

**25b Rehia Road
Massey
LIM**

Samara Sauer
3/1 Te Pumanawa Square
Northwest Shopping Centre
AUCKLAND 0814



Applicant	Samara Sauer
LIM address	25B Rehia Road Massey
Application number	8270113447
Customer Reference	
Date issued	21-Sep-2018
Legal Description	LOT 46 DP 115991, LOT 2 DP 331776, LOT 4 DP 331776
Certificates of title	130504

Disclaimer

This Land Information Memorandum (LIM) has been prepared for the applicant for the purpose of section 44A of the Local Government Official Information and Meetings Act 1987.

The LIM includes information which:

- Must be included pursuant to section 44A of the Local Government Official Information and Meetings Act 1987
- Council at its discretion considers should be included because it relates to land
- Is considered to be relevant and reliable

This LIM does not include other information:

- Held by council that is not required to be included
- Relating to the land which is unknown to the council
- Held by other organisations which also hold land information

Council has not carried out an inspection of the land and/or buildings for the purpose of preparing this LIM. Council records may not show illegal or unauthorised building or works on the land.

The applicant is solely responsible for ensuring that the land or any building on the land is suitable for a particular purpose and for sourcing other information held by the council or other bodies. In addition, the applicant should check the Certificate of Title as it might also contain obligations relating to the land.

The text and attachments of this document should be considered together.

This Land Information Memorandum is valid as at the date of issue only.

s44A(2)(a) Information identifying any special feature or characteristics of the land

This information should not be regarded as a full analysis of the site features of this land, as there may be features that the Council is unaware of. The applicant is solely responsible for ensuring that the land is suitable for a particular purpose including development.

Site Contamination

No land contamination data are available in Council's regulatory records.

Wind Zones

Wind Zone(s) for this property: Low wind speed of 32 m/s

The wind zones are based on wind speed data specific to all building sites as outlined in NZS 3604:2011. Other factors such as topographic classes, site exposure and ground roughness determine the actual wind bracing demands and bracing elements required for the building.

For further information refer to NZS 3604:2011 Section 5 — Bracing Design

Soil Issues

Soil issues recorded. The land may not be suitable for particular development or land use purposes. A soil report may be required to/must be submitted with any building and/or resource consent application.

Effective Date	Description	Details
19/10/2004	Geotechnical report required	The owner shall not carry out any development nor place, erect construct or permit to remain any residential buildings on any part of the land unless: (a),,The siting of such residential buildings allows for the gravitational flow of sanitary sewage from such buildings to the existing sewer main or unless, in the alternative, a domestic sewerage pumping station of a design and specification acceptable to the Council is installed to the satisfaction of the Council; and (b),,All buildings are located uphill of the soldier pile wall located on the land as at 13th October 2004; and (c),,The said soldier pile wall is not utilised as, and does not form any part of, the foundation of any building located on the land; and (d),,All earthworks involving excavations in excess of 1 metre placement of fill in excess of 0.5 metres and the foundations of all buildings have been the subject of specific design by a registered engineer experienced in geomechanics who has taken into consideration, without limitation, the possibility of downslope creep in the surface soils on the steeper slopes; and (e),,All stormwater runoff from all roofs and paved areas is collected and piped to a Council approved public stormwater system and is not discharged onto any part of the slope; and (f),,An experienced geotechnical engineer who is familiar with the report of Hugh Fendall Consultants Limited, reference 02/279/Geo.R dated 19 December 2002 (held in Council's records under SPW

		21711) is engaged to inspect all earthworks, walls and foundation excavations and provides to the Council a satisfactory Producer Statement-Construction Review for the works referred to herein; and (g),,All development and construction is to be carried out to the entire satisfaction of the Council and in accordance with all design and reports referred to herein.
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If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre.

Flooding

This statement entitled "Flooding" appears on all LIMs.

Known flooding information is displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

The information shown in the "Special Land Features - Natural Hazards - Flooding" map is also shown on the Auckland Council online map viewer (Geomaps), at www.aucklandcouncil.govt.nz, which is updated from time to time.

Any proposed development may require a flooding assessment to be provided by the applicant.

The absence of flooding on the "Special Land Features - Natural Hazards - Flooding" map does not exclude the possibility of the site flooding, particularly from Overland Flow Paths which may be on other properties.

Flood Plain

This site (property parcel) spatially intersects with a Flood Plain, as displayed on the map attached to this LIM entitled "Special Land Features - Natural Hazards - Flooding", and may flood during significant rainfall events.

Flood Plains represent the predicted area of land inundated by runoff from a 1% Annual Exceedance Probability (AEP) magnitude event, often referred to as a '1 in 100-year event'.

Flood Plains are generally determined by computer based hydrological and hydraulic modelling.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Flood Plains.

Note: The terms "Flood Plain" and "Floodplain" are used interchangeably.

Overland Flow Path

This site (property parcel) spatially intersects with one or more Overland Flow Paths, as displayed on the map attached to this LIM entitled "Special Land Features – Natural Hazards - Flooding".

Overland Flow Paths are lines representing the predicted route of overland flow, based on analysis of a Digital Terrain Model (derived from aerial laser survey). Overland Flow Paths do not show the width or extent of flow.

Overland Flow Paths are based solely on the terrain and are indicative only.

Overland Flow Paths may flood depending on the amount of rain.

The Auckland Unitary Plan contains policies and rules relating to development and/or works within or adjacent to Overland Flow Paths.

Note: The terms "Flow Path" and "Flowpath" are used interchangeably.

Exposure Zones

New Zealand Standard 3604:2011E classifies all properties in New Zealand into zones based on environmental features including wind, earthquake, snow load and exposure. These zones are relevant to building requirements, such as strength of buildings, materials that should be used and maintenance. All building sites are classified as being in Exposure Zones Extreme Sea Spray, B, C, or D, depending on the severity of exposure to wind driven salt.

This property is classified as: Unknown or Unassessed Corrosion Zone

Unknown or unassessed - No known information is available relating to these sites. Recommended that specific sites and/or product designed and to consult suppliers information for specific durability requirements.

s44A(2)(b) Information on private and public stormwater and sewerage drains

Information on private and public stormwater and sewerage drains is shown on the [underground services map](#) attached.

Note: Private drainage is the responsibility of the land owner up to and including the point of connection to the public sewer or drain.

s44(2)(ba) Information notified to Council by a drinking water supplier under Section 69ZH of the Health Act 1956

Prospective purchasers should be aware of other drinking water systems connected to this property. There may also be private drinking water supply systems such as rainwater tanks or private water bores. You are advised to clarify the drinking water supply with the current landowner.

No Information has been notified to Council.

s44A(2)(bb) Information Council holds regarding drinking water supply to the land

For metered water information, please contact **Watercare (09) 422 2222** for services provided to this property.

s44A(2)(c) Information relating to any rates owing in relation to the land


Billing Number/ Rate Account:	12342049131
Rates levied for the Year 2018/2019 :	\$1,715.44
Total rates to clear for the current year (including any arrears):	\$1,286.57

The rates figures are provided as at 8 a.m. 21/09/2018. It is strongly advised these are not used for settlement purposes.

Retrofit Your Home Programme

The Retrofit Your Home programme provides financial assistance, advice and information to householders wanting to create an improved home environment.

The scheme contributes to the achievement of the Air Quality National Environmental Standards encouraging the installation of clean heat and insulation in homes as well as supporting access to central government grants and subsidies. The programme offers homeowners a retrofit plan for their homes and financial assistance up to \$5000 repaid through a targeted rate.

 Auckland Council (09) 890 7898 if you require further information

 retrofit@aucklandcouncil.govt.nz

s44A(2)(d) Consents, Certificates, Notices, Orders or Requisitions affecting the land or any buildings on the land(da) the information required to be provided to a territorial authority under section 362T(2) of the Building Act 2004:s44A and (2)(e) Information concerning any Certificate issued by a Building Certifier pursuant to the Building Act 1991 or the Building Act 2004

Note: if the land is part of a cross lease title or unit title, consents and permits for the other flats or units may be included in this LIM. If the land has been subdivided there may be consents and permits included that relate to the original property.

It is recommended that the full property file is viewed and compared with the actual building and activities on the land to identify any illegal or unauthorised building works or activities.

Financial / development contributions

Financial and development contributions are relevant for recently subdivided land, vacant lots, new residential unit(s) or where there is further development of a site. If any financial or development contribution has not been paid, Council can recover outstanding amount(s) from a subsequent owner of the land.

Please note that financial contributions and development contributions may be paid in land, cash or a combination of these. The form of payment of contributions may be subject to negotiation but final discretion remains with the Council.

Resource Management

Planning

25B Rehia Road Massey

Application No.	Description	Decision	Decision Date
LUC-2003-63	Land Use Consent Sites <(><<> 450m2 / Shared Driveway / 50 % Within Green Network / Existing Access To Serve Total Of 11 Dwellings **Combo - Sub 20030062**	Granted	28/04/2003
LUC-2005-508	Land Use Consent Proposed new dwelling involving earthworks and height in relation to boundary infringement along	Granted	19/05/2005

Application No.	Description	Decision	Decision Date
LUC-2009-721	Land Use Consent Construct a new carport with infringements relating to height in relation to boundary	Granted	18/09/2009

Subdivisions

25B Rehia Road Massey

Application No.	Description	Decision	Decision Date
SUB-2003-62	Subdivision Consent 3 lot subdivision *combo - LUC 20030063**	Granted	28/04/2003

Engineering Approvals

There are **NO** Engineering approvals recorded.

If there are any conditions, then only that portion of the consent will be included in the attachments section. The applicant should satisfy themselves as to whether all conditions of resource consents for this property have been met.

Further Information

The Council may hold additional information for this property, for example concerning resource consents for discharges to air, land or water issued by the former Auckland Regional Council prior to 1 November 2010. If you would like Auckland Council to search for this type of information, please contact us.

Building

25B Rehia Road Massey

Application No.	Description	Issue Date	Status
COM-2005-1564	New Single Storey Residential Dwelling	15/08/2005	CCC Issued 20/10/2005 (See Note 2)
ABA-2004-1213	Drain from Cesspit To Dry Chamber	21/09/2007	CCC Issued 04/11/2007 (See Note 2)
ABA-2010-387	Construct new Carport and extend timber deck attached to Dwelling. (Res 1)	11/11/2010	CCC Refused (See Note 10)

Note	Description
2	Code Compliance Certificate (CCC) for this consent was issued.
10	Code Compliance Certificate (CCC) refused as result of Building Industry Authority/Department for Building and Housing determination

Please note that prior to the Building Act 1991; Councils were not required to maintain full records of building consents [etc] issued under the Building Act. While Auckland Council has always endeavoured to maintain full records of pre-Building Act 1991 matters, not all records for this period have survived and in other cases where building work is documented, information may be incomplete. Council does not accept responsibility for any omission.

It is recommended that the Council property file is viewed and compared with the actual building and activities on site to identify any illegal or unauthorised building works or activities.

Unauthorised Building Works

Prior to the Auckland Council amalgamation, legacy Councils had different processes for dealing with Unauthorised/Unconsented Work. These records are listed below.

From 1st August 2011, Independent Building reports or plans, for unauthorised work that was carried out without a permit prior to 1992, may be submitted to Council to be placed on the relevant Property File, subject to payment of a fee. These reports are not included in a LIM. Please contact us or visit one of our Service Centres if you wish to view the Property File.

Reference	Description	Note
A reference number is not recorded by Council for this type of record	Auckland Council is aware of unauthorised works regarding REQ-2012-294_Unauthorised earthworks within 1m of the boundary with 27a Rehia Road for the construction of a retaining wall and carparking area which extends across the boundary in to 25b Rehia Road (letter dated 05.09.2013). No further action is required unless works become unsafe or unsanitary.	Refer to Property File for further information.

Compliance Schedules (Building Warrant of Fitness)

The Council has no record of a Compliance Schedule for this property/building.

If it is evident that any specified systems such as lifts or commercial fire alarms are present in the building, the owner must ensure there is a current compliance schedule or building warrant of fitness.

Swimming/Spa Pool Barriers

The Council has no record of a swimming pool or spa pool being registered on this property. Swimming pools and spa pools must have a barrier that complies with the Building Act 2004.

Pool barrier information is available for viewing at <http://www.aucklandcouncil.govt.nz>

Licences

There are NO current licences recorded

s44A(2)(ea) Information notified under Section 124 of the Weathertight Homes Resolution Services Act 2006

The Council has not been notified of any information under Section 124 of the Weathertight Homes Resolution Services Act 2006 relating to this property.

s44A (2)(f) Information relating to the use to which the land may be put and any conditions attached to that use

Purchasers or those intending to develop the land should satisfy themselves that the land is suitable for any intended use or future development proposal. In addition to any site specific limitations recorded below, general restrictions that apply across the region may be relevant to any development proposals on this property.

Auckland Unitary Plan - Operative in Part (AUP:OP)

The **Auckland Unitary Plan - Operative in part(AUP:OP)** applies to this property and should be carefully reviewed and considered, as it may have implications for how this property can be developed and/or used. Those parts of the Auckland Unitary Plan that are operative replace the corresponding parts of legacy regional and district plans. However, certain parts of the AUP:OP are the subject of appeals and have not become operative. If a property is subject to an appeal this will be identified on the attached Unitary Plan Property Summary Report. Where this is the case, both the Auckland Unitary Plan Decisions version and the legacy regional and district plans will need to be considered.

The AUP:OP zones, controls, overlays, precincts, and designations that apply to this property are set out in the Property Summary Report, which is attached to this memorandum.

The AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplan>

The legacy regional and district plans can be viewed here:

<https://www.aucklandcouncil.govt.nz/districtplans>

<https://www.aucklandcouncil.govt.nz/regionalplans>

The appeals to the AUP:OP can be viewed here:

<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

Auckland Council District Plan - Hauraki Gulf Islands Section (Operative 2013) (DP:HGI)

While the regional provisions in the AUP:OP apply to the Hauraki Gulf Islands, and are set out in the Property Summary Report attached to this memorandum, the AUP:OP does not contain any district provisions for the Hauraki Gulf Islands. If the Property Summary Report attached to this memorandum lists its zone as "Hauraki Gulf Islands", the district provisions that apply are in the Auckland Council District Plan Hauraki Gulf Islands Section (Operative 2013) (**DP:HGI**).

The relevant maps of the DP:HGI are attached to this memorandum, if applicable. The text of the DP:HGI can be found here:

<https://www.aucklandcouncil.govt.nz/aurakigulfislands>

Plan Changes and Notices of Requirement

Changes to the AUP:OP and DP:HGI may be proposed from time to time. These proposed plan changes may relate to either the maps or the text of those plans. Any proposed changes to the AUP:OP relevant to this property will be listed as a modification in the Property Summary Report attached to this memorandum. However, proposed changes to the DP:HGI will not appear on the Property Summary report. That information can be found on the Auckland Council website.

Please refer to the AUP:OP for information on any proposed Plan Changes or see the Auckland Council modifications website at:

<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Information relating to any proposed Plan Changes to DP:HGI can be found here:
<https://www.aucklandcouncil.govt.nz/aurakigulfislands>

From time to time a requiring authority, such as a Ministry of the Crown or a council controlled organisation, may notify Auckland Council that they require certain land to be designated for a certain purpose. If this property is the subject of such a notice of requirement, that notice may have implications for how this property can be developed or used from the date it is received by Council.

If this property is not on the Hauraki Gulf Islands, any notices of requirement applicable will be listed as a modification in the Property Summary Report attached to this memorandum.

If this property is on the Hauraki Gulf Islands, any notice of requirement will be available on the Auckland Council Website.

Information on all current notices of requirement can be found on the modifications page here:
<https://www.aucklandcouncil.govt.nz/unitaryplanmodifications>

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:
<https://www.aucklandcouncil.govt.nz/unitaryplanappeals>

Information concerning Caveat, Bond, Encumbrance, Consent Notice and Covenant

For any information concerning Caveats, Bonds, Encumbrances, Consent Notices or Covenants, please refer to the Certificate of Title for this property.

s44A(2)(g) Information regarding the land which has been notified to Council by another statutory organisation

No information has been notified to Council.

s44A(2)(h) Information regarding the land which has been notified to Council by any network utility operator pursuant to the Building Act 1991 or Building Act 2004

Underground Services and District Plan maps are attached.

Please note: Height restrictions apply where overhead power lines cross the site. Works near water services utilities may require approval. Works near high-pressure Gas, Oil or LPG pipelines create risk of damage and must first be approved. Please contact the relevant Utility provider in your area for further information.

Any escape of gas or liquid from the pipelines is potentially dangerous and requires immediate action as soon as discovered (Dial 111 and ask for the Fire Service).

Attachments

As the placement of the building/s on the attached maps is based on aerial photography we cannot guarantee the accuracy. A formal survey will indicate the exact location of the boundaries.

- Auckland Unitary Plan Property Summary Report
- Auckland Unitary Plan - Operative in part Maps and Map Legend
- Auckland Council District Plan - Hauraki Gulf Islands Section (if applicable)
- Underground Services & Utilities Map and Map Legend
- Special Land Features Map and Map Legend

Please note Map Legends have been created for use across the region and may contain features which were not captured by the previous legacy Councils; therefore the information may not be available for these maps. Please contact the Resource Management Planning Team in your area for further information on any features which may or may not appear on your map.

- As Built Drainage Plan : COM-2005-1564_Drainage Plan
- Consent Conditions : LUC-2006-63
- Consent Conditions : LUC-2005-508
- Consent Conditions : LUC-2009-721

Auckland Unitary Plan Operative in part (15th November 2016) Property Summary Report

Address

25B Rehia Road Massey

Legal Description

LOT 2 DP 331776

Appeals

Modifications

Zones

Residential - Mixed Housing Suburban Zone

Precinct

Controls

Controls: Macroinvertebrate Community Index - Native

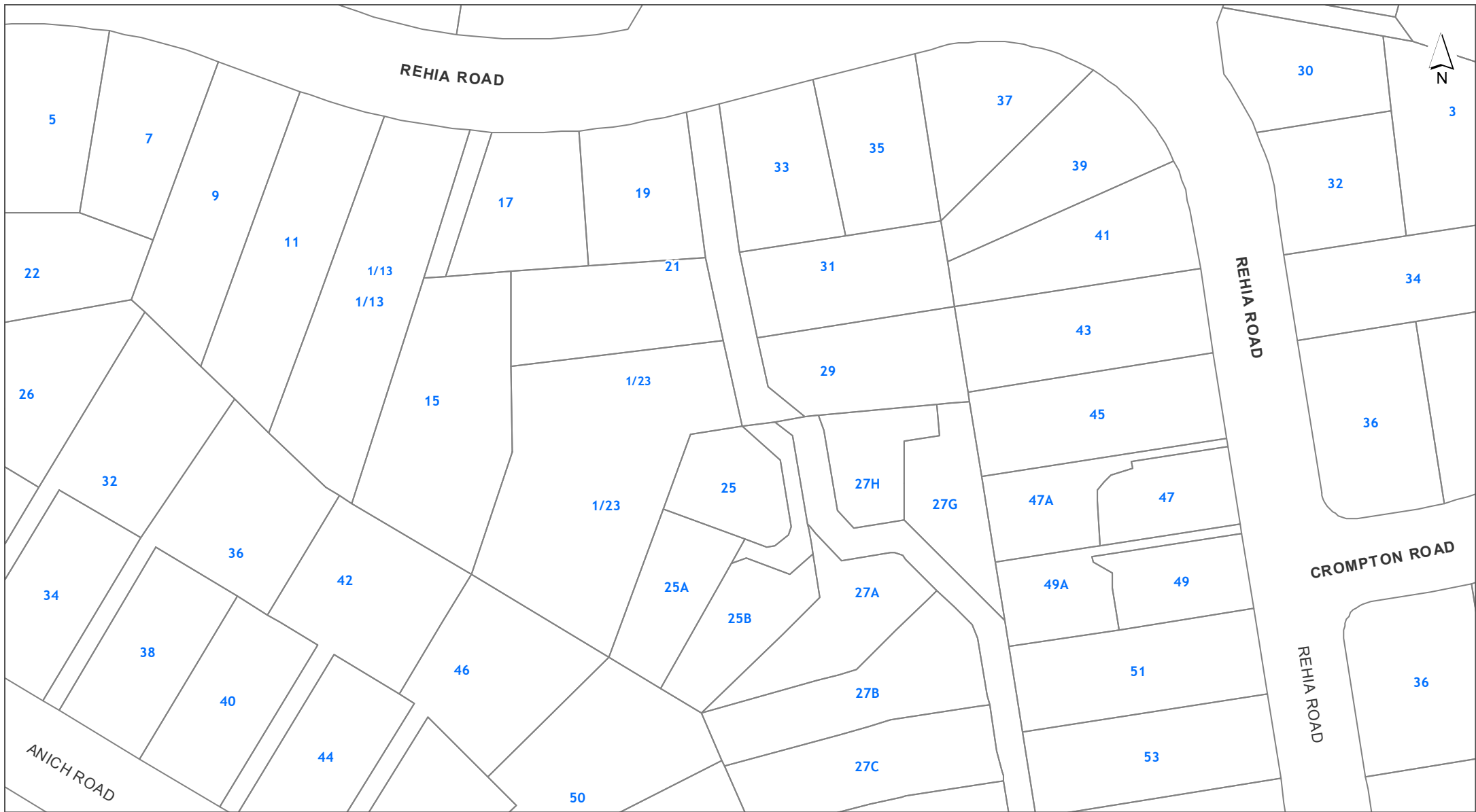
Controls: Macroinvertebrate Community Index - Urban

Controls: Stormwater Management Area Control - MASSEY - Flow 2

Overlays

Designations

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



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Built Environment
25B Rehia Road Massey
LOT 2 DP 331776

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 Meters
 Scale @ A4
 = 1:1,000
 Date Printed:
 21/09/2018



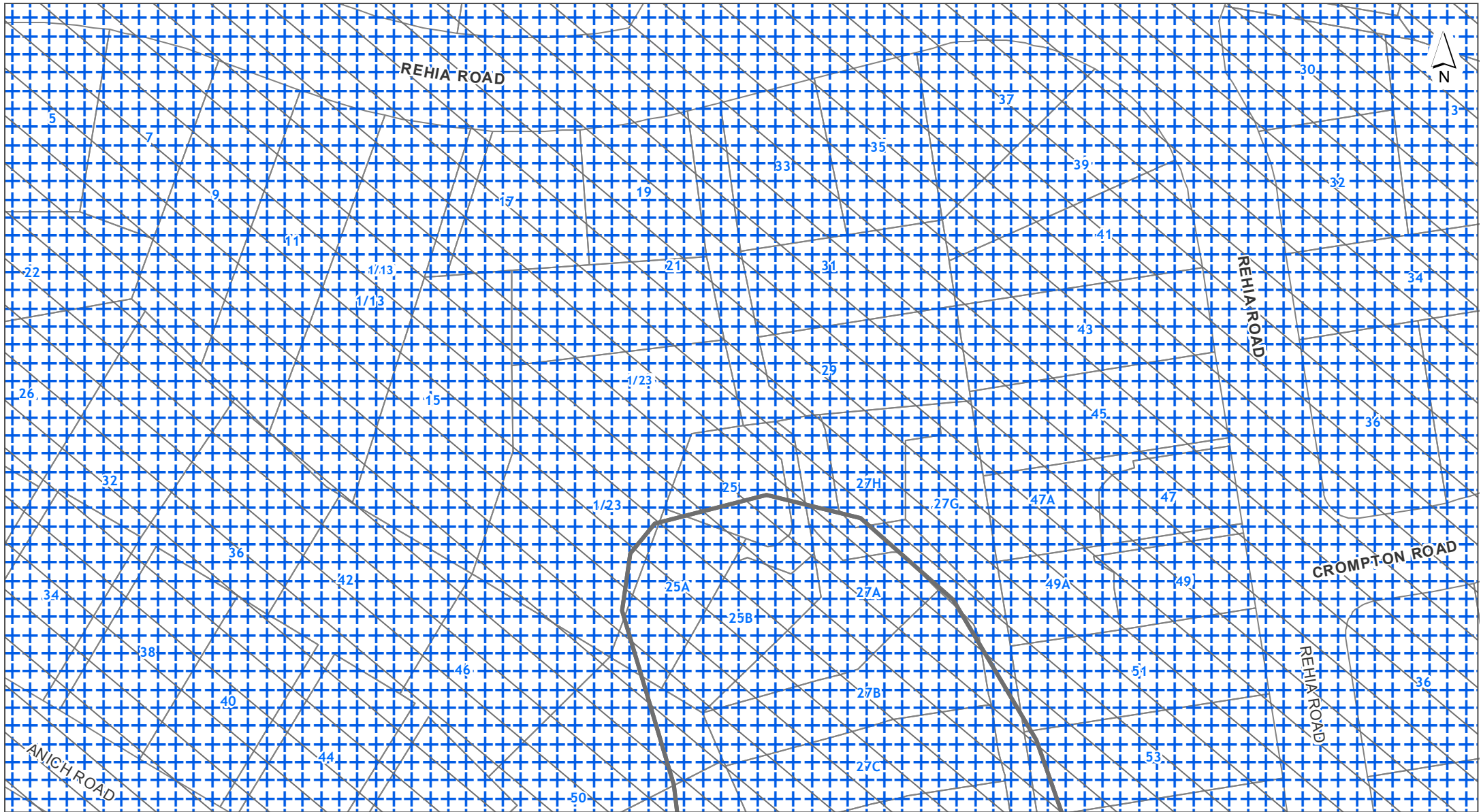


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Built Heritage and Character
25B Rehia Road Massey
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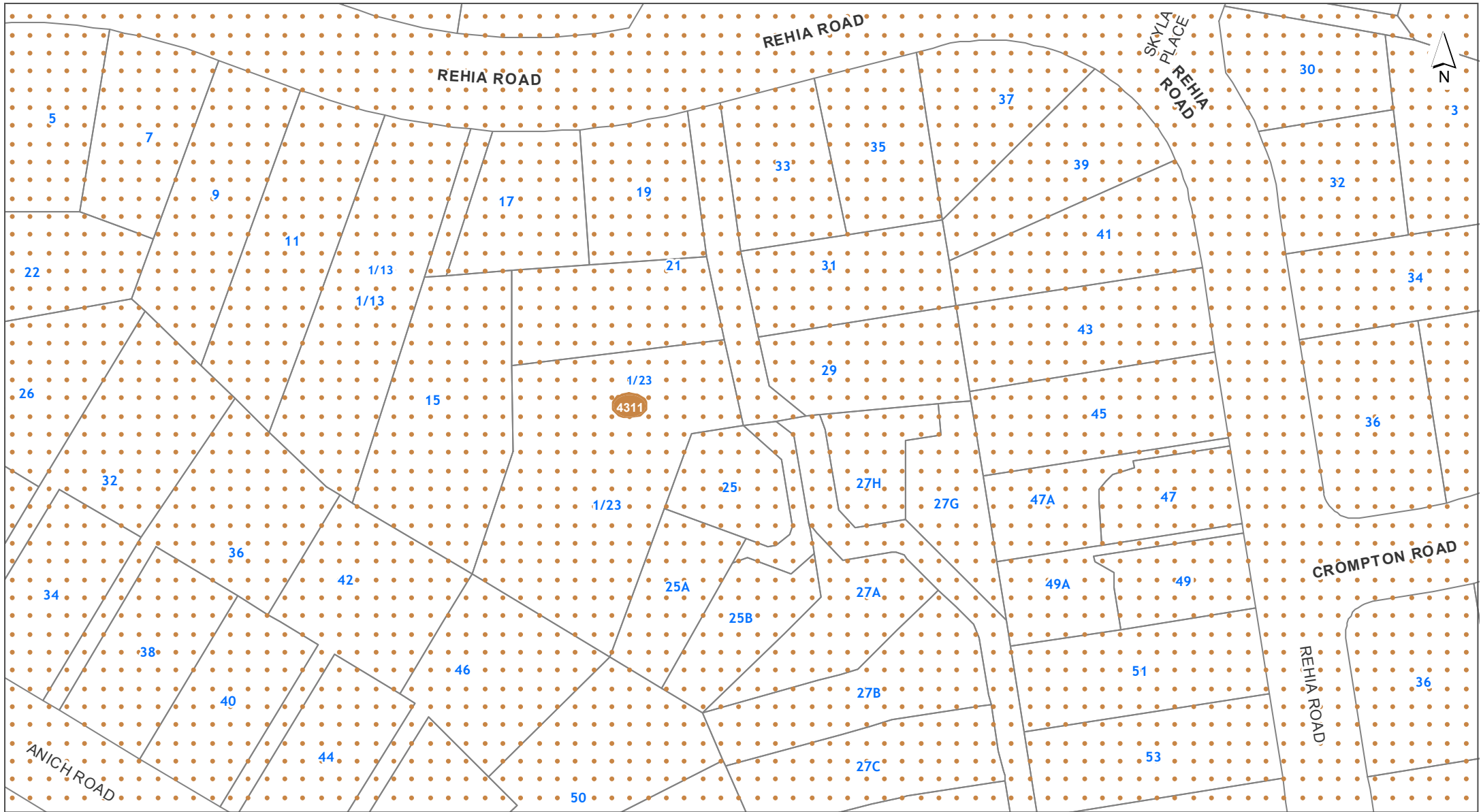
Controls
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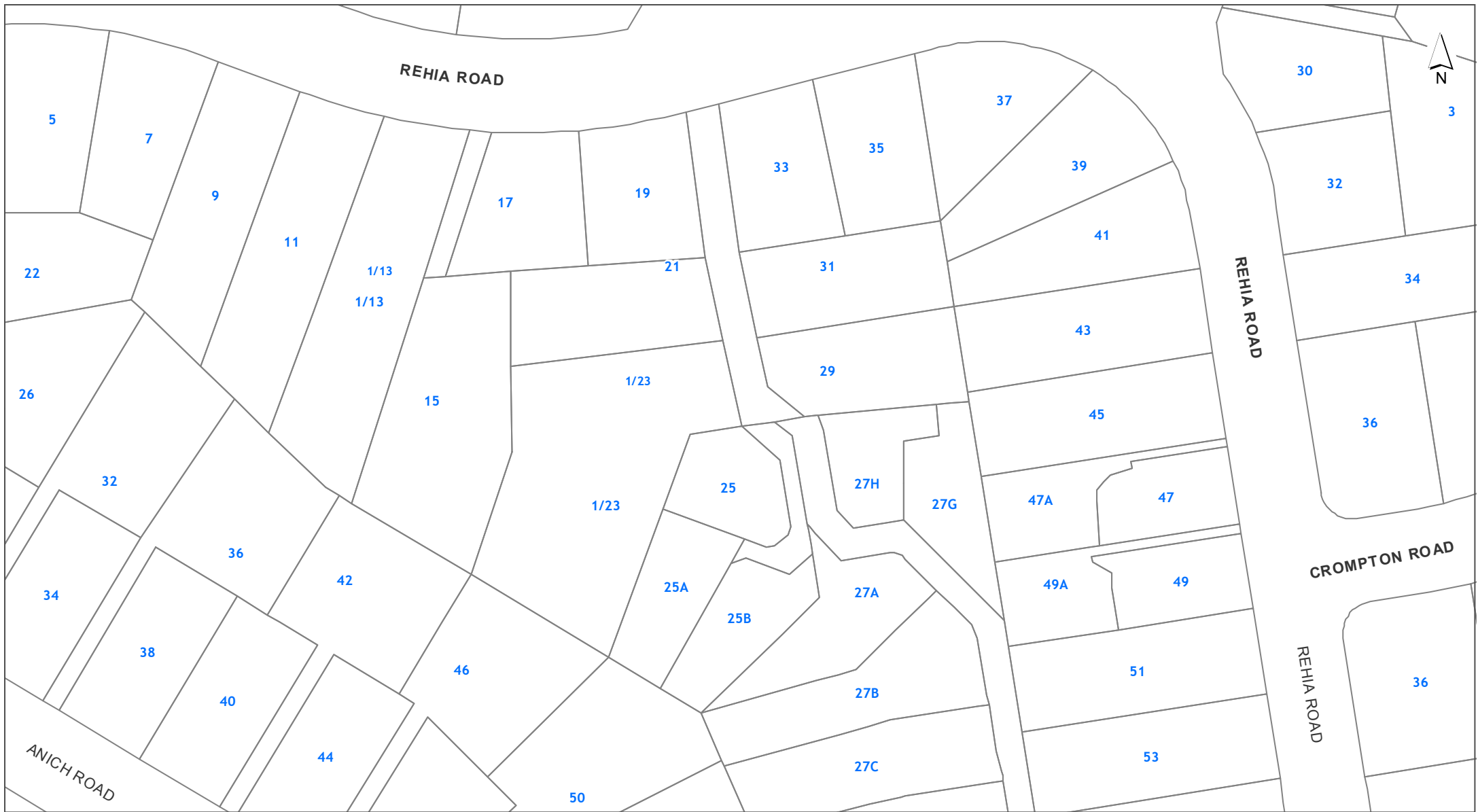


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Designations
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Infrastructure
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Mana Whenua
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Natural Heritage
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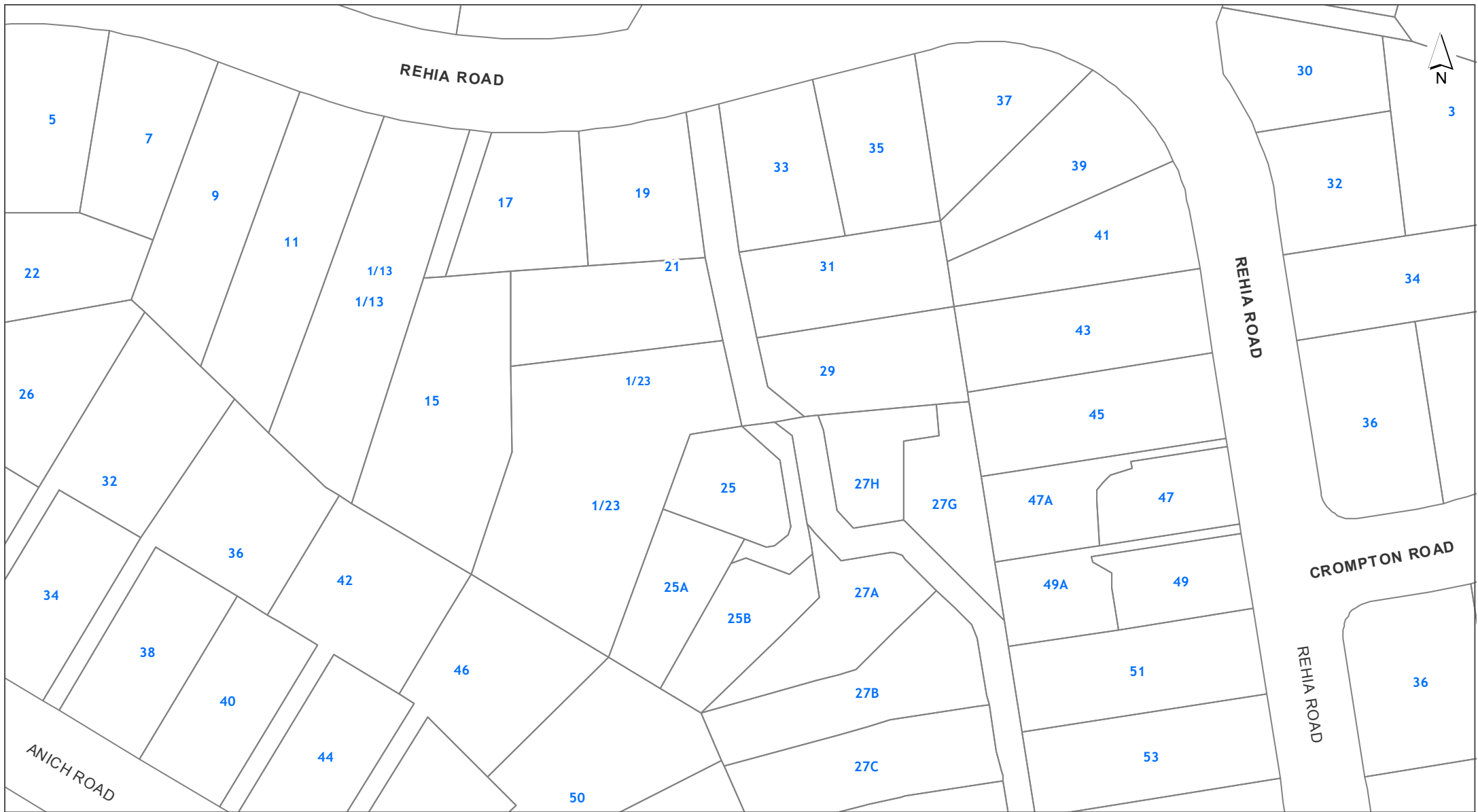


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Natural Resources
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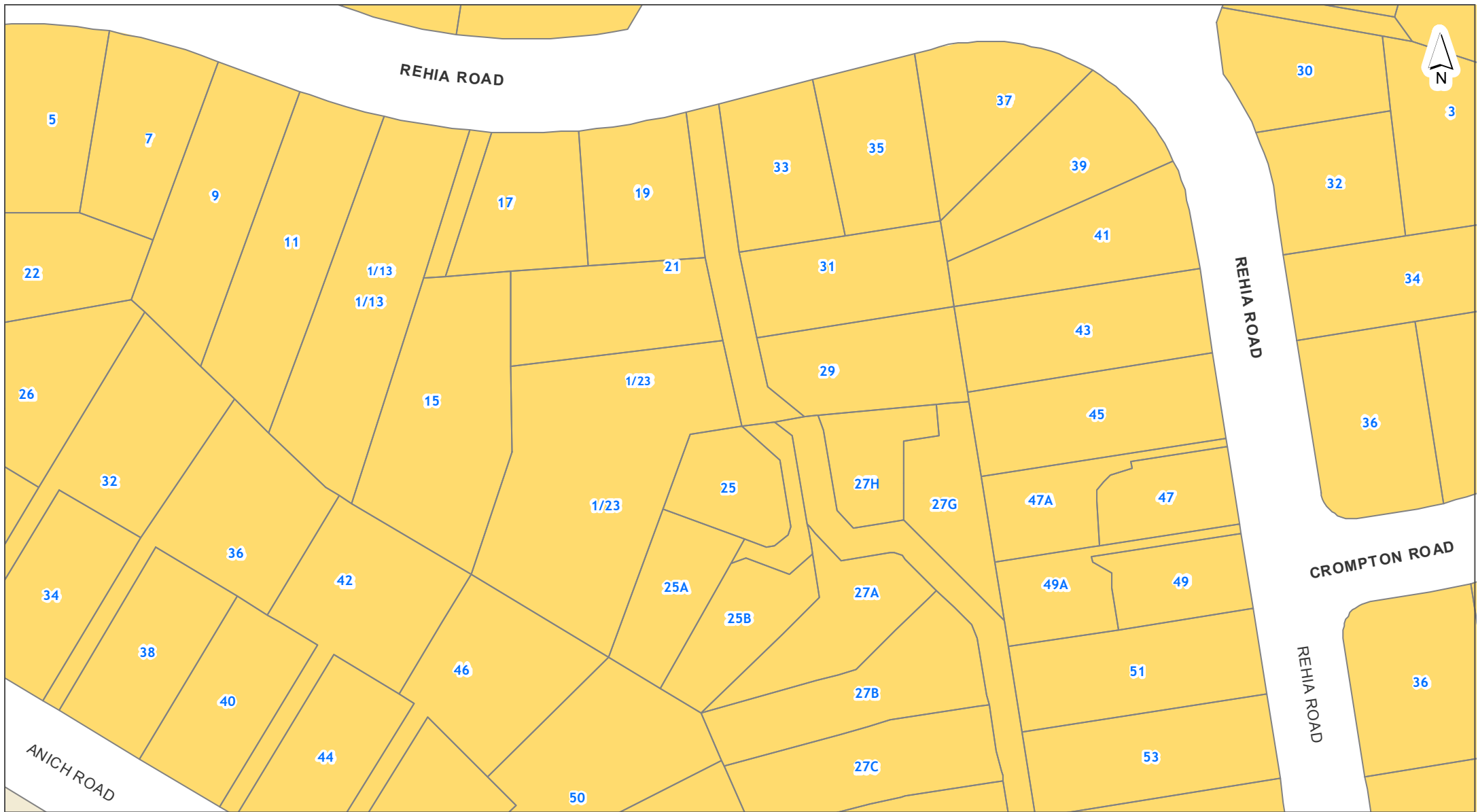


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Precincts
 25B Rehia Road Massey
 LOT 2 DP 331776

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Zones and Rural Urban Boundary
25B Rehia Road Massey
LOT 2 DP 331776

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 21/09/2018



Auckland Unitary Plan Operative in part 15th November 2016 - LEGEND

Appeals

- Properties affected by Appeals seeking change to zones or management layers
- Properties affected by Appeals seeking reinstatement of management layers

Plan Modifications

- Notice of Requirements
- Plan Changes

ZONES

- Residential - Large Lot Zone
- Residential - Rural and Coastal Settlement Zone
- Residential - Single House Zone
- Residential - Mixed Housing Suburban Zone
- Residential - Mixed Housing Urban Zone
- Residential - Terrace Housing and Apartment Buildings Zone
- Business - City Centre Zone
- Business - Metropolitan Centre Zone
- Business - Town Centre Zone
- Business - Local Centre Zone
- Business - Neighbourhood Centre Zone
- Business - Mixed Use Zone
- Business - General Business Zone
- Business - Business Park Zone
- Business - Heavy Industry Zone
- Business - Light Industry Zone
- Open Space - Conservation Zone
- Open Space - Informal Recreation Zone
- Open Space - Sport and Active Recreation Zone
- Open Space - Civic Spaces Zone
- Open Space - Community Zone

ZONES

- Rural - Rural Production Zone
- Rural - Mixed Rural Zone
- Rural - Rural Coastal Zone
- Rural - Rural Conservation Zone
- Rural - Countryside Living Zone
- Rural - Waitakere Foothills Zone
- Rural - Waitakere Ranges Zone
- Future Urban Zone
- Green Infrastructure Corridor (Operative in some Special Housing Areas)
- Coastal - General Coastal Marine Zone [rcp]
- Coastal - Marina Zone [rcp/dp]
- Coastal - Mooring Zone [rcp]
- Coastal - Minor Port Zone [rcp/dp]
- Coastal - Ferry Terminal Zone [rcp/dp]
- Coastal - Defence Zone [rcp]
- Coastal - Coastal Transition Zone
- Special Purpose Zone- Airports & Airfields, Cemetery, Quarry, Healthcare Facility & Hospital, Tertiary Education, Maori Purpose, Major Recreation Facility, School
- Strategic Transport Corridor Zone
- Water [i]

Tagging of Provisions:

- [i] = Information only
- [rp] = Regional Plan
- [rcp] = Regional Coastal Plan
- [rps] = Regional Policy Statement
- [dp] = District Plan (only noted when dual provisions apply)

DESIGNATIONS

- Designations
- Airspace Restriction Designations

OVERLAYS

- Terrestrial [rp/dp]
- Marine 1 [rcp]
- Marine 2 [rcp]
- Natural
- Urban
- Water Supply Management Areas Overlay [rp]
- Natural Stream Management Areas Overlay [rp]
- High-Use Stream Management Areas Overlay [rp]
- High-Use Aquifer Management Areas Overlay [rp]
- Quality-Sensitive Aquifer Management Areas Overlay [rp]
- Wetland Management Areas Overlay [rp]
- Airport Approach Surface Overlay
- Aircraft Noise Overlay
- City Centre Port Noise Overlay [rcp / dp]
- Quarry Buffer Area Overlay
- National Grid Subdivision Corridor
- National Grid Substation Corridor
- National Grid Yard Compromised
- National Grid Yard Uncompromised
- National Grid Corridor Overlay
- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

Natural Resources

- Significant Ecological Areas Overlay
- Lake Management Areas Overlay (Natural Lake and Urban Lake)

Infrastructure

Mana Whenua

CONTROLS

- Key Retail Frontage
- General Commercial Frontage
- Adjacent to Level Crossings
- General
- Motorway Interchange Control
- Coastal Inundation 1 per cent AEP Plus 1m Control
- Business Park Zone Office Control
- Cable Protection Areas Control [rcp]
- Centre Fringe Office Control
- Height Variation Control
- Arterial Roads

Building Frontage Control

Vehicle Access Restriction Control

Natural Heritage

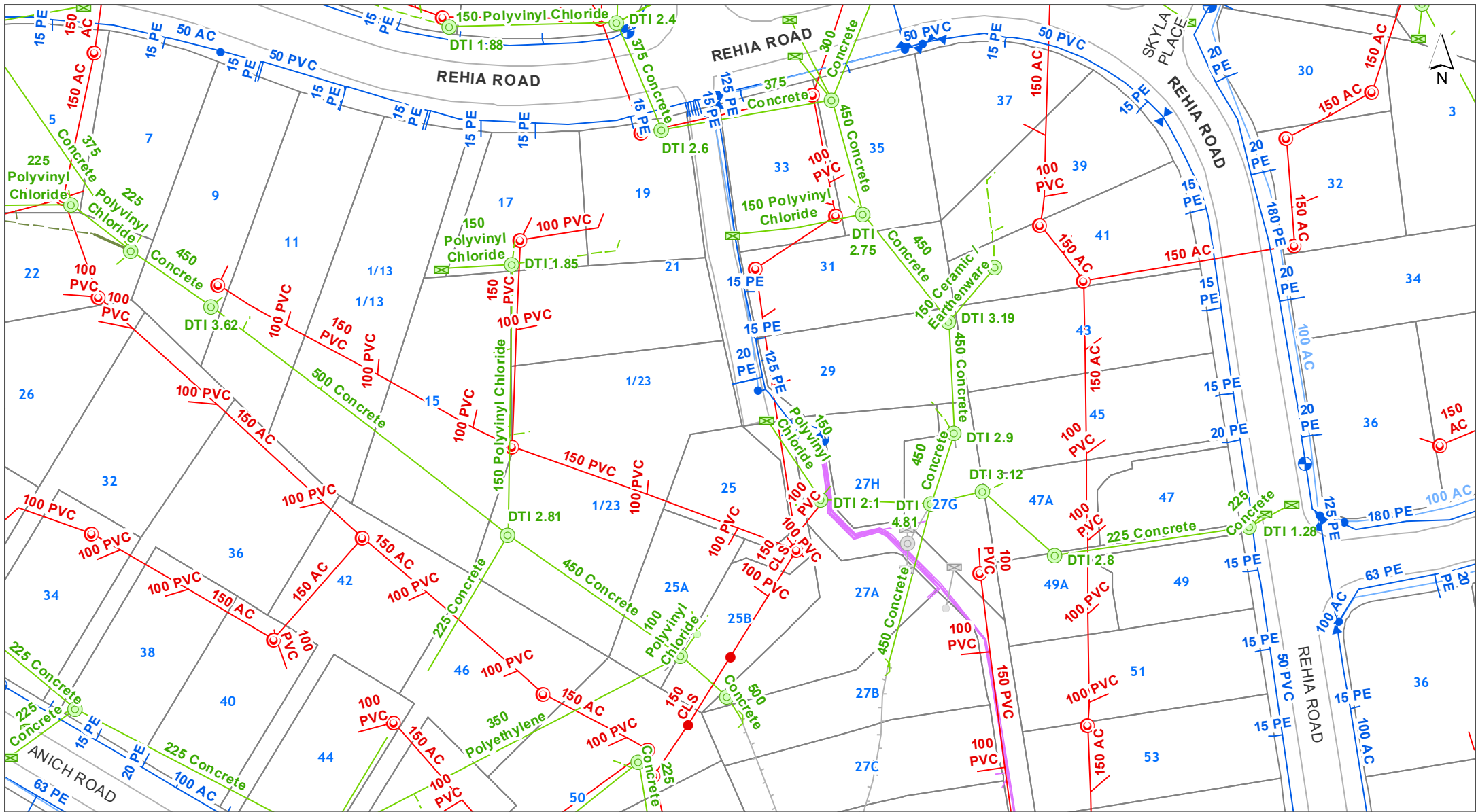
- Notable Trees Overlay
- Outstanding Natural Features Overlay [rcp/dp]
- Outstanding Natural Landscapes Overlay [rcp/dp]
- Outstanding Natural Character Overlay [rcp/dp]
- High Natural Character Overlay [rcp/dp]
- Local Public Views Overlay [rcp/dp]
- Viewshafts
- Height Sensitive Areas
- Regionally Significant Volcanic Viewshafts & Height Sensitive Areas Overlay [rcp/dp]
- Regionally Significant Volcanic Viewshafts Overlay Contours [i]
- Locally Significant Volcanic Viewshafts Overlay [rcp/dp]
- Locally Significant Volcanic Viewshafts Overlay Contours [i]
- Extent of Overlay
- Subdivision Schedule
- Modified
- Natural
- Waitakere Ranges Heritage Area Overlay
- Ridgeline Protection Overlay

Built Heritage & Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [rcp/dp]

Built Environment

- Identified Growth Corridor Overlay
- Hazardous Facilities Infrastructure
- Emergency Management Area Control
- Flow 1 [rp]
- Flow 2 [rp]
- Stormwater Management Area Control
- Level Crossings With Sightlines Control
- Macroinvertebrate Community Index
- Parking Variation Control
- Subdivision Variation Control
- Surf Breaks [rcp]



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Underground Services
 25B Rehia Road Massey
 LOT 2 DP 331776

0 7 14 21
 Meters
 Scale @ A4
 = 1:1,000
 Date Printed:
 21/09/2018



Stormwater

Note: Unless otherwise specified in the text below, the *colour* of a Stormwater symbol is determined by the ownership or usage status, using the following colour scheme:

Public, **Private** or **Abandoned**

- | | | | |
|--|-------------------------------|--|-------------------------------------------|
| | Treatment Device | | Overland Flowpath (Public) |
| | Septic Tank | | Overland Flowpath (Private) |
| | Septic Tank (Hi-Tech) | | Forebay (Public) |
| | Soakage System | | Forebay (Private) |
| | Inspection Chamber | | Treatment Facility (Public) |
| | Manhole (Standard / Custom) | | Treatment Facility (Private) |
| | Inlet & Outlet Structure | | Pump Station |
| | Inlet & Outlet (No Structure) | | Planting |
| | Catchpit | | Embankment |
| | Spillway | | Viewing Platform |
| | Safety Benching | | Bridge |
| | Culvert / Tunnel | | Erosion & Flood Control (Other Structure) |
| | Subsoil Drain | | Erosion & Flood Control (Wall Structure) |
| | Gravity Main | | |
| | Rising Main | | |
| | Connection | | |
| | Fence | | |
| | Lined Channel | | |
| | Watercourse | | |

Water

- | | |
|--|--------------------------------------|
| | Valve |
| | Hydrant |
| | Fitting |
| | Other Watercare Point Asset |
| | Other Watercare Linear Asset |
| | Local Pipe (Bulk) |
| | Local Pipe (In Service) |
| | Local Pipe (Abandoned) |
| | Transmission Pipe (In Service) |
| | Transmission Pipe (Out of Service) |
| | Transmission Pipe (Proposed) |
| | Pump Station |
| | Reservoir |
| | Other Structure (Local) |
| | Chamber (Transmission) |
| | Water Source (Transmission) |
| | Other Watercare Structures and Areas |

Wastewater

- | | |
|--|------------------------------------|
| | Fitting |
| | Fitting (Non Watercare) |
| | Manhole |
| | Pipe (Non Watercare) |
| | Local Pipe (Main / Service Line) |
| | Local Pipe (Abandoned) |
| | Local Pipe (Future) |
| | Transmission Pipe (In Service) |
| | Transmission Pipe (Out Of Service) |
| | Transmission Pipe (Proposed) |
| | Chamber |
| | Structure (Non Watercare) |
| | Pump Station |
| | Wastewater Catchment |

Utilities

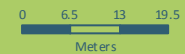
- | | |
|--|-----------------------------------------------------|
| | Transpower Site |
| | Pylon (Transpower) |
| | 220kv Line (Transpower) |
| | 110kv Line (Transpower) |
| | 33kv Line (Transpower) & Underground Line (Mercury) |
| | Transmission Line (Vector) |
| | Oil Services Pipeline [Wiri] |
| | Liquid Fuels Pipeline [Wiri to Marsden] |
| | High-Pressure Gas Pipeline (Vector & Orion) |
| | Medium-Pressure Gas Pipeline (Vector & Orion) |
| | Indicative Steel Mill Slurry Pipeline |
| | Indicative Steel Mill Water Pipeline |
| | Fibre Optic Cable (ARTA) |
| | Contour Interval |

Legend updated: 9/05/2018



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Hazards
 25B Rehia Road Massey
 LOT 2 DP 331776



Scale @ A4
 = 1:1,000

Date Printed:
 21/09/2018



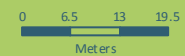


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Natural Hazards - Coastal Inundation

25B Rehia Road Massey

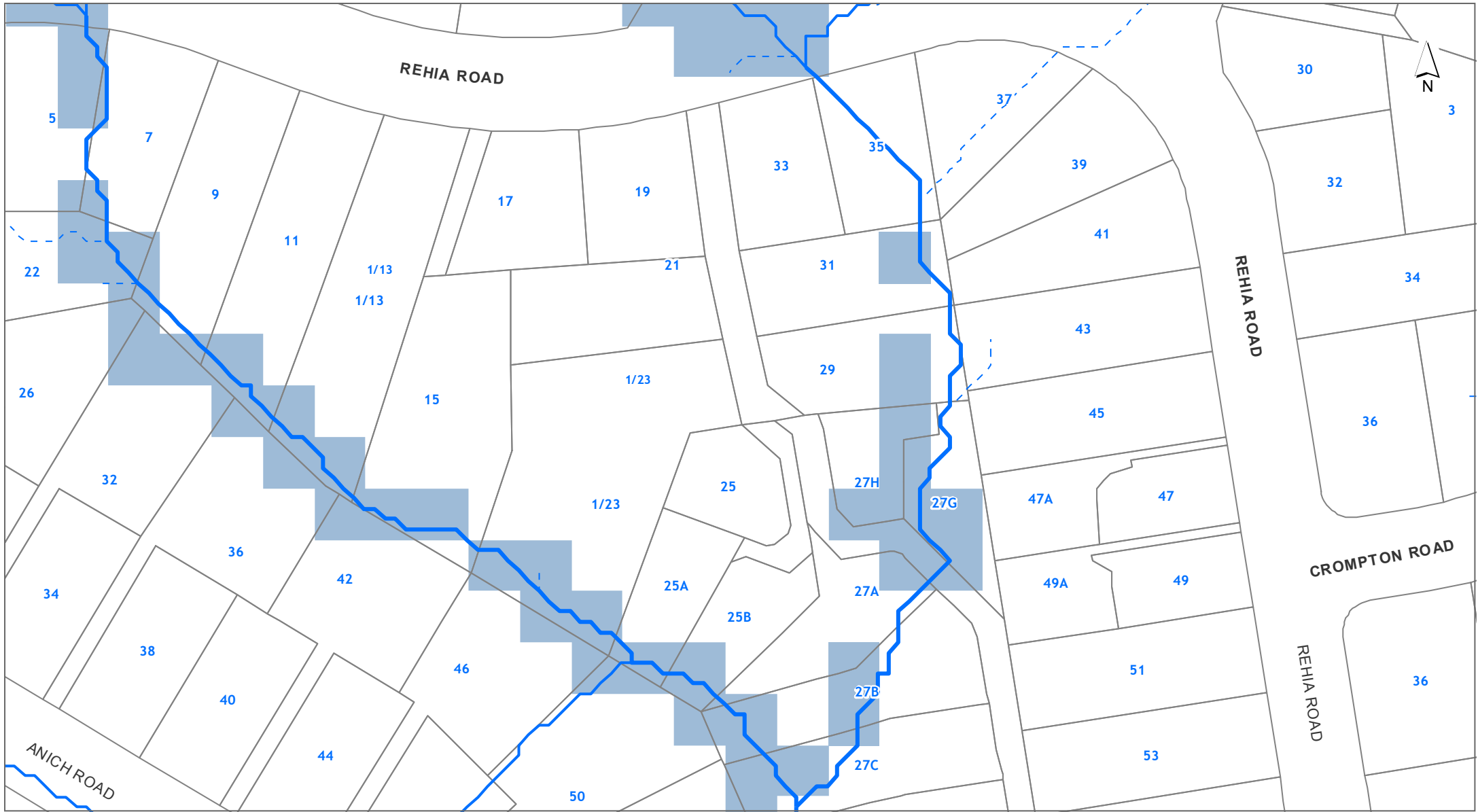
LOT 2 DP 331776



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Date Printed:
 21/09/2018



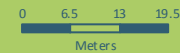


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Natural Hazards - Flooding

25B Rehia Road Massey

LOT 2 DP 331776



Scale @ A4
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Date Printed:
 21/09/2018



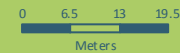


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Natural Hazards - Sea Spray

25B Rehia Road Massey

LOT 2 DP 331776



Scale @ A4
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Date Printed:
21/09/2018



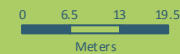


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Natural Hazards - Volcanic Cones

25B Rehia Road Massey

LOT 2 DP 331776



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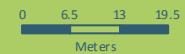
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Other
25B Rehia Road Massey
LOT 2 DP 331776



Scale @ A4
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Date Printed:
21/09/2018


















Hazards

Soil Warning Area

-  Fill (Franklin District only)
-  Advisory (Franklin District only)
-  Contamination (Franklin District only)
-  Erosion (Franklin District only)
-  Hazardous Activities & Industries List (HAIL) (Franklin District only)
-  Inundation (Franklin District only)
-  Rainfall Event (Franklin District only)
-  Slippage (Franklin District only)
-  Subsidence (Franklin District only)
-  Slippage / Subsidence / Erosion etc (Auckland City and Papakura District only)
-  Uncertified Fill (Auckland City and Papakura District only)
-  Organic Soil (Auckland City and Papakura District only)
-  Filled / Weak Ground (Auckland City and Papakura District only)
-  Refuse Tips Site / Weak Area (Auckland City and Papakura District only)
-  Unstable / Suspected Ground (Auckland City and Papakura District only)
-  Allochthon Waitemata (Rodney District only)
-  Motatau Complex (Rodney District only)
-  Puriri Mudstone (Rodney District only)
-  Mahurangi Limestone (Rodney District only)
-  Mangakahia Complex (Rodney District only)
-  Hukerenui Mudstone (Rodney District only)
-  Whangai Formation (Rodney District only)
-  Tangihua Complex (Rodney District only)
-  within 150m of Northland Allochthon (Rodney District only)




Hazards

Soil Warning Area continued




-  Soil D (Rodney District only)
-  within 150m of Soil D (Rodney District only)
-  Soil C (Rodney District only)
-  within 150m of Soil C (Rodney District only)
-  Soil B (Rodney District only)
-  within 150m of Soil B (Rodney District only)
-  Soil A (Rodney District only)
-  Gas Main Pipeline
-  Petroleum Pipeline
-  Closed Landfill (Auckland Council owned)
-  Closed Landfill (Privately owned)
-  Air Discharge (Franklin District only)
-  No Soakage (Franklin District only)
-  Indicative Steel Mill Slurry Line 20m Buffer (Franklin District only)
-  Indicative Steel Mill Water Line 20m Buffer (Franklin District only)


Natural Hazards

Overland Flow Path

-  Catchment area 2000m² to 3999 m²
-  Catchment area 4000 m² to 3 Ha
-  Catchment area 3 Ha and above








Coastal Inundation

-  1% AEP
-  1% AEP plus 1m sea level rise
-  1% AEP plus 2m sea level rise

-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

Other

Cultural Heritage Index

-  Archaeological Site
-  Hayward and Diamond
-  Historic Botanical Site
-  Historic Structure
-  Maori Heritage Area
-  Maritime Site
-  Reported Historic Site

The information Council holds in relation to Special Land Features differs based on the area a property is located in. Those areas where information is held on a Special Land Feature is denoted in the legend above.

Legend updated: 12/06/2018

2004-1213

13-OCT-2005 THU 15:07 WATER FX

264+9+4126324 P 003/004

Property I.D. 314021



ATTN: MIKE LAZENBY.

ENTERED

Private Bag 800, Orewa

Permit No: 2005/1564

JOB ADDRESS: B.C. HOMES, 25^B REHIA STREET

Inspector: (PLAN)

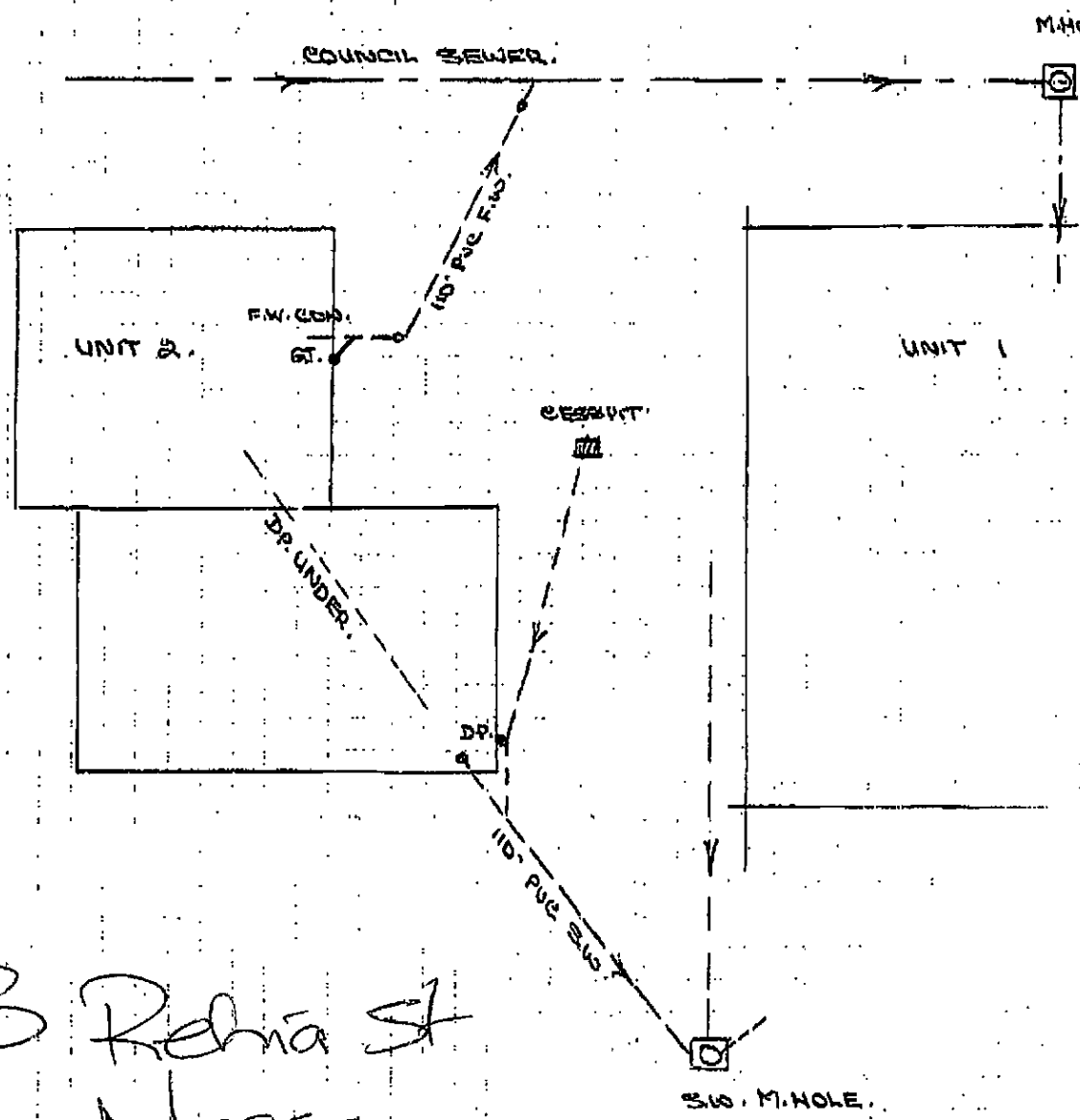
LOT No: _____ D.P. No: _____

Inspected date: 30/8/05

DRAINLAYERS - NAME & ADDRESS: A.N. BAKER

FRONT BOUNDARY

250 Kenia St 314021



25 B Rehia St
Massey

ABA

2005/1564

BAKER PLUMBING & DRAINAGE 1985 LIMITED

30.8.05

M. NORRIS

Information only.
30.10.07.

City of Waitakere District Plan

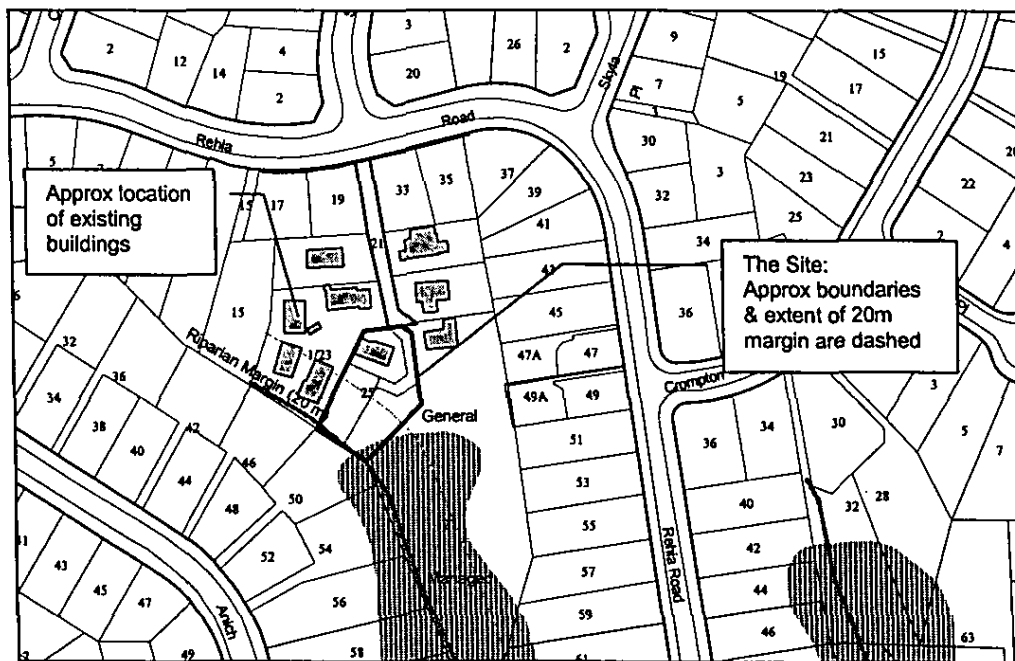
REPORT FOR NON COMPLYING ACTIVITY APPLICATION SECTION 94 AND 104 ASSESSMENT AND DETERMINATION IN ACCORDANCE WITH THE RESOURCE MANAGEMENT ACT 1991

1.0 SUMMARY OF PROPOSAL

A 3 Lot subdivision with 2 Lots within the Green Network

2.0 APPLICATION DETAILS

Resource Planner:	Chris Gorman		
Site Address:	25 Rehia Road, Massey		
Applicant:	M Thomas		
Date Received:	14 January 2003		
Resource Consent No:	RMA20030062 (Subdivision), RMA20030063 (Land Use)		
Scheme Plan No:	SPW21711		
Ward:	Massey		
Legal Description:	Lot 37 DP 115991, CT 66A/27		
Address for Service:	M Jesson Cato Bolam Consultants P O Box 21-355 Henderson Waitakere		
Total Area:	1464m ²		
Lot Areas (Net Areas):	Lot 1	400m ²	Lot 3 452m ²
	Lot 2	454m ²	Lot 4 158m ² (Access)
Transitional Plan:	Zoning:	Residential 2	
	Section:	City of Waitemata	
	Hazards:	Nil	
Proposed /Operative Plan:	Human Environment:	Living	
	Natural Area:	General / Managed	
	Landscape Elements:	Riparian Margin (20m)	
	Hazards:	Nil	
	Roading Hierarchy:	Local	
Further Information Required:	Yes (Building site near exposed sewer pipe)		
Date Requested:	18 February 2003 (Ecowater)		
Date Received:	24 March 2003 (from Ecowater)		
Any Affected Persons:	Nil		
Approval Given:	N/A		



2.1 Documents considered for this report include the application documentation and the site visit checklist completed on 7 February 2003.

**3.0 REASON FOR APPLICATION- RELEVANT DISTRICT PLAN RULES
Extent Of Infringement And Type Of Activity Proposed**

3.1 Transitional Plan

Controlled Activity consent for a subdivision complying with the minimum lot size, shape factor and access requirements of Rule 7.2:4.2.

3.2 Proposed Plan (October 1995)

Non-Complying Activity consent for sites with a minimum net site area of less than 1000m² with more than 50% of the net site area within a Green Network Natural Area (Infill Subdivision Rule 3.3). Lots 2 and 3 have approximately 60% of the area within the 20m riparian margin (a Green Network Area) and have areas just over 450m². Lot 1 also requires a controlled activity consent for an area less than 450m², where the land use aspects below would consider the lesser area (Infill Subdivision Rule 3.1).

3.3 Operative Plan (Deemed Operative March 2003)

Limited Discretionary Activity consent for residential activity which involves units with a net unit area of more than 350m² but less than 450m² (Rule 2.2, Living Environment). The area around the existing dwelling would be 400m².

Limited Discretionary Activity consent for shared driveways serving more than one dwelling in the Living Environment and not meeting the standards detailed in Rules 12.1 or 12.2. Rule 12.2 limits the number of dwellings to be served by a shared driveway to 10, whereas the application would provide for 11 house sites off the existing access lot. The proposed Lots 1 - 3 will have an additional access lot to provide access. Also, the proposed second park for the existing dwelling will not meet the "aisle" depth to provide on site manoeuvring for a 90 percentile vehicle.

Limited Discretionary Activity for earthworks meeting the Performance Standards contained in Rule 3.3(a) or 3.3(b) of the General Natural Area Rules. The proposal will involve earthworks within 1 metre of a boundary to construct the driveway required to serve the proposed sites.

Overall the application is considered to be a Non Complying Activity. The proposal complies with all other development control rules under the Transitional, Proposed and Operative District Plans.

1.0 SITE AND PROPOSAL

4.1 Site Description

The site is located at the end of a concreted driveway. The single storey dwelling is located near the end of this drive on a moderately sloped portion of the site.

The ground then slopes more steeply behind the dwelling and levels out to form a gully towards the rear of the site. A number of trees are located along the eastern boundary (southern part only) and an exposed sewer pipe runs among the trees. The majority of the site is however in grass.

A small stream is located just to the east of the site, flowing from a drain running through the southern portion of the site.

There is a 4 unit development to the west (with access from the same driveway) and the property to the east has extensive tree cover along base of slope.

Otherwise, the surrounding environment is residential (single unit sites) in nature.

4.2 Proposal

It is proposed to subdivide the site into 3 Lots.

The existing dwelling would be contained within Lot 1 (400m²) and Lots 2 and 3 are vacant sites of just over 450m². Lot 4 will extend the existing driveway to provide access to the proposed parking for Lot 1 and to Lots 2 and 3.

Lot 1 would be moderately sloped, while apart from a small portion of the sites, Lots 2 and 3 would slope steeply down to the gully along the southern boundary.

5.0 SECTION 94 ASSESSMENT

5.1 Statutory Context

As a Non Complying activity, the application for resource consent should be publicly notified in accordance with section 93 of the Resource Management Act, unless it can be demonstrated that the requirements of section 94(2) of the Act can be satisfied. Section 94(2) provides that applications for resource consent need not be notified where:

*"(a) The consent authority is satisfied that the adverse effect on the environment of the activity for which consent is sought will be minor; and
(b) Written approval has been obtained from every person whom the consent authority is satisfied may be adversely affected by the granting of the resource consent unless the authority considers it is unreasonable in the circumstances to require the obtaining of every such approval."*

Recent case law has indicated that consent authorities should give careful consideration to the question of notification, and should publicly notify applications for resource consent unless it can be clearly demonstrated that the criteria of section 94(2) are met. A comprehensive assessment of any potential adverse effects is required. This conservative approach is underscored by the relatively wide definitions of "environment" and "effects" that are set out respectively in sections 2 and 3 of the Act. In determining whether or not an adverse effect on the environment of any activity will be minor, Council shall take no account of the effect of any activity on any person who has given their written consent to the activity under section 104(6).

In relation to other potentially affected parties, case law has established that the Council is only able to disregard adverse effects that would be 'de minimis' (Bayley CA 115/98). This concept can be taken to describe effects that are negligible or whose occurrence would be remote. In the case of the current application, this threshold has been adopted as the correct basis for assessing whether any person may be adversely affected by the granting of consent.

In terms of effects on the "environment" case law has established that the correct approach is that of the "permitted baseline" ie the environment (which includes both the subject site and the neighbouring environment) as it exists at the time the application is considered and what activities can take place there as of right, even if hypothetical, as compared with the effects of the proposed activity. Case law has established that any such hypothetical developments must be credible in terms of what could reasonably be expected to establish there.

When considering effects under Section 94(2) regard may be had to any condition which, if imposed under any decision to grant consent would eliminate or reduce the adverse effect to one which would be no more than minor for the purposes of subsection 2(a) or to a point where it would be de minimis or only a remote possibility for the purposes of subsection 2(b).

5.2 ADVERSE EFFECTS ASSESSMENT

5.2.1 Water Quality and Quantity

There would be no more than de minimis adverse effects in relation to water quality/quantity arising from the proposed activity as the 20 metre riparian margin shown to run through the site has already been modified. When the 4 unit development to the west of the site was constructed in 1987 – 88, a public stormwater drain was installed along the rear of the subject site, discharging into a small stream/watercourse in the site to the east. Therefore development of this site would not affect any body of water within the site.

The proposed development would however create additional impermeable areas, and therefore runoff from the site would be increased. Council's subdivision engineer, Ms Shelley Renkema, has assessed the proposal (memorandum dated 24 March 2003) and has considered the receiving water system can accommodate the anticipated level of development that would occur as a result of the subdivision. However, there are cumulative effects associated with the general increase in development and a stormwater upgrade contribution would be required to ensure the overall effect of development in the catchment on water quantity and quality would be no more than de minimis.

5.2.2 Native Vegetation, Vegetation and Fauna Habitat

There would be no more than de minimis adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the probable building sites within the proposal are clear of existing trees on site.

5.2.3 Land / Soil

There would be no more than de minimis adverse effects on soil/existing landform as a result of the proposed activity as the site is within the urban area and is already modified.

Only minimal earthworks would be required, including the scraping of topsoil for the driveway, and there would be no significant alteration in the grade or level along the length of the drive. It is considered that the implementation of Council's standard erosion and sediment control measures would ensure that there would be no more than a de minimis adverse effect on soil as a result of this proposal.

As parts of the site are steep, the slopes have been assessed by a registered engineer and reviewed by a consultant engineer on behalf of Council.

Stabilisation measures are to be constructed to ensure future development would not adversely affect the slope stability.

5.2.4 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

5.2.5 Ecosystem Stability

As the riparian margin is already modified within this site and the site to the west, there would be no more than de minimis adverse effects on the stability of ecosystems as a result of the proposal.

5.2.6 Outstanding Natural Features; Landforms, Geological Sites,

The subject site is not identified in the Operative District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The site is within the urban area of the city and the environment is already extensively modified and therefore the proposed activity would not adversely affect any identified outstanding natural features.

5.2.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

As noted above, the riparian stream has already been modified when it was piped in 1988 and there would be no adverse effects in relation to the natural character of the coast and margins of lakes, rivers and wetlands arising from the proposed activity as it would be located within the urban area of the City and would not be near the coast, water body or wetland.

5.2.8 Outstanding Landscapes

The subject site is not identified in the Operative District Plan as being within an area identified as "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified and therefore the proposed activity would not adversely affect any identified outstanding landscapes.

5.2.9 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

- *overshadowing, loss of daylight and sunlight, scale, form, height, bulk, physical dominance, privacy*

No additional buildings are proposed as part of the subdivision, and any future development on the new vacant sites would be subject to the rules of the District Plan, thus the potential effects would be considered at that time.

- *visual amenity, streetscape, sense of place, neighbourhood character, amenity values, views, on site amenity, adequate open space*

The area is predominantly single dwellings on generously sized residential sites. However, there is also a reasonable amount of infill and multi-unit developments in the vicinity. It is considered that the proposed development would be in keeping with the character of the existing residential environment, and is a development that could reasonably be expected in the area.

The existing dwelling has been provided with an outdoor living court that is considered to be a sufficient size, gradient and orientation to accommodate the needs of the occupants, thus here would be no more than a de minimis adverse effect.

It is therefore concluded that there would be no more than de minimis adverse effects on visual amenity and neighbourhood character as the proposed development is similar in character to the surrounding environment, and adequate open space would be provided.

- *infrastructural capacity & availability*

The proposal has been assessed by Council's Subdivision Engineer, Shelley Renkema with regard to infrastructural issues, such as stormwater, water supply and wastewater (refer to memorandum dated 24 March 2003). Ms Renkema has advised that subject to the implementation mitigation measures to reduce the wastewater generated by the

future dwellings that would occur on the proposed sites, in conjunction with upgrade contributions to allow Council to undertake work on the existing sanitary sewer system to ensure it can accommodate the cumulative increased use as the area is developed there would be no more than de minimis effects on the capacity of the existing sanitary sewer system.

- *Traffic generation, on-street parking, driver safety, pedestrian safety, roading capacity and roading network, traffic noise, vehicle movements, access and driveway manoeuvring, driveway width & gradient*

The existing driveway that serves this and the adjoining sites is considered to be of sufficient width to accommodate the increase in use that would result from the future development of the proposed new sites. The vehicles would have good visibility of other vehicles entering or leaving the other sites using the common drive, and the subdivision would not create a traffic hazard within the existing drive.

Where the existing drive enters onto the road, there is good visibility.

The proposed second carpark for Lot 1 would not meet the aisle depth in the parking and driveway guidelines. However, the shortfall is minimal, and it is considered that most vehicles would be able to gain access to the parking space, and larger vehicles, if necessary, would be able to make small additional manoeuvres to access the space without adversely interfering with other vehicles using the drive.

Therefore any adverse effects are considered to be de-minimis.

5.2.10 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

5.2.11 Conclusion in relation to Section 94(2)(a):

Overall the adverse effect on the environment for which consent is sought would be no more than de minimis for the reasons stated above.

5.3 Section 94(2) (b) - Adversely Affected Persons

There are no persons considered to be adversely affected by the proposed activity for the reasons stated in section 5.2.1 to 5.2.10 of this report.


5.4 Special Circumstances

In accordance with section 94(5) of the RMA it is considered that there are no special circumstances that warrant notification of the proposal.

6.0 SECTION 94 RECOMMENDATION

Pursuant to Section 94 of the Resource Management Act 1991, it is recommended that this application be processed without being publicly notified for the following reasons:

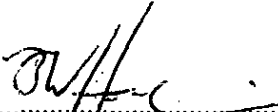
- The adverse effect on the environment of the activity for which consent is sought would be no more than de minimis because the proposed subdivision would provide for development that would be of a form, scale, character that is in keeping with the surrounding environment, minimal earthworks are required, the most significant trees on the site would be retained, stormwater upgrade contributions are proposed to minimise the effect of increased runoff, and safe and efficient vehicular access to the site would be provided.
- There are no persons considered to be adversely affected by the granting of this resource consent.
- There are no special circumstances to warrant notification of this application.

Reporting Planner: 
Chris Gorman

Date: 24 April 2003

7.0 SECTION 94 DETERMINATION

Acting under delegated authority and for the reasons set out in the above assessment this application for resource consent shall be non notified as recommended.


.....
Bronwyn Allerby/Bruce Hawkins
Team Leader Consents

Date: 28/04/2003

Graeme McCarrison
Manager, Resource Consents

ASSESSMENT OF NON-NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTIONS 104 AND 105 OF THE RESOURCE MANAGEMENT ACT 1991

8.0 STATUTORY ASSESSMENT

As noted, the proposal requires consideration as a non-complying activity under the provisions of the Resource Management Act 1991. Section 105(2A) of the Act sets a threshold test which all resource consent applications for non-complying activities must first pass before a consent authority has jurisdiction to grant consent, having regard to the matters specified in Section 104. In short, the proposal must be able to establish and operate without generating more than minor adverse effects on the environment, or must not be contrary to the relevant objectives and policies of either the Proposed District Plan or the Transitional District Plan.

The Act requires consideration of both the Transitional and Proposed District Plans prior to the Proposed Plan becoming operative. As determined by case law the regard to be given to the different plans can be weighed up in relation to what stage in the process of becoming operative a proposed plan is. In this case the Proposed Plan has been declared Operative except for the subdivision rules (on 27 March 2003) and the appellant to the subdivision rules has withdrawn the appeal against the infill subdivision rules.

Therefore it is considered appropriate to only consider the rules of the Proposed/Operative District Plan, which are in any case more restrictive than those of the Transitional Plan.

The assessment contained previously in this report demonstrates that the proposal would generate no more than minor adverse effects on the environment. Jurisdiction to grant consent has therefore been established.

However, it is noted that for a consent authority to grant consent to a non-complying activity application, there should generally be some exceptional element to the proposal. If such unique circumstances do not exist, then the proposal would effectively compromise the integrity of the Proposed District Plan, and public confidence in the consistent administration of the Plan may be undermined.

It is considered that the proposal would be unique because while more than 50 percent of the two proposed sites would be within a Green Network Area, the 20 metre riparian margin on which this is based on has already been piped, and in the case of the property to the west (also subject to the riparian margin) extensively built upon. Thus the site does not contain the physical features the Green Network is designed to protect, and the existing development to the west would prevent any extension to the network. This would differentiate this site from the properties "down stream", where there is a watercourse within the riparian margin and extensive tree cover around the stream.

9.0 ENVIRONMENTAL ASSESSMENT

As a non-complying activity a variety of issues are relevant when determining the nature and scale of adverse effects on the environment including effects on the ecosystem, traffic generation, and infrastructural capacity. These aspects have been discussed previously in Section 5.2 of the accompanying Section 94 Assessment and Determination Report. The assessment of effects concluded the level of development provided for by the subdivision would be compatible with the existing development in the area, and that the proposed subdivision would not affect the existing usage of the existing driveway.

9.1 Transitional Plan Weighting

As noted in 8.0 above, the relevant rules of the Proposed Plan have either been declared Operative or appeals have been withdrawn, thus it is appropriate to consider the rules of the Operative/Proposed Plan only.

9.2 SECTION 104 ASSESSMENT

9.2.1 Actual and Potential Effects on the Environment

The District Plan has been prepared with a clear "effects-based" emphasis. As a result, any consideration of effects arising from a proposal would be covered in the matters set out under the relevant assessment criteria of the Plan.

The assessment of effects outlined Section 5.2 of the accompanying Section 94 Assessment and Determination Report concluded that the adverse effect of the proposed development would be no more than de minimis because it would be of a form, scale, character that is in keeping with the surrounding environment, minimal earthworks are required, the trees on the site would be retained, stormwater mitigation measures are proposed to minimise the effect of increased runoff, and safe and efficient vehicular access to the site would be provided.

9.2.2 Other Matters (Section 104(1(i)))

There are no other matters relevant to this application.

10.0 POLICIES AND OBJECTIVES

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The Plan is "effects-based" in its approach to natural and physical resources and it has been demonstrated in the previous environmental assessment of effects that subject to conditions any adverse effects arising from the proposal would be insignificant or no more than de minimis.

The relevant objectives and policies in relation to this proposal are:

Density

Objectives 1, 2, 4, 10, 11
Policies 1.1, 1.2, 2.1, 4.2, 10.17, 11.1, 11.2, 11.28
Also Assessment Criteria 2(a) – (e) Living Environment

Shared Driveway

Objectives 10, 11
Policies 10.11, 10.16, 10.27, 11.3
Also Assessment Criteria 12(a) – 12(d) Living Environment

Earthworks

Objectives 1, 2, 3
Policies 1.5, 1.6, 1.9, 2.10, 3.2
Also Assessment Criteria 3(a) – 3(q) General Natural Areas

Objective 1: While the rear portion of the site is designated a riparian margin, the watercourse was piped as part of the 4 unit development to the west. Thus the subdivision would not lead to development that would adversely affect water quality (policies 1.1 and 1.9, and assessment criteria 2(d)). The site is within 500m of a bus stop, thus provides for the possibility of reduced water contamination from vehicle pollutants as public transport would be an alternative to private vehicle use (policy 1.2). As there is no watercourse within the riparian margin, and there is development within the margin to the west, further development would not prevent streamside revegetation or ecological linkages being established along waterways (policies 1.5 and 1.6 and assessment criteria 3(c), 3(e), 3(g)). Also it would be expected future dwellings within Lots 2 and 3 would be located towards the north and away from the gully.

Objective 2: The probable location of future development noted in Objective 1 would also put such development clear of native vegetation and fauna habitat (policies 2.1 and 2.10).

Objective 3: The earthworks are limited to the construction of the driveway that would remain more or less at the original ground level, thus there will be no disturbance to the surrounding ground conditions or levels, and the duration of the earthworks would be minimal (policy 3.2 and assessment criteria 3(a), 3(d), 3(h), 3(i), 3(j), 3(l), 3(p) and 3(q)).

Objective 4: As stated in the comments for Objective 1, the development is close to public transport which provides for the maintenance of air quality through reduced private transport use (policy 4.2).

Objective 10: As discussed in 5.2.9 (4th bullet point) above, the onsite turning is achievable and the additional use of the existing shared drive will not impact on traffic and pedestrian safety (policies 10.11 and 10.16 and assessment criteria 12(a) and 12(b)). EcoWater has assessed that subject to contributions for sewer and stormwater upgrades the receiving infrastructure can accommodate the level of development provided for under the subdivision (policies 10.17 and 10.27).

Objective 11: The proposed lot sizes are within the range of densities within the immediate area and the area provided for the existing dwelling is sufficient for it to comply with the rules of the Plan (policy 11.1 and assessment criteria 2(a) and 2(b)). As stated earlier, the trees on site are located away from the probable building area and would not be affected by further development (policy 11.2 and assessment criteria 2(d)). The building sites would be below the road level and would have good separation from existing dwellings on other properties, thus they would not be overdominate in accordance with policies 11.3 and 11.28 and assessment criteria 2(c).

Infill Subdivision

Objectives 1, 2, 3, 4, 5, 7, 8, 10, 11

Policies 1.1, 1.14, 2.1, 2.13, 3.4, 3.5, 4.2, 5.4, 7.1, 8.3, 10.4, 10.9, 10.16, 10.17, 11.1, 11.2

Also Assessment Criteria 3(a) – 3(y) Infill Subdivision (where issues have not been considered above).

The location and pipe material of the exposed sewer pipe prevents it from being built over (where it goes underground), and the applicant has agreed to divert that part of the pipe that is underground in order to provide a viable building site while protecting the infrastructure (policies 1.14 and 3.5 and assessment criteria 3(b) and 3(d)). While the proposed Lots 2 and 3 are largely within the Green Network due to the 20m riparian margin, the riparian status allocated to this site and the adjoining site to the west has not taken into account the existing development (built 1987 – 88) that has 2 units fully within the 20m margin and has piped the stormwater through the subject site. Thus the outcomes of protecting and planting alongside waterbodies sought under policies 2.13, 5.4, 7.1 and 8.3 and assessment criteria 3(a) and 3(m) are not applicable in this instance.

The site has been assessed by a Geotechnical Engineer, and Council will require stabilisation work to be undertaken to ensure the sites are suitable for building on (policy 3.4). Such work and the slope of the site would restrict the potential building area (but still provide viable building sites), thus there would be ample area for outdoor space (policy 10.4 and assessment criteria 3(a)).

As discussed in Section 5.2.9 of this report Council's Subdivision Engineer, Ms Shelley Renkema of EcoWater has assessed the infrastructural issues (refer to memorandum dated 24 March 2003). Ms Renkema recommended that conditions be placed on the consent to ensure sufficient infrastructural capacity is provided for the proposed lots (policy 10.9).

11.0 PART II OF THE ACT- PURPOSE AND PRINCIPLES

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. The proposal would allow for the establishment of two future residential dwellings that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected.

The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 9.2 of this report. Subject to conditions, it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be reduced.

12.0 MONITORING

The proposal will need to be monitored to ensure the sediment control measures remain in place while the drive is being constructed.

13.0 RESERVE CONTRIBUTION

The reserve contribution has been considered in accordance with the Resource Management Act 1991. The sum to be paid in lieu of reserves will be computed from the gross realisation of value of Lots 2 and 3 (supplied by QV Valuations), as shown on the plans submitted with the application at the time of survey plan approval. A condition requiring payment of this contribution is recommended.

14.0 RECOMMENDED DECISION

A. Pursuant to Sections 104, 105 and 108 of the Resource Management Act 1991, being satisfied that no body or person is adversely affected, it is recommended that **consent be granted** to the application by M Thomas for 3 Lot subdivision within the Green Network, that under the Rules of the District Plan (deemed Operative in parts, March 2003) (as more accurately defined in Sections 3 and 4 of this report) requires resource consent for;

- Density by providing a net unit area of 400m² around the existing dwelling,
- Parking that does not meet the recommended aisle depth (second proposed park for the existing dwelling),
- Shared Driveways as a new shared driveway has been created to serve the proposed sites and the subdivision will cause 11 dwellings/sites to use the existing shared driveway,
- Earthworks within one metre of a boundary in order to construct the new driveway.

At 25 Rehia Road, Massey being Lot 37 DP 115991 for the following reasons:

- (i) It is considered that the proposal would have no more than a de minimis adverse effect on the environment as the area around the existing dwelling is sufficient to meet all other rules of the District Plan, the parking can still be accessed without causing undue interference with other vehicles, the existing driveway is sufficiently wide to accommodate the additional use and the new drive would follow the existing ground level so the earthworks will not affect adjoining properties.
- (ii) The proposal is generally consistent with the objectives and policies of the District Plan and Part II of the RMA.

Conditions imposed on the consent are as follows:

1. The development shall proceed in accordance with the plans titled "Proposed Subdivision of Lots 1 – 4 being a Subdivision of Lot 37 DP 115991", dated 20/11/02, prepared by Cato Bolam Consultants, and the report titled "Application for Resource Consent", and all of the information submitted with the application, all referenced by Council as RMA20030063.
2. **Before commencement of any works associated with the construction of the driveway (see condition (SD 1) below) and until completion of exposed earth siteworks**, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan (attached as appendix A to this consent).

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work.

3. A consent compliance monitoring fee of \$200.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at a further cost of \$89.00 per inspection (inclusive of G.S.T).

The \$200.00 fee has been paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

-
- B. In respect of Subdivision Consent Application Plan No. SPW21711 (RMA20030062) and, being satisfied that the adverse effect on the environment of the activity for which consent is sought will be minor, and that no other persons are adversely affected by the limited discretionary activity sought (and written approvals are thus not required), and that the proposal not be notified under Section 94 (1) (a) of the Resource Management Act 1991, the Council therefore consents to the application under Section 105 of the Resource Management Act 1991 to carry out a subdivision which;

Lots 2 and 3 having nett areas of 454m² and 452m² respectively being less than the minimum area of 1000m² (where more than 50% of the area is within a Green Network Area) stipulated in Rule 3.1 of the Infill Subdivision Rules of the Proposed District Plan on the grounds that:-

- (i) The "Green Network" within the site is based upon a 20 metre Riparian Margin that has been piped through this site in order to serve a development within an adjoining property, thus the riparian status does not reflect the current site features and the normal (450m²) site area requirements are suitable in this instance.
- (ii) There will be no adverse environmental effects arising as a result of the proposed subdivision.
- (iii) The situation is sufficiently unique that it will not create a precedence for inappropriate development within other Green Network Areas.

- C. That Subdivision Consent Application Plan No SPW21711 (RMA20030062) being a Non Complying activity and being a 3 Lot subdivision within the Green Network of Lot 37 DP 115991 comprised in CT 66A/27 situated at 25 Rehia Road, Massey by M Thomas be granted subdivision consent pursuant to Sections 94 and 105 of the Resource Management Act 1991 and be approved pursuant to Section 348 of the Local Government Act 1974, and that:-

1: SECTION 223 REQUIREMENTS

A survey plan of the subdivision will be approved pursuant to Section 223 of the Act within 3 years provided that the survey plan signing fee has been paid and that the following conditions have been complied with to the satisfaction of Council.

- (a) Pursuant to Section 220(1)(b)(iv) of the Act, provide for the following condition of amalgamation to be shown in the Section 223 approval on the survey plan:

"Subject to the amalgamation condition set out hereon"

and provide for the following to be endorsed on the Plan:

"That Lot 46 DP 115991 (legal access) be held as to three undivided one-eighteenth shares by the owners of Lots 1 - 3 hereon as tenants in common in

the said shares and that individual Certificates of Title be issued in accordance therewith.

And

"That Lot 4 hereon (legal access) be held as to 3 undivided one-third shares by the owners of Lots 1 – 3 hereon as tenants in common in the said shares and that individual Certificates of Title be issued in accordance therewith.

See CSN:A634859 "

(b) As required by Condition (EW 6) below, define the 1 in 100 year overland flowpath and provide a drainage easement(s) in gross in favour of Council in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon."

Note: The easement document will be prepared by Council's Solicitor at the applicant's cost.

(c) Provide drainage easements (for the services through Lot 1 to Lot 3, through Lot 2 to Lot 3, and through Lot 4 to Lot 1, to protect the existing or proposed connections) in a Memorandum of Easements endorsed on the survey plan. Include in the Section 223 approval on the plan, "subject to the granting or reserving of the easement(s) set out in the Memorandum hereon."

Take note that street numbers for the lots on the survey plan will be allocated by Council subsequent to Section 223 approval, and these numbers must be used for future applications for building consent. A copy of the survey plan with the Council allocated numbers will be provided.

2: SECTION 224C REQUIREMENTS

Prior to the release by the Council of the Section 224(c) compliance certificate for this subdivision the applicant shall comply with the following conditions to the satisfaction of Council:-

Note: The application requesting the 224 release shall be in writing, shall include the advertised processing fee, shall address how each of the following conditions have been satisfied, and shall be accompanied with Compliance Certificates from each of Council section(s) named below.

ECOWATER CONDITIONS (PUBLIC DRAINAGE)

Please contact the Secretary, 836 8000 ext 8428 EcoWater, Development Services to arrange a pre-start meeting with EcoWaters Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before work commences.

- (EW 1) Before the commencement of any work, obtain the approval of Council to engineering plans and specifications prepared in accordance with Council's "Code of Practice for City Infrastructure and Land Development" detailing the nature and extent of any proposed work.
- (EW 2) Design, provide and install a complete public wastewater reticulation system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer Section 5.0). Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main sewer. Specific requirements:
- i. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve Lots 2 & 3 if not covered by a building consent. Obtain EcoWater Engineering Approval to any proposed public drainage works.

- ii. Separate systems are to be provided to the point of connection to the public system/new Lot(s).
- iii. Pay Council to provide a new wastewater line connection to serve Lot 3 (within proposed Lot 1)
- iv. Re-route the existing public drainage lines passing through Lot 2 to provide more adequate building sites for those Lots. Provide a wastewater connection for Lot 2 to the re-routed line or new manhole. Note that EcoWater will obtain a quote from Council's contractor for the proposed works to the live sewer once engineering plans have been approved. Note that the new manhole near the pipe bridge may stand above the ground and that building over the new drain may not be permitted due to insufficient ground cover. Buildings must be located 1m clear of the outside wall of Council manholes, and access to the manhole must be maintained at all times.
- v. Either grout fill, or remove, the abandoned drainage under Council's supervision.
- vi. A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
- vii. Advice Note: EcoWater policy requires any wastewater manholes or line connections to be constructed by EcoWater Solutions maintenance contractor. Wastewater manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWater's Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

(EW 3) A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new title for Lots 2 & 3 restricting the siting of any residential building on the said land except as will allow only for gravitational flow of sanitary sewage from the said building to the existing sewer main, unless, in the alternative, a Council approved domestic sewerage pumping station is installed.

(EW 4) Due to the density of the proposed development and resultant increase in wastewater flows mitigation is required. Therefore advise Council which of the following you will be carrying out and fulfil the requirements:

Either

- a. Mitigate the increase in wastewater flows from the site by providing the following flow reduction measures in the existing dwelling and advise prior to the issue of the 224c certificate that mitigation of wastewater flows will be carried out under future building consents on vacant Lots:
 - i. All taps over handbasins/sinks and showerheads are to be of a type that limit the flow rate to 9 litres/minute or less.
 - ii. All units/dwellings shall have showers.
 - iii. All toilets shall be of 6/3 litre dual flush type.
 - iv. No in sink waste disposal units shall be installed.
- b. A Consent Notice is required to be issued and registered on the new titles for Lots affected requiring the use of low water use devices to limit wastewater flows to Council's satisfaction. Provide an EcoWater "Water Saving Devices Inventory Form" completed by a registered plumber to demonstrate that the above requirements are satisfied for the existing dwelling. Council's Hazards and Special Features Register will be advised of the above requirement.
- c. In addition, pay to the Council pursuant to Section 407 of the Act the sum of \$1173.66 (incl. GST at 12.5%) to further mitigate wastewater flows (main system improvements) necessary to serve the subdivision. Notes:
 - i. Further reductions may be possible through recycling of grey water or other innovations.
 - ii. If in-sink waste disposal units are proposed then the sum required will rise to \$1932.50.

Or

- d. Mitigate the increase in wastewater flows from the site by providing the flow reduction measures in **one dwelling only** and pay to Council the sum of \$2023.56, or **two dwellings only** and pay to Council the sum of \$4047.12 (incl. GST at 12.5%) towards the cost of mitigating the flow of sanitary sewer from the site over and above that allowed for as a permitted activity. A Consent Notice is required to be issued and registered on the affected Title. Council's Hazards and Special Features Register will be advised of the above requirement.

Or

- e. Pay to Council the sum of \$6070.68 (incl. of GST) towards the cost of mitigating the flow of wastewater from the site over and above that allowed for as a permitted activity without carrying out any mitigation measures. No Consent Notice is required. Note: The above sums are based on three bedroom dwellings. If this is to change the contribution is to be amended. The calculations of the above sums are available from EcoWater.

(EW 5) Design, provide and install a complete public stormwater drainage system to serve all Lots in compliance with Council's Code of Practice for City Infrastructure and Land Development (Refer section 4.0). Collect all existing discharge points. Pay, if applicable, to the Council the cost of connecting the said reticulation to the Council's main stormwater. Specific requirements:

- i. Separate systems are to be provided to the point of connection to the public drain/dry chamber/new Lot(s).
- ii. Pay Council to provide a new stormwater connection (near the boundary between Lots 2 & 3) to the 500mm diameter public drain.
- iii. To minimise the number of connections to the principal lines provide a dry chamber at the end of the new connection and serve 2 dwellings from this chamber. This is required to reduce infiltration to public drainage lines. Provide easements as appropriate.
- iv. Obtain a Minor Drainage Works Permit for any proposed private drainage works to serve Lots 2 & 3 if not covered by a building consent.
- v. A Registered Surveyor is required to certify the private drainage has been laid within the easements provided.
- vi. Advice Note: EcoWater policy requires any public stormwater line connections to be constructed by EcoWater Solutions maintenance contractor. Stormwater manholes or manhole connections may be constructed by the applicant's contractor with engineering plan approval and under EcoWaters Quality Assurance supervision or by EcoWater Solutions maintenance contractor.

(EW 6)

Provide a catchment analysis, define and form the 1 in 100 year overland floodpath, and take note that a drainage easement in gross in favour of Council will be required to be issued and registered on the new titles to be issued for affected Lots (2 & 3) precluding placement of fill or the erection of solid walls or fences or other impediments within that flowpath, and providing for a minimum freeboard of one-half metre above the 1 in 100 year overland floodpath for the floor levels of residential/commercial buildings. Note: Provide an As Built plan of the overland flowpath showing a long section and cross section for inclusion in Council's Hazards and Special Features Register

(EW 7)

Provide and install a private water service pipe to the body of Lots 2 & 3 as specified in WCC COP Section 6.3.12 Case 1.

(EW 8)

Contact EcoWater's Development Services Secretary (extn 8248) to arrange a pre-start meeting with EcoWater's Quality Assurance Inspector. Plans are required to be submitted and Engineering Approval obtained before requesting a pre-start meeting.

(EW 9)

Provide an As-Built drainage plan prepared by a registered surveyor and cctv video inspection of the new **public** drainage, in accordance with WCC COP. Include lid and invert levels in terms of LINZ datum, and two boundary offsets to each dry chamber.

Provide an As-Built drainage plan prepared by a registered drainlayer showing the separate connections provided to Lots 2 & 3, in accordance with WCC COP.

- (EW 10) Advice Note: Prior to applying for the 224c certificate, ensure that the drainage test / field check has been applied for.

SHARED DRIVEWAY & ON-SITE PARKING CONDITIONS

Please contact the Field Advisor on 836-8000 (extension 8725) to book an inspection (At least 48 hours prior to the inspection being required).

- (SD 1) Form the shared driveway over Lot 4 and construct thereon a carriageway and storm water control in accordance to the Code of Practice for City Infrastructure and Land Development and to the satisfaction of the Council. Notes:
- a. Inspection of the boxing prior to concrete pouring (or the subgrade prior to pavement construction) is required. Contact 836-8000 ext. 8725, at least 48 hours prior to the inspection being required.
 - b. Ensure that the long section of the driveway complies with Council's "Code of Practice for City Infrastructure and Land Development" standard detail SD 3.15.
 - c. All bends shall have a minimum inside turning radius of not less than 6.5m.
 - d. The minimum width of the carriageway on shared driveways is specified in Councils District Plan (2.5m for 2 lots and 2.7m for 3 lots) and the construction details are given in Councils "Code of Practice for City Infrastructure & Land Development." (150mm thick up to 4 lots).
- (SD 2) Form and construct with an all-weather surface two off-street parking spaces within Lot 1, with at least one space located where a complying garage or carport (with dimensions of at least 3m by 6m can be erected).

CONSULTANCY SERVICES CONDITIONS

Please contact the Design Engineer on 836-8000 (extension 8718) to book an inspection.

- (CS 1) The slope shall be stabilised by a soldier pile wall subject to specific design by an experienced geotechnical engineer familiar with the report of Hugh Fendall Consultants Ltd. Ref 02/279/Geo.R, 19 December 2002, to attain a minimum factor of safety of 1.5 with conservative water table assumptions.
- (CS 2) A consent notice pursuant to Section 221 of the Act will be required to be issued and registered on the new title for Lots 2 and 3 to inform future owners that;
- a. Buildings shall only be located uphill of the soldier pile wall installed as part of the subdivision and shall not utilise the wall as part of their foundations.
 - b. Foundations of buildings on Lots 2 and 3 shall be subject to specific design noting in particular the possibility of downslope creep in the surface soils on steeper slopes.
 - c. Excavations over 1 m and filling over 0.5 m shall be subject to specific design.
 - d. Inspection of all earthworks, walls and foundation excavations shall be undertaken by engineers experienced in geotechnical engineering, familiar with the report of Hugh Fendall Consultants Ltd. Ref 02/279/Geo.R, 19 December 2002 providing Council with a Producer Statement - Construction Review for this part of the work.
 - e. Runoff from roofs and all paved areas cannot be discharged onto the slope and shall be collected and piped to an approved public stormwater system.

LEGAL DOCUMENTATION

These conditions will be signed off by Consent Services.

- (LD 1) Take note that Council being satisfied that adequate access to Lots 1, 2 and 3 thereon is provided pursuant to a condition imposed under Section 220(1)(b)(iv) Resource Management Act 1991 therefore resolves that the provisions of Section 321(1) Local Government Act 1974 shall not apply to those Allotments by virtue of Section 321(3)(c).
- (LD 2) The Consent Notices required by Conditions (EW 3), (EW 4) (options (b) or (d)) and (CS 2) above and the drainage easement required by Condition 1:(b) above, will be prepared by the City Solicitor at the applicants cost when the following information has been received:
- (i) All necessary technical information
 - (ii) The Land Transfer plan number allocated by Land Information New Zealand, and
 - (iii) The name and address of the solicitor acting for the owner.
- (LD 3) Where any condition imposed upon this consent to subdivision is to be complied with on an ongoing basis by the subdividing owner and subsequent owners after the deposit of a survey plan (not being a condition in respect of which a Bond is required to be entered into by the subdividing owner of a completion certificate is capable of being or has been issued) the subdividing owner shall pay the Council's Solicitors legal costs and disbursements relating to the preparation and registration of a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, and shall do all acts and things necessary to enable registration of such Notice to be completed.

FEES, BONDS & CONTRIBUTIONS

Invoices will be prepared by Consent Services. If paying by personal/company cheque the standard 5 days clearance will apply. If you require the 224C certificate immediately, you must provide a bank cheque.

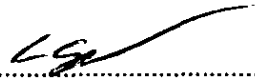
- (FC 1) Pay to Council any engineering and works supervision fees as incurred which will be charged at Councils advertised schedule of fees.
- (FC 2) Pay a 2½% maintenance deposit (minimum \$500.00) on the value of works being taken over by Council, which is refundable upon final acceptance of the works at the end of the maintenance period.
- (FC 3) Pay to the Council pursuant to Section 407 of the Act the sum of \$686.62 (incl. GST at 12.5%) towards the cost of upgrading the sanitary sewer reticulation (main system improvements) necessary to serve the subdivision. (\$343.31 per additional Lot).
- (FC 4) Pay to the Council pursuant to Section 407 of the Act the sum of \$529.40 (incl. GST at 12.5%) towards the cost of upgrading the stormwater drainage system (discharge point AA130, Massey South Catchment main system improvements) necessary to serve the subdivision. (\$264.70 per additional Lot).
- (FC 5) Pay to the Council pursuant to Section 407 of the Act the sum of \$723.00 (incl. GST at 12.5%) to provide a wastewater connection for Lot 3. Notes:
- i. All excavation and backfilling to be carried out by the owner.
 - ii. Installation of the connection and provision of an As-Built plan is required prior to the 224c certificate release.
- (FC 6) Pay to the Council pursuant to Section 407 of the Act the sum of \$597.00 (incl. GST at 12.5%) to provide a stormwater connection for Lots 2 & 3. Notes:
- i. All excavation and backfilling to be carried out by the owner.
 - ii. Installation of the connection and provision of an As-Built plan is required prior to the 224c certificate release.
- (FC 7) Pay to Council the sum as required for wastewater mitigation by Condition (EW 4) options (d) or (e) above.

- (FC 8) Pay to the Council a financial contribution equal to 6% (plus GST at 12½%) of Quotable Value market values to be obtained for Lots 2 and 3 as of the date of issue of this subdivision consent for reserve purposes pursuant to Section 407 of the Act. Pay also Quotable Value New Zealand Ltd costs for obtaining the valuation at the time of application for approval under section 223 of the Resource Management Act.

GENERAL

These conditions are to be signed off by Consent Services, fees will be charged on an hourly basis.

- (GL 1) Satisfy all requirements of the Inland Revenue Department in respect of Goods and Services Tax including any requirements that may be made in respect of proposed public services and land to vest in and be transferred to the Council.
- (GL 2) Advise Council the name of the Consultant and/or person/s who will be the developers representative fulfilling engineering responsibilities as detailed in section 1.4.1 of Councils Code of Practice for City Infrastructure and Land Development.
- (GL 3) Obtain the reticulation of electric power to Lots 2 and 3 by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Electrical Network Operator (including the requirements of the Operator of the network to which the subdivision network is to be connected).
- (GL 4) Obtain the reticulation of telephone services to Lots 2 and 3 by underground methods and provide to the Council satisfactory confirmation that the completed installation has been installed in compliance with the requirements of the Network Operator.
- (GL 5) Take notice that there are trees in the General and Managed Natural Areas on Lot 3 which may not be removed except with the prior consent of Council.

Reporting Planner: 
Chris Gorman

Date: 27 April 2003


Ron Jackson
Resource Planner (Subdivisions)

Date: 24/4/03

14.0 CONSENT GRANTED AS RECOMMENDED


Bronwyn Allerby/Bruce Hawkins
Team Leader Consents

Date: 25/04/2003

Please contact Council (Ph 839 0400) if you have any queries about this resource consent and associated report.

19 May 2005

B G Builders
C/- Olsen Architectural
102 Wake Road
Coatsville
RD 3
ALBANY

Dear Sir/Madam

Resource Consent Application Number RMA20050508
Location: 25B Rehia Road, Massey, WAITAKERE CITY

I am pleased to advise that your Resource Consent (Planning) application has been considered and consent has been granted pursuant to sections 93, 94, 104, and 108 of the Resource Management Act 1991.

The full report considering your application and the decision which has been made is attached. The following contains the decision on your application and the conditions which must be met for your consent to be valid:

DECISION

Pursuant to Sections 104, 104B and 108 of the Resource Management Act 1991, being satisfied that no body or person is adversely affected, it is recommended that **consent be granted** to the application by B G Builders for A new single level dwelling, that under the Rules of the District Plans (as more accurately defined in Sections 3 and 4 of this report) requires resource consent for;

- Height in Relation to Boundary infringement along the western boundary
- Buildings within the Riparian Margin (20m)
- Earthworks within 1 metre of the boundary

At 25b Rehia Road, Massey being Lot 2 DP 331776 for the following reasons:

- (i) It is considered that the proposal would have no more than a de minimis adverse effect on the environment as;
 - a. The margin area had been compromised by the piping of the stream by an adjoining development and the building is at the maximum practical distance from the "designated stream"
 - b. The height to boundary infringement does not affect the internal or external living areas of the "affected" site
 - c. The earthworks are modest and are consistent with the proposed development.
- (ii) The proposal is considered to be consistent with the relevant assessment criteria for Discretionary Activities.
- (iii) The proposal is generally consistent with the objectives and policies of the District Plan and Part II of the RMA.

Conditions imposed on the consent are as follows:

General Conditions

- (Gen 1) The development shall proceed in accordance with the plans titled "Proposed New Houses at Lots 2 & 3, 25 Rehia Road, Massey" (2 sheets) prepared by Olsen Architectural and dated 23 March 2005 and all of the information submitted with the application (including further information), all referenced by Council as RMA20050508.
- (Gen 2) Pursuant to section 125 of the Resource Management Act 1991 the consent shall lapse after a period of 2 years after the commencement of the consent.
- (Gen 3) Foundations of the building shall be subject to specific design noting in particular the possibility of downslope creep in the surface soils on steeper slopes.
- (Gen 4) Excavations over 1 m and filling over 0.5 m shall be subject to specific design.
- (Gen 5) The building may extend over the inground retaining walls provided it is cantilevered over these walls. All foundations must be up-slope of the in-ground walls and independent of them.
- (Gen 6) A future building consent will need to demonstrate compliance with conditions (Gen 3) – (Gen 5) above and further Geotechnical testing and design will be necessary to satisfy these requirements.

Monitoring Conditions

- (Mon 1) **Before commencement of any works and until completion of exposed earth siteworks, adequate sediment and erosion control measures shall be constructed and maintained by the consent holder. The control measures must be maintained until the site has been adequately stabilised against erosion. The construction and maintenance shall be in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council District Plan (attached as appendix A to this consent).**

Please advise Council's Environmental Monitoring Officer when the controls are in place and await the approval of the monitoring officer before commencing work. The applicant should book an inspection at least 48 hours prior to the required inspection.

- (Mon 2) Footpaths, berms, kerbs and the shared driveway shall be protected from damage by crossing or parking vehicles to the satisfaction of the Manager, Resource Consents. Any damage which is attributed to the earthworks operation shall be rectified at the cost of the consent holder.
- (Mon 3) No works, storage of materials, cement/concrete washings and leaching of chemicals, trenching or alteration of soil grade shall occur within the dripline of the protected vegetation (by virtue of the Managed Natural Area) along the eastern boundary.
- (Mon 4) All development works on the site including earthworks and the use of associated heavy machinery shall be undertaken between the following hours only:-

Monday to Friday:	7.30am to 7.00pm
Saturday:	8.00am to 5.30pm
Sunday and Public Holidays:	No work

- (Mon 5) A consent compliance monitoring fee of \$249.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out. The resource consent holder shall be advised of any further monitoring fees if they are required.

The fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Advice Notes:

1. Where indicated in the conditions it is the consent holders responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 849 0400.

End of Conditions

Compliance with the above conditions will be monitored by Councils Environmental Monitoring Officer in accordance with section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. Only after all conditions of the Resource Consent have been met, will Council issue a letter of compliance on request of the applicant.

Please note also that you must complete the activity that is consented to within two (2) years including compliance with the conditions of consent. If that does not happen the consent lapses and you may need to apply for an extension or a new consent. **Note: Your consent lapses on 19/05/2007**

Please contact Chris Gorman (extn 8124) of the Resource Consents Section if you have any general queries about the enclosed report or decision.

Yours faithfully



pp
Graeme McCarrison
MANAGER: RESOURCE CONSENTS



CITY OF WAITAKERE DISTRICT PLAN

REPORT FOR DISCRETIONARY ACTIVITY APPLICATION SECTIONS 93, 94A – 94D, 104 and 104B ASSESSMENT AND DETERMINATION IN ACCORDANCE WITH THE RESOURCE MANAGEMENT ACT 1991

1.0 SUMMARY OF PROPOSAL

It is proposed to carry out alterations and additions to a dwelling by constructing a carport and an uncovered deck that require consent for height in relation to boundary and building coverage infringements.

2.0 APPLICATION DETAILS

Planner: Sophie Arthur

Site Address: 25B Rehia Road, Massey

Applicant: Ariel Wilson

Date Received: 22 June 2009

Resource Consent No: LUC 2009-721

Legal Description: Lot 2 DP 331776

Address for Service: C/- Gudrun Fischer
Outdoor Design
PO Box 29
Waitakere 0660

Site Area: 454m²

Building Consent No: N/A

Operative District Plan:

Human Environment:	Living
Natural Area:	General, Managed and Riparian Margin
Landscape Elements:	Makomako Stream – 20m Riparian Margin
Hazards:	Geotechnical, 1 in 110 yr flood event
Roading Hierarchy:	Local Road

Proposed Plan Changes: Plan Change 26

Further Information Requested: Yes

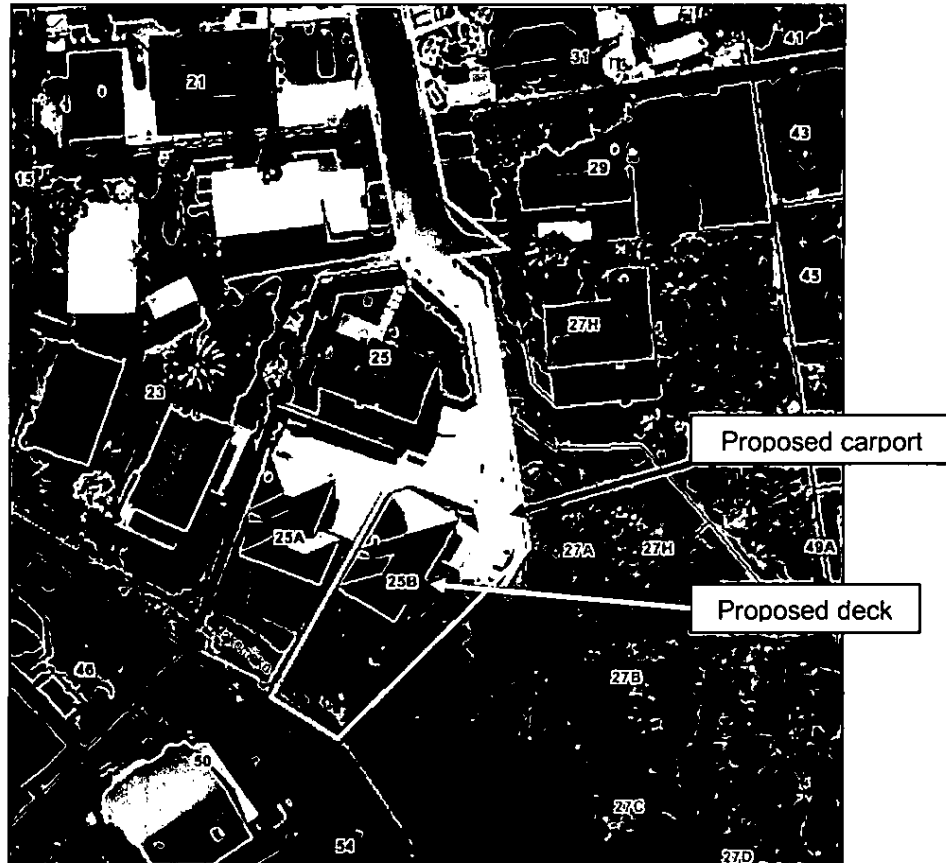
Date Requested: 7 July 2009

Date Received: 2 September 2009

Site Visit: 2 July 2009

Section 37 Applied: Yes
Any Affected Persons: Yes
Approval Given: Yes

Aerial Photograph of the 25B Rehia Road, Massey (2008)



2.1 Documents considered for this report include the application documentation and the site visit checklist.

3.0 REASON FOR APPLICATION- RELEVANT DISTRICT PLAN RULES
Extent of Infringement and Type of Activity Proposed

3.1 Operative District Plan

Citywide Rules: Natural Hazards

Consent is required as a Limited Discretionary Activity for building on land which is known by Council to be subject to slope instability and inundation (Rule 1.1).

Living Environment Rule 5: Height in Relation to Boundaries

Consent is required as a *Discretionary Activity* for constructing a carport which projects beyond an easternmost site boundary recession plane of 45° as measured 2.5m vertically above ground level on the eastern site boundary (Rule 5.3). The proposed carport would project beyond the recession plane requirements by up to 35cm over a distance of 4.2m.

3.2 Proposed Plan Change 26

Living Environment Rule 7: Building Coverage

Under this rule buildings resulting in a building coverage of no more than 35% of the net site area are permitted and do not require resource consent (Rule 7.1).

Calculations of building coverage under the Operative District Plan do not include the area of uncovered decks and terraces. Under the Operative Plan the proposal would result in building coverage over 28% of the net site area of 27B Rehia Road and would be a permitted activity.

Under the proposed Plan Change calculations of building coverage would include uncovered decks and terraces. A 17m² uncovered deck is located at the entranceway to the dwelling and it is proposed to construct a second deck measuring 37m². Inclusion of the two decks in calculations increases building coverage to 40% of the net site area and would require resource consent as a Discretionary Activity under Rule 7.2.

Overall the application is considered to be a Discretionary Activity.

4.0 SITE AND PROPOSAL

4.1 Site Description

25B Rehia Road is a 454m² site of irregular shape. The property falls from north to south at a gradient of approximately 1:3 and plateaus at the rear of the property where Makomako Stream runs along the rear property boundary.

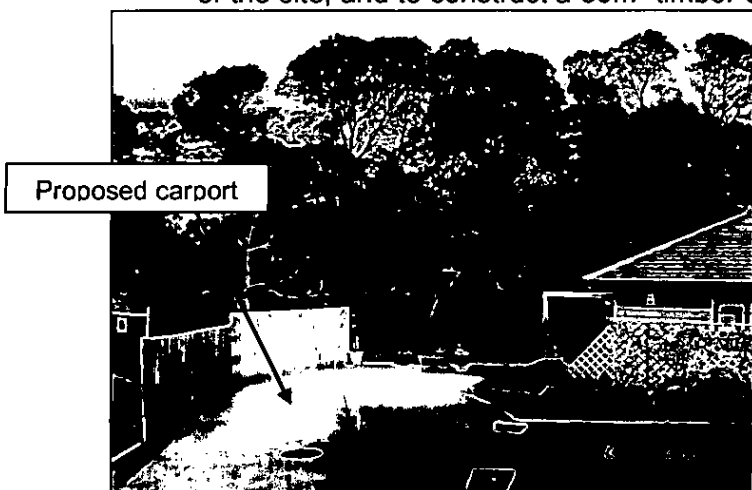
Rehia Road runs east-west approximately 90m to the north of the site, and the site is accessed via a long shared driveway. A single storey white timber dwelling with blue tiled roofing and a paved car parking area are located in the northernmost part of the property which has been levelled and supported by retaining walls.

The southern portion of the property is grassed and contains sporadic young and unprotected vegetation. A wastewater pipe passes underneath the dwelling and above the rear of the property. A 1.8m tall timber fence surrounds the property.

The surrounding area is residential in nature and contains properties of similar densities with timber and tile dwellings of similar design and age to that at 25B Rehia Road. The sites to the south-east have not yet been developed.

4.2 Proposal

It is proposed to construct a double carport measuring 5.7m by 6m in the north-eastern corner of the site, and to construct a 36m² timber deck along the eastern face of the dwelling.



4.3 Information Received

The following information has been provided:

- Application Form, Covering Letter, Assessment of Environmental Effects
- Plans titled 'Landscape Design for Mr. Ariel Wilson, 25B Rehia Road, Massey, Waitakere City' prepared by Gudrun Fischer of Outdoor Design Ltd and dated 22.05.2009
 - Proposed Site Plan, 2
 - Permeable Plan, 3
 - Drainage Plan, 4
 - East Elevation and West Elevation, 5
 - North Elevation and South Elevation, 6
 - Section C-C, 7
- Shading Diagrams

The following person(s) peer reviewed the information provided:

- Mohammad Rahman, Council's Drainage Engineer

It is considered that sufficient information has been provided to enable Council to fully assess the proposal and determine the application.

5.0 SECTIONS 93 and 94 ASSESSMENT

5.1 Statutory Context

As a Discretionary Activity, the application for resource consent should be publicly notified in accordance with section 93 of the Resource Management Act, unless it can be demonstrated that the requirements of sections 93, 94 and 94A – 94D of the Act can be satisfied. Applications must be notified (either publicly or in a limited manner) if the adverse effects of the activity on the environment are more than minor or all persons who may be adversely affected have not given their written approval.

Section 93 provides that applications for resource consent need not be notified where:

- “(a) The application is for a controlled activity; or*
- (b) The consent authority is satisfied that the adverse effects of the activity on the environment will be minor.*

Section 94 provides for limited notification (unless all adversely affected persons have given their written approval,) whereby all affected persons will be notified (but not the public at large) and have the opportunity to make a submission and be heard. Section 94(2) also provides for an application to proceed on a non-notified basis without notice being served, “if all persons who in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity.”

Recent case law has indicated that consent authorities should give careful consideration to the question of notification, and should publicly notify applications for resource consent unless it can be clearly demonstrated that the criteria of sections 93 and 94(2) are met. A comprehensive assessment of any actual or potential adverse effects is required. This conservative approach is underscored by the relatively wide definitions of “environment” and “effects” that are set out respectively in sections 2 and 3 of the Act.

In determining whether or not an adverse effect on the environment of any activity will be minor or more than minor, Council must disregard any effect on any person who has given their

written consent to the activity. In addition the Council may, disregard in its discretion an adverse effect of the proposed activity on the environment or on any person, if the Operative Plan permits an activity with that effect (Sections 94A and 94B).

In terms of determining adverse effects on the environment and whether a person would be adversely affected by the proposed activity, Section 94A and 94B gives Council the discretion to make permitted baseline comparisons i.e. a comparison between the environment as it exists at the time the application is considered and (the effects) of activities that are permitted by the Operative Plan even if hypothetical, as compared with the effects of the proposed activity. Case law has established that any such hypothetical developments must be not be "fanciful" in terms of what could reasonably be expected to establish there.

When considering effects under Section 94A and 94B, regard may be had to any condition which, if imposed under any decision to grant consent would eliminate or reduce the adverse effect to one which would be minor for the purposes of section 94A or to a point where it would be de minimis for the purposes of section 94B.

5.2 ADVERSE EFFECTS ASSESSMENT

The following assessment of effects is undertaken on the basis that the level of effects arising is avoided, remedied or mitigated (as appropriate) by the proposed consent conditions contained in this report.

5.2.1 Water Quality and Quantity

The proposed deck would be located 34m from Makomako Stream and the carport would be constructed on the opposite property boundary, therefore these would not interfere with the functioning of the stream.

No earthworks would be needed for construction of the deck. Any adverse effects on the quality and quantity of water at Makomako Stream would be negligible and temporary in nature and could be further avoided, remedied and mitigated by conditions of consent.

Both structures will be erected outside of the overland flowpath area as identified by easement D and would comply with the minimum specified FFL for residential buildings of 500mm in height above the one in one hundred year flood level of the overland flowpath. Council's Drainage Engineer Mr Mohammad Rahman has reviewed the application and supports the application.

5.2.2 Native Vegetation, Vegetation and Fauna Habitat

There would be no adverse effects in relation to vegetation and fauna habitat as a result of the proposed activity as the carport and deck would be located on concrete and grassed areas and it is not proposed to remove any vegetation or work within the dripline of any vegetation.

5.2.3 Land / Soil

It is not proposed to modify the form of the land or undertake any earthworks. The carport would be constructed over a concreted area and the deck will have pile foundations so any disturbance to soils would be negligible.

The site is subject to geotechnical requirements regarding the siting of buildings and earthworks. Accordance to these conditions will be assessed at the time of application for building consent.

It is therefore considered that any adverse effects with regards to land and soils would be negligible.

5.2.4 Air

As the site is within the urban area and the proposed activity does not include air emissions of any kind, there would be no adverse effects on air quality.

5.2.5 Ecosystem Stability

The proposal would result in minor modifications to concreted and grassed areas which have already been modified. It is therefore considered that the proposal would have negligible adverse effects on the ecosystem.

5.2.6 Outstanding Natural Features; Landforms, Geological Sites,

The subject site is not identified in the District Plan as being within an area identified as containing "outstanding natural features" within the City (refer Maps 3.5D & E). The proposed activity would not therefore adversely affect any identified outstanding natural features.

5.2.7 Natural Character of Coast and Margins of Lakes, Rivers and Wetlands

There would be negligible adverse effects, if any, in relation to the natural character of the Makomako Stream as the proposal would not require works within the Riparian Margin area and the stream is separated from the property by a 1.8m tall timber fence.

5.2.8 Outstanding Landscapes

The subject site is not identified in the District Plan as being within an area of "outstanding landscape" within the City (refer Map 3.6B). The site is within the urban area of the city and the environment is already extensively modified. Therefore the proposed activity would not adversely affect any identified outstanding landscapes.

5.2.9 Amenity Values - Health and Safety, Landscapes, Local Areas and Neighbourhood Character

Overshadowing and loss of daylight and sunlight,

The carport would be 2.5m tall along the eastern property boundary with a maximum height of 4.0m. The carport would be adjacent to the dwelling at the subject site, a shared driveway and a 1.8m tall timber fence which screens the subject site from No. 27A Rehia Road. The timber fence currently casts shade onto No. 27A Rehia Road during the afternoon and the proposed carport would slightly increase the size of the shaded area during the same period. Any adverse effects will be limited to this property.

The proposed deck would comply with the respective recession planes and therefore any adverse effects would be no greater than that permitted by the Plan.

Scale, form, height, bulk, physical dominance and privacy

The carport would be of a form, height and bulk and generally small scale that would ensure it was visually subservient to the nearby dwellings. As a non-habitable space it would not reduce the levels of privacy enjoyed by the residents of nearby sites.

The proposed deck would be visible to No. 27 Rehia Road and would be 90cm from the shared property boundary at the closet point. The form, height and bulk of the deck would not result in dominance over No. 27 Rehia Road. The deck would be overlook No. 27 Rehia Road and so the level of privacy available to site users would be reduced.

Visual amenity, neighbourhood character, residential amenity values and onsite amenity

The driveway to the site is approximately 90m in length and the subject site is not visible from the street so any adverse effects upon visual and residential amenities would be limited to the neighbouring properties.

The carport would have blue tiled roofing to match the dwelling roof and compliment the visual amenities associated with the area. It would be located in the portion of the site currently used for car parking and vehicle manoeuvring purposes and so would be compatible with the established residential amenity values of the space. The onsite amenity of the subject site would be preserved as there would continue to be ample outdoor recreational space for the use of site residents.

5.2.10 Heritage

There would be no adverse effects in respect of heritage items as the proposed activity would not be located near, or impact on any identified heritage item.

5.2.11 Conclusion in relation to Sections 93(1)(b), 94 and 94A – 94D.

Overall the adverse effect on the environment of the activity for which consent is sought would be no more than minor for the reasons stated above.

5.3 Sections 94 and 94B - Adversely Affected Persons

The following persons are considered to be adversely affected by the activity for the following reasons:

PERSON (owner/occupier)	ADDRESS	REASONS	APPROVAL OBTAINED
Rehia Investment 2008 Ltd (Sam XM Huo)	27A Rehia Road, Massey	Shadowing and privacy, refer paragraph 5.2.9	Yes

(Table One)

Written approval has been obtained from every person whom Council is satisfied may be adversely affected by the activity.

No other persons were considered to be adversely affected by the activity because:

- The carport would be small in scale and would not overshadow any adjacent sites.
- The form, height, bulk and location of the deck would not dominate or reduce the privacy of nearby properties.
- The design of the carport and deck would be visually complimentary to the existing dwelling and would not be obtrusive or prominent within the area.

5.4 Special Circumstances

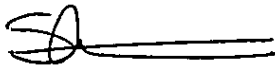
Special Circumstances are generally those that are unusual or exceptional or involve some significant or important public interest element.

The proposal, in itself, is not considered to give rise to special circumstances and there is no basis for Council to exercise its discretion under s94C(2).

6.0 SECTIONS 93, 94 AND 94A – 94D RECOMMENDATION

Pursuant to Sections 93, 94 and 94A – 94D of the Resource Management Act 1991, it is recommended that this application LUC 2009-721 be processed without being publicly notified for the following reasons:

- The adverse effect on the environment of the activity for which consent is sought will be no more than minor for the reasons identified in Section 5.2 (above).
- Written approval has been obtained from every person who may be adversely affected by the activity as outlined in Table One above.
- There are no special circumstances to warrant notification of this application.



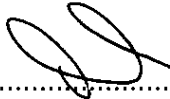
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Reporting Planner

18/9/2009

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Date:

7.0 SECTIONS 93, 94 AND 94A – 94D DETERMINATION

Acting under delegated authority and for the reasons set out in the above assessment this application LUC 2009-721 for resource on consent shall be non-notified as recommended in Section 6.0 above.



.....
Team Leader Consents

18/09/09

.....
Date:

Please contact Sophie Arthur (Ph 839 0400) if you have any queries about this resource consent and associated report.

ASSESSMENT OF NON-NOTIFIED RESOURCE CONSENT APPLICATION UNDER SECTION 104 AND 104B OF THE RESOURCE MANAGEMENT ACT 1991

8.0 STATUTORY ASSESSMENT

- 8.1 As noted, the proposal requires consideration as a Discretionary Activity under the provisions of the Resource Management Act 1991. In considering the application, the consent authority shall have regard to the matters specified in Section 104. The relevant matters include a consideration of actual and potential effects on the environment, together with an assessment of the extent to which the proposal is consistent with the objectives, policies and rules of the District Plan.
- 8.2 The Human Environment rules of the District Plan are currently subject to Proposed Plan Change 26. The Plan Change was publicly notified on the 12 June 2008 and is currently pending a hearing

The purpose of the Proposed Plan Change is not to overhaul the Living Environment Rules contained within the Plan, but to provide clearer interpretation of the Rules, provide simplification of the Rules where possible and ultimately to provide enhanced amenity within residential areas, without substantially changing or challenging the Objectives of the Plan.

At this stage of the Plan Change process, little weight has been assigned to the Proposed Human Environment Rules. Significant weight is therefore afforded to the Operative District Plan.

9.0 ENVIRONMENTAL ASSESSMENT

In order to make a decision in terms of section 104B of the Act it is necessary to undertake an analysis and assessment to determine whether the purpose and principles of the Act are being met (Part II) having regard to the matters set out in section 104 and section 104B (as relevant), the Fourth Schedule and any other statutory considerations.

Section 104(1) of the Act requires that Council have regard to any actual or potential effects on the environment, any relevant objectives, policies, rules or other provisions of a plan or proposed plan and any relevant regional policy statement and regional plan or proposed plan, and any other matters the consent authority considers relevant and reasonably necessary to determine the application.

When considering an application Council must not have regard to any effect on a person who has given their written approval to the application (section 104 (3)(b)). In this instance, this includes the following:

PERSON (owner/occupier)	ADDRESS
Rehia Investment 2008 Ltd (Sam XM Huo)	27A Rehia Road, Massey

9.1 SECTION 104 ASSESSMENT

9.1.1 Actual and Potential Effects on the Environment (s104 (1)(a))

As a Discretionary Activity a variety of issues are relevant when determining the nature and scale of adverse effects on the environment including effects on visual amenity, privacy, traffic generation, infrastructural capacity and construction effects. These aspects have been

discussed previously in Section 5.2 of the accompanying Sections 93, 94 and 94A – 94D Assessment and Determination Report. The assessment of effects concluded that the adverse effect on the environment of the activity for which consent is sought will be less than minor

In addition the Plan has been prepared with a clear “effects-based” emphasis. Consideration of the proposed development in relation to each of the Plan’s assessment criteria would ensure that all the relevant matters contained in Section 104 of the Act have been addressed. The relevant assessment criteria from the District Plan, together with comments as to whether each criterion can be satisfied are summarised as follows:

Citywide Rule 1: Natural Hazards

Limited Discretionary Activity: Assessment will be limited to the matters of design, location and monitoring and will be considered in accordance with Assessment Criteria 1(a)-1(g).

The carport and deck would be located uphill of the soldier pile wall referred to in the geotechnical condition and outside of the overland flowpath area.

With respect to the 1 in 100 year flood plain hazard, the proposal has been assessed by Council Drainage Engineer Mr Mohammad Rahman, who considers the proposal to be generally in accordance with Council’s Code of Practice for City Infrastructure and Land Development. He supports the proposal subject to one condition to avoid potential adverse effects which will be placed upon the consent, if granted.

With respect to the geotechnical condition applicable to the site, design compliance will be assessed at the time of application for building consent.

It is therefore considered any adverse effects of the proposal upon the natural hazards at the site would be no more than minor.

Living Environment Rule 5: Height in Relation to Boundary

Discretionary Activity: Assessment will have regard to Assessment Criteria 5(a), 5(b) and 5(d) and any other matters that are relevant under section 104 of the Act.

The carport would be situated between the dwelling at 25B Rehia Road, the boundary with 27A Rehia Road and a shared driveway. The owners of No. 27A Rehia Road have provided their written agreement to the proposal. The effects on the immediately adjoining sites are therefore considered to be negligible.

Living Environment Rule 7: Building Coverage

Discretionary Activity: Assessment will have regard to Assessment Criteria 7(a)-7(e) and any other matters which are relevant under section 104 of the Act.

The property is not visible from the street and is well screened from nearby properties by fencing and the natural contour of the land.

The carport would be a small building within the area, reaching a maximum height of 4.25m above ground level. It would have no walls, which would serve to minimise bulk and to minimise the amount of shade cast. It would be visible to several properties to the north of the subject site but would not interfere with the residential or visual amenities enjoyed by these sites. The proposed deck would compliment the existing deck and would also be of low bulk.

The development would not dominate any adjacent sites or the streetscape and any adverse effects upon neighbourhood character and amenity values would be less than minor.

9.1.2 National Policy Statements (s104(b)(i))

The only National Policy Statement in place at the time of writing (notwithstanding the NZCPS) is the National Policy Statement on Electricity Transmission. This policy statement is not considered relevant with respect to this application.

9.1.3 New Zealand Coastal Policy Statement (s104 (b)(ii))

Not considered relevant with respect to this application.

9.1.4 A Regional Policy Statement, or Proposed Regional Policy Statement (s104 (b)(iii))

The Auckland Regional Policy Statement became operative in 1999 that (subject to plan changes at various stages in the statutory process) sets out the broad resource management issues, objectives and policies for the Auckland Region to achieve the integrated management of its natural and physical resources. The Policy Statement functions as an umbrella policy document for environmental planning and policy development within the Region, under which the Waitakere City Operative District Plan has been prepared.

The proposed development by reason of its size and scale and matters discussed elsewhere in this report is not considered to be contrary to the Regional Policy Statement, or any Proposed Plan Change associated with this document.

9.1.5 A plan or proposed plan (s104 (b)(iv))

It is considered that the proposed development would be consistent with the objectives and policies of the District Plan. The District Plan is "effects-based" in its approach to natural and physical resources and it has been demonstrated in the previous environmental assessment of effects that subject to conditions any adverse effects arising from the proposal would be minor / no more than minor.

The District Plan Assessment Criteria, developed to address the issues covered in the objectives and policies, have already been discussed in section 9.1.1.

The proposed development is considered to be consistent with these assessment criteria. For this reason the proposed development is also considered to be consistent with the relevant Objectives and Policies.

9.1.6 Other Matters (Section 104(1(c)))

There are no other matters relevant to this application.

10.0 PART II OF THE ACT- PURPOSE AND PRINCIPLES

Section 5 in Part II of the Act identifies the purpose of the Act as being the sustainable management of natural and physical resources. This means managing the use of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

It is considered that the proposal is consistent with sustainable resource management. In particular this proposal is concerned with the sustainable management of the Living Environment in such a way that the communities' social and cultural aspirations are realised whilst the quality of the environment and amenity values of the neighbourhood are maintained. The proposal would allow for the construction of a carport and a deck that would be appropriate within the environment and would be able to establish and operate in such a way that the amenities of the neighbourhood would not be adversely affected.

The proposal is not considered to adversely affect any matters of national importance. It is considered that the adverse effects arising from the proposal and the proposed mitigation are limited in significance to the surrounding urban neighbourhood.

The proposal is not considered to impact upon the Treaty of Waitangi.

Section 7 identifies a number of "other matters" to be given particular regard by Council in the consideration of any assessment for resource consent, and includes the efficient use of natural and physical resources, and the maintenance and enhancement of amenity values.

The potential effects of the proposal on the amenity and character of the area have been discussed in detail in the effects assessment contained in Section 8 of this report. Subject to conditions it is concluded that the proposed development would be compatible with the surrounding built and natural environment and the existing amenity of the area would not be reduced.

11.0 TIME PERIOD IN WHICH TO IMPLEMENT THE CONSENT

Under section 125 of the Resource Management Act 1991, unless it is given effect to, a consent lapses either on the date that is specified in the consent or if no date is specified, 5 years after the date of commencement of the consent.

There is no known reason to either decrease or increase the timeframe in this instance.

12.0 MONITORING

The proposal will need to be monitored in accordance with the conditions specified in this report, and the requirements contained in the District Plan.

13.0 RECOMMENDED DECISION

Pursuant to Sections, 104, 104B, and 108 of the Resource Management Act 1991, being satisfied that all persons adversely affected have given their written consent to the activity **consent is granted** to the application by Ariel Wilson to construct a deck and a carport (as more accurately defined in Sections 3 and 4 of this report) at 25B Rehia Road, Massey being Lot 2 DP 331776 for the following reasons pursuant to Section 113 of the RMA:

- Any potential adverse effects on the environment as a result of the proposal would be less than minor and would be adequately avoided, remedied and mitigated by conditions which would be placed upon the consent.
- The carport and deck would be of a height, scale, form and bulk that complimented existing development in the area and would have a negligible adverse effect upon the visual amenities associated with the area.
- The proposal would preserve the integrity of the natural environment at the site as it would not interfere with the functioning of the Makomako Stream and would be in accordance with the geotechnical conditions that apply to the site.
- The proposal has been considered in terms of the relevant assessment criteria, meets the relevant policies and objectives of the District Plan and Auckland Regional Plan and Part II of the Resource Management Act 1991.

Conditions imposed on the consent are as follows:

GENERAL

- (GEN 1) The development shall proceed in accordance with the plans titled 'Landscape Design for Mr. Ariel Wilson, 25B Rehia Road, Massey, Waitakere City' prepared by Gudrun Fischer of Outdoor Design Ltd and dated 22.05.2009:
- Proposed Site Plan, 2
 - Permeable Plan, 3
 - Drainage Plan, 4
 - East Elevation and West Elevation, 5
 - North Elevation and South Elevation, 6
 - Section C-C, 7

all referenced by Council as LUC 2009-721 and the information, including further information, submitted with the application.

- (GEN 2) A copy of this Resource Consent shall be held on site throughout the period of work. Prior to works commencing, it shall be the responsibility of the consent holder to **explain the Conditions of Consent to all contractors, sub-contractors and work site supervisory staff who are carrying out any works associated with the project.**

MONITORING


- (MON 1) A consent compliance monitoring fee of \$566.00 (inclusive of G.S.T.) has been paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at the relevant hourly rate applicable at the time the re-inspection is carried out.

ECOWATER

(DE 1) Collect the runoff from all of the downpipes of the new carport and discharge to the public stormwater line via the existing connection.

Advice Notes:

1. Pursuant to section 125 of the Resource Management Act 1991, this consent shall lapse after a period of five years after the commencement of the consent.
2. Where indicated in the conditions it is the consent holder's responsibility to inform the Environmental Monitoring Officer when inspection is required. Inspections can be requested through the Call Centre on 839 0400. Please note that an inspection request should be made a minimum of five working days prior to the desired date of inspection.
3. The proposed site plan shows the deck and carport being built over 150mmØ public sewer. At the building consent stage provide pre-construction CCTV, post construction CCTV, foundation and bridging details as per Waitakere City Council Code of Practice for City Infrastructure and Land Development.


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Planner

18/08/06
.....
Date:

14.0 CONSENT GRANTED AS RECOMMENDED

Acting under delegated authority and for the reasons set out in the above recommendation LUC 2009-721 shall be granted subject to the conditions set out in Section 13.0 above.


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Team Leader Consents

18/08/06
.....
Date:

Please contact Sophie Arthur (Ph 839 0400) if you have any queries about this resource consent and associated report