

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



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

**Application number:** BUN60392964 (Council Reference)  
LUC60392965 (s9 land use consent)

**Applicant:** Asha Dang

**Site address:** 235 Blockhouse Bay Road, Avondale 0600

**Legal description:** LOT 1 DP 395502

**Proposal:**

Construction of a detached two-storey dwelling, car parking pad, vehicle access and associated earthworks.

Resource consent is required for the following reasons:

### Land use consent (s9) – LUC60392965

#### Auckland Unitary Plan (Operative in part)

##### *Chapter H5 Residential – Mixed Housing Urban Zone*

- The proposal involves use and development that fails to meet the following core standards and is a **restricted discretionary** activity under rule C1.9(2):

##### H5.6.12 Outlook space

- The outlook space from the principal living area extends over the northern site boundary by 0.93m and therefore does not comply with H5.6.12(2)(a) and (9)(b).

##### H5.6.14 Outdoor living space

- The proposed ground level outdoor living space does not comply with the minimum dimension standard of 4m under H5.6.14(1)(a), as it has a minimum dimension of 3.42m.
- The proposed ground level outdoor living space is partially enclosed by the upper floor of the dwelling and therefore does not comply with H5.6.14(1)(d) as it is not free of buildings.

##### *Chapter E27 Transport*

- Construction or use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3) is a **restricted discretionary** activity. The proposal involves the use of a vehicle crossing to Blockhouse Bay Road, an arterial road subject to a Vehicle Access Restriction under E27.6.4.1(3).

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, and Part 2 of the RMA, the resource consent is **GRANTED**.

## Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

### **H5 Residential – Mixed Housing Urban Zone**

- The matters listed in H5.8.1(4) for dwellings not complying with H5.6.12 Outlook space and H5.6.14 Outdoor living space.

### **E27 Transport**

- The matters set out in E27.8.1(12) for the use of an existing vehicle crossing where a Vehicle Access Restriction applies under Standard E27.6.4.1(3).
2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
    - a. The proposed dwelling provides an acceptable level of privacy and outlook for future occupants. The proposed outlook space from the principal living area is of a reasonable depth, and when considering the width of this outlook, will provide for an appropriate sense of outlook and spaciousness for residents. Privacy will be achieved for occupants through existing perimeter fencing on the northern site boundary.
    - b. Whilst outlook from the principal living area extends over the site boundary of No 233 Blockhouse Bay Road, the infringement depth dimension is small and falls over a parking, manoeuvring and hardstand area on the neighbouring site rather than an internal or outdoor living area. Any adverse privacy effects on occupants and neighbouring persons associated with the infringement are considered to be acceptable.
    - c. Whilst the proposed ground level outdoor living space does not meet the minimum dimensional standard and is partially enclosed by the upper floor of the building, the dwelling is also served by a deck at first floor. This deck is of a functional size, shape and width (being 1.8 wide), directly accessible from the principal living area and north-facing to maximise solar gain. Overall, the proposed dwelling is considered to provide for functional and accessible outdoor living space for occupants. In addition, it is noted that the secondary living area at ground floor provides for enhanced amenity for these occupants.

- d. The proposed use of a vehicle crossing to an arterial road (and subject to a Vehicle Access Restriction) will maintain the safe and efficient operation of the transport network and safe and convenient access to neighbouring persons. The increased traffic generation from one additional car parking space is small, and there is sufficient manoeuvring space within the shared driveway (as proposed to be upgraded) and parking pad to enable vehicles to exit the site in a forward direction. Blockhouse Bay Road is subject to a typical urban speed limit of 50km/h, and there are no public or active transport facilities within the road reserve adjacent to the site that may be affected or diminished by the increased intensity of use of the vehicle crossing.
  - e. In terms of positive effects, the proposal will make a modest contribution to housing supply and choice, in a location well-served by public transport and amenities.
  - f. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted.
- Under the Auckland Unitary Plan Operative in Part:
    - With regard to Chapter H5 Residential – Mixed Housing Urban Zone, the proposal is consistent with Objectives H5.2(1) – (3) and Policies H5.2(1) – (7). The development provides for two storey residential development consistent with the planned suburban built character of the zone. The bulk and scale of the development will maintain a reasonable standard of sunlight access and privacy for adjoining sites. The effects of visual dominance on adjoining sites are minimised. Sufficient landscaped areas are still provided. The proposal provides for the day to day needs of residents, including by providing acceptable privacy and outlook, and access to daylight and sunlight for residents. The proposed outdoor living space will be both accessible to the principal living area and usable.
    - With regard to Chapter E27 Transport, the proposal provides for safe and efficient parking and access, and prioritises pedestrian safety and amenity along public footpaths. The proposal provides for safe, effective and efficient access to and from the site, and avoids conflicts with other road users, as the proposed access is of an appropriate width and design, On-site manoeuvring is available for vehicles to exit the site in a forward direction, and there are sufficient sightlines to the public footpath to provide for intervisibility between vehicles and pedestrians.
4. As a restricted discretionary activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of discretion restricted under the plan. In this case, there are no other relevant matters to consider.
5. Any consideration of an application under s104(1) of the RMA is subject to Part 2. The Court of Appeal in *R J Davidson Family Trust v Marlborough District Council* [2018] NZCA 316 has held that, in considering a resource consent application, the statutory language in section 104 plainly contemplates direct consideration of Part 2 matters. However, the Court considered that where a plan has been competently prepared under the RMA, it may be that

in many cases there will be no need for the Council to refer to Part 2. Though if there is doubt that a plan has been “competently prepared” under the RMA, then it will be appropriate and necessary to have regard to Part 2. That is the implication of the words “subject to Part 2” in s104(1) of the RMA. In this context, this proposal achieves the sustainable management purpose of the RMA under Part 2 because the proposal will allow the occupants to provide for their future housing needs without impacting on people in the surrounding area. There are no matters under the Treaty of Waitangi or other matters of national importance considered relevant to this application.

6. Overall, the proposal is considered to be acceptable and will enable the development and use of one additional dwelling with less than minor effects on:

- the amenity of neighbours
- the amenity of residents on the subject site

## Conditions

Under section 108 and 10AA of the RMA, this consent is subject to the following conditions:

1. This consent must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60392965 of BUN60392964.
  - Application Form and Assessment of Environmental Effects prepared by Tasleem Ali of AA & Co International, titled: *Integrated Landuse & Subdivision Consent for One Proposed New Dwelling (Existing Minor Dwelling to be Removed) and Subdivision of the site into Two Lots*, dated 12 December 2022.

Drawing title and reference	Author	Rev	Dated
Cover Sheet	R & S Design Limited	4	07/05/2023
Existing Site Plan (Sheet EX)	R & S Design Limited	2	21/03/2023
Overall Site Plan (Sheet 1)	R & S Design Limited	4	07/05/2023
Outlook Space (Sheet 2)	R & S Design Limited	5	03/08/2023
Outdoor Living Space HIRB (Sheet 3)	R & S Design Limited	5	03/08/2023
Landscape Plan and Fences (Sheet 4)	R & S Design Limited	4	07/05/2023
Vehicle Tracking Plan (Sheet 5)	R & S Design Limited	3	07/05/2023
Earthwork Plan (Sheet 6)	R & S Design Limited	3	07/05/2023
Floor Plans (Sheet 7)	R & S Design Limited	6	03/08/2023
Elevations (Sheet 8)	R & S Design Limited	6	03/08/2023
Existing Floor Plan (Sheet 9)	R & S Design Limited	0	22/09/2021

Infrastructure Plans			
Cover Sheet	AA & Co International Ltd	-	-

General Site Notes (C001)	AA & Co International Ltd	R0	15/09/2021
Proposed Public Drainage Extension Site Plan (C101)	AA & Co International Ltd	R0	15/09/2021
Proposed Storm Water Public Line Long Section Drainage (C102)	AA & Co International Ltd	R0	15/09/2021
Driveway Site Plan (D001)	AA & Co International Ltd	R2	16/08/2023
Proposed Common Access Way Long Section (D002)	AA & Co International Ltd	R3	28/08/2023
Residential Driveway Detail From Auckland Council (D003)	AA & Co International Ltd	R2	16/08/2023
Proposed Above Ground Detention Tank (C205)	AA & Co International Ltd	R0	15/09/2021

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$348.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

**Advice note:**

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

**Vehicle crossing**

4. The consent holder must upgrade the existing vehicle crossing accordance with the Auckland Transport TDM Technical Standards for Road Layout and Geometric Design Residential Vehicle Crossings (GD017A, Sheets 1-4) and the approved plans in Condition 1. The new crossing must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, pavings, patterns and finish as the footpath on each side of the crossing.

**Advice notes:**

- *Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*

- *An approval letter and completion certificate from Auckland Transport is required to be submitted to Auckland Council as a verification that Auckland Transport has completed approval and final vehicle crossing inspections.*
- *Works underneath the drip line of street trees will require approval from the tree asset owners prior to works commencing*

#### **Formation of common accessway**

5. The common accessway must be formed, paved and drained to the Council's current Local Engineering Standards, including the provision of stormwater catch pits and/or slot drains, within the boundaries of the common area and when necessary, the provision of kerbing or other mechanism to prevent water flowing on to other property including footpaths prior to occupation of the dwelling to Auckland Council

#### **Advice Note:**

*A Building Consent is required for (structures, retaining walls, private drainage, demolitions etc) unless exempted under Schedule 1 of the Building Act 2004.*

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

#### **Building over public drain**

6. *Development may involve building over or adjacent to a Council Public drain. A building consent will be required for this work. A CCTV is required to be submitted to*

*Auckland Council as a part of building consent application. Diversion / replacement / bridging of the old public drain may be required at the building consent stage. Works on public drains require an engineering plan approval.*

Delegated decision maker:

Name: Benjamin Cunningham

Title: Acting Team Leader, Resource Consents

Signed:

A handwritten signature in black ink, appearing to read 'B. Cunningham', is written over a horizontal dotted line.

Date: 7 September 2023

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



## Decision two – restricted discretionary activity subdivision consent (s11)

**Application numbers:** BUN60392964 (Council Reference)  
SUB60392966 (s11 subdivision consent)

**Applicant:** Asha Dang

**Site address:** 235 Blockhouse Bay Road Avondale 0600

**Legal description:** LOT 1 DP 395502

**Proposal:**  
To subdivide around an existing and approved dwellings to create two fee simple titles.

Resource consent is required for the following reasons:

### Subdivision consent (s11) – SUB60392966

#### Auckland Unitary Plan (Operative in part)

##### *Chapter E38 Subdivision – Urban*

- Subdivision in accordance with an approved land use resource consent complying with E38.8.2.2 is a **restricted discretionary** activity under Rule E38.4.2(A14). The proposal involves subdivision around a proposed dwelling established under LUC60392965.
- Subdivision around existing buildings and development complying with Standard E38.8.2.2 is a **restricted discretionary** activity under Rule E38.4.2(A15). The proposal involves subdividing around the existing dwelling on the site.

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consents. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104C, 106 and Part 2 of the RMA, the resource consent is **GRANTED**.



## Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are:

### **E38 Subdivision – Urban**

- The matters set out at E38.12.1(6) for subdivision around existing buildings and development, and subdivision in accordance with an approved land use consent.
2. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
    - a. The proposed subdivision supports the policies for the Residential – Mixed Housing Urban Zone, as it involves subdivision around two storey buildings consistent with the planned urban character anticipated by the zone. While there are non-compliances arising from the subdivision in terms of building coverage on Lot 2, the subdivision does not materially change the development being created through the land use activities. Any future development rights afforded to Lot 1 (the underdeveloped lot) can be managed by consent notices limiting the extent of future building coverage on this lot, and conditions have been imposed accordingly. Therefore, the subdivision can be undertaken in a manner that does not result in any increased non-compliance to the outcome otherwise considered as part of the proposal.
    - b. The proposal can be serviced by potable water, stormwater and wastewater infrastructure. These connections are feasible and practical to service the development without leading to unacceptable adverse effects. There is sufficient capacity in the public wastewater network to service the development, and appropriate stormwater detention devices are proposed to mitigate effects on stormwater network capacity to an acceptable level.
    - c. Both lots will be provided with legal and physical access to the road via the existing accessway held in ownership by No 235A Blockhouse Bay Road but subject to an easement providing for right-of-way to the subject site.
    - d. No flooding or geotechnical hazards are identified on the subject site.
    - e. With reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
  3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular, the proposal is consistent with the relevant objectives and policies under Chapter E38: Subdivision - Urban as it proposes subdivision that is of an appropriate size and shape intended by the zone, is physically and legally accessible, and provides servicing that is integrated and compatible with the existing infrastructure network.

4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
5. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions below.
6. In the context of this restricted discretionary activity subdivision, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
7. Overall, the proposal is appropriate for the site and the surrounding area.

## Conditions

All conditions contained in this decision must be complied with at time of s224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

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

### General conditions

1. The two-lot residential subdivision must be as described in the application form and assessment of environmental effects prepared by Tasleem Ali of AA & Co International, dated 12 December 2022 and must be carried out in accordance with the plans and information detailed below, and all referenced by the council as consent number SUB60392966 of BUN60392964.

Drawing title and reference	Author	Rev	Dated
Proposed Subdivision of Lot 1 DP 395502 (221123 – 1/1)	H3 Group Ltd	-	28/11/2022
Cover Sheet	AA & Co International Ltd	-	-
General Site Notes (C001)	AA & Co International Ltd	R0	15/09/2021
Proposed Public Drainage Extension Site Plan (C101)	AA & Co International Ltd	R0	15/09/2021
Proposed Storm Water Public Line Long Section Drainage (C102)	AA & Co International Ltd	R0	15/09/2021

Driveway Site Plan (D001)	AA & Co International Ltd	R2	16/08/2023
Proposed Common Access Way Long Section (D002)	AA & Co International Ltd	R3	28/08/2023
Residential Driveway Detail From Auckland Council (D003)	AA & Co International Ltd	R2	16/08/2023
Proposed Above Ground Detention Tank (C205)	AA & Co International Ltd	R0	15/09/2021

**Advice Note:**

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
  - *Details and specifications for the provision of infrastructure (e.g. public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
  - *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new consent.*
  - *Similarly, should the detailed design stage demonstrate that additional reasons for consent under the AUP are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
  - *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.*
2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
- a. A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
  - b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

## Survey plan approval (s223) conditions

3. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) titled 'Proposed Subdivision of Lot 1 DP 395502 (Ref 221123 1/1)', prepared by H3 Group Ltd, dated 28/11/2022. The survey plan must show all lots to vest or dedicate to Council (including roads, parks and reserves), all easements and any amalgamation conditions required by this subdivision consent.

## Section 224(c) compliance conditions

4. The application for a certificate under section 224(c) of the RMA must be accompanied by certification from a professionally qualified surveyor or engineer that all the conditions of subdivision consent SUB60392966 have been complied with, and identify all those conditions that have not been complied with and are subject to the following:
  - a. a consent notice to be issued in relation to any conditions of this consent to which section 221 applies
  - b. a completion certificate has been issued in relation to any conditions to which section 222 applies

### Stormwater – Connection to Public Network

5. The consent holder must design and construct connections to the public stormwater reticulation network to serve Lots 1 and 2, in accordance with the requirements of the stormwater utility service provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

#### Advice Note:

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

### Wastewater – Connection to Public Network

6. The consent holder must design and construct connections to the public wastewater reticulation network to serve Lot 2, in accordance with the requirements of the wastewater utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and **should not be used** for the purposes of constructing public reticulation works in the absence of that approval.*
- *The site is located within an area serviced via a pressurized wastewater Collection system. Consultation with the utility provider as to the specific design requirements will be required prior to the consent holder undertaking design or Engineering Plan Approval application.*

**Water – Connections to Public Network**

7. The consent holder must design and construct connections to the public water reticulation network to serve Lot 2 in accordance with the requirements of the water utility provider. Certification from the utility provider that works have been satisfactorily undertaken must be provided when applying for a certificate under the section 224(c) of the RMA.

**Advice Note:**

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

**Network Utility Services**

8. The consent holder must make provision for telecommunications and electricity to Lot 2 in accordance with the requirements of the respective utility operators. these utilities must be underground. Certification from the utility providers that works have been

satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

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

**As-built**

9. All as-built documentation must be provided to Council for all new public assets to be vested in the Council. The documentation is to be in accordance with Auckland Council's Development Engineering As-built Requirements. The as-built information will require approval by Auckland Council.

**Vehicle Access**

10. The consent holder must design and construct a vehicle accessway to serve Lots 1 and 2 in accordance with the approved plans noted in Condition 1. Certification from a suitably qualified and experienced surveyor or engineering professional that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

**Advice Note:**

- *Right of ways, Commonly Owned Access Lots and common access ways require a Common Access Way Plan Approval prior to construction. For more details refer to [Common access way approval \(aucklandcouncil.govt.nz\)](http://aucklandcouncil.govt.nz)*
- *Please contact the Council to obtain the current engineering requirements for the construction of the type of vehicle accessway proposed.*
- *Plans approved under Resource Consent do not constitute a Common Access Way/ Engineering Plan Approval and should not be used for the purposes of constructing common access ways.*
- *The consent holder is advised that the New Zealand Addressing Standard (AS/NZS 4819:2011) and the LINZ Guidelines for Addressing In-fill Developments 2019 – LINZ OP G 01245 require consideration to be given to the naming of any private roads (rights of way or Commonly Owned Access Lots / common access ways) that serve six or more lots that are being created under a subdivision consent. All road names must be approved by the Council. In order to minimise disruption to construction and survey works, the consent holder is advised to take advice from their surveyor as to whether a road name will be required for any private roads and obtain any road name before [applying for a section 223 certificate](#).*

**Vehicle Crossing**

11. The consent holder must construct the vehicle crossing to serve Lots 1 and 2. The crossing must be designed and formed in accordance with the requirements of Auckland Transport under Auckland Transport Code of Practice Standards (GD017A-Residential

Vehicle Crossing. The new crossing must maintain an at-grade (level) pedestrian footpath across the length of the crossing, using the same materials, kerbing, pavings, patterns and finish as the footpath on each side of the crossing. Certification that works have been satisfactorily undertaken must be provided when applying for a certificate under section 224(c) of the RMA.

#### **Advice Note**

- *An approval letter and completion certificate from Auckland Transport is required to be submitted to the Council as a verification that Auckland Transport has completed approval and a final vehicle crossing inspection before this condition is considered fulfilled.*
- *Works within the road reserve require prior approval from Auckland Transport. The consent holder should contact Auckland Transport as soon as possible to ensure any required approvals are issued prior to construction.*
- *A vehicle crossing approval permit is required to be obtained from Auckland Transport for these works. For more details refer to [Vehicle crossing application \(Auckland Transport\)](#)*
- *Please note that any redundant vehicle crossings are required to be reinstated as berm and/or footpath and the kerbs replaced.*

#### **Consent notice – stormwater detention device**

12. The consent holder must have registered against the Record of Title of Lots 1 - 2, a Consent Notice pursuant to section 221 of the Resource Management Act 1991 detailing the obligations of any owner to provide and maintain stormwater disposal by means of hydrological mitigation (detention tank for each lot) control in perpetuity:

*A hydrology mitigation device (stormwater detention tank) has been installed in the Lot. The device provides detention and retention of stormwater runoff to achieve hydrological mitigation prior to discharging to the public network, for a 10% annual exceedance probability storm event to the equivalent pre-development runoff rate.*

*The device must collect the runoff and discharge into the individual stormwater connection for that Lot. Ongoing operation and maintenance are the responsibility of the Lot owner(s). Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained by the consent holder. These records must be provided to the Council on request.*

#### **Consent notice – future development rights**

13. Lots 1 and 2 are created as part of a subdivision of parent site Lot 1 DP 395502. In order to avoid future adverse amenity effects related to building coverage, the building coverage on Lot 1 must not exceed 38.6% of the net site area of 116.95m<sup>2</sup>. Pursuant to section 221 of the RMA, the consent holder must have registered on the Record of Title to be issued for Lot 1 a consent notice, recording the following condition which must be complied with on a continuing basis:



*The building coverage on Lot 1 must not exceed 38.6% of the net site area or 117.0m<sup>2</sup>.*

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).*
3. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
4. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*

### **Private wastewater connection**

5. *The FFL of the house has to comply with 1.2 m head requirement of Watercare standards for wastewater connection. If this is not complying, private wastewater pump may be required at building consent stage.*

### **Services**

6. *All water supply connections for each lot to the Watercare supply main and should be designed in accordance with Water Care Limited's "Standards" and be made by a Watercare Services Limited approved contractor. For details, please contact Watercare Services Limited.*

### **Private Driveways, parking and manoeuvring areas**

7. *The private driveways, parking and manoeuvring areas serving each lot are required to be formed and drained. A building consent will be required.*



Delegated decision maker:

Name: Benjamin Cunningham

Title: Acting Team Leader, Resource Consents

Signed:

A handwritten signature in black ink, appearing to read 'B. Cunningham', written over a faint, circular official stamp.

Date: 7 September 2023

## Resource Consent Notice of Works Starting

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

<b>Site address:</b>				
<b>AREA (please tick the box)</b>	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
<b>Resource consent number:</b>			<b>Associated building consent:</b>	
<b>Expected start date of work:</b>			<b>Expected duration of work:</b>	

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

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

### **SAVE \$\$\$ minimise monitoring costs!**

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