

# Assessment of Environmental Effects

53 Small Road, Silverdale

Issued 16/05/2025

## Document Control Record

<b>Project</b>	Proposed residential development
<b>Client</b>	East Coast Heights Limited
<b>Project Location</b>	53 Small Road, Silverdale
<b>Project Reference</b>	3210SMA25

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## Appendices

Appendix	Document	Author	Date
A	Record of title		
B	Architecture Plans	Woodhams Meikle Zhan	April 2025
C	Landscape Plans	JUN Landscape Architecture	30/03/25
D	Infrastructure Report and Plans	Aspire Consulting Engineers	March 2025
E	Subdivision Scheme Plan	Aspire Consulting Engineers	14.03
F	Economic Assessment	Formative	29 April 2025
G	Transportation Assessment	TPC	February 2025
H	Acoustic Report	Earcon	30 April 2025
I	Geotechnical Report	CMW	10 April 2025

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## 1.0 Executive Summary

### 1.1. Proposal

This resource consent application by **East Coast Heights Limited** ('the applicant') relates to a proposal to undertake a residential development at Lot 2, 53 Small Road, Silverdale.

The application site is located within the General Business Zone within the Silverdale 2 Precinct.

The proposal seeks to establish 17 standalone residential units on the eastern portion of the site. Landscaping, driveway, and manoeuvring areas are also proposed within each lot.

A concurrent subdivision is proposed to place each residential dwelling onto an individual freehold title.

### 1.2. Activity Status

The proposal requires district and regional consent under the AUP as a **Non Complying activity**.

### 1.3. Notification

H14.5(1) of the Business - General Business Zone requires that any resource consent application for dwellings be publicly notified. According, this resource consent application must be publicly notified.

## 2.0 Property Details

Site Name	53 Small Road, Silverdale
Appellation	Lot 2 DP 590220
Titles	1127650
Property Area	3.54 ha
Territorial Authority	Auckland
Zones	Business - General Business Zone
Precincts	Silverdale 2
Overlays	N/A
Controls	Macroinvertebrate Community Index - Rural
	Stormwater Management Area Control - SILVERDALE SOUTH, Flow 1
Designations	N/A



### 3.1. Site Location

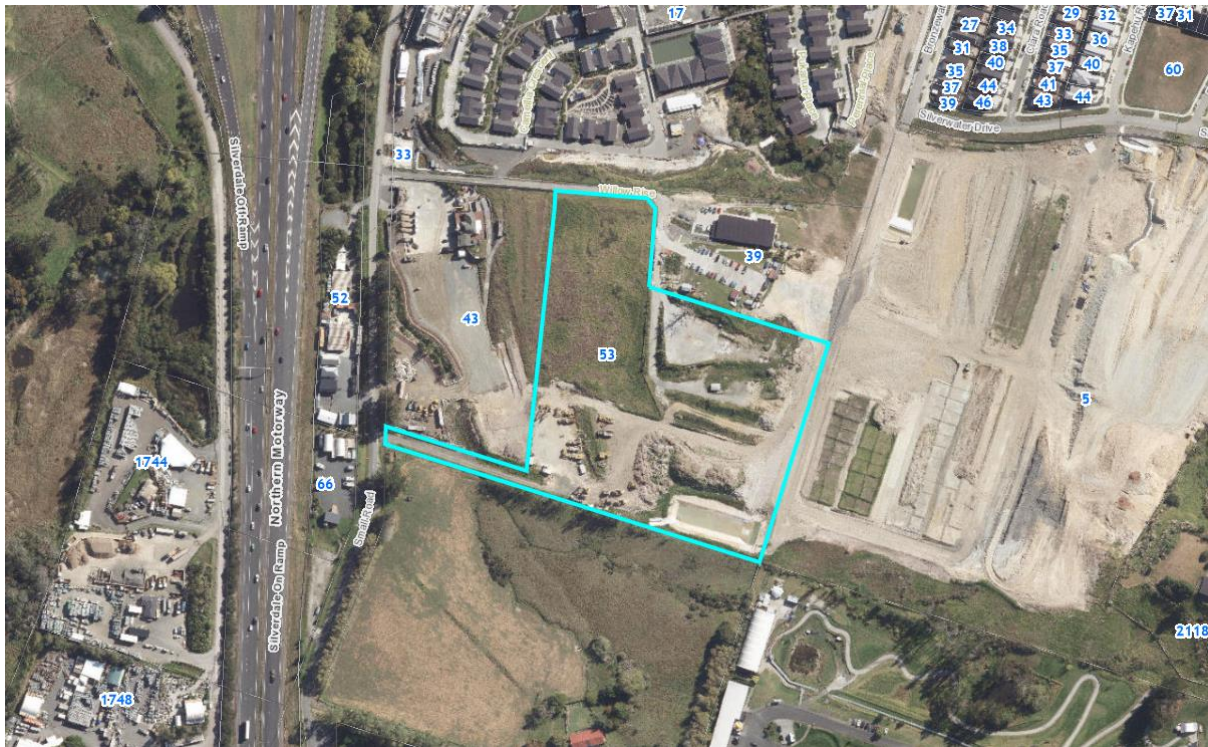


Figure 1. Aerial image of subject site. Source: GIS

The application site is located at 53 Small Road, Silverdale. The site currently has a total area of 2.5419ha.

The site slopes moderately toward the south-west, with the southern portion of the site the lowest lying area of the site. An overland flow path crosses the access strip at the southwestern area of the site via a culvert, which is fed from a larger gully feature beyond the site.

Copies of the Records of Title are attached at **Appendix A**. The site is subject to the following consent notice:

- Consent Notice under s221(4)(a) Resource Management Act 1991 - D566071.2:
  - The consent notice relates to restrictions in relation to residential development and buildings. The consent notice restricts each site to contain one dwelling.



A concurrent s221 application is made with this resource consent application to cancel the consent notice.

The following photos present a view of the site. The approximate area of the site relevant to this resource consent application is identified in yellow.



*Figure 2. View of the site looking from the south-western corner, toward the north-east.*



Figure 3. Aerial photo of the site

### 3.3. Site Planning Controls

The site is zoned Business - General Business Zone, and located within the Silverdale 2 Precinct.

The site is also subject to the following controls:

- Macroinvertebrate Community Index - Rural
- Stormwater Management Area Control - Silverdale South, Flow 1

The underlying General Business Zone provides for a variety of business activities including light industrial, offices, and large format retail activities. However, the Silverdale 2 Precinct substantially varies from this. The purpose of the Silverdale 2 Precinct is noted in the AUP as follows:



*The Silverdale 2 Precinct applies to approximately 47ha of land located between East Coast Road and the motorway (State Highway 1). The precinct is bounded by the motorway to the west, East Coast Road to the east and the Snowplanet site to the south as shown in I536.10.1 Silverdale 2: Precinct plan 1. It is highly visible from the motorway as the land slopes up significantly from the motorway to East Coast Road.*

*The purpose of the precinct is to facilitate the development of an entertainment cluster. Activities are limited to entertainment and recreation activities and accessory activities.*

*The development of this area will have a significant impact on the experience of people travelling on State Highway 1 and the Hibiscus Coast Highway. Objectives, policies and standards will assist in creating a vegetated landscape, helping to frame the entrance to the Hibiscus Coast Highway.*

*As many of the buildings used for entertainment and recreation activities involve large utilitarian structures, the provisions aim to ensure that such buildings are designed to achieve a high quality of design and avoid adverse visual effects and mitigation of effects through appropriate landscaping. Activities must not adversely affect the surrounding road network.*

The following relevant background context is noted in the Economic Assessment by Formative attached at **Appendix F**.

### **3.2.1 Hibiscus Coast Gateway**

*The Silverdale 2 precinct has its origins in a development proposed in the late 1990s, at which time it was anticipated that the 80ha of land on the south-eastern corner of the Silverdale interchange of the Northern Motorway would become an attractive entranceway to the Hibiscus Coast, and be known as the Hibiscus Coast Gateway (“HCG”). Originally the Silverdale South Structure Plan proposed residential, rural residential and business activity for the HCG, however that was revised in 2003 to try to incorporate the then recently approved non-complying consents for Snowplanet and a go kart track (now the Coastal Cabins site) on Small Road.*

### **3.2.2 Entertainment Precinct**

*In 2007 Rodney District Council commissioned work to assess demand for an entertainment precinct much broader than just Snowplanet and the go kart track. That work (the “PEL report”) recommended that all of the HCG should be a recreation zone, for which it was concluded that there was ample demand, and which the assessment concluded would yield significant economic benefits for Rodney District. Progressing the HCG was complicated when part of the area was identified for a park and ride facility (now operative), but the Hibiscus Coast Gateway Structure Plan was adopted in 2010, and plans for a recreation zone were progressed.*

.....

### **3.3 Precinct activities**

*As described above, the genesis of the Silverdale 2 Precinct lies in the establishment of Snowplanet and a former (adjacent) go kart track which were both established as non-complying activities by way of resource consents which were received in 2003.*

### 3.3.1. Hydrological Features

Auckland Council Geomaps identifies an overland flow path traversing the eastern corner of the site, flowing in the westerly direction.

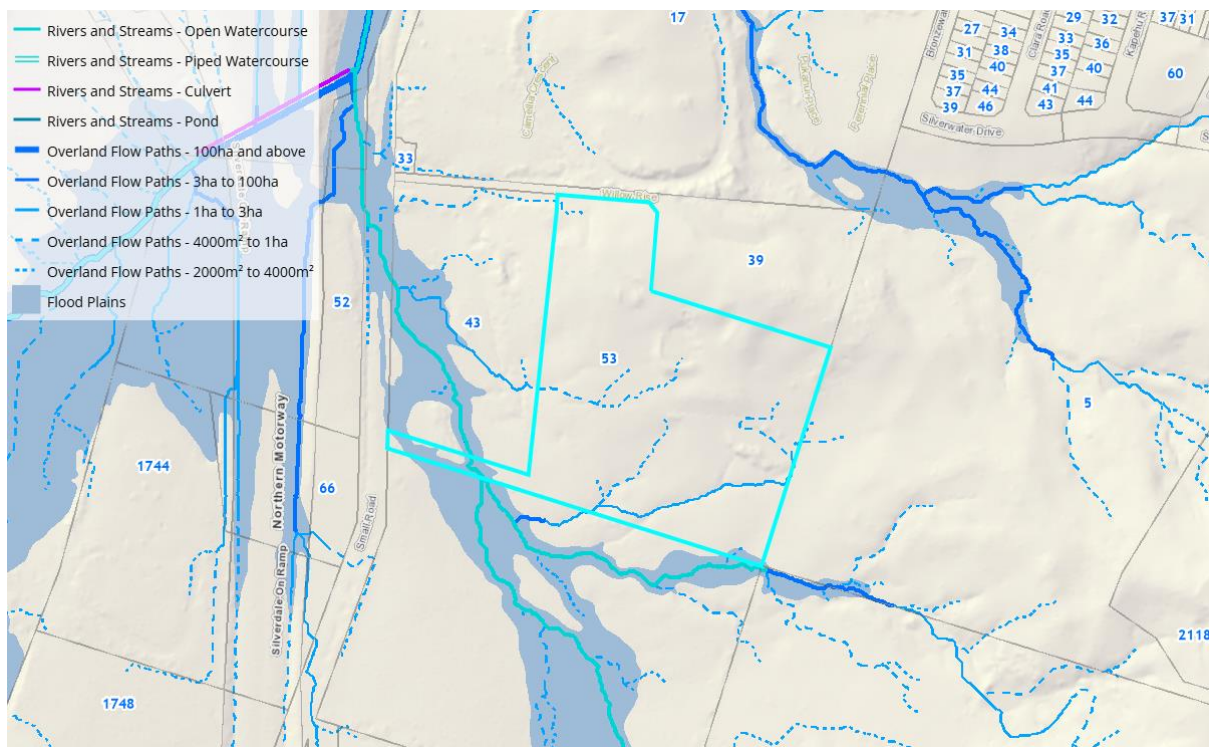


Figure 4. Image generated from GeoMaps with the following layers applied: Rivers and Permanent Streams, Overland Flow Paths and Flood Plains.

### 3.3.2. Plan Change 78

Under PC78, the site is proposed to remain General Business Zone. The site is identified as being subject to Qualifying Matters (precinct and floodplains).

## 3.4. Surrounding Environment

The surrounding area is mixed in character.

The site is located in close proximity to State Highway 1, which is located to the west of the site, and is visible from sections of Small Road. Small Road is a one way Road, which is accessed off the Twin Coast Discovery Highway near the Hibiscus Coast Station and Park & Ride facility to the north-east of the site. The proposed development is well located, being just 400m from the northern busway.

Small Road terminates at Snowplanet and Megazone Silverdale facilities, approximately 700m to the south of the application site.

A variety of businesses have established on the western side of Small Road, including a dog day care facility, a show home/relocatable home site, and a RV dealer.

A church is located to the north-west, adjoining the site. Consent was granted in October of 2017.

To the north and east, Silverdale is currently undergoing large scale redevelopment. Apartments, terraced dwellings, and standalone houses are all visible and at various stages of completion. The earlier stages within Silverdale 3 sub-precinct B have largely been completed with many dwellings now being occupied.

Industrial zoned land is located further to the east of the site, and the Silverdale Town Centre is located to the north-east.

Land to the west, across State Highway 1 is zoned Future Urban.

### 3.5. Background

The following consents were granted on the 29 April 2025:

- Land use consent (LUC60426898) for the establishment of 49 industrial units on the western portion of the site, and one food and beverage (retail) outlet on the subject site.
- Subdivision consent (SUB60426899) for the creation of two lots, and unit title subdivision for the 49 industrial units.

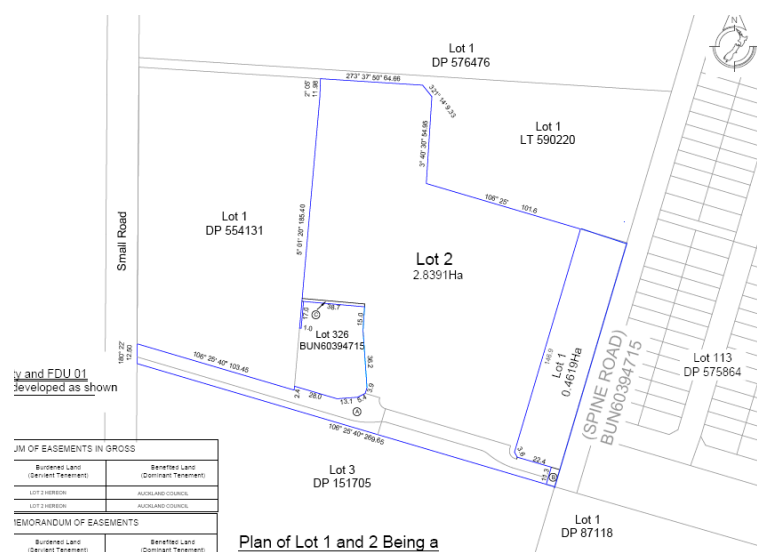


Figure 5. Underlying approved subdivision creating Lot 1





Figure 6. Excerpt of underlying approved consent.

## 4.0 Description of the Proposal

### 4.1. Overall development

The proposal seeks to establish 17 residential units on Lot 1 (created by the underlying subdivision) located at the eastern portion of the site.

### 4.2. Proposed buildings

The proposed dwellings are two storey, standalone dwellings, of three- and four-bedroom typologies. Each dwelling is provided an internally accessed garage, with a tandem uncovered parking space.

The dwellings are oriented with the front door facing Spine Road, and open plan kitchen, dining and living areas on the ground floor. Outdoor living areas are located at the rear of the site.

The dwellings are situated at a higher level than the industrial development, with a fill retaining wall of approximately 1.2m (ranging from 0.75m to 1.6m) height between the two lots. A landscape strip with specimen tree planting provides an additional planted buffer. The

landscape strip is part of the underlying consent for the industrial development, thus form part of the receiving environment.

Full details of the building designs and site layout are contained in the attached architectural drawings, at **Appendix B**.

#### 4.3. Landscape Treatment

Comprehensive landscape treatment plans have been prepared for the proposed development and are attached as **Appendix C**. The plans incorporate fencing details, proposed planting and paving.



Figure 7. Proposed landscape plan

As noted above, the specimen trees and landscape strip are consented within the industrial development consent.



Figure 8. Excerpt of approved landscape plan from underlying land use consent.

Plant species have been selected based on their suitability for use in a relatively intensive urban environment, and their low maintenance and visual/structural qualities. A variety of native and exotic flowering species are used throughout the site.

#### 4.4. Waste

The site adjoins a public road and the units can be served by public waste collection. Each site has sufficient frontage to contain the necessary bins.

#### 4.5. Infrastructure and Flooding

An infrastructure report and engineering plans have been prepared by Aspire Consulting Engineers (refer **Appendix D**) to address infrastructure provision, and earthworks required for the proposal. Specific details are outlined below.

##### Stormwater

The neighbouring development (under SUB60394717) will comprise a piped public stormwater network discharging into a stormwater wetland located in the southwest corner of this development. It is proposed to extend the stormwater network along the front yards of Lots 1 to 17. A 100mm diameter uPVC SN16 connection will be provided to all the new lots.

The site is within the SMAF 1 control under the Auckland Unitary Plan. The roofs are inert material and will not require treatment. Detention for SMAF-1 will be provided in on site detention tanks.

Sizing for the stormwater tanks are detailed within the Infrastructure Report at **Appendix D**.

##### Wastewater

The neighbouring development (under SUB60394717) will comprise a piped public wastewater network discharging into the newly vested Wastewater pump station on Small Road. This development is in the catchment area of the new pump station.

A 100mm diameter uPVC SN16 connection will be provided to each new residential lot.

A capacity assessment has been undertaken of the downstream network. The assessment confirms adequate capacity to service the proposed development.

##### Water Supply

The neighbouring development (under SUB60394717) will comprise a public water supply network. A 180mmOD (150mmNB) watermain will be installed along the western berm of Bronzewater Drive.

Water meters can be installed for all 17 residential lots onto this new water supply main located in the road berm at building consent stage.

There are two new fire hydrants in the Bronzewater Drive berm within 135m of this development to provide firefighting requirements.

### Flooding and Overland Flow Paths

The underlying bulk earthworks and land use consents have modified the site. The OLFPs are contained within the access ways.

### 4.6. Traffic, Access and Parking

The application is supported by a traffic assessment prepared by TPC Traffic (refer **Appendix F**).

#### Vehicle Access

Dwellings have been designed so that the vehicle crossings can be paired. A 1.5m separation is provided between each pair of vehicle crossings.

#### Pedestrian Access

Each unit is provided dedicated pedestrian access to the front door of the dwelling.

#### Parking Provision

Two parking spaces are proposed with each dwelling.

Lot 1-16 will be provided with a single garage and a secondary parking space, whilst Lot 17 will be provided with a double garage. All parking spaces are angled (90 degree) parking spaces, at least 2.5m width and 5.0m deep.

Each unit is provided an internally accessed garage; therefore, bicycle storage can be accommodated within the garages.

### 4.7. Subdivision

It is proposed to undertake a freehold subdivision on the site, to place each unit onto a freehold title.

The subdivision will be undertaken in one stage.

## 5.0 Resource Consents Required

Without limiting this application being for all necessary resource consents triggered by the proposal, resource consent appears to be required for at least those matters identified in the sections below. Resource consent is being sought to enable the proposal (as described in this report and supporting material) and the application intends to include all necessary consents for those activities to occur.

Resource consent is required for subdivision and land use activities as follows.

### 5.1. Section 221 variation of a consent notice

An amendment to a consent notice pursuant to s221(3) of the RMA has been lodged concurrently to amend a consent notice on the title, reference D566071.2.

The consent notice restricts each site to contain one dwelling, and for new buildings to be subject to specific investigation and design.

The consent notice related to a historical subdivision under the legacy Rodney District Plan, with the consent notice registered in 2000. It is considered that the limitations under this consent notice are now redundant, due to the Rodney District Plan now being a legacy plan, and the Auckland Unitary Plan being the operative plan.

The application seeks to establish 17 residential dwellings on this site and it is proposed to cancel the consent notice to enable this.

The second part of the consent notice relates to specific investigation and regard to a report prepared by Keith Gillespie & Associates, dated 4 September 1998. While the application as part of this consent has included a comprehensive geotechnical investigation, which is considered to meet the requirements of the consent notice, it is proposed to delete the consent notice in it's entirety as it also requires reference to the 1998 report. It is considered the more recent reports provided as part of this resource consent, and the bulk earthworks consents, are more appropriate technical reports to reference.

#### 5.1.1. Activity Status

Variation of a consent notice requires consideration as a **discretionary activity**.

### 5.2. Reasons for Consent

#### E10 Stormwater management area - Flow 1 and Flow 2

E10.4.1 Activity table specifies the land use and development activity status to manage stormwater runoff from new impervious areas and redevelopment of existing impervious areas within Stormwater management area control – Flow 1 (SMAF 1) or Stormwater management area control - Flow 2 (SMAF 2) areas pursuant to section 9(2) of the Resource Management Act 1991.

Development of new or redevelopment of existing impervious areas other than for a road, motorway or state highway

(A3) Development of new or redevelopment of existing impervious areas greater than 50m<sup>2</sup> within Stormwater management area

**RD**

The proposal involves the development of more than 50m<sup>2</sup> of impervious area.



control – Flow 1 or Stormwater management area control – Flow 2 complying with Standard E10.6.1 and Standard E10.6.4.1		
<b>E12 Land disturbance - District</b>		
<b>E12.4.1 Activity table – all zones and roads</b>		
<b>General earthworks not otherwise listed in this table <sup>1</sup></b>		
(A6) Greater than 2500m <sup>2</sup> Business zones and City Centre Zone	<b>RD</b>	Earthworks over a total area of 3,768m <sup>2</sup> is proposed.
<b>E27 Transport</b>		
<b>E27.4.1 Activity table</b>		
(A2) Parking, loading and access which is an accessory activity but which does not comply with the standards for parking, loading and access	<b>RD</b>	The proposed development infringes the following standards: <ul style="list-style-type: none"> <li>● E27.6.3.4: Reverse manoeuvring</li> <li>● E27.6.3.6: Formations and gradients</li> <li>● E27.6.4.1 Vehicle Access Restrictions</li> <li>● E27.6.4.2: Width and number of vehicle crossings</li> <li>● E27.6.4.4 Gradient of vehicle access</li> </ul>
(A5) Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3)	<b>RD</b>	The four vehicle crossings serving lots 3-6 will be located within 10m of an intersection on Bronzewater Drive.
<b>E27 Transport - PC 79: Amendments to the transport provisions</b>		
<b>E27.4.1 Activity table</b>		
(A2) Parking, loading, <del>and</del> access <u>and Electric Vehicle Supply Equipment</u> which is an accessory activity but which does not comply with the standards for parking, loading, <del>and</del> access <u>and Electric Vehicle Supply Equipment.</u>	<b>RD</b>	The proposed development infringes the following standards <ul style="list-style-type: none"> <li>● E27.6.3.2 (A) Accessible Parking</li> </ul>

E36 Natural hazards and flooding		
E36.4.1 Activity table		
Activities in overland flow paths		
(A42) Any buildings or other structures, including retaining walls (but excluding permitted fences and walls) located within or over an overland flow path	RD	Auckland Council Geomaps shows OLFP within the eastern portion of the site. The OLFP have been designed to be conveyed in the accessways of the underlying consent, however for the avoidance of doubt consent is sought under (A42) for completeness.
E38 Subdivision - Urban		
E38.4.1 Activity table - Subdivision for specific purposes		
(A11) Subdivision of land within any of the following natural hazard areas: <ul style="list-style-type: none"> <li>1 per cent annual exceedance probability floodplain;</li> <li>coastal storm inundation 1 per cent annual exceedance probability (AEP) area;</li> <li>coastal storm inundation 1 per cent annual exceedance probability (AEP) plus 1m sea level rise area;</li> <li>coastal erosion hazard area; or</li> <li>land which may be subject to land instability.</li> </ul>	RD	The proposal seeks to subdivide the site, which is subject to the following: <ul style="list-style-type: none"> <li>1 per cent annual exceedance probability floodplain;</li> </ul>
E38.4.3 Activity table - Subdivision in business zones		
(A33) Subdivision in accordance with an approved land use resource consent complying with Standard E38.9.2.1	RD	It is proposed to undertake a subdivision to place each dwelling on a freehold lot.
H14 Business - General Business Zone		
H14.4.1 Activity table		
Use - Accommodation		
(A2) Dwellings	NC	The proposal seeks to establish 17 dwellings.
Development		
(A42) New buildings	RD	The proposal seeks to establish 17 new dwellings.

### 5.3. Permitted Activities

#### E12 Land disturbance - District

E12 Land disturbance - District		
E12.4.1 Activity table – all zones and roads		
General earthworks not otherwise listed in this table <sup>1</sup>		
(A9) Greater than 1000m <sup>3</sup> up to 2500m <sup>3</sup> Business zones and City Centre Zone	P	Earthworks of a total cumulative volume of 2,210m <sup>3</sup> is proposed.
I536 Silverdale 2 Precinct		
I536.4.1 Activity table		
Use - Accommodation		
(A1) Home occupations	P	Residential dwellings are not provided for in the Precinct, therefore pursuant to C1.7, their activity status in the precinct is a discretionary activity.

### 5.4. Relevant Standards Assessment

#### 5.4.1. E27 Transport

E27.6 Standards		
E27.6.3 Design of parking and loading spaces		
E27.6.3.4 Reverse manoeuvring	Infringes	Vehicles from Lots 3-6 will be reversing where the access is situated within 10m of an intersection.
E27.6.3.6 Formation and gradient	Infringes	12 secondary parking spaces will have a gradient of 1 in 15 (6.67%), one with 1 in 56 (1.78%) and rest four will be provided with a gradient between 1 in 12 (8.3%) and 1 in 26 (3.8%) where a maximum gradient of 1 in 20 (5%) is permitted.
E27.6.4 Access		
E27.6.4.1 Vehicle Access Restrictions	Infringes	Vehicles from Lots 3-6 will be reversing where the access is situated within 10m of an intersection.

E27.6.4.2 Width and number of vehicle crossings	<b>Infringes</b>	<ul style="list-style-type: none"> <li>A total of 17 vehicle crossings will be provided on-site where six vehicle crossings are permitted over a site frontage of 150 metres.</li> <li>Vehicle crossings for Lots 1-16 are grouped such that a separation of 1.5 metres is available between them, where a minimum separation of 6.0 metres is required</li> </ul>
E27.6.4.4 Gradient of vehicle access	<b>Infringes</b>	Three accesses will be provided with a platform gradient of less than 1 in 20.

#### 5.4.2. H14 Business - General Business Zone

H14.6 Standards		
H14.6.0 Activities within 30m of a residential zone	<b>Complies</b>	The proposed development is not one of the listed activities.
H14.6.1 Building height	<b>Complies</b>	All buildings comply with maximum height.
H14.6.2 Height in relation to boundary	<b>Complies</b>	The buildings comply with the relevant HIRB controls.
H14.6.3 Yards	<b>Complies</b>	The site does not adjoin any of the listed yards.
H14.6.4 Landscaping	<b>Complies</b>	Landscaping is provided except for the access points.

#### 5.4.3. I536 Silverdale 2 Precinct

I536.6 Standards		
I536.6.2 Height	<b>Complies</b>	The buildings comply with maximum height.
I536.6.3 Yards	<b>Infringes</b>	The buildings are located between 4.2m to 5m from the front boundary, where a setback of 7.5m is required.
I536.6.4 Height in relation to boundary	<b>Complies</b>	The buildings comply with HIRB.

I536.6.5 Landscaping	<b>Complies</b>	The site does not contain the Landscape Buffer Area as set out within the Silverdale 2: Precinct Plan
I536.6.6 Maximum impervious surfaces	<b>Complies</b>	The site has impervious surfaces of 4, where a maximum of 50% is enabled.
I536.6.7 Roof types	<b>Complies</b>	The roofs comply with the standard.
I536.6.11 Subdivision	<b>Infringes</b>	The proposed subdivision is in accordance with an approved land use consent; however, the activity is not listed as a permitted activity.

## 5.5. Proposed Plan Changes

### 5.5.1. Plan Change 78 Housing Intensification

PC78 responds to the government's National Policy Statement on Urban Development 2020 (amended 2022) and the requirements of the Resource Management Act 1999. This means Auckland Council must modify the AUP(OP) to:

- Enable more development in the city centre and at least six-storey buildings within walkable catchments from the edge of the City Centre, Metropolitan Centres and Rapid Transport Stops;
- Enable development in and around neighbourhood, local and town centres;
- Incorporate Medium Density Residential Standards that enable three storey housing in relevant residential zones in urban Auckland; and
- Implement qualifying matters to reduce the height and density of development required by the RMA 1999 to the extent necessary to accommodate a feature or value that means full intensification is not appropriate.

As mentioned in section 3.3, the site is subject to qualifying matters therefore the MDRS standards do not have immediate legal effect ('ILE').

### 5.5.2. Plan Change 79 Transportation

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



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

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

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

While independent hearing commissioners have determined the amended PC79 provisions to be appropriate, appeals have been lodged to the entirety of PC79. This challenge could result in the provisions being deleted or significantly amended and, in those circumstances, it would be unfair and unjust to impose such requirements on consent holders through a resource consent. It is also considered that the proposed rules and standards are not the only way in which relevant objectives and policies can coherently be implemented, and they are not required to implement any higher-order imperative or national policy. At the time of lodgement, no appeals have been settled.

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

## 5.6. Overall Activity Status

The overall activity status of this application is **Non Complying**.

## 6.0 Consultation

### 6.1. Adjacent sites

It is not considered that the proposed bulk and form would generate significant adverse amenity effects to surrounding neighbouring properties. For this reason, consultation with surrounding property owners or other parties has not been undertaken to date in respect to the bulk and form.

### 6.2. Mana Whenua

The application has not triggered a requirement to consult with Mana Whenua under the AUP. The site is not recognised as being a site and/or place of value or significance to Mana Whenua. The site is not located within a statutory acknowledgement area. Bulk earthworks have been consented and are in progress across the site.

## 7.0 Section 104 Assessment

### 7.1. Actual and Potential Effects on the Environment

#### 7.1.1. Economic Effects

The proposal seeks to establish activities which are non-complying activities in the Silverdale 2 Precinct. The Silverdale 2 Precinct has a specific purpose, in enabling entertainment activities in the zone. The economic effects of the proposal to establish non-entertainment activities have been assessed by Formative at **Appendix F**, and I rely on that assessment. The following key points are noted.

The origin of the Silverdale 2 Precinct is relevant, noting that the establishment of Snowplanet and a (former) go kart track consented in 2003 resulted in assessment of the area to accommodate entertainment facilities and to create an entertainment precinct.

An assessment of the existing and past entertainment activities in the Precinct is relevant, the following comments are noted from the economic assessment:

*Snowplanet (which opened in 2005) remains on its 14.4ha site, although continues to occupy only around 3.5ha of that site, with the balance being vacant land. In the last five years Snowplanet has been joined by an indoor entertainment area (c.1,000m<sup>2</sup>, with laser tag and arcade games) and preschool on land adjacent to its carpark, but the current 3.5ha occupied footprint has not changed materially since the main activity was established, and around 11ha of the Snowplanet site is not occupied. The adjacent go kart track closed prior to 2014, and is now occupied by a prefabricated building*

*manufacturer (Coastal Cabins), although that activity appears to use only around 1ha of the 4.7ha site.*

*The only other recreation or entertainment facility in the precinct now is the Auckland Adventure Park, which is immediately north of the Snowplanet site (Figure 3.1).*

*Entertainment activities were first established on the Adventure Park site sometime between 2005 and 2009, although have moved through several configurations since then. Originally a luge track was constructed on the southern half of the site, but that subsequently fell into disrepair when the original business closed, and a new business opened a number of years later on the northern half of the site around 2015. Currently only around 6ha of the northern part of the 15ha site is actively used for recreation activities, with the original luge track overgrown and the southern part of site apparently not in use for any activities.*

Formative estimates that approximately 20% of the precinct is currently actively used for entertainment or recreation activities.

All other sites in the precinct are not used by entertainment or recreation activities, and are either used by other (non-recreation/entertainment) activities (2.6ha, 5% of the precinct) or appear to be not actively used at all (35.1ha, 75% of the precinct).

Of the parcels that are used (apart from Snowplanet and the Adventure Park), most activities are industrial or commercial in nature, including a dog day care, Touchwood Homes and Coastal Cabins (both relocatable building manufacturers), an RV sales yard, and a church. As noted in the background section, a consent for the establishment of commercial industrial units has been granted on the western portion of the site.

The original assessment on which the viability of a recreation and entertainment zone at Silverdale concluded that there was demand for at least 80ha of land for recreation and entertainment activities in the HCG at Silverdale. However, 16 years after that 2007, it appears that demand for such activities in the Silverdale 2 Precinct is significantly less than was envisaged by that report.

It is important to consider how long the land should be left vacant, noting that only two operations have established and remain operational in the precinct, and that urbanised land is a scarce resource.

The report by Formative also notes that that the current recreation and entertainment activities pre-date the establishment of the Precinct under the AUP, so in summary the Precinct has not induced any new recreation or entertainment activities to establish (apart from the Megazone part of the Snowplanet operations). The most significant new recreation

facility (Northern Arena) was established in the Silverdale town centre in 2011 rather than within the Precinct.

In addition, a recreational surf park has recently applied for resource consent at 1350 Dairy Flat Highway, with the consent lodged in October 2023, and subsequently granted in 2024. It is noted that this site is zoned Future Urban, and located within relative close proximity to the Silverdale 2 Precinct, this further indicates that the incentive of a specialised 'entertainment precinct' is not sufficient to induce the establishment of entertainment activities.

The lack of development of any recreation or entertainment activities in the Silverdale 2 Precinct in the last decade indicates a lack of demand for space in the Precinct to be occupied by those activities.

In contrast, the Hibiscus Coast has experienced significant growth in recent years, including in and around Silverdale, which has emerged as the main retail and commercial area servicing Silverdale, Ōrewa, Dairy Flat, and the Whangaparāoa Peninsula. Recent development has been facilitated by the area's good accessibility to the rest of Auckland, with transport links via State Highway 1 and the Northern Express bus station, allowing the area to become a commuter suburb for people working in North Shore City and central Auckland.

The proposed residential development is for 17 dwellings. While this will only have a minor impact on the overall dwelling demand-supply balance in the area, it is seen as a positive contribution given its location adjacent to an existing residential zone and proximity to infrastructure, commercial businesses, and employment opportunities.

Using the site for residential activity instead of recreation/entertainment has potential economic costs, but these are considered minor. The site is a small portion of the total vacant land in the Silverdale 2 Precinct, and using it for residential purposes would only remove a tiny fraction of land available for future recreation/entertainment activities.

It is considered that the proposed development would efficiently utilise land which has remained undeveloped for over a decade since it was zoned. There appears to be little or no demand for the primary activities enabled within the Silverdale 2 Precinct, being entertainment activities.

To the east, land is zoned Residential - Mixed Housing Urban. It is considered that the proposed residential development provides for an appropriate transition to the (consented) residential development on adjoining land. The dwellings are able to be designed to ensure that any potential amenity effects are addressed. The interface then would be between the Site's residential activity and the neighbouring East Coast Heights residential development.

Overall, it is considered that any potential adverse economic effects arising from the establishment of dwellings within the Silverdale 2 Precinct are less than minor.

#### 7.1.2. Effects on Neighbourhood Character

In terms of the visual catchment and the potential viewing audience, it is limited to the immediate area, including the adjoining sites. The existing character is mixed in nature, containing both residential and non-residential activities in the vicinity.

To the east, land is zoned residential, and has a consented residential development. The extension of Bronzewater Drive will create the road frontage to the front of the site.

While the proposed development infringes the front yard setback control of the Silverdale 2 Precinct, it is considered that compliance with this standard would not be a desirable outcome given the proposed use of the site for residential dwellings. A larger front yard setback is considered to be more relevant to entertainment facilities, which are generally large, inward facing buildings, while it is generally an accepted urban design principles for dwellings to be located closer to the front boundary to promote activation and passive surveillance of the street.

The proposed buildings comply with maximum height, and height in relation to boundary setbacks, indicating the proposed buildings are of an appropriate overall built form. The proposed development also complies with impervious area, indicating that the site is consistent with the intended built form outcomes of the Precinct.

Overall, in my opinion, the proposal is in keeping with both the existing and planned character of the surrounding residential environment, and any actual or potential effects on neighbourhood character will be less than minor.

#### 7.1.3. Effects on Amenity

The construction of any proposed development has the potential to create adverse effects on both the surrounding properties and the future users of the development. The proposal has been designed to be sympathetic with development that exists on adjoining properties, in particular the consented residential development to the east of the site.

In terms of potential bulk and dominance effects, the articulation of the building façade, with a variety of cladding materials and patterns serve to break up the appearance of the building as viewed from adjoining sites.

Overall, it is considered that the development would continue to maintain a good level of amenity to adjoining sites.



#### 7.1.4. On-site amenity

The underlying zone (General Business) and precinct (Silverdale 2 Precinct) do not provide for residential dwellings as an activity, the provisions do not prescribe any specific standards for outdoor living spaces; however, the development has been designed to achieve the following, using the Mixed Housing Urban Zone standards as a guide:

- A minimum of 20m<sup>2</sup> per site. It is noted that all dwellings have outdoor living spaces that greatly exceed this.
- Located to the west of dwellings to ensure good solar access.
- A minimum dimension of 4m to ensure functionality and usability.
- A gradient not exceeding 1:20 in the above areas.

While the outdoor living spaces will adjoin an access within the site, this is considered acceptable for the following reasons.

- The outdoor living spaces are located to the west, which is optimal for solar orientation.
- The proposed retaining locates the outdoor living spaces at a higher level than the adjoining access. Fencing and landscape planting also provide screening.
- The access provides for additional separation to the consented light industrial development.

Similarly, the provisions do not have specific outlook space standards for dwellings. The following has been used as a guide to the design of the development.

- Primary outlook space from living area 6m x 4m
- Secondary outlook spaces 3m x 3m, or 1m x 1m from other habitable rooms.

Overall, it is considered that all units will have good levels of on-site amenity, with the provision of suitable outdoor living spaces and outlook spaces.

It is considered that any adverse effects on the amenity of the immediate neighbours, and the surrounding area will be less than minor.

#### 7.1.5. Operational Noise & Reverse Sensitivity Effects

An acoustic assessment has been undertaken by Earcon, to assess internal and external noise requirements, and is attached at **Appendix H** for reference.

The site is located within a business zone, as such there are no internal noise level requirements. However given the proposed use of the buildings as dwellings, it is proposed that compliance with the internal noise levels of E25.6.10 is achieved in order to ensure adequate on-site amenity to the future occupants.

The assessment includes specific recommendations in relation to the building envelope (facade, glazing, roof) and ventilation requirements, which will be adopted into the designed design of the dwellings. Acoustic fencing is also proposed along the boundary shared with the industrial development to the west. These measures ensure that any potential reverse sensitivity effects to the consented industrial development are managed.

With the implementation of the recommendations, the assessment concludes that the development would be compliant with the relevant noise standards, and internal noise level recommendations. Overall, it is considered any potential noise effects are less than minor.

#### 7.1.6. Traffic effects

The proposed access and parking areas have been designed to provide safe and efficient vehicle manoeuvring both within the site and on the adjoining road networks on Bronzewater Drive.

The proposed development provides for dedicated pedestrian access to each unit.

The vehicle crossing has appropriate sight line distances, that meet the relevant standards.

Additional vehicle activity and movements are considered to be negligible in the context of the existing flows on the surrounding road network.

Three units have vehicle crossings located within 10m of an intersection. The following comments are noted from the Transport Assessment **Appendix G**.

- The vehicle crossings are designed with good sightlines and intervisibility and as such provide a safe environment for the drivers to manoeuvre to/from the site;
- With the vehicle crossings serving only two parking spaces and no more than 10 reverse manoeuvres anticipated per day, the likelihood of vehicular interaction is considered low;
- Upon completion, Bronzewater Drive will be classified as a local road with low traffic volumes, therefore, the probability of interaction between vehicles reversing from the site and vehicles manoeuvring the intersection is considered to be low;

- The Council has approved previous consents in this area for developments having similar typologies and similar vehicle access configurations;
- Users of the vehicle crossings will be regular users who will be familiar with the site layouts and aware of any potential conflicts.

Overall, it is considered that any traffic effects from the proposal will be less than minor.

#### 7.1.7. Infrastructure capacity effects

As noted within the preceding sections, Aspire Consulting Engineers have prepared a design of reticulated services to ensure each site can be served with suitable infrastructure, including wastewater, stormwater, water supply, power, and telecommunications. Details of the designs are attached in **Appendix D**.

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

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

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

#### 7.1.8. Effects from Subdivision

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

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

As noted by Aspire, there is suitable water, stormwater and wastewater servicing for the site and additional connections to services will be provided to service the development, including for the vacant lot.

Appropriate and safe vehicle and pedestrian access is provided for each unit-title to cater for the development.

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

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

#### 7.1.9. Construction Effects

General construction related effects will result from the physical construction of the buildings, along with works required to install infrastructure services and landscaping. All construction activities will be undertaken in accordance with the relevant requirements of the AUP(OP) relating to construction noise and vibration, traffic management and earthworks management.

Overall, it is considered that the any potential adverse effects arising from construction would be less than minor and experienced for a short duration of time.

#### 7.1.10. Positive Effects

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

The proposal will deliver an integrated development that will provide additional economic opportunities within the existing Auckland area, particularly in the Silverdale area, on a site that has remained vacant for a prolonged period of time.

The following is also noted:

- The proposed development will maximise the potential of a site that has remained vacant for a prolonged period of time;
- The proposed dwellings provide for a suitable transition to the adjoining residential zone, while ensuring the dwellings are appropriately designed;
- The proposed landscape treatment plan includes a comprehensive planting plan that will positively contribute to the visual character and amenity of the site and the surrounding neighbourhood;

- The proposal will ensure an economically viable use of the site by providing housing;
- The proposed development will see the planting of new vegetation within the site that is largely unvegetated at present.

#### 7.1.11. Overall Conclusion in Relation to Effects

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

This proposal seeks to establish a non-complying activity on the site, however it is noted that each application must be assessed on its merits, as such it is not considered that the approval of this consent would result in precedent effects.

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

## 7.2. Relevant Provisions of Statutory Documents

### 7.2.1. E10 Stormwater management area - Flow 1 and Flow 2

The relevant Objectives (E10.2) and Policies (E10.3) of the Stormwater management area - Flow 1 and Flow 2 section of the Plan are applicable to the application. The proposal is considered to be consistent with the relevant objectives and policies listed above for the following reasons:

- Aspire Consulting Engineers have created a comprehensive detention and retention stormwater system in response to the SMAF 1 control applicable to the site, proposing underground detention and retention tanks to appropriately manage the stormwater runoff from the roofs of the proposed dwellings and the associated impervious areas on the site (Objective E10.2(1) and Policies (1) and (2)).

### 7.2.2. E12 Land disturbance - District

Section E12 references the relevant Objectives (E12.2) and Policies (E12.3) of the Land Disturbance section of the Plan. The proposal is considered to be consistent with the relevant policies and objectives listed above for the following reasons:

- A number of measures to prevent the migration of sediment off-site, minimise site erosion and control contaminants and debris on site have been proposed to ensure that the land disturbance is suitably managed to avoid and mitigate any potential effects (Objectives E12.2.(1) and Policies E12.3.(5) and (6)).

- The earthworks are necessary to enable residential development so as to provide for people's social, economic and social wellbeing (Policy E12.3(3));
- The proposed earthworks will not impact the stability of the subject site as confirmed by the Geotechnical report (Policy E12.3(6)).

#### 7.2.3. E27 Transport

Section E27 references the relevant Objectives (E27.2) and Policies (E27.3) of the Transportation section of the Plan. The proposal is considered to be consistent with the relevant policies and objectives listed above for the following reasons:

- The design of the parking areas would operate safely as confirmed by TPC (E27.3(17) and (18)).
- The proposed vehicle crossings will provide for safe and efficient movement to and from the site. The use of the crossings is appropriate and safe in the context of the site (E27.3(20)).
- The proposed development has some minor infringements to standards, however it is considered that the site operates safely and efficiently within the context of the surrounding road environment (Policies E27.3(17) and (18)).
- Any transport effects on the surrounding road network arising from this proposal will be minimal (Objective E27.2(1)).

#### 7.2.4. E38 Subdivision - Urban

Section E38 references the relevant Objectives (E38.2) and Policies (E38.3) of the Land Disturbance section of the Plan. The proposal is considered to be consistent with the relevant policies and objectives listed above for the following reasons:

- The subdivision will reflect the intended outcomes of the zone and provide for the long-term needs of future residents through a comprehensive and well-designed development and provides a safe and efficient layout (Subdivision Objectives E38.2(1), (2) and (6));
- Infrastructure is planned in an integrated manner and will be in place at the time of subdivision (Subdivision Objective E38.2(4));
- The subdivision and resulting development will mitigate any adverse effects associated with the discharge of stormwater through the use of quality treatment devices (Subdivision Objective E38.2(10));



- The site layout utilises paired vehicle access and minimises the number of vehicle crossings, and the access is paved to provide legibility and formed to a sufficient width to provide for pedestrians and vehicles (Subdivision Policy E38.3(15) and (16));
- All sites are capable of being serviced with infrastructure that is compatible and integrated with the existing network and is connected to public networks and wastewater and stormwater in a manner that creates no significant adverse effects through use of mitigation detention tanks for stormwater (Policy E38.3(21) and (22)).

#### 7.2.5. H14 Business - General Business Zone

Section H14 provides reference to the relevant Objectives (H14.2) and Policies (H14.3) of the Business - General Business section of the Plan. The proposal is for a residential development. However, the H14 zone objectives and policies are primarily focused on commercial activities

The proposal can be seen as consistent with the objective to ensure "Development is of a form, scale and design quality so that centres are reinforced as focal points for the community" (H14.2(2)).

- The proposal aligns with policies that "Require development to be of a quality and design that positively contributes to:...the visual quality and interest of streets and other public open spaces; and pedestrian amenity, movement, safety and convenience for people of all ages and abilities" (H14.3(3)).
- The proposal is consistent with policies that "Manage compatibility issues of activities within and between developments through site layout and design measures" (H14.3(20)) and "Manage adverse effects on the safe and efficient operation of the transport network" (H14.3(52)), as it is adjacent to an existing residential zone and would utilize existing transport infrastructure.
- The proposal also aligns with policies that in identified locations within the zone enable "greater building height than the standard zone height, having regard to whether the greater height: (a) is an efficient use of land" (H14.3(37)(a)).

It is acknowledged that the proposal is for a residential development, which is generally not envisaged in the Business - General Business Zone. However, the proposal incorporates elements that are consistent with the zone's broader objectives and policies.

#### 7.2.6. I536 Silverdale 2 Precinct

Section I536 provides reference to the relevant Objectives (I536.2) and Policies (I536.3) of the Silverdale 2 Precinct. Aside from the establishment of a non-entertainment facility, the

proposal is considered to be relevant with the relevant objectives and policies for the following reasons:

### Objectives and Policies

I536.2 Objectives	
(1) <i>A distinctive recreation and entertainment precinct with a high-quality built form and landscape.</i>	While the proposed development is residential in nature, the design ensures that the aesthetic and functional aspects contribute positively to the overall environment. The built-form is well executed, incorporating architectural elements that enhance the visual appeal of the precinct.
(2) <i>A range of recreation and entertainment and accessory activities is provided for.</i>	The proposal will not preclude other entertainment and accessory activities from establishing elsewhere in the precinct.
(3) <i>A high-quality built form and landscape with an overall vegetation framework that provides a cohesive landscape and substantially increases the tree canopy.</i>	The overall landscape design has been designed to enhance the built form. The inclusion of the vegetated berm, and location of mature street trees throughout the development provides a substantial increase to the tree canopy compared to existing.
(4) <i>Access to the precinct is safe and efficient and does not adversely affect the state highway network or the surrounding road network.</i>	The development ensures safe and efficient access within the precinct. Traffic access has been carefully designed to minimise any potential adverse effects on the surrounding road network.
(5) <i>Passenger transport, cycling and walking are supported.</i>	Cycling and walking are supported by the provision of cycle parking within dwellings (garages), separated footpaths. The establishment of a commercial development in close proximity to the Silverdale Park and Ride is considered to support public transport objectives.
<i>The overlay, Auckland-wide and zone objectives apply in this precinct in addition to those specified above.</i>	
I536.3 Policies	
(1) <i>Limit activities within the precinct to entertainment and recreation activities and other activities that are accessory to these, including supporting and appropriately</i>	The proposal is a residential development. The proposal will not preclude other entertainment and accessory activities from establishing elsewhere in the precinct.

<i>themed retail and travellers' accommodation.</i>	
<i>(2) Restrict commercial and industrial activities that are not accessory or secondary to entertainment and recreation activities.</i>	The proposal is for a residential activity, which is not specifically provided for. The proposal will not preclude other entertainment and accessory activities from establishing elsewhere in the precinct.
<i>(3) Integrate retail activities with recreation and entertainment activities, and restrict retail activities to those that are closely related to the types of activities provided for in the precinct.</i>	The proposal is for a residential activity, which will support the Silverdale Town Centre.
<i>(4) Provide for development to be integrated within a vegetation and landscape framework that provides a cohesive landscape including a: (a) variety of fast growing exotic trees; and (b) a longer term framework of species characterising New Zealand's northern sub-tropical vegetation.</i>	The development includes an integrated landscape plan, which includes a variety of native and exotic trees which are suited to the site conditions.
<i>(5) Require development to emphasise the underlying natural landform by protecting the integrity of ridgelines, reinforcing the natural watercourses, views and access to sunlight.</i>	The proposed development respects the natural landform by stepping the building platforms down across the site, reflecting the natural topography.
<i>(6) Provide a landscape buffer along the boundary of State Highway 1 to assist in screening development within the precinct from the motorway.</i>	n/a
<i>(7) Require a high standard of architectural and urban design for buildings, development and site layout with the location, scale, materials and colours of buildings, structures and signs being unobtrusive.</i>	The development achieves a high standard of architectural and urban design in relation to the site layout and the buildings.
<i>(8) Restrict earthworks to those necessary for the formation of roads, infrastructure and the formation of building platforms.</i>	Earthworks are limited to those essential for road formation, infrastructure development, and building platforms.
<i>(9) Restrict activities that will cause adverse effects on the state highway network or the surrounding road network and restrict vehicular access to the precinct to the</i>	Potential effects on the surrounding roading network have been assessed by TPC and confirmed to be less than minor.

<i>defined points on East Coast Road and the southern extension of Painton Road as identified on Silverdale 2 Precinct plan 1.</i>	
<i>(10)Provide a low speed–high amenity transport network supportive of safe and efficient pedestrian and cycle access.</i>	The proposed development supports safe and efficient pedestrian and cycle access by combining vehicle crossings.
<i>(11)Restrict noise levels of activities within the precinct so that the amenity values of adjoining areas are not adversely affected.</i>	The acoustic assessment confirms that noise levels can be managed to ensure the amenity values of adjoining areas are not adversely affected.
<i>(12)Restrict development of the steeper land located within 200m of the boundary with East Coast Road to limited areas of buildings or hardstand areas.</i>	n/a
<i>(13)Require best practice stormwater management, retain existing streams and prevent building and fill within floodplains.</i>	Best practice stormwater management is achieved by utilisation of a stormwater pond for treatment and detention.
<i>The overlay, Auckland-wide and zone policies apply in this precinct in addition to those specified above.</i>	

#### 7.2.7. Auckland Regional Policy Statement

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

The proposed development would be consistent with Chapter B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form. The proposal provides for a quality compact urban form that is an efficient use of a site that has remained vacant for a prolonged period, and that provides a quality urban environment for future occupants and the neighbourhood. This in turn provides for more efficient use of public transport, infrastructure and open spaces.

Of note, the proposal provides for an industrial development to support businesses in an area close to new residential development and transport options. A range of unit sizes which meet varying business needs are proposed.

Outcomes such as that proposed by this development are sought by the RPS and the proposal fully aligns with this.

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

#### 7.2.8. National Policy Statement on Urban Development

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

The proposal is consistent with the objectives of the NPSUD. The proposal will support the policy intent of providing vibrant cities that support the wellbeing of people but also providing a well-functioning urban environment.

The proposal promotes the efficient use of urban land. The development is located in close proximity to public transport networks, and provides for cyclist and pedestrians. The proposed residential development is poised to make a significant economic contribution to the urban area, generating employment opportunities and fostering economic growth. Amenity values within the development and its surrounds will be reasonable, noting that a change in built form is provided for by the zone and expected by the NPSUD and that the resulting impacts on amenity are provided for. The proposal is an efficient use of land in an urban location serviced by existing infrastructure.

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

#### 7.3. Any Other Matters

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

##### 7.3.1. The Auckland Plan

The Auckland Plan provides a 30-year vision and strategy for the Auckland area. The purpose of the Plan is to provide for better co-ordination and investment and address a broader range of issues than land use matters. The Plan seeks to address a range of matters including:

- The role of Auckland in New Zealand;
- The social, economic, environmental and cultural objectives for Auckland and its communities;

- Existing and future land use patterns (residential, business, rural and industrial use) including the sequencing of growth and provision of infrastructure;
- Existing and future location of critical infrastructure such as transport, water supply, wastewater and stormwater, other network utilities, open space and cultural and social infrastructure;
- Policies, priorities, programmes, and land allocations to implement the strategic direction, and
- Nationally and regionally significant areas (ecological, recreation and open space, environmental constraints, landscape, historic heritage and natural features).

The Auckland Plan confirms the continued need to deliver a quality compact city which meets housing demand and keeps pace with growth.

It is considered that the proposal supports the strategic direction of the Auckland Plan by providing a high quality, well planned residential development in an area that is infrastructure enabled, that is experiencing a shortage in industrial land.

There are no 'other matters' that are considered to be of relevance in this instance.

#### 7.4. Section 104D

Section 104D of the RMA establishes a 'threshold test', this being an additional test that non-complying activities must satisfy before they can be granted.

This proposal requires resource consent as a non-complying activity as the proposed development is not an entertainment facility.

In order to pass the threshold test, a consent authority must be satisfied that the adverse effects of the activity on the environment will be minor or the activity will not be contrary to the objectives and policies of the Plan or proposed Plan.

It is considered that the threshold test is satisfied in this case. The assessment of environmental effects has demonstrated that the effects of the proposal on the environment in the context of the application site and the existing surrounding development would be no more than minor. It is also considered that the proposal would not be contrary to the objectives and policies of the AUP(OP).



It is noted that case law on this matter has set a relatively high threshold for what might be considered as ‘contrary’. The courts have suggested that this term means ‘*repugnant to*’ or ‘*opposed to in nature*’<sup>1</sup>.

It is acknowledged that the proposed development is not for an entertainment facility. The objectives and policies seek to ‘restrict’ residential activities in the precinct. In my opinion, the fact that the objectives policies do not use the more directive wording of “avoid” indicates that residential activities are not prohibited in the Precinct. It does signal that such activities do need to be closely scrutinised, and limited.

The economic assessment that has been undertaken as part of this application has indicated that there will sufficient capacity with the precinct to meet the reasonably foreseeable entertainment and recreational needs of the community. It is also noted that the site is unique, being a relatively small area of site located between a consented industrial development, and land zoned residential (with consented residential development) across Bronzewater Drive, with limited visibility to attract Entertainment type activities. Given the circumstances of the site, and the wider development of the Precinct, it is my opinion that the proposal will not be contrary to the outcomes sought by the Silverdale 2 Precinct. The proposal provides an appropriate and sensible transition between the two land uses.

I do not consider that the proposal will lead to an adverse precedent outcome for the Precinct. All applications are treated on their merits and the unique aspects of the site are such that the proposal will not detract from the primary use of the wider precinct for entertainment activities.

Overall, it is my opinion that the proposal will not be contrary to the Objectives and Policies of the Silverdale 2 Precinct with respect to the proposed residential activities, which are limited when considered against the wider Silverdale 2 Precinct.

It is my opinion that other objectives and policies of the Precinct have been achieved. It is noted that although the purpose statement of the precinct primarily references entertainment facilities, other activities are also enabled by the Precinct provisions.

Only one limb of the test needs to be met to allow a consent authority to grant an application for a non-complying activity. However, in this instance, it is considered that both are satisfied. As a consequence, the Council can have confidence that it has the necessary jurisdiction to determine the application in accordance with the statutory considerations contained within s104D.

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<sup>1</sup>NZ Rail v Marlborough District Council [1994] NZRMA 70 (HC)

## 8.0 Part 2 Matters

Section 104 is expressly subject to Part 2 of the RMA. Part 2 sets out the purpose and principles of the Act, with a focus on promoting sustainable management of natural and physical resources (s5); recognising and providing for matters of national importance (s6); having regard to other significant resource management matters (s7); and taking into account the principles of the Treaty of Waitangi (Te Tiriti O Waitangi) (s8).

The Court of Appeal has confirmed (in the R J Davidson Family Trust v Marlborough District Council decision) that when undertaking the section 104 evaluation the Council “must have regard to the provisions of Part 2 when it is appropriate to do so”. In this situation, given that the Unitary Plan has only recently been made operative (so it contains provisions prepared having regard to Part 2 and a coherent set of policies to achieve clear environmental outcomes) and does not add anything to the evaluative exercise, it is not considered necessary to undertake an assessment of the proposal against Part 2. However, for completeness, this AEE provides a brief assessment which concludes that the application will be consistent with the purpose of the RMA, this being to ‘promote the sustainable management of natural and physical resources.

It is considered that the proposal will promote sustainable management of natural and physical resources. The proposal is a sustainable and efficient use of land resources within intended urban limits and will enable positive social, environmental, economic and cultural outcomes. The proposal would be in keeping with the intended amenity values of the underlying zoning of the site.

Adverse effects of the proposal will be adequately avoided, remedied and mitigated. The proposal is not considered to offend any of the matters of national importance, contained within section 6 and the application would sit comfortably with the ‘other matters’ contained in section 7. Likewise, the proposal would not offend any section 8 requirements, this being that those exercising powers or functions under the RMA to take into account the principles of te Tiriti o Waitangi.

Overall, it is considered that the proposed residential development is in consistent with the purpose and principles, Part 2, of the RMA.

## 9.0 Other Relevant RMA Sections

### 9.1. Section 106

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

*“(1) A consent authority may refuse to grant a subdivision consent, or may grant a subdivision consent subject to conditions, if it considers that—*  
*(a) there is a significant risk from natural hazards; or*  
*(b) [Repealed]*  
*(c) sufficient provision has not been made for legal and physical access to each allotment to be created by the subdivision.*  
*(1A) For the purpose of subsection (1)(a), an assessment of the risk from natural hazards requires a combined assessment of—*  
*(a) the likelihood of natural hazards occurring (whether individually or in combination); and*  
*(b) the material damage to land in respect of which the consent is sought, other land, or structures that would result from natural hazards; and*  
*(c) any likely subsequent use of the land in respect of which the consent is sought that would accelerate, worsen, or result in material damage of the kind referred to in paragraph (b)*  
*(2) Conditions under subsection (1) must be—*  
*(a) for the purposes of avoiding, remedying, or mitigating the effects referred to in subsection (1); and*  
*(b) of a type that could be imposed under section 108.”*

The subject proposal will not create any adverse issues with respect to the above, and it is not likely to exacerbate or worsen any existing erosion, subsidence or flooding that may exist on other land.

The proposed subdivision makes sufficient provision for legal and physical access, as required by s106(1)(c).

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

### 9.2. Other

An application under s221 is made to vary the consent notice registered on the title as detailed in section 5.1 of this report.

## 10.0 Section 95 Assessment

### 10.1. Public Notification (S95A)

#### 10.1.1. Step 1 - Mandatory in certain circumstances

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

#### 10.1.2. Step 2 - Precluded in certain circumstances

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

#### 10.1.3. Step 3 (Part 1) - Required by rule

The application meets the criteria under s95A(8), therefore **public notification is required by Step 3.**

H14.5(1) of the Business - General Business Zone requires that any resource consent application for dwellings be publicly notified.

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

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

#### 10.1.5. Step 4 - Special circumstances

Step 4 does not apply as public notification is required by step 3.

### 10.2. Limited Notification (S95B)

The application is to be publicly notified under s95A, therefore a limited notification assessment is not required (under s95B(1)).

### 10.3. Notification Conclusion

The steps set out in s95A and s95B of the RMA were followed to determine whether public or limited notification is warranted for this application. Overall, it is considered that circumstances warranting public notification exist, therefore **the application is to be publicly notified.**

## 11.0 Conclusion

This resource consent by East Coast Heights Limited ('the applicant') relates to the construction of 17 standalone residential dwellings at 53 Small Road, Silverdale.

The development has been designed in a comprehensive manner to ensure the most efficient use of the land and minimise any adverse environmental effects.

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

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

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

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