

**NOTE: THIS IS A LIVE DOCUMENT THAT CHANGES, PLEASE ENSURE YOU DOWNLOAD THE MOST UP TO DATE VERSION PRIOR TO MAKE AN OFFER OR ATTENDING AN AUCTION.**

**INTEREST: DURING MARKETING CAMPAIGNS DATES AND TIMEFRAMES SOMETIMES CHANGE. IF YOU HAVE NOT MADE US AWARE THAT YOU ARE INTERESTED IN PURSUING THE PROPERTY, WE WILL NOT BE ABLE TO INFORM YOU OF ANY CHANGES AND YOU MAY LOOSE OUT.**

8 November 2021

**Re: 793 Scenic Drive, Henderson Valley**

Thank you for your interest in the above property currently listed with us and for sale by **AUCTION**.

We have made available to you the following:

- Certificate of Title
- LIM
- Rates information from Auckland Council
- School Zones
- REA Code of Conduct
- REA Guide to Selling and Buying
- Conditions of sale

793 Scenic Drive is 5072m<sup>2</sup> more or less fee simple estate NA68B/572 Lot 1 Deposited Plan 118879.  
Zoning: Lifestyle (2C)

**THINGS WE WANT TO DRAW YOUR ATTENTION TO:**

**Land Information Memorandum (LIM)**

<b>Wind Zones</b> for this property	Specific engineering design (not covered by NZS 3604:2011)
<b>Flood Plain</b>	This site spatially intersects with one or more Flood Plain.
<b>Overland Flow Path</b>	This site spatially intersects with one or more Overland Flow Paths.
<b>Private and Public Stormwater and sewerage drains</b>	13/06/2011 Service plan not available Please note this property is not serviced by a reticulated sewer line. Any development additions or upgrading of this property which may affect the septic tank and disposal system will be subjected to Council approval.

	31/12/1999 Standard tanks - RUR This waste water system is scheduled for pump out every 3 years by a Council contractor
<b>Planning</b>	LUC-1988-122 To erect a dwelling Granted 02/03/1988 LUC-2000-1977 Land Use Consent Building on a sensitive ridge Granted 27/10/2000 LUC-2012-983 Land Use Consent New deck on sensitive ridge and vegetation removal Granted (Monitoring Complete) 20/12/2012 LUC60373847 Land Use Consent Replacement of two electricity poles. Granted 22/03/2021
<b>Building</b>	BPM-1992-1546 Dwelling 31/12/1992 Issued CER-1999-1814 Heater installation 16/04/1999 CCC Issued 21/04/1999 COM-2000-3371 Alterations to dwelling 06/12/2000 CCC Issued 07/10/2002 ABA-2012-209 Res.1 Construct a new timber deck for an existing residence. 04/05/2012 CCC Issued 23/01/2014 ABA-2016-523 / ABA-2016-523 RBW - RES 3 - Owner/Builder exemption - Basement garage area converted into habitable area, ground floor changes to layout, new deck first floor, small changes to layout. Harry Choi Change to engineer's details for bracing and structural steel. Change to basement floor, window sizes and minor changes. 10/08/2016 CCC Issued 02/08/2019
<b>Waitakere Ranges Heritage Area</b>	This property is located within the Waitākere Ranges Heritage Area as defined in the Waitākere Ranges Heritage Area Act 2008.

**Settlement Date on Offer:** End of January 2022

We recommend that when purchasing a property, you seek legal advice, complete due diligence including getting a building reports and arrange your finance.

This information has been supplied to us by a third party. Accordingly, the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited, or reviewed records or documents and therefor to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its' salespersons or employees accept any responsibility for the accuracy of the materials. Intending purchasers are advised to conduct their own investigation

Regards

Gaston Coma & Bronwyn Scott-Woods



**The ProAgent Team** **PREMIER**  
MEMBER 19 - 20

Gaston Coma  
021 234 3788 | [gaston.coma@raywhite.com](mailto:gaston.coma@raywhite.com)

Bronwyn Scott-Woods  
021 613 632 | [bronwyn.scott-woods@raywhite.com](mailto:bronwyn.scott-woods@raywhite.com)

Austar Realty Ltd Licensed (REAA 2008) | 423 Titirangi Road, Titirangi 0604

The PRO AGENT.CO.NZ Team

**STATEMENT OF PASSING OVER INFORMATION:**

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Austar Realty Ltd  
PO Box 69139  
Glendene  
AUCKLAND 0645



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<b>Applicant</b>	Austar Realty Ltd
<b>LIM address</b>	793 Scenic Drive Waitatarua
<b>Application number</b>	8270350513
<b>Customer Reference</b>	
<b>Date issued</b>	8-Nov-2021
<b>Legal Description</b>	LOT 1 DP 118879
<b>Certificates of title</b>	NA68B/572

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**Disclaimer**

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

The LIM includes information which:

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

This LIM does not include other information:

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

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

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

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

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

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

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

### Site Contamination

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

### Wind Zones

Wind Zone(s) for this property: Specific engineering design (not covered by NZS 3604:2011)

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

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

### Soil Issues

The Auckland Council is not aware of any soil issues in relation to this land. If any soil information/reports have been prepared in relation to this property, they will be available for viewing at an Auckland Council Service Centre or via the property file product services.

### Flooding

This statement entitled "Flooding" appears on all LIMs.

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

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

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

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

### Flood Plain

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

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

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

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

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

### **Overland Flow Path**

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

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

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

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

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

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

### **Exposure Zones**

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

This property is classified as: Unknown or Unassessed Corrosion Zone

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

### **Coastal Erosion**

This explanation appears on all LIMs, not just sites that may be susceptible to coastal erosion.

The map entitled “Natural Hazards - Coastal Erosion” shows information on potential coastal erosion and resulting land instability, if any, in relation to this site.

Coastal erosion is the wearing away of land due to coastal processes such as waves and currents. Coastal instability is the movement of land (typically as a landslide) resulting from the loss of support caused by coastal erosion.

Where applicable, the map shows lines that indicate areas susceptible to coastal instability and erosion (ASCIE) within the next 100 years. The lines do not show the future position of the coast. Rather, they show the landward edge of the area that might become unstable as a result of coastal erosion. The area between this line and the sea is considered to be potentially susceptible to erosion, or instability caused by erosion.

The lines represent three timescales, and take into account projected sea level rise based on carbon emission scenarios known as representative concentration pathways (RCP):

- 2050 (0.28 m of sea level rise; RCP 8.5)
- 2080 (0.55 m of sea level rise; RCP 8.5)

- 2130 (1.18 m of sea level rise; RCP 8.5)
- 2130 (1.52 m of sea level rise; RCP 8.5+)

The RCP projections are from the Intergovernmental Panel on Climate Change fifth assessment report (2015), and the related sea level rise values align with Ministry for the Environment Coastal Hazards and Climate Change Guidance for Local Government (2017).

The lines are based on data from a regional study (“Predicting Auckland’s Exposure to Coastal Instability and Erosion”, available on the Council website). The lines may not take into account local variability, and are not intended for site-specific use.

Development on sites affected by potential coastal erosion may be subject to Auckland Unitary Plan activity controls and may require a detailed coastal hazard assessment report to be completed by a qualified expert.

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

Information on private and public stormwater and sewerage drains is shown on the **underground services map** attached.

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

Effective Date	Description	Details
13/06/2011	Service plan not available	Please note this property is not serviced by a reticulated sewer line. Any development additions or upgrading of this property which may affect the septic tank and disposal system will be subjected to Council approval. Further advice and information on septic tanks is available from Council’s Plumbing and Drainage Specialist – Ph: 09 301 0101
31/12/1999	Standard tanks - RUR	This waste water system is scheduled for pump out every 3 years by a Council contractor. For further information on pump outs please phone (09)301 0101.

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

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

No Information has been notified to Council.

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

For metered water information, please contact **Watercare (09) 442 2222** for services provided to this property.

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

<b>Billing Number/ Rate Account:</b>	12341458542
<b>Rates levied for the Year 2021/2022 :</b>	\$2,534.04
<b>Total rates to clear for the current year (including any arrears and postponed rates):</b>	\$1,900.52

The rates figures are provided as at 8 a.m. 08/11/2021. It is strongly advised these are not used for settlement purposes.


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### Retrofit Your Home Programme

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

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

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

 retrofit@aucklandcouncil.govt.nz

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

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

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

### Financial / development contributions

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

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

## Resource Management

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### Planning

793 Scenic Drive Waiatarua

Application No.	Description	Decision	Decision Date
LUC-1988-122	To erect a dwelling	Granted	02/03/1988
LUC-2000-1977	Land Use Consent Building on a sensitive ridge	Granted	27/10/2000
LUC-2012-983	Land Use Consent New deck on sensitive ridge and vegetation removal	Granted (Monitoring Complete)	20/12/2012
LUC60373847	Land Use Consent Replacement of two electricity poles.	Granted	22/03/2021

### Subdivisions

There are **NO** Subdivision resource consents recorded.

### Engineering Approvals

There are **NO** Engineering approvals recorded.

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

### Further Information

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

### Building

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793 Scenic Drive Waiatarua

Application No.	Description	Issue Date	Status
BPM-1992-1546	Dwelling	31/12/1992	Issued (See Note 1)
CER-1999-1814	Heater installation	16/04/1999	CCC Issued 21/04/1999 (See Note 2)
COM-2000-3371	Alterations to dwelling	06/12/2000	CCC Issued 07/10/2002 (See Note 2)



Application No.	Description	Issue Date	Status
ABA-2012-209	Res.1 Construct a new timber deck for an existing residence.	04/05/2012	CCC Issued 23/01/2014 (See Note 2)
ABA-2016-523 ABA-2016-523	RBW - RES 3 - Owner/Builder exemption - Basement garage area converted into habitable area, ground floor changes to layout, new deck first floor, small changes to layout. Harry Choi Change to engineer's details for bracing and structural steel. Change to basement floor, window sizes and minor changes.	10/08/2016	CCC Issued 02/08/2019 (See Note 2)

Note	Description
1	Permit issued prior to the Building Act 1991 taking effect. Code Compliance Certificates (CCC) were not required.
2	Code Compliance Certificate (CCC) for this consent was issued.

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

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

### Compliance Schedules (Building Warrant of Fitness)

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

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

### Swimming/Spa Pool Barriers

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

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

### Licences

There are NO current licences recorded

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

The Council has not been notified of any information under Section 124 of the Weathertight Homes

Resolution Services Act 2006 relating to this property.

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

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

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

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

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

The AUP:OP can be viewed here:

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

The legacy regional and district plans can be viewed here:

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

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

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

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

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

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

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

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

**Plan Changes and Notices of Requirement**

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

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

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

Information relating to any proposed Plan Changes to DP:HGI can be found here:

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

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

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

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

Information on all current notices of requirement can be found on the modifications page here:

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

Copies of the appeals to the Auckland Unitary Plan can be viewed online at:

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

## **Auckland Unitary Plan**

Please note that the Auckland Unitary Plan (Operative in part) applies to this property. The Unitary Plan should be carefully reviewed and considered, as it may have implications for how this property can be developed or used. Parts of the Unitary Plan that are relevant to this property relating to zones, overlays, controls, designations and other restrictions are identified in the Property Summary Report attached to this LIM.

The Unitary Plan can be accessed at Council service centres and libraries and can be found on the following internet page:

<http://www.aucklandcouncil.govt.nz/EN/planspoliciesprojects/plansstrategies/unitaryplan/Pages/home.aspx>

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

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

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

## **Waitākere Ranges Heritage Area**

This property is located within the Waitākere Ranges Heritage Area as defined in the Waitākere Ranges Heritage Area Act 2008. A link to the Act and further information on the heritage area can be found on the council's website at:

<https://www.aucklandcouncil.govt.nz/arts-culture-heritage/heritage-walks-places/Pages/waitakere-ranges-heritage-area.aspx>

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

Underground Services and District Plan maps are attached.

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

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

## Attachments

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

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

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

- Consent Conditions : LUC-2012-983
- Consent Conditions : LUC-1988-122
- Consent Conditions : LUC60373847
- Consent Conditions : LUC-2000-1977

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

### Address

793 Scenic Drive Waiatarua

### Legal Description

LOT 1 DP 118879

### Appeals

### Modifications

### Zones

Rural - Waitakere Ranges Zone

### Precinct

### Controls

Controls: Macroinvertebrate Community Index - Native

### Overlays

Natural Heritage: Outstanding Natural Landscapes Overlay [rcp/dp] - Area 73 - Waitakere Ranges and coastline

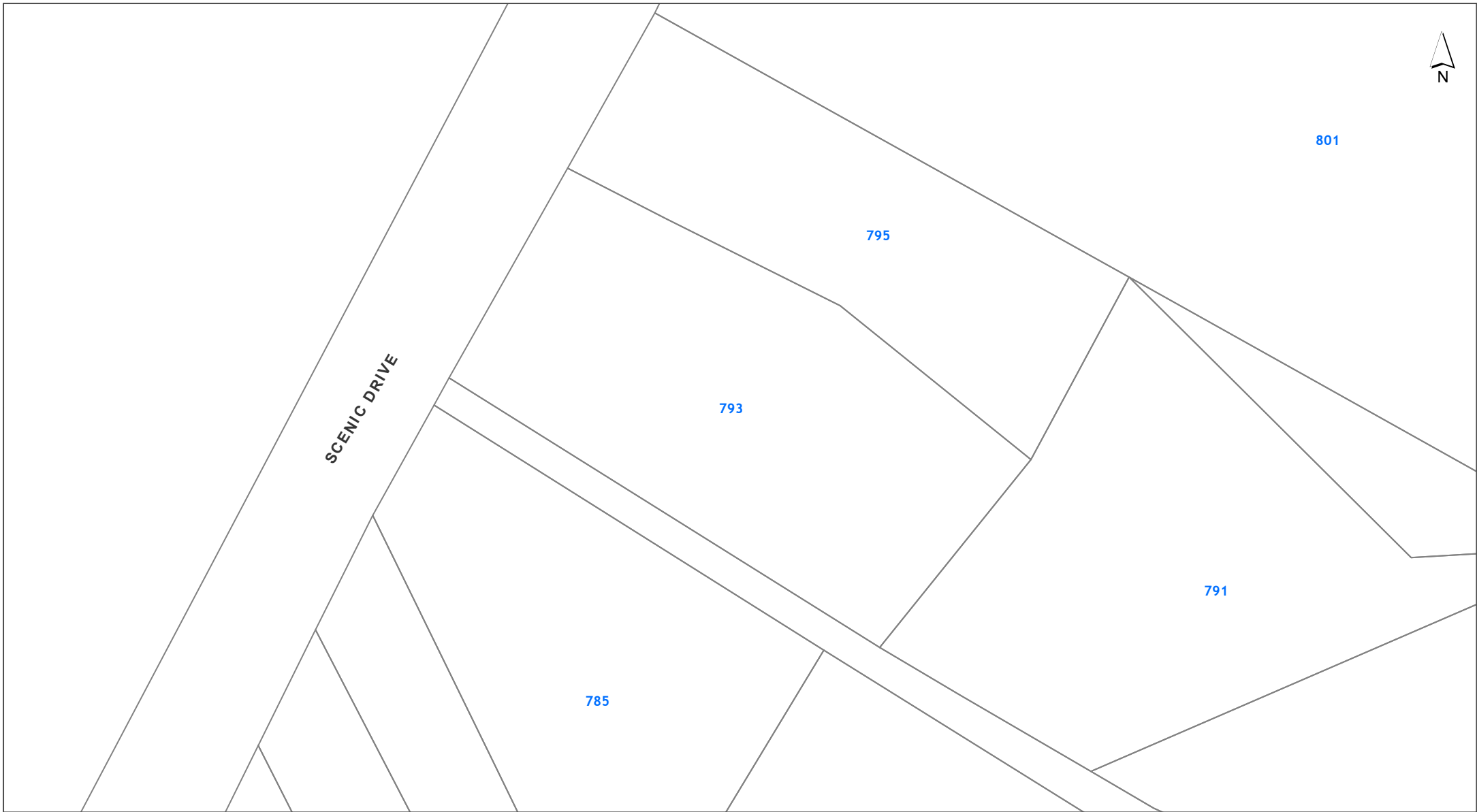
Natural Heritage: Ridgeline Protection Overlay - Natural

Natural Heritage: Waitakere Ranges Heritage Area Overlay - Extent of Overlay

Natural Heritage: Waitakere Ranges Heritage Area Overlay - WRHA\_03 - Subdivision Schedule

Natural Resources: Significant Ecological Areas Overlay - SEA\_T\_5539 - Terrestrial

### Designations

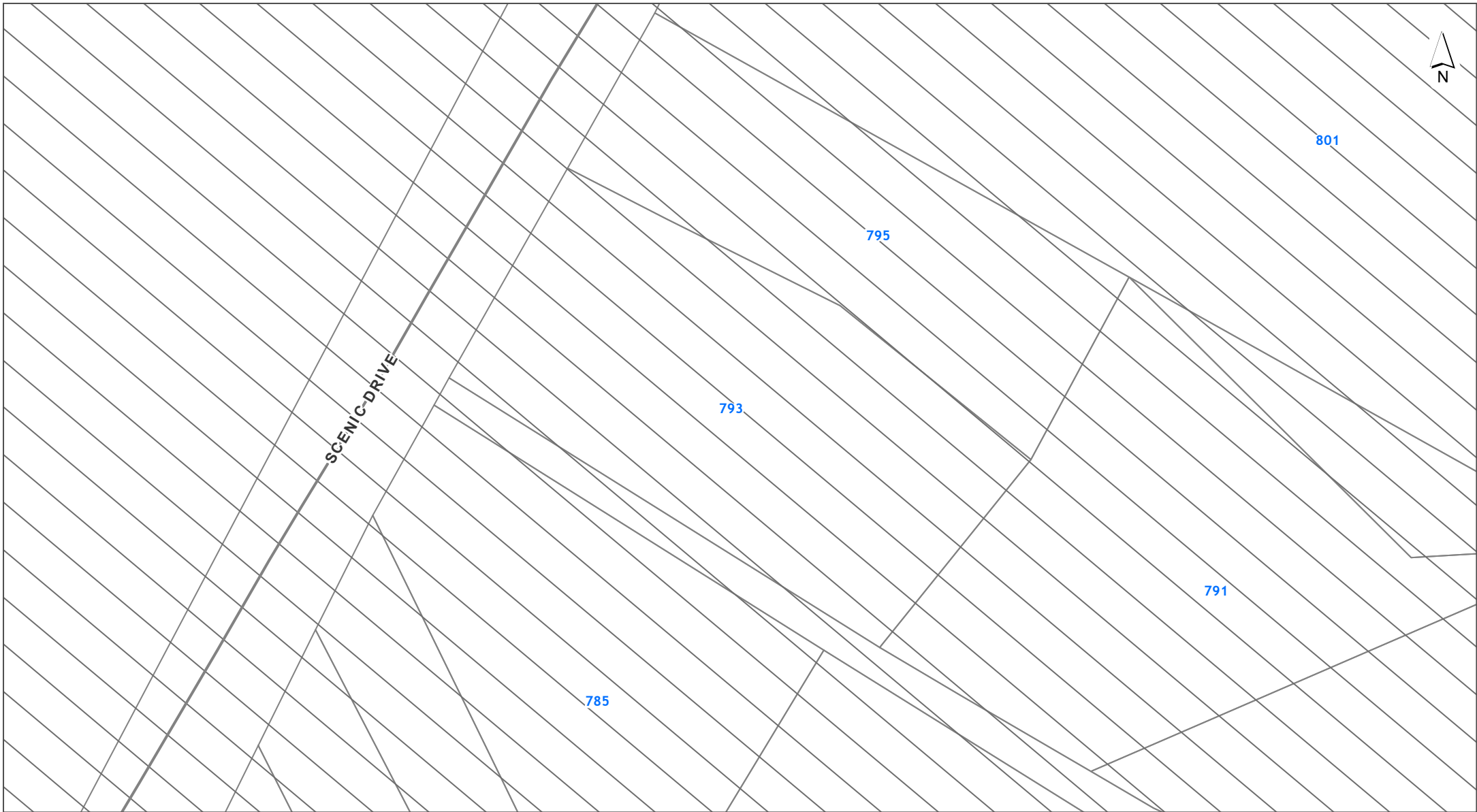


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**Built Environment**  
**793 Scenic Drive Waitarua**  
**LOT 1 DP 118879**

0 7 14 21  
Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
8/11/2021





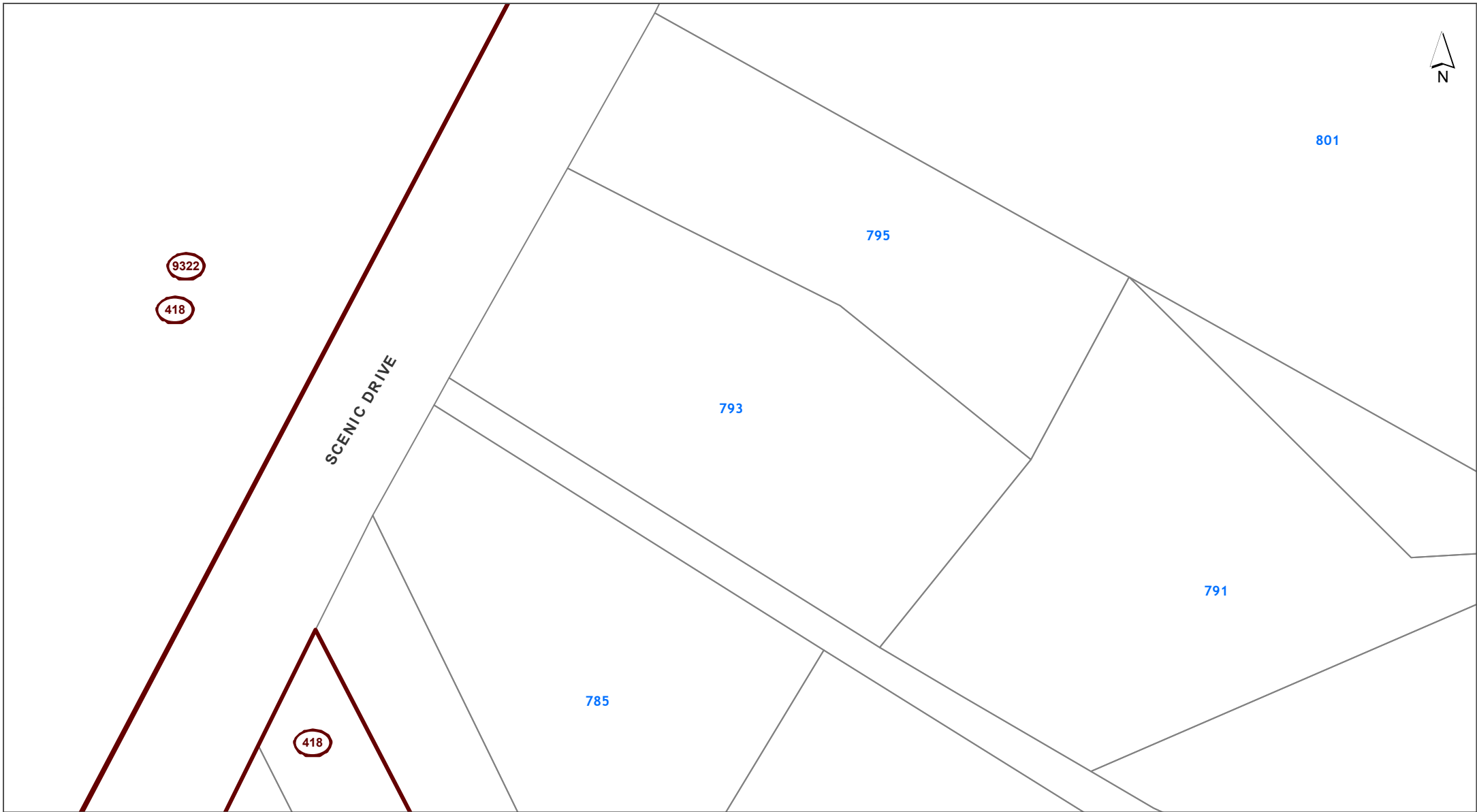
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**Controls**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

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Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
8/11/2021





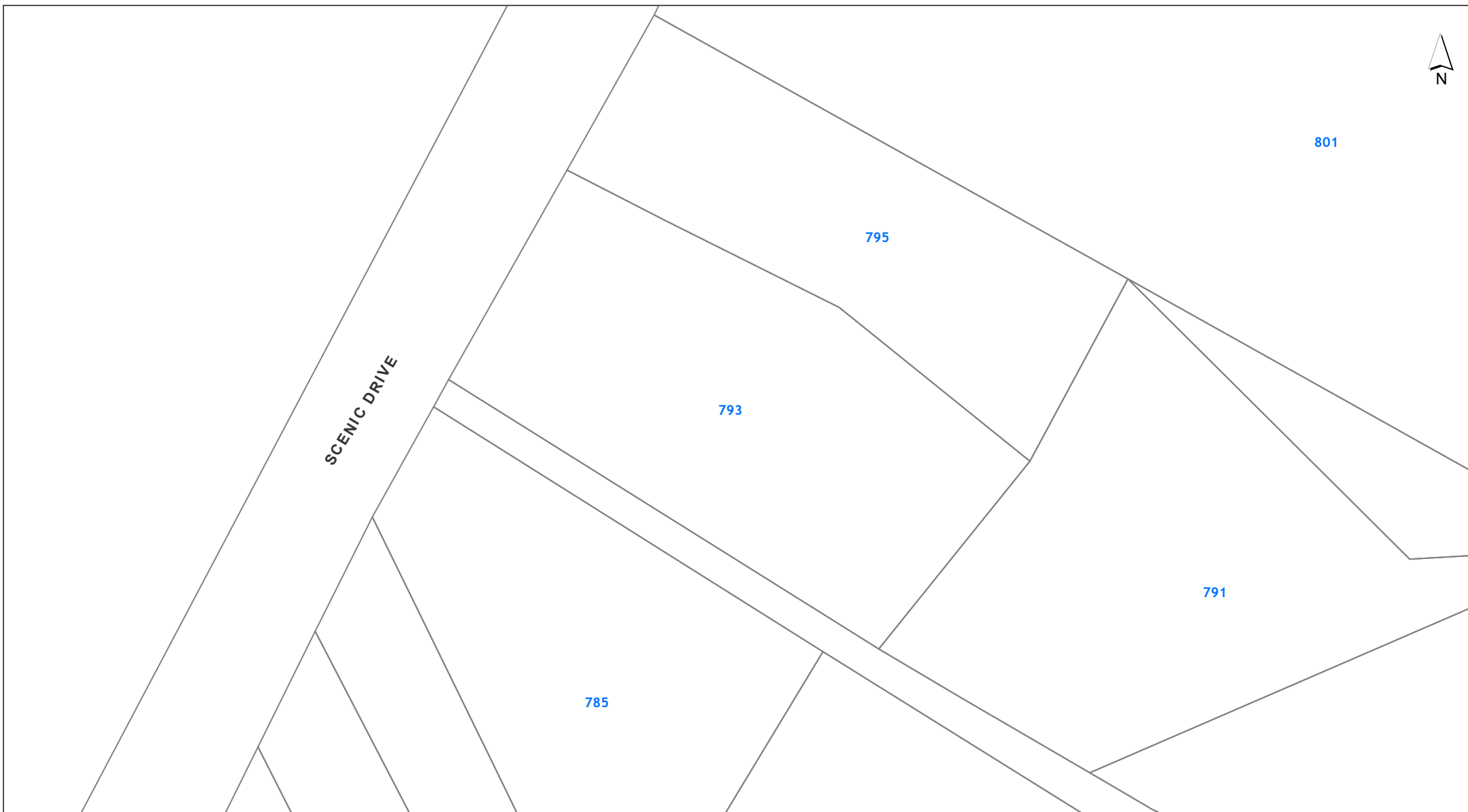


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**Designations**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

0 7 14 21  
Meters  
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Historic Heritage and Special Character

793 Scenic Drive Waitarua

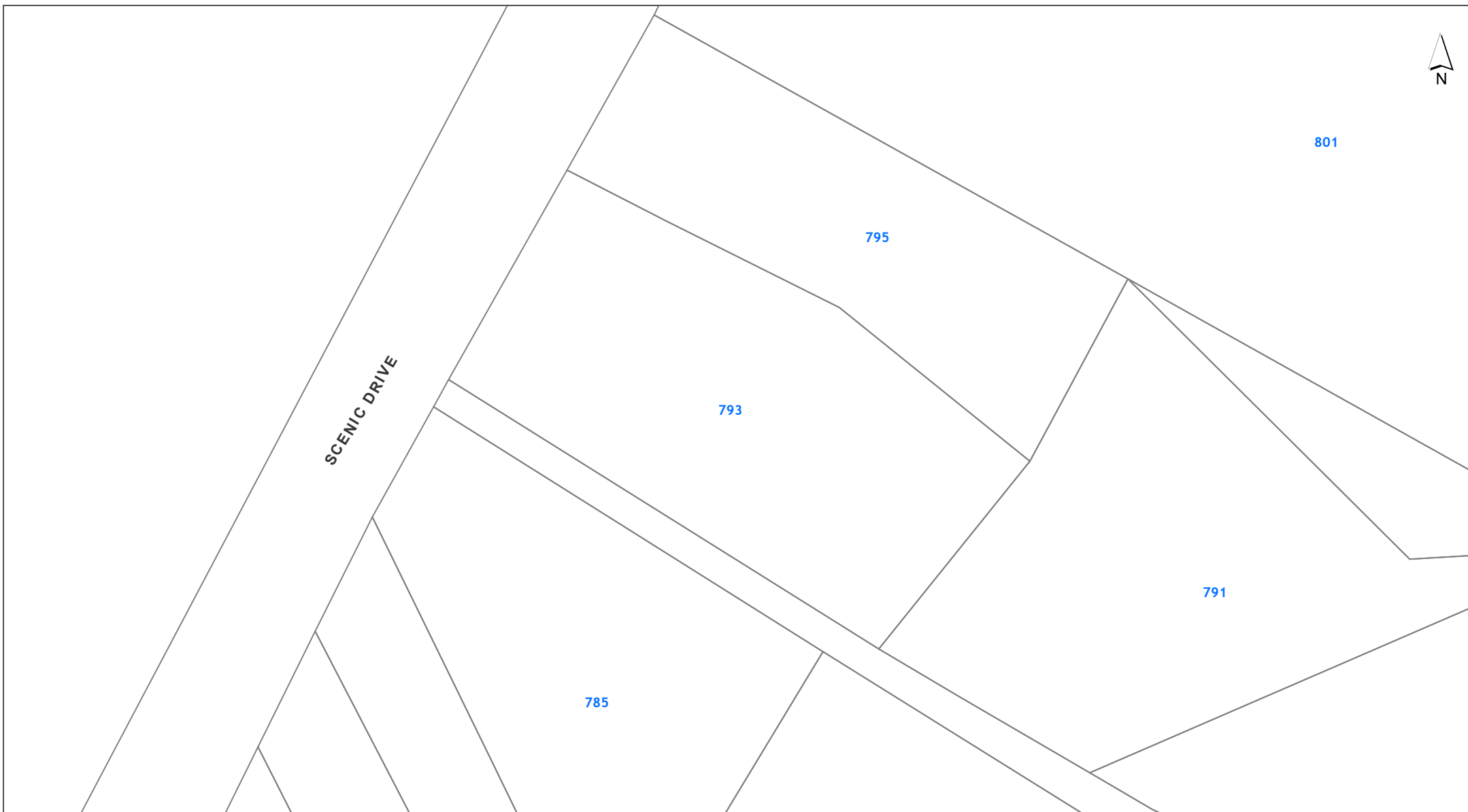
LOT 1 DP 118879



Scale @ A4  
= 1:1,000

Date Printed:  
8/11/2021



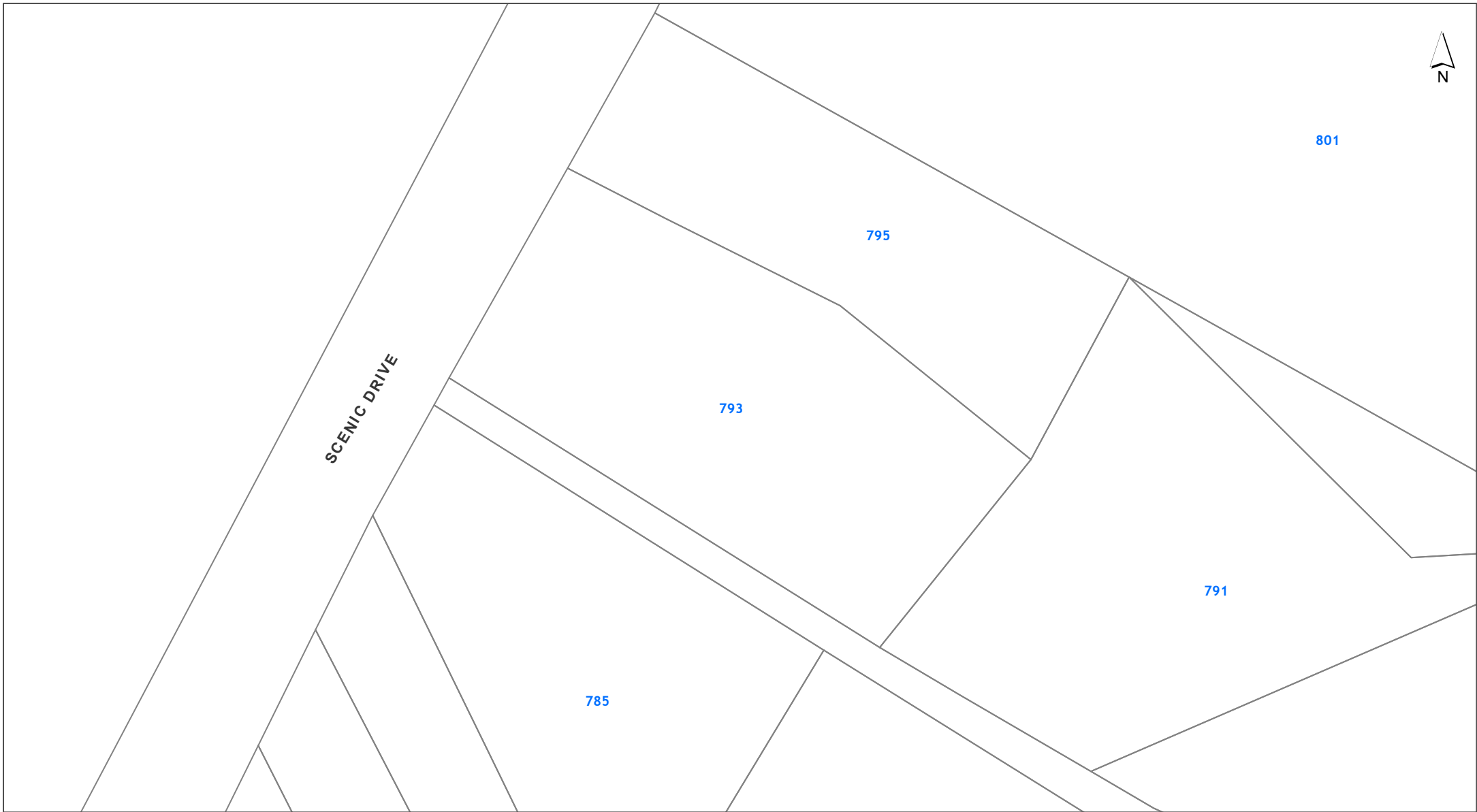


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Infrastructure  
793 Scenic Drive Waiatarua  
LOT 1 DP 118879

0 7 14 21  
Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
8/11/2021



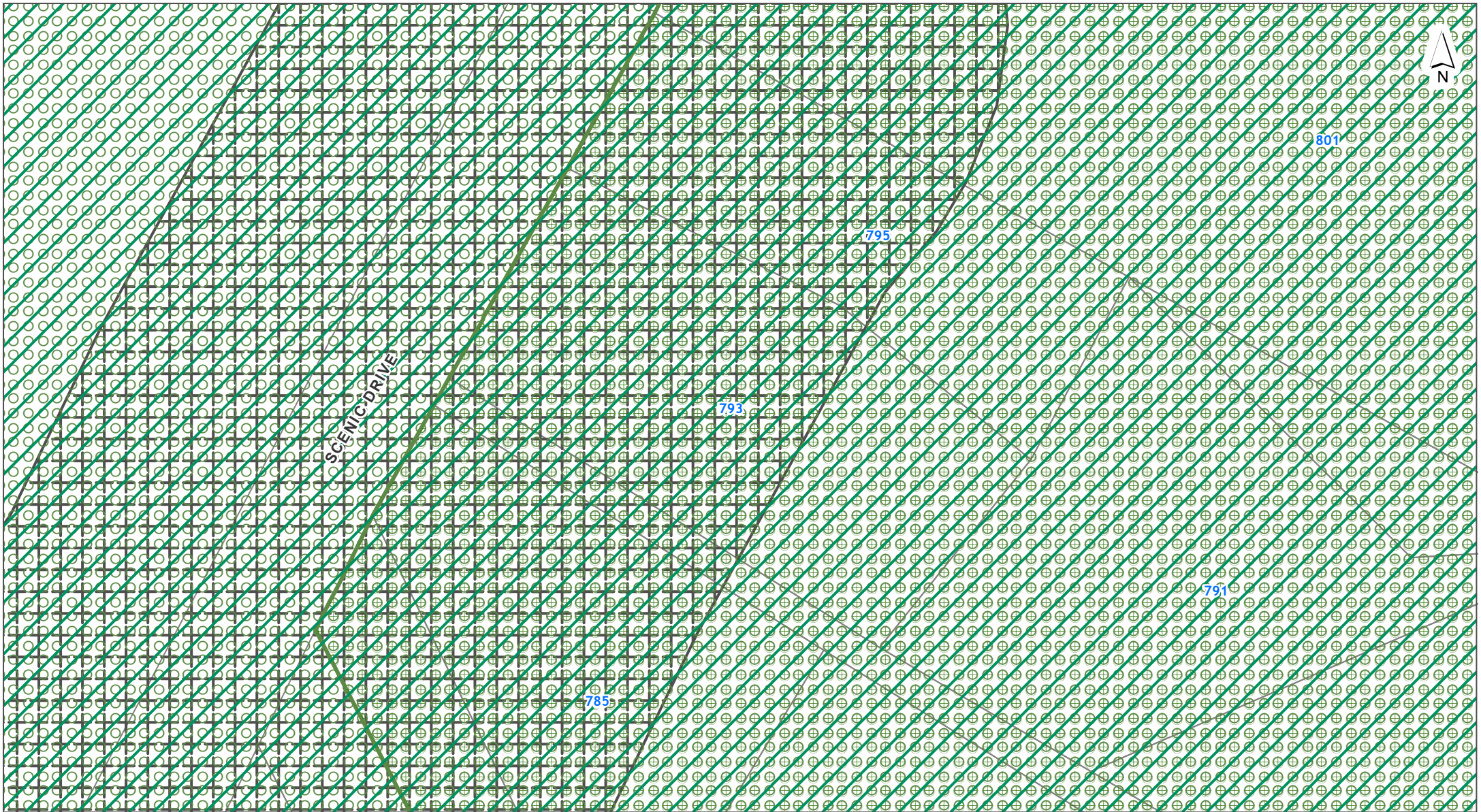


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Mana Whenua  
793 Scenic Drive Waiatarua  
LOT 1 DP 118879

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Meters  
Scale @ A4  
= 1:1,000  
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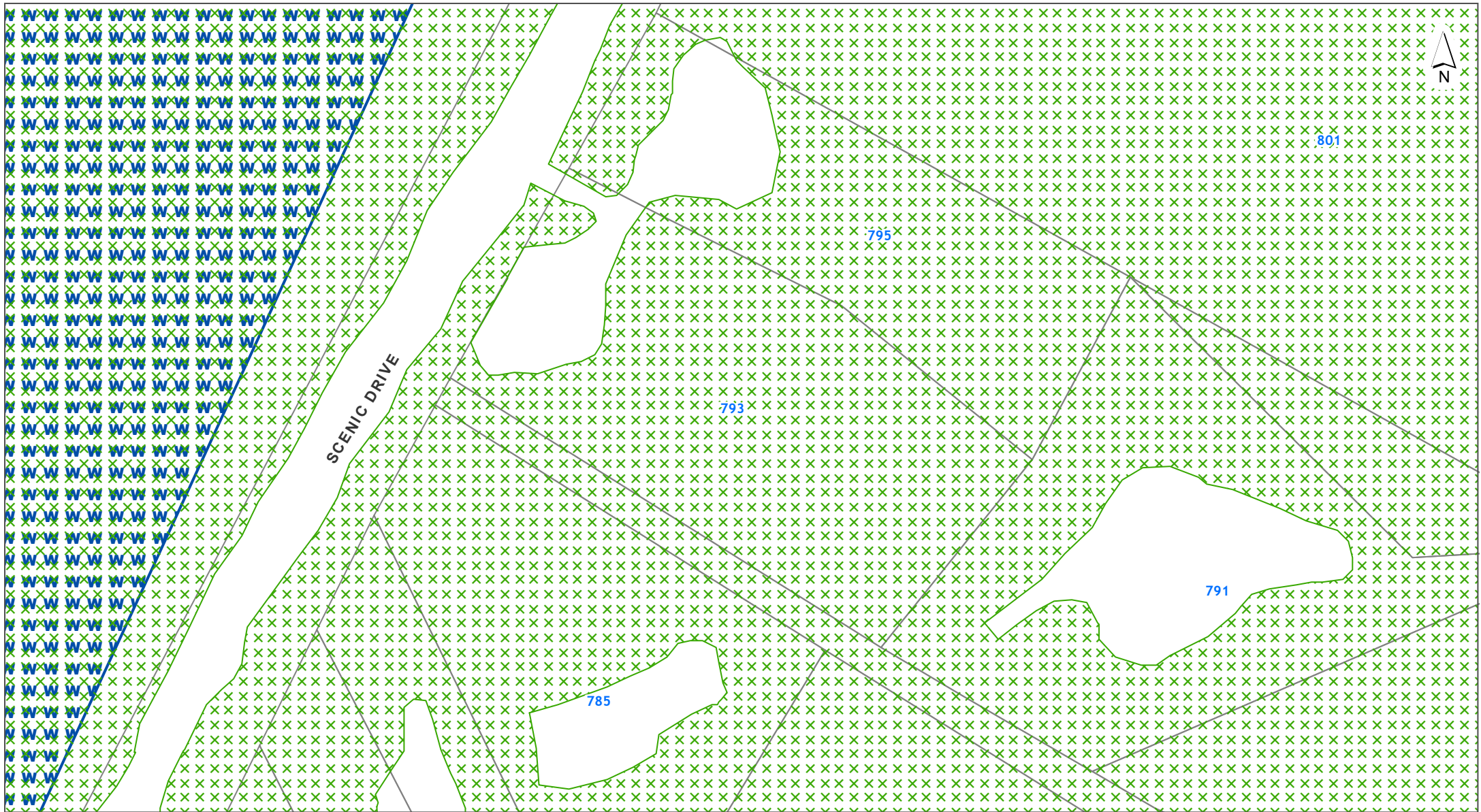


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Natural Heritage  
793 Scenic Drive Waitarua  
LOT 1 DP 118879

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Meters  
Scale @ A4  
= 1:1,000  
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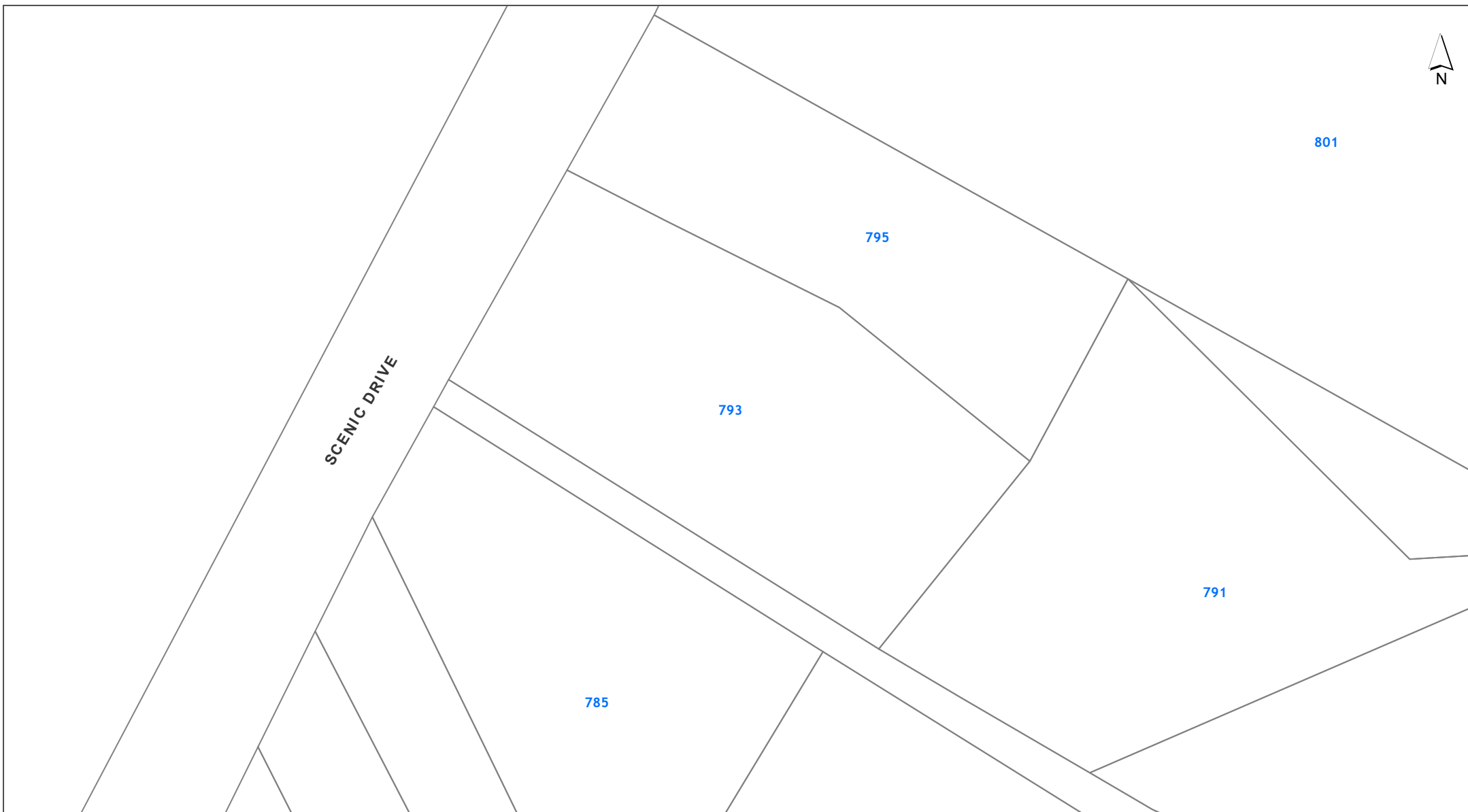
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793 Scenic Drive Waitarua  
LOT 1 DP 118879



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Precincts  
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LOT 1 DP 118879

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Zones and Rural Urban Boundary

793 Scenic Drive Waiatarua

LOT 1 DP 118879




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## NOTATIONS

### Appeals to the Proposed Plan

 Appeals seeking changes to zones or management layers

### Proposed Plan Modifications to Operative in part Plan

 Notice of Requirements

 Proposed Plan Changes

### Tagging of Provisions:

[ i ] = Information only

[ rp ] = Regional Plan




[ rcp ] = Regional Coastal Plan

[ rps ] = Regional Policy Statement

[ dp ] = District Plan (only noted when dual provisions apply)

## ZONING


### Residential

-  Residential - Large Lot Zone
-  Residential - Rural and Coastal Settlement Zone
-  Residential - Single House Zone
-  Residential - Mixed Housing Suburban Zone
-  Residential - Mixed Housing Urban Zone
-  Residential - Terrace Housing and Apartment Buildings Zone








### Business

-  Business - City Centre Zone
-  Business - Metropolitan Centre Zone
-  Business - Town Centre Zone
-  Business - Local Centre Zone
-  Business - Neighbourhood Centre Zone
-  Business - Mixed Use Zone
-  Business - General Business Zone
-  Business - Business Park Zone
-  Business - Heavy Industry Zone
-  Business - Light Industry Zone

### Open space

-  Open Space - Conservation Zone
-  Open Space - Informal Recreation Zone
-  Open Space - Sport and Active Recreation Zone
-  Open Space - Civic Spaces Zone
-  Open Space - Community Zone
-  Water [i]



### Rural

-  Rural - Rural Production Zone
-  Rural - Mixed Rural Zone
-  Rural - Rural Coastal Zone
-  Rural - Rural Conservation Zone
-  Rural - Countryside Living Zone
-  Rural - Waitakere Foothills Zone
-  Rural - Waitakere Ranges Zone



### Future Urban

-  Future Urban Zone
-  Green Infrastructure Corridor (Operative in some Special Housing Areas)

### Infrastructure

-  Special Purpose Zone - Airports & Airfields  
Cemetery  
Quarry  
Healthcare Facility & Hospital  
Tertiary Education  
Māori Purpose  
Major Recreation Facility  
School
-  Strategic Transport Corridor Zone

### Coastal

-  Coastal - General Coastal Marine Zone [rcp]
-  Coastal - Marina Zone [rcp/dp]
-  Coastal - Mooring Zone [rcp]
-  Coastal - Minor Port Zone [rcp/dp]
-  Coastal - Ferry Terminal Zone [rcp/dp]
-  Coastal - Defence Zone [rcp]
-  Coastal - Coastal Transition Zone



Precincts

--- Rural Urban Boundary

--- Indicative Coastline [i]

# Overlays

## Natural Resources

- Terrestrial [rp/dp]
  - Marine 1 [rcp]
  - Marine 2 [rcp]
  - Water Supply Management Areas Overlay [rp]
  - Natural Stream Management Areas Overlay [rp]
  - High-Use Stream Management Areas Overlay [rp]
  - Natural
  - Urban
  - High-Use Aquifer Management Areas Overlay [rp]
  - Quality-Sensitive Aquifer Management Areas Overlay [rp]
  - Wetland Management Areas Overlay [rp]
- } Significant Ecological Areas Overlay

## Natural Heritage

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

## Infrastructure

- Airport Approach Surface Overlay
  - Aircraft Noise Overlay
  - City Centre Port Noise Overlay [rcp / dp]
  - Quarry Buffer Area Overlay
  - National Grid Subdivision Corridor
  - National Grid Substation Corridor
  - National Grid Yard Compromised
  - National Grid Yard Uncompromised
- } National Grid Corridor Overlay

## Historic Heritage & Special Character

- Historic Heritage Overlay Place [rcp/dp]
- Historic Heritage Overlay Extent of Place [rcp/dp]
- Special Character Areas Overlay Residential and Business
- Auckland War Memorial Museum Viewshaft Overlay [rcp/dp]
- Auckland War Memorial Museum Viewshaft Overlay Contours [i]
- Stockade Hill Viewshaft Overlay – 8m height area
- Stockade Hill Viewshaft [i]

## Mana Whenua

- Sites & Places of Significance to Mana Whenua Overlay [rcp/dp]

## Built Environment

- Identified Growth Corridor Overlay

# Controls

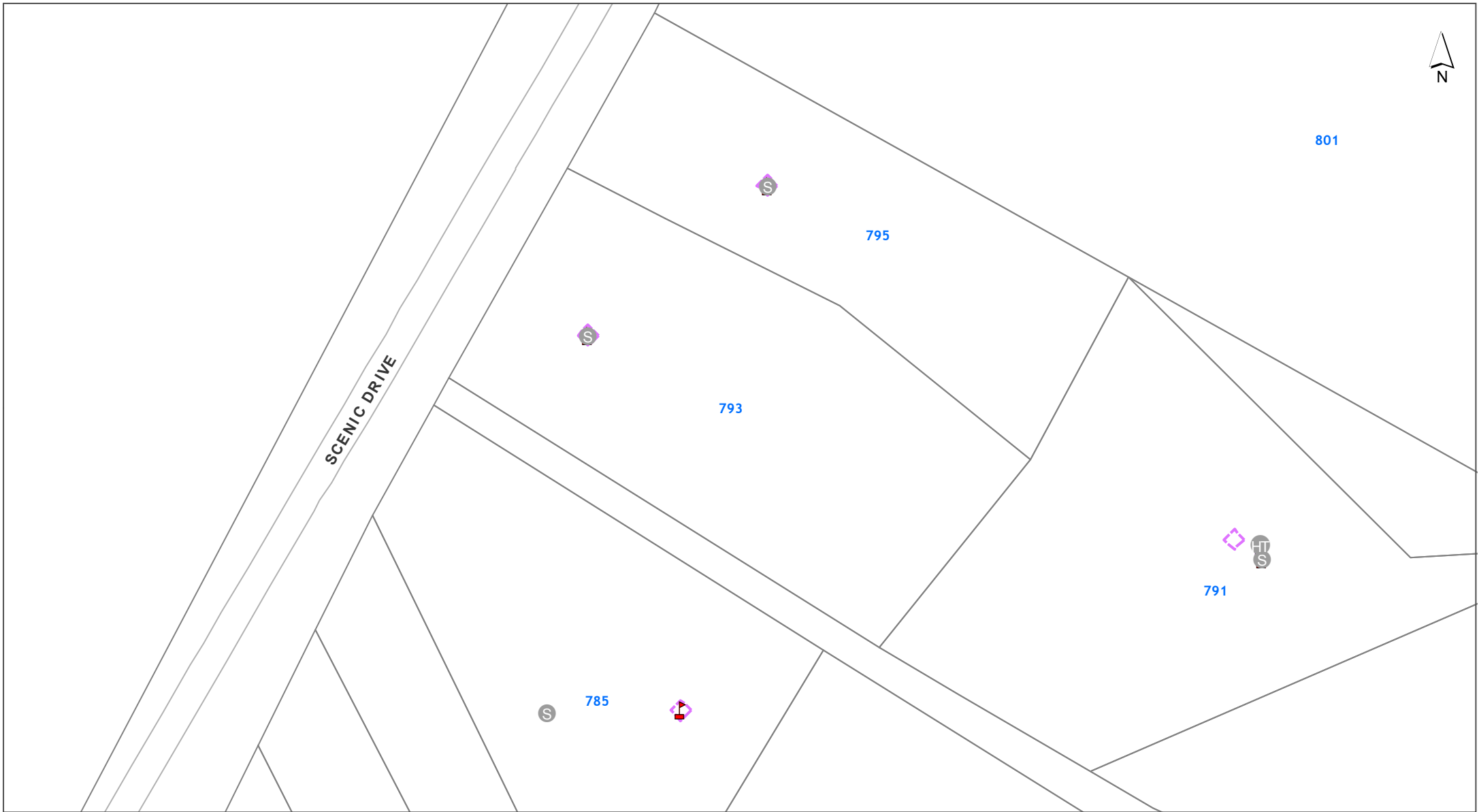
- Key Retail Frontage
  - General Commercial Frontage
  - Adjacent to Level Crossings
  - General
  - Motorway Interchange Control
  - Centre Fringe Office Control
  - Height Variation Control
  - Parking Variation Control
  - Level Crossings With Sightlines Control
  - Arterial Roads
  - Business Park Zone Office Control
- } Building Frontage Control
- } Vehicle Access Restriction Control

- Hazardous Facilities
  - Infrastructure
  - Macroinvertebrate Community Index
  - Flow 1 [rp]
  - Flow 2 [rp]
  - Subdivision Variation Control
  - Indigenous Vegetation 749.7 ha
  - Freshwater Wetland 14.6 ha
  - Surf Breaks [rcp]
  - Cable Protection Areas Control [rcp]
  - Coastal Inundation 1 per cent AEP Plus 1m Control
- } Emergency Management Area Control
- } Stormwater Management Area Control
- } Kawau Island Rural Subdivision SEAs Control

# Designations

- Designations

- Airspace Restriction Designations



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**Underground Services**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

0 7 14 21  
Meters  
Scale @ A4  
= 1:1,000  
Date Printed:  
8/11/2021



Stormwater

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

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

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

Water

- |  |  |
|--|--|
|  | Valve                                      |
|  | Hydrant                                    |
|  | Fitting                                    |
|  | Other Watercare Point Asset                |
|  | Other Watercare Linear Asset               |
|  | Local Pipe (Operational-NonPotable)        |
|  | Local Pipe (Operational-Potable)           |
|  | Local Pipe (Operational Not Vested)        |
|  | Local Pipe (Abandoned / Not Operational)   |
|  | Transmission Pipe (Operational-NonPotable) |
|  | Transmission Pipe (Operational-Potable)    |
|  | Transmission Pipe (Not Operational)        |
|  | Transmission Pipe (Proposed)               |
|  | Pump Station                               |
|  | Reservoir                                  |
|  | Other Structure (Local)                    |
|  | Chamber (Transmission)                     |
|  | Water Source (Transmission)                |
|  | Other Watercare Structures and Areas       |

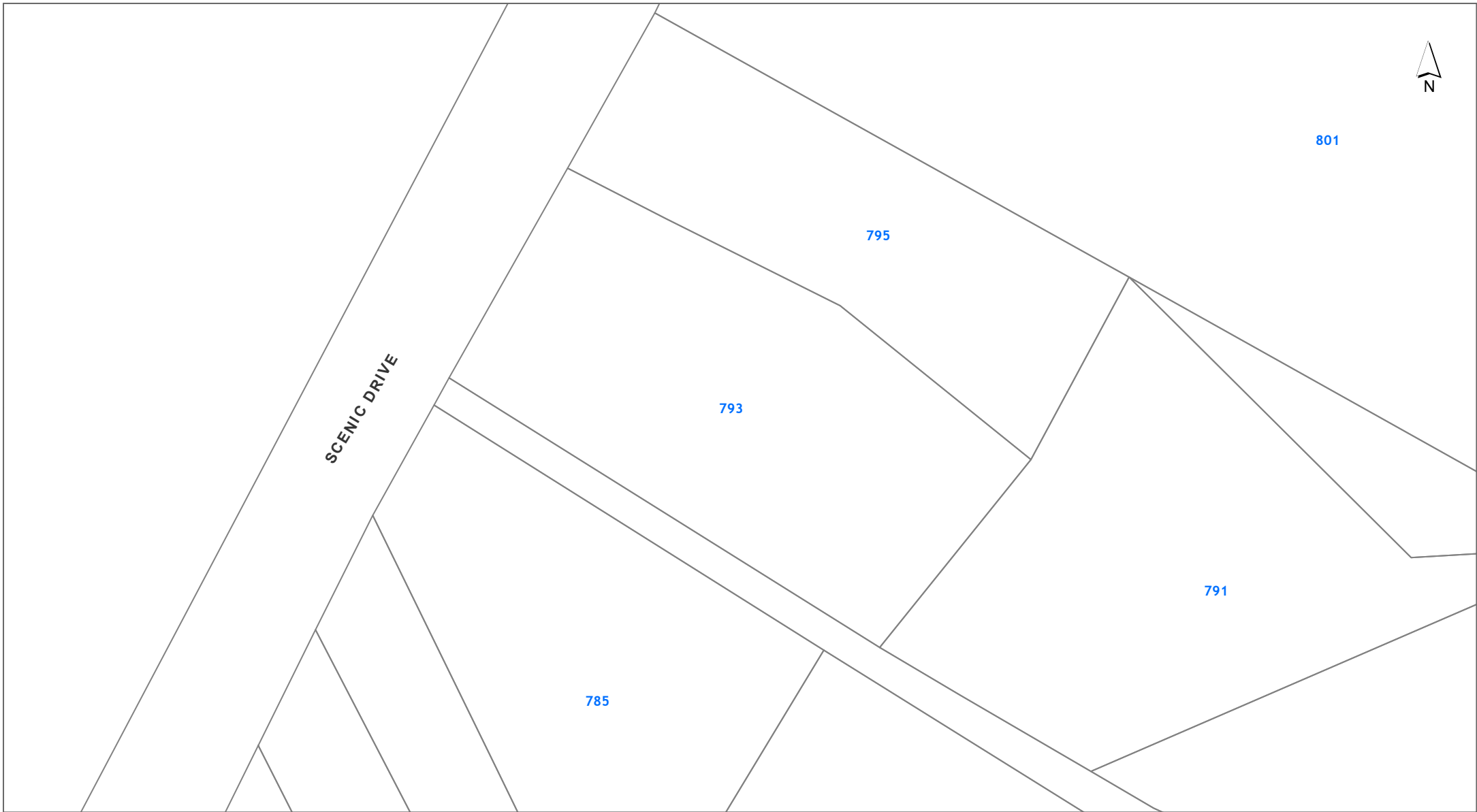
Wastewater

- |  |  |
|--|--|
|  | Fitting                                  |
|  | Fitting (Non Watercare)                  |
|  | Manhole                                  |
|  | Pipe (Non Watercare)                     |
|  | Local Pipe (Operational)                 |
|  | Local Pipe (Operational Not Vested)      |
|  | Local Pipe (Abandoned / Not Operational) |
|  | Transmission Pipe (Operational)          |
|  | Transmission Pipe (Not Operational)      |
|  | Transmission Pipe (Proposed)             |
|  | Chamber                                  |
|  | Structure (Non Watercare)                |
|  | Pump Station                             |
|  | Wastewater Catchment                     |

Utilities

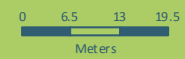
- |  |   |
|--|---|
|  | Transpower Site                         |
|  | Pylon (Transpower)                      |
|  | 110 kv - Electricity Transmission       |
|  | 220 kv - Electricity Transmission       |
|  | 400 kv - Electricity Transmission       |
|  | Aviation Jet A1 Fuel Pipeline           |
|  | Liquid Fuels Pipeline [Marsden to Wiri] |
|  | Gas Transmission Pipeline               |
|  | High-Pressure Gas Pipeline              |
|  | Medium-Pressure Gas Pipeline            |
|  | Indicative Steel Mill Slurry Pipeline   |
|  | Indicative Steel Mill Water Pipeline    |
|  | Fibre Optic Cable (ARTA)                |
|  | Contour Interval                        |

Legend updated: 21/09/2020



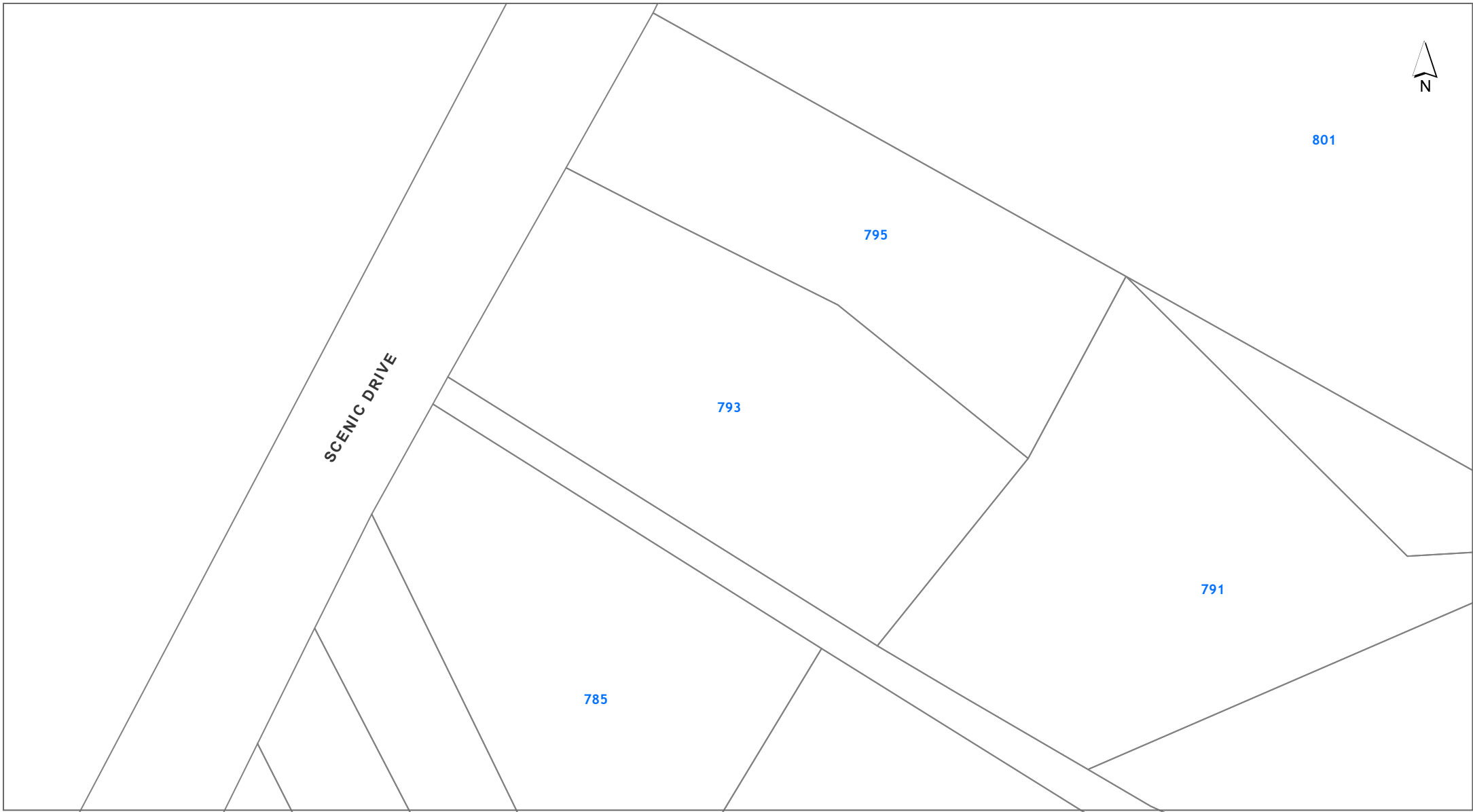
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**Hazards**  
**793 Scenic Drive Waitarua**  
**LOT 1 DP 118879**



**Scale @ A4**  
**= 1:1,000**  
**Date Printed:**  
**8/11/2021**



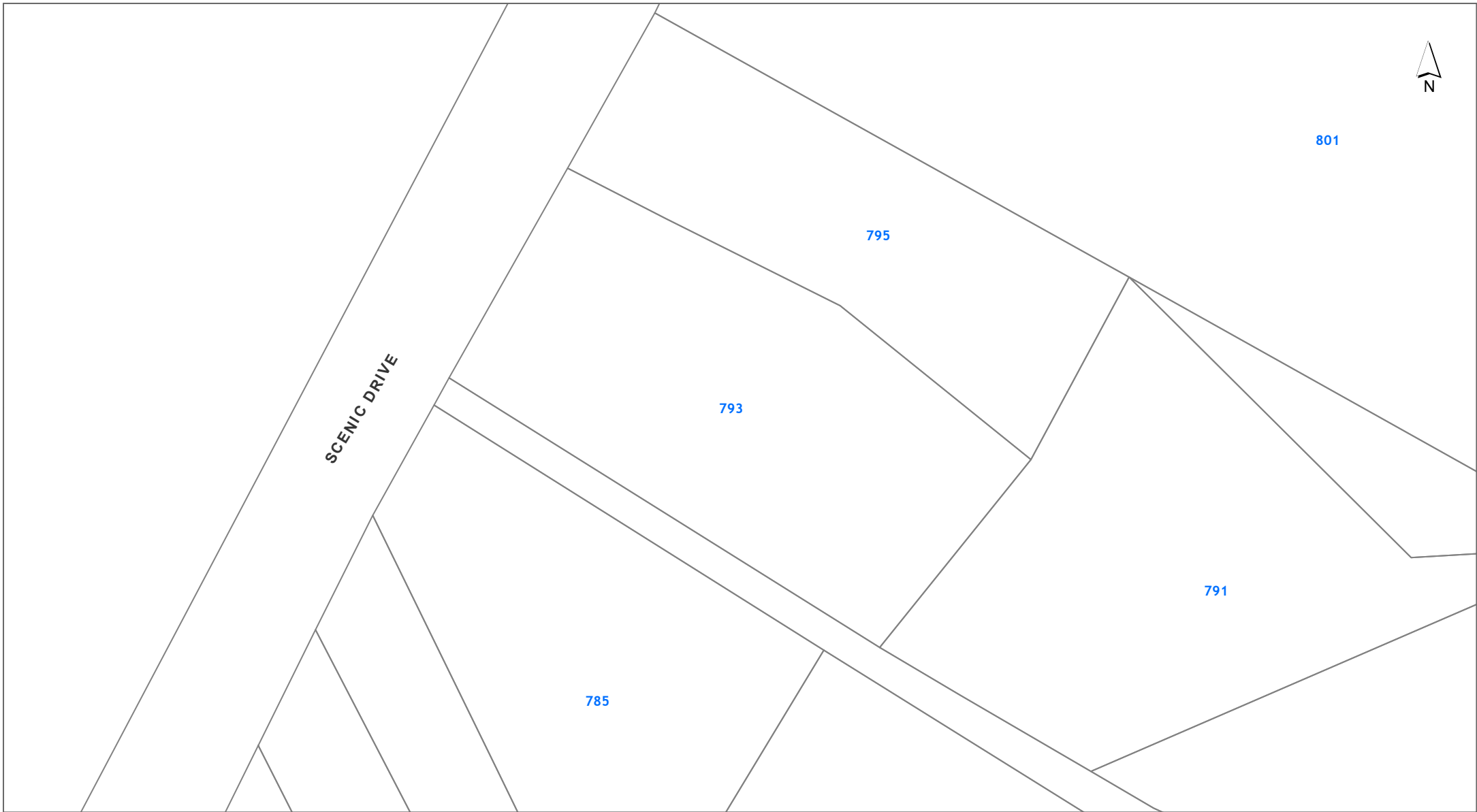


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**Natural Hazards - Coastal Erosion ASCIE**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

0 6.5 13 19.5  
Meters  
**Scale @ A4 = 1:1,000**  
**Date Printed: 8/11/2021**



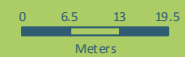


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**Natural Hazards - Coastal Inundation**

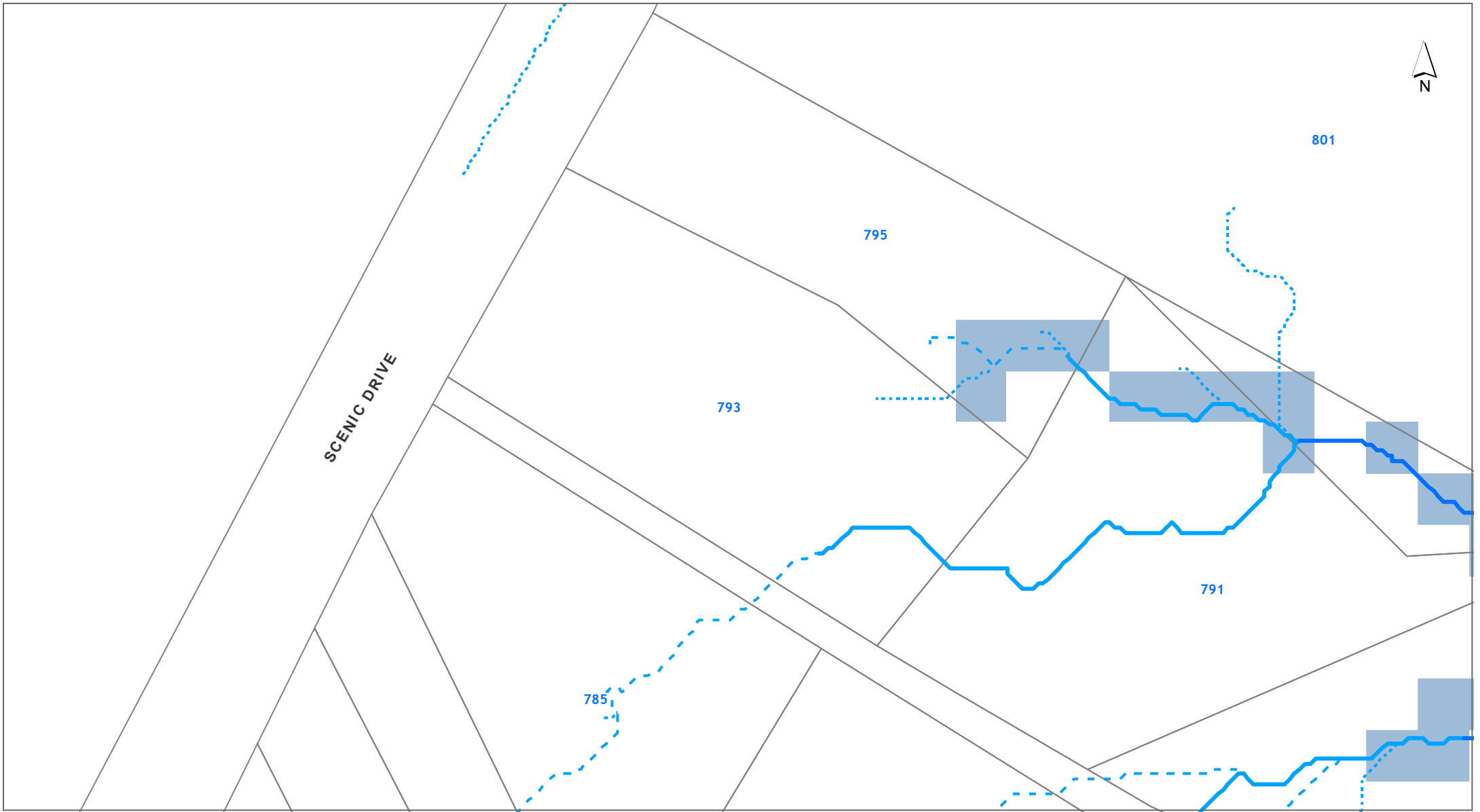
**793 Scenic Drive Waiatarua**

**LOT 1 DP 118879**



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**Date Printed:  
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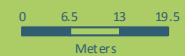


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**Natural Hazards - Flooding**

**793 Scenic Drive Waiatarua**

**LOT 1 DP 118879**

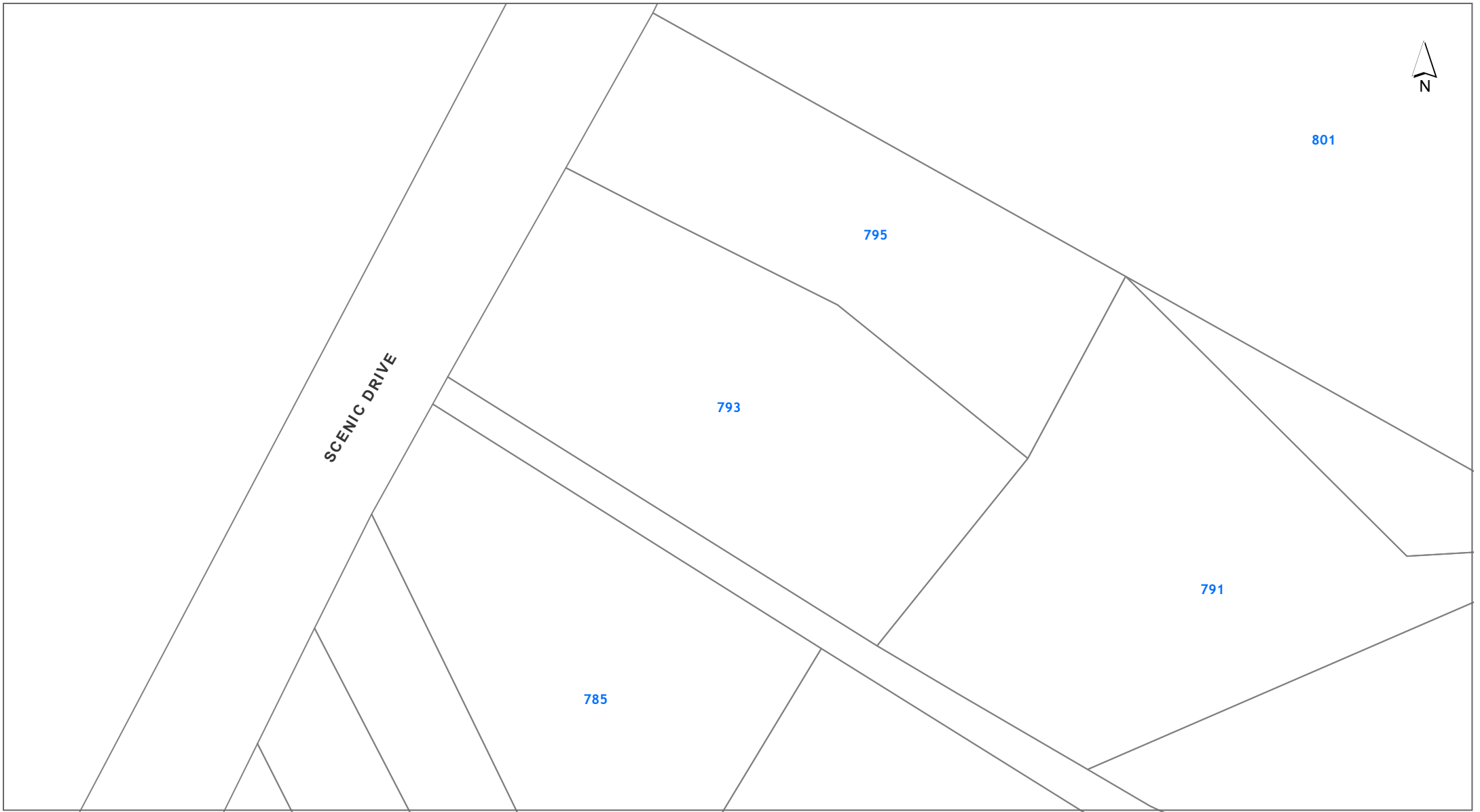


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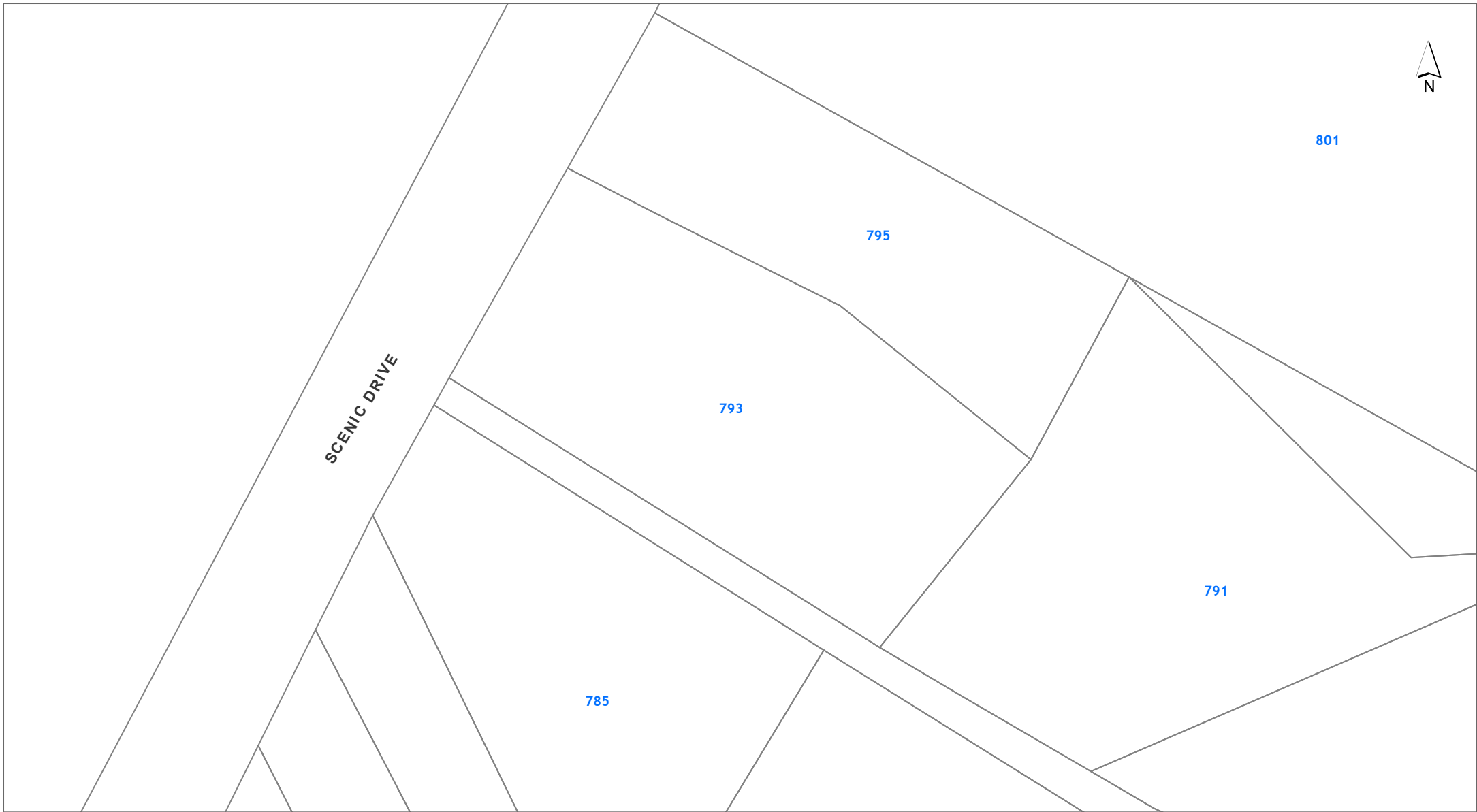


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**Natural Hazards - Sea Spray**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

0 6.5 13 19.5  
Meters  
**Scale @ A4 = 1:1,000**  
**Date Printed: 8/11/2021**



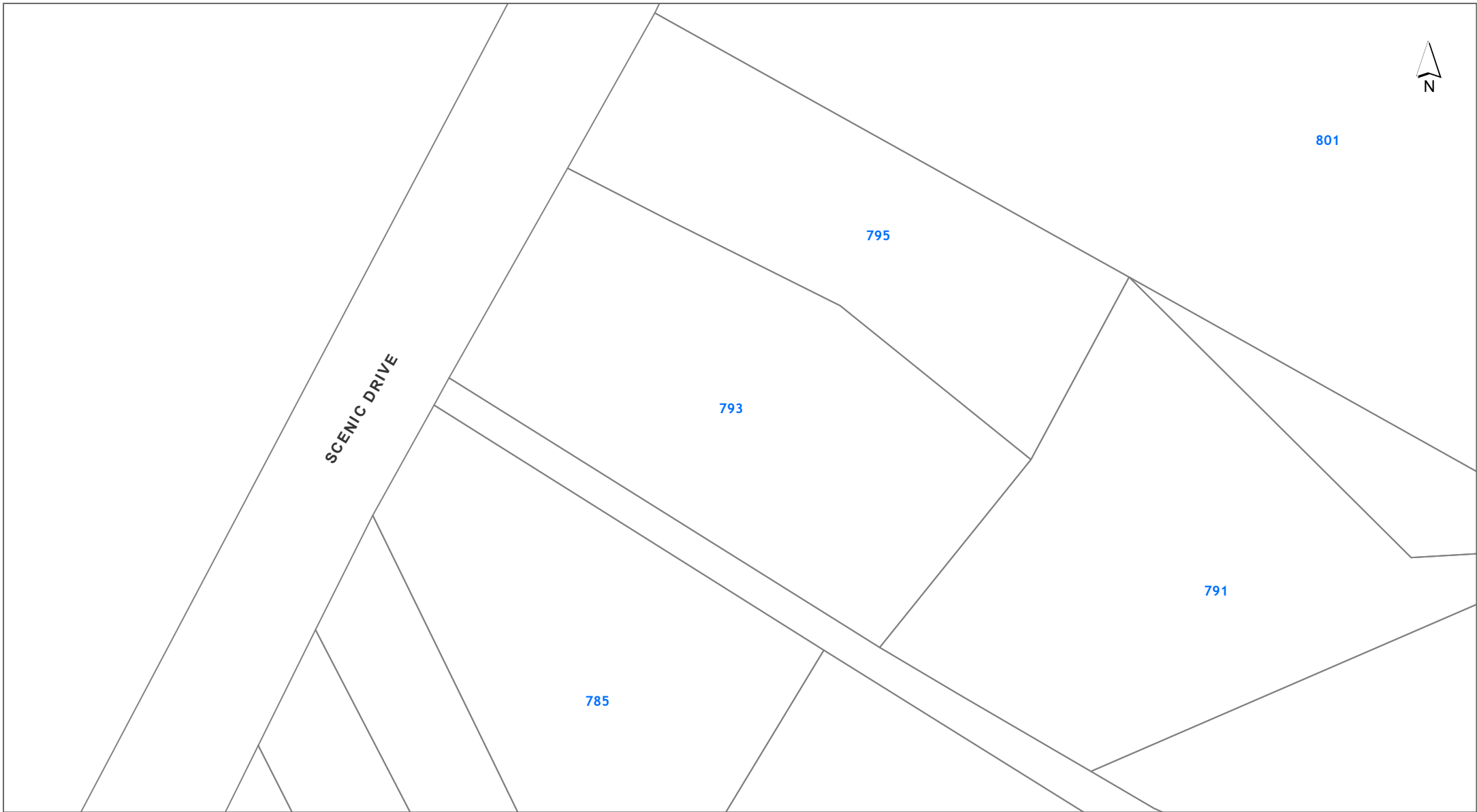


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**Natural Hazards - Volcanic Cones**  
**793 Scenic Drive Waiatarua**  
**LOT 1 DP 118879**

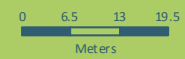
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**Other**  
**793 Scenic Drive Waitarua**  
**LOT 1 DP 118879**



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Hazards

Soil Warning Area

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











Hazards

Soil Warning Area continued




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

Natural Hazards






Overland Flow Path

-  Catchment area 100 Ha and above
-  Catchment area 3 Ha to 100 Ha
-  Catchment area 1 Ha and 3 Ha
-  Catchment area 4000 m<sup>2</sup> to 1 Ha
-  Catchment area 2000 m<sup>2</sup> to 4000 m<sup>2</sup>
-  1% AEP Flood Plain
-  Flood Prone Areas
-  Flood Sensitive Areas
-  Sea Spray
-  Volcanic Cones

Coastal Inundation








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

Areas Susceptible to Coastal Instability and Erosion (ASCIE)

-  ASCIE 2050 (RCP8.5)
-  ASCIE 2080 (RCP8.5)
-  ASCIE 2130 (RCP8.5)
-  ASCIE 2130 (RCP8.5+)
-  Marine Area (Based on MHWs10, from Unitary Plan)

Other

Cultural Heritage Index

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

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

Legend updated: 22/07/2021



## 10.0 RECOMMENDATION

### 10.1 Recommendation

It is recommended that pursuant to sections 104, 104B, 104D and 108 of the RMA, consent is **granted** to the non-complying activity application by Daniel Nixon and Jo Denvir to authorise the construction of a deck on a sensitive ridge, and retrospective consent for vegetation clearance resulting in a total cleared area of more than 500m<sup>2</sup> and earthworks of approximately 45m<sup>2</sup> in the Managed Natural Area at 793 Scenic Drive, Waatarua being Lot 1 DP118879 (Consent Application LUC 2012-0983).

The reasons for this decision are as follows:

- (i) Any actual and potential effects on the environment by the proposal are considered will be adequately avoided, remedied or mitigated by appropriate conditions of consent.
- (ii) The proposal would be not contrary to the relevant Objectives and Policies of the Plan, and regard has been had to the relevant assessment criteria
- (iii) The proposal would be not contrary to Part II of the Resource Management Act 1991.
- (iv) The proposal will be consistent with the purpose and objectives of the Waitakere Ranges Heritage Act and will not detract from the protection and enhancement of its heritage features for present and future generations

Pursuant to section 108 of the RMA, this consent is granted subject to the following conditions:

#### ALL CHARGES PAID

- (ACP 1) This consent (or any part thereof) shall not commence until such time as the following charges, which are owing at the time the council's decision is notified, have been paid in full:
  - (a) All fixed charges relating to the receiving, processing and granting of this resource consent under section 36(1) of the Resource Management Act 1991 (RMA); and
  - (b) All additional charges imposed under section 36(3) of the RMA to enable the council to recover its actual and reasonable costs in respect of this application, which are beyond challenge.
- (ACP 2) The consent holder shall pay any subsequent further charges imposed under section 36 of the RMA relating to the receiving, processing and granting of this resource consent within 20 days of receipt of notification of a requirement to pay the same, provided that, in the case of any additional charges under section 36(3) of the RMA that are subject to challenge, the consent holder shall pay such amount as is determined by that process to be due and owing, within 20 days of receipt of the relevant decision.

## ACTIVITY IN ACCORDANCE WITH THE PLANS

(GEN 1) The activity shall be carried out in accordance with the plans and all information submitted with the application, being

- Drawings:
  - Site Plan (page 1), dated 14/12/12, prepared by Nikau Design Studio Ltd
  - Part Site Plan (page 2), dated 14/12/12, prepared by Nikau Design Studio Ltd
  - Existing Elevations (page 3), dated 24/02/12, prepared by Nikau Design Studio Ltd
  - Existing Basement and Upper Floor Plans (page 4), dated 24/02/12, prepared by Nikau Design Studio Ltd
  - Main Floor Plan (page 5), dated 24/02/12, prepared by Nikau Design Studio Ltd
  - North and South Elevations (page 6), dated 18/12/12, prepared by Nikau Design Studio Ltd
  - East Elevation (page 7), dated 14/12/12, prepared by Nikau Design Studio Ltd
  - Cleared Area (Appendix 1), dated 14/12/12, prepared by Nikau Design Studio Ltd
  - Topographical Survey, dated 5 November 2012, prepared by Morpeth & Associates
  - Revegetation Plan, hand-coloured plan provided by applicant
- Geotechnical Report: "Geotechnical Investigation Report", dated 24 January 2012, prepared by Geoconsult
- Arboricultural Report: "Arboricultural Comment" dated 18 October 2012, prepared by Seth Thompson

and referenced by Council as LUC 2012-0983.

## TERM OF CONSENT

(TER 1) 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

(MON 1) The consent holder shall pay the Council an initial consent compliance monitoring charge of \$256.00 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been incurred to ensure compliance with the conditions attached to this consent.

(MON 2) The \$256.00 (inclusive of GST) charge shall be paid as part of the resource consent fee and the consent holder will be advised of the further monitoring charge or charges as they fall due. Such further charges are to be paid within one month of the date of invoice.

## EARTHWORKS

- (EW 1) All earthworks shall be managed to ensure that no debris, soil, silt, sediment or sediment-laden water is discharged from the subject site either to 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 the Team Leader, Compliance & Monitoring – West.

## WEED MANAGEMENT

- (W1) Weed management involving the removal of all environmentally damaging species (as listed in the Environmentally Damaging Plants Appendix to the District Plan), shall be complied with on a continuing basis within the bush protection area and its edges within the site to the satisfaction of the Team Leader Compliance and Monitoring - West.  
(Environmentally damaging species noted at the site on visit of 15th October 2012 included the following: *Plectranthus ciliata*, (*plectranthus*), *Tradescantia fluminensis*, (*wandering Jew*), *Crococsmia x crocosmiflora*, (*montbretia*), *Convolvulus arvensis*, (*convolvulus*).
- (W2) Any weed control operations shall be either by manual means or undertaken in accordance with the Agrichemical Users' Code of Practice, NZS 8409 2004: The Management of Agrichemicals and any amendments to this document.
- (W3) Clearance of weeds shall be undertaken in a way that minimises damage to protected vegetation (vegetation that is protected under the Auckland Council District Plan (Waitakere Section) that is to be retained. Where chemical means of weed control are employed appropriate care shall be taken to ensure non target vegetation (i.e. all nearby native vegetation) is not adversely affected.
- (W4) Cut weed material shall be disposed of in a manner that does not lead to further weed spread.

## RE-VEGETATION PLANTING

- (RV1) In the first planting season (May until 7th September) following construction of the deck, native re-vegetation planting shall be carried out in any existing cleared areas greater than 1.5m<sup>2</sup> that fall outside the approved cleared area as per the approved Appendix 1, Proposed Deck for Jo Denvir & Daniel Nixon 793 Scenic Drive Swanson 0612, Cleared Area plan, using a range of native species planted at Pb3 minimum grade and at 1.4m maximum spacing, selected from the lists for tall trees, medium trees or small trees/large shrubs, from Council's re-vegetation manual, "Native to the west, a guide for planting and restoring the nature of Waitakere City", for ecosystem four attached as appendix 2 to this consent. The planting shall be to the satisfaction of the Team Leader Compliance and Monitoring - West.  
Advice Note: It is recommended that any native seedlings be transplanted from any approved cleared area to re-vegetation areas prior to construction.
- (RV2) The plants shall be maintained for the first three years with plants watered in the first two summers as necessary to facilitate their establishment and with planting areas kept free of environmentally damaging species. Any plant that dies or otherwise fails to thrive shall be replaced the following planting season, all to the satisfaction of the Team Leader, Compliance and Monitoring - West.

## Advice notes

1. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application you have a right of objection pursuant to sections 357A or 357B of the RMA. Any objection must be made in writing to Council within 15 working days of notification of the decision.
2. Please read the conditions of this resource consent carefully and make sure that you understand all the conditions that have been imposed before commencing the development.
3. This resource consent will lapse three years after the date of Council's decision **unless**:
  - (a) it is given effect to before the end of that period. To give effect to this consent, the activity allowed by this consent must be established and the conditions contained in the consent complied with. Please note that there must be compliance with all of the consent conditions once the land use has been established, or
  - (b) an application is made and granted prior to the expiry of that period for a time extension. The statutory considerations that apply to extensions are set out in section 125 of the RMA.

N.B – all charges owing at the time council's decision is notified must be paid before a consent can commence.

4. The consent holder shall obtain all other necessary consents and permits, including those under the Building Act 2004, and the Historic Places Act 1993. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007), 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. Please note that the approval of this resource consent, including consent conditions specified above, may affect a previously issued building consent for the same project, in which case a new building consent may be required.
5. A copy of this consent should be held on site at all times during the establishment and construction phase of the activity. The consent holder is requested to notify Council, in writing, of their intention to begin works at least 14 days prior to work starting on the consented development. A "Notice of Works Starting" Form is included in your Resource Consent Pack to facilitate this notice. "Notice of Works Starting" forms can be emailed to [rcmadmin@aucklandcouncil.govt.nz](mailto:rcmadmin@aucklandcouncil.govt.nz), faxed (09 353 9186) or posted to Administration Officer, Compliance and Monitoring, Resource Consents and Compliance, Auckland Council, Private Bag 92300, Auckland 1142.
6. Compliance with the consent conditions will be monitored by Council in accordance with section 35(d) of the Resource Management Act. This will typically include site visits to verify compliance (or non compliance) and documentation (site notes and photographs) of the activity established under the Resource Consent. In order to recover actual and reasonable costs, inspections, in excess of those covered by the base fee paid, shall be charged at the relevant hourly rate applicable at the time. Only after all conditions of the Resource Consent have been met, will Council issue a letter on request of the consent holder.



## 10.0 DECISION UNDER DELEGATED AUTHORITY

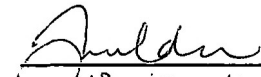
### 10.1 Adequacy of Information

It is considered that the information submitted with the application is sufficiently comprehensive to enable the consideration of the above matters on an informed basis:

- a) The level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the Auckland Council District Plan (Waitakere Section)
- b) The extent and scale of any adverse effects on the environment are able to be assessed.

Report Prepared by: Jeffie Mulder, Thomas Civil and Environmental Consultant's  
Title: Senior Planner

Signed:  
Date:

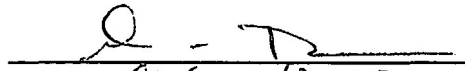
  
18.12.12

### 10.2 Decision

Acting under delegated authority and as recommended in section 9.1 Consent Number LUC 2012-0983, at 793 Scenic Drive, Waiaatarua shall be granted subject to the conditions of consent specified.

Team Leader: Robert Buxton  
Title: Team Leader- Resource Consents

Signed:  
Date:

  
18/12/2012

NON NOTIFIED APPLICATION UNDER SECTION 76 OF THE TOWN AND COUNTRY  
PLANNING ACT 1977 BY J.H AND L.A RHODES AT 793 SCENIC DRIVE SWANSON  
BEING LOT 1 DP 118879

INITIALS CJD : SBH

APPLICATION NO: 705

DATE RECEIVED 12 February 1988

TP FILE: F5/36

REPORT DATE 16 February 1988

BPA:

ZONE: N.U.R.1

AREA: 5072m<sup>2</sup>

PROPOSAL To erect a dwelling

DISPENSATION IS REQUIRED FROM ORDINANCE 11.4:3(a) BEING MAXIMUM HEIGHT REQUIREMENT OF 8 METRES INVOLVING A RELAXATION TO THE FOLLOWING EXTENT EXCEEDS MAXIMUM HEIGHT BY 0.3M.

CONSENT OF PERSONS AFFECTED Provided

STATUTORY REQUIREMENTS

Ordinance 1.3 provides for the circumstances under which, the manner in which, and the conditions subject to which, Council may grant an application for the dispensation wholly or partly from, or waiver of the provision for the dispensation wholly or partly from, or waiver of the provisions of the District Scheme.

Ordinance 1.3 provides that in order to grant its consent the Council must be satisfied that the proposal:-

- (1) Would encourage better development of the site or that it is unreasonable or impractical to enforce the provision.
- (2) Would not detract from the amenities of the neighbourhood nor have town and country planning significance beyond the immediate vicinity.
- (3) Is generally in accordance with the basic purpose of the particular control, and with the overall planning objectives and policies of the District Scheme
- (4) The impact on the amenities of adjacent sites, over and above that permitted by the Ordinance is minimal, particularly with regard to the following:-
  - Daylight and sunlight admission to neighbouring properties.
  - Physical domination, intrusion into privacy, and/or obstruction of outlook.
- (5) Buildings in a neighbourhood are kept in scale with one another.
- (6) The impact of buildings on the landscape or skyline when viewed from any public place, is minimal.

BACKGROUND TO APPLICATION

This is the second application for a dispensation from the maximum height requirements to be lodged by the applicants. On 20 January 1988 the applicants applied to Council for consent to erect a dwelling which on the basis of the plans submitted exceeded the maximum height requirement by 1.3m. The application was subsequently declined by the City Planner on 8 February 1988.

Following further discussion with the applicants it was pointed out that a close check of the plans, especially the elevations should be made to ascertain their accuracy. This was duly done and new plans submitted. These showed the actual height of the proposed dwelling to be 8.3m or 0.3m in excess of the maximum permitted

## PLANNING CONSIDERATION

The subject property is situated on the eastern side of Scenic Drive (and south-west of the Filter Station which is located at the end of Christian Road).

The applicants have cleared a minimum amount of bush and trees in readiness to commence building of a new dwelling. The dwelling is to be sited 10 metres back from the road, 17 metres from the southern (side) boundary and 16 metres from the northern (side) boundary.

As indicated by the applicants the site drops away quite steeply from Scenic Drive. This site is one of a number of recently subdivided properties in the immediate area. Access will be by way of a common R.O.W. with lot 2 to the north. There is also a R.O.W. along the entire length of the southern side boundary.

The proposal can satisfy all the development standards of the N.U.R.1. zone except the minimum 8m height restriction. As shown on the site plan the dwelling is to contain a basement and two upper floors. The basement will require some excavation and is to be backfilled along the (western) road side. The necessity for the height as proposed is a result of the topography of the site and the applicants desire to achieve the best possible view while maintaining the natural character of the area.

One of the objectives of the Non-Urban Residential zone is to ensure that the built environment remains subordinate to the natural environment. This is achieved in part through the setting of an 8 metre maximum height requirement. In this instance the degree of infringement is minor (0.3m) and relates only to the roofline of the building. An infringement of this extent will have no immediate effect upon the height of the proposed dwelling compared with a complying building. It should also be noted that the building could be moved some 7 metres closer to the front boundary and still comply with the minimum yard requirement. A complying building in this position would be considerably more dominant, as viewed from the road, than that proposed by the applicants. For these reasons it is considered that the proposal can satisfy the objectives of this zone and can therefore be approved. It should further be noted that it is the applicants intention to provide a screen of native vegetation in the front yard of their sections. This will further aid in minimising the impact of the development as viewed from the road.

The owners of the land immediately to the north who share the common R.O.W. have given their consent in writing. Apart from the joint use of the R.O.W they will not be affected by the proposal in any way.

## RECOMMENDATION

That pursuant to Section 76 of the Town and Country Planning Act 1977 consent be granted to the application by J.H and L.A Rhodes to erect a dwelling at 793 Scenic Drive (being Lot 1 DP 118879) which exceeds the maximum height by up to 0.3 metres for the following reasons:-

- (i) The impact on the amenities of adjoining properties particularly with regard to physical domination will be minimal.
- (ii) The impact of the proposed building when viewed from the road, is minimal.
- (iii) The objectives of the Scheme relating to height can be satisfied.

but subject to satisfaction of the following conditions:-

- (1) That a screen of native vegetation be provided between the house and road to the satisfaction of the City Planner.
- (2) That the development otherwise proceed in accordance with the submitted plans and information .

GJM

CONSENT GRANTED AS RECOMMENDED

*Donald C. Wilson*

CHAIRPERSON, PLANNING COMMITTEE

DATE 2-3-88.

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



Non-complying activity

## 1. Application description

Application number:	LUC60373847
Applicant:	Vector Limited
Site address:	Road reserve outside 757 Scenic Drive and 793 Scenic Drive, Waiatarua, 0612
Legal description:	N/A – Road reserve
Site area:	N/A Road
Operative plan:	Auckland Unitary Plan (Operative in part)
Zoning and precinct:	Road (Adjoining Rural - Waitakere Ranges Zone)
Overlays, controls, designations, special features, etc.:	<p>Natural Resources: Significant Ecological Areas Overlay - SEA_T_5539, Terrestrial</p> <p>Natural Heritage: Outstanding Natural Landscapes Overlay [rcp/dp] - Area 73, Waitakere Ranges and coastline</p> <p>Natural Heritage: Waitakere Ranges Heritage Area Overlay - WRHA_03, Subdivision Schedule</p> <p>Natural Heritage: Waitakere Ranges Heritage Area Overlay - Extent of Overlay</p> <p>Natural Heritage: Ridgeline Protection Overlay – Natural Controls: Macroinvertebrate Community Index - Native</p>

## 2. Proposal

To undertake infrastructure upgrades within a road reserve. The proposal is to replace two existing concrete power poles (ID67426 and ID67520) with double concrete power pole.

The following details are noted in relation to the proposal:

1. Replace the existing single 11m pole ID67426 (outside 757 Scenic Drive) with a new double 12.5m concrete pole. These pole heights refer to the total length of the pole and not the height above ground. The difference in height above ground level is 9.4m to 10.6m giving a height increase of 1.2m. The streetlight will be replaced on the pole. The replacement pole will be approximately 1m from the existing pole (to the left when facing the pole from the road).
2. Replace the existing single 11m pole ID67520 (outside 793 Scenic Drive) with a new 11m double concrete pole. There is no change in the above ground height difference. The replacement pole will be approximately 1m from the existing pole (to the left when facing the pole from the road).

3. The proposal will require some very minor clearance of the low-level berm vegetation in the proposed pole location.
4. Minimal earthworks are required for the new pole holes (approximately 2m<sup>3</sup> over 1m<sup>2</sup> per pole).

#### Activity complying with Permitted Standards:

It has been confirmed the proposal will meet the following permitted activity standards:

- E26.3.5.1, E26.3.5.2 and E26.3.5.4 for pruning, vegetation alteration and removal within the Significant Ecological Areas Overlay. This is noted as the applicant has confirmed no protected vegetation over 6m in height or 600mm in girth will be removed and the works area will not exceed 20m<sup>2</sup>.
- E26.6.5.2, E26.6.5.3, for land disturbance within the Significant Ecological Areas Overlay and the Outstanding Natural Landscapes Overlay respectively. This is noted as the proposed earthworks required are less than 10m<sup>2</sup> in area and less than 5m<sup>3</sup> in volume.

The resource consents required are:

### Land use consents (s9)

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

##### *Network utilities and electricity generation*

- The proposed minor infrastructure upgrading (power pole) which increases the size of the existing infrastructure and changes the location of the structure infringes the permitted standards of E26.12.5.1 for minor infrastructure upgrading within a Natural Ridgelines Overlay. This is a non-complying activity under Activity Table E26.12.3.1.(A177).
- The proposed minor infrastructure upgrading (power pole) which increases the size of the existing infrastructure and changes the location of the structure infringes the permitted standards of E26.13.5.1 for minor infrastructure upgrading within an Outstanding Natural Landscape Overlay. This is a restricted discretionary activity as under Activity Table E26.13.3.1.(A192).

#### **Overall activity status: non-complying activity**

## **3. Decision**

I have read the application, supporting documents, and the recommendation on the application for resource consent. I am satisfied that I have sufficient 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, and for the reasons set out below, under sections 95A and 95C to 95D, and 95B and 95E to 95G of the RMA this application shall be processed **non-notified**.

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

## 4. Reasons

The reasons for this decision are:

1. In accordance with an assessment following the steps set out in sections 95A and 95C to 95D the application need not be publically notified because:

- Under step 1, no mandatory public notification is required, as the applicant has not requested it (s95A(3)(a)), there are no outstanding or refused requests for further information (s95C and s95A(3)(b)), and the application does not involve any exchange of recreation reserved land under s15AA of the Reserves Act 1977(s95A(3)(c)).
- Under step 2, public notification cannot be precluded as the proposal does not involve and activity under the NES which precludes public notification and the proposal is not for a boundary activity.
- Under step 3, public notification is not required given no rule under the AUP or national environmental standard requires public notification and adverse effects from the activity will not be more than minor on the environment for the following reasons:

- Taking into account the permitted baseline, the following adverse effects have been disregarded:

- *Effects that must be disregarded:*

Effects on persons who are owners and occupiers of land in, on or over which the application relates, or of land adjacent to that land. The land adjacent to the subject site is listed in the following table:

**Table 1**

Address

---

650 Scenic Drive

---

757 Scenic Drive

---

759 Scenic Drive

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793 Scenic Drive

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795 Scenic Drive

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Any effect on a person who has given written approval to the application. In relation to this application no written approvals have been obtained from any persons.

- *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 case the permitted baseline is not applicable as the proposal involves minor infrastructure upgrading within that infringes relevant permitted activity standards within the Outstanding Natural Landscapes and Natural Ridgelines Overlays which all require resource consent under the AUP (OP).

Notwithstanding the above, the relevant standards of the AUP (OP) for the zone provide a useful guide for what scale of minor infrastructure upgrades that can be undertaken as of right. Such as, where upgrades do not alter the size or location of a electricity utility pole. In addition, small quantities of land disturbance and vegetation removal are also applicable. These provide a planning context of what can be reasonably anticipated on a site and within the surrounding environment.

- *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 this application must be assessed.

In this instance the receiving environment includes the following:

- the existing rural Waitakere Ranges rural environment.
- the lawfully established electricity utility within the road reserve.
- Further, the above permitted activities in relation to minor infrastructure upgrading as well as land disturbance and vegetation alteration / removal.
- 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. In this case, there are no unimplemented resource consents.

#### Adverse effects

##### **Effects on the Natural Ridgeline**

The proposed power poles whilst considered a non-complying activity will result in no more than minor adverse effects on the identified natural ridgeline. This is reasoned as the ridgeline whilst not heavily modified it is heavily vegetated with trees of various sizes and heights. This along with the winding natura of as the applicant's agent Mr David Hay pointed out does not make the Natural Ridgeline as well as the electricity unities immediately apparent in the surrounding area or from adjacent properties. As such, there will be limited views of the proposed new pole and therefore any visual effects in this regard on the ridgeline will be no more than minor.

Further, the modifications to the power poles do not represent a significantly change to the overhead electricity utilities found in the area and whilst the upgrades feature a larger pole and in a slightly different location, the poles will



remain a slim profile and be of a recessive colour. This ensures any adverse effects on the natural integrity of this ridgeline will be no more than minor.

### **Effects on the Outstanding Natural Landscape**

Whilst the proposed power poles will be larger in size in comparison to the existing, the proposal will have less than minor adverse effects on the outstanding natural landscape noting the pole will maintain a slim profile and that it will continue to provide overhead power supply which are a vital part of the existing landscape and is not uncommon in a rural setting, in particular within the Waitakere Ranges.

Further, the poles will have a limited visual catchment from the public realm noting the heavily vegetated surrounding areas and the winding nature of Scenic Drive. Coupled with the poles being of a similar size and of a recessive colour the poles will it is considered that any adverse effects on this identified Outstand Arnd Natural Landscape will be less than minor.

In terms of adverse effects on the landform and the outstanding natural landscape the proposal will require minimal earthworks which will result in less than minor noticeable change to the existing natural landform. In addition, the proposal does not require the removal of significant protected vegetation beyond what is permitted as of right. Therefore, any adverse effects in this regard generated by the proposal are considered to be less than minor on the wider Outstanding Natural Landscape.

- Under step 4, I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application. As the proposal is for two new power poles along an established rural road and is deemed to be minor infrastructure upgrading there is nothing out of the ordinary run of things to suggest that public notification should occur.

2. In accordance with an assessment under the steps set out in sections 95B and 95E to 95G the application does not require limited notification because:

- Under step 1, limited notification is not mandatory as there are no protected customary rights groups or customary marine title groups affected by the proposed activity, nor any affected person to whom a statutory acknowledgement is made under schedule 11.
- Under step 2, limited notification is not precluded by any rule or NES and the application is for an activity other than a district land use controlled activity or a prescribed activity.
- Under step 3, limited notification is not required as there will be no adversely affected persons as a result of the activity for the following reasons:
  - No persons, including owners or occupiers of adjacent sites, are considered to be adversely affected as the proposed power poles have been designed in a similar manner to the existing pole and the additional size of the poles are not obtrusive to the rural Waitakere Ranges environment due to its appropriate bulk and mass.

- In addition, no persons are considered to be adversely affected as the power poles will be located in an appropriate location within the road reserve adequately setback from any persons or adjacent properties. As such, it is considered no persons occupying adjacent and nearby sites are adversely affected.
    - Under step 4, In this instance I have turned my mind specifically to the existence of any special circumstances under s95B (10) and conclude that there are no special circumstances that warrant the application being limited notified to any other persons because the proposal is for relocating a power pole in an established rural road is not considered out of the ordinary and giving rise to special circumstances within this locality and rural area that would relate to any specific person or group.
3. In accordance with an assessment under s104(1)(a) and (ab) of the RMA the actual and potential effects from the proposal will be acceptable because:
- The proposed power poles will be placed in the most practicable locations within the road reserve where the additional size of the pole and the small change in its location will result in acceptable and similar visual effects to those exhibited from the existing poles.
  - Given the limited public viewing catchment to the wider ridgeline, the densely vegetated nature of the surrounding area and the recessive colour of the poles the proposed poles will result in acceptable visual and amenity effects on the identified natural ridgeline.
  - In addition, the proposal avoids removal of significant protected vegetation and will not require major land disturbance within the outstanding natural landscape.
  - Similarly, proposal will result in negligible change in the natural landform and will not detract from this ONL in this regard as the proposal does not require major earthworks or the removal of significant native vegetation.

In terms of positive effects:

- The proposed pole will continue to provide a much-needed utility to a rural community.
- The proposal will assist in strengthening the resilience of the electricity network in this area and will help reduce planned or unplanned network outages.

With reference to s104 (1) (ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant.

Overall, it is considered on balance that any actual or potential effects generated by the proposal are acceptable within the context and character of the surrounding environment.

4. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, being the Auckland Unitary Plan (Operative in part). In particular:
- Under the Auckland Unitary Plan Operative in Part the relevant objectives and policies of are contained in Chapter E26.2.1. The proposal is consistent with the objectives and policies in E26.2.1(1),(4),(7)&(9) & E26.2.1(1)(a),(b),(d)& (f). The proposal recognises the social, economic, cultural and environmental benefits that infrastructure provides, including; providing for public health and safety and protecting and enhancing the environment.

- the proposal is consistent with the objectives and policies of Chapter D10, where the infrastructure does not adversely jeopardise the overall landscape values and the wider outstanding natural landscape of the Waitakere Ranges.
  - The proposal is consistent with the objectives and policies of Chapter D12, where the provision of infrastructure will not adversely impact on the identified protected heritage features in the Waitakere Ranges, including ecological, cultural, historical, natural and rural features.
  - The proposal is consistent with the objectives and policies of Chapter D15, where the infrastructure will not adversely modify the natural ridgeline and ensures the natural qualities of this identified ridgeline is maintained.
5. In accordance with an assessment under s104(1)(c) of the RMA, no other matters are considered relevant.
  6. There is no prohibition under s104D of the RMA on granting this non-complying activity proposal. This is because the proposal is not entirely contrary with the relevant objectives and policies as the proposed upgrades will continue to provide a critical infrastructure to this rural settlement. Whilst there are non-complying aspects with the sizing and location of the utility upgrade, the proposed power poles will result in no more than minor effects on the identified visual amenity values and the natural landforms and character of the wider Waitakere Ranges area.
  7. In the context of this non-complying activity application for electrical utility upgrades within the Rural – Waitakere Ranges zone and the Outstanding Natural Landscapes and Natural Ridgelines Overlays, 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.
  8. Overall, the proposal is deemed acceptable and consent is granted subject to conditions outlined below.

## 5. Conditions

Under sections 108 and 180AA of the RMA, this consent is subject to the following conditions:

### General conditions

1. The proposed upgrade of the power poles must be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60373847.
  - Application Form, and Assessment of Environmental Effects prepared by David Hay of Osborne Hay (North) Ltd, dated 10 March 2021.

Drawing title and reference	Author	Rev	Dated
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Site Plan 1 for Resource Consent	-	-	March 2021
Site Plan 2 for Resource Consent			March 2021
11000 Prestressed Power Pole 22kN at 9200 above ground Drawing No: C11.0-10	Busck Prestressed Concrete Ltd	1	14/09/2009
12500 Prestressed Power Pole 22KN at 10400 above ground Drawing No: C12.5-10	Busck Prestressed Concrete Ltd	L	12/12/2009

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - a. The consent is given effect to; or
  - b. The council extends the period after which the consent lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$340 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs that have been 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(s). 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.*

**Kauri Dieback Conditions**

4. As New Zealand kauri trees (*Agathis australis*) (and soil and material surrounding them) may contain the pathogen that causes kauri dieback (*Phytophthora agathidicida* (formerly PTA)) strict hygiene procedures are required when works occur on or around kauri trees so as to avoid the spread of kauri dieback. All vegetation, soil, and other material from within a “kauri contamination zone” (defined as 3 (three) x the radius of the canopy dripline of any kauri tree) must remain on site or be taken to an approved landfill facility. For further information please contact the Kauri Dieback Programme on 0800 NZ KAURI (69 52874) or visit the website [www.kauridieback.co.nz](http://www.kauridieback.co.nz).
5. Any material (including soil) from within the “kauri contamination zone” which is to be removed to an approved landfill facility must then be buried within the ground. Where the material is to be loaded onto the back of an open top vehicle, the material must be covered with a tarpaulin (or similar) to prevent the material from leaving the vehicle whilst it is in motion. After the material has been emptied from the truck, the areas of the truck which were previously exposed to the material and the tarpaulin must be thoroughly washed with

Sterigene (or other suitable agent) prior to the truck or tarpaulin being used for the transportation of any other material.

6. All footwear, clothing, tools, vehicles and equipment used on site must be cleaned of all soil, vegetation, or other material that has, or may have, come from a kauri contamination zone and must be thoroughly washed with Sterigene (or other suitable agent) on entry and exit from the site, on every occasion, to avoid the spread of kauri dieback (*Phytophthora agathidicida* (formerly PTA)).

**Advice Note: Accidental Discovery Protocol**

*If any archaeological features are uncovered on the site, works should cease and the Council and Heritage New Zealand Pouhere Taonga (09 307 9920) should be notified immediately. The Heritage New Zealand Pouhere Taonga Act 2014 provides for the identification, protection, preservation and conservation of the historic and cultural heritage of New Zealand. It is an offence under this Act to destroy, damage or modify any archaeological site without an authority from Heritage New Zealand Pouhere Taonga. An archaeological site is defined as a place associated with pre-1900 human activity where there may be evidence relation to history of New Zealand. Archaeological features' may include old whaling stations, ship wrecks, shell middens, hangi or ovens, pit depressions, defensive ditches, artefacts, or koiwi tangata (human skeletal remains), etc. For guidance and advice on managing the discovery of archaeological features, contact the Team Leader Cultural Heritage Implementation on 09 301 0101.*

## 6. 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 contact [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.
3. For more information on the resource consent process with Auckland Council see the council's website [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).
4. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have 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 notification of the decision.
5. The pathogen that causes kauri dieback (*Phytophthora agathidicida* (formerly PTA)) is classified as an unwanted organism under the Biosecurity Act 1993 and in accordance with section 52 of that Act no person shall knowingly communicate, cause to be communicated, release, cause to be released, or otherwise spread the organism.
6. The consent holder will be responsible for ensuring all necessary permits, such as Corridor Access Requests (CAR) permits for works within the road reserve, are obtained from Auckland Transport. See Auckland Transport's website [www.aucklandtransport.govt.nz](http://www.aucklandtransport.govt.nz) for more information.

7. *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.*

Decision prepared by:

Name: John Lan

Title: Intermediate Planner, Streamline Resource Consents

Signed:



Date: 22 March 2021

Delegated decision maker:

Name: Lee Ah Ken

Title: Team Leader, Streamline Resource Consents

Signed:



Date: 22 March 2021



## Report for Discretionary Activity Application

### 1.0 SUMMARY OF PROPOSAL

Proposed additions to an existing building on a natural sensitive ridge that would involve earthworks outside the building footprint and would exceed the 8.0 metre height restriction.

### 2.0 APPLICATION DETAILS

Planner:	Gordon Griffin
Site Address:	793 Scenic Drive, Henderson, Waitakere City
Applicant:	Ian Flintham
Date Received:	29.9.2000
Resource Consent No:	20001977
Building Consent No:	20003371
Ward:	Waitakere
Legal Description:	Lot 1 Dp 118879
Address for Service:	793 Scenic Drive, Henderson, Waitakere City.
Site Area:	5072m <sup>2</sup>
Unit Site Area(s):	N.A.
Transitional Plan: Zoning:	Non-Urban Residential 1
Section:	Waitemata
Hazards:	
Proposed Plan: Human Environment:	Bush Living
Natural Area:	Managed
Landscape Elements:	Natural sensitive ridge
Hazards:	Nil
Roading Hierarchy:	Scenic arterial
Further Information Required:	No
Date Requested:	N.A.
Date Received:	N.A.
Any Affected Persons:	No (See Attached Section 94 Report)
Approval Given:	N.A.

### 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 11.4:4.1 (a) Bulk and location controls, Building Height requires that buildings be to a maximum of 8.0 metres height. The proposed addition would be to 8.6 metres height, (ie. to the height of the existing dwelling), an infringement of 600mm.
- Proposed Plan: Bush Living Environment, Rule 2.4 applies to buildings and development on a natural sensitive ridge that would increase the coverage by more than 20m<sup>2</sup> and would be visible in front of the skyline from a public place. The proposal would involve additions comprising 22.09m<sup>2</sup> area, with the northern addition visible from outside the site on Scenic Drive at the skyline.

Bush Living Environment, Building Height, Rule 4 requires that buildings be to a height not exceeding 8.0 metres. The proposed addition would be to 8.6 metres height, (ie. to the height of the existing dwelling), an infringement of 600mm.

Managed Natural Area, Earthworks, Rule 3.2 applies to earthworks on a sensitive ridge for an approved building platform or infrastructure construction that would not exceed 30m<sup>3</sup>. The earthworks would comprise approximately 29m<sup>3</sup> volume.

#### 3.2 Type of Activity Proposed

- Transitional Plan: Discretionary activity for building height.
- Proposed Plan: Discretionary activity for additions on a natural sensitive ridge.  
Discretionary activity for building height.  
Limited discretionary activity for earthworks

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 ridge top runs parallel to and just west of Scenic Drive in this locality and is covered in relatively mature native bush. The site slopes down to the south-east from the road but has a formed and relatively level area to the east of the dwelling associated with the driveway and manoeuvre area. There has been excavation and with retaining to about 1.2 metres height, on the north west side of the dwelling, with a narrow walkway established between the dwelling and the retaining. The proposed addition is associated with establishing a continuation of this down cut area. At the time of site inspection, 10.10.2000, this additional excavation had been carried out (recently, judging from the cuts). There is evidence that this excavation was associated with some vegetation clearance. The existing dwelling has naturally weathered timber cladding and blends with the bush setting. Native bush surrounds most of the dwelling, extends into the road reserve and provides screening from the road.

#### 4.2 Proposal

It is proposed to extend an existing three storey dwelling by adding at the north end an entranceway study and internal staircase at the ground floor, a dining/sunroom area (and steps from ground floor) at the first floor, and a smaller extension to the second floor bedroom. The total height would be as per the existing building. There would be a separate single storey



extension to the existing bathroom, at the first floor level off the north western wall of the dwelling and set on a pole foundation and with the existing bathroom converted to a fifth bedroom. The proposal involves earthworks and retaining associated with the northern addition and it is probable that some vegetation clearance in the building footprint and adjacent area was involved also. The vegetation clearance and earthworks had been carried out in the building footprint and adjacent area at the time of site inspection, (10.10.2000) but with this area not retained as yet. The proposed northern addition would involve earthworks associated with establishing the "ground floor" level and for associated access and retaining around the outside of this area.

## **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.

**5.2** 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.

## **6.0 ENVIRONMENTAL ASSESSMENT**

### **6.1 Transitional Plan**

Building Height:

The permitted height of 8.0 metres is as per the Proposed Plan. See assessment below and Assessment Criteria Appendix.

### **6.2 Proposed Plan**

Sensitive ridge:

The proposed northern addition would in part continue the existing roofline, would be seen at the skyline from outside the site only and would not be obtrusive. Existing vegetation on site and in the road verge provides adequate mitigation. The proposed south western addition to the dwelling would be lower than the existing building and would be well screened from the road by existing vegetation.

Building Height:

The proposed north eastern addition would partly follow the existing roofline and then would step down to a lower height. This addition would not intrude into the surrounding natural landscape. Existing native bush vegetation north and south east of the addition and the separation distance to the adjacent dwellings north east and south east of the site would mean the height of the addition would not physically dominate or intrude into the privacy of the adjacent sites. The bush is protected in this environment. A condition of consent requiring that native bush be established and retained between the addition and the access drive (to maintain screening of the addition relative to the adjacent neighbour to the north east) is needed.

Earthworks:

See attached assessment criteria appendix.

## 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 Ian Flintham for proposed additions to an existing building on a natural sensitive ridge that would involve earthworks outside the building footprint and would exceed the 8.0 metre height restriction (as more accurately defined in Sections 3 and 4 of this report) at 793 Scenic Drive, Henderson, Waitakere City being Lot 1 Dp 118879 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.

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

1. The development is to proceed in accordance with the plans and/or 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. Before commencement of any works, adequate sediment and erosion control measures shall be constructed and maintained in accordance with Appendix 3, Erosion and Sediment Control Measures Appendix to the Natural Area Rules of the Waitakere City Council Proposed District Plan.
5. Native bush species shall be established and retained between the addition and the access drive including the area indicated on Appendix A. (to maintain screening of most of the addition relative to the adjacent neighbour to the north east).
6. A consent compliance monitoring fee of \$80.00 (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 \$80.00 (inclusive of G.S.T.).

The \$80.00 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.

### Advice Notes:

**A building consent is required for retaining 1.5 metres or higher or with a surcharge.**

Reporting Planner: *Gordon Griffin*  
(Gordon Griffin)

Date: *27.10.2000*

9.0 CONSENT GRANTED AS RECOMMENDED

*Lee Ogilvie*

Lee Ogilvie  
Team Leader Consents

Date: *27/10/2000*

Fran Hayes  
Manager, Resource Consents

Please contact Gordon Griffin (Ph 836 8000 ext. 8357) if you have any queries about this resource consent and associated report.