

Notification Report for a Resource Consent application under the Resource Management Act 1991(RMA)



Non Complying Activity

Application Description

Application Number(s):	LAN-66314
Applicant's Name:	Branton Developments Limited
Site Address:	94, 102 and 104 Main Road, Kumeu
Legal Description:	Lot 1 DP 26511, Lot 3 DP 81928 and Lot 4 DP 81928
Site Area:	10.0658 hectares (total)
Operative Plan(s):	Auckland Council District Plan (Rodney Section)
Zoning:	Special 34 (Kumeu Town Centre)
Proposed Auckland Unitary Plan ("PAUP") Zoning & Precinct:	Town Centre – Kumue-Huapai, Single House, Large Lot & Kumeu sub-precincts A, B, C and D
Special features, overlays etc:	Designation ID 4311 Defence purposes Designation ID 6788 State Highway 16 road widening Electricity Transmission Corridor General Commercial Frontage Air Quality Transport Separation Corridor – Motorway & Strategic Arterial Routes 150m buffer Additional Height Control – Huapai 16.5m / 4 storeys Indicative Streams Kumeu Waitemata Aquifer High Use stream Management Area Stormwater Management Area – Kumeu Huapai Flow 1



Image 1: Locality Plan

The Proposal, Site and Locality Description

Proposal

The applicant seeks resource consent for a Development Concept Plan relating to Kumeu Town Centre. It proposes up to 4784m² GFA or retail, 1152m² of restaurant/café activities, 8816m² of office / commercial activities, and up to 211 household units (including 173 dwellings within revised Policy Area C, 30 live-work units and apartments within Policy Area B).

The proposal is outlined in detail in Section 3.4 of the Assessment of Environmental Effects (AEE) prepared by Cato Bolam Consultants, dated 9 September 2015.



Site and surrounding environment description

The applicant has provided a description of the site and associated receiving environment in section 3.4 of the AEE). Having visited the site on 28 October 2015, 5 November 2015 and 14 June 2016, I concur with the description of the site and surrounding environment as outlined in the application documents.

Background

The land has previously been subject to various industrial activities. Private Plan Change 162 was adopted by Council in 2012, resulting in the land being rezoned Special 34 (Kumeu Town Centre) Zone. This zoning provides for a comprehensively developed Town Centre with four separate Policy Areas, being Area A – large format retail, Area B – mixed use, Area C – residential and Area D – floodway.

Resource consent for bulk earthworks (LAN-65672) was granted November 2015, authorising 67,000m³ of earthworks over an area of 9 hectares in order to establish a platform above the 100-year flood level.

Reasons for the Application

Resource consent is needed for the following reasons:

Land use consents (s9) – LAN-66314

Auckland Council District Plan (Rodney Section)

- Rule 12.8.34.2.2 – Application for development concept plan approval in Policy Areas B, C and D – Restricted Discretionary Activity.

- Rule 12.8.34.4.3 – 211 household units, exceeding the maximum number of household units – Discretionary Activity.
- Rule 12.8.34.5.4(i) - 15% change of the area/boundary of Policy Area B and 3% of the area/boundary of Policy Area C compared to what is shown in the Outline Plan – Non Complying Activity.

Explanation:

Rule 12.8.34.2.1 states that all restricted discretionary activities in the Activity Table (rule 12.8.34.2.2) shall comply with rule 12.8.34.3 Development Controls and rule 12.8.34.4 Special Development Controls. The proposed DCP does not seek to alter the development controls specified in Rule 12.8.34.3. However, it does not comply with the special development control within Rule 12.8.34.4.3, which specifies that the maximum number of household units is 150.

Rule 12.8.34.5.4 outlines the specific requirements of the DCP and includes clause i)

'The exact delineation between Policy Area Areas B and C with no more than a 5% change in area between Policy Area B or C when compared with that illustrated in the Outline Plan'

The applicant states that the areas of Policy Areas B and C now proposed are 2.9015 hectares and 4.0269 hectares respectively. Compared to the Outline Plan this is approximately a 15% change for Policy Area B and 3% for Policy Area C. The District Plan does not clearly specify an activity status for this infringement. Therefore it is considered appropriate to default to the 'catch-all' in the Activity Table which provides for any activity not listed as a Non Complying Activity.

Overall, the proposal is assessed as a **Non Complying Activity** under the Auckland Council District Plan (Rodney Section).

In addition, it is noted that the applicant has applied to waive the esplanade reserve requirement under Rule 23.8.14.1 relating to the tributary stream running through the site. While this is a relevant consideration for the DCP, the rule is written in such a way that a waiver can only be considered together with a subdivision consent application. As this application is for a DCP only, formal consideration of this matter will be deferred to subdivision consent stage, although the matter has been discussed through this process and Council officers have raised no concern with the proposal in principal.

Status of the application

Overall, the status of the application is **Non Complying**.

Public Notification Assessment (Sections 95A, 95C-95D)

The applicant has not requested public notification.

All further information requested (under s92) has been provided by the due date.

No rules in the operative plan (or in any national environmental standard "NES") preclude or require public notification of this application.

Adverse Effects Assessment (Section 95A)

The following assessment addresses the adverse effects of the activity on the environment.

Effects that must be disregarded.

Effects on persons who are owners and occupiers of the land in, on or over which the application relates, or of land adjacent to that land

The adjacent land includes the following properties identified in pink:



Image 2: Aerial photograph of the subject site and the adjacent land

Any effect on a person who has given written approval to the application

No persons have provided written approval to the application.

It is noted that NZTA have provided a letter of support in relation to the proposal which focusses on the effects upon the State Highway only. It is unclear whether this is a formal written approval in terms of s95B of the RMA, and therefore has not been treated as such.

Trade Competition

The proposed DCP indicates that various retail/commercial activities will be established as part of the development, notwithstanding that separate land-use consents will be required. The establishment of new retail/commercial activities has the potential to generate trade competition effects upon those existing retail/commercial activities in Kumeu and Huapai. Any trade competition effects are disregarded.

Effects that may be disregarded

Permitted Baseline Assessment

Any application for a DCP is a restricted discretionary activity and any activities undertaken with Policy Areas B, C and D prior to the approval of a DCP are non-complying activities. Therefore, the permitted baseline is not relevant in this instance and is not applied to the assessment below.

Assessment

Receiving Environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of this application must be assessed.

The applicant accurately describes the receiving environment in section 3.4 of the AEE and I concur with this description. The receiving environment also includes resource consent LAN-65672 for bulk earthworks (67,000m³ over an area of 9 hectares) which at the time of writing has been partially implemented.

Adverse Effects

The applicant's AEE identified and assessed effects in relation to flooding, electrical clearance, ecological effects, traffic effects and cultural effects, supported by various expert assessments contained in appendices A – F of the AEE. The AEE concludes that overall any adverse effects on the environment resulting from this proposal will be less than minor.

With regard to the applicant's assessment and the technical reviews undertaken by Council experts, the relevant adverse effects of the proposal are assessed as follows:

Character and Amenity

The Special 34 Zone provisions specifically anticipate a town centre development on this site. The Outline Plan details four policy areas (A, B, C and D) which provide for Large Format Retail, Town Centre Mixed Use, Residential and Floodway respectively. Policy Area A is outside the scope of this DCP application which principally relates to Policy Areas B, C and D. As detailed in the AEE and shown on the Site Plan 'option B1.03', sheet BL01, dated 22 June 2016, this includes a mix of retail, commercial, office, live-work and residential activities, together with a floodway / open space area adjacent to the Kumeu

River. Central to the development is a 'Town Square' which is expected to function as a quasi-public space.

It is noted that a maximum of 211 household units are proposed, being 173 dwellings within the revised Policy Area C, 30 live-work units, and the remainder being apartments within Policy Area B. This is an increase of 61 household units over and above the 150 cap specified in Rule 12.8.34.4.3. Supporting traffic, water supply and wastewater reports have been prepared on the basis of this level of residential intensity.

The proposed design and layout of the development is supported by an Urban Design Assessment prepared by Clinton Bird Urban Design Limited, which takes into account key factors including the site context and constraints, boundary conditions, access and connectivity, public space, building scale, bulk, form and character, and landscaping.

It is acknowledged that the applicant has incorporated various design changes as result of feedback received from the Auckland Urban Design and Panel and ongoing discussion with Council experts. Particular aspects that have been refined include the 'main street' and design of the secondary access from Main Road, the Town Square, design and location of parking spaces, future connectivity and the development 'edge' fronting the reserve area.

Taking into account the design changes and the supporting information provided by the applicant, Council's Urban Design expert Mr John Stenberg has provided a technical memo which gives particular consideration to macro urban integration and structure, use and activity, building scale and built form and density, Kumeu river side reserve interface, landscape concept plan, and community and culture. Mr Stenberg concludes that from an urban design perspective many aspects of the development are positive and work hard to overcome the contextual handicaps and meet the criteria of the District Plan. However he identifies some fundamental concerns including: a lack of coherent retail strategy, location of streets and buildings in relation to the Kumeu River, lack of integration with adjoining sites, and a lack of identifiable access, and states that overall the proposal *"is not acceptable from a best practice urban design perspective"* and *"will result in significant adverse effects"*.

Having regard to the applicants AEE and the expert urban design assessments, I consider that at this DCP stage some key considerations in terms of character and amenity effects are:

- the overall density, scale and size of the development
- Layout, arrangement and mix of activities
- Integration with surrounding land uses
- Pedestrian and vehicular connectivity
- Building locations and street environments
- Interface between the development edge and open space / reserve area.

Overall, I consider that the proposed DCP will result in a character that is reflective of that anticipated by the District Plan for this site and provides for an acceptable level of amenity. In particular:

- While the DCP includes more residential units and less retail/commercial than what the Outline Plan indicates at a very high level, the density of development is

considered to be appropriate in this location given the desire to establish a vibrant town centre. Given that the site is visually contained, particularly from the State Highway, higher density can be accommodated in the location without diminishing the rural township character and amenity values of the surrounding area.

- The layout and arrangement of activities is logical and the tributary watercourse running through the site is a sensible delineation between the retail / commercial / mixed-use area and the residential area, while the open space area adjacent to the Kumeu River is defined to some extent by floodplain. The buildings fronting the State Highway generally align with the setback of the adjacent Kumeu Village shops in a way that provides some permeability and interaction between the two developments.
- It is noted that the southern boundary of the site adjoins an Industrial zoned site, with the site plan showing a row of residential units to be located immediately adjacent to the boundary. While this raises the potential for reserve sensitivity, it is a land-use outcome that is anticipated by the Outline Plan and appropriate mitigation measures such as fencing, landscaping and acoustic insulation can be considered at subdivision stage.
- While initial reliance upon two vehicle access points is not ideal, the site plan shows a number of 'future' road links to the east and south, the benefits of which will be realised when adjacent sites are developed. Therefore in the longer term, connectivity will be adequate and appropriate. Footpaths, walkways and cycleways are all shown in appropriate locations.
- The building typologies all generally accord with the outcomes anticipated by the District Plan in terms of bulk, scale and location, and promote attractive street environments. Detailed building designs will be considered and land-use consent stage.
- As noted above, the development 'edge' adjacent to the reserve / floodway area has been extensively debated. The Auckland Urban Design Panel suggested that better activation could be achieved by an edge road around the development. This would also promote public accessibility to the reserve and better passive surveillance. The applicant has considered the merits of this option but notes that the shape of the edge does not lend itself well to a road and more extensive engineering would be required to support a road around the edge. However, the design has been refined from that originally presented, and while road does not extend around the full edge it does provide a sufficient level of activation at street level. In addition a walkway at the development platform level has been provided at the northern end and this will provide public overlook of the lower-lying reserve area. Planted batter slopes have also been added in order to soften the retaining structures and smooth the transition from the development platform level into the reserve area.

Overall and for the reasons above, in regard to character and amenity the adverse effects of the proposal are no more than minor.

Stormwater and Flooding

The subject site adjoins the Kumeu River and is prone to regular flooding. In November 2015, Council approved a resource consent application to undertake earthworks of approximately 69,000m³ to establish building platforms (either side of the tributary stream

running through the site) above the 100 year flood level and form a wide flood berm area adjacent to the Kumeu River. This was supported by a detailed flood report prepared by Tonkin & Taylor Limited, dated September 2015, including specific consideration of flood flow conveyance and the degree to which the earthworks may affect flood levels on adjacent properties and further upstream/downstream.

The proposed DCP shows a jagged edge to the development platform where retaining walls will be required along with the formation of batter slopes to assist with the transition into the open space / floodway area. In addition, the DCP shows that a bridge structure approximately 130 metres long will be required to support the Town Square, roads and a parking area over the stream. While these works will be specifically considered at subdivision / land-use consent stage, they do have a bearing on whether the extent of the development platform can be supported in principle. The applicant has therefore provided an updated flood report prepared by Tonkin & Taylor Limited, dated April 2016. The outcomes in terms of flood levels are similar to those stated in the earlier September 2015 report.

Council's Stormwater Department has analysed the modelling and reporting undertaken by Tonkin & Taylor Limited, and a technical memo has been provided by Mr Mark Iszard. Mr Iszard confirms that the Stormwater Department is in general agreement with Tonkin & Taylor over the development and the stormwater outcomes proposed. In particular, there are no fundamental concerns with the modelling undertaken, and a 45mm increase in water level has previously been confirmed by Council's Stormwater Department as having less than minor effects. Therefore the extent of development platform including the necessary bridge and retaining structures to support the development, are considered to be acceptable from a flood perspective.

Mr Iszard notes that technical matters relating to detailed design of the bridge structure, compliance with the Network Discharge Consent requirements and the drainage network layout will all need to be addressed further at subdivision consent stage. However none of these issues are considered to be insurmountable and would not alter the location or height of the development platform being proposed under this DCP.

Overall and for the reasons above, in regard to stormwater and flooding the adverse effects of the proposal are less than minor.

Wastewater and Water Supply

The applicant has provided the following reports in regard to wastewater and water supply:

- Pressure Sewer Capacity Assessment, prepared by GHD Limited, ref: Kumeu Town Centre, dated: February 2016.
- Water Capacity Assessment, prepared by: GHD, ref: Kumeu Town Centre, dated: February 2016.

The wastewater report concludes that the existing wastewater network has capacity to service the proposed development with connection being made to the existing 125mmOD diameter line. The water report concludes that the existing water network has sufficient capacity to supply the proposed development, recommending that the development connects to the 355mmOD diameter main, and also connects to the 125mmOD diameter main in order to provide a dual feed.

Watercare Services Limited has reviewed the aforementioned reports and have provided an approval letter, referenced 94 Main Road, Kumeu #50138, dated: 17 March 2016, confirming that they are satisfied with the proposed servicing arrangement.

Council's Development Engineer has confirmed that he is satisfied that the wastewater and water supply aspects of the development are acceptable, and I concur with this view.

Therefore, in regard to wastewater and water supply the adverse effects of the proposal are less than minor.

Ecology

The subject site has, and continues to be subject to significant earthworks, including those authorised by resource consent LAN-65672. The proposed DCP shows that the development platform is well set back from the Kumeu River margin which will be enhanced by riparian planting.

However the proposed DCP also shows that the Town Square, immediately adjacent roads and a car parking area will bridge a small tributary of the Kumeu River. This is a heavily modified permanent watercourse that appears to have been straightened by previous earthworks for the purpose of flood conveyance. It does not contain any riparian vegetation of note and the existing culvert appears to restrict fish passage.

At the development concept plan level, Council's Consultant Freshwater Ecologist Ms Justine Quinn has not raised fundamental concerns with the proposed bridging / encasement of the stream. However the detailed design of the proposed bridge structure and the associated mitigation package will be considered further at subdivision stage.

The applicant has considered a range of options for incorporating the stream in the design through the early stages of developing the concept plan, although this proved problematic due to flood conveyance and adjacent ground levels. In balancing environmental outcomes it is necessary to take a holistic view to the development, including how it will function safely and efficiently.

While stream loss is never ideal, in this case the concept of bridging the stream to provide for the Town Square and access to the residential area is deemed to be acceptable because the stream holds limited ecological value, and the flood levels do not readily enable a meaningful incorporation of the stream into the design. Furthermore, the proposed bridging is in the context of the significant enhancement of public access to and along the Kumeu River.

Therefore, in regard to ecology the adverse effects of the proposal are less than minor.

Reserves and Open Space

The proposed DCP includes an extensive open space area and walkway network within the floodway area adjacent to the Kumeu River. There are also two small 'pocket' parks at the development level with a walkway around the northern edge. Planted batter slopes will be constructed to help reduce the scale of retaining walls supporting the development platform and support a suitable transition between built form and the river. A series of visual perspectives have been provided to aid in understanding how the reserve area will relate to the development.

Council's Parks Advisor Mr Stanley Bolton has provided detailed comments which conclude that the overall concept *"is considered appropriate from an open space perspective, providing clear identification of principle spatial elements, connectivity and appropriate treatment of riparian areas"*.

In relation to the tributary watercourse running through the site, this has been identified as being a 3 metre wide stream for the purposes of s230 of the RMA. This potentially has significant implications for the development, yet must be viewed in the context of the Special 34 Zone provisions and the Outline Plan which do not acknowledge the presence of this stream. Arguably this suggests that the stream does not hold significant value in the context of the overall development of this land and/or would otherwise be piped or diverted.

The applicant originally applied to waive the esplanade reserve requirement in relation to this stream as part of the DCP application, however the District Plan only enables the formal consideration of esplanade reserve waivers / reductions as part of a subdivision consent application. As such, formalisation of any decisions on this matter will need to be deferred.

Notwithstanding the above, it would be unwise not to be cognisant of this aspect at a DCP level and the design has progressed with advice from Council. In this regard, it is Mr Bolton's view that *"the requirements of s230 RMA should be waived in respect of this watercourse and that it offers little by way of ecological value. The watercourse should be incorporated in a Local Purpose (Drainage) Reserve. It is considered impracticable to construct a public footway along the watercourse, the large central part of which will be culverted and developed over, and a significant length of which will be dominated by a high retaining wall. It is also considered appropriate that the watercourse be landscaped as proposed to create solely an environmental feature. It is considered that insufficient width of reserve land can reasonably be provided to achieve either ecological advantages or a pedestrian linkage, given the nature and spatial needs of the development and the extreme physical constraints caused by the natural topography and proposed finished earthworks"*.

Rather than seek to incorporate the tributary in the overall design, the proposed DCP seeks to maximise open space outcomes adjacent to the Kumeu River which the District Plan encourages. A 20 metre wide esplanade reserve is proposed adjacent to the Kumeu River, with the river margin to be planted. The remainder of the open space area will be a combination of drainage reserve (incorporating any stormwater ponds) and privately owned land (with public easements in gross for access and recreation). An extensive walking and cycle network is to be provided for public amenity and this complements the Greenways Plan for the wider Kumeu area.

Both Council's Parks and Stormwater Department have expressed a desire for the entire open space / floodway area to be held in public ownership, however the applicant seeks to maintain an ability to explore informal uses of this land for parking and market activities. Regardless of ownership, I am satisfied that acceptable open space outcomes can be achieved in this area as from a practical perspective the area will function as one and any boundaries between esplanade reserve, drainage reserve and private land (with public easements in gross) will likely be indistinguishable to users of the space. It is expected that

further discussion regarding ownership and maintenance responsibilities will occur at subdivision stage.

As noted previously, the 'development edge' has been extensively debated and refined through the process of considering this application. A walkway at the development platform level has been provided at the northern end and this will provide public overlook of the lower-lying reserve area. Planted batter slopes have also been added in order to soften the retaining structures and smooth the transition from the development platform level into the reserve area.

Overall, and for the reasons above, in regard to reserves and open space the adverse effects of the proposal are less than minor.

Traffic and Access

The site is currently accessed from Main Road via the signalised intersection adjacent to 'New World' supermarket this has been purposely constructed to accommodate the Town Centre development. A secondary 'entry only' access to serve the main street is proposed 70 metres to the south east of the main signalised intersection. There is a defined roading hierarchy with parallel parking incorporated in street design, and separate car parking areas adjacent to retail/commercial buildings.

It is noted that the Local Board and other members of the public have expressed concerns about the impact that this development may have on the State Highway and the surrounding road network particularly in terms of traffic congestion and the reliance upon the one main signalised intersection. Concerns have also been raised regarding an apparent lack of car parking and a lack of connectivity.

The applicant has provided an Integrated Traffic Assessment (ITA) prepared by Traffic Planning Consultants Limited, referenced 14365-r1v3, dated 29 April 2016. The ITA explains the wider transport planning context and the surrounding transport environment, and considers the relevant traffic effects of the proposed development.

The ITA concludes that "...the traffic that is likely to be generated by the range of activities that are proposed within the Town Centre development can be satisfactorily accommodated on the transport network", and that overall, "...the Development Concept Plan that has been prepared for the Town Centre is appropriate and acceptable from an overall transportation point of view".

In addition to visible street parking, the applicant has indicated that further parking can be accommodated under-croft and/or in basements, and that the relevant parking requirements for individual tenancies is able to be satisfied at subdivision/land-use consent stage.

The applicant has consulted with the New Zealand Transport Agency as the road controlling authority responsible for the State Highway (Main Road). NZTA have assessed the ITA and have formally indicated that they concur with the conclusions of the ITA subject to conditions which include various improvement works onto the State Highway. In particular, NZTA states that *"...the New World intersection will generally operate within capacity with all the town centre traffic included (no future growth), with 1% and 2% growth over the next five years (future growth), and with the inclusion of the Huapai Triangle SHA (2% future growth plus Huapai Triangle SHA). Based on this information, the Transport*

Agency is satisfied that the existing signalised access is capable of accommodating the propose development”.

It is noted that discussions were between the applicant, the Kumeu Village owners, NZTA, Auckland Transport and Council took place regarding the secondary access from Main Road into the new ‘main street’. As outlined in the ITA agreement was unable to be reached with Kumeu Village for the design of a consolidated vehicle access to serve both developments. While this would have been a preferable option, the applicant and NZTA have subsequently agreed to the location and concept design of the secondary access, aligning directly with the ‘main street’.

Auckland Transport has reviewed the proposal primarily in terms of its effects upon the local road network, including the proposed roads to vest, circulation through the development and the location of future connections. Auckland Transport have not raised any fundamental concerns regarding the concept design and layout of the development and are satisfied that the future connections are generally appropriate. The detailed design of road, including speed calming, pedestrian crossings and other elements will be considered further at subdivision stage.

Council’s Consultant Traffic Engineer Mr David Mitchell has also reviewed the proposal, having particular regard to site access, parking, loading, queuing, and other specific DCP considerations, together with the comments received from NZTA and Auckland Transport. Mr Mitchell concludes that *“overall, the proposal to develop the Kumeu Town Centre would result in traffic effects that are less than minor”.*

While it is not strictly proposed as part of this DCP application, and is not deemed to be a necessity in order to mitigate traffic effects, ongoing discussions have occurred in relation to the formation of an additional road link from the south eastern corner of the development, over the esplanade reserve to Weza Lane. This has merit in terms of overall connectivity by providing an alternative route in and out of the development, and would primarily be of benefit to the residential units. It is generally support by NZTA and Auckland Transport. It would however, require the formation of the road partly over an existing esplanade reserve and this would require carefully balancing with regard to maintaining open space and ecological outcomes. The opinions expressed by Council Parks Advisors have been mixed.

The Site Plan has been amended to provide a logical connection for the link to Weza Lane and the applicant has provided information to demonstrate that it could practically be accommodated in the esplanade reserve, subject to further design work. It is expected that this will be further analysed at subdivision stage and discussed with the relevant stakeholders. A logical road connection to the industrial site to the south (9/15 Weza Lane) is proposed in anticipation of future redevelopment of this site.

It is recognised that there are some contextual issues with the site being re-zoned in isolation from surrounding sites and the Kumeu River and the Northern railway line also creating some physical barriers. Significant levels of development have more recently been approved at Huapai which will continue to put pressure on the efficiency of the State Highway. Reliance on one main entry/exit point is not ideal, and additional connections to the north, east and south will certainly be desirable in the medium – long term. However, taking account of the expert comments received on traffic related matters for this DCP application, I am satisfied that the proposed access arrangement to the development is

acceptable and that the level of traffic generated by the development can be accommodated by the surrounding road network.

Overall, and for the reasons above, in regard to traffic and access the adverse effects of the proposal are less than minor.

Cultural Heritage

The subject site does not contain any recorded cultural heritage features. As noted previously, the site has been heavily earthworked, and as part of the assessment of resource consent LAN-65627 for bulk earthworks, potential adverse effects on cultural heritage were deemed to be less than minor.

The applicant has advised that consultation has been undertaken with both Ngati Manuhiri Settlement Trust and Nga Maunga Whakahii o Kaipara Trust. No cultural impact assessment has been obtained from either mana whenua group, nor has any direct correspondence from these groups been received by Council.

Given the above and that the proposed DCP generally reflects the nature and scale of development anticipated for this site, I consider that in regard to cultural heritage the adverse effects of the proposal are less than minor.

Adverse Effects Conclusion

Overall, and having regard to those adverse effects identified and assessed above including character and amenity, stormwater and flooding, wastewater and water supply, ecology, reserves and open space, traffic and access, and cultural heritage, it is concluded that the adverse effects on the environment will be no more than minor for the reasons outlined above.

Special Circumstances

Despite the above, the council may publicly notify an application if special circumstances exist.

The Special 34 Zone provisions were developed from Plan Change 162 and the extensive public consultative process that ensued. It is acknowledged that the Outline Plan is very basic in nature and provides little visual guidance to either the applicant, the public or Council as to what the Town Centre could, and should look like. However the rules package is detailed and sets out very clear expectations as to what the Development Concept Plan is expected to address, and what the key priorities are.

The rules specifically anticipate the submission of a Development Concept Plan prior to the establishment of any new activities on the site. So while the development is one that is of interest to the local community, particularly given its scale, central location and the public amenities it is expected to provide, the lodgement and assessment of an application for a DCP is not in itself considered to be a special circumstance warranting public notification of the application.

Council is aware of Memorandum of Understanding (MoU) between the previous owners of the site (Maddren Property Limited) and the Kumeu-Huapai Residents & Ratepayers Association Inc. Signing of the MoU resulting in the Kumeu-Huapai Residents & Ratepayers Association withdrawing their appeal in respect of Plan Change 162 (now adopted as Special 34 Zone). The MoU required the establishment of a Liaison Group and for Maddren to present all design & layouts prepared by them or other owners to the Liaison Group for assessment and comment before lodgement with Council for a resource consent and/or building consent.

Maddren sold the site to Branton Developments Limited (the applicant) in 2015. However Maddren did not require Branton Developments to sign a new MoU with the Kumeu-Huapai Residents and Ratepayers Association, which may be in breach of the MoU. This is a legal issue between Maddren and the Kumeu-Huapai Residents and Ratepayers Association.

Notwithstanding that Branton Developments is not bound by the MoU, it is understood that public meetings were held prior to the lodgement of this DCP application. Furthermore, the MoU did not require or imply any form of agreement to be reached with the Kumeu-Huapai Residents and Ratepayers Association in regard to design and layout. Therefore I am satisfied that the existence of the MoU is not a special circumstance in this case.

Overall, it is considered that there are no special circumstances that warrant public notification.

Public Notification Assessment Conclusion

This application can be processed without public notification for the following reasons:

- The adverse effects on the environment of the activity for which consent is sought will be no more than minor for the reasons expressed in this report.
- The applicant has not requested public notification and there are no district plan rules or national environmental standards that require notification.
- Bearing in mind the broad discretion the Council has under section 95A(1) of the RMA to notify an application and having regard to the degree of adverse effects, the nature of the proposal, and any benefit the Council might gain from public notification (in terms of better understanding the effects of the activity), there are no readily apparent reasons to warrant doing so in this instance.
- There are no special circumstances that would act as a basis for Council to exercise its discretion to notify under s 95A(4).

Limited Notification Assessment (Sections 95B, 95E-95G)

If the application is not publicly notified the council must decide if there are any affected persons, or customary rights or title groups.

In deciding if a person is affected:

A person is affected if the adverse effects of the activity on them are minor or more than minor (but are not less than minor).

Adverse effects permitted by a rule in a plan may be disregarded.

The adverse effects on those persons who have provided their written approval must be disregarded.

Requirements of a Rule or National Environmental Standard

There are no rules that preclude limited notification.

Limited Notification / Adversely Affected Persons Assessment

Interested Parties

Council has received written correspondence from various community groups and individuals who have expressed an interest and concerns in the application. This includes the Kumeu Village owners, the Kumeu-Huapai Residents and Ratepayers Association, the North West District Business Association and others. All of these parties raise concerns about traffic and the impact of the development upon the operation of the State Highway

As noted previously, the Rodney Local Board have also raised various concerns in relation the proposal, particularly regarding character and traffic, and have indicated that the application should be publicly notified.

Assessment

There are no rules in the operative plan or the PAUP that preclude limited notification.

No persons have provided written approval to the application.

110 – 128 Main Road

This property is occupied by New World supermarket and its associated car parking area. There is also a vacant piece of land further to the east which adjoins a tributary of the Kumeu River.

The nature, scale, location and design of the proposed development, including the arrangement of activities, generally reflects what is anticipated by the District Plan for Kumeu Town Centre. In this regard, and despite an increase in the number of household units, the proposed DCP is unlikely to compromise the day-to-day operation of activities at 110 – 128 Main Road.

The main signalised intersection which serves New World has been constructed in anticipation of serving the proposed development. This has been assessed as part of the foregoing s95A assessment. It is noted that this existing access road remains in private ownership and has not been vested as public road. The access arrangement to and from 110 – 128 Main Road will remain unchanged.

The wider issue of parking provision within the new Town Centre has been considered as part of the s95A assessment. In addition to what is shown on the site plan, the applicant has advised that there is an ability to utilise basement parking, and compliance with the relevant parking numbers will be confirmed at land-use consent stage for the new buildings. This is considered to be appropriate, and furthermore, New World maintains an ability to enforce any parking restrictions they may wish to establish within their car park.

Flooding effects associated with the proposed development have also been considered as part of the foregoing s95A assessment, supported by a detailed flood hazard assessment undertaken by Tonkin & Taylor Limited dated April 2016. Council's Stormwater Department consider that any localised increase in water levels (up to 45mm) on adjacent properties will have less than minor adverse effects, and I concur with this view.

Overall, and for the reasons above, the adverse effects of the proposal upon the owners and occupiers of 110 - 128 Main Road are deemed to be less than minor.

106 Main Road

This property is zoned Industrial and is occupied by a panel beating business. The existing building is located along the southern boundary with a parking/manoeuvring area on the northern side. It currently has direct access onto the State Highway.

It is noted that the main intersection at the State Highway as shown on the Site Plan has already been constructed as part of the establishment of New World supermarket. The plan also shows that a car parking area associated with new commercial tenancies is proposed immediately adjacent to the southern boundary of 106 Main Road. The nature and scale of the existing activity, and any permitted industrial activity that could reasonably establish, on this site are such that they are unlikely to be compromised by the proposal, particularly taking into account any potential reverse sensitivity, amenity, flooding and traffic effects.

Therefore, the adverse effects of the proposal upon the owners and occupiers of 106 Main Road are deemed to be less than minor.

86 – 92 Main Road (Kumeu Village)

These properties comprise the existing Kumeu Village shops, which includes a medical centre, pharmacy, post office, dentist, liquor store, supermarket, real estate office and various food outlets.

As noted above, the Kumeu Village Owners Committee have raised concerns with the proposal regarding access and traffic congestion on the State Highway, integration of the Kumeu Village shops into the new Town Centre, parking and flooding. While these issues have been considered in the foregoing s95A assessment, they also have some relevance in terms of s95B.

The proposal includes retail/commercial tenancies and office spaces immediately adjacent to the existing Kumeu Village shops, which is generally in accordance with the Outline Plan and the nature, scale and location of development anticipated within Policy Area B. The proposed buildings fronting the State Highway are positioned to align with the setback of the existing shops, while the car parking area immediately to the north of the shops enables both visual and physical links from the existing shops through to the new Town Centre. It is recognised that more extensive integration would require some form of redevelopment of the existing shops, but an opportunity is provided for these buildings to open out to the north nonetheless.

As previously discussed, the applicant has engaged with Kumeu Village, Council, NZTA and Auckland Transport regarding the establishment of a shared vehicle access point which would have further assisted with integrating the two developments. This unfortunately could not be agreed and the applicant has reverted to a secondary 'entry only' access approximately 30 metres to the north-west of the existing vehicle crossing to Kumeu Village. This has been assessed by NZTA and Council's Traffic Engineer and is considered to be acceptable in terms of both serving the proposed development and enabling continued safe and efficient access to and from Kumeu Village.

In addition, the applicant has agreed to enable Kumeu Village patrons to exit through the proposed development via the main signalised intersection, recognising that right turn movements out of Kumeu Village are likely to become increasingly difficult as traffic volumes along the State Highway increase over time (not only due to the proposed development but also due to other development further afield).

In terms of parking, Kumeu Village relies upon an existing angled parking area located between the State Highway and the shops, and concerns have been raised that these spaces may be taken up by shoppers and staff of the new Town Centre. The wider issue of parking provision within the new Town Centre has been considered as part of the s95A assessment. In addition to what is shown on the site plan, the applicant has advised that there is an ability to utilise basement parking, and compliance with the relevant parking numbers will be confirmed at land-use consent stage for the new buildings. This is considered to be appropriate, and furthermore, Kumeu Village maintains an ability to enforce any parking restrictions they may wish to establish within their car park.

Flooding effects associated with the proposed development have also been considered as part of the foregoing s95A assessment, supported by a detailed flood hazard assessment undertaken by Tonkin & Taylor Limited dated April 2016. It is considered that any localised increase in water levels (up to 45mm) on adjacent properties will have less than minor adverse effects

Overall, and for the reasons above, the adverse effects of the proposal upon the owners and occupiers of 86 – 92 Main Road (including the Kumeu Village Owners Committee) are deemed to be less than minor.

9 – 15 Weza Lane

This property adjoins the southern boundary of the subject site and currently contains an assortment of industrial warehouse type buildings which support a range of industrial activities that are reflective of the underlying zoning.

The proposed site plan shows a row of terraced dwellings adjacent to the common boundary which is generally in accordance with the Outline Plan and Policy Area C which anticipates residential development in this location. This arrangement of activities does raise potential reverse sensitivity issues where residential activities and industrial activities expect different levels of amenity. However it is considered that there are a range of mechanisms that can be implemented at subdivision / land-use consent stage in order to suitably mitigate reverse sensitivity effects. This may include acoustic insulation, boundary fencing and landscaping.

The DCP provides for two road connections to the southern boundary which 9 – 15 Weza Lane will be able to utilise in the future if and when the property is redeveloped. This includes a road link to Weza Lane over the esplanade reserve, which should it be constructed, will not compromise safe and efficient access to 9 – 15 Weza Lane.

Flooding effects associated with the proposed development have also been considered as part of the foregoing s95A assessment, supported by a detailed flood hazard assessment undertaken by Tonkin & Taylor Limited dated April 2016. Council's Stormwater Department consider that any localised increase in water levels (up to 45mm) on adjacent properties will have less than minor adverse effects, and I concur with this view.

Overall, and for the reasons above, the adverse effects of the proposal upon the owners and occupiers of 9 - 15 Weza Lane are deemed to be less than minor.

Transpower

High Voltage transmission lines cross the eastern portion of the site proposed to be open space / floodway. All buildings and structures are shown to be more than 12 metres from the centreline of the transmission lines, being approximately 40 metres at its nearest point. Accessibility to the lines for maintenance will not be obstructed.

Therefore, the adverse effects of the proposal upon Transpower are deemed to be less than minor.

New Zealand Transport Agency

As previously discussed, NZTA have provided a letter indicating their support for the proposal. It is unclear whether this is a formal written approval in terms of s95B of the RMA, and therefore has not been treated as such.

Nevertheless, NZTA consider that the effects of the development upon the State Highway network will be acceptable subject to conditions which have been agreed to by the applicant. In addition, Council's Traffic Engineer Mr David Mitchell endorses these conditions and has not raised any concerns regarding the safe and efficient operation of the State Highway.

Therefore, the adverse effects of the proposal upon NZTA are deemed to be less than minor.

Kumeu-Huapai Residents and Ratepayers Association

The Kumeu-Huapai Residents and Ratepayers Association have raised concerns with the proposal regarding the MoU (as discussed previously), the scale of the development and the addition pressure that it may place on existing infrastructure.

Other than the matter relating to the MoU, which is more appropriately considered in the 'special circumstances' section of this report, as a community group the adverse effects of the proposal upon the Kumeu-Huapai Residents and Ratepayers Association cannot be reasonably separated from any adverse effects upon the public generally and considered as part of the foregoing public notification assessment.

Therefore, the adverse effects of the proposal upon the Kumeu-Huapai Residents and Ratepayers Association are deemed to be less than minor.

Other persons and properties

No other persons, including those identified as owning and occupying adjacent land, are deemed to be adversely affected (to a degree that it is minor or more than minor) for the following reasons:

- The nature, scale, location and design of the proposed development, including the arrangement of activities, generally reflects what is anticipated by the District Plan for Kumeu Town Centre, notwithstanding that 61 additional household units (up to 211 in total) are proposed. The density of the development is considered to be appropriate for a Town Centre location and is supported by the applicant's expert analysis particularly in relation to traffic, urban design, flooding and servicing.
- The site is not highly visible from the State Highway and extensive landscaping and open space adjacent to the Kumeu River will soften the appearance of the development when viewed from properties along Koraha Road, so to not compromise existing levels of character and amenity enjoyed from these properties.
- NZTA and Council's Traffic Engineer are satisfied that the proposed access arrangement is adequate and appropriate, and no concerns have been raised regarding continued safe and efficient access to and from adjacent properties.
- Flooding effects associated with the proposed development have also been considered as part of the foregoing s95A assessment, supported by a detailed flood hazard assessment undertaken by Tonkin & Taylor Limited dated April 2016. Council's Stormwater Department consider that any localised increase in water levels (up to 45mm) on adjacent properties will have less than minor adverse effects, and I concur with this view.
- There are no identified cultural heritage features or sites and places of significance/value to mana whenua.

Limited Notification Assessment Conclusion

This application should be processed without limited notification as no persons, including those owning/occupying adjacent land (as listed in Table 1), are considered to be adversely affected by the proposal (to a minor or more than minor degree) for the reasons outlined above.

Notification Recommendation

Non-Notification

For the above reasons, this application may be processed without public notification or limited notification.

Accordingly I recommend that this application is processed non-notified.

H. Wadams

7/7/16

Hayden Wadams

Date

Senior Planner

Resource Consents

Reviewed and approved for release by:



7-7-16

Dan Rodie

Date

Team Leader

Resource Consents

Consideration of the Application

Statutory Considerations

Under s104B a consent authority may grant or refuse consent for a discretionary or non-complying activity. If it grants the application, it may impose conditions under s108 of the RMA.

Council must have regard to Part 2 of the RMA ("Purposes and Principles" – ss5 to 8), ss104, 104B and 108 of the RMA. The weighing up under s104 is subject to Part 2.

Particular restrictions for non-complying activities - s104D

As a non-complying activity under the Auckland Council District Plan (Rodney Section), the proposal has to pass at least one of the tests of s104D. If the application fails both tests of s104D then the application must be refused.

In assessing the degree of adverse effects for s104D, reliance is placed on the broad assessment and conclusion for the s95A adverse effects assessment. This includes:

- adoption of the conclusion for the "permitted baseline", applied in the context of s104(2); and
- disregarding any adverse effects on persons who have provided written approvals (identified in Table 2).

As the adverse effects are no more than minor (as concluded in the foregoing s95A assessment) the proposal can be considered against s104 and s104B. It is noted that the relevant objectives and policies will be addressed below.

Actual and potential effects on the environment

Section 104(1)(a) of the RMA requires council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

Positive Effects

The proposal will have the following positive effects:

- The proposed DCP enables the development of Kumeu Town Centre generally in accordance with the Special 34 Zone provisions. It will provide for additional business and residential opportunities, enhancing local employment and promoting the reduction of travel distances. This will support the vitality of the local economy.
- The DCP provides for an extensive open space area adjacent to the Kumeu River including a planted riparian margin and esplanade reserve which will support and enhance native biodiversity and ecosystem. A walking and cycle network will also support the social wellbeing of the community.

Adverse Effects

As a non-complying activity overall, the adverse effects have already been assessed above, and to avoid repetition have not been repeated here.

In considering the adverse effects, the council:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval.

The assessment and conclusion of the “permitted baseline” for the s95A adverse effects assessment are considered applicable to s104(2), and so are not repeated here. No persons have provided written approval to the application

The assessment of adverse effects done for notification identified and evaluated adverse effects only, concluding that overall, the adverse effects of the proposal upon the environment will be no more than minor. These comments and conclusions are adopted for the purposes of s104(1)(a).

Summary

The actual and potential effects of the proposed DCP are considered to be acceptable and can be adequately avoided remedied and mitigated through the imposition of consent conditions. In particular, the nature, scale, location and design of the proposed development, including the mix and arrangement of activities, generally reflects what is anticipated by the District Plan for Kumeu Town Centre, notwithstanding that 61 additional household units (up to 211 in total) are proposed. The density of the development is considered to be appropriate for a Town Centre location and is supported by the applicant’s expert analysis particularly in relation to traffic, urban design, flooding and servicing.

Relevant statutory instruments

National Environmental Standard – s104(1)(b)(i)

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

This national environmental standard was considered as part of the previous resource consent for bulk earthworks (LAN-65672) and a controlled activity consent was granted. This application for a DCP does not raise any new issues or concerns regarding soil contamination.

National Policy Statement – s104(1)(b)(iii)

National Policy Statement on Electricity Transmission

The NPSET seeks to ensure that, in providing for the transmission of electricity within a region or district and in managing the effects of the transmission network on the environment, the operational and long-term development requirements of the network are appropriately considered and its status as a linear cross-boundary network is fully recognised. It is relevant in this case as Transpower’s 220kV high voltage transmission lines traverse the eastern part of the site and the earthworks will be undertaken underneath and in close proximity to the lines.

The proposal is generally consistent with the relevant objectives and policies of this National Policy Statement as the DCP does not include any buildings or structures within 12 metres of the lines.

Auckland Council Regional Policy Statement – s104(1)(b)(v)

The Auckland Council Regional Policy Statement ("ACRPS") sets out the strategic framework for managing the use, development and protection of the natural and physical resources of the Auckland region in an integrated and co-ordinated manner. The ACRPS seeks to ensure that development and intensification does not adversely affect the amenities and quality of the natural environment.

Overall, I consider the proposal to be consistent with the relevant objectives and policies of the ACRPS because the proposed DCP generally reflects the mix of activities, design, scale and layout anticipated for Kumeu Town Centre which has been specifically zoned for such purpose. While additional household units are proposed (211 in total), this level of intensification is not inappropriate for a Town Centre, and the applicant has suitably demonstrated through expert analysis of traffic, urban design, flooding and servicing matters that this can be supported. The town centre development will support the growth of Kumeu and Huapai that is planned to occur.

Part 1 of the proposed Auckland Unitary Plan – s104(1)(b)(v)

Part 1, chapter B of the PAUP sets out the strategic RMA framework for the identified issues of significance, and resultant priorities and outcomes sought. These align with the direction contained in the Auckland Plan.

This part of the Unitary Plan is the regional policy statement.

Relevant sections include: Section 2 – Enabling Urban Growth, Section 3 – Enabling Economic well-being, and Section 6 - Sustainably managing our natural resources.

The proposed development is considered to be consistent with the objectives and policies contained in the above sections for those same reasons as outlined above in relation to the ACRPS.

Plan or Proposed Plan – section 104(1)(b)(vi)

Auckland Council District Plan (Rodney Section)

Relevant objectives and policies

The applicant has identified and assessed the proposal against the relevant objectives and policies of the Auckland Council District Plan (Rodney Section) relating to the Chapter 12 - Special 34 (Kumeu Town Centre) Zone and Chapter 5 – Natural Hazards. This assessment is detailed in section 5.5.1 of the AEE.

I consider that that the applicant has considered the relevant objectives and policies in the Auckland Council District Plan (Rodney Section) and I concur with the comments and conclusions reached in the assessment. In particular, the DCP provides for a suitable mix of activities and a scale and intensity that can be supported by existing and proposed infrastructure. The design and layout of buildings, streets and open space provides for a quality urban environment, which enhances the amenity values of the Kumeu River and enables future connections to be established as surrounding land is redeveloped. The extent of the development platform has been formulated through expert flood analysis to ensure that flood hazards are suitably avoided and mitigated.

Relevant Assessment Criteria

The applicant has undertaken a detailed assessment against the relevant assessment criteria set out in Rule 12.8.34.6.2 which includes specific consideration of; vehicle and pedestrian access, relationship to the State Highway, relationship to the Kumeu River, relationship to adjoining sites, street network, carparking areas, pedestrian and cycle network, buildings, public space, landscape design, infrastructure, stormwater management and overall development. I concur with the applicant's comments.

Overall, it is considered that the proposed DCP generally meets the relevant criteria for the same reasons as stated above in regard to the objectives and policies.

Proposed Auckland Unitary Plan (PAUP)

Relevant objectives and policies

The applicant has identified and assessed the proposal against relevant objectives and policies in the Proposed Auckland Unitary Plan, in particular, those relating to the Kumeu precinct. This assessment is detailed in section 5.5.2 of the AEE.

I concur with the applicant's comments and consider the proposal to be consistent with the relevant objectives and policies in Proposed Auckland Unitary Plan, noting that the Kumeu precinct provisions replicate the Special 34 Zone provisions in the operative plan. Therefore, the comments and conclusions reached above in relation to the objectives and policies of the Auckland Council District Plan (Rodney Section) are equally applicable.

Weighting

No plan weighting assessment is necessary in this case because both plans anticipate similar outcomes.

Any other matter – s104(1)(c)

There are no other matters that are considered relevant and reasonably necessary in order to determine this application.

Other relevant RMA sections

Lapsing of Consent (section 125)

It is appropriate in this case to set a 10 year lapse date of this consent given the scale of the proposal and the level of works required to be undertaken.

Part 2 (Purpose and Principles)

Section 5 sets out the purpose of the RMA, and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgement is informed by the principles in sections 6 to 8, and considered in light of the particular circumstances of each application.

In terms of section 5, management, use and development of such resources must take place at a rate which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety, while sustaining the potential of

resources to meet the needs of future generations, safe-guarding the life-supporting capacity of air, water, soil and eco-systems and avoiding remedying and mitigating adverse effects.

The actual and potential effects of the proposed DCP are considered to be acceptable and can be adequately avoided remedied and mitigated through the imposition of consent conditions. In particular, the nature, scale, location and design of the proposed development, including the mix and arrangement of activities, generally reflects what is anticipated by the District Plan for Kumeu Town Centre, notwithstanding that 61 additional household units (up to 211 in total) are proposed. The density of the development is considered to be appropriate for a Town Centre location and is supported by the applicant's expert analysis particularly in relation to traffic, urban design, flooding and servicing.

Therefore, it is considered that the proposal is consistent with section 5 of the Act as it will enhance the sustainable management of Kumeu Town Centre and has been demonstrated that the adverse effects on the environment can be adequately avoided, remedied or mitigated.

Section 6 of the Act sets out a number of matters of national importance which need to be recognised and provided for, and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage. The DCP provides for public access to and along the Kumeu River margin and additional recreational opportunities within a larger open space area immediately adjacent. Riparian planting will further enhance water quality within the river and provide additional habitat for native fauna.

The application has particular regard to the relevant Section 7 matters including '*the maintenance and enhancement of amenity values*' section 7(c) and '*the maintenance and enhancement of the quality of the environment*' section 7(f), and satisfies these requirements through appropriate design and layout that has particular regard to enhancing the amenities associated with the Kumeu River.

There are no relevant Section 8 matters to be taken into account in this instance as the site does not contain any recorded cultural heritage items.

Overall, and on the balance, the application is considered to meet the relevant provisions of Part 2 of the RMA for the reasons outlined above. Therefore, the proposal achieves the purpose of the RMA being the sustainable management of natural and physical resources.

Conclusion

Overall, it is concluded that the resource consent application for a Development Concept Plan relating to Kumeu Town Centre, including new retail/commercial/office buildings (approximately 14750m² GFA), up to 211 new household units (including 173 dwellings within revised Policy Area C, 30 live-work units and apartments within Policy Area B), roads, car parking, reserves, walkways and a town square. at 94, 102 and 104 Main Road, Kumeu, meets the requirements of the Resource Management Act and specifically sections 104, 104B, 104D and Part 2 of the Act.

The actual and potential effects of the proposal upon the environment are deemed to be acceptable, and adverse effects can be adequately avoided remedied and mitigated through the imposition of consent conditions. It is generally consistent with the relevant objectives and policies of the relevant statutory planning documents, and on balance, the proposal promotes the sustainable management of natural and physical resources.

Recommendation

Under sections 104, 104B, 104D and Part 2 of the RMA, I recommend that consent is granted to this non complying activity application, subject to the following conditions.

The reasons for this recommendation are:

1. The proposal passes the tests under s104D for non-complying activities. As discussed below the proposal is not contrary to the relevant objectives and policies and will have no more than minor adverse effects.
2. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be acceptable as the adverse effects can be adequately avoided remedied and mitigated (to a degree that is no more than minor) through the imposition of consent conditions. In particular, the nature, scale, location and design of the proposed development, including the mix and arrangement of activities, generally reflects what is anticipated by the District Plan for Kumeu Town Centre, notwithstanding that 61 additional household units (up to 211 in total) are proposed. The density of the development is considered to be appropriate for a Town Centre location and is supported by the applicant's expert analysis particularly in relation to traffic, urban design, flooding and servicing.

In terms of positive effects:

- The proposed DCP enables the development of Kumeu Town Centre generally in accordance with the Special 34 Zone provisions. It will provide for additional business and residential opportunities, enhancing local employment and promoting the reduction of travel distances. This will support the vitality of the local economy.
 - The DCP provides for an extensive open space area adjacent to the Kumeu River including a planted riparian margin and esplanade reserve which will support and enhance native biodiversity and ecosystem. A walking and cycle network will also support the social wellbeing of the community.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the proposal is consistent with (and not contrary to) the objectives, policies and assessment criteria of the Auckland Council District Plan (Rodney Section) and the Proposed Auckland Unitary Plan because the DCP provides for a suitable mix of activities and a scale and intensity that can be supported by existing and proposed infrastructure. The design and layout of buildings, streets and open space provides for a quality urban environment, which enhances the amenity values of the Kumeu River and enables future connections to be established as

surrounding land is redeveloped. The extent of the development platform has been formulated through expert flood analysis to ensure that flood hazards are suitably avoided and mitigated. For these same reasons, the proposal is also consistent with the objectives and policies of the Auckland Council Regional Policy Statement.

4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
5. This proposal achieves the sustainable management purpose of the RMA under Part 2 because the proposed development provides for a new Town Centre with a suitable mix of activities at a scale and density that can be accommodated in this locality. It will support the social and economic wellbeing of the community by providing additional work and living opportunities while enhancing the amenity and recreational values associated with the Kumeu River environment. The applicant has suitably demonstrated through expert analysis that the adverse effects on the environment can be adequately avoided, remedied or mitigated to an acceptable degree.

The recommended conditions are:

General conditions

1. The all future subdivision and development shall be carried out in general accordance with the plans and all information submitted with the application (detailed below and all referenced by the council as consent number LAN-66314) and the following conditions of approval.

Report title and reference	Author	Ref	Dated
Assessment of Environmental Effects	Cato Bolam Consultants Limited	-	1 Dec 2015
		-	2 May 2016
Urban Design Assessment	Clinton Bird Urban Design Limited		
Integrated Traffic Assessment	Traffic Planning Consultants Limited	14365-r1v3	29 Apr 2016
Engineering Infrastructure Report	Cato Bolam Consultants Limited	33340	10 Nov 2015
Flood Hazard Assessment	Tonkin & Taylor Limited	22119.8	Apr 2016
Wastewater Report	GHD	5133700	Feb 2016
Water Report	GHD	5133700	Feb 2016

Plans:

Drawn by Avery Team Architects, titled 'Site Plan', version 'option B1.03', sheet BL 01, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan Diagram', version 'option B1.03', sheet BL 01A, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan – Part A', version 'option B1.03', sheet BL 02, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan – Part A - diagram', version 'option B1.03', sheet BL 02A, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan – Part B', version 'option B1.03', sheet BL 03, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan – Part B diagram', version 'option B1.03', sheet BL 03A, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 01', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 02', version 'option B1.03', sheet BL 03, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 03', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 04', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 05', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 06', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 07', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 08', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 09', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 10', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 11', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 12', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 13', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 14', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Perspective View 15', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective – Camera Position', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 01', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 02', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 03', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 04', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 05', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 06', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 07', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 08', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 09', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Riverside Perspective View 10', version 'option B1.03', sheet BL, dated 22 June 2016.

Drawn by Avery Team Architects, titled 'Site Plan Diagram Road Part', version 'option B1.03', sheet BL 01B, dated 22 June 2016.

Drawn by LASF Landscape Architects, titled 'Landscape Development Concept Plan', numbered 001, revision G, dated 28 April 2016.

Drawn by LASF Landscape Architects, titled 'Esplanade Concept Landscape Plan', numbered 002, revision G, dated 28 April 2016.

2. Under section 125 of the RMA, this consent lapses ten years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.
3. The overall development layout including the location, extent and arrangement of retail/commercial and residential activities, open spaces / reserves, roads, access and parking shall be generally in accordance with the approved site plan. The typologies as stated on the site plan are as follows:
 - TC1 – 3 storey - ground floor retail / commercial, first and second floor offices.
 - TC2 – 2 storey – ground floor retail / commercial.
 - TC3 – 4/5 storey – ground floor retail, first – fourth floor residential apartments
 - TC4 – 1/2 storey – ground floor retail / commercial, first floor commercial
 - TC5 – 2 storey - ground floor retail/commercial, first floor office

- TC6 – 2 storey – ground floor retail/commercial, first floor office
 - LW1 – 2 storey – live/work
 - LW2 - 2 storey – live/work
 - LW3 - 2 storey – live/work
 - LW4 - 2 storey – live/work
 - LW5 - 2 storey – live/work
 - T1 – 2 storey – residential 138 – 165m² GFA
 - T2 - 2 storey – residential 165m² GFA
 - T3 - 3 storey – residential 160 – 182m² GFA
 - T4 - 2 storey – residential 130m² GFA
 - T5 - 2 storey – residential 91m² GFA
 - T6 - 3 storey – residential 138m² GFA
4. The maximum number of residential units in the Town Centre (including residential units within revised Policy Area C, live-work units and any apartments in Policy Area B) shall be restricted to 211.

Advice Note: Council may consider any proposal to increase the total number of residential units as an application to change this condition in accordance with s127 of the RMA. Any application shall be required to specifically address traffic, access, parking and servicing requirements.

5. A road connection together with a walking/cycle pathway shall be formed along the esplanade reserve to connect the south eastern corner of the development to Weza Lane. In addition, a 'future' road connection to the boundary of 9-15 Weza Lane shall be vested in Council as road reserve with a minimum width of 16 metres.

In the event that landowner approval cannot be obtained from Council for the road connection along the esplanade reserve to Weza Lane, or it is otherwise deemed by Council to be unsuitable, a second 'future' road connection along the southern boundary to 9/15 Weza Lane shall be provided.

6. The land within the corridor extending from the end of the main spine road to the eastern side of the Kumeu River (shown on the site plan as 'potential bridge') shall be vested and held in public ownership as road reserve, drainage reserve, esplanade reserve or similar. The corridor shall have a minimum width of 20 metres.
7. The east west service lane links at the northern and southern ends of the residential area shall be formed to provide continuous vested public roads to enable appropriate vehicle circulation, or otherwise retained in private ownership with public easements in gross in favour of Council.

Advice Note: At subdivision stage Council and Auckland Transport may consider options for reduced width corridor, shared space or alternative design arrangement.

8. Through the retail/commercial area, the 'main street' and the main spine road shall be designed for a slow speed environment and allow safe and convenient crossing points for pedestrians. Speed calming shall be provided to slow down vehicular traffic to no more than 30km/h, and appropriate crossing facilities shall be provided with at least one of these providing priority for pedestrians i.e. a zebra crossing. Speed calming shall also be for the purpose of discouraging rat-running to the wider development.
9. The access to the 'main street' shall be a commercial crossing (drop down) of standard design (SD 3.14) to Auckland Transport Requirements. The width at the boundary should be 3.0m to move in an "in only" (one-way) direction.
10. The existing access at the south-eastern end of Pt Lot 1 DP 26511 shall be deconstructed, with kerb and channel and footpath reinstated to match adjacent levels.
11. Unless otherwise agreed with NZTA and Council, the consent holder shall lengthen the current short kerbside lane on the western approach to Access Road from 30m to 60m. This shall be completed prior to the occupation of any buildings on the site. Detailed design shall require NZTA approval prior to the commencement of the intersection upgrade works.
12. The development must provide the ability for the existing Kumeu Village shopping area to access to the proposed new Town Centre. This location shall be confirmed in subsequent consents. This connect will mitigate the possible effects on the right turn from the village by additional traffic queued on the state highway.
13. At the time of land-use consent for each building, it must be demonstrated that the relevant District Plan parking requirements (applicable at that time) will be satisfied. A land-use consent application must be submitted for any car parking shortfall.
14. The design of all proposed stormwater management devices shall be provided at subdivision stage. In particular:
 - a. The design of the proposed stormwater attenuation basins within the flood plain shall be considered to ensure they are integrated within the esplanade reserve and function as required.
 - b. all devices proposed are to meet the stormwater quality treatment outcomes (75% TSS Removal from all new impermeable surfaces).
15. The development cannot meet condition 13d of the Kumeu Huapai Network Discharge Consent (referenced 25219) relating to 2 year flow attenuation. Therefore prior to the construction of any impermeable surfaces, the consent holder shall either:
 - a. Vary the Network Discharge Consent to waive this requirement, or
 - b. Obtain an individual diversion and discharge consent, or
 - c. Propose a method to achieve this requirement within the development platform area that is acceptable to Council.

16. An updated flood modelling report together with the final bridge/culvert design shall be submitted at Engineering Plan Approval stage for the first subdivision or land use consent. The report is required to confirm that the bridge/culvert as designed can convey the 100yr flood flows to meet the requirements of the Tonkin and Taylor report titled "Flood Hazard Assessment for Development at 94 Main Road Kumeu, April 2016" including any approved amendments to the April 2016 report. Currently the following parameters should be allowed for:
 - a. The peak upstream water level is: 23.07 mRL
 - b. The peak downstream water level is: 23.05 mRL
 - c. The peak discharge is: 12.24 m³/s
17. A 20 metre wide esplanade reserve shall be provided adjacent to the Kumeu River in accordance with the District Plan and s230 of the RMA.

Advice Note: An esplanade reserve waiver/reduction has been considered in relation to the tributary running through the site. This waiver/reduction process will be formalised at subdivision stage.
18. Pathways indicated throughout the open space / floodway area shall have a minimum width of 3 metres to accommodate cycling and pedestrian use, and shall be designed to withstanding periodic inundation. The pathways shall be located within publicly owned land so far as practicable, and where they are not, easements in gross in favour of Council must be created for public access purposes.
19. In addition to the relevant development controls for the Special 34 Zone / Kumeu Precinct, residential development shall meet the following design outcomes so far as practicable:
 - a. 50% of outdoor living areas receive at least 3 hours sun during winter solstice.
 - b. Front of unit fencing should be no greater than 1.2m.
 - c. Where the primary street address is onto a laneway, a separate door shall be required in addition to any garaging.
 - d. Private laneways shall incorporate landscape planting where landscape offerings cannot be located on adjacent private open space

Advice notes

1. *All future development shall be carried out in general accordance with the approved Development Concept Plan. If however, any future development is proposed which does not generally accord with the approved Development Concept Plan an application under s127 to change the conditions may be required, or otherwise require the submission of a revised Development Concept Plan. Alternatively, any proposal not in accordance with the approved Development Concept Plan may be assessed as a non-complying activity in accordance with Rule 12.8.34.2.2 of the Auckland Council District Plan (Rodney Section) and Rule 3.K.5.21.1 of the*

Proposed Auckland Unitary Plan

2. *NZTA will monitor right turn movements into the 'main street' access on an ongoing basis. Should the right turn movements become an issue in the future, NZTA reserves the right to take necessary safety measures to restrict movements.*
3. *All works on the State Highway are to be carried out under an approved Traffic Management Plan (TMP) in accordance with the latest version of NZTA's Cope of Practice for Temporary for Traffic Management (CoPTTM)*
4. *The consent holder shall obtain the approval of, and agreement from NZTA to undertake any works within the State Highway road reserve in terms of section 51 of the Government Rounding Powers Act 1989. AN application to that effect can be made to NZTA's Senior Network Asset Manager, Ed Varley. NZTA will process the application within a reasonable time frame. It is absolutely necessary that this approval and agreement from NZTA is obtained as a matter of priority before commencing any upgrade works on the State Highway.*
5. *The consent holder shall be aware that approval from Kiwi Rail may also be required due to proximity of rail lines to the Access Road widening.*

This report and recommendation prepared by:

Name: Hayden Wadams

Title: Senior Planner, Resource Consents

Signed: 

Date: 