

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



Discretionary activity for a residential activity

Application number(s): LUC60444322 (s9 land use consent)

Applicant: Johnstone Construction Ltd

Site address: 142 Konini Road, Titirangi

Legal description: Lot 1 DP 57907

Proposal:

To carry out the following works, where items in **bold** are retrospective at the time of writing:

- **Additions and alterations to the existing dwelling, consisting of an 27m² extension to the south of the dwelling, rebuild of the internal layout and recladding.**
- Removal of the existing pool and pool shed, and construction of a **replacement pool, decking, supporting retaining walls**, pool shed, and breezeway to the south of the dwelling.
- Construction of a new two-car garage in the location of the former carport
- **Lowering of the existing driveway by 500mm below existing ground level, and widening of the driveway from a formed width of 2.3m to 2.8m.**
- **Earthworks to lower the vehicle manoeuvring area to be flat, comprising cut earthworks of up to 1.5m deep close to the dwelling and fill up to 2-2.5m high close to the eastern boundary and proposed garage location. The total earthworks volumes are approximately 265m³ across an area of 450m².**
- **Vegetation removal from within the SEA totalling approximately 222m² to facilitate the above works, comprising a mix of native and non-native vegetation, as well as canopy and understorey species.**

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60444322

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

Residential – Large Lot Zone

- To develop new buildings (and/or any additions to existing), as the development of new buildings or any additions has the same activity status as the land use activity, is a restricted discretionary activity under rule H6.4.1(A34).
- The proposal involves use and development under rules H1.4.1(A3) and H1.4.1(A32) that fails to meet the following core standards and is a restricted discretionary activity under rule C1.9(2):
 - The proposed garage infringes the 6m side yard along the eastern boundary required by standard H1.6.5(1) by a maximum depth of 2.43m, for a length of 7.92m relative to the boundary.
 - The retaining wall requiring retrospective consent, situated below the garage, infringes the 6m side yard along the eastern boundary required by standard H1.6.5(1) by a maximum depth of 3.97m, for a length of 12.9m relative to the boundary.
 - The proposed decking and retaining wall adjacent to the swimming pool infringe the 6m side and rear yards required by standard H1.6.5(1) to a maximum depth of 1.2m and a total cumulative length of 4.9m.
 - The proposed pool shed and breezeway structure infringes the 6m western and southern side and rear yards required by standard H1.6.5(1) to a maximum depth of 4.706m for a total length relative to the boundary of 19.65m.
 - The proposed dwelling extension infringes the 6m western side yard required by standard H1.6.5(1) to a maximum depth of 2.6m, for a length of 4.75m relative to the boundary.

Land Disturbance - District

- To undertake general earthworks of 265.4m³, as the earthworks are greater than 250m³ in a residential zone, is a restricted discretionary activity under rules E12.4.1(A8) respectively.

Trees in Roads

- To remove a kanuka tree from the road reserve, which is a tree greater than 4m in height, is a restricted discretionary activity under rule E17.4.1(A10).

Transport

- The proposal involves accessory parking and access that does not meet the following parking and access standards and is a restricted discretionary activity under rule E27.4.1(A2):
 - The first 4m of the proposed accessway has a gradient of 23.75%. This infringes the maximum 5% gradient for the first 4m of an accessway under standard E27.6.4.4(3).

Natural hazards and flooding

- To construct buildings, including the garage, pool house, pool, and dwelling extension, on land that may be subject to instability is a restricted discretionary activity under rule E36.4.1(A51).

District land use (operative plan provisions)

Natural Hazards & Flooding

- To develop an extension to the dwelling measuring over 20m², as an activity sensitive to natural hazards, in a low landslide hazard risk area and that does not comply with standard E36.6.A1, is a controlled activity under rule E36.4.1B(A125).

Regional land use (operative plan provisions)

Land Disturbance - Regional

- To undertake earthworks of 142.1m² and 73.1m³, as the earthworks are greater than 5m² and 5m³ in a Significant Ecological Area, is a restricted discretionary activity under rule E11.4.3(A28) and (A30) respectively.

Vegetation Management & Biodiversity

- To have carried out vegetation removal of 222m², comprising permanent and temporary vegetation loss as well as understorey damage, is a discretionary activity under rule E15.4.2(A43).

The reasons for consent are considered together as a discretionary activity overall.

Decision

I have read the application, read the section 92 responses and the applicant's AEE; read or scanned the other supporting documents, and read the Notification Report prepared by Mr Bennet Atkins¹. Mr Atkins recommended the application be processed by way of limited notification. 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 notification.

Public notification

Under section 95A of the RMA, this application shall proceed without public notification because:

1. Under step 1, public notification is not mandatory as:
 - a. the applicant has not requested it;
 - b. there are no outstanding or refused requests for further information; and
 - c. the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977.
2. Under step 2, public notification is not precluded as:

¹ Intermediate Planner, Resource Consents, Auckland Council

- a. there is no plan rule or regulation in an NES that specifically precludes public notification of the application; and
 - b. the application is for activities other than those specified in s95A(5)(b).
3. Under step 3, public notification is not required as:
- a. the application is for activities that are not subject to a plan rule or regulation in an NES that specifically requires it; and
 - b. the activities will have or are likely to have adverse effects on the environment that are no more than minor because:

Ecology

The proposal will result in minor effects on the environment with regard to ecological and biodiversity values for the following reasons

- The nature of the works, having likely been carried out without adherence to best practice methods and vegetation protection methodology, have caused damage to the remaining vegetation on site, as well as having likely caused injury or death to native fauna as well as compromising and reducing viable habitat.
- Despite this, the proposed mitigation planting provides for both enhanced habitat within the existing SEA for herpetofauna and avian species, as well as providing for new, protected habitat to the south of the dwelling. This serves to ensure that biodiversity values across the site will be maintained and enhanced post recovery, for both fauna as well as vegetation, as well as providing for an increased area of habitat.
- Despite the vegetation having been cleared already, there is no significant fragmentation of the contiguous native vegetation on site. This is primarily due to the narrow strip of vegetation located between the dwelling on the subject site and the dwelling at adjacent 5 Kopiko Road, which due to edge effects does not provide a cohesive link between the northern half of the site and the substantial SEA located to the south of the site. There is also a gap between the two zones of SEA, as shown on the Figure 3. It is noted that this connection will be restored as part of the replanting process, as well as protected via the proposed covenant, ensuring that any adverse effects resulting from this fragmentation are temporary.
- The proposed use of the site, in particular the widening of the driveway and replacement of the existing carport to a garage, fall within reasonable usage as these generally constitute minor upgrades to better provide for safety and accessibility for the applicant; while remaining generally within the existing footprint of the impervious and built coverage within the site.
- The proposed covenant requires the ongoing maintenance of the vegetation on site in perpetuity, through the removal of pest plants and animals, as well as prohibition of earthworks. In addition to the existing protections under the Significant Ecological Area on site, the covenant will provide for the continued management of fauna and flora biodiversity, gradually enhancing the ecological and biodiversity values of the site.

Stability

- The applicant's geotechnical report has indicated that stability across the site will be maintained, through modelling with a with a range of different design parameters, including seismic engineering practice guidelines. Accordingly, the proposed earthworks and retaining will maintain stability across the site, resulting in less than minor effects on the stability of land within the surrounding environment.

Runoff

Erosion & Sediment Control

The applicant has provided an erosion and sediment control plan (ESCP). As earthworks have already been carried out, this assessment will be based on the assumption that these sediment control methods were utilised during construction. The ESCP includes the following features:

- The provided measures generally provide for sediment control for the majority of earthworks that have been carried out.
- The ESCP does not show what controls were utilised during lowering and widening of the existing accessway, nor does it indicate how sediment tracking onto the surrounding public road networks will be prevented.
- Silt fencing along the accessway's down-gradient boundary would manage sediment discharges, while prevent sediment tracking onto the public road, a stabilised construction entrance, wheel wash or similar, must be provided.

As no final ESCP was able to be provided to address the discharge of sediment from the accessway or vehicle crossing to the road reserve, nor is it clear whether this was provided during the accessway widening, the proposed works potentially resulted in minor effects on the surrounding environment resulting from the discharge and runoff from sediment generated on site.

Stormwater

The applicant is proposing to install two 5000L stormwater detention tanks on site, with one receiving runoff from the garage and one from the dwelling & pool-adjacent buildings. Runoff will be piped to two rip-raps/filtration systems located adjacent to the driveway, which will direct runoff down the slopes adjacent to the driveway. Runoff from the paved areas on site will be directed down the driveway itself.

The discharge of stormwater from the proposed outlets meets the general standards under E8.6.1, that they will not cause or increase scouring or erosion at the point of discharge of downstream, or damage to other properties. Accordingly, the proposed stormwater management system will result in less than minor effects relating to scouring and erosion of the surrounding environment, and on runoff as the tanks provide for temporary storage of stormwater during high rainfall events.

Character

The proposed dwelling extension and accessory will result in less than minor effects on the spacious landscape character of the surrounding area, for the following reasons:

- The setbacks of the garage, pool shed, and dwelling extension are consistent with those on adjacent sites, as well as the setbacks of dwellings on sites within the wider environment such as 127, 141 and 143 Konini Road. Adjacent to the accessory buildings listed above, replanting is being provided which will serve to maintain the vegetated character of the surrounding area.
- The breezeway's height ranges from 2.5m-3m, ensuring that it is not visible above the surrounding vegetation. Covenanted planting to the east of the proposed breezeway, as well as specimen trees located to the east, will serve to surrounding the building in vegetation, providing for spaciousness.
- With regard to all proposed buildings, their location uphill and towards the rear of the site ensures that from the road, they will not be appreciable, ensuring that the spacious character of the landscape is maintained for passing drivers or pedestrians.

Traffic

The proposal results in less than minor effects on the safety of persons using the road, as the footpath on Konini Road is on the opposite side of the road, while the visibility up and down the road has remained unchanged from the pre-works setting.

With regards to earthworks and construction traffic, the proposed earthworks and land disturbance are generally at a level that is expected by the Plan, and so are expected to have generated a level of vehicle traffic to and from the site that is consistent with the permitted baseline, resulting in less than minor effects on the surrounding environment:

4. Under step 4, there are no special circumstances that warrant the application being publicly notified because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that public notification should occur.

Limited notification

Under section 95B of the RMA, this application shall proceed with limited notification because:

1. Limited notification is neither mandatory nor precluded under steps 1 and 2.
2. However, under step 3, the following persons are found to be adversely affected by the proposal:

- The owners and occupiers of 5 Kopiko Road, Titirangi. The application has requested limited notification to persons at this site.
- No other persons are adversely affected because:

144 Konini Road

- The location of the pool, breezeway and deck uphill from the dwelling at 144 Konini Road provides vertical separation; which, in addition to the screening provided by the proposed specimen trees located adjacent to the deck, serves to reduce the appreciation of these buildings from persons at 144 Konini Road.

These trees will also serve to provide for some privacy for residents of this site, from users of the proposed deck and pool area.

- The extension of the proposed dwelling is visible from the deck and dwelling at 144 Konini Road. Some vegetation on the subject site that is located between the dwelling and boundary will be included within the covenant area and so will be protected into perpetuity. This vegetation serves to screen the dwelling from persons at 144 Konini Road, maintaining their residential amenity and sense of spaciousness within the landscape.
- The proposed changes to the dwelling involve a new folding door within the yard on the southern elevation, and a new window partially within the yard on the western elevations. These are expected to result in overlooking effects that are comparable to the permitted baseline, due to the function of this room as a dining room, and the location of the doors facing away from the dwelling at 144 Konini Road. This, along with the presence of protected vegetation between the dwellings and proposed specimen trees, provides for the privacy of persons at 144 Konini Road.
- The location and scale of the proposed activity is located in an area of the site with sufficient separation from the dwelling and residential activities at 144 Konini Road that it will give rise to sunlight access or visual dominance effects that are less than minor.
- The applicant's engineer has indicated that the stormwater outlet, adjacent to the driveway, will direct runoff down the hill adjacent to the driveway to eventually discharge along the kerb, rather than flowing through 144 Konini Road.
- Persons at 144 Konini Road will experience less than minor effects related to stability as the applicant's engineer has confirmed that all earthworks have been carried out in accordance with the provided earthworks plan, with retaining walls having been constructed in accordance with the design intent provided at lodgement.

7 Kopiko Road

- Persons at 7 Kopiko Road will experience less than minor effects related to privacy and amenity, as the proposed planting located in the southern corner of the subject site will provide screening of the proposed pool, breezeway, pool house and dwelling. This ensures that persons utilising the studio at the northern end of this site will maintain their privacy as this vegetation is being protected into perpetuity; which will also preserve a high standard of residential amenity for residents.
- Persons at 7 Kopiko Road will experience less than minor effects related to stormwater runoff, as their property is located uphill from the subject site.
- Persons at 7 Kopiko Road will experience less than minor effects related to stability, as they are separated from and located uphill from the proposed works, in particular the more extensive earthworks and excavations around the access and manoeuvring area. Additionally, the applicant's engineer has confirmed that all earthworks have been carried out in accordance with the provided earthworks

plan, with retaining walls having been constructed in accordance with the design intent provided at lodgement.

148 Konini Road

- The proposed specimen trees and separation between the dwelling at this site and the proposed breezeway/pool shed serve to maintain a sense of spaciousness consistent with the surrounding character, and maintaining the residential amenity of persons at 148 Konini Road.
- Persons at 148 Konini Road are located along the same slope and at the same elevations as the subject site, as well as slightly uphill along Konini Road itself. This ensures that stormwater runoff from the subject site will not flow into 148 Konini Road, ensuring less than minor effects on residents.
- Persons at 148 Konini Road will experience less than minor effects related to stability as the applicant's engineer has confirmed that all earthworks have been carried out in accordance with the provided earthworks plan, with retaining walls having been constructed in accordance with the design intent provided at lodgement. This is in addition to the separation distance between the sites.

129, 131, 135 Konini Road

- Persons at 129, 131, and 135 Konini Road are located to the north and west of the subject site, on the opposite side of Konini Road. These persons will experience less than minor effects related to amenity as the proposed accessory buildings are located towards the rear of the site, and are screened by vegetation protected within a SEA and by a covenant.
 - These persons will also experience less than minor effects related to stormwater runoff as runoff from the site has been designed to discharge via the driveway and into the kerb, rather than across the road. In the instance of a high-rainfall event, the proposed detention tanks on the subject site will serve as temporary storage for rainwater, enabling the gradual discharge of collected runoff.
 - These persons will also experience less than minor effects on the stability of land due to the separation of the subject site and works area from persons on these adjacent sites.
3. Under step 4, there are no special circumstances that warrant the application being limited notified to any other persons besides those identified above. This is because there is nothing exceptional, abnormal or unusual about the application, and the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur.

I concur with Mr Atkins' analysis and have adopted his recommendation; accordingly, this application shall proceed with **LIMITED NOTIFICATION**. Notice of this application shall be served on the affected persons (owners and occupiers) at of **5 Kopiko Road, Titirangi**.

A handwritten signature in black ink, appearing to read 'Mark Farrant', written in a cursive style.

Duty Commissioner

15 May 2026