

HND HMB Limited

Proposed development of 87 residential units

3 Pigeon Mountain Road, Half Moon Bay

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Date of Issue: 22/05/2023

Document Control Record

Project: AEE Report
Client: HND HMB Limited
Project Location: 3 Pigeon Mountain Road, Half Moon Bay
Project Reference: 2274PMR21

Revision	Date	Author	Checker	Approver	Status
A	22/05/23	YG	MC	MC	Final
B	30/09/24	YG	MC	MC	Updated

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A	Records of Title	-	
B	Architecture Plans	ASC Architects	28.05.2024
C	Infrastructure Report	Aireys	20.09.2024
D	Landscape Plans	SOLA	July 2024
E	Subdivision Scheme Plan	Hall Survey	12.04.2024
F	Geotechnical Report	Total Ground Engineering	3 May 2024
G	Traffic Assessment	TPC	30.09.24
H	Waste Management Plan	Rubbish Direct	16 May 2024
I	Urban Design Assessment	Ian Munro	September 2024
J	Pre application minutes	Auckland Council	9/12/22

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1.0 Executive Summary

1.1. Proposal

This combined land use and subdivision resource consent application by HND HMB Ltd ('the applicant'), relates to a site at 3 Pigeon Mountain Road, Half Moon Bay.

It is proposed to construct 87 dwellings across 28 blocks, of a terraced typology. One JOAL is proposed to circulate throughout the site, providing vehicle access and parking. A pedestrian network provides access to the units and also to the surrounding street network. Comprehensive landscaping has been proposed throughout the site.

The development has been designed in an integrated manner to ensure the most efficient use of the land and minimise any adverse environmental effects, while providing a high-quality residential property for future residents.

The following assessment concludes that, subject to conditions of consent, any adverse actual or potential environmental effects arising from the proposal would be less than minor. The proposal would be consistent with the objectives, policies, and assessment criteria of the Auckland Unitary Plan ('AUP').

1.2. Activity Status

Overall, the application is a **restricted discretionary activity**, being a subdivision and development of a site with more than three houses, and with small infringements to the development standards.

1.3. Technical Assessments

This application is accompanied by a number of plans, specialist reports, and assessments that are referred to throughout the following sections of this assessment of environmental effects ('AEE') report. As such, regard needs to be given to this supporting documentation when considering the content of this AEE report.

2.0 The Applicant and Property Details

Address:	3 Pigeon Mountain Road, Half Moon Bay
Appellation:	LOT 1 DP 212125
Titles:	Legal Description: LOT 1 DP 212125, Record of Title: NA140A/266, Valuation Number: 35220-0000000204
Property Area	14,073m ²
Zones	Residential - Mixed Housing Suburban Zone
Precincts	N/A
Overlays	N/A
Controls	Macroinvertebrate Community Index - Urban
Designations	N/A

3.0 Site Location



Figure 1: Aerial image of locality. Source: GIS

4.0 Description of the Existing Environment

4.1. Subject Site

The application site is 3 Pigeon Mountain Road, Half Moon Bay. The site is 1.4073 ha in area and currently contains a school.

The site is a corner site, with roads on three sides; Compass Point Way to the south, Pigeon Mountain Road to the east, and Ara Tai Road to the north.

The site has a moderate fall from south to north, with a level difference of approximately 12m. Existing retaining walls run along the site's western boundary, and also on the Pigeon Mountain Road frontage.

The site has previously been subject to bulk earthworks, likely during the construction of the school, and the parking area at the southern frontage of the site is approximately 1m lower than the footpath on Compass Point Way.

The site currently contains a number of large buildings, and two parking areas, accessed off Compass Point Way, and Pigeon Mountain Road. All buildings and parking areas will be demolished to facilitate the proposed development. The site does not contain any protected or scheduled trees.



Figure 2: Aerial image of locality. Source: GIS

The following photos present a view of the site:



Figure 3: View from Compass Point Way, looking north.



Figure 4: Existing retaining along Pigeon Mountain Road.



Figure 5: Existing western boundary retaining wall.



Figure 6: Existing western boundary retaining wall.



Figure 7: Existing buildings.



Figure 8: View from the site, looking towards Compass Point Road.

4.2. Site Planning Controls

The site is located within the Residential - Mixed Housing Suburban ('MHS') zone and is subject to the following controls and overlays:

- Macroinvertebrate Community Index - Urban.
- None of the surrounding roads are identified as arterial roads.

4.2.1. Plan Change 78

Proposed Plan Change 78 was notified by the Auckland Council in August. PC 78 responds to the government's National Policy Statement on Urban Development 2020 (amended in 2022) and the requirements of the Resource Management Act. This means Auckland Council must modify the AUP (OP) to:

- Enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transit Stops;
- Enable development in and around neighbourhood, local and town centres;

- Incorporate Medium Density Residential Standards that enable three-storey housing in relevant residential zones in urban Auckland; and
- Implement qualifying matters to reduce the height and density of development required by the RMA to the extent necessary to accommodate a feature or value that means full intensification is not appropriate.

Under PC78 the site has been upzoned to the Residential - Mixed Housing Urban ('MHU') zone and is not subject to any qualifying matters as seen in Figure 3 below. The proposed development seeks to establish more than three dwellings, therefore the new MDRS standards do not have legal effect. Nevertheless, while they have not been relied on in the following assessments, they are considered to be relevant.

As such, only the MDRS objectives have immediate legal effect.

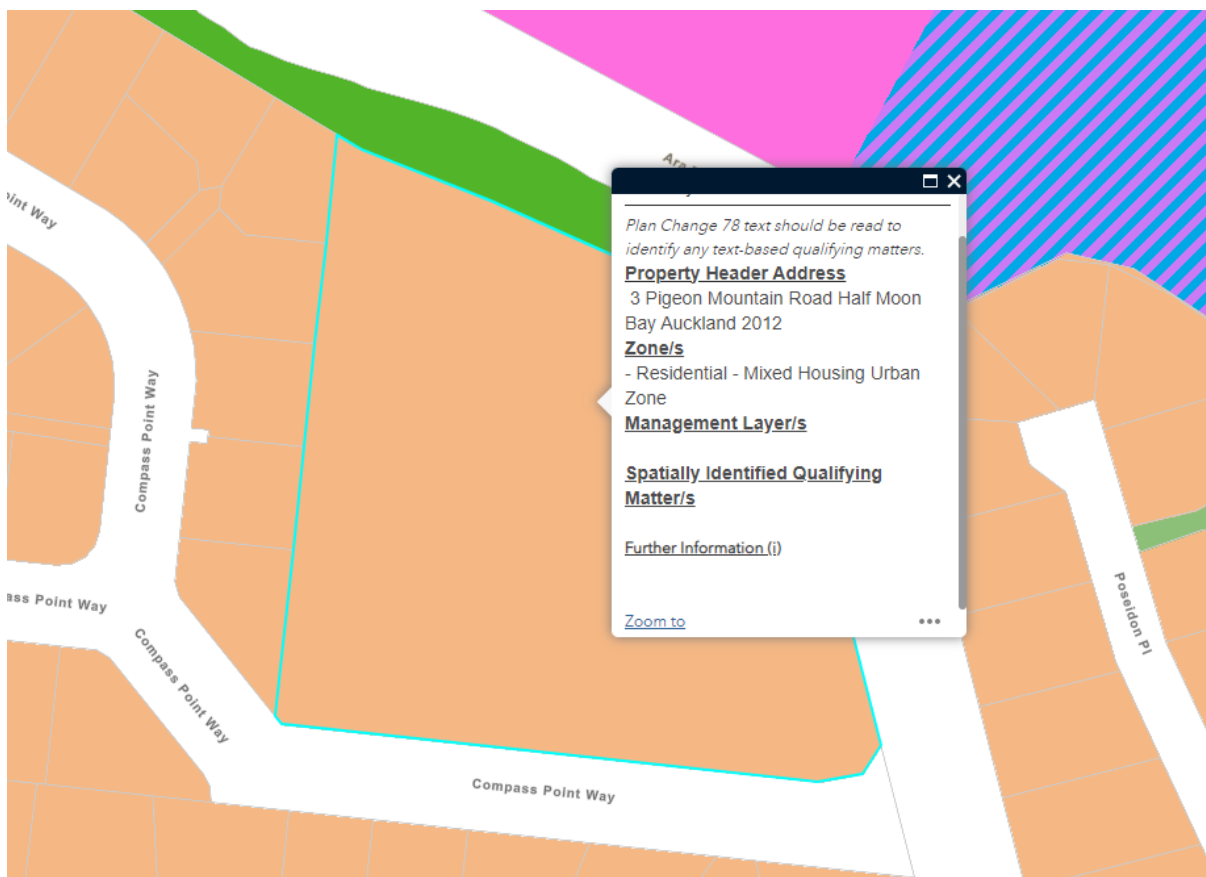


Figure 9: Plan Change 78 Viewer of 3 Pigeon Mountain Road.

Plan Change 79 ('PC 79') aims to manage the impacts of development on Auckland's transport network, with a focus on pedestrian safety, accessible car parking, loading and heavy vehicle management, and catering for EV-charging and cycle parking.

A decision on PC79 was publicly notified on 9 August 2024. Section 86B(1) of the RMA states that rules in a proposed plan have legal effect once a decision on submissions is publicly notified. The PC79 rules, as modified by the Hearing Panel's decision, therefore have legal effect from 9 August 2024.

4.3. Surrounding Environment

To the west, east, and south, land is largely residential in character. The existing residential development largely comprises large detached residential dwellings. While detached, many of these dwellings are located in close proximity to adjacent dwellings with small yard setbacks.

The adjoining residential development to the west is at a significantly higher level than the application site due to the timber retaining wall which ranges from 0.5m to 2.8m in height. These dwellings have their primarily outlooks oriented north, toward the harbour views.

Immediately to the north, across Ara Tai, lies the Half Moon Bay local centre, and marina. The local centre contains a supermarket, and a variety of retail and goods and services retail shops, including cafes, pharmacy, and gym. The buildings are surrounded by large parking areas.

The Half Moon Bay ferry terminal is approximately 300m from the application site, and provides a ferry service to Downtown Auckland CBD, and bus interchange with bus routes through east Auckland, terminating at Botany Town Centre. Adjoining the ferry terminal are also a large number of private marina berths.



Figure 10: Adjoining property to the west.



Figure 11: Adjoining property to the west.



Figure 12: Existing dwellings on Compass Point Way.



Figure 13: Existing dwellings on Compass Point Way.



Figure 14: View from 1 Ara Tai, looking south toward site and adjoining properties to the west of the site.



Figure 15: Local Centre at 1 Ara Tai.

4.4. Background

A preapplication meeting was held with Council on 9 December 2022, minutes attached at **Appendix J**. The following specific comments are noted:

- The original scheme included two vehicle access points, one off Compass Point Road, and one off Pigeon Mountain Road. Council indicated they did not support the vehicle access point off Pigeon Mountain Road, this was subsequently removed from the proposal.
- Comments were made regarding the length of blocks and potential dominance effects due to the small 1m gaps. The gaps between buildings blocks have been increased to 2.2m and the Compass Point Way frontage has been comprised as a series of duplexes and triplexes in responses to the scale and intensity of development that can be seen in that road.
- Comments were made that through-site link / view shaft would be beneficial to the propose. This has been incorporated into the revised scheme. The additional access link was investigated to be located closer to the western boundary, to minimise duplication of Pigeon Mountain Road, however topographical constraints made this unachievable.

5.0 Description of the Proposal

It is proposed to undertake a redevelopment of the site, to establish 87 new dwellings.

The development will be undertaken in one stage.

5.1. Proposed building design

The proposed development comprises a total of 28 building blocks, grouped into area blocks, referenced as follows. A variety of facades, roof forms, and materials are used to provide visual interest. An excerpt of elevations throughout the proposed development is included below.

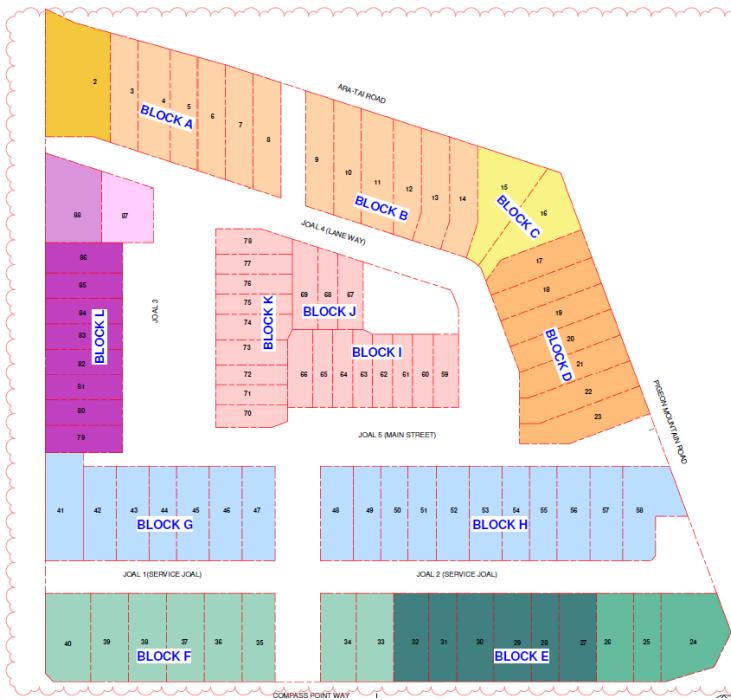


Figure 16: Block layout diagram



Figure 17: Partial front (northern) elevation of Block B



Figure 18: Partial front (southern) elevation of Block E.



Figure 19: Partial front (northern) elevation of Block H



Figure 20: Perspective render of Compass Way Road frontage.

5.2. Landscape treatment

Comprehensive landscape treatment plans, including hardscaping and fencing, have been prepared for the proposed development by SOLA and are attached as **Appendix D**. These plans incorporate fencing details, proposed planting and paving, bike and bin storage areas for each lot. Plant species have been selected based on their suitability for use in a relatively intensive urban environment, and their low maintenance and visual/structural qualities. A variety of flowering, specimen, and native trees are located throughout the site, including alongside the JOALs.

5.3. Traffic, Access, and Parking

The application is supported by a traffic assessment prepared by TPC Consultants, attached at **Appendix G**.

5.3.1. Jointly Owned Access Lots

One JOAL is proposed to loop through the site, with the vehicle crossing off Compass Point Road. Two T-arms extend off the JOAL, providing vehicle access to blocks E, F, G, and H. The JOAL continues north through the site before looping around, serving the remainder of the lots.

5.3.2. Pedestrian Access

A pedestrian path network has been provided throughout the site, providing a link to Ara Tai. The network is largely separated from the vehicular access, except for crossing points. Units fronting Compass Point Road, Pigeon Mountain Road, or Ara Tai are also proposed to have direct pedestrian connections to the public footpath. A new pedestrian accesses are proposed through Compass Point Reserve, connecting to Ara Tai to the north.

5.3.3. Parking provision

Each residential unit is allocated at least one parking space located within, or in close proximity to the unit. Dwellings in block A, B, D, E, F are allocated two parking spaces with a variety of uncovered parking spaces, and internally accessed garages.

Each unit without a garage is provided a dedicated bike storage locker, located in close proximity to the entrance of each unit.

5.3.4. Rubbish

The site is proposed to be served by private waste collection. A Waste Management Plan has been prepared by Rubbish Direct, attached at **Appendix H**. A combination of individual bins, stored within each lot, and shared bins within communal bin storage areas, are proposed.

5.4. Infrastructure

An infrastructure report, stormwater management plan, and engineering plans have been prepared by Aireys (refer **Appendix C**) to address infrastructure provision, and earthworks required for the proposal. Specific details are outlined below.

5.4.1. Stormwater

It is proposed to abandon the existing stormwater connection to stormwater manhole 20002345285 and extend public stormwater drainage from the stormwater manholes 2000234285 and 2000323535 to service the development. The site runoff will be split into two catchments to reduce the impact on the existing stormwater infrastructure. New 225mmØ uPVC lines will be installed and be terminated at manholes.

Stormwater detention is proposed to reduce the site discharge to pre-development levels.

Stormwater 360 stormfilers have been proposed to be installed in all catchpits to capture and retain litter, debris, and other pollutants from surface runoff.

The proposal is considered a Large Brownfields Development under the NDC Schedule 4. A site-specific Stormwater Management Plan (SMP) has been prepared and is enclosed as part of the Infrastructure Design package at **Appendix C**.

5.4.2. Wastewater

There is existing public wastewater infrastructure located within the site and the surrounding public road network. It is proposed to abandon the existing wastewater connection and extend the public wastewater drainage to service the development.

A capacity check of the downstream infrastructure confirms current system has sufficient capacity to cater for proposed development.

5.4.3. Water supply

The existing site has one water supply connection and meter, which will be retained to serve one of the proposed dwellings.

It is proposed that new connections will be made to the public 150mmØ AC water pipe in Pigeon Mountain Road to provide a meter for the new dwelling along the public road frontage. A bulk meter will be applied for to provide reticulated water to service the dwellings without direct public road frontage.

To comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice, one new fire hydrant will be installed at the vehicle access of the site. Fire Hydrant Flow Tests were undertaken by Nova Flowtech Services, confirming that there is sufficient flow to serve the development.

5.4.4. Power and telecommunication

Underground power and gas are available in Pigeon Mountain Road, and Compass Point Way. new underground power connections to the existing power and gas infrastructure will be provided to serve the development.

Following the detailed design for the utility services extensions, loadings will be provided, and contact will be made with individual suppliers to confirm adequate capacity.

5.4.5. Flooding and Overland Flow Paths

There three minor overland flows (catchment area less than 1ha) originating from the site. The overland flow exits the eastern boundary of the site and joins an overland flow within Pigeon Mountain Road. The flow is proposed to be diverted around the existing dwellings,

exiting at the eastern boundary at a similar location to the existing. Two of the flows have a catchment less than 4ha therefore does not require further assessment under the AUP.

5.4.6. Earthworks

The proposed earthworks are illustrated in the engineering drawings (**Appendix C**) and are summarised as follows:

Total area	14,000m ²
Cut volume	4,076m ³
Fill volume	6,690m ³
Total volume	10,766m ³

The earthworks are not anticipated to create any issues with regard to site stability. A geotechnical report has been prepared by Total Ground Engineering (attached at **Appendix F**). This report includes a number of recommendations regarding the use of fill on-site and foundation design and construction. Overall, it is concluded that the land is suitable for residential development purposes.

In relation to groundwater, TGE notes the groundwater level remains stable around 2.5m below existing ground level. The proposed excavation level results in groundwater diversion, and consent is required under E8.

There is an existing timber retaining wall at the Western boundary of the site (contained within the site), ranging from 0.5m to 2.8m height. A new retaining wall is proposed in front of this retaining wall, at a lower height. A detailed geotechnical review has been undertaken of the proposed works in proximity to this retaining wall, and a preliminary monitoring and contingency plan have been provided within **Appendix F**.

Specific erosion and sediment controls are detailed in section 3.3.2 of the Infrastructure Report prepared by Aireys, attached at Appendix C. Proposed measures include stabilised entranceways, silt fences, and decanting earth bund.

5.5. Subdivision

The proposed subdivision will be undertaken in one stage and carried out in accordance with the scheme plans attached at **Appendix E** and as summarised below.

Fee simple lots are proposed for each of the dwellings.

A number of easements are proposed, as outlined in the memorandum on the scheme plan. These relate to access, provisions of services, parking, and stormwater disposal arrangements.

6.0 Resource Consents Required

6.1. Reasons for Consent

Activity	Status	Description
E12 Land disturbance - District		
E12.4.1 Activity table – all zones and roads (A6) Greater than 2500m ² Residential zones	RD	The proposal seeks to undertake earthworks over a total area of 14,000m ²
E12.4.1 Activity table – all zones and roads (A10) Greater than 2500m ³ Residential zones	RD	The proposal seeks to undertake earthworks over a total area of 10,766m ³
Rule C1.9(2).	RD	The proposed earthworks within overland flow paths do not comply with Standard E12.6.2(12) as the same exit point of the overland flow path at the boundary of the site is not maintained. The overland flow path originating within the site will now exit in two locations near the north-eastern corner of the site, rather than partly along the eastern boundary.
E11 Land disturbance - Regional		
E11.4.1 (A8) Earthworks greater than 2,500 m ² where land has a slope equal to or greater than 10 degrees	RD	The proposal seeks to undertake general earthworks across an area of 14,000 m ² in a residential zone
E25 – Noise and vibration		

Activity	Status	Description
E25.4.1 (A2) Activities that do not comply with a permitted activity standard.	RD	The proposed construction activities, which will exceed a duration of 20 weeks, will not comply with Standard E25.6.27 as noise levels exceeding 70 dB LAeq (up to 75 dB LAeq) are expected to be observed 1 m from the façade of buildings containing activities sensitive to noise at 76, 78, 80 and 84 Compass Point Way between 7:30am and 6pm on Mondays to Saturdays (excluding public holidays). Compliance is achieved for the building at 82 Compass Point Way, noting that it is a single storey in height.
E27 Transport		
E27.4.1 Activity table (A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access	RD	<ul style="list-style-type: none"> ● E27.6.2(8): Overall GFA for the proposal exceeds 5,000m² and no dedicated loading zone is provided. ● E27.6.4.3(1)(b): part of the loop access does not comply with the minimum formed access requirement as it is one-way, therefore does not provide for two way movement. ● E27.6.4.4: A section of the accessway is designed with a gradient of 1 in 7 (14.28%) where a maximum gradient of 1 in 8 (12.5%) is permitted for heavy vehicles. ● A number of parking spaces do not comply with Standard E27.6.3.6(3)(a) as the gradient of the surfaces of the parking spaces exceeds 1 in 20 (5%).
E36 Natural Hazards and flooding		

Activity	Status	Description
E36.4.1(A41) Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path	RD	<ul style="list-style-type: none"> The overland flow path originating within the site will now exit in two locations near the north-eastern corner of the site, rather than partly along the eastern boundary.
E36.4.1(A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD	<ul style="list-style-type: none"> To construct buildings (dwellings) and structures (vehicle access, parking pads, footpaths and decks) within an existing overland flow path (prior to earthworks).
E38 Subdivision - Urban		
E38.4.2 Activity table - Subdivision in residential zones (A14) Subdivision in accordance with an approved land use resource consent complying with Standard E38.8.2.1	RD	The proposal seeks to undertake a subdivision to place each unit onto a freehold title.
E38.4.2(A31) Subdivision that does not meet the standards in E38.8 Standards for subdivision in residential zones.	D	The subdivision does not comply with Standard E38.8.1.2(1) as Lot 200 will provide access to 76 proposed rear sites (noting that Lots 17 to 23, 25, 28 and 30 to 35 are technically rear sites as their road frontage is less than 7.5 m), which is more than 10.
H4 Residential - Mixed Housing Suburban Zone		
H4.4.1 Activity table (A4) Four or more dwellings per site	RD	<p>A total of 87 residential dwellings are proposed, and the proposed development requires consent for the following standards to be complied with.</p> <ul style="list-style-type: none"> Standard H4.6.4 Building height; Standard H4.6.5 Height in relation to boundary; Standard H4.6.7 Yards

Activity	Status	Description
H4.4.1 Activity table (A33) New buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary	RD	Units 14, 15, 16, and 40 do not comply with standard HIRB, however comply with AHIRB.
H4.4.1 Activity table (A34) New buildings and additions Status determined by the land use activity that the new building or addition to a building is designed to accommodate	RD	The proposed land use activity is restricted discretionary.
E7 Taking, using, damming and diversion of water and drilling		
E7.4.1(A28) To divert groundwater caused by an excavation that does not meet the permitted activity standards.	RD	The groundwater diversion does not comply with Standard E7.6.1.6 as the water take will be for a period of more than 10 days and the water take will occur for a duration greater than only during construction.

6.2. Permitted Activities

Activity	Status	Description
E12 Land disturbance - District		
E12.4.1 Activity table – all zones and roads (A3) Up to 500m ² Open space zones (excluding Open Space – Conservation Zone)	P	The new footpaths within Compass Point Way reserve would require earthworks less than 500m ² to form the surfaces.

6.3. Relevant Standards Assessment

6.3.1. H4 Residential - Mixed Housing Suburban Zone

Standard	Assessment	Comment
H4.6.4 Building height	Infringes	<p>The following buildings have infringements to the 8m height.</p> <ul style="list-style-type: none"> • The building containing Units 3 and 4 has a height of up to 8.11 m, exceeding the 8 m by 0.11 m. • The building containing Units 5 to 8 has a height up to 8.26 m, exceeding the 8 m by 0.26 m. • The building containing Units 27 to 29 has a height up to 9.68 m, exceeding the 8 m by 1.68 m. • The building containing Units 30 to 32 has a height up to 9.32 m, exceeding the 8 m by 1.32 m. • The building containing Units 33 and 34 has a height up to 8.34 m, exceeding the 8 m by 0.34 m. • The building containing Units 37 and 38 has a height up to 8.91 m, exceeding the 8 m by 0.91 m. • The building containing Units 39 and 40 has a height up to 9.21 m, exceeding the 8 m by 1.21 m. • The building containing Units 48 to 52 has a height up to 8.68 m, exceeding the 8 m by 0.68 m. • The building containing Units 53 to 56 has a height up to 8.32 m, exceeding the 8 m by 0.32 m. • The building containing Units 74 to 78 has a height up to 8.45 m, exceeding the 8 m by 0.45 m.
H4.6.5 Height in relation to boundary	Infringes	The following units have infringements to standard HIRB:

Standard	Assessment	Comment
		<ul style="list-style-type: none"> ● The building containing Units 3 and 4 to the northern boundary (with 21 Ara Tai) by a maximum height of 1.7 m for a length of 11.0 m. ● The building containing Units 5 to 8 to the northern boundary (with 21 Ara Tai) by a maximum height of 1.5 m for a cumulative length of 17.8 m. ● The building containing Units 9, 10 to the northern boundary (with 21 Ara Tai) by a maximum height of 2.1 m for a cumulative length of 16.9 m. ● The building containing Units 12 and 13, for that part more than 20 m from the frontage of Pigeon Mountain Road, to the northern boundary (with 21 Ara Tai) by a maximum height of 1.6 m for a length of 10.1 m.
H4.6.6 Alternative height in relation to boundary	Complies	<ul style="list-style-type: none"> ● Unit 40 seeks to utilise AHIRB.
H4.6.7 Yards	Infringes	<ul style="list-style-type: none"> ● The building containing Units 30 to 32 has a height up to 9.32 m, exceeding the 8 m by 1.32 m. ● The deck and steps associated with Unit 16 have a maximum height exceeding 1.5 m and therefore are classified as a building. That part of the deck and steps that is more than 1.5 m in height is set back a minimum of 1.33 m from the front yard, intruding the 3 m front yard by 1.67 m for a cumulative length (parallel to the boundary) of 5.34 m. ● The building containing Units 24 to 26 is set back a minimum of 0.80 m from the front yard, intruding the 3 m front

Standard	Assessment	Comment
		<p>yard by up to 2.20 m for a length (parallel to the boundary) of 14.40 m.</p> <ul style="list-style-type: none"> • The fence in front of Unit 24 (to the east of its front door) has a maximum height of 2.7 m above ground level (exceeding 2.5 m) and therefore is classified as a building. This fence is set back 0.6 m from the front yard, intruding the 3 m front yard by 2.4 m for a length (parallel to the boundary) of 6.19 m. • The building containing Units 33 and 34 is set back a minimum of 2.5 m from the front yard, intruding the 3 m front yard by up to 0.5 m for a length (parallel to the boundary) of 6.39 m. • The fence in front of Unit 33 (to the west of its front door) has a maximum height of 2.514 m above ground level (just exceeding 2.5 m) and therefore is classified as a building. This fence is set back 0.6 m from the front yard, intruding the 3 m front yard by 2.4 m for a length (parallel to the boundary) of 0.28 m. • The building containing Units 35 and 36 is set back a minimum of 2.5 m from the front yard, intruding the 3 m front yard by up to 0.5 m for a length (parallel to the boundary) of 6.39 m. • The building containing Units 37 and 38 is set back a minimum of 2.5 m from the front yard, intruding the 3 m front yard by up to 0.5 m for a length (parallel to the boundary) of 6.39 m. • The building containing Units 39 and 40 is set back a minimum of 2.5 m from the front yard, intruding the 3 m front yard by up to 0.5 m for a

Standard	Assessment	Comment
		cumulative length (parallel to the boundary) of 9.84 m.
H4.6.8 Maximum impervious area	Infringes	The proposal has a maximum impervious area of 68.4% where 60% is permitted.
H4.6.9 Building coverage	Complies	The proposal has a building coverage of 38.2% where 40% is permitted.
H4.6.10 Landscaped area	Infringes	<p>The proposal has a landscaped area of 37.2% where 40% is required.</p> <p>The proposal has 91.1% front yard landscaping, where 50% is required.</p>
H4.6.11 Outlook space	Infringes	<p>The following units have infringements to primary outlook space requirements due to small overlaps of outlook spaces when the required area is centred on the window, as indicated on sheet RA0205 and RA0206.</p> <p>Units 3, 4, 5, 6, 7, 9, 10, 12, 13, 17, 18, 19, 20, 21, 22, 23, 60, 61, 62, 63, 64, 65, 69, 72, 73, 75, 76, 77, 78</p> <p>All other units comply fully with all other outlook space requirements.</p>
H4.6.12 Daylight	Complies	Where the proposed building and/or opposite building contains principal living room or bedroom windows in a dwelling, or main living/dining area or bedroom windows in supported residential care and boarding houses, then that part of the building higher than 3m is limited in height to twice the horizontal distance between the two buildings.

Standard	Assessment	Comment
H4.6.13 Outdoor living space	Infringes	The following units have infringements to outdoor living spaces (see sheet RA0204 and following table for details). All other units comply. <ul style="list-style-type: none"> Unit 44, 49, 50, 51, 54, 55 shortfall of 2m² Unit 80, 81 shortfall of 2m² Unit 83, 84 shortfall of 1m²
H4.6.14 Front, side and rear fences and walls	Infringes	As noted in yards section
H4.6.15 Minimum dwelling size	Complies	
H4.6.16 Rainwater tanks	Complies	

6.4. Proposed Plan Changes

PC78

A number of proposed plan changes have recently been notified by the Council. Of particularly relevant to the proposal are Proposed Plan Change 78 (PPC78) and proposed Plan Change 79 (PPC79).

PPC78 has legal effect in some instances. However, the proposed activity is for more than three dwellings on the site. Additionally, the site is subject to a qualifying matter (overland flow path) Therefore, the standards of PPC78 have no further relevance to the application site, except as a permitted baseline. The objectives and policies of PPC78 have legal weighting.

PC79

Although the PC79 provisions have legal effect, they are not operative. That is an important distinction. There is a question to be determined as to the weight that should be assigned to the provisions when assessing a resource consent application. While this is a discretion that rests with the decision maker, there is guidance arising from some key principles established by case law:

- A weighting exercise is only required where the outcomes anticipated under operative and proposed provisions are inconsistent with one another.
- Each case should be determined individually according to its own circumstances.
- Relevant factors include the extent to which the proposed provisions have been exposed to independent decision-making; possible injustice; and the extent to which a new provision may implement a coherent pattern of objectives and policies.
- More weight might be afforded to proposed provisions where there has been a significant shift in Council policy to give effect to important overarching matters from Part 2 of the RMA or national policy statements.

Some evaluation of the relative weight to be applied to competing provisions would be required where a resource consent application identifies some inconsistency between the outcomes sought under the operative provisions and those that would arise under the proposed provisions of PC79.

While independent hearing commissioners have determined the amended PC79 provisions to be appropriate, the entirety of PC79 is subject to appeals. Any such challenge could result in the provisions being deleted or significantly amended and, in those circumstances, it would be unfair and unjust to impose such requirements on consent holders through a resource consent. It is also considered that the proposed rules and standards are not the only way in which relevant objectives and policies can coherently be implemented, and they are not required to implement any higher-order imperative or national policy.

For these reasons, it is considered that minimal weight should be given to the PC79 rules and standards at this stage of the plan change process. The operative provisions should be afforded significantly greater weight given the potential for challenge and amendment of PC79.

6.5. Overall Activity Status

The overall activity status of this application is **discretionary** for land use and subdivision.

7.0 Consultation

The following assessment concludes that any potential adverse effects associated with this proposal would generate less than minor adverse effects to surrounding neighbouring

properties. For this reason, consultation with the wider property owners or other parties has not been undertaken.

The application has not triggered a requirement to consult with Mana Whenua under the AUP. The site is not recognised as being a site and/or place of value or significance to Mana Whenua. The site is not located within a Treaty Settlement or Statutory Acknowledgement Area.

8.0 Section 104 Assessment

A consent authority must have regard to a number of matters under section 104 of the Resource Management Act 1991 when considering an application for resource consent.

In the case of the subject application and in accordance with section 104C of the RMA, the above considerations are not limited to those matters to which the Council has restricted its discretion. However, the following are considered to be relevant to the assessment.

- H4.8.1. Matters of discretion (Mixed Housing Suburban Zone)
- E12.8.1 Matters of discretion (Land Disturbance - District)
- E27.8.1 Matters of discretion (Transport)
- E38.12.1. Matters of discretion (Subdivision Urban)
- E7.8.1 Matters of discretion (Taking, using, damming, and diversion of water and drilling)

8.1. Actual and Potential Effects on the Environment

8.1.1. Effects on Neighbourhood Character

In terms of the visual catchment and the potential viewing audience, the viewing catchment is limited to the immediate area, including the adjoining residential properties and the road reserve. In this context, it is considered that the proposed buildings will not be out of place within the current surrounding environment or the built character of the zone as outlined in the AUP and evident in the surrounding area.

In terms of the overall bulk and scale of the development, this is in keeping with existing development in the surrounding area. While the proposed development features smaller terraced units, the units adjoining the public streets have been grouped as duplexes and

triplexes in response to the scale and intensity of the existing development- large scale two-storey dwellings.

In terms of the intensity of people coming and going from the site, it is my view that the scale of the proposal is such that this will not lead to adverse amenity effects. This includes matters such as privacy, dominance, sunlight, noise and a general perception of intensity.

The proposed development generally complies with the 9m maximum height and has been articulated in terms of the roof forms, materials palette, separation between dwellings, and landscape response. While portions of the buildings do not comply with the technical requirements for roof forms exceeding 8m, it is noted this is in part due to the existing topography of the site, which is notably lower than the Compass Way Road frontage (1.5-2m lower than street level). The dwellings have been designed to be two storey as viewed from any adjoining public space. The design utilises the topography to accommodate a partial basement garage. The proposed buildings will be of a size and scale commensurate with the character of the planned residential neighbourhood and, while the density of the site will increase, the residential amenity of the site will remain.

The proposed redevelopment of the existing site is being undertaken as a comprehensive housing development and will give rise to additional dwellings in this location. The integrated nature of the proposal will result in a development that has been designed to be sympathetic to the topography of the land as well as the character of the surrounding residential area.

Given the carefully designed and integrated nature of the proposed residential development, it is considered that the potential visual impacts of the proposal on the surrounding residential area and wider visual catchment will be less than minor. It is considered appropriate that conditions of consent are attached that ensure that the outcomes sought above are achieved, through imposition of landscaping proposals and proposed external colour palettes and materials.

In terms of the wider residential area, it is considered that the general scale of the development and bulk of buildings will be consistent with the context of the area and will not dominate surrounding sites.

The proposed landscape plan shows planting across the site that will provide an appropriate and pleasant setting for the proposed buildings and will serve to provide privacy and soften the built form. Feature trees and new street trees are located at the frontage of the sites which will contribute to the streetscape amenity.

The development has infringements to front yard setback requirements, comprising infringements from buildings and retaining walls. Where they are retaining walls, they are a maximum of 1.5m in height. The Urban Design Assessment attached at **Appendix I** comments that they are *“acceptable (and justified) based on the Site’s slope and to achieve suitably flat and usable outdoor living spaces. To mitigate the potential adverse effects of front-facing retaining walls, they are to be of a keystone constriction (along with those less than 1m in height), and will include semi-transparent aluminium fences to soften any potential visual dominance effects.”*

The dwellings along Compass Point Way have minor infringements to the front yard setback, any potential effects arising from the infringement are considered to be mitigated by the following design outcomes:

- The front yard is clear of any vehicle crossings, with the site being served by one vehicle access only. This enables a high-quality landscaped frontage to be achieved.
- The dwellings are only two-storey in height here, therefore the dwellings continue to appear ‘suburban’ rather than ‘urban’.
- The dwellings have been designed to suggest the appearance of the larger-scale detached dwellings that are visible in the neighbourhood. This has been done by grouping the terraces into duplexes and triplexes, incorporating larger buildings breaks, and cladding design.

The following summary comments are noted from the Urban Design Assessment attached at **Appendix I**, regarding the proposed development in relation to existing neighbourhood character:

- *“The neighbourhood has a mixed character, although is predominantly comprised of detached family-scaled dwellings (often 2-storeys and in places 3-storeys where dwellings step down slopes) on freehold-type allotments. The neighbourhood also includes a commercial centre and its characteristically larger-scale, functional-looking ‘boxes’, quite an extensive car parking areas associated with the public ferry use, a commercial marina, and other uses including a public primary school. I am also aware and have included in my consideration of the existing environment a ‘COVID-19 Fast Track’ resource consent for a large-scale retirement village with buildings up to 6-storeys in height. In my opinion the proposal will not in this context be fundamentally jarring or out of place.*

- *In terms of Ara Tai, I consider the proposal will be compatible with and if anything will positively contribute to the existing character of the commercial centre environment and its substantial car parking areas. There is already a pattern of elevated dwellings looking down onto Ara Tai from above west of the Site, and the proposal will continue this albeit in a higher-intensity manner.*
- *In terms of Pigeon Mountain Road, the proposal will contribute to what I consider is an appropriate transition in intensity from the Local Centre (north) and the typical detached houses of the area (south). The road currently lacks urban design qualities and on both sides the streetscape consists of largely blank fences and landscape hedges.*
- *In terms of the existing neighbours along the Site's western boundary, the proposal will be lowered into the slope (substantially so for the most part), and although presenting a considerably intensified vista as neighbours look across the Site at the development, they will continue to do so from an elevated and generally unencumbered position in terms of the orientation of existing habitable room windows and balconies on neighbouring sites. For these neighbours the proposed length of Units 41, 79-86, 88, and 2, the potential adverse character effects of that length and enclosure has been mitigated by the extent of excavation proposed – which will maintain a very spacious-feeling and open outlook for those neighbours to enjoy. Noting that those neighbours will also typically have views of the Local Centre and marina, and the COVID-19 Fast Track retirement village (when constructed), the intensity and character effects of the proposal will be adverse but not significantly so.*
- *In terms of neighbours residing within Compass Point Way, passers-by will be exposed to the southern row of buildings, with most of the balance of the proposal screened from view. These buildings have been designed to be a row of duplex and triplex houses based on the metaphor of a row of larger-scale detached family houses. I consider that this is a higher-intensity but still character compatible solution for Compass Point Way, and I consider that any adverse effects arising will not be of concern.*

Overall, it is my opinion that any actual or potential adverse effects on neighbourhood character will be less than minor.

8.1.2. Effects on Amenity

The construction of any proposed dwelling has the potential to create adverse effects on both the surrounding properties and the future residents of the proposed dwellings. The proposal has been designed to be sympathetic with development that exists on adjoining properties.

In terms of potential bulk and dominance effects, the articulation of the building façades, with a variety of cladding materials, patterns, and roof forms serve to break up the appearance of the development as viewed from adjoining sites and public spaces. The development has been broken up into 28 blocks, providing variation across the development whilst also ensuring a strong frontage to each respective road. Due to the existing topography, some portions of roofs infringe the 8m height plane.

Proposed fencing and landscaping provides privacy and amenity between buildings and living areas within the site. The proposal complies with building coverage. I concur with the following comment noted by Ian Munro in the Urban Design Assessment at **Appendix I**: *“The proposal otherwise has a scale and intensity of building coverage that is typical of what I routinely see consented by the Council within the zone”*.

The proposal does not comply with the zone impervious surface and landscape area standards. I concur with the following comment in the Urban Design Assessment: *“I am not concerned by these noting that the proposal includes JOAL 2, a service lane. This has been included – despite unflatteringly diminishing the proposal’s impervious surface and landscaped area statistics, because it allows a far superior quality of outcome along Pigeon Mountain Road and the internal JOAL 5 frontage lane. It would have been possible to pursue an alternative outcome that allowed much of the JOAL 2 area to be open landscaped area, but it would have resulted in what I consider the inferior and less desirable outcome. I do not consider pursuing compliance for its own sake as justified where in circumstances such as this it could encourage an inferior solution.”*

All units generally comply with all required outlook space setbacks, minor infringements are created where the outlook space slightly overlaps a boundary, when the outlook space is centred on the glazing, however this is considered to be indiscernible from a complying situation. All dwellings comply with outlook space depth.

The majority of units comply fully with outdoor living space requirements. Some units have infringements to the minimum dimension requirement; however, this is generally where the outdoor living space has an angled boundary, and only the shorter dimension infringes. In these situations, the total outdoor living space exceeds 20m². 5 units have shortfalls to the total outdoor living space area; however, these are generally for the smaller 2-bedroom units and these outdoor living spaces comply with the minimum dimension requirement, ensuring a practical and functional outdoor living space. Additionally, units have separate provisions for bin and waste storage, and can accommodate bicycle parking outside of the outdoor living areas. For units 24 to 40, the dwellings have additional outdoor living spaces to the south (frontage). While the amenity is not as desirable as the primary outdoor living space, they are

functional secondary spaces - thus also enhancing the usability of the primary outdoor living space.

The Urban Design Assessment by Ian Munro attached at **Appendix I** concludes that the proposal will maintain reasonable sun and daylight access and visual privacy for adjoining sites for the following reasons:

“a. For neighbours to the south (up-slope across Compass Point Way, typically 2m+ higher than the Site), and east (across Pigeon Mountain Road), the proposal will be sufficiently separated by the width of the public street, and presented in a manner and with sufficient visual quality, that any adverse effects would be less than minor.

b. I do not consider that any neighbour to the north, across Ara Tai within the local centre, would be adversely affected by the proposal.

c. The only direct neighbours that could be potentially affected by the proposal are to the west of the Site, being 76-84 Compass Point Way:

i. Perhaps because the historic use of the Site was as a lower- intensity education facility, many of these neighbours have orientated large windows and balconies on their eastern side so as to maximise views across the Site to the valley around to the coast. This is a configuration of what I would describe as ‘borrowed’ amenity.

ii. But notwithstanding my opinion that neighbours have no entitlement for continued outlook and views that they are deriving from a different person’s Site, this is a matter that I have observed being approached inconsistently by decision makers. At times private views across private land have been treated as if they were fundamentally protected. This makes it a very difficult matter to give professional advice on.

iii. As a result, my approach is that where a Site is being ‘borrowed’ by other persons for views and outlook, if it is possible to retain this without compromising the objectives of the developer, it is usually simpler to do so.

iv. In this instance there are existing retaining walls along parts of the boundary and to accommodate workable vehicular access gradients along the JOALs, there is a need for excavation associated with Units 42, 81-92, and 1, between 1m – 4m.

v. *In working through the various options, I have come to agree with concentrating the excavation on the western boundary, resulting in between 4m – 5m in total retained depth in places between the existing and new (stepped) walls. This offers what I consider to be a quite rare opportunity to effectively ‘hide’ the scale and intensity of the proposal from neighbours, and allow most existing views to be retained above the new buildings and out across the Site. In my opinion this is the optimum strategy to maintain the existing amenities of neighbours and it will by the same token not give rise to visual privacy or overlooking, visual dominance, or loss of daylight / creation of shadow effects.*

vi. *This is a very unusual outcome and I record that were it not for the particular configuration of windows and decks on adjoining neighbours’ sites, I would have been less likely to support it.*

vii. *Unit 40 infringes the SHiRB standard and complies with the AHiRB standard. The top south-western corner of the top floor of the unit infringes the standard. The neighbouring site at 84 Compass Point Way is triangular-shaped noting that the road bends to the north-west at that point. The infringement in this respect falls on a narrow bottom corner of the Site where its effects will not materially impact on the existing neighbouring dwelling or its outdoor space. Although I do not consider any adverse effect of concern is likely, including because immediately adjacent to Unit 41 (on its north side) is the open space void of the rear service lane that will provide a more-than-compensatory opportunity for daylight and morning sun to access to neighbouring site, if required a privacy louvre could be readily affixed to the north-western-most bedroom window on Unit 41’s top floor to avoid any potential privacy effect at all.*

viii. *I have also considered effects on the neighbouring sites that could occur as a result of the maximum building height and all other standard infringements proposed and have concluded that any adverse effects arising would not compromise the amenity of neighbouring sites or create adverse effects of any particular concern on any party.*

d. *For all other persons living on land adjacent to the Site, I am satisfied that the scale and intensity of the proposal coupled with the setback distances that would apply, and the screening that intervening buildings and vegetation would provide, will be sufficient to ensure that any adverse effects would be less than minor.”*

I concur with the conclusions of this assessment, that any adverse effects to adjoining properties would be less than minor.

The effects of the proposed construction and earthworks are considered to be temporary in nature. Appropriate conditions of consent can be imposed to control the effects of the implementation of the development, including construction noise and dust controls.

It is considered that any adverse effects on the amenity of the future residents, the immediate neighbours, and the surrounding area will be less than minor subject to implementing the recommendations of the Urban Design Assessment.

8.1.3. Traffic Effects

The TPC Traffic Report in **Appendix F** provides a comprehensive assessment of transport matters. The proposed access and parking areas have been designed to provide safe and efficient vehicle manoeuvring both within the site and on the adjoining road networks.

A pedestrian route is provided through the site, providing a link to Ara Tai. A network of footpaths provides internal access throughout the site, with lots fronting Pigeon Mountain Road and Compass Point Road provided direct pedestrian access.

A total of 117 parking spaces will be provided for the 87 units.

JOAL's 1, 2 and 5 will all have a width of at least 5.5 metres sufficient for two-way vehicle movement and is compliant with the E27 standards.

JOAL 3 will operate in a one-way arrangement generally have a width of 6.3 metres which narrows to 3.5 metres where it meets JOAL 5 and JOAL 4 respectively, and is considered compliant with the E27 standards.

JOAL 4 will generally have a width of 5.9 metres where serving a one-way arrangement (with exception of the section of the JOAL serving dwellings 1-4), which narrows down a width of 3.0 metres where providing for traffic calming measures and on approach to JOAL 5.

Regarding both JOAL's 3 and 4, under the AUP widths can be reduced to 2.75 metres where good sightlines and passing opportunities are available at 50 metre intervals. For both JOAL's, where the access width reduces sightlines are considered good and both JOAL's are one-way such that passing opportunities are not required. As such the proposed JOAL designs are considered compliant and acceptable.

The development complies with bicycle parking requirements. 39 units have garages, and secure cycle parking has been provided for the remainder of the units. Five visitor bicycle parking spaces are proposed adjacent to lot 78, and four adjacent to lot 74, where four are required.

The development will be served by private refuse collection. The proposed gradients of the accessways are no steeper than 1 in 8 which is suitable for truck manoeuvring. Vehicle tracking demonstrates two-way vehicular flow at the crossing and main turning points within the site.

Residential developments of less than 100 dwellings are not subject to a trip generation assessment, nevertheless, TPC has undertaken an assessment and concluded that the proposed level of trip generation can be accommodated on the existing wider transport network without having a more than minor impact on the performance of the Pigeon Mountain Road / Compass Point Way intersection and local road environment.

The following concluding comments are noted:

- The estimated traffic generation of the proposal is likely to be about 509 traffic movements per day with peak hour traffic generation of about 51 traffic movements per hour;
- The traffic generated by the proposal is expected to be accommodated on the wider road network with little or no effect;
- Vehicle access to the site is designed to a suitable standard;
- A review of the transport standards has identified two items requiring consent under the E27 standards of the Auckland Unitary Plan;
- Vehicle and pedestrian access to the site is designed to a suitable standard such that the infringement will not have an adverse effect on the surrounding road network or to the safety of pedestrians and vehicles using the site.

Overall, I concur with the TPC Transportation report and it is my opinion that any actual or potential adverse traffic effects from the proposal will be less than minor.

8.1.4. Infrastructure Capacity Effects

As noted within the preceding sections, Aireys have prepared the design of reticulated services to ensure each site can be served with suitable infrastructure, including wastewater,

stormwater, water supply, power, and telecommunications. Details of the designs are attached in **Appendix C**.

Connections to the public wastewater, water supply, and general utility networks within and around the vicinity of the site can be provided in accordance with the relevant Council standards. Aireys is satisfied that the proposed new infrastructure design will be suitable for the site and it will not compromise the upstream or downstream catchments.

The wastewater capacity of the receiving network has been assessed. It is confirmed there is adequate capacity in the existing public wastewater network to support the current proposal and further additional development within the catchment.

As the site is considered a Large Brownfields development under the NDC Schedule 4, a site-specific Stormwater Management Plan has been prepared and is enclosed as part of the Infrastructure Report package at Appendix C. Stormwater 360 stormfilters are proposed to be installed to capture and retain litter, debris, and provide quality treatment from surface runoff.

A capacity assessment of the downstream network indicates there is insufficient capacity, and stormwater detention has been provided to mitigate flows to pre-development levels.

It is considered that, subject to implementation of the identified mitigation measures, any infrastructure capacity effects will be less than minor.

8.1.5. Earthworks effects

Land stability and groundwater

A geotechnical report has been prepared by Total Ground Engineering, attached at **Appendix G**.

Overall, it is considered that subject to appropriate building foundation design and the management of cut and fill within the site, any adverse effects on land stability or future buildings will be less than minor providing the development works are undertaken in accordance with the recommendations in the geotechnical report.

The Geotechnical Report (**Appendix G**) has concluded that the site is stable and suitable for the proposed earthworks and the proposed infrastructure.

Specific assessments and recommendations have been proposed in relation to the works near the retaining wall at the western site boundary. The assessments conclude that the proposed

new retaining wall (to be constructed in front of the existing retaining wall) will provide adequate factors of safety and capacity during the construction, and restrain the wall deflection as well as ground settlement within the permitted limits. A preliminary monitoring and contingency plan has been included with the report.

Overall, any potential adverse effects linked to land stability as a result of this application upon the receiving environment would be less than minor.

Erosion and Sediment Control

Erosion and sediment control will be implemented in accordance with GD05. The earthworks methodology includes, decanting earth bunds, clean water diversion bunds, and the construction of silt fences downslope of all earthworks. It is considered that sediment will be appropriately controlled on site to mitigate run-off onto adjacent sites or the public realm.

The proposal has been designed to minimise earthworks where possible. Cuts and fills are required to establish the public road, COALs, parking areas, and to form the proposed building platforms. The proposed cut and fill depth contours are shown on of the Infrastructure Report, attached at Appendix C.

It is considered that the proposed sediment and erosion control measures which will be implemented during the earthworks phase will effectively mitigate the effects of earthworks such that any effects on the receiving environment including the watercourses in the area would be less than minor.

8.1.6. Construction effects

Construction traffic

Construction traffic will be infrequent and temporary only during the construction period. This is considered to be a relatively short duration, in the context of the lifespan of the development, nevertheless a Construction Traffic Management Plan will be implemented to control aspects such as times of operation, routes used, and other matters to minimise any potential impacts.

In terms of capacity, TPC confirms that the adjacent road network can accommodate the traffic volumes associated with the construction phases, and the application of a traffic management plan will ensure that any potential impact on the surrounding area is minimised.

Public health and safety

Any adverse effects relating to construction activity and traffic movements are considered to be temporary. As mentioned previously, earthworks and erosion control will be managed carefully in accordance with GD05, including for dust nuisance and sediment run-off beyond the site. It is anticipated that a construction management plan will be required to be submitted to Council prior to the commencement of all construction activities. This will ensure the provision of suitable signage and hazard notices, for example.

Overall, it is considered that any adverse construction effects on public health and safety will be less than minor.

8.1.7. Operational Noise effects

The development itself, being a residential development is not a noise generator in itself with the exception of the car movements within the proposed road and parking areas. The proposed vehicle moves are considered to be modest and in keeping with the anticipated outcomes for the zone. Additionally, the vehicle crossing is well separated from any adjoining sites, and are separated by the proposed buildings.

8.1.8. Effects from Subdivision

Subdivision is an essential component of enabling growth in existing urban areas and is fundamental to place shaping. The objectives and policies of the AUP (OP) relating to urban subdivision highlight that subdivision needs to contribute to or create a sense of place, create an integrated community and achieve a high level of amenity and efficiency for future site residents.

In many respects, the act of the subdivision is simply to create separate tenure for the proposed dwellings. For the most part, the effects of the proposed urban form that will arise from this subdivision consent have been considered as part of the land use consent, thereby confirming the integrated nature of this proposal.

It is expected that a range of consent notices will be provided on the proposed future titles that would require that a range of ongoing outcomes of the land use consent to be maintained on an ongoing basis for the life of this consent. This would include adherence to the approved land use plans, maintenance of landscaping and fencing and conditions around suitable engineering and geotechnical supervision of the final design of each sites and building.

The proposed subdivision provides for individual lots for each dwelling and equal shares of the proposed COALs. Easements will be provided in relation to party walls and maintenance,

and for the provision of services. The subdivision directly relates to the proposed land use component of this application.

As noted by Aireys, there is suitable water, stormwater and wastewater servicing for the site and additional connections to services will be provided to service the development on each of the proposed residential lots.

Appropriate and safe vehicle and pedestrian access is provided for each residential lot to cater for the development as proposed under the land use consent and two new roads and accessways will either be vested with Council or managed by a Residents Association allowing for access and improving pedestrian accessibility.

It is noted that any future public assets that are intended to be vested in the Council will be subject to a separate detailed Engineering Plan Approval process. In this regard, this application does not seek to provide an EPA level of design as this is not required for the resource consent, but simply seeks to confirm that the proposed sites can be suitably serviced by infrastructure. This has been confirmed by Aireys.

The previous assessment, together with the geotechnical reports, have confirmed that the sites are suitable for the form of development that is proposed.

For the reasons identified above, it is considered that the proposed subdivision is appropriate for the site and any adverse effects arising from the proposed subdivision would be less than minor, subject to appropriate consent conditions.

8.1.9. Positive effects

This proposal will have positive effects that should be recognised and considered in the overall assessment.

The proposal will deliver an integrated housing development that will provide additional housing within the existing Auckland urban area. The proposed development includes dwelling types and sizes that will better cater for the changing characteristics and population demographics of the Auckland area.

The design and layout of each dwelling seeks to maximise on-site residential amenity including access to sunlight, privacy, and private open space. The overall design and external appearance of each of the housing typologies has been designed to a high standard in order to complement and enhance the surrounding residential area.

The following is also noted:

Social

- The provision of additional dwellings to help address Auckland's housing shortage;
- The proposed development will maximise the potential of the application site for residential activity in an area where residential accommodation is sought after, including for different typologies;
- The intensity of residential activity is complementary within an area of which there is a comprehensive range of existing services and amenities that exist to serve the development;
- The applicant has placed considerable effort into the design phase of the development. The outcome is a high-quality architectural design that will maintain and enhance the amenity and streetscape character of Half Moon Bay;
- The proposed landscape treatment plan includes a comprehensive planting plan that will positively contribute to the visual character and amenity of the site and the surrounding neighbourhood;

Economic

- The increase in residents who will frequent local businesses and services at the Local Centre will generate a notable uptake in economic revenue for the area;
- The proposal will ensure an economically viable use of the site.

Environmental

- The proposed development will see the planting of vegetation within the site;
- The proposal exemplifies innovative and best practice urban sustainability principles.

The integrated site design and layout will work to retain the residential character of the streetscape and surrounding neighbourhood whilst providing for development as envisioned for the Mixed Housing Suburban zone under the AUP (OP).

8.1.10. Overall conclusion in relation to effects

It is also appropriate for the Council to consider whether the proposal may create any cumulative effects that might arise over time or in combination with other effects. It is considered that there are no such effects in this instance.

Overall, and based on the above assessment, it is considered that subject to conditions of consent, the actual or potential adverse effects of the proposal on the environment will be less than minor.

8.2. Relevant Provisions of Statutory Documents

8.2.1. E12 Land disturbance - District

- Earthworks to form the building platforms, parking areas and access would be undertaken with the correct erosion and sediment control protocols in place, and geotechnical investigations have revealed that the site is suitable for residential development (Policy E12.3(1)-(6)). Earthworks overall are minimal and seek to create suitable building platforms and access to enable development envisaged in the Terraced Housing and Apartment Building zone.
- Appropriate sediment and erosion controls are proposed, in accordance with best practise methodologies.
- Earthworks will be undertaken in a manner that protects the safety of people.
- Earthworks will be undertaken in accordance with ADP (Policy 12.3(1), 12.3(2), 12.3(4)).
- The proposed earthworks will facilitate residential development (Policy 12.3(3)).

8.2.2. E27 Transport

- Residential parking and access have been designed to ensure safety of pedestrians and vehicles, avoid adverse visual effects on the street and provide for safe access and exit for vehicles, pedestrians, and cyclists (E27.2(3), (4) and (5)).
- The proposal provides adequate onsite car parking, with all units benefiting from at least one car parking space (noting that the provision would comply with the AUP standards). This ensures an efficient use of land (E27.3(8) and (9)).
- The proposal will support increased cycling and walking, through the provision of an efficient land use in close proximity to a number of amenities (E27.3(14)).
- The design of the parking areas would operate safely as confirmed by TPC (Transport Policy E27.3(17) and (18)).

- The proposed vehicle crossing will provide for safe and efficient movement to and from the site, and complies with all relevant standards. The design of the crossings is appropriate and safe, and an efficient use of the Site (refer section 8.1.3 above).

Overall, it is considered that the proposed is consistent with the relevant objectives and policies of E27 Transport.

8.2.3. E38 Subdivision - Urban

- The subdivision will reflect the intended outcomes of the zone and provide for the long-term needs of future residents through a comprehensive and well-designed development that meets the desired density and urban design outcomes of the Mixed Housing Suburban zone, and provides a safe and efficient layout (Subdivision Objectives E38.2(1), (2) and (6));
- Infrastructure is planned in an integrated manner and will be in place at the time of subdivision (Subdivision Objective E38.2(4));
- The subdivision and resulting development will mitigate any adverse effects associated with the discharge of stormwater through the use of quality treatment devices (Subdivision Objective E38.2(10));
- The site layout utilises shared vehicle access and minimises the number of vehicle crossings, and the access is paved to provide legibility and formed to a sufficient width to provide for pedestrians and vehicles (Subdivision Policy E38.3(15) and (16));
- All sites are capable of being serviced with infrastructure that is compatible and integrated with the existing network and is connected to public networks and wastewater and stormwater in a manner that creates no significant adverse effects through use of mitigation detention tanks for stormwater (Policy E38.3(21) and (22)).

8.2.4. H4 Residential - Mixed Housing Suburban Zone

- The proposal will increase housing capacity, intensity and choice in the zone and provide for development that is in keeping with the neighbourhood's planned suburban built character of predominately two-storey buildings in a variety of forms (two-storey detached and attached typologies proposed). (Objectives H4.2(1) and (2) and Policy H5.3(1) and (2)).
- The development will provide quality on and off-site amenity for residents and adjoining sites and the street (Objectives H4.2(3)).

- The proposal will contribute positively to the visual quality and safety of the local neighbourhood and street using extensive landscaping and planting on site, good-quality design and materials. CPTED principles have been adopted throughout. Open front yards are proposed with a fencing approach that will balance on-site privacy and passive surveillance over the street and internal (communal) access areas. Windows and outdoor living areas will be orientated towards the street and over the communal areas of the development, with no garage doors proposed (Policy H4.3(3)).
- The development will be of a height, bulk, form and appearance that positively responds to the planned residential character of the wider area. The 'bulk' of development is considered reasonable while being an efficient use of the site and will ensure a reasonable standard of sunlight access and privacy and minimise visual dominance effects for adjoining properties within this setting (Policy H4.3(4)).
- Useable and functional outdoor living space is proposed, along with good levels of privacy and reasonable access to sunlight, as well as all amenities necessary to meet the day-to-day needs of residents through careful placement of buildings and facilities on-site and using appropriate screening and planting (Policy H4.3(5) and (6)).
- Stormwater will be captured, treated and disposed of appropriately (Policy H4.3(7)).
- While not for integrated residential development, the development does propose a comprehensive site wide design which ensures an efficient use of the Site (Policy H4.3(8)).

Overall, it is considered the proposal aligns with the relevant objectives and policies of the Mixed Housing Suburban Zone.

8.2.5. Auckland Regional Policy Statement

The Regional Policy Statement ('RPS') provides a policy overview to guide the content of all district planning documents within the region. There are no matters within the RPS that have not been captured within the lower order objectives and policies (considered above). Irrespective of this, a brief assessment against what are considered the key provisions of document as it relates to the application is provided below.

The proposed development would be consistent with Chapter B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form. The proposal provides for a quality compact urban form that is an efficient use of a site and that provides a quality urban environment for residents and the neighbourhood. This in turn provides for more efficient use of public transport, infrastructure and open spaces. Of note, the proposal provides for residential intensification

and housing in an area close to a number of amenities including a range of schools, parks and transport options. A range of quality housing options which contribute to housing choice is proposed. Outcomes such as that proposed by this development (i.e., residential intensification in areas such as the proposed) are sought by the RPS and the proposal fully aligns with this.

The proposal aligns with Chapter B7. Toitū te whenua, toitū te taiao – Natural resources. The proposed development will be adequately serviced.

Overall, it is considered that the proposal positively aligns with the overarching policy direction of the RPS.

8.2.6. National Policy Statement on Urban Development

The National Policy Statement on Urban Development ('NPSUD') replaces the National Policy Statement on Urban Development Capacity. The NPSUD recognises the national significance of having well-functioning urban environments that enable communities to provide for their wellbeing and health and safety as well as the significance of providing sufficient development capacity. The NPSUD sets out objectives and policies that Council's must give effect to in their resource management decisions.

The proposal is consistent with the objectives of the NPSUD. The proposal will support the policy intent of providing vibrant cities that support the wellbeing of people but also providing a well-functioning urban environment that enables future users to provide for their wellbeing. Amenity values within the development and its surrounds will be reasonable, noting that a change in built form is provided for by the zone and expected by the NPSUD and that the resulting impacts on amenity are provided for. The proposal is an efficient use of land in an urban location serviced by existing infrastructure.

The proposal is considered to be consistent with the relevant objectives and policies of the NPSUD.

8.3. Any Other Matters

Section 104(1)(c) requires Council to have regard to any other matter that it considers relevant and reasonably necessary to determine an application.

8.3.1. Auckland Plan

The Council has prepared a spatial plan, known as the 'Auckland Plan', in accordance with the requirements of section 79 of the Local Government (Auckland Council) Act 2009. The Auckland Plan sets out the long-term strategic direction for Auckland with a 30-year outlook,

through to 2050. One of the key challenges acknowledged by the Auckland Plan is population growth and the need to provide (affordable) housing for all, within a quality and compact urban form. The acceleration of construction is also considered of importance by the Auckland Plan.

Ultimately, it is clear that further intensification will be required in Auckland and that this needs to be accelerated. At the same time, a quality urban form is required and the provision of amenities and public places and spaces are important in achieving this. Intensification initiatives will need to make the best use of land that has been identified and zoned for urban development and that is well served by existing infrastructure.

It is considered that the efficient development of the application site for residential purposes is an efficient use of urban resources. It will support the vibrancy of the area. The proposal as sought under this application would give effect to the strategic direction that is encapsulated in the Auckland Plan.

9.0 Part 2 Matters

Recent case law^[1] has suggested that in most cases there is no need to refer back to the purpose and principles of the RMA ('Part 2') in determining an application for resource consent in the context of a newly developed plan that specifically considers all Part 2 matters.

The implication of the decision is that, when decision-makers are considering an application for resource consent under section 104(1) of the RMA, they would generally only need to have recourse to Part 2 of the RMA if the relevant statutory planning documents are invalid, incomplete or uncertain, or have not been prepared in a manner that appropriately reflects Part 2. It may however be appropriate to refer to Part 2 even where the planning documents have been competently prepared with a coherent set of policies.

In this instance, it is not considered that the AUP provisions are invalid, incomplete or uncertain in respect of the proposal. However, for completeness, the following brief commentary is provided in relation to Part 2.

The proposal does not impact or engage with matters of national importance set out in section 6 of the RMA, as the site is not located on the coast or in an outstanding landscape, and the development would have no impact on indigenous vegetation, Maori values, or historic heritage.

Furthermore, the application sits comfortably with the ‘other matters’ contained in section 7 of the RMA. Section 7(b) requires consent authorities to have particular regard to “*the efficient use and development of natural and physical resources*”. Granting consent would enable a more efficient use of the valuable physical resource that is comprised in the site, in circumstances where the proposal itself creates no appreciable adverse effects. The proposal also enables “*the maintenance and enhancement of amenity values*” (section 7(c) RMA) and “*the maintenance and enhancement of the quality of the environment*” (section 7(f) RMA).

Overall, it is considered that the application would not offend any of the matters contained within Part 2. The proposal would enable the applicant to provide for the social and economic wellbeing of future occupiers of the dwellings while avoiding, remedying or mitigating any adverse effects on the environment.

[1] *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316

10.0 Other Relevant RMA Sections

10.1. Section 106

The RMA sets out additional circumstances when a consent authority may refuse subdivision consent. The provisions of section 106 state as follows:

“(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—

(a) the land in respect of which a consent is sought, or any structure on the land, is or is likely to be subject to material damage by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(b) any subsequent use that is likely to be made of the land is likely to accelerate, worsen, or result in material damage to the land, other land, or structure by erosion, falling debris, subsidence, slippage, or inundation from any source; or

(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.

(2) Conditions under subsection (1) must be—

(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and

(b) of a type that could be imposed under section 108.”

The site is subject to a minor overland flow path, however this has been appropriately diverted around the proposed development. Each allotment will continue to have appropriate legal and physical access.

As a consequence, it is considered that the subdivision would not raise any concerns that might prompt the Council to invoke the provisions of s106.

11.0 Section 95 Assessment

11.1. Public Notification (S95A)

11.1.1. Step 1 - Mandatory in certain circumstances

The application does not meet any of the criteria under s95A(3), therefore **public notification is not required by Step 1.**

11.1.2. Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95A(5), therefore **public notification is not precluded by Step 2.**

11.1.3. Step 3 (Part 1) - Required by rule

The application does not require public notification under s95A(8), therefore **Step 3 of the Public Notification assessment is to be continued below.**

11.1.4. Step 3 (Part 2) - Effects on wider environment assessment (s95D)

In accordance with s95D, the application will not have and is not likely to have adverse effects on the environment that are more than minor, therefore **public notification is not required by Step 3.**

11.1.5. Step 4 - Special circumstances

It is considered that no special circumstances warranting public notification of the application exist, therefore **public notification is not required by Step 4.**

11.2. Limited Notification (S95B)

11.2.1. Step 1 - Certain affected groups and affected persons must be notified

No affected groups and/or affected persons have been identified in relation to the application (under s95B(2) and s95B(3)), therefore, **no limited notification is required under Step 1.**

11.2.2. Step 2 - Precluded in certain circumstances

The application does not meet either of the criteria under s95B(6), therefore **limited notification is not precluded by Step 2.**

11.2.3. Step 3 - Affected persons assessment (s95E)

The application does not meet either of the criteria under s95B(7)-(8) and does not result in any persons considered to be affected persons in accordance with s95E, therefore **limited notification is not required by Step 3.**

The following additional comments are provided in relation to the adjoining properties.



Figure 21: Adjoining properties.

Address	Comments
1 Ara Tai (green)	1 Ara Tai is zoned local Town Centre and contains a variety of businesses including services and retail. The proposed vehicle and pedestrian accesses have been designed to accommodate safe ingress and egress of vehicles and

	pedestrians. The proposed development has positive benefits to the local businesses.
6, 8, 10, 12, 14 Poseidon Place (yellow)	To the west, the adjacent properties are located over 20m from the site, across Pigeon Mountain Road. I concur with the comments noted in the Urban Design assessment at Appendix I , <i>“the proposal is sufficiently separated by the width of the public street, and presented in a manner and with sufficient visual quality, that any adverse effects would be less than minor.”</i>
11 Pigeon Mountain Road; 2, 4, 8A Compass Point Way; 9, 11, 8 Tuscan Place (orange)	To the south, the adjacent properties are located over 20m from the site, across Compass Point Road. The proposed development has been designed to accommodate safe ingress and egress of vehicles and pedestrians and they would not result in any conflicts with the adjacent properties. The building is of a high quality architectural design, with the building articulated by the building design, setbacks, and façade design. It is considered that the effects of the proposal on these adjoining property owners will be less than minor. It is also noted that the proposed scheme has been designed to avoid the existing street trees.
76, 78, 80, 82, 84 Compass Point Way (blue)	The proposed development has been specifically designed to lower the interface at the western boundary. The difference in height offers the opportunity to ‘hide’ the scale and intensity of the proposal from the adjoining properties. While not protected, this enables the retention of the existing views from these properties over and across the site. This therefore enables the existing amenities of the adjoining properties, and also mitigates any potential privacy or overlooking, visual dominance, or loss of daylight/shading effects.

11.2.4. Step 4 - Special circumstances

It is considered that no special circumstances warranting limited notification of the application exist, therefore **no one else is to be notified under Step 4.**

11.3. Notification Conclusion

The steps set out in s95A and s95B of the RMA were followed to determine whether public or limited notification is warranted for this application. Overall, it is considered that no

circumstances warranting public or limited notification exist, therefore **the application can be processed on a non-notified basis.**

12.0 Invitation to Adopt Assessment of Environmental Effects

Section 42A of the RMA was amended by the Resource Management (Simplifying and Streamlining) Amendment Act 2009. The Amendment Act introduced subsections 1A and 1B which, in reference to the Council planner's report, state:

"(1A) The report does not need to repeat material from an assessment of environmental effects provided by the applicant.

(1B) Instead, the report may –

- *(a) adopt the whole assessment; or*
- *(b) adopt any part of the assessment by referring to the part adopted."*

The provisions were introduced to provide an opportunity for consent authorities to utilise a more efficient process, with consequential reductions in processing costs.

The reporting planner is invited to audit the AEE submitted with this application and adopt all those parts that are consistent with their own conclusions. Any adopted parts can simply be referred to in the s42A report in accordance with subsection (1B).

13.0 Conclusion

This resource consent by HND HMB Limited ('the applicant') is related to 3 Pigeon Mountain Road, Half Moon Bay.

It is proposed to construct 87 new residential dwellings on the 1.4073ha site. The development proposes quality architecturally designed dwellings with integrated and functional outdoor living spaces and common areas for the future occupants of the site. The development has been designed in a comprehensive manner to ensure the most efficient use of the land and minimise any adverse environmental effects. The proposal is an efficient use of land.

Having assessed the actual and potential effects of the proposal, it is considered that the proposal will not generate any significant adverse effects that cannot be avoided or potentially mitigated through conditions of resource consent. The site and proposal have been reviewed and supported by a range of technical specialists and are deemed to be a suitable form of development, subject to conditions.

The proposal is consistent with the objectives, policies and relevant assessment criteria of the AUP (OP) and achieves the purpose and principles of the RMA.

It is considered that consent should be granted on a non-notified basis having regard to the matters set out in Sections 104 of the RMA and in the context of Part 2 of the RMA.

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