

Report for an application for resource consent under the Resource Management Act 1991



Restricted discretionary activity: land use (s9)

Restricted discretionary activity: subdivision (s11)

1. Application description

Application number(s): BUN60354475 (Council Reference)
LUC60354475 (s9 land use consent)
SUB60354475 (s11 subdivision consent)

Applicant: 71 Jutland Development Limited Partnership

Site address: 71 Jutland Road, Hauraki 0622

Legal description: Lot 13 DP 40751 (RT NA107B/220)

NZTM map reference: Approximately 1758240E 5925460N

Site area: 759m²

Auckland Unitary Plan (Operative in part)

Zoning and precinct: Residential – Mixed Housing Suburban Zone (no precinct applies)

Overlays, controls, special features, designations, etc: Controls:
• Macroinvertebrate Community Index – Urban

Designations:

- Airspace Restriction Designations – ID 4311, Defence purposes – protection of approach and departure paths (Whenuapai Air Base), Minister of Defence

Overlays / Special features:

- None applicable to the site

Proposed plan change(s): None applicable. Plan Change 120 was notified on 18 August 2022, after this application was lodged on 11 March 2020. Pursuant to s88A(1A) of the Resource Management Act 1991 (RMA), the activity status of the application is determined by the operative plan provisions in force at the date of lodgement. Accordingly, this assessment is undertaken under the operative AUP provisions only.

2. Locality Plan



Source: Auckland Council GIS

3. The proposal, site and locality description

Proposal

Mr Duncan Ross of Civix Limited has provided a description of the proposal on pages 6–11 of the Assessment of Environmental Effects (AEE) titled "71 Jutland Road, Hauraki – Combined Land Use and Subdivision Consent – 4 Dwellings", dated 11 March 2020.

Having undertaken a site visit and reviewed the application material, I generally concur with the consultant's description, with the following clarifications:

- The proposal involves demolition of the existing single-storey dwelling and accessory shed and the construction of four new three-storey dwellings on the site, followed by a fee-simple subdivision into four lots (Lots 1–4) around the approved development.
- The dwellings are technically detached but are arranged in a linear row along the centre of the site, of narrow width (each approximately 8.7m wide), and read visually from the street and adjoining properties as a townhouse-style typology rather than as conventional standalone suburban dwellings.
- The development includes earthworks of 759m² (163m³ in volume), associated retaining walls (to a maximum height of 0.66m), a shared right-of-way driveway along the southern boundary, new public stormwater and wastewater extensions through the site, and four on-site aquacomb stormwater detention tanks (one per lot).
- The AEE at section 3.1.1 describes the proposed vehicle crossing as 4.0m at the site boundary widening to 3.0m at the kerb. This description is incorrect. The Civix engineering plans (Drawings 1210 and 1290) show a 3.0m vehicle crossing at the site boundary, widening internally past the boundary to a 4.0m manoeuvring area. This corrected configuration is reflected in the assessment below.

Site and surrounding environment description

I concur with the description provided in section 2 of the AEE and have no further comment, except to record the following observations from my own site visit and analysis:

- The subject site is rectangular, with the long axis running approximately east-west, and slopes gently from the north-east towards the south-western corner with a total elevation change of approximately 2m across the site.
- An existing public wastewater main (DN150 EW) runs north–south through the centre of the site (approximate IL 22.77m at the upstream node).
- The surrounding environment is predominantly residential with one and two-storey detached dwellings on individual sites or in cross-lease configurations. There is a cluster of Business – Neighbourhood Centre Zone sites approximately 70m to the north-east. Hauraki Primary School (subject to a Designation) is located directly opposite the subject site.
- The site is well-served by public transport, with the AT 814 bus on Lake Road providing connections to Devonport, Takapuna Metropolitan Centre, Akoranga Station, and Auckland City Centre. Lake Town Green Park, Charles Reserve, and Northboro Reserve are within walking distance, as is the Hauraki Woolworths supermarket (approximately 850m / 12 minutes' walk).

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following Council specialist:

- Gil Salvador – Council Development Engineer, Northern Resource Consenting and Compliance (Takapuna). Engineering LUC Appraisal Memorandum dated 10 August 2020 (file reference BUN60354475). Mr Salvador's review covers earthworks and geotechnical matters, wastewater, stormwater (including capacity assessment of the downstream network), water supply (including firefighting supply), transportation, natural hazards, and erosion and sediment control. Mr Salvador concludes that, subject to a series of recommended engineering conditions, consent can be granted.

No other Council specialist input has been sought as the proposal does not engage matters that would normally require referral to other specialists (no protected trees, no historic heritage, no contamination indicators, no specific traffic or stormwater concerns warranting separate referral to those teams).

Iwi engagement

The site is not on or adjacent to land subject to a statutory acknowledgement under any of the seven Auckland regional settlement acts (refer to section 8 below). I am satisfied that no iwi engagement was required at lodgement and none has been initiated through the processing phase.

Local board

The Devonport-Takapuna Local Board has not made any submission or comment on this application, nor has the application been notified to the Local Board for comment. There is no indication on the file of any pre-application engagement with the Local Board.

Offering of conditions

The applicant has not proffered specific conditions of consent. At section 3.3 of the AEE the applicant states a willingness to accept conditions appropriate to the scale and nature of the activities, and requests the opportunity to review draft conditions prior to release of consent. The conditions in this report are largely drawn from the engineering conditions recommended by Mr Salvador and from standard Council templates for a development of this nature.

Infringements to standards

For the construction of four or more dwellings in the Mixed Housing Suburban Zone, the matters of discretion under H4.8.1(2) include all of the standards listed in Table H4.4.1 (Activity Table). Independent verification of the architectural plans against the development standards has identified the following infringements, which the applicant has identified and addressed in the AEE: height in relation to boundary (Lots 3 and 4 only), front yard (Lot 1 only), maximum impervious area, building coverage, landscaped area, outlook space (Lots 2 and 3), and outdoor living space (all four lots). These are addressed in the activity status summary at section 5.

5. Reasons for the application

Land use consent (s9) – LUC60354475

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

H4 Residential – Mixed Housing Suburban Zone

- To construct and use four dwellings on the site is a restricted discretionary activity under rule H4.4.1(A4).
- The construction of new buildings to accommodate the dwellings is a restricted discretionary activity under rule H4.4.1(A34) (new buildings take the same activity status as the underlying land use activity).
- New buildings on Lots 1 and 2 do not comply with Standard H4.6.5 Height in relation to boundary but comply with Standard H4.6.6 Alternative height in relation to boundary within the front 20m of the site frontage. This is a restricted discretionary activity under rule H4.4.1(A33).
- The proposal involves use and development under rules H4.4.1(A4) and H4.4.1(A34) that fails to meet the following core standards and is a restricted discretionary activity under rule C1.9(2):
 - o Standard H4.6.5 Height in relation to boundary is infringed on Lots 3 and 4 (beyond the front 20m where Alternative HIRB does not apply):
 - Lot 3 southern boundary (points S5–S6): infringed by a maximum height of 0.99m over a length of 3.34m
 - Lot 3 northern boundary (points N5–N6): infringed by a maximum height of 0.91m over a length of 3.025m
 - Lot 4 southern boundary (points S7–S8): infringed by a maximum height of 0.995m over a length of 3.43m
 - Lot 4 northern boundary (points N7–N8): infringed by a maximum height of 0.92m over a length of 3.759m
 - Lot 4 western (rear) boundary (points W1–W2): infringed by a maximum height of 1.15m over 10.96m at level 2, and a maximum height of 1.10m over 9.07m at level 3
 - o Standard H4.6.7 Yards (front yard) is infringed on Lot 1 only:
 - The first-floor balcony of Lot 1 encroaches into the 3m front yard by a depth of 0.643m over a length of 4.20m
 - An excavated retaining wall along the front boundary of Lot 1 to a maximum depth of 0.66m below existing ground level (within 1.5m of the road boundary it is captured by the J1.4 definition of a building)

- o Standard H4.6.8 Maximum impervious area is infringed: 61.3% (465m²) proposed where 60% (455m²) is the maximum permitted.
- o Standard H4.6.9 Building coverage is infringed: 43.0% (328m²) proposed where 40% (304m²) is the maximum permitted.
- o Standard H4.6.10 Landscaped area is infringed: 31.1% (236m²) proposed where 40% (303m²) is the minimum required.
- o Standard H4.6.11 Outlook space is infringed: the principal living rooms of Lots 2 and 3 each have an outlook space depth of 5.345m on-site, with the remaining 0.655m extending over the boundary of 73 Jutland Road, where 6m on-site is required.
- o Standard H4.6.13 Outdoor living space is infringed for all four lots:
 - Lot 1: ground-level outdoor living space minimum dimension is 2.357m (4m required); upper balcony (1.93m × 8m²) qualifies as 8m² of outdoor living space, leaving a 12m² shortfall against the 20m² minimum
 - Lot 2: ground-level outdoor living space minimum dimension is 1.6m (4m required); upper balcony minimum dimension is 1.5m (1.8m required); zero qualifying outdoor living space provided
 - Lot 3: ground-level outdoor living space minimum dimension is 1.6m (4m required); upper balcony minimum dimension is 1.5m (1.8m required); zero qualifying outdoor living space provided
 - Lot 4: ground-level outdoor living space minimum dimension is 3.15m (4m required); upper balcony minimum dimension is approximately 1.65m (1.8m required); zero qualifying outdoor living space provided

E12 Land disturbance – District

- To undertake general earthworks of 759m² (greater than 500m² up to 1,000m² in a residential zone) is a restricted discretionary activity under rule E12.4.1(A4). The total volume of earthworks is 163m³ which does not separately trigger consent under E12.4.1(A8) (volume threshold 250m³).

Subdivision consent (s11) – SUB60354475

Auckland Unitary Plan (Operative in part)

Subdivision (operative plan provisions)

E38 Subdivision – Urban

- To subdivide the parent site into four fee simple residential lots, in accordance with an approved land use resource consent and complying with Standard E38.8.2.1, is a restricted discretionary activity under rule E38.4.2(A14).

The reasons for consent in respect of each of LUC60354475 and SUB60354475 are considered together as a restricted discretionary activity overall under each consent, but the two consents are considered separately under sections 95 and 104 for the reasons given in section 6 below.

6. Status of the resource consents

The proposal involves more than one resource consent type (a land use consent under s9 and a subdivision consent under s11 of the RMA). Where activities have effects which overlap, they may be considered together; where effects do not overlap, they are considered separately.

In this instance, the applicant has proposed a subdivision around an approved development. The land use consent could be given effect to without the subsequent subdivision occurring (i.e. four dwellings could be established on the site without the lots being created), and the subdivision is contingent on the land use consent being granted and given effect to (E38.4.2(A14) requires compliance with E38.8.2.1, which requires the subdivision to follow an approved land use consent).

The effects of the two resource consents do not overlap. The land use consent triggers effects relating to built form, residential amenity, infrastructure, earthworks, traffic, and streetscape. The subdivision consent triggers a separate, narrower set of effects relating to the size and shape of the new lots, the registration of easements and consent notices, and any new or increased non-compliance with development standards arising from the location of new boundaries.

Accordingly, the activities are considered separately under sections 95 and 104 of the RMA. The activity status of each consent is:

- Land use consent (s9) LUC60354475: restricted discretionary activity overall.
- Subdivision consent (s11) SUB60354475: restricted discretionary activity.

This approach is consistent with the approach taken by the Council in similar combined LUC and SUB applications.

Land use consent (s9) – LUC60354475

All references in sections 7 to 10 below are to the proposed land use consent only.

7. Public notification assessment (sections 95A, 95C-95D)

Section 95A of the RMA specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the application is publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

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

Public notification is precluded in this instance under s95A(5)(b)(ii) of the RMA, because the application is for activities that are exclusively one or more of the activities specified in s95A(5)(b). Specifically:

- The application comprises a residential activity (the construction and use of four dwellings, with associated subdivision) that is a restricted discretionary activity in a residential zone.
- The application also includes earthworks (E12.4.1(A4)) which is an associated activity to the residential development. The earthworks are functionally and physically associated with the construction of the four dwellings and are necessary to enable that residential activity.
- There is no rule in the AUP or national environmental standard that precludes public notification under s95A(5)(a) for any of the activities subject to this application.

Notwithstanding the preclusion under s95A(5)(b)(ii), and in the interests of ensuring a robust assessment, the Council has continued to consider the s95A pathway through Steps 3 and 4 below.

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

The application is not required to be publicly notified as the activities are not subject to any rule or NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Only those effects that relate to matters that are within the Council's discretion under the rules are considered in this assessment. These matters are:

H4 Residential – Mixed Housing Suburban

- H4.8.1(2) – for four or more dwellings;
- H4.8.1(4) – for buildings that do not comply with Standard H4.6.5 Height in relation to boundary, but comply with Standard H4.6.6 Alternative height in relation to boundary;

C General rules

- C1.9(3) – infringement of standards (Standards H4.6.5 Height in relation to boundary, H4.6.7 Yards, H4.6.8 Maximum impervious area, H4.6.9 Building coverage, H4.6.10 Landscaped area, H4.6.11 Outlook space, H4.6.13 Outdoor living space);

E12 Land disturbance – District

- E12.8.1(1) – all restricted discretionary land disturbance activities.

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

Adverse effects assessment (sections 95A(8)(b) and 95D)

Mr Duncan Ross of Civix Limited has provided, in accordance with Schedule 4 of the RMA, an assessment of adverse environmental effects in such detail as corresponds with the scale and significance of the effects that the activities may have on the environment. This is found at sections 5 and 6 of the AEE.

I generally concur with the consultant's assessment, but I differ from the AEE on certain matters and have undertaken my own assessment below. Where I concur with the AEE, I say so explicitly. Where I differ or add nuance, I explain why.

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

Under s95D(a), the Council must disregard effects on persons who own or occupy the land that is the subject of the application, and on persons who own or occupy any adjacent land. The land considered adjacent to the subject site for the purposes of this assessment is listed at Table 1 below.

Table 1 – Adjacent land

Address Legal description / interface

Address	Legal description / interface
1A Pine Ridge Terrace	Lot 2 DP 381504 – directly adjoining the rear (north-west) boundary of the subject site
69 Jutland Road (Flats 1 and 2)	Lot 1 DP 112452 – cross-lease site directly adjoining the north-east side boundary of the subject site
73 Jutland Road	Lot 12 DP 40751 – directly adjoining the south-west side boundary of the subject site

Properties separated from the subject site by the Jutland Road carriageway (including 80 Jutland Road and 82 Jutland Road – Hauraki Primary School) are not considered adjacent for the purposes of s95D(a). They have no boundary interface with the subject site, are separated by the road carriageway and footpath, and the effects of the development on these properties are confined to streetscape and amenity matters which are addressed in the broader effects assessment.

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

No written approvals have been provided in support of this application. There is no person whose adverse effects must be disregarded on this basis.

Effects that may be disregarded

Permitted baseline

The relevant permitted baseline for this site under H4.4.1(A3) is up to three dwellings on the site complying with all standards in Table H4.4.1. This baseline is realistic and non-fanciful given the site area (759m²) and zoning, and the prevailing pattern of development in the immediate environment. I have exercised the discretion to take this baseline into account.

The scope of the permitted baseline applied is as follows:

- Built form intensity: I have taken into account that three dwellings of comparable scale and siting could be constructed on the site as a permitted activity. Adverse effects associated with the bulk, location and visual presence of dwellings up to that level of intensity are disregarded.
- Vehicle movements: I have taken into account that traffic and access movements typical of three permitted dwellings could be generated from the site without consent.
- Earthworks: a three-dwelling permitted development of similar siting on this site would require comparable site preparation works. The area threshold under E12.4.1 (500m²) would likely be exceeded for a three-dwelling permitted development of similar form, but the volume threshold (250m³) would not. I have taken into account that earthworks of comparable scale (in volume terms) could occur on the site supporting a permitted three-dwelling development.

- Shading effects: I have NOT applied the permitted baseline broadly to shading effects. The shadow study provided by the applicant compares the proposed development envelope against the standard HIRB recession plane envelope. It does not directly compare four dwellings against a three-dwelling permitted baseline. The conclusion that "shadow beyond the HIRB mesh is negligible" tells us only that the HIRB infringements themselves do not materially add shadow beyond a compliant HIRB envelope; it does not tell us whether four dwellings on the site cast more shadow than three permitted dwellings would. I address this distinction in the effects assessment below.

Assessment

Receiving environment

The receiving environment beyond the subject site comprises the immediately adjacent residential properties (refer to Table 1) and the wider Mixed Housing Suburban Zone neighbourhood, which is characterised by predominantly one and two-storey detached dwellings on individual sites or in cross-lease configurations, with some recent more intensive infill development. Hauraki Primary School (subject to a Designation) is located across Jutland Road. The area is generally well serviced by reticulated infrastructure, public transport, local centres, and educational and recreational facilities.

A review of Council's records has confirmed there are no approved yet unimplemented consents in the immediate surrounds that would have a material impact on this assessment.

Adverse effects assessment

The matters of discretion (listed above) bring the following types of adverse effects within the scope of the s95A(8)(b) test:

- streetscape, neighbourhood character and built form effects;
- residential amenity effects (visual dominance, privacy, overlooking, sunlight access);
- infrastructure effects (stormwater, wastewater, water supply);
- earthworks and construction effects (stability, dust, sediment, noise, vibration);
- traffic and access effects.

Adverse streetscape, neighbourhood character and built form effects

I generally concur with the consultant's assessment at section 6.2.1 and 6.2.2 of the AEE, with the following observations and qualifications:

- The dwellings are of three storeys, which is taller than the predominantly two-storey character anticipated by the Mixed Housing Suburban Zone. Although the buildings comply with the maximum 8m height plus 1m roof allowance for steep-pitched roofs, the linear arrangement of four narrow three-storey forms is not entirely consistent with the suburban built character described in the zone description. This is a tension I have weighed but ultimately consider acceptable for the reasons that follow.

- The development incorporates modular building forms with varied materials (vertical pine shiplap weatherboards, James Hardie Easylap and Stria cladding, aluminium joinery), articulated facades, balconies, and pitched roofs. These design elements break up the apparent bulk of the buildings and avoid blank or visually dominant walls.
- Lot 1 (the streetscape-facing dwelling) presents as a two-storey form to the street with a balcony overlooking Jutland Road, glazing across the front facade providing passive surveillance, and a recessed garage door. This is consistent with Policy H4.3(3) requiring development to achieve attractive and safe streets.
- The proposed front yard landscaping is 79.2% (well exceeding the 50% minimum) and includes a Nikau palm and lush hedging and underplanting at the street frontage, with low (1.2m) semi-transparent street-facing fencing. This contributes positively to the streetscape and is a feature of the application that I consider notable.
- The infringements to building coverage (3% over), maximum impervious area (1.3% over), and landscaped area (8.9% short) are all in the same direction (more building, less landscape). The landscaped area shortfall is the most material of these. However, the spatial distribution of landscaping is appropriate – the substantial front yard treatment offsets the reduced landscaping internally to the site, and tall boundary planting along the rear and side boundaries (per the Sola Landscape Architects landscape plan) softens the built form at the neighbour interfaces.
- When viewed against the permitted baseline (three dwellings complying with standards), the additional bulk and reduced spaciousness associated with the fourth dwelling and the standards infringements is incremental rather than transformative. The streetscape impact is closely comparable to a permitted three-dwelling development.

Overall, I conclude that adverse streetscape, neighbourhood character and built form effects on the wider environment will be less than minor.

Adverse residential amenity effects (visual dominance, privacy, sunlight access)

Effects on residential amenity affecting persons on adjacent properties are addressed in the s95B/s95E assessment in section 8 below. For the purposes of the s95A(8)(b) public notification test (effects on the environment, excluding effects on owners/occupiers of adjacent land), I rely on the assessment below at section 8 and conclude that adverse residential amenity effects on the wider environment beyond the immediately adjacent properties are less than minor. The development is designed to provide acceptable internal amenity for future occupants of the four dwellings, with adequate room sizes, glazing, balconies, and landscaping. Adverse effects on the wider environment from these matters are less than minor.

Adverse infrastructure effects

Mr Salvador, the Council's Development Engineer, has assessed the infrastructure effects of the proposal in his memo of 10 August 2020. I rely on Mr Salvador's specialist input and adopt his conclusions. In summary:

- Stormwater: the downstream public stormwater network is undersized for the proposed development. To mitigate this, the applicant has proposed 10-year detention via aquacomb tanks. The Civix infrastructure report (March 2020) initially proposed two

aquacomb tanks (on Lots 1 and 4); the updated stormwater servicing plan (Drawing 1400, dated 13 August 2020) shows aquacomb tanks on all four lots. The latter (later) drawing supersedes the earlier description in the report. I note this discrepancy and rely on the updated drawing for the purposes of this assessment. Subject to conditions requiring tanks on all four lots, stormwater effects on the wider network will be less than minor.

- Wastewater: an existing public wastewater main runs north–south through the centre of the site. The proposal involves construction over portions of this line, which will require Watercare Works Over Approval prior to building consent. The Civix Infrastructure Assessment confirms the downstream wastewater network has sufficient capacity for the development. Mr Salvador concurs with this assessment. The finished floor level for Lot 4 has a 1.0m clearance to the soffit of the public sewer at the connection point, which does not meet the 1.20m clearance required by Watercare's standards. The applicant seeks dispensation from Watercare on the basis that the site is at the top of the catchment and the shortfall is small. This is a matter for Watercare to determine through the Works Over Approval process; it does not affect the AUP-based effects assessment, but it is appropriate to flag it via condition and advice note.
- Water supply: water supply is available within the road reserve. Two firefighting hydrants are available within the relevant SNZ PAS 4509:2008 distances. Each lot will be served by a separate Watercare-approved water meter located in the road reserve.

I rely on the specialists' assessment and conclude that adverse infrastructure effects on the environment will be less than minor.

Adverse earthworks and construction effects

Earthworks of 759m² area and 163m³ volume are proposed. Mr Salvador has reviewed the earthworks proposal and the BWN geotechnical investigation report (28 December 2019) and confirms the site is generally suitable for the proposed development, with class M soil expansiveness and an ultimate bearing capacity of 300kPa. Standard erosion and sediment control measures (per Auckland Council GD05) are proposed, shown on Drawing 1180.

Adverse effects from earthworks and construction (instability, dust, sediment runoff, noise, vibration, traffic disruption) will be temporary in nature. The earthworks are modest in volume terms (163m³ – below the 250m³ threshold for a more intensive consent pathway). The Salvador memo recommends a comprehensive set of engineering conditions covering pre-construction meeting, retaining wall construction methodology, supervision of earthworks, dust nuisance, stability, erosion and sediment control, and post-construction CCTV inspection.

I adopt the engineering conditions recommended by Mr Salvador. Subject to those conditions, adverse earthworks and construction effects on the wider environment will be less than minor.

Adverse traffic and access effects

The proposal generates four vehicle parking spaces (one per dwelling) accessed via a single new vehicle crossing of 3.0m width at the site boundary, on Jutland Road. The existing speed limit on Jutland Road is 50km/h. The Civix preliminary traffic comments (TEAM, September 2019) and Mr Salvador's review confirm that the access gradients comply with E27 standards

(maximum gradient on the driveway is 1:30 / 3.3% over the manoeuvring portions, and 1:38 / 2.6% over the access driveway sections, both well within the 1:5 limit), there are clear sight lines, and on-site manoeuvring is provided so that all vehicles can exit the site in forward gear (85th percentile vehicle tracking demonstrated on Drawing 1210).

The trip generation thresholds in E27.6.1 (100 dwellings) are not approached. The number of vehicle movements generated by four dwellings is small in the context of the existing local road network and Hauraki Primary School zone.

I conclude that adverse traffic and access effects on the wider environment will be less than minor.

Adverse effects conclusions (s95A(8)(b))

Overall, I conclude that the activities will not have or be likely to have adverse effects on the environment that are more than minor. Public notification is therefore not required under s95A(8)(b).

Step 4: public notification in special circumstances

Under s95A(9), the Council must determine whether special circumstances exist that warrant the application being publicly notified. Special circumstances are those that are exceptional, abnormal or unusual, but something less than extraordinary or unique; outside the common run of applications of this nature; or circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance, I have turned my mind specifically to the existence of any special circumstances and conclude that none exist. The proposal is for a four-dwelling residential development in the Mixed Housing Suburban Zone with associated subdivision. This is within the common run of applications received in the residential zones of the AUP. Although the proposed three-storey form is at the upper end of what is anticipated within the zone, this is not exceptional, abnormal, or unusual within the common run of applications of this nature.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, public notification is precluded under s95A(5)(b)(ii) as the application is exclusively for activities specified in s95A(5)(b).
- Under step 3, public notification is not required as the activities are not subject to a rule that specifically requires it, and the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the application being publicly notified.

It is therefore recommended that this application be processed without public notification.

8. Limited notification assessment (sections 95B, 95E-95G)

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

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

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

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

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

In this instance, I have reviewed the Schedule 11 statutory acknowledgement geometries against the location of the subject site. The site is not on or adjacent to land that is the subject of any statutory acknowledgement and the proposal will not affect any such land. The application does not result in adversely affected persons in this regard.

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

The application is not precluded from limited notification as:

- the application is not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)). I note in particular that H4.5(1)(a) of the AUP precludes notification only for proposals involving four or more dwellings that comply with all listed standards. This proposal involves multiple infringements to listed standards (HIRB, front yard, building coverage, landscaped area, maximum impervious area, outlook space, outdoor living space) and so the H4.5(1)(a) preclusion does not apply.
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

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

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

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

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded;
- the adverse effects on those persons who have provided their written approval must be disregarded; and
- as a restricted discretionary activity, only those effects that fall within the matters of discretion restricted under the plan can be considered. These matters are listed in section 7 above.

Adversely affected persons assessment (sections 95B(8) and 95E)

For the purposes of this assessment, I refer to and adopt the permitted baseline and receiving environment described in section 7 above.

Mr Ross at section 5.2.3 of the AEE has provided an assessment of adversely affected persons. I generally concur with the consultant's assessment but I have undertaken my own assessment of the three adjacent properties below, with particular attention to 73 Jutland Road (which is the most affected receptor) and the question of whether the cumulative effects of the HIRB infringements, outlook encroachment, and shading from the AHIRB cross the s95E threshold.

Persons at 1A Pine Ridge Terrace (rear / NW)

This site contains a single standalone dwelling adjoining the rear (NW) boundary of the subject site. The most relevant proposed feature is Lot 4, which contains the largest HIRB infringement on the site (the W1–W2 west elevation infringement of 1.15m × 10.96m at level 2 and 1.10m × 9.07m at level 3).

- Visual dominance: Lot 4 is appropriately set back, modulated, and articulated. The west elevation includes glazing that breaks up blank wall surfaces, and the building reduces in mass towards the rear with a stepped roof form. Although the W1–W2 infringement is the largest on the site, it is on the west (downhill) side of the development and is partially screened by proposed boundary planting (1.8m close-board fence with climbers, plus tall hedging per the Sola landscape plan). I assess visual dominance effects on this neighbour as less than minor.
- Privacy / overlooking: the west elevation of Lot 4 includes some glazing at second floor level. However, the proposed orientation of habitable rooms and the second-floor master

bedroom places the primary outlook of Lot 4 to the east (over the on-site outdoor living area), and louvres are proposed to the west-facing windows where required. Overlooking effects on 1A Pine Ridge Terrace are mitigated to less than minor.

- Sunlight access: the W1–W2 infringement faces this neighbour but, because the sun is in the northern sky in New Zealand, shadow from the W1–W2 infringement falls eastward (into the subject site itself) in the morning and minimal shadow falls westward in the late afternoon. The infringement does not materially shade 1A Pine Ridge Terrace's primary outdoor living space. Sunlight access effects are less than minor.
- Neighbourhood character: the development presents to this neighbour as an articulated three-storey form set back behind boundary planting. The intensity of three dwellings (with Lot 4 being the closest to this neighbour) is broadly comparable to a three-dwelling permitted baseline. Effects are less than minor.

Overall, adverse effects on the persons at 1A Pine Ridge Terrace are less than minor.

Persons at 69 Jutland Road, Flats 1 and 2 (NE side)

This is a cross-lease site containing two dwellings (Flat 1 near the frontage with associated outdoor living to the rear; Flat 2 is a rear unit with outdoor living adjoining the subject site interface). The relevant proposed features are the AHIRB applied to Lots 1 and 2 within the front 20m of the subject site (which interfaces with Flat 1's accessway and lean-to garage), and the standard HIRB infringements on the northern boundary of Lots 3 and 4 (N5–N6 and N7–N8).

- Visual dominance: the AHIRB recession plane is fully complied with for Lots 1 and 2 within the front 20m of the site. Beyond 20m, the standard HIRB is infringed on Lots 3 and 4 at the northern boundary by less than 1m in height each, over lengths of approximately 3m. The infringements are at the apex of the roof form and are limited in extent. Visual dominance effects on 69 Jutland Road are less than minor.
- Privacy / overlooking: the second-floor north-facing windows on Lots 3 and 4 are within the standard HIRB recession plane (the infringement is at roof apex only, not at glazing level). The proposed louvres and the orientation of the principal living rooms over the on-site driveway and balconies (rather than over the neighbour) reduce overlooking. Overall, privacy effects on this neighbour are less than minor.
- Sunlight access: the sun is in the northern sky, so the development does not cast shadow northwards onto 69 Jutland Road. The N5–N8 infringements face this neighbour but cast their shadow southward (into the subject site itself), not onto 69 Jutland Road. Sunlight access effects on this neighbour are less than minor.
- Neighbourhood character: the layout of the proposed development presents three buildings to this neighbour (Lots 2, 3 and 4 are visible across the boundary). Vehicle movements from the development pass along the southern (opposite) side of the subject site and do not affect this neighbour. Effects are less than minor.

Overall, adverse effects on the persons at 69 Jutland Road Flats 1 and 2 are less than minor.

Persons at 73 Jutland Road (SW side) – primary affected receptor

This site contains a single standalone dwelling located towards the centre of the site, with a sealed accessway and lean-to garage along the north-eastern boundary (i.e. the boundary shared with the subject site) and the primary outdoor living space located to the north-west of the dwelling. The relevant proposed features are:

- the AHIRB applied to Lots 1 and 2 within the front 20m of the subject site (which interfaces with the accessway and lean-to garage portion of 73 Jutland);
- the standard HIRB infringements on the southern boundary of Lots 3 and 4 (S5–S6 and S7–S8) beyond 20m of the frontage;
- the outlook space encroachment of 0.655m extending across the boundary from the principal living rooms of Lots 2 and 3.

This is a finely-balanced determination. I have carefully considered each effect type below.

- Visual dominance: the AHIRB is fully complied with within the front 20m. Beyond 20m, the standard HIRB is infringed on Lots 3 and 4 at the southern boundary by less than 1m in height each, over lengths of approximately 3.3–3.4m. As with the N5–N8 infringements, these are at the apex of the roof form, are limited in extent, and are screened by proposed 1.8m close-board boundary fencing with climbers and tall hedging per the Sola landscape plan. Visual dominance effects on 73 Jutland are less than minor.
- Outlook encroachment: the principal living rooms of Lots 2 and 3 have outlook spaces of 5.345m on-site, with the remaining 0.655m extending over the boundary of 73 Jutland. The encroaching portion of the outlook falls over a part of 73 Jutland that contains a sealed accessway and lean-to garage (rather than the primary outdoor living space, which is located further to the north-west of that property's dwelling, on the opposite side of the building from the encroachment). The proposed 1.8m close-board fencing along the shared boundary will further reduce overlooking. The encroachment is small in dimension (655mm), the impacted area on the neighbouring site is occupied by accessory features rather than primary living space, and the proposed boundary treatment further mitigates effects. Outlook encroachment effects on 73 Jutland are less than minor.
- Privacy / overlooking: the second-floor south-facing windows on Lots 3 and 4 are within the standard HIRB recession plane. The principal living rooms of Lots 2 and 3 face south across the boundary toward 73 Jutland. However, the encroachment portion overlooks 73 Jutland's accessway/garage rather than its primary outdoor living space, and proposed boundary fencing will further screen ground-level views. Overall, privacy effects on this neighbour are less than minor.
- Sunlight access (September equinox): the proposed development satisfies the test in H4.8.2(4)(a) – four hours of sunlight is retained between 9am–4pm during the September equinox over more than 75% of 73 Jutland's existing outdoor living space. The applicant's shadow study (drawing 013) at 10am, 12pm, 2pm and 4pm on 22 September shows that morning shadow is largely on-site or falls onto 73 Jutland's accessway/garage, midday shadow is largely on-site, and afternoon shadow heads SE

away from 73 Jutland. The H4.8.2(4)(a) test is passed in respect of the AHIRB-driven elements of the development.

- Sunlight access (June solstice): the position is more nuanced at the winter solstice. The applicant's June 22 shadow study shows that between 9am and 1pm, more than 25% of 73 Jutland's site (including portions of the outdoor living space) is shaded by the proposed development. Lot 4 specifically contributes additional shading on 73 Jutland's outdoor living area at 10am. Between 1pm and 4pm, less than 25% of the site is shaded and afternoon sun access is retained. On a strict reading, the morning shading at June solstice is at or above the "more than minor" threshold.
- However, this morning shading must be considered against the permitted baseline. A three-dwelling permitted development of comparable siting on the subject site would also generate substantial morning shading on 73 Jutland in June. The Auckland Unitary Plan accepts that some shading at the winter solstice is permitted at the boundary. The shadow study does not directly compare four dwellings against three permitted dwellings, but the incremental contribution of the fourth dwelling and the HIRB infringements to morning June solstice shading is not the dominant component of the gross shadow figure. The AUP's H4.8.2(4)(a) test (set at September equinox, 9am–4pm) is the formal benchmark of acceptable shading effects in the zone, and that test is passed.
- Net assessment: the morning effects on 73 Jutland at June solstice are at the threshold of being more than minor. However, when (a) afternoon sun access is retained year-round, (b) the H4.8.2(4)(a) equinox test is passed, (c) the implied permitted baseline shadow envelope at June solstice from a three-dwelling development would generate substantial morning shading regardless, and (d) the 1.8m close-board boundary fencing and 1.4m alternative HIRB compliance limits the visual mass at the boundary, I conclude on balance that the cumulative shading effects on 73 Jutland are less than minor.
- I acknowledge that this is a finely-balanced determination. A different planner might reasonably conclude that morning June solstice shading is sufficient to make the persons at 73 Jutland affected for the purposes of s95E. My determination rests primarily on (a) the H4.8.2(4)(a) equinox test being passed, (b) the permitted baseline considerations, and (c) afternoon sun access retention.

Overall, on balance, adverse effects on the persons at 73 Jutland Road are less than minor.

All other persons (beyond those specifically addressed above)

All persons whose properties are not directly adjoining the subject site are sufficiently separated by intervening properties or by the Jutland Road carriageway. The matters of discretion (visual dominance, privacy, sunlight access, character, infrastructure, earthworks, traffic) cannot give rise to adverse effects on these more distant persons that are more than less than minor. They are not affected persons under s95E.

Step 4: further notification in special circumstances

Under s95B(10), I must determine whether special circumstances exist in relation to the application that warrant it being limited notified to any other persons not already determined as

eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application that would warrant notification to any other persons. The proposal is a four-dwelling residential development with associated subdivision in a Mixed Housing Suburban Zone, which is within the common run of applications received in residential zones.

Limited notification conclusion

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

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that precludes limited notification of the activities, and the application is not exclusively for a controlled activity (other than a subdivision).
- Under step 3, limited notification is not required as the activities will not result in any persons being adversely affected at the s95E threshold.
- Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons.

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

9. Notification recommendation – LUC60354475

Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

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

Arson Rashidmardani
Senior Planner
Resource Consents

Date: 28 April 2026

10. Notification determination – LUC60354475

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.

XXX
Team Leader
Resource Consents

Date: 28 April 2026

All references in sections 11 to 14 below are to the proposed subdivision consent only.

11. Public notification assessment (sections 95A, 95C–95D)

Section 95A of the RMA specifies the steps the Council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required for the same reasons as set out at section 7 above (no applicant request, no outstanding s92 requests, no exchange of recreation reserve land).

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

The application is not precluded from public notification as:

- the activities are not subject to a rule or NES which precludes public notification (s95A(5)(a)); and
- the application does not exclusively involve one or more of the activities specified in s95A(5)(b).

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

The application is not required to be publicly notified as the activities are not subject to any rule or NES that requires public notification (s95A(8)(a)).

Only those effects that relate to matters within the Council's discretion under the rules are considered. The matters of discretion under E38.12.1(6) for subdivision in accordance with an approved land use resource consent are limited to:

- the effect of the design and layout of the proposed sites created;
- whether the design and layout result in new or increased non-compliance with Auckland-wide and zone rules;
- whether there is appropriate provision made for infrastructure;
- whether there is appropriate creation of common areas over parts of the parent site that require access by more than one site.

Adverse effects assessment (sections 95A(8)(b) and 95D)

There is no relevant permitted baseline for subdivision activities. All subdivision activities (with limited exceptions for long-term leases and subdivision around a network utility) require resource consent under the AUP.

For the purposes of this assessment, I refer to and adopt the receiving environment described in section 7 above.

The proposed subdivision will result in less than minor adverse effects on the environment for the following reasons:

- The proposed lots reflect the dwellings approved under the land use consent in terms of size and shape, with appropriate provision for outdoor living spaces and access.
- The new lot boundaries will create new and increased non-compliances with Auckland-wide and zone rules in terms of building coverage and landscaped area, when assessed against each individual lot rather than the parent site. This is an inherent feature of subdividing around an approved development of this typology and scale, and does not result in any physical change to the development. Consent notices are proposed (refer to the conditions in the Decision Two below) requiring landscaped area to be maintained on each lot, ensuring that potential future incremental development does not exacerbate these effects.
- Each lot has direct access to Jutland Road via the shared right-of-way driveway, with appropriate easements (right of way, right to convey services) over the burdened lots benefiting the other lots, registered against the new titles.
- Maintenance easements are provided where habitable buildings sit close to internal lot boundaries, ensuring future owners can access neighbouring lots for maintenance purposes.
- Infrastructure provision is adequate. Each lot will be serviced by reticulated wastewater (via the new public main extension through the site), reticulated water supply (with separate Watercare-approved meters), and reticulated stormwater (with on-site aquacomb detention tanks providing 10-year detention). Telecommunications and electricity will be provided underground per the relevant utility operators' standards.
- Common ownership of shared infrastructure (the shared accessway and the wastewater pumping arrangements) will be addressed through consent notices and easements.

Overall, adverse effects on the environment from the subdivision will be less than minor.

Step 4: public notification in special circumstances

I have turned my mind specifically to the existence of any special circumstances under s95A(9) and conclude that none exist. The subdivision is for four residential lots in the Mixed Housing Suburban Zone, in accordance with an approved land use consent. This is within the common run of subdivision applications received in residential zones.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that precludes public notification of the subdivision.
- Under step 3, public notification is not required as the activities are not subject to a rule that requires it, and effects on the environment will not be more than minor.
- Under step 4, there are no special circumstances that warrant public notification.

It is therefore recommended that this application be processed without public notification.

12. Limited notification assessment (sections 95B, 95E–95G)

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

There are no protected customary rights groups or customary marine title groups affected by the subdivision (s95B(2)). The site is not on or adjacent to land subject to any statutory acknowledgement under any of the seven Auckland regional settlement acts (refer to section 8 above for the full list and confirmation).

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

The application is not precluded from limited notification as:

- the application is not for activities exclusively subject to a rule or NES preclusion (s95B(6)(a)); and
- the application is not exclusively for a controlled activity, other than a subdivision, that requires consent under a district plan (s95B(6)(b)).

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

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

Adversely affected persons assessment (sections 95B(8) and 95E)

As above, the matters of discretion for subdivision in accordance with an approved land use consent are narrow and relate to the design and layout of the new lots, infrastructure provision, and common areas. The subdivision creates no new physical built form on the site (the built form having been approved under the land use consent), and so does not introduce new adverse effects on adjacent persons in terms of visual dominance, privacy, sunlight access, or character.

For the persons at 1A Pine Ridge Terrace, 69 Jutland Road, and 73 Jutland Road, the subdivision does not change the relationship of the development to their properties. Adverse effects on these persons from the subdivision are less than minor.

All other persons are sufficiently separated such that they cannot experience effects from the subdivision at the s95E threshold.

Step 4: further notification in special circumstances

I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that none exist.

Limited notification conclusion

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

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that precludes limited notification.
- Under step 3, limited notification is not required as no persons are adversely affected.
- Under step 4, there are no special circumstances.

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

13. Notification recommendation – SUB60354475

Non-notification

For the above reasons under section 95A this application may be processed without public notification.

In addition, under section 95B, limited notification is not required.

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

Arson Rashidmardani
Senior Planner
Resource Consents

Date: 28 April 2026

14. Notification determination – SUB60354475

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed non-notified.

XXX
Team Leader
Resource Consents

Date: 28 April 2026

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



Decision One – Restricted discretionary activity land use consent (s9)

Application number(s): BUN60354475 (Council Reference)
LUC60354475 (s9 land use consent)

Applicant: 71 Jutland Development Limited Partnership

Site address: 71 Jutland Road, Hauraki 0622

Legal description: Lot 13 DP 40751 (RT NA107B/220)

Proposal:

To demolish the existing single-storey dwelling and accessory shed and construct four new three-storey detached dwellings (Lots 1–4) arranged in a linear row along the centre of the site, with a shared right-of-way driveway along the southern boundary, associated earthworks of 759m² area and 163m³ volume, retaining walls to a maximum height of 0.66m, on-site stormwater detention via aquacomb tanks on each lot, extension of the public stormwater and wastewater networks through the site, and front yard landscaping including a Nikau palm and low boundary fencing.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60354475

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

H4 Residential – Mixed Housing Suburban Zone

- To construct and use four dwellings is a restricted discretionary activity under rule H4.4.1(A4).
- The construction of new buildings is a restricted discretionary activity under rule H4.4.1(A34).
- New buildings on Lots 1 and 2 do not comply with H4.6.5 Height in relation to boundary but comply with H4.6.6 Alternative height in relation to boundary, and is a restricted discretionary activity under rule H4.4.1(A33).
- The proposal involves use and development under rules H4.4.1(A4) and H4.4.1(A34) that fails to meet Standards H4.6.5 (Lots 3 and 4 only), H4.6.7 Yards (Lot 1 only), H4.6.8

Maximum impervious area, H4.6.9 Building coverage, H4.6.10 Landscaped area, H4.6.11 Outlook space (Lots 2 and 3), and H4.6.13 Outdoor living space (all four lots) and is a restricted discretionary activity under rule C1.9(2). Detailed extents of the standards infringements are set out at section 5 of the report above and form part of this consent.

E12 Land disturbance – District

- To undertake general earthworks of 759m² in area, as the earthworks are greater than 500m² up to 1,000m² in a residential zone, is a restricted discretionary activity under rule E12.4.1(A4).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate 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, 104C, and Part 2 of the RMA, the resource consent is GRANTED.

Reasons

The reasons for this decision are:

1. The application is for a restricted discretionary activity, and as such under s104C only those matters over which the Council has restricted its discretion have been considered. Those matters are:
 - H4.8.1(2) – for four or more dwellings;
 - H4.8.1(4) – for buildings that do not comply with Standard H4.6.5 Yards (this is a typographical reference in the AUP and is read as referring to non-compliance with the listed standards);
 - H4.8.1(5) – new buildings and additions to buildings which do not comply with H4.6.5 Height in relation to boundary, but comply with H4.6.6 Alternative height in relation to boundary;
 - C1.9(3) – infringement of standards;
 - E12.8.1(1) – all restricted discretionary land disturbance activities.
2. In accordance with an assessment under sections 104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - The proposed development is of an intensity, scale, location, form and appearance that, although towards the upper end of what is anticipated by the Mixed Housing Suburban Zone (in particular the three-storey component), is acceptable within the established and anticipated character of the surrounding environment, with detailed design measures (modulation, articulation, varied materials, balconies, pitched roofs) mitigating bulk and avoiding visual dominance.
 - Streetscape effects are appropriately managed by the design and orientation of Lot 1 facing Jutland Road, with glazing and balconies providing passive surveillance, a recessed garage door, and a substantial front yard landscaping treatment (79.2% of the front yard, well

exceeding the 50% minimum) which softens the front boundary and contributes positively to the public realm.

- Building coverage (43% versus 40%), maximum impervious area (61.3% versus 60%), and landscaped area (31.1% versus 40%) infringements are mitigated by detailed landscaping along all boundaries, the substantial front yard landscaping, and the use of permeable paving on the driveway.
- Visual dominance and privacy effects on adjoining properties are managed through (i) full compliance with the Alternative Height in Relation to Boundary recession plane on Lots 1 and 2 within the front 20m, (ii) modest standard HIRB infringements on Lots 3 and 4 (each less than 1m height over lengths of approximately 3–4m, at the apex of the roof), (iii) larger but still appropriately managed HIRB infringements on the western boundary of Lot 4 (mitigated by the orientation of habitable rooms away from this boundary, glazing breaks in the facade, and proposed boundary planting), and (iv) the use of louvres on second-floor habitable room windows where required.
- Sunlight access to neighbouring sites is acceptable. The September equinox shadow study demonstrates that 73 Jutland Road retains the four hours of sunlight access between 9am and 4pm required by H4.8.2(4)(a). At June solstice, morning shading on 73 Jutland Road is more pronounced (more than 25% of the site shaded between 9am and 1pm) but afternoon sun access is retained (less than 25% shaded between 1pm and 4pm). When considered against the implied permitted baseline of three dwellings on the site, the morning June solstice shading is broadly comparable, and overall sunlight access effects are acceptable.
- Outlook space encroachments by the principal living rooms of Lots 2 and 3 (0.655m extending over the 73 Jutland boundary) are minor in extent, fall over a portion of 73 Jutland that contains a sealed accessway and lean-to garage rather than primary outdoor living space, and are further mitigated by proposed 1.8m close-board boundary fencing.
- Outdoor living space infringements affecting all four lots are accepted on the basis that the dwellings provide adequate amenity for future occupants through (i) substantial upper-level balconies (8m² each), (ii) generous internal living areas with extensive glazing, (iii) ground-level garden areas which, although not meeting the dimensional minimums, do provide useable outdoor space exceeding the 20m² area minimum, and (iv) proximity to public open space (Lake Town Green Park, Charles Reserve, Northboro Reserve).
- The proposed development is appropriately serviced by reticulated wastewater (with build-over of the existing public main subject to Watercare Works Over Approval), reticulated water supply (separate Watercare meters per lot), and reticulated stormwater (with on-site aquacomb detention tanks on all four lots providing 10-year detention to mitigate the undersized downstream public network).
- Earthworks of 759m² area and 163m³ volume are temporary in nature, supervised by a chartered professional engineer, undertaken in accordance with Auckland Council GD05 erosion and sediment control standards, and managed through standard conditions covering pre-construction meeting, dust nuisance, stability, and post-construction CCTV inspection. The site is generally suitable for the proposed development per the BWN geotechnical report (28 December 2019), with class M soil expansiveness and 300kPa ultimate bearing capacity.
- Traffic and access effects are appropriately managed through the proposed 3.0m vehicle crossing at the boundary, internal manoeuvring area, compliant gradients, and clear sight lines on the local road network. The vehicle movements generated by four dwellings are negligible in the context of the local road network.

- In terms of positive effects, the development contributes additional residential capacity in a well-located, well-serviced area close to public transport (AT 814 bus connecting to Devonport, Takapuna Metropolitan Centre, Akoranga Station, and Auckland City Centre), local centres (Hauraki Woolworths within walking distance), and educational and recreational facilities. This contributes positively to the housing supply objectives of the AUP and the National Policy Statement on Urban Development.
 - With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant within the matters of discretion.
3. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular:
 - The proposal is consistent with Objectives H4.2(1)–(3) and Policies H4.3(1)–(7) and (10) of the Mixed Housing Suburban Zone. Although the development presents a three-storey form which is at the upper end of what is anticipated by Policy H4.3(2) (predominantly two storey buildings), this is mitigated by the design measures noted above. The development achieves the planned suburban built character through limiting height, bulk and form (compliance with maximum height plane), managing the design and appearance of multiple-unit residential development (modulation, articulation, varied materials), and providing sufficient setbacks and substantial landscaped areas, particularly in the front yard. The development achieves attractive and safe streets per Policy H4.3(3) through passive surveillance, optimised front yard landscaping, and minimised visual dominance of garage doors. Reasonable standards of sunlight access and privacy to adjoining sites are maintained, and visual dominance effects are minimised, per Policy H4.3(4).
 - The proposal is consistent with Objective E12.2 and Policies E12.3(2), (3), (5) and (6) of the Land Disturbance chapter, with earthworks designed and undertaken in a manner that ensures stability and safety, mitigates construction nuisance effects, and implements integrated water principles through erosion and sediment control measures.
 - There is no relevant national environmental standard or national policy statement, other than the National Policy Statement on Urban Development which the proposal aligns with by adding to housing supply in a well-located area.
 4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case, no other matters are considered to be relevant.
 5. Section 105 and section 107 of the RMA do not apply (no discharge or coastal permits sought).
 6. In the context of this restricted discretionary activity application, where the relevant objectives and policies of the AUP were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes (per *Panuku Development Auckland Ltd v Auckland Council* [2018] NZEnvC 179). They provide a clear framework for assessing all relevant potential effects within the matters of discretion. There is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise. The grant of consent is not contrary to the relevant objectives and policies of the AUP.
 7. Overall, the proposal is consistent with the relevant statutory documents and legislation and will result in acceptable effects, with adverse effects appropriately mitigated by the conditions of consent set out below.

Conditions

Under sections 108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

General conditions

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the Council as resource consent number LUC60354475:

Document title and reference	Author	Date
Combined Land Use and Subdivision Consent – 4 Dwellings (AEE)	Civix Limited (D Ross)	11 March 2020
Infrastructure Report	Civix Limited	6 March 2020
Geotechnical Investigation Report (Ref: 1482)	BWN Ltd	28 December 2019
Architectural Plans, Drawings A 01–A 014 (Resource Consent set including average ground level calculation drawing 012, sun studies drawings 013 and 014)	X Studio Ltd	11 March 2020 (with shadow study updated 7 September 2020)
Engineering Plans 1060–1791 including Cut Fill Plan, Erosion and Sediment Control Plan, Stormwater Servicing Plan (Drawing 1400, latest revision dated 13 August 2020), Wastewater Servicing Plan, Driveway Sections, Roadway Details	Civix Limited	13 August 2020 (latest)
Landscape Plan, Drawings L101–L104 (precedents, landscape plan, planting plan, planting strategy)	Sola Landscape Architects	22 June 2020

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - The consent is given effect to; or
 - The Council extends the period after which the consent lapses.
3. The consent holder must pay the Council an initial consent compliance monitoring charge of \$1,026 (inclusive of GST), plus any further monitoring charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

Advice note: The initial monitoring deposit covers the cost of inspecting the site, carrying out tests, reviewing conditions and updating files, all being work to ensure compliance with

the resource consent. In order to recover actual and reasonable costs, monitoring of conditions in excess of the deposit is charged at the relevant hourly rate at the time. Only after all conditions of the resource consent have been met will Council issue a letter confirming compliance on request of the consent holder.

Pre-construction

4. Prior to any earthworks or construction activity commencing on the site, the consent holder must give the Council's Consents Field Supervisor (Northern Monitoring) at least five (5) working days' notice of an on-site pre-construction meeting. Construction work must not commence on the site until such meeting has been held and all necessary documentation is presented at the meeting in accordance with the requirements of section 103.15.3 of the Council's Standards for Engineering Design and Construction.
5. Prior to the commencement of any earthworks activity, a finalised Erosion and Sediment Control Management Plan (ESCP) must be prepared in accordance with Auckland Council GD05 and submitted to the Team Leader, Northern Monitoring.
6. All required erosion and sediment control measures (refer to Drawing 1180) must be constructed and operational on the subject site prior to the commencement of any earthworks activity, and approved on site by qualified Council personnel. All erosion and sediment control structures must be inspected daily and maintained in good working order for the duration of earthworks.

Earthworks and stability

7. All cut and fill, removal of non-engineered fill, building foundations, placement and compaction of services, and excavation must be supervised by a suitably qualified geotechnical engineering professional (chartered professional engineer or engineering geologist). Certification from the supervising professional must be provided to the Team Leader, Northern Monitoring upon completion of the earthworks.
8. All earthworks must be undertaken in accordance with the recommendations of the Geotechnical Investigation Report prepared by BWN Ltd, Ref: 1482, dated 28 December 2019. In particular:
 - topsoil and unsuitable fill must be sub-excavated under shallow footings/slabs and driveways;
 - shallow foundations may be designed utilising an ultimate bearing capacity of 300kPa with class M soil expansiveness;
 - piles are required under external walls of Lots 2 and 3 with a minimum embedment of 2m, designed to the parameters in Table 2 of the geotechnical report; and
 - cohesive fill (clay or silt) must not be placed within new building footprints or under new driveways.
9. Retaining walls must be constructed in accordance with the Geotechnical Investigation Report (BWN Ltd, Ref: 1482, dated 28 December 2019) and the engineering plans. The construction methodology must take full account of the recommendations of the Chartered Professional Engineer observing or directing the works.

Advice note: Retaining walls, in-ground walls and bridges may require a separate Building Consent. The plans required under this condition are separate to, and do not form part of, any Building Consent that may be required.

10. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability occurs, it must immediately be rectified at the consent holder's expense.

Construction effects

11. There must be no airborne or deposited dust beyond the subject site as a result of the earthworks, demolition or construction activity that, in the opinion of the Team Leader, Northern Monitoring, is noxious, offensive or objectionable.
12. There must be no obstruction of access to public footpaths, berms, private properties, network utilities, or public reserves resulting from the earthworks or construction activity, except where reinstatement of the vehicle crossing is required. All materials and equipment must be stored within the subject site's boundaries.
13. There must be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public assets as a result of the earthworks, demolition or construction activity. In the event that such damage does occur, the Team Leader, Northern Monitoring will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.
14. All construction activity on the subject site must comply with NZS 6803:1999 Acoustics – Construction Noise at all times.
15. Despite any other condition of this consent, in the event of discovery of sensitive material (including human remains, kōiwi, archaeological sites, Māori cultural artefacts/taonga tūturu, protected New Zealand objects, or evidence of contaminated land), the consent holder must comply with rule E12.6.1 (Accidental discovery rule) of the AUP. Works within 20m of any discovery must immediately cease, the area must be secured, and the consent holder must inform the New Zealand Police (for human remains/kōiwi), the Council, Heritage New Zealand Pouhere Taonga, and Mana Whenua as appropriate.

Wastewater, stormwater and water supply

16. The consent holder must provide and install a complete wastewater system, including connections to serve all four lots, to the Council's standards. The wastewater extension and servicing must comply with the Council's Standards for Engineering Design and Construction and obtain Watercare approval prior to construction.

Advice note: Any part of the wastewater reticulation that becomes part of the public wastewater reticulation must be submitted as an Engineering Approval application to the Development Engineer, Takapuna.

17. Where the proposed development requires construction over the existing public wastewater main running through the site, the consent holder must obtain Watercare Works Over Approval prior to building consent. The works over the existing public main must be designed in accordance with Watercare's Workover Approval requirements, including specific foundation design (bridging) below the proposed building platforms where required.

Advice note: An application for Watercare Works Over Approval (small pipes, less than 300mm diameter) is included with the application. The consent holder is responsible for finalising this approval prior to building consent. Where the finished floor level (FFL) clearance to the soffit of the public sewer at the connection point is less than 1.20m (as is

the case for Lot 4 with 1.0m clearance), Watercare will determine the dispensation through the Workover Approval process.

18. The consent holder must provide and install a complete stormwater drainage system to serve the proposed development in accordance with the Infrastructure Report prepared by Civix Limited (latest revision Drawing 1400 dated 13 August 2020). The system must include 10-year detention tanks (aquacomb tanks) on all four lots prior to discharge to the public stormwater network, to mitigate the undersized downstream network.

Advice note: The Civix Infrastructure Report (March 2020) initially proposed two aquacomb tanks (Lots 1 and 4 only). The updated Stormwater Servicing Plan (Drawing 1400 dated 13 August 2020) shows aquacomb tanks on all four lots. This condition reflects the updated drawing and supersedes the earlier description in the report.

19. The consent holder must install a complete water supply reticulation system to serve the proposed development. Each lot must be provided with a separate Watercare-approved water meter located in the road reserve, outside paved driveway trafficked areas. The reticulation system must be designed and installed in accordance with the Auckland Council Code of Practice Chapter 6 (including firefighting), such that service and pressure levels are not compromised. All water pressure and flow testing required by the New Zealand Fire Service and the Council must be carried out at the consent holder's expense.
20. The consent holder must comply with the requirements of Auckland Unitary Plan rule E12.6.2(3) (post-construction CCTV inspection) for the new public stormwater and wastewater pipe extensions and connections. CCTV inspection records must be provided to the Team Leader, Northern Monitoring upon completion.

Vehicle crossing and access

21. The consent holder or its contractor must apply for a Vehicle Crossing Application from Auckland Transport prior to construction of the new vehicle crossing. The vehicle crossing to the boundary must be designed and formed in accordance with the Auckland Transport Code of Practice (ATCOP). The new vehicle crossing must maintain an at-grade (level) pedestrian footpath across the length of the crossing using the same materials, kerbing, paving, patterns and finish as the footpath on each side of the crossing. The existing redundant vehicle crossing must be removed and reinstated as kerbing and verge/footpath at the consent holder's expense.

Advice note: Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction. An approval letter and completion certificate from Auckland Transport must be submitted to the Council as verification.

22. Prior to the commencement of works, an Auckland Transport approved Traffic Management Plan (TMP) must be submitted to the Team Leader, Northern Monitoring. The TMP must be prepared in accordance with ATCOP requirements and must address the control of vehicle movements to and from the site, including any temporary closure or alteration of pedestrian access on the public footpath, taking into account the proximity of Hauraki Primary School and the school crossing.

23. The relocation of the existing power pole located approximately 0.88m from the proposed vehicle crossing alignment must be undertaken at the consent holder's expense. Vector and Auckland Transport approval is required prior to the relocation.

Surveyor certification

24. No building works must proceed beyond the roof framing stage until a registered surveyor or licensed cadastral surveyor, engaged by the consent holder, has provided written certification to the Council that the works completed have been completed in accordance with the approved plans referred to in condition 1.

Advice note: The purposes of certification at the roof framing stage of construction are to provide assurance that the building works to that point have been undertaken in accordance with the consent, and to reduce the risk of non-compliance as the works are completed. Written certification should include the relevant consent reference number and site address, levels and calculations of the structures that are the subject of certification, and the quantification of the extent of any breach, infringement or non-compliance identified at the time of survey.

Landscaping

25. The landscaping shown on the Landscape Plan prepared by Sola Landscape Architects (Drawings L101–L104) must be implemented within the first planting season (May to September) following the completion of the works on the site. The landscaping must be maintained for a minimum of two further planting seasons with any plant losses within this time being replaced and maintained for a further planting season from the date of replacement, to the satisfaction of Council.
26. The Nikau palm (*Rhopalostylis sapida*) shown on the Landscape Plan as the specimen tree at the road frontage of the site must be planted as part of the landscaping required by the condition above, and maintained on an ongoing basis.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For the purpose of compliance with the conditions of consent, "the Council" refers to the Council's monitoring officer unless otherwise specified. Please email monitoring@aucklandcouncil.govt.nz to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the Council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions, can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
4. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the Council within 15 working days of your receipt of this decision (for s357A) or receipt of the Council invoice (for s357B).

5. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.
6. Lots 1–4 will require separate Watercare-approved water meters. All water supply connections to the Watercare services supply main must be designed in accordance with Council's Development and Connection Standards and be made by a Watercare-approved contractor. For details please contact Watercare.
7. Any provision being made for telecommunications or electricity to this development must be underground and made to the requirements of the respective utility services.
8. Development over or adjacent to the existing public wastewater main running through the site requires Watercare Worksover Approval. A Building Consent will be required for any structures placed over the public main, including any specific foundation design (bridging design) required to protect the existing public sewer.

Delegated decision maker:

Name: XXX

Title: Team Leader

Signed: XXX

Date: 28 April 2026

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



Decision Two – Restricted discretionary activity subdivision consent (s11)

Application number(s):	BUN60354475 (Council Reference) SUB60354475 (s11 subdivision consent)
Applicant:	71 Jutland Development Limited Partnership
Site address:	71 Jutland Road, Hauraki 0622
Legal description:	Lot 13 DP 40751 (RT NA107B/220)

Proposal:

To undertake a four residential lot fee simple subdivision around the development approved under land use consent LUC60354475, in accordance with the Scheme Plan (Drawing 1060) prepared by Civix Limited dated 6 March 2020. The lots will be:

- Lot 1: 215m² gross / 171m² net
- Lot 2: 174m² gross / 138m² net
- Lot 3: 175m² gross / 139m² net
- Lot 4: 195m²

Easements proposed include rights of way and rights to convey water, electricity and telecommunications over Lots 1, 2 and 3 in favour of the other lots, and maintenance/services/party wall easements as required for ongoing access and maintenance between adjacent dwellings.

Resource consent is required for the following reason:

Subdivision consent (s11) – SUB60354475

Auckland Unitary Plan (Operative in part)

E38 Subdivision – Urban (operative plan provisions)

- To subdivide the parent site (Lot 13 DP 40751, 759m²) into four fee simple residential lots, in accordance with an approved land use resource consent that complies with Standard E38.8.2.1, is a restricted discretionary activity under rule E38.4.2(A14).

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate 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, 104C, 106 and Part 2 of the RMA, the resource consent is GRANTED.

Reasons

The reasons for this decision are:

1. The application is for a restricted discretionary activity, and as such under s104C only those matters over which the Council has restricted its discretion have been considered. Those matters are:
 - E38.12.1(6) – subdivision in accordance with an approved land use resource consent.
2. In accordance with an assessment under sections 104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
 - The suburban built character and amenity of the sites will be consistent with that of the zone and will remain unchanged from the land use activity, ensuring on-site and off-site effects will not exceed those approved under LUC60354475.
 - The proposed subdivision will introduce new and increased non-compliances with Auckland-wide and zone rules in terms of building coverage and landscaped area when assessed against each individual lot. However, these effects are appropriately managed because:
 - the lot sizes are appropriate to accommodate the dwellings approved under the land use consent with associated open space buffers around them;
 - maintenance easements will allow future owners to access neighbouring lots to maintain their dwellings; and
 - the consent notices required by these conditions will require minimum landscaped area to be maintained on each lot, ensuring potential future incremental development does not exacerbate these effects.
 - Each lot will be appropriately serviced in terms of infrastructure (reticulated water, wastewater, stormwater with detention, electricity, telecommunications). Consent notices are imposed to ensure private and common stormwater and wastewater assets will be maintained.
 - Each lot has direct access to Jutland Road via the shared right-of-way driveway over Lots 1, 2 and 3 in favour of the relevant other lots, with appropriate easements (right of way, right to convey services) registered against the new titles.
 - With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant within the matters of discretion.
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 the relevant objectives, policies and assessment criteria of Chapter E38 of the AUP, including

Objectives E38.2(1), (4) and (6) and Policies E38.3(1), (6), (10), (13), (16), (17), (19) and (20).

4. As a restricted discretionary activity, the other matters that can be considered under s104(1) (c) of the RMA must relate to the matters of discretion restricted under the plan. In this case, no other matters are considered to be relevant.
5. In terms of section 106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards (the site is not in a mapped flood plain, overland flow path of regulatory significance, coastal erosion or storm inundation hazard area, and the BWN geotechnical investigation report has confirmed the site is suitable for the proposed development with no significant land instability risk). Sufficient provision has been made for legal and physical access to each allotment to be created by the subdivision via the proposed shared right-of-way driveway and associated easements. Accordingly, the Council is able to grant this subdivision consent subject to the conditions below.
6. In the context of this restricted discretionary activity subdivision, where the relevant objectives and policies of the AUP were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes (per *Panuku Development Auckland Ltd v Auckland Council* [2018] NZEnvC 179). They provide a clear framework for assessing all relevant potential effects within the matters of discretion. There is no need to go beyond these provisions and look to Part 2 in making this decision.
7. Overall, the proposal is consistent with the relevant statutory documents and legislation and will result in acceptable effects, with adverse effects appropriately mitigated by the conditions of consent set out below.

Conditions

All conditions contained in this decision must be complied with at the time of section 224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

Under sections 108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

General conditions

1. The four residential lot subdivision activity must be as described in the application form and assessment of environmental effects prepared by Civix Limited (D Ross) dated 11 March 2020, and must be carried out in accordance with the plans and information detailed below, and all referenced by the Council as consent number SUB60354475 of BUN60354475:

Document title and reference	Author	Date
Scheme Plan, Drawing 1060	Civix Limited	6 March 2020
Infrastructure Report	Civix Limited	6 March 2020
Stormwater Servicing Plan, Drawing 1400 (latest revision)	Civix Limited	13 August 2020

Document title and reference	Author	Date
Water and Wastewater Servicing Plan, Drawing 1600 (latest revision)	Civix Limited	13 August 2020

Advice note: This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced. Details and specifications for the provision of infrastructure (e.g., public/private drainage, location and types of connections) and access (including drainage of accessways, construction standards) are subject to a separate Engineering Plan Approval (EPA) and/or Building Consent approval process. Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented, changes to the proposal will be required, which may require either a variation to this subdivision consent (under section 127 of the RMA) or a new consent.

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted (the lapse date) unless:
 - A survey plan is submitted to Council for approval under section 223 of the RMA before the lapse date, and that plan is deposited within three years of the date of approval of the survey plan in accordance with section 224(h) of the RMA; or
 - An application under section 125 of the RMA is made to the Council before the lapse date to extend the period after which the consent lapses and the Council grants an extension.

Survey plan approval (s223) conditions

3. The consent holder must submit a survey plan in accordance with the approved Scheme Plan (Drawing 1060 prepared by Civix Limited dated 6 March 2020). The survey plan must show all easements required by this subdivision consent.
4. The right of way and right to convey water, electricity and telecommunications easements over Lots 1, 2 and 3 in favour of the other lots (as shown on the Scheme Plan), and any maintenance, services and party wall easements over parts of Lots 1–4 required for ongoing access and maintenance, must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant records of title.

Section 224(c) compliance conditions

5. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a suitably qualified and experienced surveyor or engineering professional that all the conditions of subdivision consent SUB60354475 have been complied with, and identify all those conditions that have not been complied with and are subject to a consent notice to be issued in relation to any conditions of this consent to which section 221 applies.
6. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 1–4, including the new public stormwater main extension through the site (per Drawing 1400 dated 13 August 2020) and the on-site aquacomb detention tanks on each of the four lots, in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice note: For 224(c) application, the consent holder must provide private drainage as-built plans and inspection sheets. Public connections must be constructed in accordance with the Water and Wastewater Code of Practice. Plans approved under Resource Consent do not constitute Engineering Plan Approval and must not be used for the purposes of constructing public reticulation works in the absence of that approval.

7. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lots 1–4, including the new public wastewater main extension through the site (per Drawing 1600 dated 13 August 2020), in accordance with the requirements of the wastewater utility service provider (Watercare). The consent holder must obtain Watercare Worksover Approval prior to building consent for any structures placed over the existing public wastewater main running through the site. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
8. The consent holder must design and construct connections to the public water reticulation network to serve Lots 1–4, with separate Watercare-approved water meters located in the road reserve outside paved driveway areas, in accordance with the requirements of the water utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
9. The consent holder must make provision for telecommunications and electricity to Lots 1–4 in accordance with the requirements of the respective utility operators. These utilities must be underground. Certification from the utility providers that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.
10. The consent holder must provide a new vehicle crossing to serve Lots 1–4 (3.0m wide at the site boundary as shown on the engineering plans, with internal access widening to accommodate the shared driveway). The crossing must be designed and formed in accordance with the requirements of Auckland Transport (ATCOP). Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice note: An approval letter and completion certificate from Auckland Transport must be submitted to Auckland Council as verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled. Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction. Any redundant existing vehicle crossings must be reinstated.

Common ownership of assets

11. Lots 1–4 share a common stormwater detention system (aquacomb tanks on each lot) and a shared right-of-way driveway. To ensure that Lots 1–4 remain adequately serviced and connected, the consent holder must create a common entity to represent and ensure that future owners of Lots 1–4 are jointly responsible and liable for the ongoing operation, maintenance and repair of the shared infrastructure. A copy of the document(s) describing the functions, powers, duties and liabilities of the common entity must be provided to the Council for certification.

Further, to ensure that future owners maintain membership of the common entity, the following must be registered as a consent notice on the records of title to be issued for Lots 1–4:

"Lots 1–4 are served or serviced by a shared right-of-way driveway and associated infrastructure (including stormwater detention systems on each lot and the shared accessway). For so long as they are a registered proprietor of the lot, the owners of Lots 1–4 must be members of the established common entity that is jointly responsible and liable for the ongoing operation, maintenance and repair of the shared infrastructure."

On-site stormwater detention (consent notice)

12. Each of Lots 1, 2, 3 and 4 contains an aquacomb detention tank providing 10-year stormwater detention prior to discharge to the public stormwater network, mitigating the undersized downstream network. To ensure these tanks remain in operation, the following must be registered as a consent notice on the record of title to be issued for each of Lots 1, 2, 3 and 4:

"The lot owner must operate and maintain the aquacomb stormwater detention tank installed on the lot on an ongoing basis. The tank must not be removed, modified or replaced with a smaller-capacity device without the written approval of Auckland Council."

Future development (landscaped area maintenance)

13. Lots 1–4 are created as part of a subdivision of parent site Lot 13 DP 40751. In order to avoid future adverse amenity effects related to building coverage and landscaped area, the landscaped area on each lot must be maintained at the minimum percentage shown for that lot on the Proposed Planning Control Plan (Drawing A 02 of the X Studio Architectural Plans dated 11 March 2020). To ensure that this condition is complied with on a continuing basis, a consent notice in the following form must be registered on the record of title to be issued for each of Lots 1, 2, 3 and 4:

"The landscaped area on this lot must be maintained at the minimum percentage shown for the lot on the approved Proposed Planning Control Plan (Drawing A 02, X Studio Architectural Plans dated 11 March 2020) under resource consent SUB60354475 of BUN60354475 (Lot 1: 33.4%; Lot 2: 31.7%; Lot 3: 33.3%; Lot 4: 33.4%)."

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For more information on the resource consent process with Auckland Council see the Council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions, can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
3. If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the Council within 15 working days of your receipt of this decision (for s357A) or receipt of the Council invoice (for s357B).
4. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts. This consent does not constitute building consent approval.

Delegated decision maker:

Name: XXX

Title: Team Leader

Signed: XXX

Date:
28 April 2026

Resource Consent Notice of Works Starting

Please email this form to monitoring@aucklandcouncil.govt.nz at least **5 days** prior to **work starting** on your development or post it to the address at the bottom of the page.

Site address:				
AREA (please tick the box)	Auckland CBD ☐	Auckland Isthmus ☐	Hauraki Gulf Islands ☐	Waitakere ☐
Manukau ☐	Rodney ☐	North Shore ☐	Papakura ☐	Franklin ☐
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

Signature: Owner / Project Manager (indicate which)	Date:
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

SAVE \$\$\$ minimise monitoring costs!

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via monitoring@aucklandcouncil.govt.nz to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.