



Waitakere City Council  
*Te Taiāo o Waitakere*

12 December 2000

WAYNE GARY CANTWELL  
C/- ROBERT CHISHOLM  
32 WARNER PARK AVE  
LAINGHOLM  
WAITAKERE CITY 1007

Waitakere City Council  
Civic Centre  
6 Waipareira Ave  
Waitakere City

Private Bag 93109  
Henderson  
Waitakere City

*\*FILE\**

Telephone  
09 836 8000  
Facsimile  
09 836 8001

DX CX 10250 Auckland Mail Centre  
Email: info@waitakere.govt.nz

Dear Sir/Madam

Resource Consent Application Number RMA20002326  
Location: 84 KAURI POINT RD, LAINGHOLM, WAITAKERE CITY 1007.

I am pleased to advise that your Resource Consent (Planning) application has been considered and consent has been granted pursuant to sections 94, 104, 105, and 108 of the Resource Management Act 1991.

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

Please note also that you must establish the activity within two years. If that does not happen the consent lapses and you may need to apply for an extension or a new consent.

If you are dissatisfied with the decision or conditions of consent you have an opportunity to object to the Council. If you want to do this you will need to write a letter outlining your concerns. In this letter you should refer to section 357 of the Resource Management Act 1991 which covers objections to decisions ( see the guideline attached ). Any objections must be made in writing within 15 working days of your receipt of this letter. There is a lodgement fee of \$195.00 (including GST) which is to accompany this objection letter.

Please contact INGRID BLOMFIELD of the Resource Consents Section ( extn 8352 ) if you have any general queries about the enclosed report or decision.

Yours faithfully

PP Lee Ogilvie/Carolyn McAlley  
TEAM LEADERS: RESOURCE CONSENTS



## Report for Discretionary Activity Application

### 1.0 SUMMARY OF PROPOSAL

To convert an existing garage into a minor household unit.

### 2.0 APPLICATION DETAILS

Planner:	Ingrid Blomfield
Site Address:	84 Kauri Point Road, Laingholm
Applicant:	Robert Chisholm
Date Received:	14 November 2000
Resource Consent No:	20002326
Building Consent No:	None
Ward:	New Lynn
Legal Description:	Lot 384 DP 17523
Address for Service:	32 Warner Park Avenue, Laingholm
Site Area:	1720m <sup>2</sup>
Unit Site Area(s):	NA
Transitional Plan: Zoning:	Non-Urban Residential 1
Section:	Waitamata
Hazards:	Nil
Proposed Plan: Human Environment:	Bush Living
Natural Area:	General
Landscape Elements:	Sensitive Ridge Line
Hazards:	Stability Sensitive
Roading Hierarchy:	Local Road
Further Information Required:	No
Date Requested:	NA
Date Received:	NA
Any Affected Persons:	No (See Attached Section 94 Report)
Approval Given:	NA

### 3.0 REASON FOR APPLICATION

#### 3.1 Relevant District Plan Rule(s) and Extent of Divergence from those Rules

- Transitional Plan: Non Urban Residential 1 Zone Rule 11.4:1 does not provide for minor household units as a permitted activity
- Proposed Plan: Bush Living Environment Rule 3.1 requires that minor household units be attached to the main residential unit on site. The proposed minor household unit would be separated from the dwelling by 4.6m.

Bush Living Environment Rule 7.1 requires that building coverage should not exceed 10% of the net site area or 150m<sup>2</sup> whichever is the greater. The current proposal requires that an allowance of 20m<sup>2</sup> be made for a covered parking space, resulting in a potential building coverage of 11.5%, an infringement of 1.5%

#### 3.2 Type of Activity Proposed

- Transitional Plan: Rule 11.4:3 requires that minor household units be assessed as discretionary activities
- Proposed Plan: Rule 3.2 requires that minor household units that do not meet the standards of Rule 3.1 require assessment as a discretionary activity

Rule 7.2 requires that buildings not meeting the building coverage requirements of Rule 7.1 but not exceeding 15% of the site require assessment as a limited discretionary activity.

Overall the application is considered to be a discretionary activity. The proposal complies with all other development control rules under the Transitional and Proposed District Plans.

### 4.0 SITE AND PROPOSAL

#### 4.1 Site Description

The subject site is a 1720m<sup>2</sup> property on the northern side of Kauri Point Road. There is an existing stucco dwelling towards the front of the site and an existing garage structure located 4.6m from the rear of the dwelling. The remaining portion of the site is vegetated with a mixture of lawns and bush and falls away to the Taumatara Reserve at the base of the site. The garage building is located 1.6m from the side boundary of the site, which is currently fenced, and screen planted with a mixture of native trees and shrubs.

#### 4.2 Proposal

The applicants propose to convert an existing garage structure into a minor household unit. This would involve the installation of kitchen and washing facilities. There would be no change to the exterior of the building.

### 5.0 STATUTORY ASSESSMENT

5.1 As noted, the proposal requires consideration as a discretionary activity under the provisions of the Resource Management Act 1991. In considering the application, the consent authority shall have regard to the matters specified in Section 104. The relevant matters include a consideration of actual and potential effects on the environment, together with an assessment of the extent to which the proposal is consistent with the objectives, policies and rules of the District Plan.

5.3 In this instance, the application has been processed on a non-notified basis in accordance with Section 94(2) of the Act without the need to obtain the written approval of any party. Specifically the proposal would generate no more than minor adverse effects on the environment and it is considered that there are no persons who would be affected by the proposal

## 6.1 Transitional Plan

Pursuant to Section 88A of the Resource Management Act 1991 regard must be had to both the Operative (Transitional) and Proposed District Plans when assessing an application for Resource Consent. Where the bulk and location rules of the Proposed District Plan relevant to this application are no longer subject to public appeal, they are effectively operative. However, until such time as the Proposed District Plan is fully operative nominal regard must still be had to the Transitional District Plan rules. It is not proposed to assess the application separately under the Transitional Plan as the Proposed Plan contains a similar set of assessment criteria that cover all the matters of relevance under the Transitional Plan. Where a section or rule is under appeal, the Transitional District Plan has more weighting.

## 6.2 Proposed Plan

### Minor Household Unit

The proposed development would result in an infringement of the rules relating to minor dwelling units because a separation distance of 4.6m from the main dwelling is proposed. Rule 3.2 requires that the proposal be assessed as a discretionary activity. A number of criteria are given and these are discussed below.

**3(a)** *The extent to which the minor household unit and associated development detracts from the amenity values, neighbourhood character and the natural landscape.*

It is not considered that the proposal would have any significant impact on amenity, neighbourhood character or natural landscape of the area. The proposed unit would be utilising an existing building with no external changes. Existing close-boarded wooden fencing and vegetation screen the building from the adjoining property and would mitigate any potential effects on this site. The additional unit would not compromise neighbourhood character, as its small size limits any potential effects such as traffic and noise generation.

**3(b)** *The extent to which the minor household unit and associated development requires the clearance of native vegetation and habitat of native fauna, or results in adverse effects on ecosystems.*

The building and associated activities are already established on the site and no additional disruption to the natural environment would occur as a result of this proposal.

**3(c)** *The extent to which the minor household unit and associated development required development in any Riparian Margin/Coastal Edge or Restoration Natural Area or on any natural landscape element.*

The proposed minor household unit would not be located within any of the above areas.

**3(d)** *The extent to which adequate wastewater and stormwater treatment and disposal systems are provided for the minor household unit and associated development.*

The proposal would not result in any change to stormwater disposal. A new connection would be provided for the minor household unit, to the existing sanitary sewer line.

### Building Coverage

The proposed minor household unit would utilise the existing garage located on the site. As a result, no provision is made for a covered car park on the site. Rule 7.1 requires that building coverage calculations are to include an additional 20m<sup>2</sup> where no provision is made for a covered carpark. Therefore, the potential total building coverage of the site is 11.5%, which equates to an infringement of 1.5%. Rule 7.2 requires that the proposal be assessed as a limited discretionary activity. A number of criteria are given and these are discussed below.

**7(a)** *The extent to which the scale of buildings detracts from the natural landscape and neighbourhood character.*

The proposed development would result in a potential infringement of building coverage due to the allowance required for a covered carparking space. However, the applicant has indicated that there is no intention to construct a covered parking space and there would be no changes to the existing buildings on site.

**7(b)** *The extent to which building coverage creates pressure on existing infrastructure or the receiving ability of the surrounding natural environment from the buildings or the activities to be conducted within them - in particular on water supply, wastewater and stormwater drainage, water tables, proximity to water courses, soils, and road access.*

The potential covered parking space would not have an adverse effect on existing infrastructure. If it were constructed, it would be located in an area that is currently paved. Therefore, there would be no increase in impermeable area on the site.

**7(c)** *The extent to which more than minor adverse effects can be adequately avoided, remedied, mitigated or offset through provision of works and services on or off the site and/or provision of a financial contribution*

No adverse effects are anticipated as a result of the proposal, therefore, no works and services or financial contribution is considered necessary.

## **7.0 MONITORING**

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

## **8.0 RECOMMENDED DECISION**

Pursuant to Sections 94, 104, 105 and 108 of the Resource Management Act 1991, being satisfied that no body or person is adversely affected, it is recommended that **consent be granted** to the application by Robert Chisholm to convert an existing garage into a minor household unit. (as more accurately defined in Sections 3 and 4 of this report) at 84 Kauri Point Road, Laingholm being Lot 384 DP 17523 for the following reasons:

- (i) No persons are considered potentially affected by the proposal.
- (ii) The proposal has been considered in terms of the relevant assessment criteria, would be consistent with the objectives and policies of the Transitional and Proposed Plans and would create no more than minor adverse effects on the environment.
- (iii) The separation of the minor household unit from the dwelling would not adversely affect the amenity and landscape values of the site, as the structure is existing, no external changes are proposed and the scale of the activity is limited by the small size of the building.

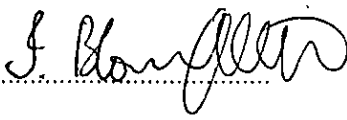
### **Conditions imposed on the consent are as follows:**

1. The development is to proceed in accordance with the plans prepared by Nikau Design Studio, being sheets 1-3, entitled "Wayne Cantwell MHU, RMC Application" dated 27/9/00 and all referenced by Council as RMA20002326 and information submitted with the application, subject to any minor alterations as may be approved by the Manager Resource Consents.
2. All infrastructure relating to stormwater treatment and disposal, wastewater disposal, and water supply shall be accepted by Eco-Water. Compliance with the Waitakere City Council Code of

Practice for City Infrastructure and Land Development is deemed to be in accordance with the above condition.


3. All reticulated services, including power and telephone, shall be provided underground.
4. A consent compliance monitoring fee of \$90.00 (inclusive of G.S.T.) shall be paid to the Council. This fee is to recover the actual and reasonable costs incurred ensuring compliance with the conditions of this consent. If, on inspection all conditions have not been satisfactorily met, a reinspection shall be required at a further cost of \$90.00 (inclusive of G.S.T).

The \$90.00 fee shall be paid as part of the resource consent and the resource consent holder shall be advised of any further monitoring fees if they are required.

Reporting Planner:   
(Ingrid Blomfield)

Date: 12/12/00

**9.0 CONSENT GRANTED AS RECOMMENDED**

  
Lee Ogilvie/Carolyn McAlley  
Team Leader Consents

Date: 12/12/2000

Please contact Ingrid Blomfield (Ph 836 8000 ext. 8352) if you have any queries about this resource consent and associated report.



EMC copy  
RMA 2000 2326

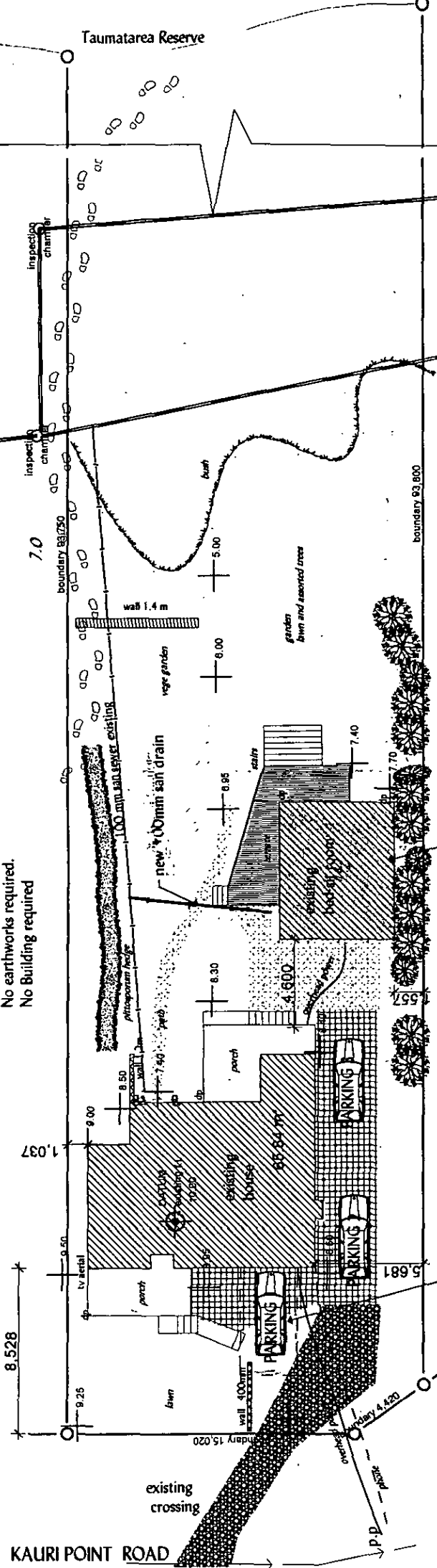
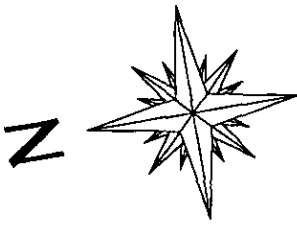
# SITE AND DRAINAGE PLAN 1:200

Site Area 1720 m<sup>2</sup>  
 Existing Buildings: 177.2 m<sup>2</sup> 10.3%  
 House 134 m<sup>2</sup> including covered porches)  
 Sleepout 43.2m<sup>2</sup>  
 Imp Surface Area  
 Paved areas 120m<sup>2</sup>  
 Buildings 177.2  
 total 297.2m<sup>2</sup> 17.2 %  
 reticulated sw available on site. yes

No increase in Building Cover  
 or Imp. Surface Area under this proposal  
 No vegetation clearance required  
 No earthworks required.  
 No Building required

Wayne Cantwell  
 84 Kauri Point Road  
 Laingholm

Lot 384 DP 17523  
 Valuation No. 33800 62700  
 Bush Living HE  
 Gen Nat Area  
 (outside sensitive ridge zone  
 under variation 69)



PROPOSED CHANGE OF USE  
 TO MINOR HOUSEHOLD UNIT

location of parking space where carport  
 could be legally established

<p>Scale: 27/000          Drawn: R. KLAY          Plan:</p>	<p>PROJECT  <b>Wayne Cantwell</b>  <b>MHU, RMC APPLICATION</b></p>	<p>84 Kauri Point Road          Laingholm          817 7475</p>	<p>DRAWING #  <b>01</b>          of 3</p>
<p>nikau design studio          robert chisholm ph/ma 817 7131 mob 021 218 4494 email nikaudesign@xtra.net.nz</p>		<p>DRAWING TITLE  <b>Site Plan</b>  <b>scale 1:200</b></p>	





**WAITAKERE CITY COUNCIL**  
**APPLICATION FOR RESOURCE CONSENT**  
**UNDER SECTION 88 OF THE**  
**RESOURCE MANAGEMENT ACT 1991**

OFFICE USE ONLY  
 Receipt Date: \_\_\_\_\_  
 Initials: \_\_\_\_\_  
 Register No: \_\_\_\_\_  
 Planner: \_\_\_\_\_  
 Date By: \_\_\_\_\_

RMA 20002326

TO: The Chief Executive  
 Waitakere City Council  
 Private Bag 93109  
 Henderson  
 WAITAKERE CITY 1231  
 ATTN: Planning Manager

0002 NOV 4 1  
 0002 NOV 4 1

Please read the information sheet accompanying this form first

APPLICANT: ROBERT CHISHOLM agent/owner

ADDRESS OF PROPERTY: 84 KAUKI POINT ROAD

LEGAL DESCRIPTION: LOT 384 DP 17523

TOTAL SITE AREA: 1720 M<sup>2</sup>

UNIT SITE AREAS: (if applicable to residential developments only) N/A

BUILDING CONSENT APPLICATION NO: (if applicable) 9 / N/A

DESCRIPTION OF PROPOSAL: (outline this on the attached sheet)

THE TYPE OF RESOURCE CONSENT SOUGHT IS: (✓ box)

LAND USE CONSENT  SUBDIVISION CONSENT  AIR DISCHARGE CONSENT

SPECIFY THE PARTICULAR RULE(S) OF THE DISTRICT PLAN UNDER WHICH A RESOURCE CONSENT IS REQUIRED: (i.e. what aspect of your proposal needs a resource consent)

~~Building consent (under discretionary)~~  
MINOR HOUSEHOLD UNIT - DISCRETIONARY

ASSESSMENT OF EFFECTS - DESCRIBE THE EFFECT OF THE PROPOSAL ON THE ENVIRONMENT (including neighbouring properties) AND MEASURES INCORPORATED INTO THE PROPOSED ACTIVITY TO REDUCE EFFECTS TO AN ACCEPTABLE LEVEL. The attached sheets provide examples of categories under which potential environmental effects may be described and provides space to describe measures to reduce effects (attach further written statements as necessary).

Please note that particular information requirements and assessment criteria applicable to various resource consent categories are available from the Council on request.

PLEASE INDICATE WHICH (IF ANY) OF THE FOLLOWING ADDITIONAL RESOURCE CONSENTS ARE REQUIRED FOR THE PROPOSAL:

SUBDIVISION CONSENT/WATER PERMIT/DISCHARGE PERMIT.

HAVE THESE BEEN APPLIED FOR: YES : NO : N/A

DATE OF APPLICATION: \_\_\_\_\_

COUNCIL: \_\_\_\_\_

NAMES AND ADDRESSES OF OWNERS AND OCCUPIERS OF THE PROPERTY (if other than applicant):

OWNER(S): WAYNE CARTWELL OCCUPIER(S): \_\_\_\_\_

84 KAUREI POINT ROAD OWNER

WAINGMAN

ADDRESS FOR CORRESPONDENCE: 32 WARMER PARK AVE

WAINGMAN

PHONE NO: BUSINESS: 812-7131 HOME: \_\_\_\_\_

FAX: 812-7131

DO YOU HAVE A DOG ON THE PROPERTY THAT MIGHT WORRY THE INSPECTING COUNCIL STAFF?

YES/NO

SIGNATURE: [Signature]

DATE: 16.10.60

**MATERIAL REQUIRED TO ACCOMPANY THIS APPLICATION (N.B. see also attached information sheet)**

1. Attach a further assessment of any effects that the proposed activity may have on the environment in accordance with the Fourth Schedule to the Act (available from the Council on request). (For a Controlled Activity such an assessment is not necessary unless specifically required in the District Plan).
2. Attach a set of accurate to-scale plans. Note: if a building consent application has been lodged it will still be necessary to supply an additional set of plans for this application.
3. Attach written consent of affected parties (eg neighbours) where this is required. (NB: where a property is in joint ownership, such as husband and wife, all landowners must sign. A copy of the plans should be signed also). N/A
4. Attach other information (if any), required to be included in the application by the District Plan or Regulations. N/A
5. For subdivision consent application only - attach information in accordance with Section 219 of the Act. N/A

PAYMENT OF THE CORRECT PROCESSING FEE/DEPOSIT IS REQUIRED WITH THIS APPLICATION. 630

FURTHER INFORMATION WILL BE REQUESTED IF CONSIDERED NECESSARY.

PLEASE ALLOW ADEQUATE TIME FOR INITIAL REVIEW AND SITE INSPECTION (APPROXIMATELY 2 WEEKS) PRIOR TO MAKING ENQUIRIES CONCERNING PROGRESS OF APPLICATION PROCESSING.

**PLEASE RING THE PLANNING SECTION ON 836-8013 WITH ANY QUERIES REGARDING THIS FORM**

# nikau design studio architecture

## building consents resource management consents

robert chisholm BA NZCD(arch) colleague NZIA Dip. Tchg.

Phone/Fax 817 7131 Mob. 021 216 4494 email [nikaudesign@clear.net.nz](mailto:nikaudesign@clear.net.nz)

### Resource Management Consent Application:

16 Oct 2000

Wayne Cantwell

84 Kauri Point Road

#### **Proposal:**

Change of use from garage to minor household unit.

Background: The building has been long ago converted from garage to sleep-out type of building, and has been long used for this purpose. A report has been made by a private certifier that the building is structurally suitable for such usage. (Washing and kitchen facilities will require installation) The application thus seeks to legitimise an existing activity

Garage is not attached to house, therefore **discretionary activity** consent required.

Building is existing building, established under previous district plan (within 3 m of boundary) therefore issues such as side yard, recession planes, building cover, vegetation clearance, earthworks, impermeable surface area, need not be addressed in this application. Nevertheless this information is shown on the site plan.

As the building was originally established as a garage, at least one covered parking space needs to be shown to be legally permitted to build. This is shown on the site plan, in a location currently covered by impermeable surface. Thus if an application were received by council to construct such a covered parking space, the total amount of impermeable surface area would not change, but there would be interchange of 20m<sup>2</sup> between building cover and paved surfaces. As the total building cover marginally exceeds 10% this would involve a limited discretionary activity consent for building coverage. The existing building cover would move from 177.2m<sup>2</sup> (10.3%) to 197.2m<sup>2</sup> (11.5%) This would cause no adverse environmental effects, would not detract from the neighbourhood character and therefore should be granted consent within the context of this application. This consent would be hypothetical, as there is no intent to provide a covered carport.

**Assessment Criteria** for MHU as discretionary activity because it is not attached to the main house:

3(a) The proposal does not detract from the amenity values, neighbourhood character, and natural landscape. The proposal requires no changes to the existing scenario. The

building is set well back from the road, concealed by the main house, and well screened by mature pittosporums to the southern boundary, where the building is quite close. There are no windows to the south side.

3(b) There is no clearance of any vegetation required, and no adverse effect on any ecosystem.

3(c) There is no development proposed on any natural landscape element. The building itself is very low, well below the level of the main house. Although the main house is located on or near the ridge, this ridge is outside the sensitive ridge one as determined by variation 69.

3(d) The building is existing, and there is no requirement for any additional stormwater treatment.

A minor building consent will be required to bring a sanitary sewer branch line to the building.

#### Section 94 2 (a) and (b) RMA

This application need not be notified in accordance with section 93 because there will be nil or minor adverse effect caused by this activity on the environment, and there are no adversely affected parties.

#### **Reasons justifying the proposal:**

The building is existing and requires no overall changes to existing site and environmental conditions.

There is no detracting to amenity values, natural landscape, or neighbourhood character.

There are no adverse environmental effects.

There is no development required in any riparian, coastal edge restoration natural area, or on any natural landscape element as defined in WCC district plan.

There is no additional pressure on existing infrastructure.

84 Kauri Point.

Existing  
Building

Natural - General

Human - Bush living.

Modified sensitive ridge.

Minor household unit

- no onman well - discretionary

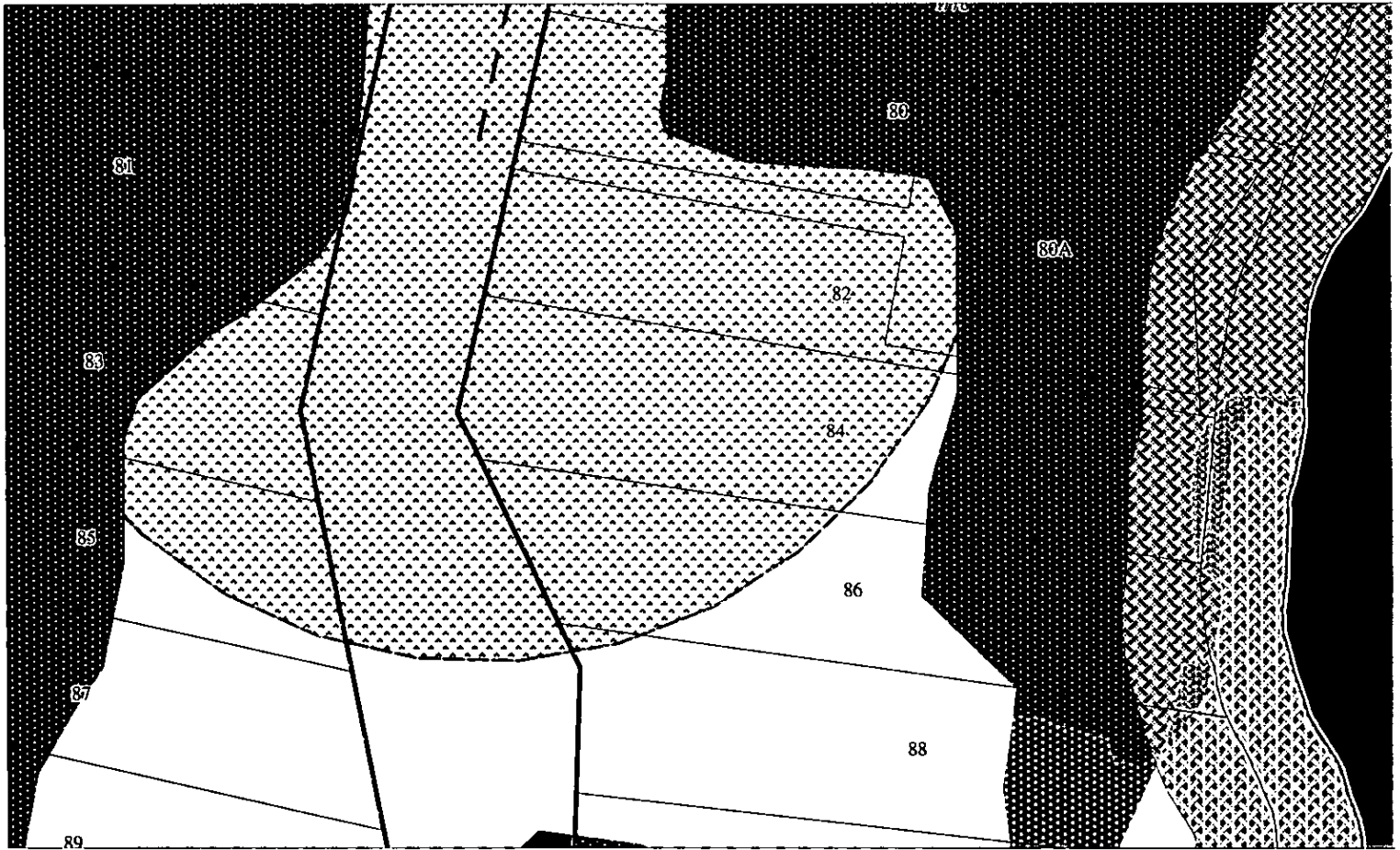
- minimum area ok.

permitted coverage  $\Rightarrow 10\%$  or  $150m^2$   
whichever is  $>$

actual  $\Rightarrow 42 \times 10.3\%$  (allow for carport?)

1 additional park provided ✓ ok

Discretionary under Transitional

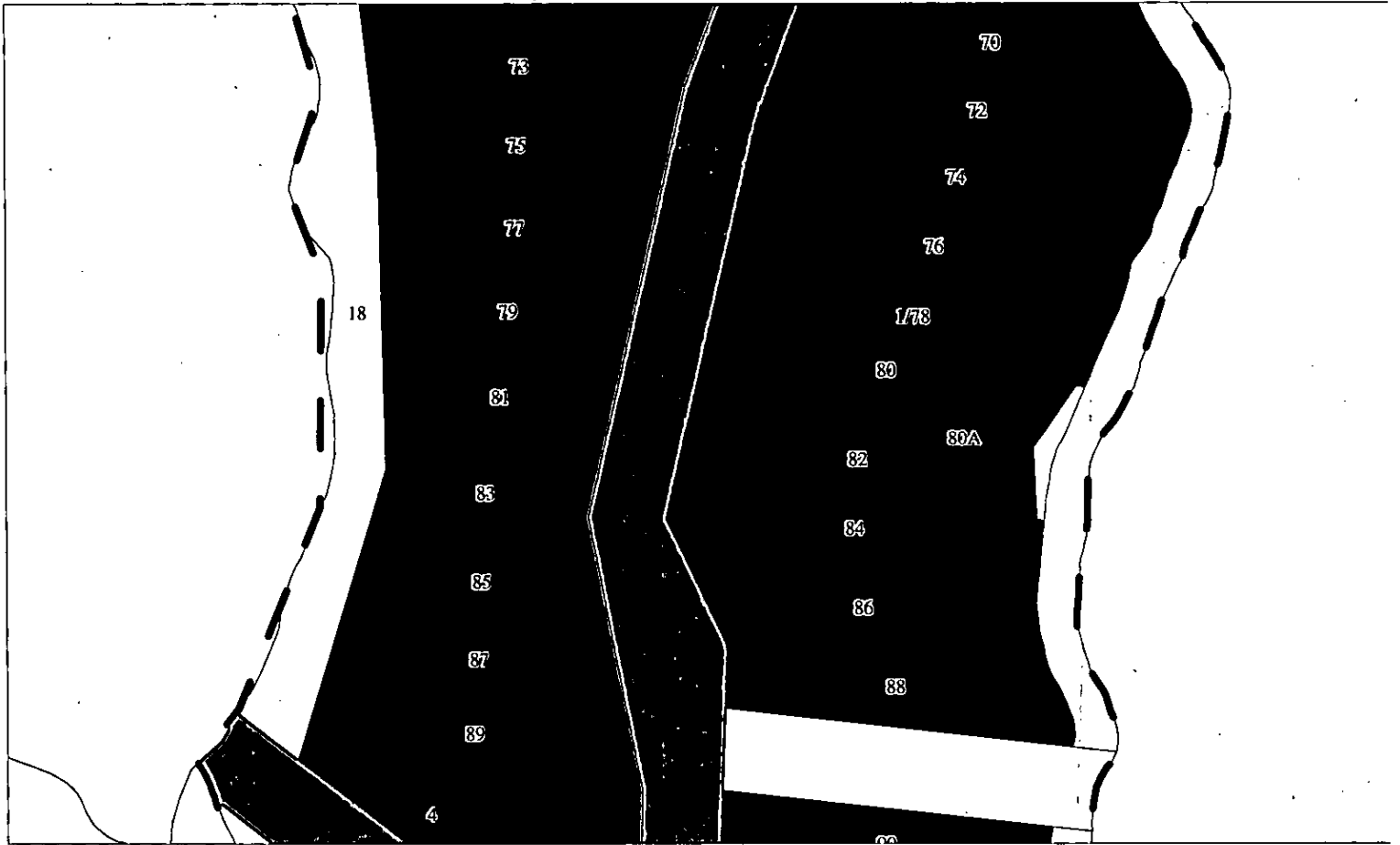


General Natural

Protected

20m Coastal Edge

Modified / Moderate Sensitive Ridge



Bush Living