

# Decision on notification of an application for resource consent under the Resource Management Act 1991



## Non-complying activity

**Application number:** LAN-66314 (land use consent)  
**Applicant:** 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

### Proposal:

Resource consent for a Development Concept Plan relating to Kumeu Town Centre, including new retail/commercial/office buildings (approximately 14750m<sup>2</sup> 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.

The resource consents required are:

## Land use consents (s9)

### 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.

## Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on notification.

### Public notification

Under section 95A of the RMA this application shall proceed without public notification because:

1. The adverse effects on the environment will be no more than minor because:
  - a. 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.

- b. Council's Stormwater Department are satisfied that the extent of the development platform is appropriate on the basis of the detailed flood modelling undertaken by the applicant. Therefore, the proposed development can be accommodated in this location without exacerbating flood hazard risk.
  - c. Watercare Services Limited are satisfied that the public wastewater and water supply systems have sufficient capacity to accommodate the proposed development, and Council's Development Engineer is also satisfied that the proposed means for servicing the development is acceptable.
  - d. The DCP makes adequate provision for riparian enhancement and public open space areas adjacent to the Kumeu River, including a walking and cycle network. Batter slopes and landscaping planting around the development edge will ensure a sympathetic transition from the development into the open space / floodway area. Council's Parks Advisor is satisfied that the proposed open space outcomes are acceptable and appropriate.
  - e. NZTA, Auckland Transport and Council's Traffic Engineer are satisfied that the proposed access arrangement can adequately cater for the traffic volumes likely to be generated by the development on the basis of detailed traffic modelling undertaken by the applicant. In particular, subject to proposed upgrade works, the development is not expected to compromise the safe and efficient operation of the State Highway or the local road network. The applicant has confirmed that the relevant District Plan car parking requirements are able to be satisfied through a combination of above-ground and below-ground car parking.
  - f. There are no identified cultural heritage features or sites and places of significance/value to mana whenua.
2. There is no district or regional rule or national environment standard that requires public notification and the applicant has not requested it.
  3. Having regard to the general discretion to notify under section 95A(1) and the special circumstances discretion under section 95A(4), I find there are no reasons to warrant public notification.

#### Limited notification

Under section 95B of the RMA this application shall proceed without limited notification because:

1. There are no adversely affected persons because:
  - a. 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.

- b. 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.
  - c. NZTA, Auckland Transport 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.
  - d. The proposed development is 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.
  - e. There are no identified cultural heritage features or sites and places of significance/value to mana whenua.
2. There are no protected customary rights groups in the region adversely affected by this proposal.

Accordingly, this application shall proceed on a **NON-NOTIFIED** basis.



**Cherie Lane**

**Duty Commissioner**

Date: 12<sup>th</sup> July 2016

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## Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 104D and Part 2 of the RMA, the application is **GRANTED**.

## 1. Reasons

The reasons for this decision 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.

## 2. Conditions

Under section 108 of the RMA, this consent is subject to the following 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.

<u>Report title and reference</u>	<u>Author</u>	<u>Ref</u>	<u>Dated</u>
Assessment of Environmental Effects	Cato Bolam Consultants Limited	-	1 Dec 2015
Urban Design Assessment	Clinton Bird Urban Design Limited	-	2 May 2016
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.
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- 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 – 165m<sup>2</sup> GFA
  - T2 - 2 storey – residential 165m<sup>2</sup> GFA
  - T3 - 3 storey – residential 160 – 182m<sup>2</sup> GFA
  - T4 - 2 storey – residential 130m<sup>2</sup> GFA
  - T5 - 2 storey – residential 91m<sup>2</sup> GFA
  - T6 - 3 storey – residential 138m<sup>2</sup> 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: the 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 through traffic seeking a short, alternative route 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 include the ability for the existing Kumeu Village shopping area to access the proposed new Town Centre. This location shall be confirmed in subsequent consents. This connection 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 m<sup>3</sup>/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.*



**Cherie Lane**

**Duty Commissioner**

Date: 12<sup>th</sup> July 2016