones, open space zones, special purpose zones, coastal zones, relevant overlays and Auckland-wide provisions.	As above response to Objective E38.2(1).
(2) Require subdivision to manage the risk of adverse effects resulting from natural hazards in accordance with the objectives and policies in E36 Natural hazards and flooding, and to provide safe and stable building platforms and vehicle access.	As above response to Objective E38.2(10).
(3) Require subdivision design to respond to the natural landscapes by: (a) avoiding building platforms and, where practicable, infrastructure, on identified or dominant ridgelines on sites zoned Residential – Large Lot Zone or Residential – Rural and Coastal Settlement Zone; (b) locating and designing roads, access and infrastructure in a manner which minimises earthworks; and (c) locating roads and development to follow land contours.	N/a – the site is not located within the Residential – Large Lot or Residential – Rural and Coastal Settlement zones.

Provision	Response
(4) Require subdivision to be designed to retain, protect or enhance scheduled features including those in the Historic Heritage Overlay and Sites and Places of Significance to Mana Whenua Overlay.	Not applicable.
(6) Provide for subdivision around existing development, and where it enables creation of sites for uses that are in accordance with an approved land use resource consent and where there is compliance with Auckland-wide and zone rules.	Stage 1 of the proposed subdivision involves subdivision around the existing residential dwelling at the eastern end of the site, in a manner that is compliant with the Auckland-wide and zone rules.
(9) Require any staged subdivision to be undertaken in a manner that promotes efficient development.	The proposed staging enables the applicant to establish a standalone lot for the existing residential dwelling on the site, and to then subdivide the balance of the property as stage 2, enabling efficient development of the site.
(10) Require subdivision to provide street and block patterns that support the concepts of a liveable, walkable and connected neighbourhood including: (a) a road network that achieves all of the following: (i) is easy and safe to use for pedestrians and cyclists; (ii) is connected with a variety of routes within the immediate neighbourhood and between adjacent land areas; and	The subdivision's layout and road pattern are as prescribed by the Matakana 1 Precinct Plan and as required by Auckland Transport's TDM. Footpaths are provided on both sides of the street, vehicle crossings are minimised as much as possible by utilising the rear JOAL access, and a public pedestrian and cycle connection is provided to Matakana Road providing a legible and connected walking and cycling route to and between Matakana Primary School and Town Centre.

Provision	Response
(iii) is connected to public transport, shops, schools, employment, open spaces and other amenities; and (b) vehicle crossings and associated access designed and located to provide for safe and efficient movement to and from sites and minimising potential conflict between vehicles, pedestrians, and cyclists on the adjacent road network.	
(11) Require subdivision to be designed to achieve a high level of amenity and efficiency for residents by: (a) aligning roads and sites for maximum sunlight access where topography and parent site shape allows; and (b) aligning sites to the road to maximise opportunities for buildings fronting the road.	The proposed subdivision is considered to deliver a high level of amenity in the future given the complying lot sizes and layouts and provision for spacious settings for future dwellings. While five lots do not achieve the required orientation as per the Matakana 1 Precinct provisions, the lots comprise a minimum of 800m^2 providing a high degree of flexibility for future owners to layout each site to optimise sunlight access and outlook. There are no 'rear' sites except those with JOAL access.
(12) Limiting rear sites to places where the site topography, existing boundaries, natural features, or scheduled places will prevent the creation of front sites.	There are no 'rear' sites except those with JOAL access.
(13) Require subdivision to deliver sites that are of an appropriate size and shape for development intended by the zone by:	The Matakana 1 Precinct and underlying provisions of the Single House zone do not encourage or provide for residential

Provision	Response
(a) providing a range of site sizes and densities; and (b) providing for higher residential densities in locations where they are supportive of pedestrians, cyclists, public transport and the viability and vibrancy of centres.	intensification on the site beyond that enabled by lots of at least 800m^2, despite the site's proximity to the Matakana Town Centre. This is to ensure that the Matakana community retains its current character and amenity, and is achieved via lot sizes in excess of the underlying zone standard (600m^2). The proposal complies with this lot size standard together with the shape requirements of each lot, thereby demonstrating the layout is consistent with that anticipated for the site.
(14) Encourage the design of subdivision to incorporate and enhance land forms, natural features, and indigenous trees and vegetation.	The proposed subdivision does not affect any significant natural features.
(15) Encourage shared vehicle access by way of rear lanes where appropriate to avoid the proliferation of vehicle crossings that: (a) creates adverse effects on the safety of the road and footpath; (b) limits opportunities to plant street trees; or (c) creates inefficiencies in the provision of on-street car parking or areas for bus stops.	The proposal achieves the intended outcome of Policy (15) through the provision of a JOAL, providing vehicle access for 15 lots from the shared access / rear lane thereby enabling the reduction of vehicle crossings from the road to be vested. In turn, the proposal improves the safety of pedestrians and cyclists and enhances the appearance of the swale and the appearance of the streetscape generally.
(16) Require shared vehicle access to be of a width, length and form that: (a) encourages low vehicle speed environments; and	While the proposed JOAL serves 15 lots, in excess of the maximum 10, the JOAL has been designed to create a low speed environment through the use of differing surface treatments, and identifies a delineated 1m wide flush pedestrian footpath within the

Provision	Response
(b) provides for the safety of users of the access and the adjoining road network.	5.5m wide JOAL driveway. A landscape strip on both sides of the driveway also encourages a low speed environment by narrowing the driveway within the access lot.
(17) Require sufficient road reserves to accommodate the needs of: (a) different types of transport modes; (b) stormwater networks; (c) network utilities; and (d) lighting, street furniture, landscaping and reticulated infrastructure in a way that will not create future safety and maintenance issues.	The cross-sections provided within the Civil Engineering Assessment demonstrate that the road widths are sufficient to accommodate all necessary footpaths, swales, on-street car parking, lighting and service trench requirements.
(18) Require subdivision to provide for the recreation and amenity needs of residents by: (a) providing open spaces which are prominent and accessible by pedestrians; (b) providing for the number and size of open spaces in proportion to the future density of the neighbourhood; and (c) providing for pedestrian and/or cycle linkages.	The proposal has been designed to provide the road and pedestrian linkages required by the Matakana 1 Precinct. In particular, the proposed 2.5m wide footpath (located adjacent a 1.5m landscape) with public easement in gross provides pedestrian and cycle connection between proposed Road 2 and Matakana Road, providing a safe and legible public access to Matakana Primary School and the Town Centre. While the Precinct Plan identifies this connection as being for open space, its linear shape and intended pedestrian access connection lends itself to the provision of a connection rather than informal or recreational open space. The 2.5m wide footpath will connect to the

Provision	Response
	existing and proposed 1.8m wide footpaths at its northern and southern ends.
(19) Require subdivision to provide servicing: (a) to be coordinated, integrated and compatible with the existing infrastructure network; (b) to enable the existing network to be expanded or extended to adjacent land where that land is zoned for urban development; and (c) to enable electricity and telecommunications services to be reticulated underground to each site wherever practicable.	All proposed residential lots will be provided with connection to the wastewater network and will be serviced with telecommunication and power via the underground service trench to be located within the vested roads. Stormwater will be collected from impervious surfaces within each lot and diverted to the stormwater network, with runoff from roofs being collected and stored on-site for reuse (potable).
(20) Require sites capable of containing a building, in areas where service connections are available to a public reticulated network, to connect to the following networks: (a) wastewater; (b) stormwater; and (c) potable water.	No reticulated public network for water supply and stormwater is available. The proposed subdivision can be accommodated by and connect to the existing wastewater system without detriment. The engineering drawings demonstrate that each lot can accommodate the necessary building area, outside of a natural hazard and yard setback requirements.
(21) Require sites capable of containing a building, in areas with no reticulated water supply, stormwater or wastewater network, to be of a size and shape that provides for:	The proposed subdivision can be appropriately serviced by the reticulated wastewater network, and through future on-site measures for water supply and stormwater.

Provision	Response
(a) the treatment and disposal of stormwater in a way that does not lead to significant adverse off-site effects including degraded water quality, erosion, land instability, creation or exacerbation of flooding; (b) management of wastewater via: (i) an on-site wastewater treatment system, or (ii) approval to connect to a private wastewater network; and (c) potable water.	
(22) Require subdivision to be designed to manage stormwater: (a) in accordance with any approved stormwater discharge consent or network discharge consent; (b) in a manner consistent with stormwater management policies in E1 Water quality and integrated management; (c) by applying an integrated stormwater management approach to the planning and design of development in accordance with stormwater management policies in E1 Water quality and integrated management; (d) to protect natural streams and maintain the conveyance function of overland flow paths;	A draft Stormwater Management Plan has been prepared by Hutchinsons as required the Auckland Council Network Discharge Consent for sites that are classified as 'Brownfield – Large'. The SMP sets out the proposed stormwater attenuation and discharge arrangements in order to achieve an integrated stormwater management approach, convey overland flow paths, and integrate the site with existing public infrastructure.

Provision	Response
(e) to maintain, or progressively improve, water quality; (f) to integrate drainage reserves and infrastructure with surrounding development and open space networks; and (g) in an integrated and cost-effective way.	
(23) Manage subdivision and development to avoid, remedy or mitigate adverse effects on infrastructure including reverse sensitivity effects, which may compromise the operation and capacity of existing or authorised infrastructure	GHD have provided an assessment of the additional demand (attached to the Civil Engineering Assessment within Appendix 3) that the proposed intensity is likely to generate on the public wastewater network, concluding that the public network can accommodate the proposed development.

As illustrated in the preceding table, the provisions in E38.2 and E38.3 have been appropriately considered in the proposed subdivision design and intended land use and it is considered therefore that the proposal is consistent with the objectives and policies relating to urban subdivision.

Overall, the proposal is consistent with the objectives and associated policies relevant to transportation, natural hazards, and subdivision.

10.4.3 Objectives and Policies for Chapter H3 Residential – Single House Zone

The proposal requires consent under the Single House chapter in respect of the construction of three 600mm high retaining walls along the Matakana Road frontage. Having regard to the reason for consent, and the objectives and policies that are contained within the AUP, the following provisions are considered to be of relevance to the proposal:

Objectives H3.2 in the Residential – Single House zone

Provision	Response
(1) Development maintains and is in keeping with the amenity values of established residential neighbourhoods including those based on special character informed by the past, spacious sites with some large trees, a coastal setting or other factors such as established neighbourhood character.	The proposal involves the creation of 33 vacant residential lots that will each be developed with a residential dwelling over time, at a density greater than that required in the Single House zone (800m^2 lots rather than 600m^2). The low level retaining walls combined with the proposed fencing and landscaping along the southern boundary will provide a high quality appearance and amenity for residents within the development and when viewed as part of the Matakana Road streetscape. The design, layout and density are wholly consistent with the anticipated character and amenity within the Single House zone, and are in keeping with the surrounding established residential character.
(2) Development is in keeping with the neighbourhood's existing or planned suburban built character of predominantly one to two storeys buildings.	The proposal does not involve land use or dwelling design at this stage, but rather delivers vacant lots that have been demonstrated to accommodate building platforms in accordance with the required setbacks and other bulk and location controls in the Single House zone. In this way, the proposed vacant lots are capable of delivering permitted residential development.
(3) Development provides quality on-site residential amenity for residents and for adjoining sites and the street.	The creation of 800m^2 vacant lots enables the future use of the land in a manner that provides residents with high quality amenity.

Provision	Response
	The engineering and landscape plans demonstrate the Applicant is committed to providing a high quality streetscape environment through the provision of street trees and swale planting, and by limited the number of vehicle crossings to Road 2 by providing rear JOAL access.

Policies H3.3 in the Residential – Single House zone

Provision	Response
(1) Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.	The creation of 800m^2 lots provides for an intensity that is wholly consistent with both the existing suburban built character and the planned suburban built character.
(2) Require development to: (a) be of a height, bulk and form that maintains and is in keeping with the character and amenity values of the established residential neighbourhood; or (b) be of a height and bulk and have sufficient setbacks and landscaped areas to maintain an existing suburban built character or achieve the planned suburban built character of predominantly one to two storey dwellings within a generally spacious setting.	The proposal does not involve the construction of dwellings, however future owners are required to achieve compliance with the various development standards within both the Single House zone and Matakana 1 Precinct.
(3) Encourage development to achieve attractive and safe streets and public open spaces including by:	The proposal involves the construction of a road and JOAL network. All lots have frontage to the public street environment providing

Provision	Response
(a) providing for passive surveillance (b) optimising front yard landscaping (c) minimising visual dominance of garage doors	opportunity for future passive surveillance and front yard landscaping. The size of each site lends itself to garaging within each property rather than at the street frontage, or accessed via the JOAL.
(4) Require the height, bulk and location of development to maintain a reasonable level of sunlight access and privacy and to minimise visual dominance effects to the adjoining sites.	The proposal does not involve the construction of dwellings, however future owners are required to achieve compliance with the various development standards within both the Single House zone and Matakana 1 Precinct.
(5) Encourage accommodation to have useable and accessible outdoor living space.	The proposal does not involve the construction of dwellings, however future owners are required to achieve compliance with the various development standards within both the Single House zone and Matakana 1 Precinct. All proposed lots are adequately sized to accommodate useable and accessible outdoor living space.
(6) 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.	The proposed integrated stormwater management is comprehensively described within this assessment and the appended specialist reports, including the SMP. Future buildings are subject to the relevant development standards in the Single House zone regarding impervious surface areas to appropriately manage stormwater runoff and ensure that adverse effects on water quality,

Provision	Response
	quantity and amenity values and avoided or mitigated.
(7) N/A – non-residential activities	

Overall, the proposal is consistent with the anticipated outcomes for the Single House zone as set out in Chapter H3 of the AUP, and indeed achieves or delivers the anticipated outcomes.

10.4.4 Objectives and Policies for I521 Matakana 1 Precinct

Having regard to the objectives and policies that are contained within the AUP, the following provisions are considered to be of relevance to the proposal:

Provision	Response
Objectives I521.2.2 in the Matakana 1 Precinct (Sub-Precinct B)	
(1) Home occupation is enabled within Matakana 1: Sub-precinct B, where it is consistent with the character of Matakana Village.	The proposal does not involve home occupation activities.
(2) Flexibility is provided for integrated housing options in close proximity to the Matakana Village.	The proposal involves the creation of vacant residential lots, enabling future residents the flexibility for integrated housing options should they wish to pursue this opportunity, noting that future resource consents may be required to do so.
(3) New development is able to manage potential adverse effects of stormwater runoff	The proposal involves a site-wide integrated stormwater management approach that will appropriately manage potential adverse effects of stormwater runoff. The Civil Engineering Assessment and Stormwater Management Plan (**Appendix 3**)

Provision	Response
	set out the stormwater approach in further detail. While the AUP does not require treatment of the road or JOAL due the relatively low volume of traffic that will be generate contaminants, the proposed swale will provide a good degree of treatment nonetheless. The swale will provide attenuation for 2 and 10 year events, with the underground stormwater network catering for the balance. Stormwater tanks will provide on-site attenuation and reuse for potable water supply from roof water. The proposal achieves SMAF level hydrology mitigation as required by the NDC and as agreed with Auckland Council's Healthy Waters team prior to lodgement. The proposal provides a site-wide integrated stormwater approach including the road, JOAL, roofs and impervious areas within each site in a manner that is consistent with the desired outcomes of the Matakana 1 Precinct.
Policies I521.3.2 in the Matakana 1 Precinct (Sub-Precinct B)	
(1) Home occupation within the Matakana 1: Sub-precinct A is consistent with the character of Matakana Village.	Not applicable.
(2) Different housing options are provided in close proximity to the Matakana Village.	Not applicable, however the proposal does not preclude such an outcome in the future.

Provision	Response
(3) Impervious surfaces are managed to ensure there is sufficient land available to mitigate effects of stormwater runoff.	The proposal involves the creation of vacant lots for the purpose of accommodating future residential development. Each lot has a minimum site area of 800m^2 which can reasonably accommodate the necessary stormwater tanks to capture and store roof water for potable water supply and the necessary attenuation on the site. The swale will provide attenuation for 2 and 10 year events, with the underground stormwater network catering for the balance. Stormwater tanks will provide on-site attenuation and reuse for potable water supply from roof water. The proposal achieves SMAF level hydrology mitigation as required by the NDC and as agreed with Auckland Council's Healthy Waters team prior to lodgement. The proposal provides a site-wide integrated stormwater approach including the road, JOAL, roofs and impervious areas within each site in a manner that is consistent with the desired outcomes of Policy 3.

10.5 Assessment Criteria

As a discretionary activity overall, the Council is not constrained to assessment of the matters of discretion and associated assessment criteria. Where relevant, the assessment criteria have been used to guide the assessment of effects throughout this report, however the assessment is not limited to these matters by virtue of the overall discretionary activity status.

10.6 Other matters

Matakana Village Sustainable Development Plan

The proposal is considered to be consistent with the overarching outcomes that are sought via the Matakana 1 Precinct Plan, the planning framework which originated from the Matakana Village Sustainable Development Plan (attached within **Appendix 12**). The proposal is therefore consistent with the overarching goals and objectives of this non-statutory document.

No other matters are considered relevant.

10.7 Overall Statutory Conclusions

Overall, it is my assessment that the proposal is acceptable having regard to all relevant provisions of the AUP and all relevant higher order documents as assessed.

11 Consultation

Auckland Council

The Applicant has undertaken extensive consultation with Auckland Council and the council-controlled organisations in preparing this application and assessment of effects. Pre-application meetings have been held via Microsoft Teams/Skype in the absence of meeting in person during the Covid-19 lockdown. In summary, the following consultation has been undertaken in this regard:

- Auckland Council Planner – iterative meetings and email correspondence with Cindy Yin, as attached within Appendix 8 resulting in numerous amendments to the scheme which have improved the layout and design of the proposal.
- Auckland Transport – iterative meetings and emails have been carried out with AT and the Applicant has amended the scheme throughout the pre-application process to align with the requirements of AT specialists. In particular, footpaths have been provided on both sides of Road 2 as requested by AT, and AT have confirmed their support of the proposed pedestrian path between Road 2 and Matakana Road via a 2.5m path with easement in gross alongside 1.5m landscaping.
- Healthy Waters – iterative email and phone discussions held with HW and the Applicant has amended the scheme throughout the pre-application process to align with the requirements of the HW specialist, concluding with HW confirming agreement with the proposed stormwater approach.
- Auckland Council Policy Planner – reviewed previous scheme, layout has been updated to address the comments received from the planner however the revised layout has not been reviewed by the Policy team.
- Auckland Design Office (urban design) - reviewed previous scheme, layout has been updated to address the comments received from the urban designer however the revised layout has not been reviewed by the ADO. The ADO requested an 8m wide footpath as per the Auckland Transport TDM, however AT itself has confirmed (above) that this is not required in this instance.
- Auckland Council Parks Planner - reviewed previous scheme, layout has been updated to address the comments received from the planner however the revised layout has not been reviewed by the Policy team. The ADO requested an 8m wide footpath as per the

Auckland Transport TDM, however AT itself has confirmed (above) that this is not required in this instance.

A copy of the pre-application meeting minutes and subsequent email correspondence is appended within **Appendix 8**, documenting the significant progress that has made through the positive discussions held with Council prior to lodgement of the application. The Applicant has made a concerted effort to consult with Council and those parties identified above to ensure the proposed development is well received and supported by Council upon lodgement.

Neighbours and local community

The applicant has also endeavoured to discuss the proposal with the majority of adjacent landowners. Specifically:

- 941 Matakana Road – the applicant has prepared the road alignment and design together with the owner of the adjacent property and the written approval of that owner has been provided accordingly (refer **Appendix 10**), noting that this property forms part of the subject site.
- 951 Matakana Road – early consultation with the owner of this adjacent property has led to the incorporation of the property with the wider development, and the applicant currently has the site under contract in this regard.
- 939 Matakana Road – the owner has spoken to the owner of the site (Eddie Zhang), as well as the operators of the Wharehine concrete manufacturing plant and the plant nursery. Copies of the proposed site plan have been provided to all parties. No immediate concerns were raised in respect of the proposed development.
- Matakana Primary School – the Applicant has met with the Principal and a member of the Board to explain the proposal. The School supported the location of the proposed intersection location along Matakana Road. The School is also interested in construction effects arising from the number of earthworks trucks that will be required and where they will enter/exit the site relative to the school. As described within the preceding assessment, the earthworks design will only require the export of approximately 850m^3 from the site significantly limiting the number of heavy vehicles that will be frequenting the local road network. The Applicant intends to prepare a Construction Traffic Management Plan confirming the heavy vehicles will access the site at the south eastern corner (away from the school entrance) and will ensure heavy earthworks vehicles arrive and depart the site outside of school pick up and drop off hours.

- Rodney Local Board – the Applicant has telephoned the Chair of the Rodney Local Board, Phelen Perrie to discuss the proposal and emailed a copy of the site plan. Mr Perrie did not raise any immediate concerns in respect of the proposed development.
- New Zealand Fire Service – email confirmation attached within **Appendix 13** confirms the NZFS are supportive of the proposal in principle.

Iwi consultation

The Applicant has consulted with all relevant iwi groups and invited iwi to identify their interest in the site. A copy of the correspondence and responses received at the time of lodgement is provided within **Appendix 14**.

Appendix 14 identifies that Ngāti Manuhiri have requested the preparation of a CVA. The Applicant is currently liaising with Ngāti Manuhiri to arrange an on-site meeting to further discuss the proposal.

Further updates will be provided to Auckland Council as this consultation process progresses, including the provision of any CVAs upon receipt.

12 Conclusion

In considering whether to approve the application, the Council is required to have regard to any relevant provisions of any national policy statements, national environmental standards, regional policy statements, regional plans and district plans. The Council is also required to have regard to the effects of the proposal on the environment and those other matters listed in section 104(1).

It is my opinion that, in respect of those matters that are relevant to the proposal:

1. The proposal is acceptable having regard to the relevant objectives and policies of the AUP for the reasons outlined in section 10.

2. The adverse effects of the proposal will be less than minor on the wider environment, having regard to the mitigation proposed in the preceding assessment (and therefore forming part of the application),

3. The proposal is not considered to result in adversely affected persons beyond a less than minor degree, including in regards to design, appearance and effects on the streetscape, residential amenity, traffic, parking and access, infrastructure and servicing, stormwater disposal, natural hazards, construction effects and subdivision effects.

4. The proposal is considered to result in the following positive effects:

    a. The proposal will create 33 new residential lots thereby positively contributing to housing supply within the Auckland Region.

    b. The proposal reflects the efficient use of an underutilised and undeveloped land resource that in turn will contribute to the supply of residential land within the Matakana community.

    c. The proposal enables the construction of at least 33 new, modern dwellings providing warm, dry homes for future residents in a location that is within walking distance from the local school and Town Centre, reducing the reliance on private vehicles for day to day needs.

    d. The proposed design and layout are wholly consistent with the subdivision, use and development that is anticipated within the AUP and more specifically, the Matakana 1 Precinct.

e. The provision of a high quality streetscape and pedestrian environment will positively contribute to the wider amenity and enjoyment of the community.

5. For the avoidance of doubt, the proposal will give effect to the purpose and principles of the RMA for the reasons outlined in this AEE.

Based on the above, it is my opinion that the proposal is worthy of being granted resource consent, and on a non-notified basis.

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