

BEFORE AN EXPERT CONSENTING PANEL

Under the Covid-19 Recovery (Fast-track Consenting) Act
2020 (**FTCA**)

In the Matter of an application to an expert consenting panel for
resource consent by **KARAKA NORTH VILLAGE
LIMITED** for the Karaka Village Project, 348 Linwood
Road and 69A Dyke Road, Karaka

Memorandum of Counsel on behalf of Karaka North Village Limited

Dated 1 August 2022

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May it Please the Panel

Introduction

1. This memorandum is presented on behalf of Karaka North Village Limited (**Applicant**). It follows that dated 6 July 2022, which identified amendments made to the application seeking various consents for activities at 348 Linwood Road and 69A Dyke Road, Karaka, Auckland (**Site**).
2. To assist the Fast-Track Expert Consenting Panel (**Panel**) appointed to consider this resource consent application under the Covid-19 Recovery (Fast-Track Consenting) Act 2020 (**FTCA**), this Memorandum provides further clarification with respect to the Masterplan applying to the Site.

Background

3. The relevant background is already before the Panel, however it is summarised here for ease of reference.

Amendment

4. The 6 July 2022 Memorandum provides a summary of, and context to, the amendment to the proposal (refer 6 July memo, at [5] – [14]). In brief the amended proposal:
 - a. Proceeds on the basis the February 2021 Consent (14 super lot subdivision consent granted on 2 February 2021) will be completed.
 - b. Reduces the scale of the proposal, within scope of the referral order made by the Minister for the Environment, in order to align with the Approved Plans (Master Plan, LMP and IMP).
 - c. Seeks no changes to the Approved Plans, as the proposal aligns with those plans. Therefore, no issue of scope or jurisdiction arises in that regard.

- d. Seeks consent to:
- i. Develop the central portion of the site and the majority of the Rural Amenity Area.
 - ii. Subdivide 330 lots, including 16 super lots for future development. This is expected to enable up to 627 dwellings to be created on this area of the site. Note all of these dwellings and the subsequent subdivision of the 16 superlots will be subject to further resource consent applications.
 - iii. Construct and operate a water and wastewater treatment plant and associated infrastructure.
 - iv. Develop the majority of the large open space areas (rural amenity area) and create the village green lot. A consent notice from the February 2021 Consent (requiring development to be consistent with the master plan) will fall down onto the village green title. However, the physical 'development' of the village green will be undertaken when the adjacent houses and the local centre are consented to ensure that the three areas appropriately interact.
 - v. Establish the main stormwater and stream corridor through the middle of the site, including riparian planting.
 - vi. Undertake earthworks, for that portion of the site not subject to the December 2021 Earthworks Consent.
 - vii. Deliver associated infrastructure, including a new roundabout on Linwood and Dyke Roads.
- e. Is overall within scope.

Masterplan

5. The original AEE dated March 2022 addresses the masterplan and associated management plans in section 3.4.
6. In summary the Karaka North Precinct provisions state that as part of the first land-use or subdivision consent application, the applicant is required to provide three Special Information Requirements, being:
 - a. Masterplan.
 - b. Landscape Management Plan.
 - c. Infrastructure Management Plan.
7. The first relevant land use or subdivision resource consent application for the Site was a 14-lot subdivision proposal. That application was advanced before Auckland Council. Resource consent was granted in February 2021.¹ That consent process included (as the AUP requires) Auckland Council approval of a masterplan (**Approved Masterplan**) submitted as part of the process. That Approved Masterplan was dated August 2020.
8. Relevant precinct provisions require subsequent stages of the village to be consistent (inter-alia) with the Approved Masterplan or any variations approved.²
9. In other words, the Precinct provisions anticipated there might be divergences from the Approved Masterplan as development unfolded and was subject to subsequent consent processes - in which case so long as the decision-maker determined the grant of consent was appropriate then changes would be made to the Approved Masterplan as part of that consent process.
10. As explained in the original AEE, consequent on further detailed design work since February 2021, the proposed development changed in some respects in comparison to the anticipated development as it stood in 2020 and early

¹ BUN60362652.

² I417 Karaka North Precinct Rule I417.9.1(3).

2021. The implication of these changes to the proposal was that in some respects the proposal to be put before the Panel would no longer be consistent with the Approved Masterplan. For that reason, the original application put before the Panel requested changes (variations) to the Approved Masterplan. The approved version dated August 2020 was sought to be changed to a version dated December 2021.

11. The Panel queried whether it had the jurisdiction to approve changes (variations) to the Approved Masterplan.
12. Consequently, the 6 July 2020 Memorandum explained in paragraphs [15] – [20] why the Applicant is now reverting to the Approved Masterplan.
13. The Applicant no longer requests the Panel approve any changes or variations to the Approved Masterplan. Rather it will rely upon the Approved Masterplan as it currently exists. That outcome is possible in the context of the revised proposal.
14. The Applicant says the revised proposal is consistent with the Approved Masterplan and is a proposal deserving of the grant of consent.

Difference between Approved Masterplan and December 2021 Masterplan

15. The differences between the Approved Masterplan and the December 2021 proposed Masterplan can generally be characterised as matters of detail.
16. Because the December 2021 proposed Masterplan is no longer being pursued before the Panel, strictly speaking the differences between it and the Approved Masterplan are not relevant.
17. However, on the understanding the Panel would like some explanation of the differences, information is set out below.
18. The Masterplan version dated December 2021 was lodged with the original application. The Approved Masterplan (August 2020) version has been lodged with the amended application.
19. Section 3.4.1 of the original AEE summarises the proposed changes to the

Approved Masterplan (August 2020 version) originally sought. In other words, section 3.4.1 of the original AEE identifies the differences between the Approved Masterplan and the Masterplan version dated December 2021.

20. For ease of reference, section 3.4.1 of the original AEE identified the following:
- a. Updates to house design and design guidelines discussion;
 - b. Updates to reflect the advanced design/concept around the local centre and community / commercial venue;
 - c. Masterplan image updates include:
 - i. Removal of road link out to Dyke Road in north-east corner.
 - ii. Introduction of future early learning centre site.
 - iii. Realignment of main road along northern avenue of trees to carry straight through to Dyke Road and not cross the treed avenue. Consequential roading amendment for housing blocks north and south of the treed avenue.
 - iv. Amendment of the roading configuration for the central housing block between Dyke Road and the Rural Amenity Area.
 - v. Update of the swale and wetland locations to match detailed engineering design outcomes.
 - vi. Minor density and use outcome updates to the residual future development blocks to the north and west of the village centre and along Dyke Rd.
 - vii. Labelling on masterplan image of the 5m maximum building height limit in south-west corner.
 - viii. Removal of road link out to Linwood Road in south-east corner.

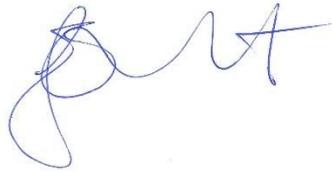
- ix. Realignment of roading in north-west corner to loop a previously dead-end road.
- x. Update of commercial / community venue illustration to match 100 x 100m building curtilage area in consented scheme plan, and re-orientation of building to match proposed design.
- xi. Removal of angle parking on Linwood Rd.
- xii. Roundabout configuration (oval) confirmed with AT to suit road reserve.
- xiii. Updates to local centre design to reflect design recommendations from Urbanisplus, the Auckland Urban Design Panel and expected outcomes tenancies/occupiers.
- xiv. Extent of local centre was increased to enable the turning of trucks around the supermarket loading area.

21. Thus, the differences between the Approved Masterplan and the Masterplan version dated December 2021 relate to housing design detail, the local centre and community / commercial venue, introduction of a future early learning centre site, a limited number of specific roading alignment and detail adjustments, and development along the Dyke Road frontage. These matters all relate to aspects of the proposal which are no longer pursued before the Panel, but rather (if pursued in the future) will be the subject of separate resource consents.

22. The amended proposal now before the Panel has been carefully changed to ensure:

- a. That the amended proposal is within the scope of the original application.
- b. That the amended proposal is consistent with the Approved Masterplan – and further does not result in outcomes which

compromise the potential to achieve desired outcomes identified in the December 2021 Masterplan (noting that achieving these outcomes will require future resource consents).

A handwritten signature in blue ink, appearing to read 'JB', with a horizontal line extending to the right from the end of the signature.

Jeremy Brabant

Counsel for Karaka North Village Limited

Dated 1 August 2022