

27 October 2021  
Our job no. 717685

Auckland Council  
Private Bag 93200  
Auckland 1142  
Attn: Steve Seager, Team Leader, Resource Consents

**The Property Group Limited**  
Auckland Office  
PO Box 104 Auckland 1140  
Level 14, 55 Shortland Street  
Auckland 1010

Dear Steve

**Resource Consent Applications for Residential Development and Subdivision at 33 Red Beach Road, Red Beach 0932**

Please find enclosed a resource consent application on behalf of Red Beach 1 Limited (the Applicant) to construct 21 new dwellings at 33 Red Beach Road, Red Beach (Lot 2 DP 177476). The applicant also seeks to subdivide around the proposed development to create 21 freehold lots, two commonly owned access lots and an 8m<sup>2</sup> corner lot that will contain landscaping.

This application includes a Form 9, a detailed description of the proposal, along with an assessment of environmental effects and supporting appendices.

A lodgement deposit of \$9,500 has been paid electronically.

The Property Group Limited (TPG) is the agent for this application and should be the contact for any correspondence or telephone discussions.

I would appreciate being able to review the draft conditions prior to consent being issued. Please contact me should you have any questions regarding the application.

Yours sincerely,



**Natasha Rivai**  
Planning Manager – Auckland

DDI 027 293 3190  
Email [Nrivai@propertygroup.co.nz](mailto:Nrivai@propertygroup.co.nz)

## Form 9

### Application for Resource Consent - Section 88, Resource Management Act 1991

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<b>To:</b>	Auckland Council
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<b>Applicant:</b>	Red Beach 1 Limited
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<b>Agent:</b>	Natasha Rivai, Planning Manager The Property Group Limited (TPG) 027 2933190 <a href="mailto:nrivai@propertygroup.co.nz">nrivai@propertygroup.co.nz</a>
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<b>Site address:</b>	33 Red Beach Road, Red Beach
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<b>Legal description:</b>	Lot 2 DP 177475
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<b>Owner of site:</b>	Birdie Trustees Limited
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<b>Consent for:</b>	Land Use Resource Consent (Restricted Discretionary Activity) Subdivision Resource Consent (Restricted Discretionary Activity) No other resource consents are required for this proposal
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<b>Description:</b>	To construct 21 new dwellings with associated earthworks, infrastructure servicing, access and parking.  To undertake a subsequent subdivision around the proposed development to create 21 residential freehold lots, two commonly owned access lots and one 8m <sup>2</sup> corner lot for landscaping.
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<b>Enclosed:</b>	Application and AEE Appendix 1 – Record of Title Appendix 2 – Architectural Plan Appendix 3 – Subdivision Scheme Plan Appendix 4 – Landscape Plan Appendix 5 – Waste Management Plan Appendix 6 – Infrastructure Report Appendix 7 – Civil Engineering Drawings Appendix 8 – Stormwater Management Plan (SMP) Appendix 9 – Traffic Impact Assessment Appendix 10 – Urban Design Assessment
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Appendix 11 – Preliminary Geotechnical Report

Appendix 12 – Cancellation of Easement Letter

Appendix 13 – Site Photos

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**Signed:**



**Natasha Rivai**

Planning Manager – Auckland

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**Date:**

27 October 2021

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# **Application for Resource Consent**

**Red Beach Development (Stage 1)**

**33 Red Beach Road, Red Beach**

**Red Beach 1 Limited**

**October 2021**

## Quality control

<b>Title:</b>	33 Red Beach Road – Residential Development and Subdivision
<b>Client:</b>	Red Beach 1 Limited
<b>Job number:</b>	717685
<b>Prepared by:</b>	Natasha Rivai, Planning Manager
<b>Signature:</b>	

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## 1. Introduction

Red Beach 1 Limited (the Applicant) hereby applies for resource consents from Auckland Council for the construction of 21 new dwellings with associated earthworks, infrastructure servicing, access and parking at 33 Red Beach Road, Red Beach (the site). The Applicant also seeks to subdivide around the proposed development to create 21 residential freehold lots, two commonly owned access lots and one 8m<sup>2</sup> corner lot that will contain landscaping.

The site is zoned Residential – Mixed Housing Urban (MHU) under the Auckland Unitary Plan (Operative in Part) (AUP (OP)). The proposal requires resource consents for the reasons outlined in section 4 of this report.

## 2. Site description

### 2.1 Legal Description

The application site at 33 Red Beach Road is legally described as Lot 2 DP 177475. It is held under record of title NA109B/806 (refer to **Appendix 1**) with the following legal interests registered on this title:

- Subject to Section 27B State-Owned Enterprises Act 1986 (which provides for the resumption of land on the recommendation of the Waitangi Tribunal and which does not provide for third parties, such as the owner of the land, to be heard in relation to the making of any such recommendation).
- Subject to Part IV A Conservation Act 1987.
- Subject to a drainage right (in gross) over part marked B on DP 177475 in favour of the Waitemata County Council created by Transfer 561768.
- 8614263.4 Mortgage to Bank of New Zealand – 15.12.2010 at 1:31 pm.

These registered legal interests will not affect the proposed development. It is proposed to cancel the drainage right easement (Transfer 561768) as part of the proposed subdivision, as it is no longer required to serve the site. Please refer to the Cancellation of Easement Letter (**Appendix 12**) for more information.

### 2.2 Location and description

The site at 33 Red Beach Road is a corner site located in the suburb of Red Beach and to the west of the intersection between Red Bed Road and Albatross Road. The site is rectangular shaped with an area of 3,571m<sup>2</sup>. The Auckland Council GIS indicates the site is not located within a floodplain and there are two overland flow paths entering the site from the western corner of the site and exiting onto Red Beach Road and Albatross Road. The topography of the site is generally flat with a slight rise in the north-western corner.

The site is currently occupied by the Faithfull Funeral Services business. It occupies a single-storey detached building located at the south-eastern corner of the site, which directly faces the street frontages of Red Beach Road and Albatross Road. The associated car parking spaces and on-site vehicle manoeuvring areas are located along the northern and western

boundaries, and the site has legal access to both Red Beach Road and Albatross Road via two existing vehicle crossings.

In terms of surrounding environment, the site is located in a well-established residential area that mostly contains one to two-storey detached dwellings on individual lots. The immediate area is zoned Residential – Single House under the Auckland Unitary Plan (Operative in Part), and some of the sites along Red Beach Road and further south of the application site are zoned for higher density residential development under Residential – Mixed Housing Urban and Suburban. There is a public open space south of the application site. In terms of the adjacent transport network, Red Beach Road is listed as an arterial road and Albatross Road is listed as a minor urban road on the Auckland Council GIS.

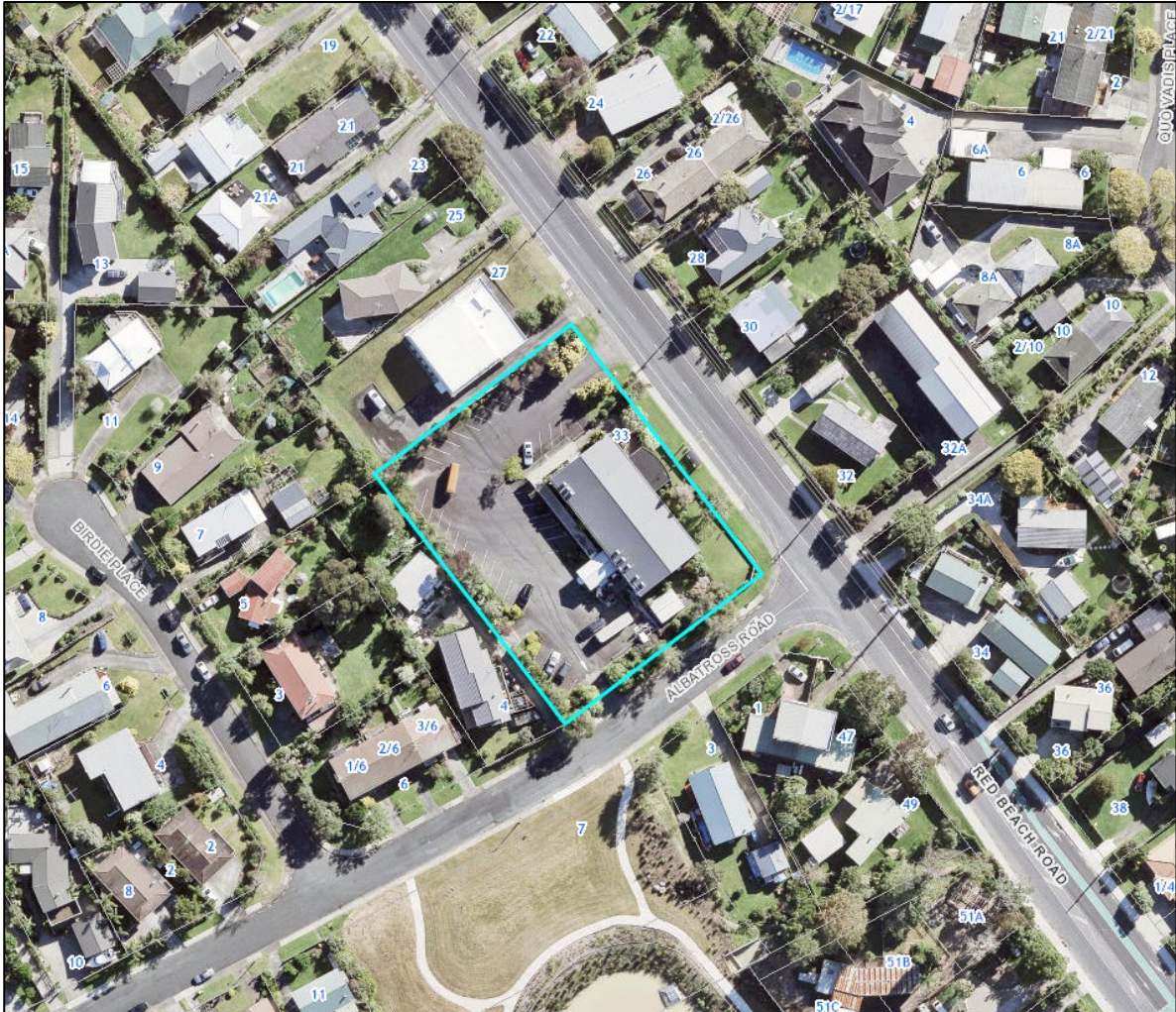


Figure 1: Aerial photograph of the site at 33 Red Beach Road, Red Beach. [Source: Auckland Council GIS]

### 3. Proposal

Red Beach 1 Limited (the Applicant) seeks a land use and a subdivision resource consent to construct a total of 21 new dwellings on the application site at 33 Red Beach Road, Red Beach. The existing buildings on the site will be demolished. The applicant also seeks to subdivide around the proposed development to create 21 residential freehold lots, two commonly owned access lots and one 8m<sup>2</sup> corner lot for landscaping.

This Assessment of Environmental Effects report addresses the land use and subdivision components of this application.

### 3.1 Background

The proposed development forms Stage 1 of a two-stage development across the three sites at 33 Red Beach Road and 4 Albatross Road. Only 21 new dwellings are proposed on 33 Red Beach Road. Stage 2 will consist of eight new dwellings on 4 Albatross Road.



**Figure 2:** Stage 1 development layout plan

A separate resource consent application will be submitted for stage 2. While this application relates to stage 1, the proposed development layout and infrastructure servicing will respond to the anticipated development layout and servicing requirements for stage 2.

### 3.2 Proposed Dwellings

Architectural Plans prepared by Architex of the proposed development are appended as **Appendix 2**.

A total of 21 two-storey dwellings are proposed on the application site. The adopted building typologies are a combination of both terraced house and traditional 'Maisonette' building type. The dwellings will be organised into two rows that are parallel to the eastern boundary to maximise their interface with the Red Beach Road frontage, and to ensure adequate sunlight access for all the dwellings with an east to west orientation. Units 1 to 9 directly face Red Beach Road, and Units 17 and 18 will directly face Albatross Road. The remainder units face internally to the site.

Three types of floor layout plans have been adopted for these units.

- **Unit type – C** for units 2, 3, 4, 7, 8 and 12 to 15
- **Unit type – C1** for units 1, 6 and 9
- **Unit type – D1** for units 5, 10, 11 and 16 to 21

The exteriors of the dwellings consist of a mixture of white and light grey coloured horizontal and vertical weatherboard wall claddings, glass balustrades and metal roofing.

#### Unit types – C and C1

Types C and C1 units have a similar internal floor layout. Albeit type C1 is a variant from C that features a side extension and is used to further articulate its corner sites. Each unit will have a single internal garage with a laundry area, an open plan kitchen, dining and living area, and a toilet located at the ground floor. The first floor will contain a master bedroom with an ensuite and a balcony, two bedrooms and a shared bathroom. Each unit will also have access to two separate 8.5m<sup>2</sup> deck areas that are accessible from both the living room and dining room. Additional grass lawn areas will also be provided depending on the units.

#### Unit type – D1

Most of the type D1 units are organised into two groups of four units, except for Unit 5 that is attached to the end of the Units 1 to 4 terraced housing block. Each unit will contain a single internal garage with a laundry area, an open plan kitchen, dining and living area at the ground floor level. The first floor will have two master bedrooms with ensuite. An 8.5m<sup>2</sup> deck area will also be provided for each unit at the ground floor that is accessible from the dining room. Units 5, 17 and 18 will have additional grass lawn areas within the front yard setback areas relative to Red Beach Road and Albatross Road.

#### Landscape Planting and Waste Management

A set of detailed landscaping and planting management plans prepared by Strachan Group Landscape Architects (SGLA), dated 14 October 2021 (**Appendix 4**) is provided to support this application. The plans show a range of different landscaping treatments and feature trees are provided to enhance the amenity of the site for future residents. A variety of fencing typologies is also adopted to achieve a good balance between providing passive surveillance over the streets and ensuring a reasonable level of privacy for future residents. The plans also indicate that there is sufficient room in the road berms of both Red Beach Road and Albatross Road to accommodate the waste and recycling bins from the proposed dwellings. Each dwelling will have a bin enclosure area that is conveniently accessible and screened from the street.



Figure 3: Extract of proposed landscaping

### 3.3 Earthworks

The proposal involves undertaking a total of 863m<sup>3</sup> of earthworks over an area of approximately 3,570m<sup>2</sup> on the site to facilitate the proposed development. The earthworks will provide for the removal of the existing buildings, construction of suitable building platforms, new vehicle crossings and accessway, and trenching for new connections to the public infrastructure networks. Standard sediment and erosion control measures in the form of a stabilised construction entrance, silt fences, clean water diversion and sediment retention pond will be provided along the external boundaries to help manage any sediment-runoff from the site. These measures will be established in accordance with Auckland Council's Guidance Document GD05 "Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region."

Cut retaining walls will be constructed along the northern side boundary and a small section of the front boundary. The retaining walls will be restricted to a maximum height of 1.2m. The construction of these walls will follow the recommendations outlined in the preliminary geotechnical report prepared by Moss Engineering Ltd, dated 2 June 2021 (Appendix 11). It is anticipated that the earthworks will be supervised by a suitably qualified engineering professional.

### 3.4 Access and Parking

The site currently has legal access to both Red Beach Road and Albatross Road. It is proposed to remove the existing vehicle crossing and reinstate the grass berm, kerb and channel on Red Beach Road. The existing vehicle crossing on Albatross Road will be upgraded and widened

to 5.5m wide at site boundary. A second 5.5m wide vehicle crossing will be installed on Albatross Road that is approximately 20m east of this existing vehicle crossing. The proposed crossings will support a 5.5m wide bi-directional u-shaped internal circulating lane within the site, as shown in Figure 4 below. In terms of parking, each dwelling will be provided with a single internal garage. Units 12 to 15 will also each have an additional parking space in a stacked parking configuration.

All the dwellings that are fronting either Red Beach Road or Albatross Road will have a direct pedestrian access to the street. Three internal pedestrian lane footpaths will be provided to allow convenient access to Red Beach Road and establish a high-level pedestrian connectivity across the site. Different pavement treatments will also be applied to the accessway, coupled with various landscaping treatments, to create a pedestrian friendly shared space environment.

Two dedicated visitor cycle parking spaces will be provided in front of Unit 1 facing Albatross Road. There are also spaces available to provide additional visitor cycle parking spaces within the internal pedestrian lane that is located between Units 5 and 6. A Traffic Impact Assessment prepared by TEAM Traffic, dated 18 October 2021, is attached in **Appendix 9** to support this application.

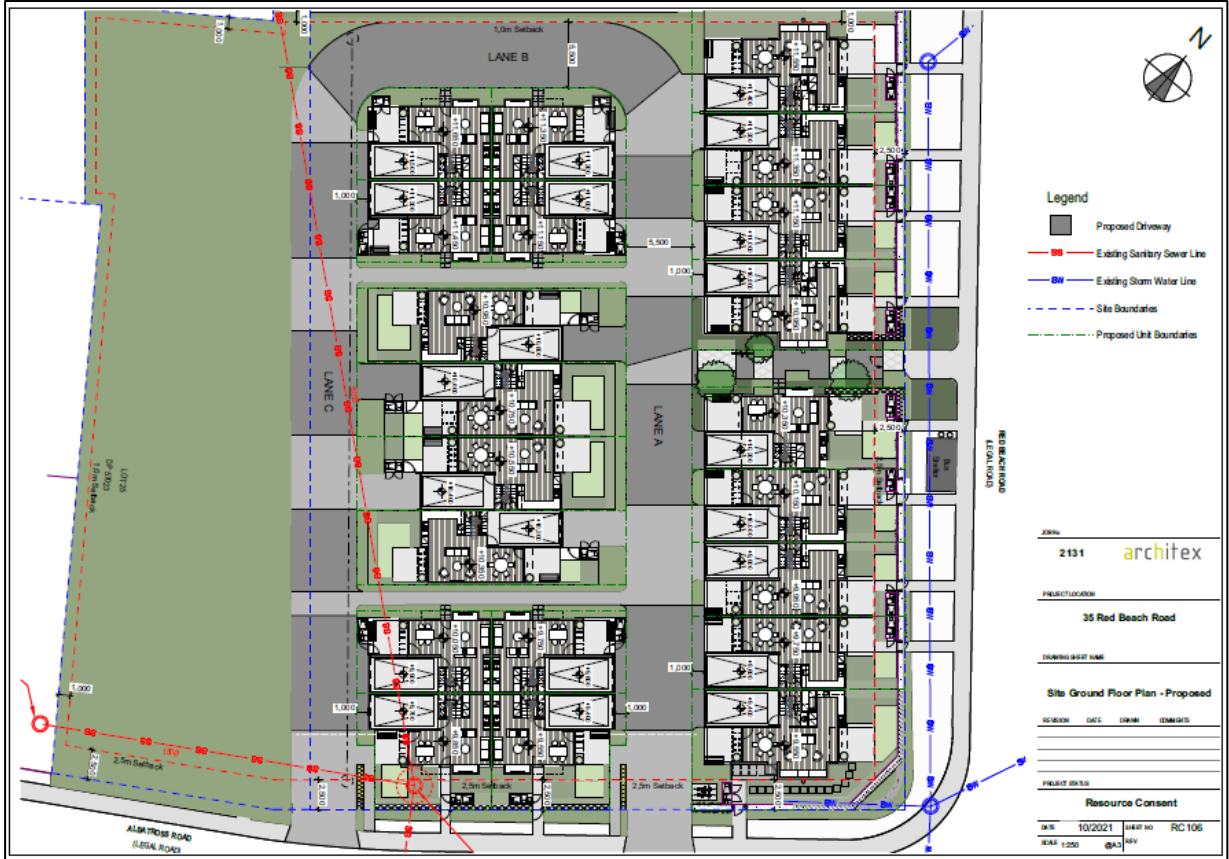


Figure 4: Site plan showing the proposed access and parking arrangement.

### 3.5 Infrastructure and Servicing

There are existing public stormwater and water supply connections located within the road reserves of Red Beach Road and Albatross Road. The proposal will install new connections to these public networks to serve the proposed development, noting the submitted Infrastructure Report (**Appendix 6**) prepared by Maven Associates Ltd, dated 22 October 2021, advises that these public networks will have sufficient capacities to serve the proposed development. The proposal will reduce the amount of impervious areas

on the site, which means it will not increase stormwater runoff from the site.

Given the proposal involves the development of more than 20 dwellings, it is assessed as a 'Brownfield Large Development' according to Schedule 4 of the Network Discharge Consent (NDC). A Stormwater Management Plan (SMP) prepared by Maven Associates Ltd, dated 22 October 2021, has been attached in **Appendix 8** to meet the requirements of the NDC.

There is an existing public wastewater connection located along the western boundary with a manhole at the south-western corner of site. Preliminary investigations show this network should have sufficient capacity to serve the proposed development. Further investigation will be undertaken during the future Engineering approvals application stage.

### 3.6 Subdivision

The applicant proposes to subdivide around the proposed development to create 21 residential freehold lots, two commonly owned access lots (Lots 500 and 1000) and one 8m<sup>2</sup> corner lot (Lot 1500) that will contain landscaping near the intersection between Red Beach Road and Albatross Road, as shown in the subdivision scheme plan prepared by Maven Associates Ltd, dated October 2021 (Figure 5). The owners of the 21 residential freehold lots will form a Resident's Association to jointly own and manage the common assets held under Lots 1000 and 1500. Right of way and service easements will be provided to ensure the lots are accessible and serviceable, and party wall easements will be established to allow for future maintenance works between the dwellings. Lot 500 will be a 1.48m wide narrow strip of land that will be amalgamated with 4 Albatross Road to enable the future development (Stage 2) on this lot to access the accessway and public infrastructure constructed as part of this application (Stage 1).

#### Cancellation of Easement (Transfer 561768)

There is an existing right to drain water (stormwater) easement registered on the record of title for the subject site (Lot 2 DP 177475). Waitemata City Council (Auckland Council) is the grantee of this easement and it is proposed to cancel this easement as part of this resource consent application. The easement does not contain any aboveground or underground infrastructure, which renders it redundant. It is also unclear whether buildings can be erected within this easement, which presents ambiguity for future development in this area. In addition, new stormwater infrastructure will be constructed and vested as part of this Stage 1 development and subdivision, which also shows the easement is no longer required.

Please refer to the attached Cancellation of Easement Letter (**Appendix 12**) for more information.

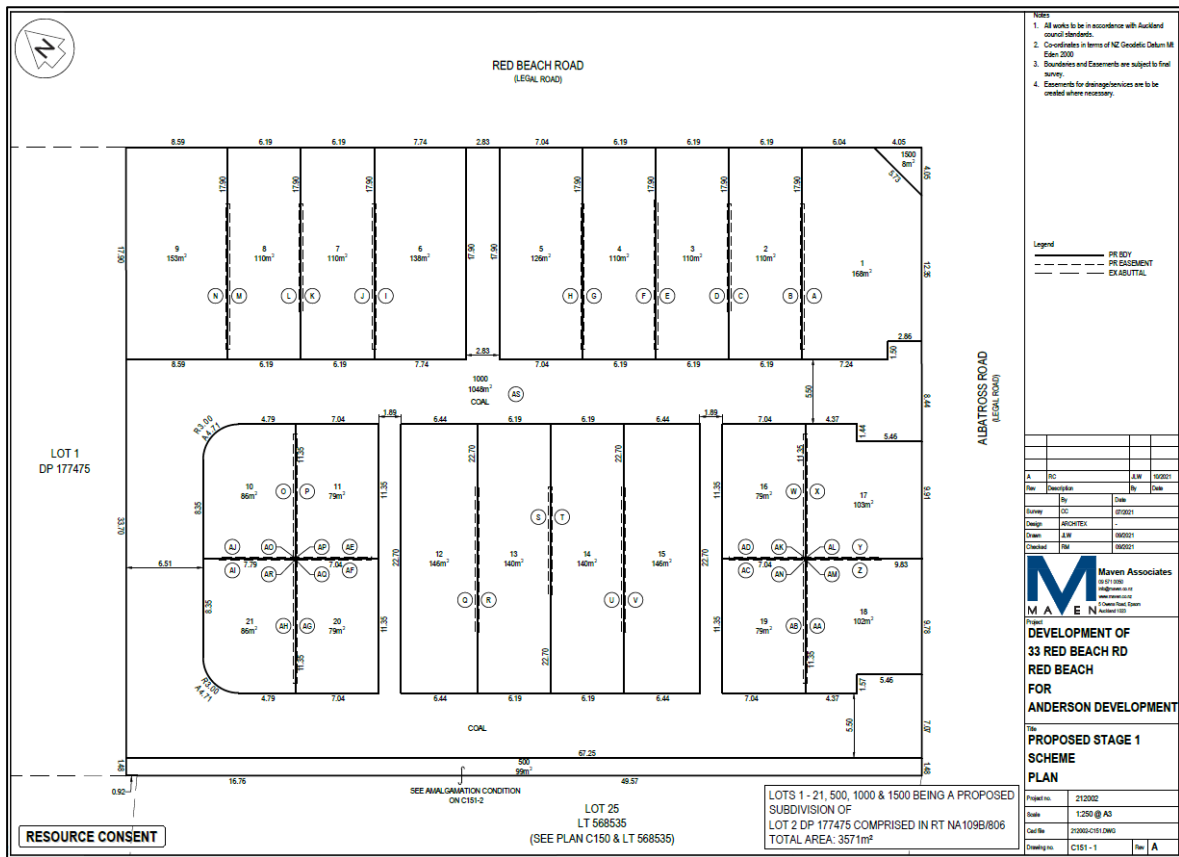


Figure 5: Subdivision scheme plan prepared by Maven Associates Limited, Rev A, dated October 2021.

## 4. Statutory framework

### 4.1 Auckland Unitary Plan (Operative in Part)

The site is zoned Residential – Mixed Housing Urban (MHU) under the Auckland Unitary Plan (Operative in Part). It is also subject to the following planning provision:

- Controls: Macroinvertebrate Community Index – Urban
- Red Beach Road is an arterial road.

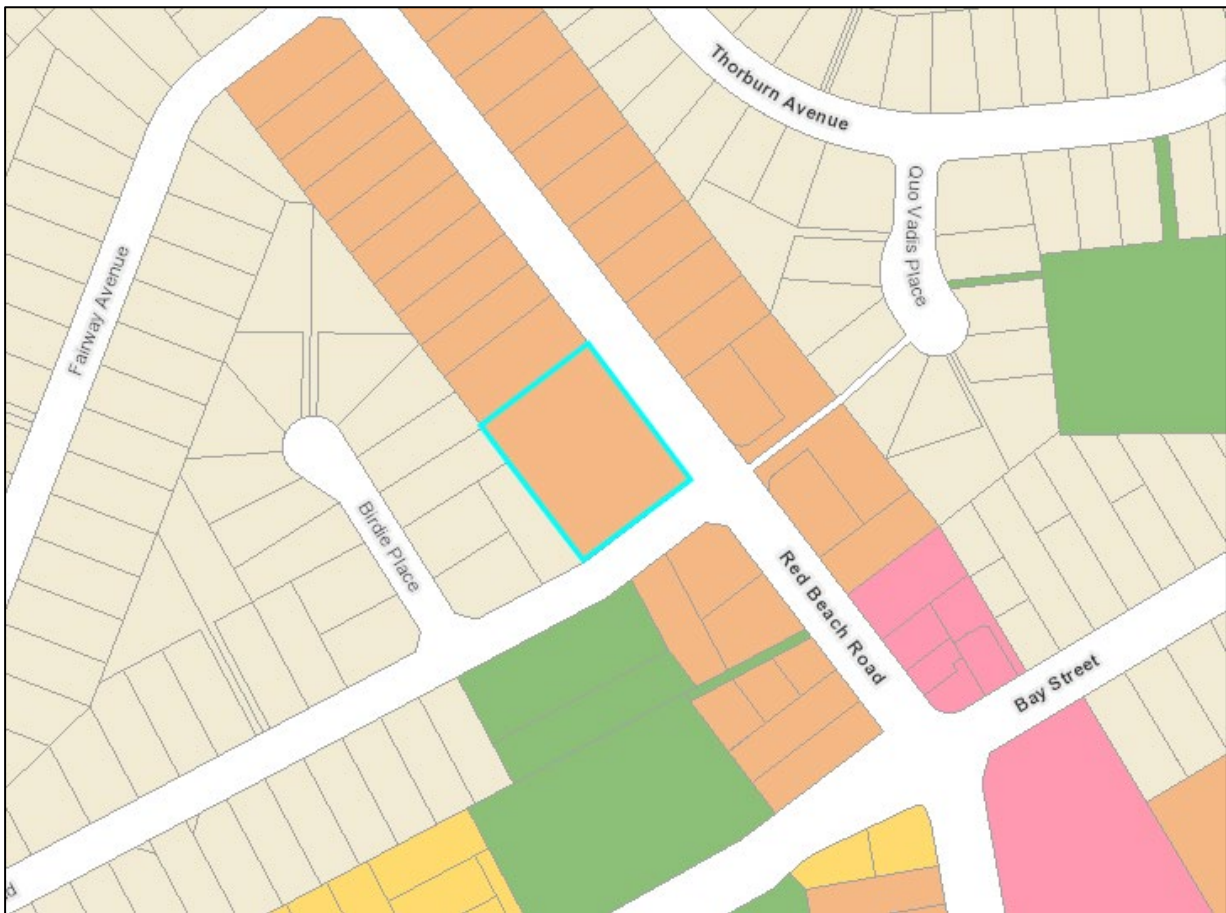


Figure 6: Except from the Auckland Unitary Plan (Operative in Part).

4.2 Reasons for Consent

Land use consent (s9)

Auckland Unitary Plan (Operative in Part)

*H5 Residential – Mixed Housing Urban Zone*

- To construct and use 21 new dwellings is a restricted discretionary activity under H5.4.1(A4).
- To develop new buildings, as the development of new buildings has the same activity status as the land use activity, is a restricted discretionary activity under H5.4.1(A34).
- The proposal involves use and development under rules H5.4.1(A4) and H5.4.1(A34) that fail to meet the following core standards and is a restricted discretionary activity under rule C1.9(2):
  - The proposed cut retaining walls will be located within the 2.5m front yard area relative to Red Beach Road, which do not comply with standard H5.6.8(1). The retaining walls will have a maximum height of 1.2m.
- To develop a new building which does not comply with H5.6.5 Height in relation to boundary but comply with H5.6.6 Alternative Height in relation to boundary, is a restricted discretionary activity under H5.4.1(A33),

- The proposal seeks to use the alternative height in relation to boundary standard for Unit 9 relative to the northern boundary shared with 27 Red Beach Road.

#### *E11 Land Disturbance - Regional*

- To undertake general earthworks of 3,570m<sup>2</sup> in a residential zone where the land has a slope greater than 10 degrees, as the earthworks are greater than 2,500m<sup>2</sup>, is a restricted discretionary activity under rule E11.4.1(A8).

#### *E12 Land Disturbance - District*

- To undertake general earthworks of 3,570m<sup>2</sup> and 863m<sup>3</sup> in a residential zone, as the earthworks are greater than 500m<sup>2</sup> and 2,500m<sup>3</sup>, is a restricted discretionary activity under rules E12.4.1(A4) and (A9) respectively

#### Other Matters

While not reasons for consent, the following non-compliances to standards for the MHU zone are identified. These non-compliances are considered as matters of discretion when assessing the proposal:

- The provision of impervious areas up to a maximum of 60% of the gross site area is permitted under standard H5.6.9. The proposal involves the provision of 62.44% or 2,229.72m<sup>2</sup> of impervious areas on the site with an exceedance of 2.44% or 87.21m<sup>2</sup>.
- Units 10, 11, 16, 19 to 21 will be provided with an 8.5m<sup>2</sup> deck area as outdoor living space, which do not comply with the minimum 20m<sup>2</sup> area and 4m dimension requirements under standard H5.6.14.
- The proposed 3.0m high screening fence along a section of the northern boundary shared with 27 Red Beach will not comply with the 2m side yard fence height limit under standard H5.6.15, with an exceedance of 1m. This fence will be positioned on top of the proposed 1.2m high cut retaining wall.

#### **Subdivision consent (s11)**

#### Auckland Unitary Plan (Operative in Part)

#### *E38 Subdivision - Urban*

- To subdivide the parent site into 21 residential freehold lots, two commonly owned access lots and one small corner lot, which is a subdivision in a residential zone that is in accordance with an approved land use resource consent that complies with standard E38.8.2.1, is a restricted discretionary activity under rule E38.4.2(A14).

#### **4.3 Overland Flow Paths**

The Auckland Council GIS indicates there are two minor overland flow paths (OLFP) entering the subject site from the western corner of the site and exiting the site onto Red Beach Road and Albatross Road. The latest information from Council's Healthy Waters Department confirms the upstream contributing catchments for these two OLFP are less than 4,000m<sup>2</sup>. According to the definition of 'overland flow path'

under chapter J of the AUP (OP), the two OLFP are not defined as 'overland flow paths.' Therefore, the proposal does not trigger any reasons for consent under chapter E36 of the AUP (OP).



**Figure 7:** Images showing the two minor overland flow paths on the application site.

Please refer to section 3 of the submitted Infrastructure Report (**Appendix 6**) for more information.

#### 4.4 Scope of application

This application seeks resource consent under Auckland Unitary Plan (Operative in Part) to establish all aspects of the proposed development, including associated earthworks, infrastructure servicing, vehicle access and parking.

If Council is of the view that resource consent is required for alternative or additional matters to those identified in Section 4.2 of this report, it has the discretion to grant consent to those matters as well as, or in lieu of those identified in this AEE.

Additionally, if Council is of the view that the activity status of any of the matters requiring consent is different to that described in Section 4.2 of this report, Council has the ability under Section 104(5) of the Act to process the application, regardless of the type of activity that the application was expressed to be for.

- Land use consent (s9) – restricted discretionary activity

- Subdivision consent (s11) – restricted discretionary activity

Overall, the proposal requires resource consents as a **restricted discretionary activity**.

## 5. Assessment of environmental effects

In accordance with section 88(2)(b) of the Act and Clause 1(d) of Schedule 4 to the Act, this assessment of environmental effects of the proposed activity has been prepared in such detail as corresponds with the scale and significance of the effects that it may have on the environment.

### 5.1 Matters of discretion

Only those effects that relate to matters that are within the council’s discretion under the rules of the Auckland Unitary Plan (Operative in Part) are considered in this assessment. These matters are:

- E11.8.1(1) for all restricted discretionary activities
- E12.8.1(1) for all restricted discretionary activities under E12 Land Disturbance – District.
- H5.8.1(2) for four or more dwellings per site.
- H5.8.1(4) for a building that does not comply with Standard 5.6.8 Yards.
- H5.8.1(5) for a new building which does not comply with H5.6.5 Height in relation to boundary but complies with H5.6.6 Alternative height in relation to boundary.
- E38.12.1(6) for subdivision in accordance with an approved land use resource consent.

No other effects have been taken into account in this assessment.

### 5.2 Permitted baseline

In forming the opinion for the purposes of s95 and s104(1)(a), adverse effects on the environment can be disregarded if the Plan permits an activity with that effect.

In this case, the permitted baseline does not apply to the proposed 21 new dwellings, as the MHU zone only provides for the development of up to three dwellings as a permitted activity, subject to compliance with the standards. Considering the difference in scale of development between the proposal and this permitted activity, the permitted baseline is not considered appropriate for discounting the adverse effects relating to the built form of the proposed development.

The permitted baseline also does not apply to the proposed earthworks. The proposal will exceed both the 500m<sup>2</sup> and 250m<sup>3</sup> permitted activity thresholds for earthworks in a residential zone. In addition, the earthworks will require a regional land use consent under chapter E11 of the AUP (OP). Therefore, the effects from the proposed earthworks cannot be disregarded in the following assessment.

The permitted baseline is only relevant for assessing the effects from the proposed vehicle access and parking arrangements. The Auckland Unitary Plan (Operative in Part) provides for the provision of access and parking that are accessory activities and comply with the relevant standards as permitted activities under rule E27.4.1(A1). In this case, the proposal will comply with all the relevant standards for design of access and parking, which means the effects relating to access and

parking can be disregarded in the following assessment. It will address traffic generation effect, as it is a relevant assessment criterion for development of four or more dwellings in the MHU zone.

In regard to the proposed subdivision, there is no relevant permitted baseline as all subdivision activities (with the exception of some long-term leases and subdivision around a network utility) require resource consent under the AUP (OP).

### 5.3 Plan Context

The plan context established by all the standards that apply to a new development in the MHU zone provides an indication as to the level of development anticipated in this zone, including building coverage limited to 45 per cent of the net site area (H5.6.10), building height restricted to 11m (H5.6.4), and yard setbacks from the boundaries (H5.6.8).

### 5.4 Neighbourhood Character, Safety and Residential Amenity

An urban design assessment prepared by Weir & Associates Limited, dated 26 October 2021 is attached in **Appendix 10** to support this application.

The building typology and intensity of the proposed development will inevitably depart from the existing built character of the immediate surrounding area, which is characterised by one to two-storey, standalone dwellings surrounded by landscaped area. The MHU zone seeks to ensure development is in keeping with the neighbourhood's planned urban built character of predominantly three-storey buildings, in a variety of forms and surrounded by open space. Accordingly, policy H5.3(2) requires the height, bulk, form and appearance of development to achieve this planned urban built character and to provide sufficient setbacks and landscaped areas.

In this case, the proposal is consistent with this planned urban built character. All the proposed dwellings will be limited to two-storey buildings and will comply with both building height and coverage standards. The adopted building typologies are a combination of both terraced house and traditional 'Maisonette' building type, which will enable the development to meet the 'variety of forms' aspect of this planned urban built character. The proposal also represents a reasonably high-intensity development with 21 new dwellings proposed on a 3,571m<sup>2</sup> site with an average site area of 170m<sup>2</sup> per dwelling.

The proposed dwellings will be compatible additions to the neighbourhood's built character through the architectural design and the external appearances. The architectural design for the dwellings has incorporated a variety of different colours and materials, including horizontal and vertical grooved cladding along with painted fibre cement, to achieve a high-degree of visual cohesiveness for the overall development. All the building facades will also be clearly modulated by the proposed size, location and arrangement of doors and windows, with different roof profiles to help reduce the visual bulk of the buildings. The proposed building typologies and arrangement of buildings will further visually separate the overall built form of the development. Quality landscaping treatments and planting of specimen trees with various hedges and low-level planting across the site will further visually soften the appearance of the development. Therefore, the proposal will have less than minor adverse effects on the planned urban built character.

The proposed site layout enables the development to maximise its street interface with both street environments of Red Beach Road and Albatross Road. The dwellings have

been purposely set back from the road boundaries to provide for increased landscaping within the front yards, and to enhance the internal outdoor amenity for future residents. The number of windows proposed on both the ground and upper levels of these dwellings will provide passive surveillance over the streets and the accessway. In addition, all the street-facing dwellings will have direct pedestrian access to the street to help enhance their street interface and establish legible front elevations for the overall development. Therefore, the proposed development will not adversely affect the amenity and safety of the surrounding area.

#### **5.4.1 Front Yard Infringement**

A purpose of the front yard standard is to create an urban streetscape character by providing sufficient space for landscaping within the front yard. In this case, the proposal will comply with the 50 per cent minimum front yard landscaped area standard, with high-quality landscaping treatments and planting of specimen trees proposed across the front yard areas to help contribute to the streetscape character and provide for pedestrian amenity. Given the encroaching retaining walls are cut retaining walls that are positioned mostly perpendicular to the Red Beach Road front boundary, this will not create any significant adverse visual effects on the streetscape character.

#### **5.4.2 Impervious Area Non-Compliance**

To mitigate the adverse visual effects from the impervious areas on the site, the applicant will provide a range of high-quality landscaping treatments and planting of specimen trees on the site. The landscaping treatments will also include a mixture of different hedges and climbers along the external boundaries to help establish a sufficiently landscaped appearance for the site. The shared accessway will also have two different types of pavement finishes to visually soften the concreted surfaces on the site. Conditions can be offered by the applicant to ensure the proposed landscaping treatments and planting are established prior to occupation of the dwellings. Therefore, the identified impervious area non-compliance will have less than minor adverse visual effects on the planned urban built character, as well as any adverse effects on the amenity values of the neighbourhood.

In terms of additional stormwater runoff from the impervious areas, the infrastructure report (**Appendix 6**) confirms that the public stormwater network has sufficient capacity to serve the proposed development. Given the subject site is not susceptible to any natural hazards, such as floodplains and overland flow paths, and it is also not located next to any receiving water bodies, the proposal will not have any adverse effects in these regards.

### **5.5 Traffic generation effects**

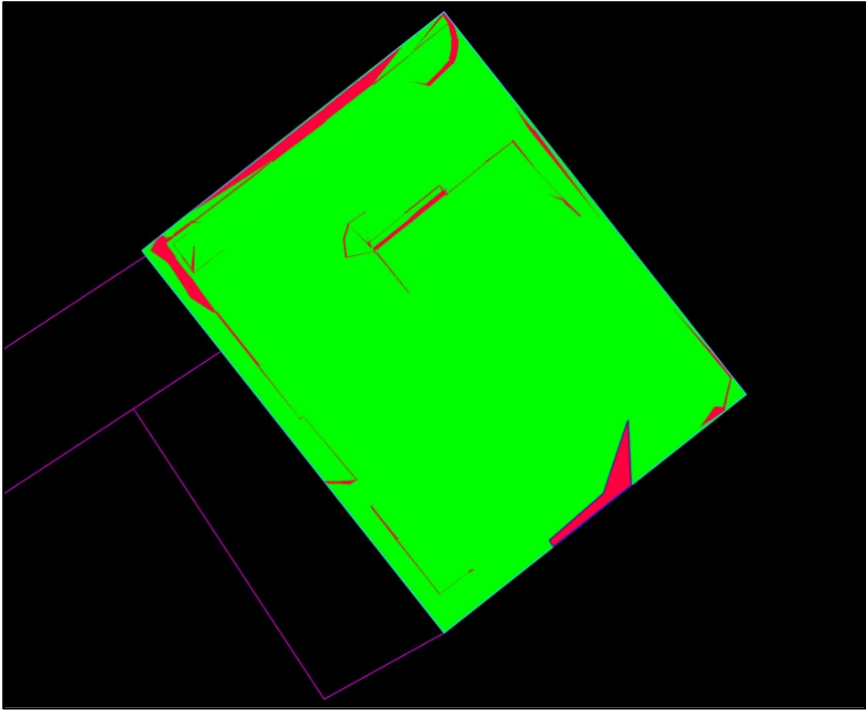
With respect to traffic generation effects, the proposal does not exceed the thresholds specified in Table E27.6.1.1. The proposal will comply with the minimum parking requirement with each dwelling provided with at least one parking space, noting there is no maximum parking requirement for the development of residential dwellings in the MHU zone. Therefore, the amount of traffic generated from the proposed dwellings is anticipated by the AUP (OP).

### **5.6 Earthworks effects**

The proposal involves undertaking a total of 863m<sup>3</sup> of earthworks over an area of approximately 3,570m<sup>2</sup> on the site to facilitate the proposed development. It also involves the

construction of cut retaining walls along the northern side boundary and a small section of the front boundary. The retaining walls will be restricted to a maximum height of 1.2m. The proposed earthworks will be carried out in accordance with best practice methodology for managing any sediment runoff and maintaining site stability. A stabilised construction entrance will be established using the existing vehicle crossing on Albatross Road. Both silt fences and water diversion bunds will also be installed along the external boundaries.

The submitted preliminary geotechnical report (**Appendix 11**) confirms there is no evidence of deep or shallow seated failures within the proposed development area on the site. Given the topography of the site is relatively flat with only small pocket of areas having a slope greater than 10 degrees, as shown in Figure 8 below, the proposed earthworks are unlikely to result in any stope stability issues.



**Figure 8:** Image showing areas (red) on the site with a slope greater than 10 degrees.

The proposed excavations, design and construction of the retaining walls will be supervised by a suitably qualified engineer, as recommended by the geotechnical report. Other recommendations in the report relating to piles and foundation will also be implemented accordingly. Therefore, the earthworks are unlikely to generate any land instability effects on the surrounding environment.

The extent of the earthworks proposed is commensurate with the scale of the development. The earthworks are necessary for enabling the construction of suitable building platforms, vehicle access and trenching required for the new infrastructure connections. Given the subject site is not susceptible to natural hazards, such as floodplains and overland flow paths, the proposed earthworks will not have any adverse effects in this regard. There are also no Sites and Places of Significance to Mana Whenua or any significant ecological areas on the site.

It is anticipated that any adverse effects, such as noise, vibration and dust generated during earthworks and construction activities will be appropriately managed through compliance with the standards under the AUP (OP), which will ensure the effects are managed to a scale of less than minor on the environment.

The proposed earthworks and construction activities will require a combination of light and heavy traffic movements to and from the site, which can adversely affect the adjacent roading network. In addition, the frequency and hours of construction vehicle movements can affect the amenity of the surrounding areas. It is anticipated that the implementation of a Construction Traffic Management Plan (CTMP) will appropriately manage construction traffic effects on the environment to an acceptable level, which can be offered as a consent condition if it is deemed necessary by Council.

### 5.7 Infrastructure servicing effects

The submitted Infrastructure Report (**Appendix 6**) prepared by Maven Associates Ltd, dated 22 October 2021, has undertaken capacity assessments for the existing public wastewater, stormwater and water supply networks. The report confirms that the downstream stormwater network has sufficient capacity to serve the proposed development, which means no hydrology mitigation is required for the site. The proposal will enable a reduction in the amount of impervious areas on the site, which means it does not increase the amount of stormwater runoff at the pre-development level. A SMP (**Appendix 8**) has also been prepared to meet the requirements of the NDC.

Preliminary investigations indicate there are also sufficient capacities within the public water supply and wastewater networks to serve the proposed development. Further investigations and assessments will be undertaken as part of the future Engineering Approvals application. There is an existing fire hydrant located in front of 7 Albatross Road, which is less than 135m away from the subject site. Therefore, the proposed development will have less than minor adverse effects on the public infrastructure networks.

### 5.8 Effects from Subdivision

The applicant proposes to subdivide around the proposed development to create 21 residential freehold lots, two commonly owned access lots (Lots 500 and 1000) and an 8m<sup>2</sup> corner lot. The layout of the proposed subdivision with the design and site layout of the proposed development. Lot 1000 will ensure all the proposed residential lots have legal access to the roads and public infrastructure services. Lot 500 will be amalgamated with the adjoining site at 4 Birdie Place to support future development on this site (Stage 2). The corner lot (Lot 1500) contains a pocket landscaped area at the north-eastern corner of the site, which will be managed and maintained by future residents via a Residents Association along with Lot 1000.

The proposed subdivision will not generate any further adverse effects on the environment. The effects from all required physical works, including earthworks and construction would be captured and assessed under the land use consent. Although the development coverage calculations will change under the new legal boundaries, these are purely the result of how net and gross site areas are defined under the AUP (OP). The proposed subdivision will have an appropriate distribution of development coverages across the proposed residential lots, which will ensure the planned urban built character is maintained for the long-term.

### 5.9 Positive effects

In terms of positive effects, the proposed development will contribute to the housing stock of Auckland region, whilst achieving the planned urban built character under the MHU zone. The proposed subdivision will enable the subject site to be subdivided in a manner that provides for the long-term needs of the community.

## 5.10 Conclusion

The proposal will have less than minor adverse effects on the environment. It will contribute to the much needed housing stock for the Auckland region and achieve the planned urban built character under the MHU zone.

## 6. Objectives, policies and assessment criteria

### 6.1 Objectives, policies and assessment criteria

The proposal is considered to be consistent with the relevant objectives, policies and assessment criteria under the following chapters of the Auckland Unitary Plan (Operative in Part):

#### H5 Residential – Mixed Housing Urban Zone

**Objectives: H5.2.           Policies: H5.3.           Assessment Criteria: H5.8.2(2), (5) and (9).**

Although the proposed development infringes few core and non-core standards, it is overall consistent with the planned urban built character under the MHU zone. The proposal will contribute to increase both housing choice and capacity in the neighbourhood by providing 21 new dwellings on the site. All the dwellings will have sufficient setbacks from all the external boundaries and will be complemented by quality landscaping treatments and planting on the site. The proposed landscaping and planting will also effectively mitigate any adverse visual effects from the impervious area non-compliance and front yard encroachment from the cut retaining walls.

The proposed development will achieve passive surveillance and contribute positively to the streetscape characters of both Red Beach Road and Albatross Road, through optimised front yard landscaping and attractive street-facing elevations for the street-facing dwellings. These dwellings will also have direct pedestrian access to the street to enhance their street interface. Any visual dominance effects from garages will be minimised by having garages facing the internal driveway instead of the street, supported by different surface finishes for the driveway and manoeuvring areas.

The proposal will provide quality on-site residential amenity for future residents through the proposed outdoor living spaces that have good access to sunlight. The outdoor living spaces will be appropriately fenced to achieve a reasonable level of privacy. While the outdoor living spaces for some units do not meet the zone standards, quality on-site amenity will still be provided for future residents of these dwellings. The proposed shared accessway will be designed to function as a shared space through the proposed various landscaping treatments, which means it can serve as an extension for these outdoor living spaces. Further, the site is located directly across Albatross Road from Albatross Reserve, a 170m walking distance to Rosaria Reserve, a 600m walking distance to a beach (Amorino Park), and 1.2km distance to Red Beach. All which will sufficiently cater for the recreational needs of future residents. Multiple outlook spaces are also be provided for all the dwellings to achieve a sense of space and to obtain good sunlight access, without adversely affecting the privacy enjoyed by persons on the adjacent sites.

All the dwellings will be provided with necessary waste collection and recycling facilities in locations that are conveniently accessible and screened from the street. The road berms will have sufficient space to accommodate the waste and recycling bins from these dwellings on

collection day, as demonstrated by the submitted landscape plan and waste management plan. There are sufficient capacities in the public infrastructure networks to serve the development.

The proposed development relies on the alternative height in relation to boundary standard for Unit 9. The design of this dwelling with the proposed landscaping and planting will ensure less than minor visual dominance effects on persons at 27 Red Beach Road. The orientation of this adjacent site and the design of windows for Unit 9 will also ensure the current level of sunlight access and privacy enjoyed by these persons are maintained. Any visual dominance effects from the 3.0m high boundary fence will also be addressed by the proposed landscaping and planting of specimen trees.

#### E11 Land Disturbance - Regional

**Objectives: E11.2.      Policies: E11.3.      Assessment Criteria: E11.8.2(1)**

The proposed earthworks will comply with the relevant standards under Standard E11.6.2. Best practice erosion and sediment will be implemented for the duration of the earthworks to meet the requirements of Auckland Council Guidance Document (GD05). The measures will be installed prior to commencement of earthworks and maintained until the site is fully stabilised against erosion. Regular inspections will be undertaken to ensure the measures are well-maintained and functioning effectively.

The subject site is not located next to any water bodies or particularly sensitive receiving environments. It is also not located on or near any sites of significance to Mana Whenua.

#### E12 Land Disturbance - District

**Objectives: E12.2.      Policies: E12.3.      Assessment Criteria: E12.8.2(1)**

The proposed earthworks will be appropriately managed to ensure adverse noise, odour, vibration, dust, light and traffic effects are acceptable on the surrounding environment.

The proposal does not involve any deep excavations as the expected maximum cut will be approximately 1m in depth. The proposed retaining walls will be limited to a maximum height of approximately 1.2m. The excavations, design and construction of the retaining walls will follow the recommendations outlined in the Preliminary Geotechnical Report (**Appendix 11**), such as supervision by a suitably qualified engineering professional and undertake vertical cut in small sections to help minimise the potential for ground collapse.

The extent of the proposed earthworks is consistent with the scale of development being undertaken. The earthworks are necessary for constructing suitable building platforms, vehicle access and trenching for the required infrastructure connections.

The subject site is not susceptible to any natural hazards, including floodplains and overland flow paths. It is also not located on or near any sites of significance to Mana Whenua and Transpower New Zealand Limited transmission towers. Potential effects on the utility services have been considered as part of the submitted civil engineering plans and the geotechnical report. Therefore, it will have no adverse effects in this regard.

No staging of earthworks is proposed. The scale and volume of the proposed earthworks are responsive to the size of subject site, and the works are expected to be completed in

a single stage. No stockpiling is envisaged with any excess earth to be removed and disposed at an appropriate location.

### E38 Subdivision – Urban

**Objectives: E38.2.      Policies: E38.3.      Assessment Criteria: E38.12.2(6)**

The proposed subdivision will provide for the legal separation of the approved dwellings under the land use consent component of this proposal.

The proposal will provide the required infrastructure for the subdivision without increasing the risks of adverse effects to people, property, infrastructure and the environment, noting the applicant site is not susceptible to any natural hazards, such as floodplains and overland flow paths.

A commonly owned access lot (Lot 1000) will be established to ensure the proposed lots have legal road access and access to the public infrastructure networks. Appropriate right of way, service and party wall easements will also be put in place to support the proposed subdivision.

### **6.2 Overall objectives and policies conclusion**

In conclusion, the proposal is consistent with all the relevant objectives, policies and assessment criteria of the Auckland Unitary Plan (Operative in Part).

## **7. Notification assessment**

### **7.1 Public notification – section 95A**

The matters to be considered by the consent authority when deciding whether or not to publicly notify an application are set out in Section 95A of the RMA. In October 2017, Section 95A was amended to have a four-step process to determine whether to publicly notify an application.

#### **Step 1 – Mandatory Public Notification in certain circumstances (sections 95A (2) and (3):**

Mandatory public notification is not required as the applicant does not request public notification [s95A(3)(a)], and the application has not been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act [s95A(3)(c)].

#### **Step 2 – Preclusion to Public Notification:**

Public notification is not precluded because the activity is not subject to any rule in the District Plan that precludes public notification [s95A(5)(a)] and the activity does not exclusively involve one or more of the activities specified in s95A(5)(b).

#### **Step 3 - Public Notification – Rule/Adverse Effects:**

Public notification is not required as the application does not include an activity that is subject to any rule in the District Plan or NES that requires public notification, and in accordance with section 95D

adverse effects on the environment will not be more than minor [s95A(8)(a) and (b)].

#### **Step 4 – Special circumstances:**

There are no special circumstances that warrant public notification under section 95A(9) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed without public notification.

### **7.2 Limited notification – section 95B**

Section 95B relates to limited notification of consent applications and (in summary) directs that, where notification of an application for resource consent is not required under Section 95A, the consent authority must give limited notification of the application to any affected person. Section 95B is also a four-step process to determine whether to limited notify an application.

#### **Step 1 – Customary Rights and Marine Title Groups, and Statutory Acknowledgements:**

There are no protected customary rights groups or customary marine title groups that will be affected by the proposal, and the proposal is not on, adjacent to, or likely to affect land subject to a statutory acknowledgement [s95B(2)(a) and (b) and s95B(3)].

#### **Step 2 - Preclusions to Limited Notification:**

There is no preclusion to limited notification as there is no rule in the District Plan that precludes limited notification of the application [s95B(6)(a)] and the application is for neither a district land use consent with controlled activity status or an activity prescribed by regulations made under section 360H(1)(a)(ii), which precludes limited notification [s95B(6)(b)].

#### **Step 3 – Limited Notification – Affected Persons:**

No persons have provided their written approval to this application. The owners and occupiers of the adjoining/adjacent properties include:

- 26 Red Beach Road, Red Beach 0932
- 27 Red Beach Road, Red Beach 0932
- 28 Red Beach Road, Red Beach 0932
- 30 Red Beach Road, Red Beach 0932
- 32 Red Beach Road, Red Beach 0932
- 32A Red Beach Road, Red Beach 0932
- 34 Red Beach Road, Red Beach 0932
- 34A Red Beach Road, Red Beach 0932
- 47 Red Beach Road, Red Beach 0932
- 1 Albatross Road, Red Beach 0932
- 3 Albatross Road, Red Beach 0932

- 4 Albatross Road, Red Beach 0932
- 7 Albatross Road, Red Beach 0932
- 5 Birdie Place, Red Beach 0932
- 7 Birdie Place, Red Beach

These persons are not considered adversely affected by the proposal because:

Persons at 27 Red Beach Road

- The adjacent site at 27 Red Beach is located to the north-west of the subject site. The site is owned by Chorus New Zealand Limited and is occupied by a detached building used for telecommunication purposes. The site is also subject to Chorus and Spark designations for telecommunication and radiocommunication and ancillary purposes. Whilst currently being designated, the requiring authorities can choose to uplift the designation, and the site could be developed in accordance with its underlying zoning being MHU.
- Whilst Unit 9 seeks to use the alternative height in relation to boundary (AHIRB) standard relative to the boundary shared with this adjacent site, noting the accessway serving this adjacent site also runs along this boundary. The proposal also involves the installation of a 3.0m high fence along a section of the shared boundary.
- Unit 9 being a two-storey building that complies with the building height limit means it is consistent with the existing built character of the surrounding area and the planned urban built character under the MHU zone. The design of this dwelling, as well as the other proposed dwellings, has incorporated a range of different colours, roof forms and building materials to create visually attractive building façades. In addition, the proposed planting of a Titoki tree near the north-eastern corner of the site, as well as high hedge and other feature trees along the northern side boundary, will help to visually soften the overall appearance of the proposed development and minimise any visual dominance effects for any persons at 27 Red Beach Road.
- Given this adjacent site is located directly north of Unit 9 with its accessway running along the shared boundary, the proposed use of the AHIRB standard is unlikely to adversely affect the level of sunlight access for this adjacent site. Any overlooking or privacy effects are also anticipated to be less than minor. The outlook spaces from the principal living room and bedroom of Unit 9 are projected toward Red Beach Road and away from this adjacent site. All windows on the northern elevation of are limited to secondary living room windows at the ground floor and first-floor bedroom windows, which will all comply with the outlook space standards. The proposed 1.8m boundary fence and the proposed planting of a Titoki tree will also ensure a reasonable level of privacy is maintained for this site for the long-term.
- The proposed 3.0m high boundary fence is designed to provide highly effective screening for future residents of the proposed development and any persons at this adjacent site. Large specimen trees will be planted at both end of this fence with additional planting along this fence to help establish a green wall, which will mitigate any visual dominance effects from this fence. Given that the proposed shared accessway will adjoin this adjacent site, the fence will also help to minimise any traffic noise from the site. Therefore, any persons at 27 Red Beach Road are not considered adversely affected by the proposal.

### All other persons

- The proposal has no boundary-related infringements relative to the boundaries shared with other adjacent sites. The design and layout of the dwellings with compliant height in relation to boundary and yard setbacks will ensure there will be less than minor adverse shading, visual dominance and privacy effects on persons at the other adjacent sites. The proposed landscaping treatments will be appreciable to these persons by enhancing the visual amenity of the area, whilst further minimising any visual dominance effects from the proposed development.
- Section 5 of this report has determined that there will be less than minor adverse effects relating to construction, earthworks and infrastructure capacities.
- All other persons are sufficiently separated or screened from the site and therefore no other persons are considered to be adversely affected by the proposal.

### **Step 4 – Special circumstances:**

There are no special circumstances that exist relating to the application that warrant limited notification to any persons who have not been excluded as affected persons by the assessment above [s95B(10)]. There are no special circumstances that warrant limited notification under section 95B(10) because none of the circumstances of the application are exceptional or unusual.

Accordingly, it is considered that this application should be processed without limited notification.

### **7.3 Notification conclusion**

Section 95 of the Act sets out the requirements for the Council to consider when determining whether an application for resource consent should be notified.

The assessment of this report confirms that any effects on specific parties and the wider environment will be less than minor. Therefore, notification of the proposal is not required.

## **8. Statutory assessment**

### **8.1 Section 104 of the RMA**

#### **Section 104**

*In considering an application for land use consent, the consent authority must have regard to Part 2 (Purposes and Principles) of the RMA, and to the matters to be considered as set out in section 104(1). Section 104(1) states that, subject to the provisions of Part 2, a consent authority must have regard to:*

- (a) *any actual and potential effects on the environment of allowing the activity; and*
- (b) *any relevant provisions of –*

- (i). a national environmental standard:
  - (ii). other regulations:
  - (iii). a national policy statement:
  - (iv). a New Zealand coastal policy statement:
  - (v). a regional policy statement or proposed regional policy statement:
  - (vi). a plan or proposed plan; and
- (c) *any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

In respect of Section 104(1)(a), an assessment of any actual or potential effects is included in Section 5 of this report. Ultimately, it is concluded that the resulting effects will be less than minor and acceptable.

I have considered the higher order planning documents specified at section 104(1)(b)(i) – (vi) of the Act. In particular, it is my opinion that there are no National Environmental Standards that are directly relevant to the consideration of this proposal. Similarly, the New Zealand Coastal Policy Statement is not relevant.

In respect of Section 104(1)(b), the document that provides the relevant statutory context is the Auckland Unitary Plan (Operative in Part). As discussed at Section 7 above, the proposal is generally consistent with the relevant objective and policies of the AUP (OP).

There are no other matters that the consent authority should consider in the determination of this application.

## 8.2 Section 106

Section 106 of the RMA specifies certain circumstances in which consent authorities may refuse subdivision consent. It reads as follows:

### **Section 106**

- (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) *there is a significant risk from natural hazards; or*
  - (c) *sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*

The subject site itself is not identified by the Auckland Unitary Plan (Operative in Part) as being subject to any natural hazards. In terms of access, all the proposed residential lots will be provided with physical and legal vehicle access to Albatross Road, as well as pedestrian access to Red Beach via the commonly-owned access lot (Lot 1000).

Overall, there are no outstanding matters which we are aware of which would prevent subdivision consent being granted in accordance with s106.

### 8.3 Resource Management Act 1991 – Part 2 Assessment

I have had regard to matters under Part 2 of the RMA when considering resource consent applications. The Auckland Unitary Plan (Operative in Part) is a valid planning document. It has complete coverage over the proposed activities and anticipated effects. In achieving the purpose of the Act (Section 5) all persons exercising functions under it, shall recognise and provide for matters of national importance including the protection of historic heritage (Section 6), have particular regard to any other relevant matters (Section 7), and take into account the principles of the Treaty of Waitangi Section 8. Having weighed these matters, I consider that the proposal is consistent with the sustainable management purpose of the Act and Section 5 more generally.

## 9. Conclusion

This application is being made by Red Beach 1 Limited for land use and subdivision resource consents from Auckland Council to develop 21 new dwellings, with subsequent subdivision to create 21 freehold residential lots, two commonly owned access lots and one 8m<sup>2</sup> corner lot at 33 Red Beach Road, Red Beach.

Section 5 details an assessment of effects and Section 7 outlines the key planning considerations for this assessment. These assessments conclude that there are less than minor effects and no persons will be adversely affected. The proposal is also consistent with the objectives, policies and assessment criteria of the Auckland Unitary Plan (Operative in Part).

On this basis, it is considered that consent can be granted on a non-notified basis in accordance with Sections 104 and 104C of the Resource Management Act.

We kindly request the opportunity to review the draft conditions prior to the decision being issued.