

Report for applications for resource consents under the Resource Management Act 1991



Stage 1: Non-complying activity – land use (s9)

Stage 2: Restricted discretionary activity – fee simple subdivision (s11)

Stage 3: Controlled activity – unit title subdivision (s11)

1. Application description

Application numbers: BUN60333616 (Council Reference)
LUC60333519 (s9 land use consent)
SUB60333660 (s11 fee simple subdivision consent)
SUB60339537 (s11 unit title subdivision consent)

Applicant: Jayashree Ltd.

Site address: 34 White Swan Road, Mount Roskill

Legal description: Lot 1 DP 212178

Site area: 1526m²

Auckland Unitary Plan (Operative in part) (AUP(OP))

Zoning: Residential – Mixed Housing Suburban

Overlays: Infrastructure: National Grid Corridor Overlay - National Grid Yard Uncompromised

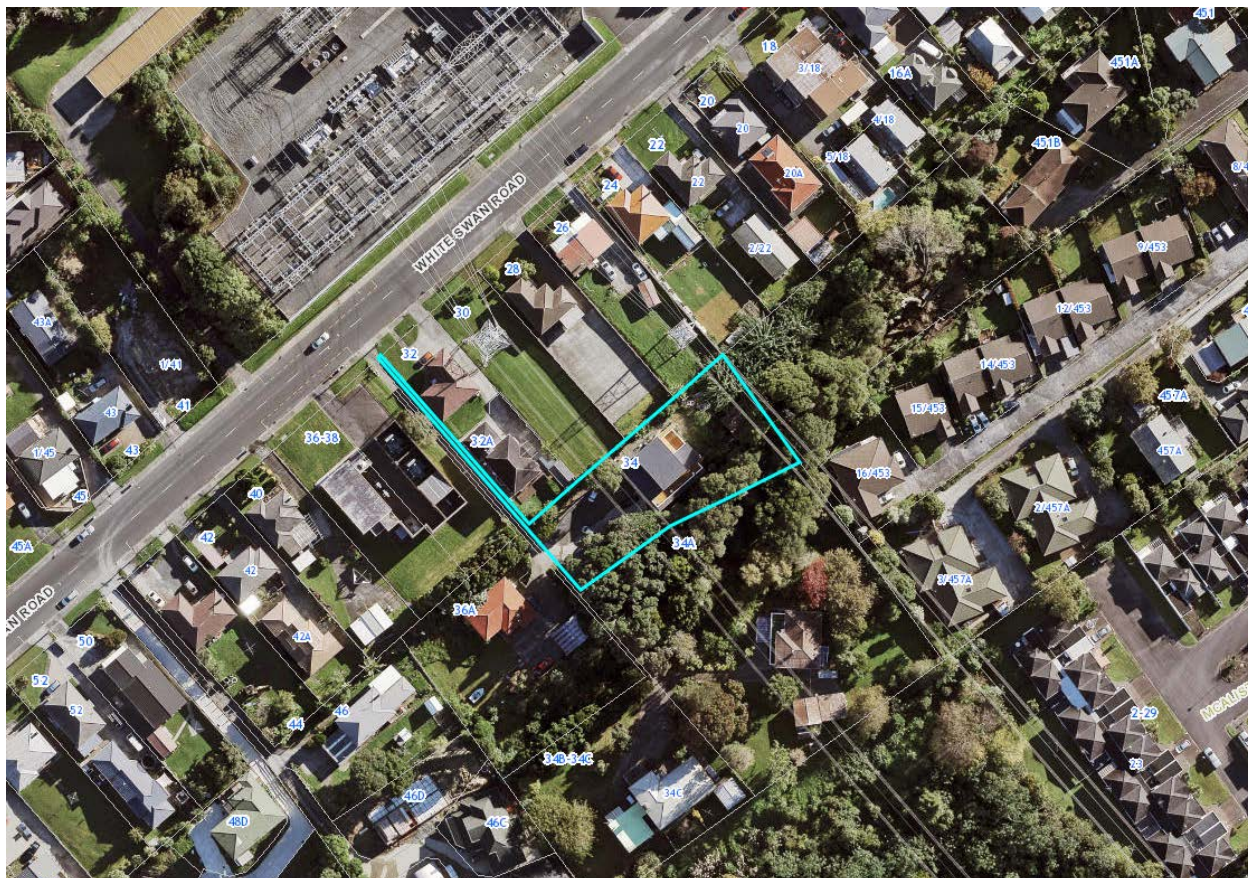
Infrastructure: National Grid Corridor Overlay - National Grid Subdivision Corridor

Controls: Macroinvertebrate Community Index – Urban

Non-statutory features: Floodplain

Land which may be subject to instability

2. Locality Plan



Source: Auckland Council GIS

3. The proposal, site and locality description

Hamish Hey of CLC Consulting Group Ltd. has provided a description of the proposal and subject site on pages 2-7 of the Assessment of Environmental Effects (AEE) titled: *Resource Consent Application Landuse & Subdivision (Integrated Consent)*, referred 20333, prepared by CLC Consulting Group Ltd., dated January 2019.

Having undertaken a site visit on 11 February 2019, I concur with that description of the proposal and the site and have no further comment.

In summary, the proposal involves the following:

Stage 1 – Land use

- Conversion of the existing dwelling and building into four dwellings, including internal and external alterations. No additions or building extensions to the existing building are proposed. The dwellings are characterised as follows:
 - o Unit B1 – A basement level two-bedroom unit, with entry from the southwest side of the building.
 - o Unit B2 – A basement level one-bedroom unit, with entry from the northeast side of the building.

- o Unit G1 – A three-bedroom unit, with entry from the northwest side of the building.
- o Unit F1 – A one-bedroom unit, with ground floor entry and kitchen and first floor living room and bedroom.
- The construction and use of a new single-detached two-storey (fifth) dwelling on the site, containing three bedrooms. This dwelling is located outside of the National Grid Yard.
- Construction of a new shared driveway with two passing bays. A new 5.5m wide vehicle crossing will be constructed at the road boundary. Four on-site parking spaces will be provided as well as two motorcycle spaces.
- Earthworks of 189m³ over an area of 652m².

Stage 2 – Fee simple subdivision

- A two-lot freehold subdivision around the development described above. Lot 1 will contain the new two-storey dwelling and Lot 2 will contain the four dwellings contained in the existing converted building. The lot coverage details are as follows:

Lot	Gross site area	Net site area	Building coverage	Impervious area	Landscaped area
Parent site	1526m ²	1459m ²	309m ² / 21%	768m ² / 50%	760m ² / 52%
Lot 1	1028m ²	692m ²	110m ² / 16%	493m ² / 48%	537m ² / 78%
Lot 2	498m ²	498m ²	199m ² / 40%	276m ² / 55%	224m ² / 45%

Stage 3 – Unit title subdivision

- A Unit Title subdivision around the four dwellings contained in the existing converted building on proposed Lot 2. This unit title subdivision will not commence until s224(c) is issued for the underlying lot and the building work has been completed.

4. Background

Specialist Input

The proposal has been reviewed and assessed by the following specialist:

- David van Echten – Development Engineer

Transpower

A copy of this application was emailed to Transpower NZ Ltd. on 5 February 2019 for comment and was received by Tessa Robins Resource Management Consultant at Incite (on behalf of Transpower). After a review from Ms Robins and Transpower engineers, Ms Robins advised that Transpower's only concern with the proposal was the potential for tall vehicles to park in the proposed parking spaces on the site which could reduce the clearance distances to the lines immediately overhead, leading to potential safety risks.

This concern was forwarded to the applicant who then proposed to install pergola/carport structures over all proposed parking spaces meaning only small vehicles not exceeding 2.4m in height can park on the site. Ms Robins subsequently advised that this resolved Transpower's concern with the proposal and confirmed that Transpower does not oppose the application.

Transpower has recommended conditions of consent and advice notes relating to ensuring the carport structures remain open-sided to avoid the potential for them to become habitable spaces, and to ensure the structures are constructed with non-conductive material. These conditions have been included in the corresponding land use decision and adopted by the applicant.

Additionally, I note that during the processing of this application, Ms Robins also advised that Transpower's engineers have confirmed that the proposal complies with NZECP 34:2001, as per policy D26.3(1)(a) of the AUP(OP).

5. Reasons for the applications

Resource consents are required for the following reasons:

Land use consent (s9) – LUC60333519

Auckland Unitary Plan (Operative in part) (AUP(OP))

District land use (operative plan provisions)

National Grid Corridor Overlay

- Retrospective consent to establish new dwellings, being activities sensitive to the national grid in an existing building, is a **non-complying activity** under rule D26.4.1(A1).

Residential – Mixed Housing Suburban zone

- To construct and use five dwellings is a **restricted discretionary activity** under rule H4.4.1(A4).
- To develop new buildings (and/or any additions to existing), as the development of new buildings or any additions has the same activity status as the land use activity, is a **restricted discretionary activity** under rule H4.4.1(A34).
- The proposal involves use and development that fails to comply with the following standard and is a **restricted discretionary activity** under rule C1.9(2):
 - o The proposed standalone (fifth) dwelling extends beyond the 2.5m plus 45-degree recession plane by a maximum height of 2.0m over a maximum length of approximately 5.9m, which does not comply with standard H4.6.5(1).

Land Disturbance - District

- To undertake general earthworks of 652m², as the earthworks are greater than 500m² in a residential zone, is a **restricted discretionary activity** under rule E12.4.1(A4).

Transport

- The proposal involves accessory parking and access that does not meet the following access standard and is a **restricted discretionary activity** under rule E27.4.1(A2):
 - The formed width of the existing shared driveway is 3.7m, which does not meet the minimum width of 5.5m required under standard E27.6.4.3(1)(b) and Table E27.6.4.3.2(T151).
- The proposal involves the establishment of new activities on the site and the site has frontage to an arterial road and a Vehicle Access Restriction therefore applies. To construct and/or use 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 under rule E27.4.1(A5).

Subdivision consent (s11) – SUB60333660

Auckland Unitary Plan (Operative in part) (AUP(OP))

Subdivision (operative plan provisions)

National Grid Corridor Overlay

- To undertake a subdivision within the National Grid Subdivision Corridor is a **restricted discretionary activity** under rule D26.4.3(A34).

Subdivision - Urban

- To subdivide the parent site into two lots, which is a subdivision in a residential zone that is in accordance with an approved land use resource consent (lodged concurrently) that complies with standard E38.8.2.1, is a **restricted discretionary activity** under rule E38.4.2(A14).
- To subdivide land that is located within the one per cent annual exceedance probability (AEP) floodplain and land instability natural hazards is a **restricted discretionary activity** under rule E38.4.1(A11).

Subdivision consent (s11) – SUB60339537

Auckland Unitary Plan (Operative in part) (AUP(OP))

Subdivision (operative plan provisions)

Subdivision - Urban

- To undertake a unit title subdivision is a **controlled activity** under rule E38.4.1(A4).

6. Status of the resource consents

Where a proposal:

- consists of more than one activity specified in the plan(s); and
- involves more than one type of resource consent or requires more than one resource consent; and

- the effects of the activities overlap;

the activities may be considered together.

Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

In this instance, the applicant has proposed subdivision around an approved development and therefore the land use component of these applications needs to be granted and given effect to before the subdivision can proceed on the basis proposed.

For the purposes of the s95 recommendation, as the implementation of one resource consent will affect the other, the land use and subdivision components of the applications will be bundled. As such, the notification decision is considered as a non-complying activity overall.

For the purposes of the s104 decision, the decision is considered sequentially, with a decision on the land use consent first under s9 of the RMA, and then the subdivision consent under s11 of the RMA in light of the approved resource consent. Additionally, the unit title can only be considered once the fee simple subdivision is approved. As such, the application decisions are overall considered as follows:

1. Land use (s9): non-complying activity
2. Fee simple subdivision (s11): restricted discretionary activity
3. Unit title subdivision (s11): controlled activity

7. Public notification assessment (sections 95A, 95C-95D)

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

Step 1: mandatory public notification in certain circumstances

No mandatory notification is required as:

- the applicant has not requested that the applications are publicly notified (s95A(3)(a));
- there are no outstanding or refused requests for further information (s95C and s95A(3)(b)); and
- the applications do not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2: if not required by step 1, public notification precluded in certain circumstances

The applications are not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the applications do not involve one or more of the following activities exclusively: a controlled activity; a restricted discretionary or discretionary activity for a residential activity (as defined

in s95A of the RMA) or a subdivision; a boundary activity; or a prescribed activity (s95A(5)(b)).

Step 3: if not precluded by step 2, public notification required in certain circumstances

The applications are not required to be publicly notified as the activities are not subject to any rule or a NES that requires public notification (s95A(8)(a)).

The following assessment addresses the adverse effects of the activities on the environment, as public notification is required if the activities will have or are likely to have adverse effects on the environment that are more than minor (s95A(8)(b)).

Adverse effects assessment (sections 95A(8)(b) and 95D)

Effects that must be disregarded

Effects on persons who are owners and occupiers of the land in, on or over which the applications relate, or of land adjacent to that land

The council is to disregard any effects on the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table:

Table 1

Address

24 White Swan Road, Mount Roskill
26 White Swan Road, Mount Roskill
28 White Swan Road, Mount Roskill
30 White Swan Road, Mount Roskill
32 White Swan Road, Mount Roskill
32A White Swan Road, Mount Roskill
34A White Swan Road, Mount Roskill
24B-34-C White Swan Road, Mount Roskill
36-38 White Swan Road, Mount Roskill
36A White Swan Road, Mount Roskill
1/453 to 16/453 Richardson Road, Mount Roskill



Source: Auckland Council GIS

Any effect on a person who has given written approval to the applications

No persons have provided written approval to the application.

Effects that may be disregarded

Permitted baseline

The permitted baseline refers to the effects of permitted activities on the subject site. The permitted baseline may be taken into account and the council has the discretion to disregard those effects where an activity is not fanciful.

In this instance, it is considered that the permitted baseline will not be applied as residential development and subdivision within the National Grid Corridor Overlay requires resource consent.

In the case of the subdivision consent, permitted baseline cannot be applied as any subdivision requires resource consent.

Assessment

Receiving environment

The receiving environment beyond the subject site includes permitted activities under the relevant plans, lawfully established activities (via existing use rights or resource consent), and any unimplemented resource consents that are likely to be implemented. The effects of any unimplemented consents on the subject site that are likely to be implemented (and which are not being replaced by the current proposal) also form part of this reasonably foreseeable receiving environment. This is the environment within which the adverse effects of these applications must be assessed.

In this case, the subject site currently contains the existing dwelling and building, an accessory building, and associated driveway and parking areas and landscaping. The surrounding area is predominantly residential in nature, with sites and dwellings of varying sizes and characteristics. Infill residential development and subdivision of rear sites is common in the locality.

There are no unimplemented consents on the subject site, however most notably, there is a resource consent granted in March 2018 for the removal of the existing building, construction and use of four dwellings and a corresponding subdivision at 34B-34C White Swan Road. As this consent was recently granted, it is considered likely to be implemented and therefore forms part of the receiving environment for this application. When considering the subject site and other sites sharing the joint right of ways there will be at least 11 dwellings served by the access.

Furthermore, while there is no permitted baseline for this consent, the plan context is a relevant factor in assessing any adverse effects.

The anticipated development in the Mixed Housing Suburban zone would include buildings up to 8m high, complying with a 2.5m + 45-degree recession plane on external boundaries, buildings covering up to 40% of sites, landscaping covering a minimum of 40% of sites, impervious areas coverage up to 60% of sites and front yard provided of 3m on road boundaries and 1m on side and rear boundaries. It is against this reasonably anticipated future built environment that the proposal is assessed below.

Adverse effects

Streetscape character and residential amenity

The proposal results in an increase from one lawfully established dwelling to five, however from an external perspective, the proposal only results in the increase in one new two-storey standalone dwelling. The conversion will take place within the existing building that will only be modified in terms of door and window re alignment and internal alterations. In essence the site will have a character of a large established dwelling with a smaller additional dwelling as infill residential development. Hence to the wider public, including neighbours, it will present a lesser mass and scale of building than many of the sites in the wider neighbourhood. This is further mitigated by the setback of the site (being a rear site) and limited views afforded of it due to its low elevation and the dense vegetation of the gully on the southern and eastern side of the site. The proposal will therefore be predominantly screened from view from the public street and will largely appear unchanged.

Furthermore, the proposal is also supported by a comprehensive landscaping scheme that will increase visual amenity from beyond the site and will contribute to on-site amenity and privacy

screening. The proposal will also result in reduction in impervious areas as viewed from the shared driveway which will further aid visual amenity.

Being compliant with all relevant bulk and location standards of the zone, with the exception of a height in relation to boundary infringement, it can be considered that the proposal sits comfortably within the anticipated built form and suburban character for the area.

Overall, based on the above assessment, it is considered that the proposal will have less than minor adverse effects on streetscape character and residential amenity.

Traffic and pedestrian amenity

The proposal includes a number of improvements to the vehicle access arrangement serving the site and other neighbouring rear sites to the west and south, including most notably a widened two-way vehicle crossing, a passing bay within close proximity to the road frontage, and also a passing bay within the net site area near the proposed two-storey dwelling.

Council's Development Engineer Mr van Echten has reviewed the submitted traffic report and provides the following assessment which I adopt:

- The accessway is over 50m in length and has been assessed as serving more than 10 parking spaces, due to the other rear sites. The applicant's traffic specialist has recommended that the share driveway be widened to 5.5m over at least 6m from the road boundary to allow two-way flow and refuge for at least one vehicle waiting to exit the site. A minimum 12m length from the boundary allowing storage for two vehicles is proposed. The vehicle crossing is also proposed to be upgraded and widened to allow for two-way flow. Due to the two-way crossing and driveway at the front of the site, it is considered that queuing in the road will be minimised as vehicles may enter and exit at the same time.
- Further to this there is an existing consented passing bay (required by a development at 34B White Swan Road) with a width of 5.4m over a 6m length which is proposed to be utilised by this development to ensure passing bay requirements are met.
- The solutions proposed with respect to access are considered adequate for the development and the shared right of way design, onsite manoeuvring and parking are seen to be fit for purpose.
- It is also expected that the existing driveway will be sufficient to cater for construction traffic with the use of typical construction site management measures.

Overall, having adopted Mr van Echten's assessment I conclude that adverse traffic effects will be less than minor on the environment.

In terms of pedestrian amenity, I note that while the vehicle crossing is increasing in width this is a consequence of the increase in number of dwellings being served by the access and the need to achieve a two-way crossing. Despite this it is considered that pedestrian amenity along the footpath will be largely maintained. All vehicles will also be entering and exiting the site in a forward-facing motion which will contribute to minimising potential conflicts with pedestrians. Further there is space within the driveway to mark out space for pedestrians accessing the site, which would then connect into the pathway proposed on the site.

For the above reasons, I consider adverse effects to be less than minor in this regard.

Earthworks and construction

Mr van Echten has also assessed the proposed earthworks and construction and notes the following:

- Sediment and erosion controls will be suitably installed and maintained for the duration of the earthworks activity to prevent the discharge of sediment or sediment-laden water beyond the site, and in particular the watercourse within close proximity to the site's southern boundary.
- Earthworks will not compromise any natural hazards such as flooding as no works are proposed in proximity to the floodplain. Similarly, the earthworks are not likely to affect any existing utility services.
- The site is suitable for development from a geotechnical perspective and is unlikely to compromise the stability of neighbouring sites and structures.

Overall, having adopted Mr van Echten's assessment I consider that adverse effects relating to earthworks and construction will be limited to within the site and neighbouring properties. Therefore, the adverse effects beyond this immediately adjacent environment will be less than minor due to the proposed mitigation.

Infrastructure and servicing

Mr van Echten has assessed the proposed infrastructure and servicing and is satisfied that there is sufficient capacity in the respective public reticulation networks to adequately cater for the proposed development. Specifically in terms of stormwater, the applicant is proposing to collect all stormwater from roofs and paved areas and discharge it via detention tanks to an appropriate outfall to the south of the site. The proposed tanks will provide hydrological mitigation in the 1 in 10-year storm event to pre-development levels which will reduce adverse effects of runoff volume and contribute to minimising downstream flooding effects and scouring or erosion at the discharge point.

I adopt this assessment by Mr van Echten and consider adverse effects to be less than minor.

Adverse effects conclusions

Overall, based on the above assessment, I conclude that adverse effects of the proposal will be less than minor on the environment.

Step 4: public notification in special circumstances

If an application has not been publicly notified as a result of any of the previous steps, then the council is required to determine whether special circumstances exist that warrant it being publicly notified (s95A(9)).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or

- circumstances which make notification desirable, notwithstanding the conclusion that the adverse effects will be no more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the applications, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur as infill residential development and subdivision is common in the locality.

Public notification conclusion

Having undertaken the s95A public notification tests, the following conclusions are reached:

- Under step 1, public notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes public notification of the activities, and the applications are for activities other than those specified in s95A(5)(b).
- Under step 3, public notification is not required as the applications are for activities that are not subject to a rule that specifically requires it, and it is considered that the activities will not have adverse effects on the environment that are more than minor.
- Under step 4, there are no special circumstances that warrant the applications being publicly notified.

It is therefore recommended that these applications be processed without public notification.

8. Limited notification assessment (sections 95B, 95E-95G)

If the applications are not publicly notified under s95A, the council must follow the steps set out in s95B to determine whether to limited notify the applications. These steps are addressed in the statutory order below.

Step 1: certain affected protected customary rights groups must be notified

There are no protected customary rights groups or customary marine title groups affected by the proposed activities (s95B(2)).

In addition, the council must determine whether the proposed activities are on or adjacent to, or may affect, land that is subject of a statutory acknowledgement under schedule 11, and whether the person to whom the statutory acknowledgement is made is an affected person (s95B(3)).

Within the Auckland region the following statutory acknowledgements are relevant:

- Te Uri o Hau Claims Settlement Act 2002
- Ngāti Manuhiri Claims Settlement Act 2012
- Ngāti Whātua Ōrākei Claims Settlement Act 2012
- Ngāti Whātua o Kaipara Claims Settlement Act 2013
- Te Kawerau ā Maki Claims Settlement Act 2015
- Ngāti Tamaoho Claims Settlement Act 2018

- Ngāi Tai Ki Tāmaki Claims Settlement Act 2018

In this instance, the proposal is not on or adjacent to and will not affect land that is subject to a statutory acknowledgement and will not result in adversely affected persons in this regard.

Step 2: if not required by step 1, limited notification precluded in certain circumstances

The applications are not precluded from limited notification as:

- the applications are not for one or more activities that are exclusively subject to a rule or NES which preclude limited notification (s95B(6)(a)); and
- the applications are not exclusively for one or both of the following: a controlled activity, other than a subdivision, that requires consent under a district plan; or a prescribed activity (s95B(6)(b)).

Step 3: if not precluded by step 2, certain other affected persons must be notified

As these applications are not for a boundary activity or a prescribed activity, there are no affected persons related to those types of activities (s95B(7)).

The following assessment addresses whether there are any affected persons that the applications are required to be limited notified to (s95B(8)).

In determining whether a person is an affected person:

- a person is affected if adverse effects on that person are minor or more than minor (but not less than minor);
- adverse effects permitted by a rule in a plan or NES (the permitted baseline) may be disregarded; and
- the adverse effects on those persons who have provided their written approval must be disregarded.

Adversely affected persons assessment (sections 95B(8) and 95E)

Reverse sensitivity

The proposal involves residential development and subdivision on a site which is located below existing Transpower NZ Ltd. high transmission voltage lines (National Grid).

Transpower NZ Ltd. is the responsible entity, as the network utility operator, in relation to the National Grid Corridor Overlay. Transpower NZ Ltd has a need to operate, maintain, and upgrade the existing transmission network and establish new transmission resources as necessary. Clause C1.13(4) requires Council to consider, for the purposes of s95E, whether a network utility operator which operates infrastructure is an affected person.

Notwithstanding that the proposed residential activity is in the Residential - Mixed Housing Suburban zone, the location of the National Grid Corridor Overlay over the site means that

existing and future residential activities may compromise the ongoing operation, maintenance and upgrading of these high voltage transmissions lines.

In this instance, the existing dwelling and building that is to be converted into four dwellings will be partly within the National Grid Yard Compromised.

In this instance, the proposed conversion and internal/external alterations to the existing dwelling within the Yard will result in a net reduction in the capacity of residents that can occupy this building. This is because some of the existing bedrooms will be converted into kitchen/dining and living rooms which means the number of overall bedrooms (and therefore residents) will reduce to only seven bedrooms overall. Hence the proposal reduces the number of people at risk of the hazard of a line failure and reduces the number of residents on site subject to reverse sensitivity effects of the Grid Yard and its nearby support structures. Similarly, the proposal does not alter the building footprint, result in any building extensions, nor increases the height of the building.

Also, the proposed fifth dwelling is located entirely outside of the National Grid Yard, which is thus considered sufficient separation distance to ensure reverse sensitivity effects are minimised in this regard.

Conditions of consent in this regard, as adopted by the applicant, include limiting vegetation to a maximum of 2m in height within 12m of the centreline of the lines. Similarly, the proposed car ports will remain in place for the duration of the activity ensuring no tall vehicles such as trucks park on the site, as these spaces are only for domestic vehicles and cars. This will ensure that compliance with NZECP is maintained.

It is noted that while Transpower NZ Ltd. has not provided its written approval to the application, Ms Robins has advised that Transpower NZ Ltd. does no longer consider itself to be an affected party, due to the design revisions made by the applicant and the conditions that have been endorsed.

Based on the above, I conclude that adverse effects on Transpower NZ Ltd. with respect to reverse sensitivity will be less than minor.

Residential amenity

No persons are considered to be adversely affected by the activities in this regard because:

- The development sits within all required zone standards with regards to bulk and location relative to all adjoining properties, with the exception of the height in relation to boundary assessment relative to the south-western boundary. The development is therefore set back appropriately from the external boundaries relative to all other neighbouring properties. No undue shading or visual dominance will result from the proposal on these persons and nor will there be an unacceptable loss of privacy or opportunities for overlooking beyond what is already provided for by the Plan.
- With specific reference to the persons at 36A White Swan Road, who are the receivers of the effects of the height in relation to boundary infringement due to the new standalone dwelling, I note that the proposed development is separated from this site by a driveway and legal right of way. Additionally, the part of this site adjoining the shared right of way is predominantly

manoeuvring area that is not used for habitable rooms or outdoor living space. As such, due to this sufficient separation distance, it is considered that adverse effects associated with privacy, visual dominance and sunlight access, will be less than minor in the context of the zone. Furthermore, no additional persons beyond 36A White Swan Road will be adversely affected in this regard due to further separation distance from the proposed development.

- Furthermore, hard and soft landscaping is also proposed throughout the site to improve visual amenity as viewed from the street and neighbouring properties. This landscaping will also contribute to breaking up the bulk and any visual dominance created by the proposed development.
- As discussed above, the proposal will predominantly appear as merely the introduction of one new standalone dwelling from a built form and appearance perspective as the existing dwelling to be converted will remain largely unchanged with the exception of window and door placement and internal alterations.
- In addition, the subdivision activity results in the legal separation of the dwellings on the site and does not alter the built form or lead to any additional infringements that could adversely affect persons on adjacent sites.

Overall, adverse effects in terms of residential amenity of neighbouring persons will be less than minor.

Vehicle access

No persons are considered to be adversely affected by the activities in this regard because:

- The proposed vehicle access results in an improvement to the existing shared access that is only wide enough to accommodate one-way traffic. The proposal increases the vehicle crossing to allow for two-way movements and provides in essence two passing bays within the first 33m of the shared driveway from the road boundary. Another passing bay is proposed within the net site area of subject site also, which will further reduce the need for queuing within the shared driveway and have the potential to inconvenience users from neighbouring properties.
- The existing shared driveway is straight and provides adequate visibility and sight distances to allow for the safe and efficient use of the driveway and passing bays.
- On-site manoeuvring is required ensuring all vehicles enter and exit the site in a forward-facing motion.
- It is also noted that the proposal is generally in accordance with the access and manoeuvring standards under section E27 of the AUP(OP) ensuring a safe and efficient access arrangement is achieved.

Overall, adverse effects associated with the vehicle access will therefore be less than minor.

Earthworks and construction

No persons are considered to be adversely affected by the activities in this regard because:

- Council's Development Engineer David van Echten considers that the site is suitable for development. All earthworks will be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties.
- All earthworks in relation to erosion and sedimentation control shall be carried out in accordance with GD05 and supervised by a suitably qualified engineer. The earthworks and sediment control plan will sufficiently mitigate any adverse effects that will result from the proposed works and ensure that the earthworks are managed within the site boundaries.
- The earthworks will be located well way from the flood plain hazard in the site's south-eastern corner, and therefore the proposed earthworks will not generate any flooding effects towards persons on adjacent land.
- Noise and dust will also be appropriately managed to minimise adverse effects towards persons on adjacent land. Work will also occur during normal construction hours.
- Access to and from neighbouring sites and the street will be unaffected by the proposed earthworks as there will be no obstruction to private properties, footpaths and the street.
- The earthworks are also to be completed in one stage, thus minimising the duration of works and exposed soil.
- In terms of construction in the context of the National Grid, compliance with NZECP clearance distances is expected to be maintained throughout this temporary stage of the activity. This is also an on-going requirement in the AUP(OP) and must therefore be complied with. An advice note has therefore been included to advise the consent holder of this obligation.
- Conditions of consent as adopted by the applicant will be imposed to manage the above mitigation measures.

As such I consider that the adverse effects on neighbouring persons and Transpower NZ in terms of earthworks and construction will be sufficiently mitigated and will be less than minor.

Infrastructure

No persons are considered to be adversely affected by the activities in this regard because the proposed development will be serviced via the public stormwater, wastewater and water supply networks. Mr van Echten, has confirmed that the drainage infrastructure will adequately serve the development and the proposal will not compromise the capacity of the networks. Stormwater detention tanks have been proposed to aid in stormwater management for the site.

Adverse effects are therefore avoided and considered to be less than minor on adjacent persons.

Step 4: further notification in special circumstances

In addition to the findings of the previous steps, the council is also required to determine whether special circumstances exist in relation to the applications that warrant them being notified to any other persons not already determined as eligible for limited notification (excluding persons assessed under section 95E as not being affected persons).

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make limited notification to any other person desirable, notwithstanding the conclusion that no other person has been considered eligible.

In this instance I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the applications, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur as infill residential development and subdivision is common in the locality.

Limited notification conclusion

Having undertaken the s95B limited notification tests, the following conclusions are reached:

- Under step 1, limited notification is not mandatory.
- Under step 2, there is no rule or NES that specifically precludes limited notification of the activities, and the applications are for activities other than those specified in s95B(6)(b).
- Under step 3, limited notification is not required as it is considered that the activities will not result in any adversely affected persons.
- Under step 4, there are no special circumstances that warrant the applications being limited notified to any other persons.

It is therefore recommended that these applications be processed without limited notification.

9. Notification recommendation

Non-notification

For the above reasons under section 95A these applications may be processed without public notification.

In addition, under section 95B, limited notification is not required.

Accordingly, I recommend that these applications are processed non-notified.



Matt Brajkovich
Intermediate Planner
Resource Consents

Date: 12 June 2019

10. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA these applications shall be processed non-notified.



Scott MacArthur

Date: 12 June 2019

Team Leader - Resource Consents

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



Decision one – non-complying activity land use consent (s9)

Application numbers: LUC60333519
Applicant: Jayashree Ltd.
Site address: 34 White Swan Road, Mount Roskill
Legal description: Lot 1 DP 212178

Proposal:

To convert the existing dwelling into four dwellings and undertake alterations to the existing building accordingly, and construct and use a new two-storey standalone dwelling, resulting in a total of five dwellings on the site. Including associated earthworks, retaining, construction of vehicle access and landscaping.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60333519

Auckland Unitary Plan (Operative in part) (AUP(OP))

District land use (operative plan provisions)

National Grid Corridor Overlay

- To establish new dwellings, being activities sensitive to the national grid in an existing building, is a **non-complying activity** under rule D26.4.1(A1).

Residential – Mixed Housing Suburban zone

- To construct and use five dwellings is a **restricted discretionary activity** under rule H4.4.1(A4).
- To develop new buildings (and/or any additions to existing), as the development of new buildings or any additions has the same activity status as the land use activity, is a **restricted discretionary activity** under rule H4.4.1(A34).
- The proposal involves use and development that fails to comply with the following standard and is a **restricted discretionary activity** under rule C1.9(2):
 - o The proposed standalone (fifth) dwelling extends beyond the 2.5m plus 45-degree recession plane by a maximum height of 2.0m over a maximum length of approximately 5.9m, which does not comply with standard H4.6.5(1).

Land Disturbance - District

- To undertake general earthworks of 652m², as the earthworks are greater than 500m² in a residential zone, is a **restricted discretionary activity** under rule E12.4.1(A4).

Transport

- The proposal involves accessory parking and access that does not meet the following access standard and is a **restricted discretionary activity** under rule E27.4.1(A2):
 - o The formed width of the existing shared driveway is 3.7m, which does not meet the minimum width of 5.5m required under standard E27.6.4.3(1)(b) and Table E27.6.4.3.2(T151).
- The proposal involves the establishment of new activities on the site and the site has frontage to an arterial road and a Vehicle Access Restriction therefore applies. To construct and/or use 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** under rule E27.4.1(A5).

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, 104D, 104B and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable as:
 - a. In terms of reverse sensitivity effects and the National Grid, the existing dwelling and building that is to be converted into four dwellings will be partly within the National Grid Yard Compromised. In this instance, the proposed conversion and internal/external alterations to the existing dwelling within the Yard will result in a net reduction in the capacity of residents that can occupy this building. This is because some of the existing bedrooms will be converted into kitchen/dining and living rooms which means the number of overall bedrooms (and therefore residents) will reduce to only seven bedrooms overall. Hence the proposal reduces the number of people at risk of the hazard of a line failure and reduces the number of residents on site subject to reverse sensitivity effects of the Grid Yard and its nearby support structures. Similarly, the proposal does not alter the building footprint, result in any building extensions, nor increases the height of the building.

- b. Also, the proposed fifth dwelling is located entirely outside of the National Grid Yard, which is thus considered sufficient separation distance to ensure reverse sensitivity effects are minimised in this regard.
- c. Conditions of consent in this regard, as adopted by the applicant, include limiting vegetation to a maximum of 2m in height within 12m of the centreline of the lines. Similarly, the proposed car ports will remain in place for the duration of the activity ensuring no tall vehicles such as trucks park on the site, as these spaces are only for domestic vehicles and cars. This will ensure that compliance with NZECP is maintained and satisfy the matters raised by Transpower during processing.
- d. The proposal results in an increase from one lawfully established dwelling to five, however from an external perspective, the proposal only results in the increase in one new two-storey standalone dwelling. The conversion will take place within the existing building that will only be modified in terms of door and window re alignment and internal alterations. In essence the site will have a character of a large established dwelling with a smaller additional dwelling as infill residential development. Hence to the wider public, including neighbours, it will present a lesser mass and scale of building than many of the sites in the wider neighbourhood. This is further mitigated by the setback of the site (being a rear site) and limited views afforded of it due to its low elevation and the dense vegetation of the gully on the southern and eastern side of the site. The proposal will therefore be predominantly screened from view from the public street and will largely appear unchanged.
- e. The proposal is also supported by a comprehensive landscaping scheme that will increase visual amenity from beyond the site and will contribute to on-site amenity and privacy screening. The proposal will also result in reduction in impervious areas as viewed from the shared driveway which will further aid visual amenity. Conditions of consent have been included below to ensure that all landscaping is implemented and maintained as proposed prior to construction of the new dwelling.
- f. Sufficient on-site amenity is provided through the provision of landscaping, appropriately sized and oriented outdoor living spaces to meet day to day needs of residents, complying minimum dwelling sizes and windows and doors that allow for natural ventilation. Convenient and accessible storage is also included for all dwellings. A condition is included requiring a pedestrian path to be marked out on the driveway, connecting into the pedestrian path proposed on the site. This will ensure dedicated pedestrian entry for all 5 units proposed from White Swan Road.
- g. The development is set back appropriately from the external boundaries relative to all other neighbouring properties. No undue shading or visual dominance will result from the proposal on these persons and nor will there be an unacceptable loss of privacy or opportunities for overlooking beyond what is already provided for by the Plan. While there is a slight infringement to the standard HIRB standard to the western boundary, this faces a 4m wide driveway and does not create any dominance or shading effects of note. As such, residential amenity for neighbours will be maintained.
- h. A minimum 12m length from the boundary allowing storage for two vehicles is proposed. The vehicle crossing is also proposed to be upgraded and widened to allow

for two-way flow. Due to the two-way crossing and driveway at the front of the site, it is considered that queuing in the road will be minimised as vehicles may enter and exit at the same time. The solutions proposed with respect to access are considered adequate for the development and the shared right of way design, onsite manoeuvring and parking are seen to be fit for purpose. All vehicles will also be entering and exiting the site in a forward-facing motion which will contribute to minimising potential conflicts with pedestrians. I consider adverse effects to be less than minor in this regard. Conditions of consent requiring the driveway, vehicle crossing and passing bay areas to be formed and drained prior to construction of the new dwelling.

- i. The earthworks proposed are commensurate with the scale of the development. Appropriate sediment and erosion controls will be installed and conditions of consent have been included to below to manage noise, operation hours, and dust and to avoid obstruction to access. Additionally, the site is suitable for development from a geotechnical perspective and the stability of neighbouring structures and sites will be maintained. Conditions of consent have also been included to this effect. Further, the earthworks will be completed in one stage, thus minimising the duration of works and exposed soil.
 - j. The proposal will be adequately serviced in terms of wastewater, stormwater and water supply. Conditions of consent have been included to ensure that all civil infrastructure works are completed and expected.
 - k. Overall, the actual and potential effects will be suitably mitigated and/or minimised and are therefore acceptable.
 - l. In terms of positive effects, the proposal:
 - o Provides increased dwelling capacity in the locality and represents an efficient use of the site in this regard;
 - o Increases the visual amenity of the site compared to its existing stage through the reduction in impervious areas and the implementation of site-wide landscaping and planting; and
 - o Will improve the safety and efficiency of the shared vehicle access serving the site and other neighbouring rear sites.
 - m. With specific reference to s104(1)(ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the following objectives, policies and assessment criteria of the AUP(OP):

D26 National Grid Corridor Overlay

The proposal is generally consistent with the relevant objectives and policies in D26.2 and D26.3 for the following reasons:

- a. Transpower NZ Ltd. engineers have confirmed that the proposal, including the landscaping and contouring works, meets the NZECP 34:2001, subject to conditions of consent below.
- b. There are no increases in building footprint or height within the National Grid Yard. The alterations to the existing building are internal and have no compromising effect upon the National Grid.
- c. With respect to policies D26.3(1)(h) and (k), reverse sensitivity effects will be minimised due to a reduction in the capacity of residents that can occupy the building and that the new standalone building is located wholly outside of the National Grid Yard, ensuring a sufficient separation distance is achieved. By reducing the number of people able to occupy the existing building within the National Grid Yard, reverse sensitivity effects associated with amenity and hazards are reduced. Hence the net reduction in bedrooms results in a reduction in potential reverse sensitivity effects from what has been lawfully established on the site. Similarly, there is no change in the proximity of the habitable spaces in the building to the line network as the building height is not increasing.
- d. Access to the National Grid supporting structures and conductors will be maintained to ensure that maintenance and upgrading works can be ongoing.
- e. As discussed above, the building to be converted is existing and the only other new notable structures in the Yard are car ports, which will be constructed with non-conductive material and will not contain sensitive activities as these are purely for the storage of vehicles.
- f. Overall, the proposal will not compromise the efficient operation, maintenance and upgrading of the National Grid.

H4 Residential – Mixed Housing Suburban zone

- g. The proposal in general represents an increase in housing capacity, intensity and choice within the zone and immediate locality. Four of the proposed dwellings are of a typology similar to an apartment, which provides variety in a locality dominated by relatively larger single-detached houses.
- h. Being compliant with all relevant bulk and location standards, other than a small height in relation to boundary infringement to the western boundary, contributes to ensuring the proposal is in keeping with the planned character of the zone as well as ensuring that the purpose of the relevant standards will be met. This is aided by the comprehensive landscaping proposed and the fact that the proposal will largely be screened by the existing built environment as viewed from the street. Also, given that the proposal is on a rear site, it is acknowledged that the proposal can add little in terms of achieving attractive and safe streets relative to White Swan Road.
- i. As discussed above, appropriate on-site amenity is achieved to ensure day to day needs of future residents are provided for, and the proposal will maintain the residential amenity of those on neighbouring properties.

- j. Impervious areas are to be restricted, and detention tanks are proposed to manage stormwater runoff and ensure the effects on water quality and quantity are mitigated.
- k. Overall, based on this assessment and the assessment under s104(1)(a) above, the proposal is generally consistent with the relevant objectives, policies and assessment criteria of the Mixed Housing Suburban zone.

E27 Transport

- l. The general thrust of the transport provisions is to ensure that adverse effects on the transport network are appropriately managed and mitigated; that pedestrian movement, amenity and safety is prioritised; and that an integrated transport network is provided for.
- m. The proposal involves improvements to the site in terms of vehicle access through the provision of a compliant two-way vehicle crossing and three passing bays between the subject site's parking spaces and the road. On-site manoeuvring is also proposed for all parking spaces, ensuring all vehicles enter and exit the shared right of way and road in a forward-facing manner. This all contributes to reducing potential conflicts and ensures that potential conflicts with other road users are minimised in line with these provisions. This, in conjunction with suitable visibility and sight distances, also assists in terms of minimising adverse effects on the operation of White Swan Road, being an arterial road.
- n. Moreover, the proposal also includes a delineated pedestrian path through the site to aid in pedestrian safety, as well as to imply that pedestrian movement should be prioritised.
- o. Overall, it is considered that the proposed vehicle access, parking and manoeuvring is appropriate for the site, will suitably mitigate or minimise adverse effects on the transport network and is therefore in accordance with the relevant objectives, policies and assessment criteria in E27.

E12 Land disturbance district

- p. The provisions in E12 primarily relate to ensuring that earthworks is undertaken in a manner that protects safety and mitigates adverse effects on the environment.
- q. As discussed above, the proposed earthworks are of a scale that is proportionate to the proposal. A suite of mitigation measures and consent conditions endorsed by the applicant will ensure that adverse effects relating to sediment runoff, safety and stability of land and structures, construction traffic, noise, vibration, dust, operation hours will be managed and mitigated/minimised.
- r. As a result, it is considered that the relevant objectives, policies and assessment criteria in E12 will be achieved.

E36 Natural hazards and flooding

- s. The relevant objectives, policies and assessment criteria relating to land instability, which is the only relevant natural hazard in this instance, aim to ensure that either

development is located away from this hazard, or if not possible, then adverse effects on people, property and the environment will be mitigated.

- t. In this instance, the geotechnical report from the applicant's engineer has confirmed that there is low risk of deep-seated instability developing on the site. The site is considered to be stable and suitable for development subject to recommendation of the geotechnical engineer in terms of foundation design and associated retaining and landscaping. Conditions of consent have been included to ensure works are undertaken in accordance with this peer reviewed traffic report. Based on this, it is considered that adverse effects on people, property and the environment will be minimised, therefore according with the relevant provisions in E36.
3. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant.
4. There is no prohibition under s104D of the RMA on granting this non-complying activity proposal. This is because the proposal is not contrary to the objectives and policies of the relevant plan and/or proposed plan, and/or will have only less than minor adverse effects on the environment. As such, Council is able to grant this consent.
5. In the context of this non-complying activity application for land use consent, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.
6. Overall the proposal is acceptable as the effects generated by the proposal will be suitably mitigated or minimised and the proposal is consistent with the relevant statutory documents.

Conditions

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

Activity in accordance with the application

1. This consent shall 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 LUC60333519:
 - Application Form and Assessment of Environmental Effects prepared by CLC Consulting Group, dated 15 January 2019.

Report title and reference	Author	Rev	Dated
Geotechnical Investigation Report (ref. GL215)	Geoconsult	-	25/03/2019

Firefighting Water Supply at 34 White Swan Road	NOVA Flowtec Services	-	01/03/2019
Infrastructure Report (ref. 20333)	CLC Consulting Group	A	15/01/2019
Stormwater Outlet Condition Assessment (ref. 19730)	CLC Consulting Group	-	26/02/2019
Traffic Report	Da Vinci Transport Planning	V3	14/01/2018

Drawing title and reference	Author	Rev	Dated
Full Site Plan (Sheet 001)	ArchPoint	-	11/04/2019
Proposed Site Plan (Sheet 002)	ArchPoint	-	11/04/2019
Floor Plans (Sheet 003)	ArchPoint	-	13/01/2019
Elevations (Sheet 004)	ArchPoint	B	31/05/2019
Proposed Basement Floor (Sheet A02)	EMACS	B	April 2019
Proposed Ground Floor (Sheet A04)	EMACS	B	April 2019
Proposed First Floor (Sheet A06)	EMACS	B	April 2019
Elevations (Sheet A07)	EMACS	-	15/06/2017
Elevations (Sheet A08)	EMACS	-	15/06/2017
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space (Sheet 20333-220-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space – Lvl 2 (Sheet 20333-221-B)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Outlook & Outdoor Living Space – Lvl 3 (Sheet 20333-222-B)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Building Coverage (Sheet 20333-215-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Impervious Areas (Sheet 20333-216-C)	CLC Consulting Group	C	09/04/2019
Proposed Fee Simple Subdivision Landscape Areas (Sheet 20333-217-C)	CLC Consulting Group	C	09/04/2019
Landscape Plan (Sheet WSR-01/2)	City to Coast Landscape Design	2	04/04/2019
Planting Plan (Sheet WSR-02/02)	City to Coast Landscape Design	1	21/01/2019

Driveway Plan (Sheet 20333-102-F)	CLC Consulting Group	F	03/04/2019
Pergola Plan and Elevation – Car Park 1-3 (Sheet 005)	ArchPoint	-	06/03/2019
Pergola Plan and Elevation – Car Park 4 (Sheet 006)	ArchPoint	-	06/03/2019
Driveway Longsection (Sheet 20333-103-B)	CLC Consulting Group	B	15/01/2019
Driveway Cross Sections (Sheet 20333-104-B)	CLC Consulting Group	B	15/01/2019
Driveway Typical Cross Section (Sheet 20333-105-B)	CLC Consulting Group	B	14/01/2019
Earthworks Plan (Sheet 20333-106-C)	CLC Consulting Group	C	09/04/2019
Drainage Plan (Sheet 20333-107-D)	CLC Consulting Group	D	09/04/2019
Stormwater Calculation Coverage Areas (Sheet 20333-221-A)	CLC Consulting Group	A	26/03/2019
Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-210-C)	CLC Consulting Group	C	03/04/2019

Other additional information	Author	Rev	Dated
Section 92 Response	CLC Consulting Group	-	11/04/2019

Lapse of consent

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

Monitoring charges

3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$990 (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. 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.

Stormwater

4. All the necessary pipes and ancillary equipment shall be supplied and laid to provide individual private stormwater connections to the proposed building and existing converted building, and connect them via stormwater detention tanks to the existing stormwater outlet in general accordance with the Infrastructure Report dated January 2019 and Drawing 20333-107-E dated 30/04/2019 prepared by CLC Consulting Group Ltd.

Advice note:

On completion any new connections shall be marked by a 50mm x 50mm x 1m tanalised stake painted blue and clearly dimensioned on any drainage "As-Built".

5. Stormwater mitigation shall be provided to reduce flows to pre-development levels in the 10% AEP storm event as recommended in the Infrastructure Report prepared CLC Consulting Group Ltd. dated January 2019. Stormwater from the proposed roof areas, paved areas and any groundwater collected from behind retaining walls, shall be addressed as recommended in the report.

Advice note:

All private stormwater drainage work will require a building consent.

6. An 'Operations and Maintenance Manual' for the constructed stormwater management devices shall be provided to Council's Team Leader Compliance Monitoring Central for certification at the completion of the works and prior to the occupation of the proposed dwellings.

Advice note:

The on-going operation and maintenance of detention tank system is the responsibility of the consent holder.

Wastewater

7. All the necessary pipes and ancillary equipment are to be supplied and laid to extend the public wastewater system located within the neighbouring property at 30 White Swan Road and terminating within the subject site in general accordance with Drawing 20333-107-E dated 30/04/2019 prepared CLC Consulting Group Ltd.

Advice note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

8. All necessary pipes and ancillary equipment shall be supplied and laid to provide individual private wastewater connections to the proposed building and existing converted building and connect them to the public wastewater line.

Advice notes:

- *On completion, connections shall be marked by 50mm x 50mm x 1m tanalised stake painted red and clearly dimensioned on any drainage "as-built".*
- *A building consent will be required for the private wastewater drainage works.*

As-built drawings

9. With respect to conditions **4** to **8**, all as-built documentation shall be provided to the Team Leader Compliance Monitoring Central for all new public and private drainage assets prior to the occupation of the proposed dwellings. The documentation is to be in accordance with Auckland Council's Development Engineering As-built Requirements. This shall be accompanied by written confirmation from a suitably qualified engineering professional that conditions **4** to **8** have been complied with.

Earthworks

10. The consent holder shall notify the Council's Team Leader Compliance Monitoring Central at least 5 working days prior to the earthwork activities commencing on the subject site.
11. Prior to the commencement of the earthworks activity, all erosion and sediment control measures on the subject site shall be constructed and installed and carried out in accordance with GD05 to the satisfaction of Council's Team Leader Compliance Monitoring Central. No earthworks shall commence until the Council has certified that the measures installed are satisfactory.
12. These measures shall be maintained for the duration of the earthworks activity.

Advice note:

Such means and measures may include:

- *Catchpit protection*
- *Run-off diversions*
- *Sediment retention ponds*
- *Silt and sediment traps*
- *Decanting earth bunds*
- *Silt fences*
- *Stabilised entranceway*

During excavation, the ingress and accumulation of surface run-off water and/or perched groundwater can be minimised by:

- *maintaining a waterproof cover over any excavation trenches and pits outside of working hours,*
- *diversion of surface water flow around the works area, and*
- *regular disposal of the water into an appropriate sediment control device, if ponding occurs within the excavation.*

Please note that the diversion of stormwater and/or groundwater may require a consent under the Auckland Unitary Plan.

It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring Central for more details. Alternatively, please refer to "Guideline Document 2016/005 (GD05) Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region".

13. All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works shall cease immediately and the discharge shall be mitigated and/or rectified to the satisfaction of Council's Team Leader Compliance Monitoring Central.
14. There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it shall immediately be removed to the satisfaction of Council's Team Leader Compliance Monitoring Central. In no instance shall roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.
15. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that, in the opinion of the Team Leader Compliance Monitoring Central, is noxious, offensive or objectionable.
16. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the construction and earthworks activities. All materials and equipment shall be stored within the subject site's boundaries.
17. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public or private asset as a result of the earthworks, demolition and construction activity. In the event that such damage does occur, the Council Team Leader Compliance Monitoring Central shall be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.
18. All noise generating activities associated with the implementation of this resource consent on, or in the vicinity of, the subject site (which can include (but is not limited to) any demolition, earthworks and construction activities, and ancillary activities (such as deliveries, loading and unloading goods, transferring tools, etc.)) shall not exceed the noise limits permitted under the standard E25.6.27 and Table E25.6.27.1 of the Auckland Unitary Plan as follows:

Time of week	Time Period	Maximum noise level (dBA)	
		L _{eq}	L _{max}
Weekdays	6:30am - 7:30am	60	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	70	85
	8:00pm - 6:30am	45	75
Saturdays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	75	90
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75
Sundays and public holidays	6:30am - 7:30am	45	75
	7:30am - 6:00pm	55	85
	6:00pm - 8:00pm	45	75
	8:00pm - 6:30am	45	75

Geotechnical

19. Prior to the commencement of any earthworks and construction works, Council's Team Leader Compliance Monitoring Central shall be provided with written certification from a suitably qualified engineering professional confirming that all earthworks, retaining walls and building foundations have been designed in general accordance with the recommendations set out in the Geotechnical Investigation Report prepared by Geoconsult dated 15 March 2019. Written certification shall be in the form of a report, producer statement or any other form acceptable to the aforementioned Council officer.

Advice note:

A Building Consent will be required for the proposed dwelling and any retaining walls that support a surcharge or retain a depth of ground higher than 1.5m.

20. All earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting either the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it shall immediately be rectified to the satisfaction of Council's Team Leader Compliance Monitoring Central.
21. Certification from a suitably qualified engineering professional responsible for supervising the works shall be provided to Council's Team Leader Monitoring Compliance Central, confirming that the works have been completed in accordance with the Geotechnical Investigation Report prepared by Geoconsult dated 15 March 2019. Written certification shall be in the form of a geotechnical completion report, or any other form acceptable to the aforementioned Council officer.

Access

22. The proposed shared driveway shall be formed, paved and drained to Auckland Council specifications including the provision of stormwater catchpits and/or slot drains within the

boundaries of the driveway. Where necessary the provision of kerbing or similar to prevent water flowing on to other properties (including the footpath) shall be provided.

- a. The final formation of the accessway shall be in general accordance with Drawings 20333-102-F, 20333-103-B, 20333-104-B, 20333-105-B and 20333-109-B prepared by CLC Consulting Group Ltd.
- b. A surveyor's certified "as-built" will be required to confirm compliance with the approved dimensions and grades.

Advice note:

An Engineering Common Accessway application for construction of this work is required to be submitted and approved by Development Engineering prior to the works commencing. A building consent will be required for any drainage work required on the Right of Way.

23. A pedestrian path measuring 1m wide shall be paint marked on the eastern side of the driveway connecting into the pedestrian path proposed along the southern side of the driveway within the site. Red oxide, green paint or other visually obtrusive colours should not be used in marking out the paths. All work shall be completed to the satisfaction of Council's Team Leader Monitoring Compliance Central.
24. The recommendations in the Traffic Report dated 14/01/2018 prepared by Da Vinci Transport Planning Ltd. and shown on Drawing 20333-210C prepared by CLC Consulting Group Ltd. shall be implemented including widening the shared driveway to a minimum formed width of 5.5m over a 12m length from the road boundary to allow two-way flow and storage for at least one vehicle waiting to exit marked 'Q'; and the formation of the passing bay marked 'A'. This shall be completed prior to the construction of the new dwelling and to the satisfaction of the Team Leader Compliance Monitoring Central.

Advice note:

Relevant permissions and approvals must be obtained to gain rights over the land proposed to be used for the widened portions of the shared accessway including completion of the necessary legal requirements.

25. A new vehicle crossing measuring 5.5m in width at the site boundary shall be constructed to serve the proposed development in accordance with the approved plans prior to the occupation of the dwellings.

Advice notes:

- A Vehicle Crossing Permit is required to be obtained for these works. Please contact Auckland Transport for vehicle crossings, Ph. (09) 353 3553 or refer to their website for standards and requirements. <https://at.govt.nz/about-us/working-on-the-road/vehicle-crossing-application/>
- A final certification is to be provided from Auckland Transport, in terms of the vehicle crossing acceptance, at the time of a Section 224(c) application.

- *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.*
26. The power pole, letter boxes and other telecommunication equipment located in the easement area labelled Q and the area to be occupied by the new vehicle crossing shall be moved to a new appropriate location adjacent to the new driveway and/or vehicle crossing.

Advice note:

Relocation of the power pole and other telecommunication equipment will require approval from the utility operator.

Landscaping and fencing

27. The landscaping as detailed on the Landscaping and Planting plans referenced in condition **1** above shall be implemented within the first planting season (May to September) following the date of grant to the satisfaction of Council's Team Leader Compliance Monitoring Central.
28. The landscaping required by condition **27** above shall be retained and maintained thereafter in accordance with the Landscaping and Planting plans with any plant losses being replaced and maintained for the lifetime of the activity to the satisfaction of Council's Team Leader Compliance Monitoring Central.

National Grid

29. The consent holder shall design and install pergola/car port structures over all proposed parking spaces on the site, in accordance with the locations, sizes and dimensions shown on the approved plans, to the satisfaction of Council's Team Leader Compliance Monitoring Central. The structures shall be retained and maintained for the lifetime of the consented activities.
30. The structures required by condition **29** above shall be constructed with non-conductive material and the consent holder shall provide written confirmation of this to Council's Team Leader Compliance Monitoring Central by a suitably qualified professional prior to the occupation of the dwellings.

Advice note:

The aim of the condition is to avoid long runs of metal pipes, sheets of cladding and steel beams, etc., which under certain circumstances have the potential to transfer energy that might cause discharges of energy. For avoidance of doubt, the use of metal fittings/fixtures, such as screws, nails, etc. is acceptable provided the main structure is non-conductive, such as timber. The consent holder may contact Council's Team Leader Compliance Monitoring Central for guidance if required.

31. The structures required by condition **29** above shall remain open on all sides to avoid them being used as potential habitable rooms in the future. This shall be an on-going requirement in perpetuity.

32. Any proposed new trees or vegetation within 12 metres either side of the centreline of the MNG-ROS A National Grid transmission line shall not exceed 2 metres in height at full maturity and shall comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.
33. Any proposed new trees or vegetation outside of 12 metres either side of the centreline of the MNG-ROS A National Grid transmission line shall be setback sufficiently to ensure the tree cannot fall within 4 metres of the MNG-ROS A National Grid transmission lines and shall comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.

Existing Development

34. All necessary works, including creation of fire walls and fixed kitchen facilities, shall be undertaken to achieve the floor layouts shown on EMACS drawings A02E, A04B and A06B. Such works shall be completed within 3 months of the decision date of this consent to the satisfaction of the Team Leader Compliance Monitoring Central.
35. All excess paving on the site shall be removed such that compliance is achieved with the impervious areas shown on plan 20333-221-A prepared by CLC Consulting Group. This shall occur within 3 months of the decision date of this consent to the satisfaction of the Team Leader Compliance Monitoring Central.

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

6. *All land use activities, including the construction of new buildings/structures, earthworks, fences, any operation of mobile plant and/or persons working near exposed line parts must, at all times, comply with the New Zealand Electrical Code of Practice for Electrical Safe Distances (NZECP34:2001) or any subsequent revision of the code.*
7. *Transpower NZ Ltd has a right to access its existing assets under s23 of the Electricity Act 1992. Any development must not preclude or obstruct this right of access. It is an offence under s163(f) Electricity Act to intentionally obstruct any person in the performance of any duty or in doing any work that the person has the lawful authority to do under s23 of the Electricity Act.*

Delegated decision maker:

Name: Scott MacArthur

Title: Team Leader, Resource Consents

Signed:



Date: 12 June 2019

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



Decision two – restricted discretionary activity subdivision consent (s11)

Application numbers: SUB60333660
Applicant: Jayashree Ltd.
Site address: 34 White Swan Road, Mount Roskill
Legal description: Lot 1 DP 212178

Proposal:

To undertake a two-lot freehold subdivision around the development approved in land use consent LUC60333519. Lot 1 will contain the two-storey standalone dwelling and Lot 2 will contain the four dwellings within the converted existing building on the site. The coverage calculations for each lot are as follows (with new non-compliances underlined>:

Lot	Gross site area	Net site area	Building coverage	Impervious area	Landscaped area
Parent site	1526m ²	1459m ²	309m ² / 21%	768m ² / 50%	760m ² / 52%
Lot 1	1028m ²	692m ²	110m ² / 16%	493m ² / 48%	537m ² / 78%
Lot 2	498m ²	498m ²	199m ² / 40%	276m ² / 55%	224m ² / 45%

Resource consent is required for the following reason:

Subdivision consent (s11) – SUB60333660

Auckland Unitary Plan (Operative in part) (AUP(OP))

Subdivision (operative plan provisions)

Subdivision - Urban

- To subdivide the parent site into two lots, which is a subdivision in a residential zone that is in accordance with an approved land use resource consent that complies with standard E38.8.2.1, is a **restricted discretionary activity** under rule E38.4.2(A14).
- To subdivide land that is located within the one per cent annual exceedance probability (AEP) floodplain and land instability natural hazards is a **restricted discretionary activity** under rule E38.4.1(A11).

National Grid Corridor Overlay

- To undertake a subdivision within the National Grid Subdivision Corridor is a **restricted discretionary activity** under rule D26.4.3(A34).

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, 104D, 104B, 106 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The subdivision requires a restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Under the AUP(OP), those matters are:

Subdivision in accordance with an approved land use consent

- *the effects of the design and layout of the proposed sites created.*

Subdivision of land subject to the one percent ARP floodplain

- *the effects of the hazard on the intended use of the site or sites created by the subdivision and the vulnerability of the uses to flood hazard events.*

Subdivision of land subject to land instability

- *the effects of remediating the land instability hazard and the effect of the hazard on the intended use.*

Subdivision within the National Grid Subdivision Corridor

- *vehicular access to a National Grid support structure;*
- *risk of electrical hazards affecting public or individual safety, and the risk of property damage;*
- *potential impacts on the operation of the National Grid from reverse sensitivity relating to visual amenity; and*
- *the nature and location of any proposed vegetation.*

2. In accordance with an assessment under ss104 and 104C of the RMA the actual and potential effects from the proposal will be acceptable and the proposal is consistent with the relevant provisions of the AUP(OP) as:

Subdivision in accordance with an approved land use consent (E38.12.1(6) and (E38.12.2(6))

- a. The proposed subdivision is in accordance with an approved land use consent as provided for by the AUP(OP).

- b. The proposed subdivision will result in the legal separation of the approved dwellings without generating any new infringements to Auckland-wide or zone standards, with the exception of an internal yard infringement which is assessed separately below. All proposed lots remain compliant with the relevant coverage controls, and therefore no consent notices are necessary to restrict any 'windfall' permitted development rights.
- c. In terms of the yard infringement created, this is a result of the existing building being located within 1m of the proposed lot boundary between Lots 1 and 2 adjacent to the right of way/driveway area. The infringing portion of building is an external staircase from the upper floor level deck area. As such, this encroachment is not considered to create any adverse visual dominance effects and building maintenance can still be achieved through the provision of a building maintenance easement proposed (labelled H).
- d. All lots will be provided with appropriate stormwater and wastewater infrastructure. The public reticulated wastewater network will be extended, and new connections will be provided for each dwelling and lot. Stormwater will be discharged via detention tanks and subsequently into the downstream watercourse. Conditions of consent have been imposed to ensure that all works are completed and inspected. Servicing easements will be created where necessary.
- e. Similarly, all lots will be provided with legal access via the shared driveway and easements will be created to ensure all lots have legal access to the street.

Subdivision of land subject to flooding (E38.12.1(1) and E38.12.2(1))

- f. The applicant has provided assessment on flooding as part of the application. The flood hazard mapping estimated a Maximum Probable Development flood water surface level of RL 45.60 m at a cross section immediately upstream of the subject site boundary in the 100yr ARI storm. This is some 2.4m lower than the lowest floor level on site and located well away from any proposed works or earthworks. The flood risk to the proposed development will remain unchanged and the proposal is considered appropriate with regards to overland flow. As such, these effects will largely be avoided as there will be no building platforms, access, or changes in landform in the area(s) of the site subject to this hazard.

Subdivision of land subject to instability (E38.12.1(4) and E38.12.2(4))

- g. The proposed sites have been assessed as being suitable and stable for development. Lot 2 contains an existing building that is merely to be converted and no new buildings are proposed on this lot. Lot 1 meanwhile will contain a new dwelling, however the siting and location of this dwelling is located where the lot is the least steep, thus minimising adverse instability issues. Conditions on the corresponding land use consent will ensure that the site and surrounds remain suitably stable and will not adversely affect the lots' intended use, being to accommodate dwellings, parking and access. The proposal is acceptable in this regard.

Subdivision within the National Grid Subdivision Corridor (D26.8.1(1A) and D26.8.2(1A))

- h. The proposal will not adversely affect vehicular access to any National Grid support structures as there are none of these on the subject site. The nearest support structure is located immediately to the northwest of the site at 30 White Swan Road, which is conveniently and directly accessible directly from White Swan Road.
 - i. Transpower NZ Ltd. has reviewed the application and confirms that the proposal complies with the requirements in NZECP 34:2001.
 - j. A condition of consent on LUC60333519 requires the proposed car port structures that will be the only notable new structures located under the National Grid lines to be constructed with non-conductive materials.
 - k. The proposed sites will be extensively landscaped to provide a higher quality of on-site amenity compared to the existing site. This will as far as practicable reduce reverse sensitivity effects in terms of visual amenity toward the lines and support structures.
 - l. The height of planting has also been restricted in the corresponding land use consent. However, to ensure this is an on-going requirement, it has been included as a consent notice in the conditions below.
- 3. 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.
 - 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.
 - 5. In terms of s106 of the RMA, as discussed above, the subdivision 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 relevant objectives and policies and matters for discretion in 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 acceptable as the effects will be appropriately mitigated and the proposal is consistent with the relevant statutory documents.

Conditions

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

Activity in accordance with the application

1. This subdivision consent shall 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 SUB60333660:

- Application Form and Assessment of Environmental Effects prepared by CLC Consulting Group, dated 15 January 2019.

Report title and reference	Author	Rev	Dated
Geotechnical Investigation Report (ref. GL215)	Geoconsult	-	25/03/2019
Firefighting Water Supply at 34 White Swan Road	NOVA Flowtec Services	-	01/03/2019
Infrastructure Report (ref. 20333)	CLC Consulting Group	A	15/01/2019
Stormwater Outlet Condition Assessment (ref. 19730)	CLC Consulting Group	-	26/02/2019

Drawing title and reference	Author	Rev	Dated
Driveway Plan (Sheet 20333-102-F)	CLC Consulting Group	F	03/04/2019
Pergola Plan and Elevation – Car Park 1-3 (Sheet 005)	ArchPoint	-	06/03/2019
Pergola Plan and Elevation – Car Park 4 (Sheet 006)	ArchPoint	-	06/03/2019
Driveway Longsection (Sheet 20333-103-B)	CLC Consulting Group	B	15/01/2019
Driveway Cross Sections (Sheet 20333-104-B)	CLC Consulting Group	B	15/01/2019
Driveway Typical Cross Section (Sheet 20333-105-B)	CLC Consulting Group	B	14/01/2019
Earthworks Plan (Sheet 20333-106-C)	CLC Consulting Group	C	09/04/2019
Drainage Plan (Sheet 20333-107-D)	CLC Consulting Group	D	09/04/2019
Stormwater Calculation Coverage Areas (Sheet 20333-221-A)	CLC Consulting Group	A	26/03/2019
Proposed Fee Simple Subdivision Scheme Plan (Sheet 20333-210-C)	CLC Consulting Group	C	03/04/2019

Other additional information	Author	Rev	Dated
Section 92 Response	CLC Consulting Group	-	11/04/2019

Lapse of 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 shall submit a survey plan in accordance with the approved resource consent subdivision plan. The survey plan shall show any easements required by this subdivision consent.
4. The rights-of-way and any services easements over parts of Lots 1 and 2 shall be included in a memorandum of easements endorsed on the survey plan and shall be duly granted or reserved. The consent holder shall meet the costs for the preparation, review and registration of the easement instruments on the relevant records of title.

Section 224(c) compliance conditions

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

Private stormwater

6. All the necessary pipes and ancillary equipment shall be supplied and laid to provide individual private stormwater connections to the proposed Lots 1 and 2 and connect them via stormwater detention tanks to the existing stormwater outlet in general accordance with the Infrastructure Report dated January 2019 and Drawing 20333-107-E dated 30/04/2019 prepared by CLC Consulting Group Ltd.

Advice note:

On completion any new connections shall be marked by a 50mm x 50mm x 1m tanalised stake painted blue and clearly dimensioned on any drainage "As-Built".

7. Stormwater mitigation shall be provided to reduce flows to pre-development levels in the 10% AEP storm event as recommended in the Infrastructure Report prepared CLC Consulting Group Ltd. dated January 2019. Stormwater from the proposed roof areas, paved areas and any groundwater collected from behind retaining walls, shall be addressed as recommended in the report.

Advice note:

All private stormwater drainage work will require a building consent.

Public wastewater

8. All the necessary pipes and ancillary equipment are to be supplied and laid to extend the public wastewater system located within the neighbouring property at 30 White Swan Road and terminating within the newly created Lots in general accordance with Drawing 20333-107-E dated 30/04/2019 prepared CLC Consulting Group Ltd.

Advice note:

An Engineering Plan Approval application for this work is required to be submitted to Auckland Council's Development Engineering and approved prior to the works commencing.

Private wastewater

9. All necessary pipes and ancillary equipment shall be supplied and laid to provide individual private wastewater connections to Lots 1 and 2 and connect them to the public wastewater line.

Advice notes:

- *On completion, connections shall be marked by 50mm x 50mm x 1m tanalised stake painted red and clearly dimensioned on any drainage "as-built".*
- *A building consent will be required for the private wastewater drainage works.*

Public As-built drawings

10. All as-built documentation is to 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's Development Engineering.

Advice note:

Vesting of public assets to Auckland Council and close off and completion of related Engineering Approval consent must be completed.

Private As-built drawings

11. With respect to stormwater and wastewater conditions the S224(c) Certificate will not be issued until either a Code Compliance certificate has been issued for the work OR a copy of the Auckland Council Inspections Officer's final drainage inspection sheet (showing as

passed) and the drainlayer's signed "as-built" drainage plan are provided to confirm that the drainage work has been completed, inspected and passed by Council.

Access

12. The Right of Way labelled A, B, C, E, F, G, H, J & Q shall be formed, paved and drained to Auckland Council specifications including the provision of stormwater catchpits and/or slot drains within the boundaries of the Right of Way. Where necessary the provision of kerbing or similar to prevent water flowing on to other properties (including the footpath) shall be provided.
 - c. The final formation of the accessway shall be in general accordance with Drawings 20333-102-F, 20333-103-B, 20333-104-B, 20333-105-B and 20333-109-B prepared by CLC Consulting Group Ltd.
 - d. A surveyor's certified "as-built" will be required to confirm compliance with the approved dimensions and grades.
 - e. Separate Certification is required by a Chartered Professional Engineer with the Section 224(c) application confirming the construction and stormwater runoff management from the Right of Way is in accordance with Auckland Council standards.

Advice note:

An Engineering Common Accessway application for construction of this work is required to be submitted and approved by Development Engineering prior to the works commencing. A building consent will be required for any drainage work required on the Right of Way.

13. The recommendations in the Traffic Report dated 14/01/2018 prepared by Da Vinci Transport Planning Ltd. and shown on Drawing 20333-210C prepared by CLC Consulting Group Ltd. shall be implemented including widening the shared driveway to a minimum formed width of 5.5m over a 12m length from the boundary to allow two-way flow and storage for at least one vehicle waiting to exit shown 'Q', and the formation of the passing bay shown 'A'.

Advice note:

Relevant permissions and approvals must be obtained to gain rights over the land proposed to be used for the widened portions of the shared accessway including completion of the necessary legal requirements.

14. A new vehicle crossing measuring 5.5m in width at the site boundary shall be constructed to serve the proposed development in accordance with the approved plans.

Advice notes:

- A Vehicle Crossing Permit is required to be obtained for these works. Please contact Auckland Transport for vehicle crossings, Ph. (09) 353 3553 or refer to their website for standards and requirements. <https://at.govt.nz/about-us/working-on-the-road/vehicle-crossing-application/>

- *A final certification is to be provided from Auckland Transport, in terms of the vehicle crossing acceptance, at the time of a Section 224(c) application.*
 - *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.*
15. The power pole, letter boxes and other telecommunication equipment located in the easement area labelled Q and the area to be occupied by the new vehicle crossing shall be moved to a new appropriate location adjacent to the new driveway and/or vehicle crossing.

Advice note:

Relocation of the power pole and other utilities will require approval from the utility operator. If the pole is moved more than 2m from its current location a further resource consent is required.

Consent Notice – Vegetation clearance

16. The consent holder shall cause to be registered against the Record of Title for Lots 1 and 2 a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition which shall be complied with on a continuing basis:
- a. *To ensure that trees and vegetation will not compromise the efficient operation, maintenance, upgrade and development of the National Grid lines that traverse the lot, all trees and vegetation on the site must continue to meet the following requirements:*
 - i. *Any new trees or vegetation planted after the date of granting resource consents LUC60333519 and SUB60333660 that are located within 12 metres either side of the centreline of the MNG-ROS A National Grid transmission line must not exceed 2 metres in height at full maturity and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.*
 - ii. *Any new trees or vegetation planted after the date of granting resource consents LUC60333519 and SUB60333660 that are located outside of 12 metres either side of the centreline of the MNG-ROS A National Grid transmission line must be setback sufficiently to ensure the tree cannot fall within 4 metres of the MNG-ROS A National Grid transmission lines and must comply with the Electricity (Hazards from Trees) Regulations 2003, or any subsequent revision of the regulations.*
 - b. *All trees within 10m of the stream which runs along the southern boundary of the site are protected and may not be removed without resource consent.*

Consent Notice – Stormwater management system

17. The consent holder shall cause to be registered against the Record of Title for Lots 1 and 2 a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition which shall be complied with on a continuing basis:

- a. *Stormwater runoff is required to be disposed of via a stormwater management system comprising detention tanks as detailed in the Infrastructure Report prepared CLC Consulting Group Ltd. dated January 2019. The ongoing operation and maintenance of the stormwater management system is the responsibility of the owner and shall be undertaken in accordance with the 'Operations and Maintenance Manual' as approved under condition 6 of resource consent LUC60333519.*

Consent Notice – Activity in accordance with plans

18. The dwelling on Lot 1 shall be constructed to roof framing stage in accordance with the approved documents set out in condition 1 of the land use consent referenced as LUC60333519; and/or
19. If the s224(c) RMA Certificate is applied for prior to the roof framing stage of the dwelling on Lot 1, then the consent holder shall cause to have registered against the Record of Title for Lot 1 a Consent Notice pursuant to Section 221 of the Resource Management Act 1991, recording the following condition, which shall be complied with on a continuing basis:
 - a. *The lot has been created based on development approved in land use consent LUC60333519. The development on the lot shall be in accordance with the development shown in the approved documents set out in condition 1 of LUC60333519, or as varied by any subsequent resource consent applications.*

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

constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

6. *All water supply connections to the Watercare supply main shall be designed in accordance with Water Care Services Ltd.'s "Standards" and be made by a Watercare Services Ltd approved contractor. For details, please contact Watercare Services Ltd.*
7. *Any provision being made for telecommunications, power or gas to this subdivision are to be underground and are to be to the requirements of the respective utility services.*

Delegated decision maker:

Name: Scott MacArthur

Title: Team Leader, Resource Consents

Signed:



Date: 12 June 2019

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



Decision three – controlled activity subdivision consent (s11)

Application numbers: SUB60339537
Applicant: Jayashree Ltd.
Site address: 34 White Swan Road, Mount Roskill
Legal description: Lot 1 DP 212178

Proposal:

To undertake a unit title subdivision around the four dwellings consented under LUC60333519 that are contained with the existing building on the site. The site being Lot 2 created under subdivision consent SUB60333660.

Resource consent is required for the following reason:

Subdivision consent (s11) – SUB60339537

Auckland Unitary Plan (Operative in part) (AUP(OP))

Subdivision (operative plan provisions)

Subdivision - Urban

- To undertake a unit title subdivision is a **controlled activity** under rule E38.4.1(A4).

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, 104A and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The subdivision requires a controlled activity resource consent, and as such under s104A only those matters over which council has reserved its control have been considered. Under the AUP(OP), those matters are:

- *Compliance with an approved resource consent except for boundary adjustment subdivision;*
 - *The effect of the site design, size, shape, gradient and location, including existing buildings, manoeuvring areas and outdoor living spaces;*
 - *the effects of infrastructure provision; and*
 - *The effects on historic heritage and cultural heritage items.*
2. In accordance with an assessment under ss104 and 104A of the RMA, the actual and potential effects from the proposal will be acceptable and the proposal is consistent with the relevant provisions of the AUP(OP) as:

Unit title subdivision (E38.11.1(1) and E38.11.2(1))

- a. The proposed unit title subdivision will be in accordance with approved land use and subdivision resource consents, and will appropriately capture all relevant principal units, their accessory units and remaining common areas in accordance with the dwellings and outdoor living spaces.
 - b. The proposal will not create or worsen any infringements to the Auckland-wide or zone rules.
 - c. The unit title subdivision of the unit conversion of the existing building/dwelling establishes appropriate common areas in the walls and inter-floor spaces for the conveyance of services and external to the building the conveyance and function of utilities to ensure an appropriate provision of infrastructure is achieved.
 - d. The site is not subject to any Schedule Historic Heritage Place, or Site and Places of Significance to Mana Whenua and therefore will not create any adverse effects in this regard.
3. 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.
4. As a controlled activity, the other matters that can be considered under s104(1)(c) of the RMA must relate to the matters of control reserved under the plan. In this case, there are no other relevant matters.
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. The relevant statutory documents above were prepared having regard to Part 2 of the RMA, and capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They provide a clear framework for assessing all relevant potential effects from the proposal, and thus 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 acceptable as the effects will be acceptable and the proposal is consistent with the relevant statutory documents.

Conditions

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

Activity in accordance with the application

1. This subdivision consent shall 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 SUB60339537.
 - Application Form and Assessment of Environmental Effects prepared by CLC Consulting Group, dated 15 January 2019.

Drawing title and reference	Author	Rev	Dated
Proposed Unit Title Subdivision Level 1 (Sheet 20333-200-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Level 2 (Sheet 20333-201-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Level 3 (Sheet 20333-202-B)	CLC Consulting Group	B	09/04/2019
Proposed Unit Title Subdivision Cross Sections (Sheet 20333-203-B)	CLC Consulting Group	B	09/04/2019

Commencement of subdivision

2. The consent holder shall not lodge any applications for s233 or s224(c) associated with this consent, until a new Record of Title is created for the underlying lot approved under subdivision consent SUB60333660 and all building work required to the existing building under LUC60333519 has been undertaken and completed.

Survey plan approval (s223) conditions

3. The consent holder shall submit a survey plan in accordance with the approved resource consent subdivision plans referenced in condition 1 of this consent.

Section 224(c) compliance conditions

4. There are no s224(c) conditions.

Advice Note

A certificate under s224(c) can be applied for and issued at the same time as s223 above, subject to the requirements of s32(2)(a) of the Unit Titles Act 2010 and s224(f) of the RMA being met.

Advice notes

1. Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.
2. For more information on the resource consent process with Auckland Council see the council's website: www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: www.mfe.govt.nz.
3. If the consent holder disagrees with any of the above conditions, or disagrees with the additional charges relating to the processing of the application, the consent holder has a right of objection pursuant to sections 357A 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.
5. All water supply connections to the Watercare supply main and shall be designed in accordance with Watercare's "Development and Connection Standards" and be made by a Watercare approved contractor. For details, please contact Watercare.
6. Any provision being made for telecommunications, power or gas to this subdivision are to be underground and are to be to the requirements of the respective utility services.

Delegated decision maker:

Name: Scott MacArthur

Title: Team Leader, Resource Consents

Signed:



Date: 12 June 2019