

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



Decision one – restricted discretionary activity land use consent (s9)

Application number: LUC60447131 (s9 land use consent)
Applicant: WFH Properties Limited
Site address: 1 Pekanga Road, Upper Orewa 0992; and
101 Kowhai Road Upper Orewa 0992
Legal description: Lot 9000 DP 604318; and
Lot 1 DP 537871, Sect 2 SO 537746

Proposal:

To construct a section of unformed road. Blanket consent sought for the vehicle crossing of future Lots 19, 20, 63, and 140 where Vehicle Access Restrictions Apply. Non-compliances to transport standards.

Resource consent is required for the following reasons:

Land use consents (s9) – LUC60447131

Auckland Unitary Plan (Operative in part)

E26 Infrastructure

- Construction of unformed roads is a **Restricted Discretionary Activity** under Rule E26.2.3.2(A69).

E27 Transport

- Parking, loading and access which is an accessory activity, but which does not comply with the standards for parking, loading and access is a **Restricted Discretionary Activity** under Rule E27.4.1(A2).
 - Standard E27.6.3.7(1) requires the provision of lighting where there are 10 or more parking spaces which will be used during hours of darkness. The applicant is not proposing any lighting for jointly owned access lots, proposed Lots 506 and 507 that serve 5 residential lots each likely to result in 10 or more parking spaces, and do not comply with this standard.
- Blanket land use resource consent is sought for the future construction of a vehicle crossing within 10m of an intersection where a Vehicle Access Restriction applies under Standard E27.6.4.1(3). This is a **Restricted Discretionary Activity** under Rule E27.4.1(A5). This

blanket consent approval is sought for future Lots 19, 20, 63, and 140 that will have their vehicle crossing within 10m of an intersection.

Proposed Plan Change 79 Decision Version:

The Proposed Plan Change 79 Decision Version (PC79 DV) was notified on 9 August 2024. This replaces the Proposed Plan 79 notified version. It is noted the Plan Change has been appealed to the Environment Court in its entirety, however the provisions of the Plan Change still have legal effect. Resource consent is required under PC79 DV for the following reasons:

E27 Transport

- Parking, loading, access and Electric Vehicle Supply Equipment which is an accessory activity, but which does not comply with the standards for parking, loading, access and Electric Supply Equipment is a **Restricted Discretionary Activity** under Rule E27.4.1(A2).
 - Standards E27.6.3.7(1) and (2)(b) require the provisions of lighting where there are 10 or more parking spaces which will be used during hours of darkness. The applicant is not proposing any lighting for jointly owned access lots, proposed Lots 506 and 507 that serve 5 residential lots each resulting in 10 or more parking spaces, and do not comply with the above standards.
 - The proposal does not comply with Standard E27.6.4.3(1)(a) as no passing bays are provided for the jointly owned access lots, proposed Lots 506 and 507, in accordance with table E27.6.4.3.1(T148).
 - The proposal does not comply with Standard E27.6.4.3(1)(b) and Table E27.6.4.3.2(T151) as the formed access width for jointly owned access lot, proposed Lots 506 is between 3.5m - 5.5m; and the formed access width for jointly owned access lot, proposed Lots 507 is between 3.3m - 5.8m, which do not meet the minimum formed access width of 5.5m.
 - The proposal does not comply with Standard E27.6.4.3(1)(c) and Table E27.6.4.3.3(T156A) as no speed management measures are provided within the jointly owned access lots, proposed Lots 506 and 507.
 - The proposal does not comply with Standard E27.6.6(1)(a) and Table E27.6.6.1(T156B) as no separate pedestrian access of a minimum 1.4m width with a vertically separated kerb is provided to the dwellings from the jointly owned access lots, proposed Lots 506 and 507.
- Any activity or subdivision which exceeds the trip generation standards set out in Standard E27.6.1 is a **Restricted Discretionary Activity** under Rule E27.4.1(A3).
 - The proposal exceeds the residential subdivision – threshold 1 under Standard E27.6.1(1)(a) – Table E27.6.1.1(T3A), as it has capacity to accommodate more than 40 dwellings and does not comply with the above standard.
- Blanket land use resource consent is sought for the future construction of a vehicle crossing within 10m of an intersection where a Vehicle Access Restriction applies under Standard E27.6.4.1(3). This is a **Restricted Discretionary Activity** under Rule E27.4.1(A5). This blanket consent approval is sought for future Lots 19, 20, 63, and 140 that will have their vehicle crossing within 10m of an intersection.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consents. 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, 108 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be avoided, remedied or mitigated as:
 - a. The proposed sites are located within the Stormwater Management Area Control Flow 1 and will increase their impervious areas due to the remaining works required for the completion of the roading network (roading lots to vest). According to the AEE the stormwater runoff will be conveyed to the proposed/existing reticulated stormwater network which is discharged to the coastal environment as a permitted activity. The primary network is capable of conveying flows up to the 10% AEP storm and has been designed in accordance with Auckland Council's engineering standards. Stormwater will be treated in an existing public device prior to discharge to the tidal zone of the Orewa River.
 - b. The Transportation Assessment Report findings suggest that the traffic generated by the proposal can be readily accommodated by the existing roading network and most sight distances for intersections available can comply with the relevant AUSROADS standards for a 50km/h environment. The horizontal geometrical alignment of a curve has been included as a local speed calming device in order to address the sight distance deficiencies. As such, the proposal will provide sufficient sightlines for the crossings located within vehicle access restrictions
 - c. The proposal triggers the trip generation under PC 79. The trip generation was address at the time of the original proposal or the development of Precinct 6 of Arran Hills. It is considered that the effects from the reconsenting of Stages 3 and 4, and the balance lot 6000 for future development will not result in any additional effects over and above those already addressed in the original application.
 - d. The proposal triggers non-compliances to standards relating to access to rear sites, formed width of access, lighting, provision of separate pedestrian access for the jointly owned access lots (Lots 506 and 507) under PC 79. It is noted that the original consent did not provision those and the applicant is not proposing to make any changes to what was originally consented. The access lots are partially constructed with the underground servicing already in place. The access lots are low speed environments as they are of the of narrower formed width (ranging between 3.3m – 5.8m wide) and were designed with the safety of residents and vehicular traffic using them in mind. It is

anticipated that only the lots that are being serviced by them will be using these during the hours of darkness and those users will be accustomed to their operation and layout.

- e. Most of the underground provisions for services and connections to the reticulated public networks is largely completed following the engineering plan approval under ENG60362263. All proposed residential lots will have reliable access to stormwater, wastewater, and drinking water. The existing networks were designed to handle the extra demand from this development. Each lot will be connected to utilities, which should be fully operational by July 2025. The wastewater connections for Stages 3 and 4 are already factored into Watercare's plans, ensuring there won't be any strain on the downstream system, including the Army Bay Treatment Plant future upgrades. Watercare has provided their approval for the proposed development and subsequent subdivision.
 - f. Any remaining earthworks for the construction of road and to provide for services will be undertaken using appropriate erosion and sediment control measures in line with GD05.
 - g. The proposal is not anticipated to have an adverse effect on land, not on a resource, contained within any Statutory Acknowledgment Area.
 - h. In terms of positive effects, the proposal will enable to the subdivision of Stages 3 and 4 of Precinct 6 of Arran Hills. proposal for appropriate access to the existing dwelling off Elliston Crescent. The proposal will provide for the applicant's economic and social wellbeing.
 - i. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. 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, these include the assessment criteria, objectives and policies contained in Chapters I530, E10, E26, E27, and H3 of the Auckland Unitary Plan (Operative in part); the objectives and policies within H5 of Proposed Plan Change 78; objectives and policies within E27 of Proposed Plan Change 79; of as well as the relevant ones from the National Policy Statement on Urban Development. In summary, the proposed development is acceptable with negligible adverse effects on the receiving environment and anticipated character of the area. Earthworks will be undertaken using best practice erosion and sediment control measures. Stormwater will be appropriately treated and discharged without affecting the water quality of the surrounding water bodies nor exacerbating the flood risk to downstream properties. The provision of access to the area can be achieved without any adverse effects on adjacent landowners and the roading network. This land use proposal is in keeping with the existing and anticipated character and amenity of the area. Overall, it is considered that the proposal meets the objectives and policies of the Auckland Unitary Plan (Operative in part) and is consistent with the outcomes of the Proposed Plan Change 78 and 79, and the National Policy Statement on Urban Development.
3. 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 relevant.

4. In the context of this proposal for a restricted discretionary activity land use consent, where the objectives and policies of the relevant statutory documents 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. They also provide a clear framework for assessing all relevant potential effects and 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.
5. Overall, the proposal is considered to be consistent with the objectives and policies of the Auckland Unitary Plan (Operative in part), Plan Change 78 and 79, and the National Policy Statement on Urban Development 2020. Adverse effects on the environment are adequately managed, mitigated, and avoided, where adverse effects will be less than minor overall.

Conditions

Under sections 108 and 108AA, of the RMA, this consent is subject to the following 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 LUC60447131.
 - Application Form (received 8 April 2025) and Assessment of Environmental Effects prepared by Woods, reference: P24-015, version 1, dated: 1 April 2025.

Report title and reference	Author	Rev	Dated
Geotechnical Investigation Report (Reference: AKLGE204203)	Tetra Tech Coffey	0	25/07/2017
Integrated Transportation Assessment Report (TDG Ref: 14730 ITA 170719)	TDG Ltd	-	19/07/2017
Infrastructure Memo – Stage 3 and 4, Arran Hill Precinct 6 (Project Number: P23-437; Version: V1)	Woods	-	31/03/2025
Geotechnical Letter to Support Application for Subdivision Resource Consent, 1 Pekanga Road, Upper Orewa 0992, LOT 9000 DP 604318 (Ref: 773- AKLGE206639-CJ)	Tetra Tech Coffey	-	27/03/2025
Arran Hill, Orewa: Stage 3 and 4: wetland effects assessment (Project No: 2514)	RMA Ecology Ltd	-	26/03/2025

Lapse of consent

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapses.

Monitoring fee

3. The consent holder must pay the council an initial consent compliance monitoring charge of \$780 (inclusive of GST), plus any further monitoring charge or 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 is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent have been met, will the council issue a letter confirming compliance on request of the consent holder.

Vehicle access

4. The consent holder must design and construct the vehicle accessways (Lots 506 and 507) to serve the development to the requirements of Auckland Council Standards. Certification from a suitably qualified and experienced surveyor or engineering professional that works have been satisfactorily undertaken must be provided to Council upon request.

Advice note:

- *Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction. For more details refer to [Common access way approval \(aucklandcouncil.govt.nz\)](http://aucklandcouncil.govt.nz)*
- *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*
- *Plans approved under Resource Consent do not constitute a Common Access Way/ Engineering Plan Approval and should not be used for the purposes of constructing common access ways.*

Public Roads

5. The consent holder must design and construct the public roads (Lots 904, 905, 906, and 907) in accordance with the requirements of Auckland Transport Code of Practice. Certification from Auckland Transport that the works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Note:

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Construction of public roading requires an Engineering Plan Approval.*
- *Design of public roads must include (but is not limited to), road pavement, pedestrian footpaths, cycle ways, street lighting, street furniture, road marking, traffic calming devices, road stormwater drainage, raingardens, etc. where required.*

- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) requires all new public roads and all extensions to existing roads to have a road name. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name approval before applying for a section 223 certificate.*

Speed calming

6. Speed calming must be provided on all local streets in accordance with Auckland Transport guidance and standards. The speed calming must be provided to avoid straight sections of road greater than 120m intervals.

Road amenity and lighting

7. All streets and public accessways must be lit to the requirements of Auckland Council Standards and to the satisfaction of Auckland Transport in accordance with ATCoP. The type of light fittings must be acceptable to the electricity network supplier responsible for the area and must have approval of the Council prior to installation.

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. *The consent holder is responsible for ensuring that all development and associated works (including mobile plant and scaffolding) complies with the minimum safe distances from overhead electric lines in compliance with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP 34:2001) (NZECP34). Resource consent does not confirm compliance with NZECP34. The consent holder should ensure that minimum safe distances are achieved before commencing construction where there are overhead electrical lines nearby.*

You can search your site address at <https://www.ena.org.nz/lines-company-map/> to identify your local lines company.

Vector network: <https://www.vector.co.nz/personal/help-safety/near-our-network/building-near-overhead-lines>

Counties Energy network: <https://www.countiesenergy.co.nz/forms/close-approach-permit>

7. *The Consent Holder or his Contractor must obtain a Corridor Access Request from Auckland Transport / NZTA prior to the commencement of any works within the legal road.*
8. *The Consent Holder or his Contractor must obtain a Vehicle Crossing Application from Auckland Transport prior to the commencement of the vehicle crossings construction.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:



Date: 18 June 2025

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



Decision two –non-complying activity subdivision consent (s11)

Application number: SUB60446569 (s11 subdivision consent)
Applicant: WFH Properties Limited
Site address: 1 Pekanga Road, Upper Orewa 0992; and
101 Kowhai Road Upper Orewa 0992
Legal description: Lot 9000 DP 604318; and
Lot 1 DP 537871, Sect 2 SO 537746

Proposal:

To carry out a forty-four-lot residential subdivision of the subject sites and a vacant balance lot for future development. Subdivision of vacant sites greater than 1 hectare not complying with relevant subdivision standards, and subdivision not meeting relevant subdivision standards for access to rear sites.

Resource consent is required for the following reasons:

Subdivision consent (s11) – SUB60446569

Auckland Unitary Plan (Operative in part)

E38 Subdivision – Urban

- Subdivision of land within the natural hazard areas of the 1% AEP floodplain, is a **Restricted Discretionary Activity** under Rule E38.4.1(A11).
- Vacant sites subdivision involving parent sites of 1 hectare or greater not complying with Standard E38.8.3.1, is a **Non-complying Activity** under Rule E38.4.2(A19).
 - The proposed subdivision will result in a minimum average net site area of 596.6m² which does not meet the minimum average net site area of 600m² for the Residential – Single House Zone as stated in Standard E38.8.3.1(4) and Table E38.8.3.1.1.
 - For all subdivision on a parent site greater than 1 hectare where 30 or more vacant sites are proposed, the total number of rear sites must not exceed five per cent of the total number of proposed sites as stated in Standard E38.8.3.1(6). The proposal will result in 9 rear sites out of the 45 lots proposed (20% of the total number of sites) and does not meet this Standard.
- Subdivision not meeting the standards in E38.8 Standards for Subdivision in residential zones is a **Discretionary Activity** under Rule E38.4.2(A31).

- The length of access to rear sites is in excess of 50m for both jointly owned access lots, Lots 506 and 507 and does not comply with Standard E38.8.2.3(2) and Table E38.8.2.3.1.
- The proposal exceeds the 5% total number of rear sites as required under Standard E38.8.3.1(6). The proposal will result in 9 rear sites out of the 45 lots/sites proposed (20% of the total number of sites).

I530 Orewa 2 Precinct

- Under Rule I530.4.1(A6) subdivision in the Orewa 2 Precinct has no activity status and therefore, the zone, Auckland-wide overlays apply as relevant. Consent is required as a **Non-complying Activity** under Rule E38.4.2(A19) for the reasons listed above.

Proposed Plan Change 79 Decision Version:

The Proposed Plan Change 79 Decision Version (PC79 DV) was notified on 9 August 2024. This replaces the Proposed Plan 79 notified version. It is noted the Plan Change has been appealed to the Environment Court in its entirety, however the provisions of the Plan Change still have legal effect. Subdivision consent is required under PC79 DV for the following reasons:

E38 Subdivision – Urban

- The proposed subdivision does not comply with Standard E38.8.1.2(2), (3), (4) & (5) and Table E38.8.1.2.1, as amended under PC79 DV, as the proposed jointly owned access lots, Lot 506 and 507, are serving 4-5 rear sites, the length of access exceeds the 50m maximum requirement, no separate pedestrian access is provided, and no speed management measures are provided in accordance with Table E27.6.4.3.3. This is a **Discretionary Activity** under Rule E38.4.2(A31).

Proposed Plan Change 78 ('PC78')

The subdivision provisions within PC 78 do not have legal effect and the provisions of the Auckland Unitary Plan (Operative in part) prevail.

Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consents. 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, 104B, 106 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be avoided, remedied or mitigated as:
 - a. The proposal is considered to be consistent with the existing and expected development and character of the area that has been undergoing transformation from vacant sites to residential allotments for future development. It is noted that the proposed subdivision will result in a minimum average net site area of 596.6m² which does not meet the minimum average net site area of 600m² for the Residential – Single House Zone. This is considered to be negligible and will not alter the planned character and amenity of the area. The resulting vacant residential lots will be in keeping with the intended residential character and amenity values anticipated and established within the area and those of the Residential - Single House Zone that require the bulk form and height of dwellings to be between one to two stories and under 8m. Any future proposed dwellings on these lots are anticipated to be able to comply with all relevant development standards under this zone.
 - b. Similarly, the proposal will result in 9 rear lots, or 20% of the total number of sites to be created. The proposal is to re-authorise Stage 3 and Stage 4 subdivision of Precinct 6: Orewa West (Arran Hills) as the underlying subdivision resource consent for Precinct 6 SUB60305557 of BUN60305554 has lapsed on the 12th of March 2024. The layout of the subdivision and resulting rear sites has not changed from the originally approved subdivision with construction and enabling works nearing completion.
 - c. The applicant will be submitting a full Geotechnical Completion Report at the time the remaining works are completed. All earthworks have been undertaken in accordance with the recommendations of the Geotechnical Investigation Report (GIR) in accordance with the underlying consent BUN60305554. The Geotechnical Completion Report will confirm the suitability of the vacant residential lots for future development.
 - d. Most of the underground provisions for services and connections to the reticulated public networks is largely completed following the engineering plan approval under ENG60362263. All proposed residential lots will have reliable access to stormwater, wastewater, and drinking water. The existing networks were designed to handle the extra demand from this development. Each lot will be connected to utilities, which should be fully operational by July 2025. The wastewater connections for Stages 3 and 4 are already factored into Watercare's plans, ensuring there won't be any strain on the downstream system, including the Army Bay Treatment Plant future upgrades. Watercare has provided their approval for the proposed subdivision.
 - e. The proposal triggers non-compliances to standards relating to access to rear sites where the length of 50m maximum is exceeded, no separate pedestrian accesses are provided, and no speed management measures will be installed for the jointly owned access lots (Lots 506 and 507) under PC 79. It is noted that the original consent did not make provision for these, and the applicant is not proposing to make any changes to what was originally consented. The access lots are partially constructed with the underground servicing already in place. The access lots are low speed environments as they are of the narrower formed width (ranging between 3.3m – 5.8m wide) and were

designed with the safety of residents and vehicular traffic using them in mind. It is anticipated that only the lots that are being serviced by them will be using these, and their users will be accustomed to their operation and layout.

- f. The existing roading network has sufficient capacity to accommodate the additional traffic generated by the proposed new residential lots and future dwellings constructed within their boundaries. Adverse effects of the proposal on the surrounding roading network, and to the safety of pedestrians and vehicles are considered to be less than minor.
 - g. The proposed subdivision is considered to have a layout which is safe, convenient and accessible, and responds appropriately to the current use of the sites and to the future sites that will be created as a result of it. Access to the proposed new lots will be via the proposed roading network which will be extended to these vacant sites. The layout of the sites and access arrangements will not adversely affect the movement of traffic along the adjacent roading network, nor the ability for adjoining landowners to safely access their sites.
 - h. The applicant has demonstrated that all vacant residential lots can be suitably accessed and serviced by connections to reticulated services available to the site.
 - i. In terms of positive effects, the development will provide 44 additional freehold residential lots that are consistent with the existing and anticipated character of the surrounding and wider environment; along with a vacant lot for future development. The proposal will provide for the applicant's economic and social wellbeing.
 - j. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents including the assessment criteria, objectives and policies contained in Chapters H3, I530, E27 and E38 of the Auckland Unitary Plan (Operative in part), the objectives and policies within H5 and E38 of the Proposed Plan Change 78, the objectives and policies within E27 and E38 of Proposed Plan Change 79; as well as the relevant ones from the National Policy Statement on Urban Development. In summary, the proposed subdivision maintains the anticipated residential character of the area and is considered to be consistent with the residential amenity of the wider area. The proposed subdivision has a safe, efficient layout and is accessible (objective E38.2 (6)). Overall, it is considered that the proposal meets the objectives and policies of the Auckland Unitary Plan (Operative in part) and is compatible with the outcomes of the Proposed Plan Change 78.
3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant.
4. There is no prohibition under s104D of the RMA on granting this non-complying activity. This is because the proposal is not contrary to the objectives and policies of the relevant plan and/or proposed plan, and will have only minor adverse effects on the environment.
5. In terms of s106 of the RMA, the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access

to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions below.

6. In the context of this non-complying activity subdivision, where the objectives and policies of the relevant statutory documents 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. They also provide a clear framework for assessing all relevant potential effects and 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.
7. Overall, the proposal will have actual and potential effects on the environment that are acceptable and less than minor. The proposal is generally consistent with the objectives, policies and assessment criteria of the Auckland Unitary Plan (Operative in part), Plan Change 78, the National Policy Statement on Urban Development 2020, and the purpose and principles of the RMA. The proposed subdivision will contribute towards achieving well-functioning urban environments.

Conditions

All conditions contained in this decision must be complied with at time of s224(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 two lot residential subdivision and associated works must be as described in the application form and assessment of environmental effects prepared by Woods, reference: P24-015, version 1, dated: 1 April 2025, and must be carried out in accordance with the plans and information detailed below, and all referenced by the Council as consent number SUB60446569.

Report title and reference	Author	Rev	Dated
Geotechnical Investigation Report (Reference: AKLGE204203)	Tetra Tech Coffey	0	25/07/2017
Integrated Transportation Assessment Report (TDG Ref: 14730 ITA 170719)	TDG Ltd	-	19/07/2017
Infrastructure Memo – Stage 3 and 4, Arran Hill Precinct 6 (Project Number: P23- 437; Version: V1)	Woods	-	31/03/2025
Geotechnical Letter to Support Application for Subdivision Resource Consent, 1 Pekanga Road, Upper Orewa 0992, LOT	Tetra Tech Coffey	-	27/03/2025

Arran Hill, Orewa: Stage 3 and 4: wetland effects assessment (Project No: 2514)	RMA Ecology Ltd	-	26/03/2025
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Drawing title and reference	Author	Rev	Dated
Millwater Orewa West Precinct 6 – Stage 3 and 4 Scheme Plan (DWG NO: P22-437-01-0010-SC)	Woods	2	11/06/2025

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 (infrastructure and access).*
- *The engineering assessment of this resource consent is limited to an effects-based assessment allowed by the Unitary Plan. Plans approved under Resource Consent do not constitute an Engineering Plan Approval. A separate engineering approval will be required for the design of any infrastructure that is to vest in council.*
- *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 etc) 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 (e.g., detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent (under section 127 of the Resource Management Act 1991) or a new consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for consent are triggered (e.g., after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*

Lapse of consent

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted (“the lapse date”) unless:
 - a. 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
 - b. 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

Survey plan

3. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan titled: “Millwater Orewa West Precinct 6 – Stage 3 and 4 Scheme Plan” (DWG NO: P22-437-01-0010-SC), prepared by Woods, dated 11/06/2025. The survey plan must show all lots to vest in Council, all easements, any amalgamation conditions, and any areas subject to other covenants required by this subdivision consent.

Roads to vest

4. All of the proposed roads shown as Lots 904, 905, 906 and 907 on the approved plan titled: “Millwater Orewa West Precinct 6 – Stage 3 and 4 Scheme Plan” (DWG NO: P22-437-01-0010-SC), prepared by Woods, dated 11/06/2025, must vest in the Council as public roads. The consent holder must meet all costs associated with the vesting of the roads.

Amalgamation conditions

5. That Lot 506 hereon (Legal Access) be held as to five undivided one-fifth (1/5th) share by the owners of Lots 23-27 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.
6. That Lot 507 hereon (Legal Access) be held as to four undivided one-fifth (1/5th) share by the owners of Lots 14-18 hereon as tenants in common in the said shares and that individual records of title be issued in accordance therewith.

Section 224(c) compliance conditions

s224(c) certificate

7. 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 SUB60446569 have been complied with, and identify all those conditions that have not been complied with and are subject to the following:

- a. a consent notice to be issued in relation to any conditions of this consent to which section 221 applies.
- b. a bond, as required by conditions of this consent, to be entered into by the subdividing owner in compliance with the relevant conditions of this subdivision consent.
- c. a completion certificate has been issued in relation to any conditions to which section 222 applies.

Wastewater reticulation

8. The consent holder must design and construct connections to the public wastewater reticulation network to serve all residential lots in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided.

Advice Notes:

- *The requirements of 'Watercare Approval Letter RC-275409, dated: 15 May 2025' must be met.*
- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Development may involve building over or adjacent to a Council Public wastewater drain. A building consent will be required for this work. A CCTV is required to be submitted to Auckland Council as a part of building consent application. Diversion / replacement / bridging of the old public wastewater drain may be required at the building consent stage. Works on public drains require an engineering plan approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

Water supply reticulation

9. The consent holder must design and construct connections to the public water reticulation network to serve all residential lots in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided.

Advice Notes:

- *The requirements of 'Watercare Approval Letter RC-275409, dated: 15 May 2025' must be met. Watercare's approval is valid for 2 years from the date of approval.*
- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*

- *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare as part of the Engineering Plan Approval Process.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

Stormwater reticulation

10. The consent holder must design and construct connections to the public stormwater reticulation network to serve all residential 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.

Advice Notes:

- *Acceptable forms of Evidence include Engineering Approval Completion Certificates.*
- *Stormwater utility provider is the Auckland Council Healthy Waters Department.*
- *Public connections are to be constructed in accordance with the Stormwater Code of Practice.*
- *Alterations to the public stormwater reticulation network require Engineering Plan Approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*

Utilities

11. The consent holder must make provision for telecommunications and electricity to all residential lots 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.

Advice Note:

The consent holder may also provide gas servicing to the lot(s), but this is not a requirement, and no proof is required at time of section 224(c). Any gas lines are required to be installed underground, or they may otherwise require a further resource consent.

Landscaping plan – Streetscape

12. At Engineering Approval stage, the consent holder must submit a detailed streetscape landscaping plan(s), in conjunction with the engineering plans for approval by the Parks Planning Team Leader. In particular the plans must:

- a. Be prepared by a registered landscape architect.
- b. Be in general accordance with the Orewa West Precinct 6 Street Tree Planting Plan Dwg 002, dated 24 October 2017 prepared by LASF (as approved by BUN60305554 and any subsequent variations that amended these plans).
- c. Show all planting including details of species, location, spacing, plant sizes at time of planting and likely heights on maturity. The plan(s) must also show tree pit specifications, the overall material palette, location of street lights and other service access points.
- d. Show shrub species must be planted at 400mm from footpath and road edges and street trees planted a minimum of 5 metres from street lights and 2 metres from other service boxes.
- e. Ensure that specimens are planted to maintain appropriate separation distances from paths, roads, street lights and vehicle crossings in accordance with the Auckland Transport Code of Practice.
- f. Delete *Metrosideros excelsa* 'Maori princess' as there have been ongoing issues with this species in residential areas including infrastructure damage and adequate growing space. Replacement trees should be a suitable size for the proposed 1.5m berm width.
- g. Delete *Gleditsia triacanthos* as this is a high maintenance street tree and has been requested not to be accepted by the Parks arborist responsible for maintenance. Replacement trees should be a suitable size for the proposed 1.5m berm width.
- h. Comply with the Auckland Council Planting and Lawn Specifications version 8.
- i. Include planting methodology.

Maintenance plan – Streetscape

13. At Engineering Plan Approval stage the consent holder must provide a Maintenance Plan for the approval of the Parks Planning Team Leader for all streetscape planting and landscaping. The Maintenance Plan must include:
 - a. Vegetation maintenance policies for the proposed planting, in particular details of maintenance methodology and dates / frequencies.
 - b. Details of watering, weeding, trimming, cultivation, pest and disease control, checking of stakes and ties, pruning and other accepted horticultural operations to ensure normal and healthy plant establishment and growth.
 - c. Vandalism eradication policies.
14. The consent holder must undertake maintenance, in accordance with the approved Maintenance Plan for a two-year period commencing on the date that the section 224(c) certificate is issued. Any maintenance issues deemed unsuitable by the Parks Planning Team Leader during this period must be remedied by the consent holder at their expense.
15. Prior to the issue of the section 224(c) certificate, the consent holder must undertake and complete the works in accordance with the approved streetscape plan(s) and the relevant Auckland Council Code of Practice or Specification at its sole cost.

16. Planting must occur within the recognised planting season May to September. All street trees must be good quality specimens and planted and staked in accordance with best arboricultural practice.
17. If any damage/theft to the streetscape planting occurs during within the maintenance period, the consent holder must replace damaged plants with the same species and height and these shall be maintained for a period of two years following the replacement planting.

Vehicle access

18. The consent holder must design and construct the vehicle accessways (Lots 506 and 507) to serve the development to the requirements of Auckland Council Standards. Certification from a suitably qualified and experienced surveyor or engineering professional that works have been satisfactorily undertaken must be provided to Council upon request.

Advice note:

- *Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction. For more details refer to [Common access way approval \(aucklandcouncil.govt.nz\)](http://aucklandcouncil.govt.nz)*
- *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*
- *Plans approved under Resource Consent do not constitute a Common Access Way/ Engineering Plan Approval and should not be used for the purposes of constructing common access ways.*

Public Roads

19. The consent holder must design and construct the public roads (Lots 904, 905, 906, and 907) in accordance with the requirements of Auckland Transport Code of Practice. Certification from Auckland Transport that the works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

Advice Note:

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Construction of public roading requires an Engineering Plan Approval.*
- *Design of public roads must include (but is not limited to), road pavement, pedestrian footpaths, cycle ways, street lighting, street furniture, road marking, traffic calming devices, road stormwater drainage, raingardens, etc. where required.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public works in the absence of that approval.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) requires all new public roads and all extensions to existing roads to have a road name. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to obtain any road name approval before applying for a section 223 certificate.*

As-built plans

20. Prior to the issue of the 224(c) certificate, the consent holder must provide to the Development Engineer and Parks Planning Team Leader as built plans for landscape works (hard and soft) within the streets in CAD and pdf form including the following details:
- a. Asset names.
 - b. All finished hard and soft landscape asset locations and type, and any planted areas must be shown to scale with the square metres of planting, species and number of plants.
 - c. All underground services, irrigation and drainage.
 - d. All paint colours, graffiti coatings, pavers and concrete types with names of products to be included on the assets schedule.

Consent Notices

The following conditions of the consent shall be complied with in perpetuity and shall be registered on the relevant Records of Title by way of Consent Notices pursuant to s221 of the RMA:

Building restrictions – Geotechnical

21. Any buildings erected on Lots 8-27, 52-63, and Lots 140-151 must be subject to the requirements of the “Geotech Report prepared by: Coffey, ref: AKLGE204203, dated: 25 July 2017”, the Memo by Tetra Tech Coffey (Reference: 773-AKLGE206639-CJ, dated: 27 March 2025), and any subsequent Council approved reports.

Building restrictions – Stormwater mitigation

22. All stormwater from buildings and paved areas on Lots 8-27, 52-63, and Lots 140-151 will not require onsite mitigation as the public outfalls discharge at RL2.0m DoSLI Datum and into a coastal receiving environment.

Building restrictions – impervious areas

23. The owners or their successors in title for Lots 8-27, 52-63, and Lots 140-151 do not require resource consent in regard to any impervious surface greater than 50m² as required under Chapter E, Section E10, Subsection E10.6.4 (impervious areas within a SMAF 1 or 2 overlay) of the Auckland Unitary Plan.

Building restrictions – vegetated earth batters

24. The owners or their successors in title for Lots 52-63 and Lots 140-151 are required to protect in perpetuity the vegetated reinforced earth batters from the boundary and extending into the said lots as identified on the survey plan:
- Must preserve the natural landscape trees, vegetation and areas of bush now thereon within that part of the lot identified as such on the survey plan; and

- Must not (without the prior written consent of the Council and then only in strict compliance with any conditions imposed by Council) cut down, damage or destroy, or permit the cutting down, damaging or destruction of any such natural vegetation; and
- Must not do anything that would prejudice the health of any such natural landscape;
- Must control all noxious plants and animals within the identified part of each lot;

The owners shall be deemed not to be in breach of this consent notice if any of such trees, vegetation or bush die from fire or natural causes not attributable to any act or default by or on behalf of the owners and for which the owners are responsible.

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 (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.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:



Date: 18 June 2025

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 <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
Resource consent number:			Associated building consent:	
Expected start date of work:			Expected duration of work:	

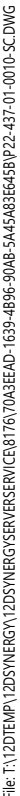
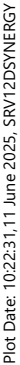
Primary contact	Name	Mobile / Landline	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

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.



STATUS	ISSUED FOR CONSENT	REV
SCALE	1:1500 @ A3	2
COUNCIL	AUCKLAND COUNCIL	
DWG NO	P22-437-01-0010-SC	