



## **Application for Resource Consents & Assessment of Environmental Effects:**

142 Konini Road, Titirangi: To undertake additions and alterations to an existing dwelling, construction of a new pool, and obtain retrospective consent(s) for associated enabling works

**Report prepared by:**

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**Appendix J2:** Te Kawerau ā Maki Assessment

<sup>1</sup> For the benefit of the Council, we have updated references to the relevant documentation that captures the current proposal and most up to date assessments and supporting plans (excl. the s92 response letters).

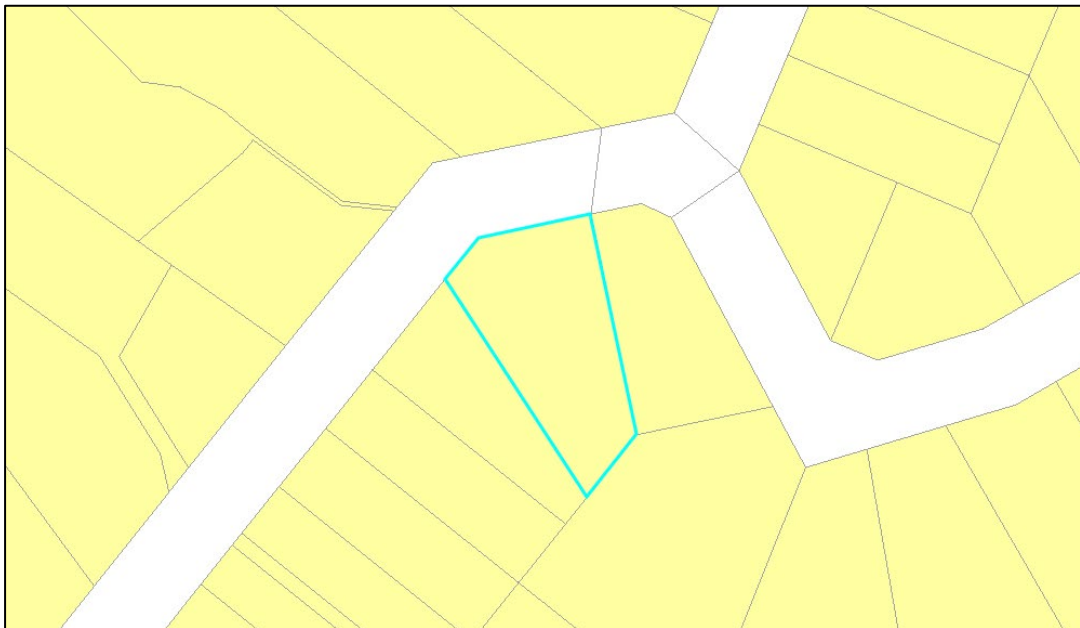
## 1.0 Introduction

### Application Description

<b>Applicant:</b>	Hugh Johnstone / Johnstone Construction Ltd
<b>Address for Service:</b>	Email: <a href="mailto:Nick@elevateplanning.co.nz">Nick@elevateplanning.co.nz</a> (all correspondence via email please)
<b>Name and Address for Fees:</b>	Attention: Hugh Johnstone – <a href="mailto:accounts@johnstoneconstruction.co.nz">accounts@johnstoneconstruction.co.nz</a> Unit 1, 485B Rosebank Road Avondale Auckland 1026
<b>Site Address:</b>	142 Konini Road, Titirangi, Auckland 0604
<b>Legal Description:</b>	Lot 1 DP 57907
<b>Site Area:</b>	1,763m <sup>2</sup> (Gross site area)
<b><u>Operative Plan:</u></b>	<b><u>Auckland Unitary Plan (Operative in Part)</u></b> <b><u>“AUP(OP)”</u></b>
<b>Zoning and precinct:</b>	Residential – Large Lot Zone (“LLZ”)
<b>Overlays:</b>	Significant Ecological Areas Overlay – SEA_T_5539, Terrestrial Waitakere Ranges Heritage Area Overlay – WRHA_05, Subdivision Schedule Waitakere Ranges Heritage Area Overlay – Extent of Overlay
<b>Controls:</b>	Macroinvertebrate Community Index – Native
<b>Designations:</b>	-
<b>Limitations (Non-statutory):</b>	Land which may be subject to land instability
<b><u>Proposed plan change(s):</u></b>	<b><u>Plan Change 79 (“PC79”) &amp; Plan Change 120</u></b> <b><u> (“PC120”).</u></b>
<b>Zoning:</b>	No change
<b>Overlays:</b>	-
<b>Qualifying Matter(s):</b>	Waitakere Ranges Heritage Area Overlay Significant Ecological Areas – Terrestrial



**Figure (1):** Aerial photo of subject site. Source – GIS Viewer.



**Figure (2):** AUP(OP) zoning. Source – GIS Viewer.



## Overview of Proposal

Land use consents are sought for the undertaking of additions and alterations to an existing dwelling, including the rebuilding of several accessory buildings and installation of a new private stormwater management system, alongside retrospective site enabling works, which is comprised of vegetation alteration and/or removal primarily focused on non-native vegetation within the SEA Overlay, earthworks, and modifications to an existing driveway. Remediation and enhancement of works undertaken within the SEA in terms of replacement planting, pest management, and the creation of a protective covenant forms part of the scope of the application.

The assessment undertaken below has concluded that adverse effects upon the environment and any owner(s) / occupier(s) residing at 5 Kopiko Road will be no more than minor, whereas any adverse effects upon all other persons, considered adjacent to the subject site, will be suitably mitigated and less than minor. As such, limited notification to 5 Kopiko Road is considered necessary in this regard.

## Background

### Resource Consenting History

There is no resource consenting history identified on Auckland Council's property file that is of relevance in the consideration of this application. However, it is acknowledged that the existing dwelling was lawfully established by way of an equivalent Building Consent approval in BPM-1957-5291, which later included a basement addition in BPM-1961-18000.

### Compliance History

It is recognised that a number of modifications to the site have been undertaken to date without resource consent(s) approval. In the first instance, the applicant was of the understanding that several of the works undertaken within the subject site were consistent with the permitted activity rules included in the AUP(OP). Specifically, this was believed to include the following activities:

- Widening of the existing driveway along the eastern side of its existing alignment, as provided for in Rule E11.4.3(A19), including any associated earthworks and placement of an aggregate temporary surface;
- The removal and/or trimming of a number of existing specimen trees, including one mature Norfolk Island pine, in proximity to the location of the existing car port being within the 1m maintenance buffer of an existing building (non-dwelling) included in Rule E15.4.1(A40);
- Internal and external alterations to the existing building, being provided for as a permitted activity in Rule H1.4.1(A29), and the demolition of the existing car port as provided for in Rule H1.4.1(A28);

Upon further discussion with the applicant following a site visit that took place on 30<sup>th</sup> July 2024, it was clarified that the extent of works undertaken on-site to this date would have likely required resource consent(s) under Sections E11, E15, and E17 of the AUP(OP) at the time and that any additional works require consent(s) prior to implementation.

Notwithstanding, additional works have been undertaken on-site since the original AEE was submitted. These included: the construction, and completion, of the proposed retaining wall along the eastern boundary; earthworks required for the lowering and widening of the existing driveway alignment; and commencement of the foundation construction for the breezeway, pool, pool house, and garage.

It is understood that no works have been undertaken since an Abatement Notice was issued by Council on 8<sup>th</sup> August 2025 (Council reference ABC21782573). In response to the concerns identified by the Council, including the reasons stated within the aforementioned Abatement Notice, all retrospective reasons for consent pertaining to Sections E11, E15, and E17 have been sought by the applicant. These are detailed below.

No additional earthworks and/or vegetation alteration within the SEA Overlay are proposed, outside of those associated with replacement planting to remediate the unconsented works having been undertaken to date. For the avoidance of doubt, this conclusion extends to cover the removal of the trees described within the supporting Arborist Report, attached as [Appendix G](#), prepared by The Tree Consultancy Company (“TCC”). It is understood that such works have been completed, as evidenced in the revised Ecological Impact Assessment (“EIA”), prepared by Ecology New Zealand Ltd (“ENZ”), which is attached as [Appendix F1](#).

### [Mana Whenua Consultation](#)

As the scope of the application involves land disturbance and vegetation removal and/or alteration within the SEA, the applicant consulted with mana whenua through Council’s iwi facilitation service. A s37 extension was offered up front for the use of this service, which was completed on 1<sup>st</sup> April 2025. No comments were received, from any mana whenua group outside of Te Kawerau ā Maki who the applicant had directly engaged with, to have a known interest in the site locality. Further engagement with Te Kawerau ā Maki has been undertaken, who have prepared a Cultural Investigation Report (“CIR”) dated 11<sup>th</sup> April 2025. In the CIR, representatives confirm that effects on cultural values will be avoided or mitigated based on a number of recommendations that they have suggested. These measures are mainly inherent in the application, and/or already proffered via supporting conditions of consent, such that any further conditions are not considered necessary. The only measure that has not been specifically put forward as a condition(s) of consent is the suggestion to limit light pollution. In this vein, any lighting resulting from the proposed additions and alterations will be designed to remain within the luminance criteria outlined in Section E24 – “*Lighting*” of the AUP(OP). This ensures that any lighting effects remains within the realms that is generally anticipated by the

AUP(OP). Further consideration pertaining to the adverse effects upon mana whenua values has been provided in [Section 5.2](#) of this recommendation.

### Plan Modifications

#### **Plan Change 120 (“PC120”)**

PC120 was publicly notified by the Auckland Council 3<sup>rd</sup> November 2025. A decision has not yet been made on the plan change, which includes involves a combination of proposed rules and standards with and without immediate legal effect. Under s86A(1)(3)(f), the proposed rules and standards relating to any natural hazard(s) have immediate legal effect.

In the context of this application, PC120 introduces new provisions as it relates to landslide hazard risk areas which applies to a majority of properties across the Auckland Region. Notably, a hazard risk assessment prepared in accordance with the amended provisions included in PC120, including Appendix (24) and E36.9, has been undertaken that confirms that the site is considered as a Low (Acceptable) landslide hazard risk area. As set out within this supporting analysis in section 4.4, I concur that the proposed works are a permitted activity when considered against the proposed rules and standards included in the amended provisions of Section E36 – “*Natural hazards and flooding*” under PC120. For the avoidance of doubt, the subject site is not identified as being subject to any flood hazard area, which would give rise to the need for further consideration under the proposed provisions of PC120.

#### **Plan Change 79 Decisions Version**

Whilst acknowledging that PC79 DV is subject to appeal, we have undertaken an assessment against the proposed planning framework within [Table \(2\)](#) below. There are no proposed rules or standards that are of direct relevance in consideration of this recommendation which would give rise to any additional reason(s) for resource consent.

Table (2):

<b>Section:</b>	<b>Plan Provision:</b>	<b>Compliance:</b>
<b>Section E24 – “Lighting”</b>	Standard E24.6.2 Artificial lighting standards for access in residential zones	N/A – no lighting is required by Standard E27.6.3.7(2).
<b>Section E27 – “Transport”</b>	Standard E27.6.1 Trip generation	N/A – Well below the threshold to trigger a trip generation assessment.
	Standard E27.6.2 Number of parking and loading spaces	N/A – A new garage is proposed, which Will accommodate cycle parking & e-vehicle charging facilities.
	Standard E27.6.2(8) Number of loading spaces	N/A – The subject site does not front onto an arterial road nor requires small loading space.

	Standard E27.6.3.1 Size and location of parking spaces:	N/A
	Standard E27.6.3.2 Size and location of loading spaces	N/A – No loading spaces are proposed.
	Standard E27.6.3.2(A) Accessible Parking	N/A – No changes in activity or development proposed, which would warrant further consideration.
	Standard E27.6.3.3 Access and manoeuvring	N/A – No loading space required, thereby the tracking curves for a 6.4m van are not required.
	Standard E27.6.3.4 Reverse manoeuvring	N/A – Forward manoeuvring will be achieved.
	Standard E27.6.3.4A Heavy vehicle access	N/A
	Standard E27.6.3.5 Vertical clearance	N/A – Introduction of vertical clearance requirements for some residential activities with loading, which does not apply, and/or heavy access requirements.
	Standard E27.6.3.7 Lighting	N/A – well below the threshold.
	Standard E27.6.4.3 Width of vehicle access, queuing and speed management requirements	N/A – Length of vehicle access, as it opens up into the vehicle forecourt, does not exceed 30m from the boundary.
	Standard E27.6.6 Design and location of pedestrian access in residential zones	N/A – Only one existing dwelling on-site with no proposed change in use.
	Standard E27.6.7 Provision for electric vehicle charging	N/A – no new dwellings are proposed.
<b>Section E38 – “Subdivision Urban”</b>	Standard E38.8.1.2 Access to rear sites	N/A – No subdivision is proposed.

## 2.0 Site, Locality, & Wider Environment Description

### 2.1 Subject Site

The application site (“the subject site”) is a front site comprised of one irregularly shaped parcel of land located along the southern extent of Konini Road in Titirangi. The site is legally described as Lot 1 DP 57907. The subject site can be characterised as maintaining a moderate slope, with an approximate fall of 17m from south to north-east. An approximate frontage length of 41.2m is maintained across the subject site.

The site is occupied by one existing standalone dwelling, which is predominantly single storey with the inclusion of an undercroft floor, with various accessory buildings distributed throughout the property. This includes an existing standalone carport towards the north-east of the building with an attached shed facility; standalone shed

towards the south-east of the dwelling; and a standalone pool shed further towards the south of the site.

The existing car port, ancillary shed, pool house, and existing pool have since been removed. Whilst some vegetation alteration has been undertaken, the site remains covered by a dense canopy of mature vegetation which occupies a large proportion of the subject site. Albeit what is shown on Council's GIS Viewer may not accurately depict what is currently on-site in terms of its extent having had regard to the vegetation clearance as described in [Section 1.0](#) of this recommendation.

Notwithstanding, there remains a reasonably extensive degree of landscaping throughout the site, similarly comprised of a mix of specimen trees, medium, and low height planting, which is typically associated with the quality of vegetation that can be found within the SEA Overlay. Notably, the extent of landscaping along the frontage of the site, which extends into the road reserve, serves to provide considerable screening from Konini Road and ultimately limiting the degree of visibility from the streetscape towards the existing residential development that is located towards the rear of the property, away from the road.

The site has historically been serviced by way of an existing 2.3m wide (approx.) vehicle crossing, which is located in the north-western corner of the subject site. The widening and lowering of the existing driveway has been completed, however it is acknowledged that the final paving of this accessway is yet to be completed. This provides access into an at-grade parking and vehicle forecourt centrally within the site, which allows vehicles to exit in a forward direction. The existing driveway is reasonably steep with a maximum gradient of 40%, roughly about midway up the existing driveway's length, and a current transition platform gradient of 30% (approx.).

The Record of Title ("RT), which is attached as [Appendix A](#), shows that there is no title instrument(s) included on the RT that is of relevance in the consideration of this application.



*Figure (5): View towards the existing dwelling contained within the subject site, as viewed from the pool area to the south-west. Image is author's own, taken in July 2024.*



*Figure (6): View towards Konini Road from within the subject site, as viewed from the middle of the driveway. Image is author's own, taken in July 2024.*



*Figure (7): View towards the existing dwelling, as viewed from the vehicle forecourt. Image is author's own, taken in 2024.*

## 2.2 Wider Environment

The character of the existing environment can be summarised as a typical low-density rural lifestyle character, which is reflected in the predominant built form being single detached development on reasonably open and spacious allotments and similarly covered in dense landscaping consistent with the extent of the SEA Overlay.

Like the subject site, visibility towards any use and development within any nearby properties is limited by virtue of the placement of any existing built form coupled with the extent of vegetation, being reasonably dense through the locality, within the SEA that limits any views towards existing development. There are a few oblique views along the driveways of adjacent properties where people can discern some obscure views of existing development, which are either single or two-storey dwellings as a typology.

Further afield towards the north-east of the subject site along Konini Road, the character of the environment changes towards one that is more consistent with a suburban nature and intensity. This is also reflected in the fact that the zoning of properties at this transition beyond become Residential – Mixed Housing Suburban (“MHS”) rather than LLZ, which applies to other sites in close proximity to the subject site and further afield towards the south / east / west. The following photos provide a depiction of the existing environment:



**Figure (8):** View towards 144 Konini Road viewed from Konini Road. Image is author's own, taken July 2024.



**Figure (9):** View towards 137 Konini Road when viewed from Konini Road. Image is author's own, taken July 2024.



*Figure (10): View towards north-east of Konini Road when viewed from within the road reserve. Image is author's own, taken July 2024.*

The character of the existing environment is largely consistent with what is envisaged under the AUP(OP), noting a concentrated presence of other sites similarly zoned as LLZ within proximity to the subject site. Open spaces of varying sizes and functionality are distributed throughout the wider environment, which notably includes the linear reserve towards the rear of the subject site.

Konini Road is identified as a local road and is comprised of a carriageway width of 7.5m (approx.) within a corridor measured at 20.5m (approx.) running along the site's frontage. The road is free of any No Stopping At All Times ("NSAAT") parking restrictions within proximity to the subject site, albeit the carriageway is not of a width that would otherwise be able to accommodate on-street parking without any vehicle(s) otherwise partially straddling the pedestrian footpath. There is no pedestrian footpath along the southern extent of Konini Road, whereas a continuous footpath is provided along its northern extent leading towards the south-west.

## 3.0 Proposal

### 3.1 Land Use Consents

The activities and development that the applicant seeks to lawfully establish, which are currently on-site or partially constructed, are outlined below:

- To undertake internal / external alterations to an existing dwelling, notably comprised of an additional 27m<sup>2</sup> extension to the south-west of the existing building;
- Construct a new single storey ancillary building towards the north-east of the existing dwelling, which will accommodate a three-car garage alongside a dedicated workshop. To secure the area for this building, a new timber retaining wall (consisting of a mix of cut and fill) is proposed in close proximity to the north-eastern boundary;
- Construct a new partially in-ground pool and supporting retaining / decking around the periphery of the new structure, including any required balustrades;
- Rebuilding of the pool-shed to the south-west of the existing dwelling and associated breezeway structure atop of part of the proposed decking;
- Lowering of the existing driveway by 500mm below existing ground level and widening of the driveway's formation along its eastern extent by 500mm up to a maximum width of 2.8m (approx.);
- Undertake the permanent clearance of 49.5m<sup>2</sup> and temporary clearance of 104m<sup>2</sup> of vegetation contained within the SEA Overlay, which is comprised of a mix of specimen trees (predominantly non-native), low, and medium height planting. For full details on the vegetation that has been removed, please refer to a mix of the supporting EIA and Arborist Report, attached as Appendix F1 & G respectively.

Further works proposed as part of the scope of this application are detailed below:

- Establishment of a new on-site stormwater management system, including the erection of two new above ground combined detention and retention devices which will service the existing dwelling and rebuilt garage / workshop building, and construction of two new outlet locations to land which will be supported by way of new T-Bar dispersion devices;
- Herpetofauna habitat enhancement, including the establishment of eco-stacks / log stacks within the north-eastern corner of the site, which are to be supplemented by way of a continuous canopy kanuka stand and underplanting of refuge and food plants for skinks and other lizards;
- Undertake mitigation and remediation planting throughout the subject site to account for works undertaken to date, which consists of approximately 68m<sup>2</sup> of understorey vegetation damage, as well as replanting in native flora under the guidance of an ecologist as mitigation for the removal of non-native specimen trees and large amount of invasive pest flora (bamboo and agapanthas) around the pool

area. This amounts to an area of additional planting measuring at approximately 109m<sup>2</sup> alongside 258m<sup>2</sup> of restoration planting. The full details of the proposed mitigation and restoration planting are described in the Revised Environmental Management Plan (“EMP”), also prepared by ENZ, which is attached as Appendix F2;

## 4.0 Reasons for the Application

A comprehensive assessment of the relevant rules and supporting standards has been undertaken and is attached as Appendix H to this application, which is to be read in conjunction with this AEE. Therefore, under the AUP(OP) resource consents are sought for the following reasons.

### Land Use Consent (s9)

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

##### **Regional land use (operative plan provisions)**

###### *Land Disturbance – Regional*

- To undertake land disturbance within the SEA Overlay not otherwise provided for involving an area greater than 5m<sup>2</sup>, in this instance comprised of an approximate area of 142.1m<sup>2</sup>, resource consent is required as a restricted discretionary activity under Rule E11.4.3(A28);
- To undertake land disturbance within the SEA Overlay not otherwise provided for involving a total volume (incl. cut and fill) greater than 5m<sup>3</sup>, in this instance being an approximate volume of 73.1m<sup>3</sup>, resource consent is required as a restricted discretionary activity under Rule E11.4.3(A30);

###### *Vegetation Management and Biodiversity*

- For the undertaking of vegetation alteration not otherwise provided for within Activity Table E15.4.2 with respect to the removal and alteration of vegetation within the SEA Overlay, in this instance involving approximately 49.5m<sup>2</sup> of permanent SEA vegetation loss alongside 104m<sup>2</sup> of temporary SEA clearance, resource consent is required as a discretionary activity under Rule E15.4.2(A43).

##### **District land use (operative plan provisions)**

###### *Land Disturbance – District*

- Earthworks are proposed within a residential zone that will consist of a volume of approximately 265.4m<sup>3</sup> (including cut & fill). For earthworks greater than 250m<sup>3</sup> and up to 1,000m<sup>3</sup>, this is a restricted discretionary activity under Rule E12.4.1(A8).

###### *Trees in Roads*

- For the removal of any trees greater than 4m in height or greater than 400mm in girth within the road reserve whilst also located within the SEA, being one Kanuka associated with the required widening of the existing driveway formation, resource consent is required as 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):
  - Standard E27.6.4.4(3) requires that all vehicle access must be designed so that there is a gradient of no steeper than 1 in 20 (5%) for the first four metres from the frontage for a residential site. In this instance, the lowering of the driveway will result in a 23.75% gradient. This is an infringement of 18.75% to the required gradient.

#### *Natural Hazards and Flooding*

- For the construction of any other building(s) and structure(s), which relate to the rebuilding of the garage, new pool house, pool, and extension to the existing dwelling, on land which may be subject to land instability not otherwise provided for, resource consent is required as a restricted discretionary activity under Rule E36.4.1(A51); &
- For the construction of new infrastructure not otherwise provided for, in this instance being the new private on-site stormwater management system, resource consent is required as a restricted discretionary activity under Rule E36.4.1(A56).

#### *Residential – Large Lot Zone*

- The proposal involves use and development that fails to meet the following core standards and is a restricted discretionary activity under Rule C1.9(2):
  - Standard H1.6.5 Yards: This standard requires that any building, or part(s) of a building, is setback from the relevant boundary for the depths specified in Table H1.6.5.1. This requires a minimum front yard setback of 10m alongside 6m for any side and/or rear boundary. In this instance, the following infringement(s) are sought:
    - As it relates to the rebuilding of the proposed garage / workshop building along the eastern boundary side yard, a maximum depth of 2.4m along a maximum length of 7.92m;
    - As it relates to the supporting filled retaining wall, adjacent to the proposed garage / workshop building along the eastern boundary side yard, a maximum depth of 3.97m to the edge of the proposed piles along a maximum length of 12.9m;

- As it relates to a portion of raised decking and supporting balustrades, which exceed 1m in height and meet the definition of “*Building*”, surrounding the periphery of the proposed pool a depth that ranges between 0.7m – 1.15m in maximum depth along a cumulative length of 4.9m;
- As it relates to the rebuilding of the proposed pool shed along the side and rear yards of the southern and western boundaries, a maximum depth of 3.35m reducing to compliance along a total cumulative length of 9.8m;
- As it relates to the proposed breezeway within the western side yard, a maximum depth of 4.42m along a total length of 10.15m; &
- As it relates to the proposed house extension along the western side yard, a maximum depth of 3.3m reducing to compliance along a total length of 4.9m;

## 5.0 Statutory Assessment

### Effects that may be disregarded

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. Whilst a majority of the site is covered by the SEA Overlay, there is a portion of the site that is free of the Overlay where activities relevant to the application of the permitted baseline can occur. Outside of the SEA, the use and development of any accessory building and additions / alterations to an existing dwelling(s) are provided for as permitted activities under Rules H1.4.1(A30) and H1.4.1(A28) / (A31) respectively, provided that compliance with the relevant core standards is achieved. Notably, compliance with all the relevant standards in H1.6.1 is achieved, except for various infringements to Standard H1.6.5 Yards as identified above.

We are satisfied that there is a permitted baseline that applies to the use and development of the extension to the existing dwelling; construction of the pool house, pool, and associated breezeway, such that we have disregarded any adverse effects outside of those that relate to the infringement to Standard H1.6.5 Yards, which we have specifically assessed below. For completion, this conclusion has been reached taking into consideration the other Auckland-wide rules and standards, such as earthworks and the diversion / discharge of stormwater under Section E8 of the AUP(OP).

For the avoidance of doubt, there is no material change sought via this application in terms of the overall use of the site being for one dwelling, which is otherwise provided for as a permitted activity in Rule H1.4.1(A3).

With respect to transport, accessing parking, access, and manoeuvring is provided for as a permitted activity under Rule E27.4.1(A1) subject to compliance with all relevant standards. The applicant has ensured that compliance with all relevant standards contained within Section E27 – “Transport” has been achieved, except for the infringement to the required transition platform gradient as otherwise assessed above. Therefore, there is a permitted baseline that applies in relation to any transport related effect that can be applied in the context of this application, except for where it relates to an assessment required of the non-compliant transition platform gradient that has been taken into account through the assessment below.

For the consideration surrounding the use and development of the proposed garage, including all ancillary enabling works, I have turned my mind to the adverse effects of such an activity in the round noting that the works require alteration and/or removal of vegetation within the SEA which require resource consent as a discretionary activity. While no permitted baseline can be applied to this aspect of the proposal, we highlight that the footprint of the proposed garage to be located in a similar location as the existing car port.

## 5.1 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 case:

- In terms of the subject site and existing surrounding environment, please refer to the description outlined within Section 2.0 of this assessment;
- Under the operative provisions, the immediately surrounding environment is similarly reflective of land also zoned as LLZ being reflective of the traditionally low-density rural character that is prevalent throughout the locality. The nature of the surrounding locality and its zoning is unlikely to radically depart from what is present within the existing environment, noting that most sites within the vicinity of the subject site are predominantly covered by SEA and otherwise occupied by single standalone dwellings. Therefore, permitted likely future development that is of relevance that would otherwise fundamentally change the character of the locality that would be required in the consideration of this assessment; and
- At the time of preparing this assessment, there are no known unimplemented resource consents identified on Auckland Council’s property file that could likely be implemented on any adjacent land, which would change the character of the receiving environment to the extent that it would impact consideration of this assessment.

Therefore, the adverse effects within the receiving environment must be assessed within the context of the operative zoning for the site and the surrounding environment. Accordingly, the following assessment will compare the effects of the proposal against those expected by reasonably anticipated development.

## 5.2 Section 104 Assessment

### S104(1)(a) – Actual and potential adverse effects

In accordance with an assessment under s104(1)(a) of the RMA, the actual and potential effects from the proposal will be acceptable for the reasons outlined below:

#### **Effects on Ecological Values / Trees to be Retained**

A revised EIA has been prepared by ENZ in support of this application, which relies upon the original assessment in establishing the values of the SEA. ENZ have identified that the pre-development qualities of terrestrial ecological features on-site were considered moderate. Any retrospective activities that have occurred within the SEA have been identified as ranging from low to moderate prior to the implementation of any effects management. To ensure that any residual effects of the SEA activities are suitably remedied or mitigated, the revised EIA provides a series of recommendations to ensure that the retrospective and further works will have acceptable adverse effects upon the environment with respect to ecological values. Key to the management and associated remediation of the SEA is the EMP similarly prepared by ENZ, which includes various management measures that are commensurate with the extent of works that have been undertaken to date. This includes:

- Pest animal control to be undertaken in perpetuity to minimise damage to plants, avifauna, and herpetofauna;
- Pest plant management control to enhance the viability of any native vegetation that may be naturally occurring within the SEA and that which is proposed via mitigation planting;
- Herpetofauna habitat enhancement and enrichment, incorporating eco-stacks / log stacks alongside the planting of a continuous canopy kanuka stand with underplanting of refuge and food plants within the north-eastern corner of the site;
- Comprehensive replanting throughout the site to account for any permanent and temporary loss of vegetation within the SEA. For further details on the proposed plant species, density, and location, please refer to the planting plan included within the revised EMP which is included separately in [Appendix F3](#); and
- The protection of any planting and retained SEA areas in perpetuity through the implementation of a suitably worded covenant condition.

For the avoidance of doubt, there is reference to “*Compensatory*” or “*Compensation*” planting within the EIA. However, for the purposes of this assessment the replacement planting proposed is not compensating or offsetting any permanent or temporary SEA

clearance in terms of the “effects management hierarchy”.<sup>2</sup> Rather, it is mitigation as there is sufficient space available within the subject site to undertake, and maintain, mitigation planting which is considered by ENZ to be commensurate with the scale of works that have been undertaken to date.

Supporting ENZ’s assessment, TCC has prepared an Arborist Report identifying a number of mature non-native specimen trees that are either declining or have been significantly compromised due to the works undertaken to date. As part of TCC’s assessment, a supporting tree protection plan has been developed that includes measures to ensure that any additional works (such as the final construction of the additions and alterations) are undertaken in a manner that will not further compromise the health of any other mature tree(s) to be retained within the extent of the SEA. As noted within the background of this AEE, TCC have identified a number of additional trees that were requiring removal due to the extent of works within the protected root zone / proximity to works more generally. These trees have since been removed, where ENZ’s assessment has taken this into account through their revised EIA and supporting EMP in terms of the required mitigation planting.

Having relied upon the specialist assessments provided by ENZ and TTC, we consider that the recommended measures by either specialist will ensure any resulting effects on ecology values / any mature trees to be retained will be suitably remedied and/or mitigated to an acceptable degree.

### **Effects on Streetscape & Residential Character / Landscape Values**

Whilst acknowledging that we are of the view that there is a permitted baseline that is of relevance in the consideration of the use and development of the proposed extension and rebuild of accessory buildings, I have turned my mind to consider any resulting adverse effects upon streetscape character and the character and landscape values of the surrounding rural environment noting the site’s inclusion within the Waitākere Ranges Heritage Area (“WRHA”) in the context of the yard infringements and modifications to the SEA. The Waitākere Ranges are significant in forming a backdrop to metropolitan Auckland, and have been identified within the Plan as being outstanding for their terrestrial and aquatic ecosystems. Development that is present within the Overlay is typically sparse and does not appear dominant within the established natural landscape, which contains wide-ranging bush comprised of an abundance of indigenous biodiversity. Recognition of the significance of the Ranges to Mana Whenua is acknowledged by the Plan, as the place maintains high cultural and spiritual values.

In this regard, the existing situation is such that limited visibility towards any existing built form is wholly screened from view from either Konini Road or Kopiko Road by virtue of the overall topography of the subject site and density of the existing vegetation present throughout the subject site, except for discrete views from immediately in front of the accessway within the road reserve. Whilst recognising the extent of the removal of vegetation undertaken to date, the quality of any existing vegetation to be retained,

2 To avoid, remedy, mitigate, offset, or compensate.

and maintained, continues to afford a high degree of screening from the streetscape to limit the degree of visibility of the proposed structures from the streetscape and wider environment.

The rebuilding of the structures, and additional breezeway, throughout the subject site is not anticipated to be discernible from the wider environment, either from Kopiko Road or Konini Road, given the presence of dense vegetation within the subject site and that of the wider locality. It is important to distinguish that much of the proposed rebuilding of existing accessory structures is to occur in locations where it was otherwise occupied by existing buildings, outside of one additional inclusion relating to the proposed breezeway adjoining the replacement pool house. However, it is acknowledged that the scale of replacement buildings will be slightly larger than was previously occupying the subject site. As noted above, mitigation planting is proposed which will also serve to introduce additional softening and screening over time as the replacement planting reaches a similar degree of maturity. To ensure that the quality of vegetation is protected and maintained, the protective covenant will ensure its retention in perpetuity.

Overall, any adverse effects upon streetscape & rural character, including the established values of the WRHA, are suitably mitigated and acceptable.

### **Erosion & Sediment Runoff Effects**

Given that the site is primarily covered by the SEA Overlay, consideration is required around the potential erosion and sediment runoff related adverse effects. In this regard, a comprehensive Erosion and Sediment Control Plan (“ESCP”) has been prepared in accordance with the recognised best practice guidance document being Auckland Council’s GD05/2016 (“GD05”). This is included within the Civil Engineering Drawings attached as Appendix E. The measures included within the draft ESCP include the likes of a clean water diversion bund upgradient of the intended area of land disturbance; construction of a stabilised construction access; sand / silt socks downgradient of the site within the road reserve to minimise any discharge into the catchpits located within the road; and silt fencing around the periphery of the intended works area.

I have turned my mind to the potential mobilisation of Kauri Dieback and recognise that there is one mature kauri located towards the south-east of the site, outside of the intended works area. In this instance, we did not consider the development of a Kauri Dieback Management Protocol to be necessary given the location of the tree relative to the works site. However, we have adopted a conservative approach and offered supporting conditions of consent to ensure that any residual risk is suitably avoided. This is included within Section 6.0 of this recommendation.

Having had regard to the draft ESCP provided and supporting conditions of consent offered by the applicant, we consider that any resulting adverse erosion and/or sediment runoff related effects, including those associated with the potential of Kauri Dieback, will be suitably mitigated and acceptable.

### **Other Earthworks Related & Geotechnical Effects**

In addition to the assessment above, I have turned my mind to consider all other relevant matters for land disturbance at a district level in conjunction with the undertaking of the construction of any other building(s) or structure(s) on land which may be subject to land instability. A Geotechnical Assessment Report (“GAR”) has been prepared in support of this application by Walker Engineering Consultants (“WEC”), which characterises the existing soil profile, and associated risk to the wider environment and for any future occupants on-site, alongside measures to avoid and mitigate adverse effects upon the environment, inclusive of any specific person(s). This is attached to this application as Appendix C1.

Supporting the GAR is a completion memorandum, included in Appendix D, which details that a Producer Statement (1) (“PS1”) has been prepared for the completion of the retaining wall along the eastern boundary and that this will not exacerbate any slope instability. Within the GAR, WEC have also prepared a hazard risk assessment in accordance with the requirements contained within Rule E36.9 of the AUP(OP). This is attached as Appendix C2. Within the GAR, WEC concluded that the undertaking of proposed earthworks, included the construction of any required retaining wall(s), could be undertaken in a manner that does not exacerbate any potential geotechnical risk(s) or compromise the integrity of any nearby building(s) or structure(s). This was confirmed by way of the completion memorandum and issuing of a PS1.

With reference to any on-site geotechnical risk, through the implementation of the proposed retaining wall design coupled with specific geotechnical engineering supervision throughout the course of works, any potential risks to future occupants will be mitigated and acceptable. Further, the geotechnical work is necessary to place structural support to the existing dwelling after it was discerned that none existed for the previous extension undertaken in 1961. Therefore, the extent of work is not limited to mitigating adverse effects to the environment, but also safeguarding the geotechnical stability of the site into the future.

Turning our consideration to the other matters of discretion, we have also concluded the following:

- No further earthworks are required on-site, nor does the balance of construction (involving the physical construction of the house extension and accessory buildings) involve any unusual or otherwise objectional construction techniques, such as rock breaking and/or impact or driven piling, which would necessitate higher levels of adverse construction noise and/or vibration. Compliance with Standards E25.6.27 and E25.6.30(1)(b) is anticipated to this effect;
- The volume of earthworks undertaken is arguably comparable to the permitted baseline with any resulting construction traffic to be generated by the site to be broadly similar to what is anticipated by the Plan. It is anticipated that any construction traffic to be generated by the proposed works will be readily absorbed by the surrounding transport network without the need for the specific preparation, and implementation, of a Construction Traffic Management Plan (“CTMP”);

- The subject site does not include any flooding hazard(s), such as an overland flow path and/or 1 per cent annual exceedance probability floodplain, which would be exacerbated by the nature of the proposed works;
- The site is not known to contain any Site of Significance to mana whenua or form part of Council's Cultural Heritage Inventory, which would require further consideration in the context of considering any adverse effects on mana whenua;
- Dust and odour will be suitably managed and controlled, by way of water dampening or similar, ensuring that adverse effects upon the environment are suitably mitigated; &

Having adopted the specialist assessment provided by WEC, we consider that other earthworks related effects and/or geotechnical risks will be suitably mitigated and acceptable.

### **Transport Effects**

The scope of the application involves the lowering and widening of the existing driveway, which has been largely completed outside of the final paving, primarily with the intent to regrade the access to make the site safer for a range of users. Overall, the transport arrangements to the site have been designed in a manner that largely complies with all relevant standards outlined in Section E27 – “*Transport*” under the AUP(OP) and proposed provisions included in PC79 DV, except for the non-compliance to the required transition platform gradient.

In this regard, the existing gradient of the site's driveway within the required four metre transition platform is sitting at a gradient measured at 30% (approx.), which will be reduced to 23.75% at the result of regrading. The proposed works will not exacerbate this existing situation noting that the on-site intensity will remain unchanged. Notwithstanding, a gradient that is notably gentler by comparison to the existing situation has been proposed to ensure a much safer outcome. The location of the proposed vehicle crossing will similarly not change, where existing sight lines are anticipated to remain unaffected by the proposed works with motorists continuing to achieve on-site manoeuvring to leave the site in a forward direction.

Pedestrian safety is not anticipated to be affected at the result of the proposed works, noting that along the southern extent of Konini Road there are no footpaths present which are otherwise positioned along the northern extent of the road reserve. In considering practical alternatives, achieving compliance with the required 5% gradient presents significant challenges for the sites due to the steep contours and inability to achieve gradients in a manner that would not otherwise encroach further into the extent of the SEA or disrupt the root system(s) of any other mature specimen tree(s).

Overall, any adverse transport related effects associated with this non-compliance will be sufficiently mitigated and acceptable.

### **Stormwater Effects**

Whilst the proposal has been designed to comply with Standard H1.6.6 Maximum impervious area within the LLZ and the relevant permitted activity standards in Section E8 – “*Stormwater – Discharge and diversion*”, an assessment has been prepared by WEC by way of an updated stormwater report, specifically taking into consideration further key observations following a further site visit that took place on 10<sup>th</sup> September 2025 and as a result of direct engagement with the owners of 5 Kopiko Road, that is attached to this application as Appendix D. For the avoidance of doubt, the revised stormwater memorandum refers to “5 Konini Road” in terms of the measures to mitigate any potential temporary stormwater effects generated at the result of the required construction. However, this should specifically refer “5 Kopiko Road”.

In terms of temporary stormwater management, which includes additional measures that will be installed until the proposal is completed, WEC have recommended that a temporary bund is installed to redirect any stormwater flows away from 5 Kopiko Road near to the southern boundary alongside replanting where buildings have been removed / adjacent to the retaining wall to help control temporary runoff and stabilise exposed soils. Further, WEC has informed the contractor that the subsoil drainage outlet for the retaining wall along the eastern boundary must be repositioned to avoid being redirected towards 5 Kopiko Road. This will further mitigate any permanent and temporary stormwater flows that might be experienced at this adjacent property.

Notably, WEC have confirmed that there is no existing private stormwater management system installed within the subject site with any resulting runoff being directed to either the surrounding bush on-site or into the road. A new on-site private stormwater management network has been proposed to manage stormwater runoff during a 1 in 10-year storm event. This is comprised of retention / detention devices; new discharge outlets to cater for overflow of the tanks by way of a T-bar dispersion device / supporting riprap fields; and supporting downpipes to connect the new buildings / existing dwelling into the new network. Notably, the rainwater tanks will be primarily used to fill the pool and irrigate the newly planted native flora. Overall, the post-development situation is considered to represent an overall improvement on the existing situation noting that the detention / retention devices will limit any flow rates to minimise any scouring or erosion at the discharge outlets.

Having adopted the specialist assessment provided by WEC, we consider that any resulting adverse effects upon environment, including any nearby person(s) will be suitably avoided and mitigated to an acceptable level.

### **Effects on Cultural Values**

As noted within the background section of this assessment, engagement with mana whenua representatives who have a known interest in the locality has been undertaken. As described above, only one sole mana whenua group, being Te Kawerau ā Maki, has confirmed an interest and requested for further engagement. In the CIR, representatives confirm that effects on cultural values will be avoided or mitigated based on a number of recommendations that they have suggested. For the avoidance of doubt, this assessment takes into account the retrospective nature of the vegetation alteration and removal that has been undertaken to date. These measures are inherent in the

application, and/or already proffered via supporting conditions of consent, such that any further conditions are not considered necessary given the nature of consents sought. As described within the background of this assessment, there is only one measure that is not proposed which relates to consideration surrounding lighting. In this regard, any lighting to be generated by the subject site will be designed to comply with the luminance levels within Section E24 – “*Lighting*”. This will ensure that any lighting effects, such as overspill or contribution to light pollution, remains no greater than what is anticipated by the Plan.

We acknowledge also the nature of the vegetation alteration and removal undertaken to date, and that which is proposed as part of the scope of this consent, and the potential for adversely affecting the mauri of the SEA and WRHA. Drawing on many of the reasons contained above, the mitigation measures proffered to ensure that any resulting adverse effects upon ecological values are managed will also go some way to enhance the mauri of the SEA by virtue of the pest plant / species control measures, coupled with the mitigation planting that includes a considerable number of native species to replace the pest plants already removed from the subject site.

Further to the above, the applicant will adhere to the Accidental Discovery Rule (“ADR”) throughout the course of work, ensuring that the appropriate processes are followed should any sensitive material be encountered throughout the course of any additional works.

Overall, it is considered that any resulting adverse effects upon cultural values will be suitably mitigated and acceptable.

### **Effects on Residential Amenity Values**

For the reasons described above, we have applied the permitted baseline insofar as it relates to the use and development of the proposed additions and alterations to the existing dwelling and rebuilding of the accessory buildings, outside of where it relates to any infringement to the Standard H1.6.5 Yards. The properties that will be most likely to discern an appreciable difference from the proposal are located along the eastern and western boundaries. Overall, we are of the view that sufficient mitigation will be in place to ensure that that resulting adverse effects upon residential amenity values are acceptable. The reasons for this conclusion are outlined below:

- With respect to the eastern boundary shared with 5 Kopiko Road, which is the property anticipated to be most affected by the proposed works, it is considered that suitable mitigation will be in place to soften the interface towards the proposed retaining wall and garage.

Restoration planting is proposed alongside this retaining wall within the 2m setback from the boundary, which will provide a reasonable degree of softening to the proposed structure when viewed from this adjoining property. The applicant has also carefully considered the design of the proposed garage to avoid the potential for direct overlooking and/or visual privacy effects to occur. This is achieved through avoiding any glazing along the eastern elevation of the garage and

intention to fence off access towards the rear of the building, to avoid the potential for any person(s) being able to look beyond the proposed balustrade height;

Whilst concerns were previously raised by occupiers of this adjacent property in relation to the originally proposed position of a detention tank towards the rear of the building, this has since been relocated to the northern elevation of the garage and is wholly located outside of the required side yard;

Notwithstanding, the scale of the proposed replacement garage / workshop building is generally similar to the existing building albeit acknowledging the change in position;

- In terms of the western boundary, any specific person(s) is unlikely to be able to discern a difference beyond the existing site boundary due to the topographical differences between the subject site and placement of mature / dense vegetation located along the extent of the common boundary.

Topography wise, there is a six-metre fall between the location of the proposed breezeway / rebuilt pool shed and the existing dwelling located at 144 Konini Road. There does not appear to be any primary outdoor living area towards the rear of this adjacent property, which is otherwise similarly covered by way of mature vegetation being located along the extent of the common boundary contained within both the subject site and within 144 Konini Road.

Given the single storey nature of the proposed accessory buildings, coupled with the extent of vegetation that is to be retained and maintained along this boundary, it is anticipated that effective screening will be achieved at this interface such that the inclusion of the proposed buildings will not appear visually dominant, or give rise to adverse privacy and/or overlooking effects, when viewed from this adjacent property. For the avoidance of doubt, the inclusion of the proposed covenant area will serve as to ensure that any vegetation along this boundary will be protected in perpetuity.

The scale of development is also such that the inclusion of the breezeway / pool shed will not unreasonably compromise sunlight access to this adjacent property due to its location towards the south-east and the relative separation distances from the existing dwelling and/or any primary outdoor living space(s). Whilst it is not considered essential, primarily due to the mitigation that is in place having had regard to the reasons stated above, additional amenity planting by way of several specimen trees has been proposed towards the north and west of the proposed breezeway. This will provide additional screening of any built form, which is anticipated to be largely indiscernible in the first instance;

- With regards to the southern boundary, the extent of encroachment into the required rear yard has been reduced by comparison to the existing situation.

Specifically, the current arrangement of the site includes a majority of the existing pool shed and supporting decking surrounding the pool. Whilst a portion of the proposed decking and pool house does encroach into the required rear yard, it is similar in scale, arguably slightly less than what currently exists on-site, and unlikely to be discernible by any person(s) residing at 7 Kopiko Road due to the presence of dense vegetation within the subject site along this boundary, which is to be retained and protected by way of the proposed covenant area. This will continue to serve as effective screening relative to this interface; &

- Drawing on earlier commentary, similarly the presence of vegetation in front of the site will result in a situation where there is limited visibility towards the area of redevelopment further towards the rear of the site. As a result, any adverse effects upon any specific person(s) who maintains views towards the subject site (namely 129 & 131 Konini Road) will be avoided or suitably mitigated. For completion, the relevant separation distances from 137 & 148 Konini Road, alongside 9 Kopiko Road, will similarly ensure that any resulting adverse effects upon amenity values are avoided and/or mitigated as appropriate;

### **Positive Effects**

- Installation of the rainwater tanks and stormwater systems will reduce the runoff which is primarily discharging directly towards the road and will include a retention element noting that part of the rainwater will be collected for irrigation and supplying the pool;
- The retaining walls and structural work make up for the lack of structural support undertaken in the 1961 addition making the building and site geotechnically more stable and therefore better able to withstand increasing adverse weather events;
- The lowering and widening of the existing driveway will better provide for a safer outcome for drivers, especially visitors, entering and exiting the subject site noting that the existing driveway maintains moderately steep gradients;
- The animal control and pest plant (particularly bamboo, ginger, and agamanthas) removal, where the pest plant removal is understood to have been completed on-site, and replacement with native flora will seek to enhance the mauri of the SEA to be maintained by ensuring that indigenous biodiversity is able to thrive throughout the subject site;
- There will be improved access to light for surrounding dwellings through removal of declining non-native specimen trees, and their replacement with native flora;
- The rebuilding of the steps up the front of the house to meet the current building code;

- Putting in solar panels, e-vehicle charging and cycle parks help to minimise carbon emissions to be generated by the subject site;
- The rebuilding of the rotting deck will improve the usability of the backyard to make it safe and fit for purpose;
- Reuse of all cut fill on site;

### S104(1)(ab) – Environmental offsetting or compensation

There are no specific offsetting or environmental compensation measures proposed or proffered by the applicant to ensure positive effects on the environment. In this regard, as there is sufficient space available within the boundaries of the subject site any replanting that has been incorporated into the EMP is viewed as mitigation, rather than offsetting or compensation.

### S104(1)(b): Any relevant provisions

In accordance with an assessment under s104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. In particular:

#### **National Policy Statement on Indigenous Biodiversity (“NPS:IB”)**

The outcome, on balance, is consistent with the relevant objectives and policies outlined in the NPS;IB. The overall intention of the NPS;IB is to ensure that indigenous biodiversity is maintained across Aotearoa New Zealand in a manner that ensures that no net loss in indigenous biodiversity results from any use, subdivision, and development (Objective 2.1(1)(a)) through a number of means. This includes the likes of:

- Recognition of tangata whenua as kaitiaki of indigenous biodiversity and involving tangata whenua in decision making involving indigenous biodiversity;
- Undertaking a precautionary approach when considering adverse effects on indigenous biodiversity;
- Identifying and protecting Significant Natural Areas (“SNA”) by avoiding or managing effects from new subdivision, use, and development; and
- Recognising the importance of maintaining indigenous biodiversity outside of the SNA (Policies (1), (2), (3), (7), and (8)).

In this regard, the applicant has invited tangata whenua to be involved in this decision-making process by virtue of the request to initiate Council’s iwi facilitation service alongside direct liaison with representatives of Te Kawerau ā Maki, which is consistent with Objectives 2.1(1)(b)(i) and Policies (1) & (2).

Whilst adverse effects cannot be avoided, due to the retrospective nature of consent sought for the SEA works, any temporary and/or permanent vegetation alteration is intended to be managed, by way of appropriate remediation, by mitigation planting and

other remediation measures, such as herpetofauna habitat restoration and enhancement, within the subject site that is commensurate with the extent of works undertaken to date. This is consistent with Policy (7), noting that the use of the policy refers to “*Avoiding or managing effects*”, which is not solely an avoid only policy. Supporting this, the recognition of the importance of maintaining indigenous biodiversity outside of the SNA has been provided for given that the extent of protective covenant boundaries also includes a pocket of non-scheduled vegetation located within the southern extent of the site. This achieves the intent of Policy (8).

### **Auckland Unitary Plan (Operative in Part) (Operative plan provisions)**

#### *Section B7 - Toitū te whenua, toitū te taiao – Natural resources*

The outcome is not inconsistent with the relevant objectives and policies outlined in Section B7 – “*Toitū te whenua, toitū te taiao – Natural resources*” of the Regional Policy Statement (“RPS”) of the AUP(OP). This higher order set of objectives and policies sets to ensure that area significant indigenous biodiversity value, especially in terms of terrestrial qualities in this instance given the site’s location and lack of any freshwater environments, are protected from any adverse effects from subdivision, use and development (Objective B7.2.1(1)). Objective B7.2.1(2) also sets out to achieve the maintenance of indigenous biodiversity through protection, restoration, and enhancement in areas where ecological values are degraded or where development is occurring.

Whilst adverse effects cannot be avoided, as directed in Policy B7.2.2(5), the proposed mitigation planting and other enhancement measures are suitable to a degree that the overall protection and enhancement provisions of the RPS are satisfied. The measures pertaining to the protection, restoration, and enhancement of the SEA are described above.

#### *Section D12 - Waitākere Ranges Heritage Area Overlay*

The outcome is consistent with the relevant objectives and policies outlined in Section D12 – “*Waitākere Ranges Heritage Area Overlay*”. This overlap places an emphasis surrounding the protection, restoration, and enhancement of the features associated with the WRHA, whilst providing for limited growth and a range of activities intended for people to work, live, and recreate within the heritage area (Objective D12.2(1), D12.2(2), and D12.2(3)).

Given the significance of the established rural and landscaped character of the locality, the overlay places an emphasis on ensuring that any subdivision, use, and development is subservient to the natural and rural landscape and character (Objective D12.2(6)). For the Titirangi – Laingholm area, the approach is to minimise the need for clearance of native vegetation and maintain the dominance of the natural environment alongside the inclusion of planting native vegetation to improve the natural environment and protect this through legal protection and mechanisms (Policy

D12.3(17)). The quality of mitigation planting proposed, which responds to the clearance of SEA vegetation, coupled with the covenant protection mechanism readily achieves this intended outcome.

The positioning of the proposed rebuilt form is predominantly located outside of the extent of the SEA, except for a small corner of the proposed accessory building that is intended to accommodate the workshop and garage facilities which will result in small-scale additional encroachment into the SEA, however it is important to note that the existing carport and shed were in a similar location. The rebuilding of the accessory buildings, including the extension to the principal dwelling, and proposed decking is largely within the existing footprint of development currently within the site and not of a scale that is anticipated to encroach upon the established natural and rural character of the wider locality.

#### Section E11 – Land Disturbance - Regional

The outcome is consistent with the relevant objectives, policies, and assessment criteria outlined in Section E11 – “*Land Disturbance - Regional*”. This assessment framework specifically requires consideration of the proximity of earthworks to any nearby water body and the extent to which the erosion and sediment controls / proposed construction methodology adequately avoids and mitigates adverse effects on water quality; ecological health; riparian margins; mauri of water; and kaimoana gathering. In this regard, there are no freshwater bodies immediately located within proximity to the subject site and any proposed earthworks will be managed in accordance with the draft ESCP which is of a quality that is commensurate with the scale of proposed works.

With reference to Policy E11.3(6A), the applicant has recognised and provided for the management and control of Kauri Dieback disease by cordoning off the one existing kauri located the perimeter of the site, away from building works.

#### Section E12 – Land Disturbance – District

The outcome is consistent with the relevant objectives, policies, and assessment criteria outlined in Section E12 – “*Land Disturbance - District*”. This assessment framework enables land disturbance, at a district level, whilst ensuring adverse effects upon the environment, including the amenity values of any nearby person(s), is adequately mitigated. In this regard, an appropriate assessment has been undertaken by way of a geotechnical investigation report to establish the sub-soil characteristics to inform the necessary measures to maintain stability. This ensures that the proposed works can be undertaken in a way that will not otherwise affect the integrity of any land and/or building(s)/structure(s).

The land disturbance proposed is also necessary to accommodate the development sought under this consent, which is otherwise typical and commensurate with the scale

of development required for this type of construction. Compliance with the relevant standards for controlling adverse dust and odour is appropriate to maintain a reasonable level of amenity for adjacent properties. For completion, the required land disturbance does not involve the alteration of any ground levels that could affect any flood hazard nor any known archaeological site(s)

*Section E15 - Vegetation Management and Biodiversity and Section D9 – Significant Ecological Areas Overlay*

The outcome is consistent with the relevant objectives, policies, and assessment criteria outlined in Section E15 – “*Vegetation Management and Biodiversity*”, including those in Section D9 – “*Significant Ecological Areas Overlay*” for many of the points outlined in the NPS:IB assessment above which are broadly similar in their intent (albeit with the NPS extending its consideration to areas outside of the SNA in some situations). Whilst the RPS is more direct in its intent to avoid adverse effects upon SEAs, Sections E15 and D9 provide for recognition of situations where if avoidance is not practicable that the minimisation or remedying on identified values is undertaken (Policies D9.3(1)(b), D9.3(1)(c), and E15.3(2)).

This situation applies in this instance, noting that works have been undertaken within the SEA and this application seeks to ensure that appropriate remediation of the site is undertaken on an ongoing basis to ensure that indigenous biodiversity is restored or enhanced, over time.

The inclusion of a protective covenant is consistent with the intent of Policy E15.3(4)(b), as this is a form of legal protection to maintain the ongoing enhancement and restoration of the indigenous biodiversity values.

*Section E17 – Trees in Road*

The outcome is not consistent with the objectives, policies, and relevant assessment criteria contained within Section E17 – “*Trees in Road*”. In this regard, the vegetation located at the edge of the existing driveway alignment forms part of a cluster of vegetation that is located within the SEA. For the reasons described above, the removal of the existing Kanuka is not considered to significantly impact upon the visual amenity of the streetscape, noting that the road reserve is extensively covered by other specimen trees along the site’s frontage that will create a similar appearance to the pre-works situation. Furthermore, the removal of this tree has been considered within the EIA and EMP, where mitigation planting will be established, albeit within the subject site. This will help ensure that ecological values that may be lost by the tree’s removal are remedied over time.

*Section E27 – Transport*

The outcome is consistent with the objectives, policies, and relevant assessment criteria contained within Section E27 – “*Transport*”. This assessment framework enables development all while ensuring the safe and continued effective function of the surrounding transport network, whilst recognising the practicability and adequacy of the proposed access arrangement taking into account site limitations and other restrictions. In this regard, the proposal will not modify visibility or safe site distances either side of the proposed vehicle crossing which will continue to remain unobstructed.

Overall, the regrading of the existing driveway is appropriate to ensure that it is an improvement on the existing transition platform non-compliance which is notably steeper than what has been proposed by the applicant.

### *Section E36 – Natural Hazards and Flooding*

The outcome is consistent with the relevant objectives, policies, and assessment criteria outlined in Section E36 – “*Natural Hazards and Flooding*”. This section seeks to enable appropriate use, development, and subdivision only in situations where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall (Objective E36.2(1). This involves situations where land, which may be subject to land instability, includes measures to mitigate residual risks and effects to people, property, and the environment resulting from land instability hazards where avoidance is not practicable (Policy E36.3(33)).

In this regard, the GAR and supporting hazard risk assessment prepared by WEC has demonstrated that the works can be undertaken, and have been completed, in a manner that ensures that any temporary instability effects are avoided and/or mitigated through geotechnical supervision and detailed retaining wall design, which will similarly ensure the long-term safety of future residents. Avoidance is not practicable in this situation, noting that the site is currently occupied by a residential activity which maintains reasonably steep grades throughout the subject site.

### *Section H1 – Residential – Large Lot Zone*

The outcome is consistent with the relevant objectives, policies, and assessment criteria outlined in Section H1 – “*Residential – Large Lot Zone*”. The overarching thrust of the zone is to maintain the spacious landscape character, landscape qualities and natural features of the underlying zone, which enabling development on the proviso that the amenity values of any adjoining sites are maintained and that development responds to the physical and environment features of the site and any infrastructure related constraints (Objectives H1.2(1), H1.2(2), and H1.2(3), Policies H1.3(2), H1.3(3).

In this regard, whilst many of the proposed ancillary buildings encroach into the required side and rear yard setbacks, a reasonable degree of spaciousness will be

maintained and the established landscaped character of the surrounding environment, including the site's contribution to the character of the wider environment, will not be unduly compromised.

Based on the reasons described above, an acceptable degree of residential amenity will be maintained for any specific person(s) in close proximity to the subject site noting that any resulting adverse effect upon 5 Kopiko Road, being the property in closest proximity to the proposed works, will be no more than minor. This is consistent with Objective H1.3(2) & Policy H1.3(3). Taking into consideration the fact that there is no existing stormwater management for the subject site, the outcome is consistent with Policy H1.3(5) as the introduction of the new on-site private stormwater network, including temporary measures to mitigate stormwater runoff risks associated with the required construction, will minimise the extent of any runoff being directed towards the wider environment which is currently likely going into road / overland and into streams located within the locality.

#### **Plan Change 120 (“PC120”) (Proposed plan provisions)**

- An assessment has been undertaken against PC120. In this instance, the subject site is intended to maintain its LLZ zoning. As such, no further consideration is required against PC120 as there are no inconsistencies between the operative or proposed planning provisions.
- Whilst the objectives and policies framework included in Section E36 is proposed for a reasonable series of changes, I consider lesser weight should be given towards the proposed provisions under PC120 and greater weight towards the operative planning framework noting that none of these provisions have been subject to an appropriate degree of scrutiny or appropriate testing via a Council hearing and/or appeal(s). Notwithstanding, the application has been assessed, confirmed to remain as a permitted activity under the new landslide hazard area rules, and found to be consistent with the operative planning framework based on the detailed analysis provided by WEC, which is included within the aforementioned folder.
- For completion, there are no amendments proposed to the objectives and policies included within either Sections D9 – “*Significant Ecological Areas Overlay*” or E15 – “*Vegetation management and biodiversity*”, which would require further consideration in the context of this assessment;

#### **Plan Change 79 Decisions Version (“PC79 DV”) (Proposed plan provisions)**

- As identified above, the proposal will not infringe any proposed rule(s) or standard(s) outlined within PC79 DV. As the outcome was found to be consistent with the operative planning framework included in Section E27, it is considered that a weighting exercise is not necessary in the context of this application.

### S104(1)(c): Any other matter(s)

In accordance with an assessment against s104(1)(c) of the Act, the following other matter(s) are considered relevant

#### **Waitākere Ranges Heritage Area (“WRHA”) Act 2008**

- For the reasons described above, as the proposal has been found to remain consistent with the relevant objectives and policies of Section D12 of the AUP(OP), it is considered that the outcome is consistent with the relevant provisions of the WRHA Act 2008.

## 5.3 S95 Assessment

### S95A Public Notification

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

#### **Step 1: mandatory public notification in certain circumstances**

No mandatory notification is required as:

- the applicant does not request that this application is publicly notified (s95A(3)(a))
- the application does not involve any exchange of recreation reserve land under s15AA of the Reserves Act 1977 (s95A(3)(c)).

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

The application is not precluded from public notification as:

- the activities are not subject to a rule or national environmental standard (NES) which precludes public notification (s95A(5)(a)); and
- the application does not involve one or more of the activities specified in s95A(5)(b).

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

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

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

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

### Effects that must be disregarded

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

The council is to disregard any effects on the persons who own or occupy the land in, on, or over which the activity will occur, and on persons who own or occupy any adjacent land (s95D(a)). The land adjacent to the subject site is listed in the following table, alongside Figure (11) enclosed below:

**Table (3)**

Address(es)

---

127 Konini Road, Titirangi (*Incl. 127 Konini Road & 1/127 Konini Road*)

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129 Konini Road, Titirangi

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131 Konini Road, Titirangi

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133 Konini Road, Titirangi

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135 Konini Road, Titirangi

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144 Konini Road, Titirangi

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5 Kopiko Road, Titirangi

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7 Kopiko Road, Titirangi

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**Figure (11):** *Adjacent land outlined in yellow. Source – GIS Viewer.*

The properties identified above in Table (3) and Figure (11) are considered “adjacent” for the purposes of s95D(a)(ii) of the RMA. All effects on these properties

must therefore be disregarded in considering whether the activity will have adverse effects on the environment that are more than minor to warrant public notification.

While the Asco Legal letter to the Council dated 6 August 2025 considers 137 & 148 Konini Road, and 9 Kopiko to be “neighbouring properties”, I do not consider them to be “adjacent” for the purposes of s95D(a)(ii). Effects on these properties will therefore need to be considered under s95D. I do not consider that public notification is required as these properties are sufficiently separated from the subject site and will not experience any adverse effects from the development. I do, however, agree with the identification of 144 Konini Road as being “adjacent” and have suitably assessed any potential adverse effects upon any owner(s) and/or occupier(s) located at this property (as outlined above and considered below under s95B).

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

No person(s) has provided their written approval(s) in support of this application for resource consent.

In consideration of this notification assessment, I draw on the findings of the earlier assessment provided within the preceding s104(1)(a) assessment and conclude that overall, any adverse effects upon the wider environment will be less than minor for the reasons outlined above. In particular:

- Any adverse effects upon streetscape & rural character, including the established values of the Waitākere Ranges Heritage Area, will be suitably mitigated to a degree that is no more than minor;
- Adverse effects associated with non-compliant transition platform gradient will be suitably mitigated by virtue of the lowering of the existing driveway, which will represent an improvement on the existing situation noting that steeper grades are present within the subject site. All associated adverse transport effects will be less than minor;
- Adverse stormwater related effects will be suitably mitigated, having had regard to the site’s existing situation where no on-site stormwater management system is present, and less than minor;
- An ESCP has been prepared in accordance with the industry recognised best practice guidelines, being GD05, to ensure that any adverse erosion and/or sediment runoff effects are suitably minimised and mitigated, which will ensure that any resulting effects are less than minor;
- Any other related earthworks effects, including the rebuilding and additions to the existing building on land which may be subject to land instability, will be similarly managed, and have been completed, to a degree that is less than minor upon the environment;

- A number of mitigation measures has been proposed by way of the EMP, Protective Covenant, and LSP to ensure that any effects upon ecological values are remedied and/or mitigated such that any resulting adverse effects upon the environment will be no more than minor; &
- Consultation has been undertaken with any interested mana whenua group who maintains rohe over the area. A majority of recommendations in Te Kawerau ā Maki's CIR, except for one, have been addressed in the application and the proffered conditions of consent. Overall, it is considered that any adverse effects upon cultural values are less than minor;

#### **Step 4: public notification in special circumstances**

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

Special circumstances are those that are:

- Exceptional, abnormal or unusual, but something less than extraordinary or unique;
- outside of the common run of applications of this nature; or
- circumstances which make notification desirable, notwithstanding the conclusion that the activities will not have adverse effects on the environment that are more than minor.

In this instance I have turned my mind specifically to the existence of any special circumstances and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that public notification should occur. Whilst it is acknowledged that some work has been undertaken on-site in advance of obtaining consent, which include elements that are considered as falling within the permitted baseline as described earlier within this recommendation. The need to apply for retrospective consent(s) is not a situation that is viewed as being unique or out of the ordinary run of things that would warrant public notification via special circumstances. This is particularly viewed in the context of the planned remediation, through considerable mitigation planting, which will provide for an overall increase in the quantum of native vegetation contained within the subject site alongside the supporting pest management strategy to enhance indigenous biodiversity on-site.

#### **S95B Limited Notification**

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

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

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

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

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

In this instance, the proposal does occur in land that is subject to a statutory acknowledgement area held by Te Kawerau ā Maki. As noted in the background assessment contained in Section 1.0 of this recommendation, engagement with this mana whenua group has been undertaken and no specific concern(s) have been identified that have not been addressed by the application and supporting mitigation.

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

The application is not precluded from limited notification as:

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

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

As this application is not for a boundary activity, there are no affected persons related to that type of activity (s95B(7)).

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

In determining whether a person is an affected person:

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

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

In consideration of this notification assessment, I draw on the findings of the earlier assessment provided within the preceding s104(1)(a) assessment and conclude that any adverse effect on any specific person(s) will be less than minor except for any person(s) located at 5 Kopiko Road, where any resulting adverse effects will be no more than minor. In particular:

- The proposed access arrangement to the site will not unreasonably restrict the ability of any nearby person(s) from accessing their respective property(ies), thereby any adverse transport effects are considered to be less than minor upon any specific person(s);
- Adverse effects upon residential amenity values of any specific person(s), including 127, 129, 131, 133, 135, & 144 Konini Road alongside 7 Kopiko Road will be suitably mitigated and less than minor, except for 5 Kopiko Road who will experience adverse effects upon residential amenity values that are no more than minor;
- Having adopted the specialist assessment provided by WEC, adverse geotechnical or instability effects will be suitably mitigated to any nearby building(s) and/or structure(s) contained on any nearby property(ies). Any related earthworks effects upon any specific person(s) will be mitigated to a less than minor degree; &
- The permanent management of any stormwater runoff generated by the subject site will be an improvement on the existing situation. This is supported by a range of temporary stormwater management measures to minimise the risks of any potential runoff from affecting nearby properties throughout the course of construction. Overall, any resulting adverse effects upon any specific person(s) is considered to be avoided;

For the avoidance of doubt, no effects will be experienced by 137 & 148 Konini Road, and 9 Kopiko Road. In the unlikely circumstance that potential adverse effects do arise, there are suitable mitigation measures in place whereby the effects experienced will be avoided, remedied and/or mitigated to be less than minor. This conclusion has been reached having had regard to the reasonable separation distances from these respective properties, the density of vegetation to be retained, and enhanced by way of mitigation planting that will effectively screen views towards the proposed works, notwithstanding the relevance of the permitted baseline. As the person(s) residing at these properties do not meet the threshold for an “affected person” per s95E, there is no requirement to limited notify them of the application.

#### **Step 4: further notification in special circumstances**

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

Special circumstances are those that are:

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

In this instance, I have turned my mind specifically to the existence of any special circumstances under s95B(10) and conclude that there is nothing exceptional or unusual about the application, and that the proposal has nothing out of the ordinary run of things to suggest that notification to any other persons should occur. Whilst I have turned my consideration to the various communication that has been received by Council by a number of interested parties, including Asco Legal's letter dated 6<sup>th</sup> August 2025, this is not considered to be a situation that is unusual nor would it give rise to the need to further consider limited notification via special circumstances in this regard.

### Notification Assessment Conclusion

For the reasons described above, any adverse effects upon the wider environment will be no more than minor; the proposal has been suitably designed to avoid and/or mitigate adverse effects upon the majority of nearby persons, except for any person(s) residing at 5 Kopiko Road, Titirangi, who will experienced adverse effects upon residential amenity values that are no more than minor in nature. As such, it is considered that limited notification of the application is appropriate to one specific person(s).

## 5.4 Part 2 Assessment

In the context of this discretionary activity application for land use consent, where the objectives and policies of the relevant statutory documents were prepared having regard to Part 2 of the RMA, they capture all relevant planning considerations and contain a coherent set of policies designed to achieve clear environmental outcomes. They also provide a clear framework for assessing all relevant potential effects and there is no need to go beyond these provisions and look to Part 2 in making this decision as an assessment against Part 2 would not add anything to the evaluative exercise.

## 6.0 Conditions of Consent (s108)

The applicant proffers the following conditions of consent, other than those proffered within the revised EIA / Arborist Report, which are to form part of the scope of this application. It is also anticipated that the Council will impose standard conditions such as activity in accordance with application, monitoring deposit, and lapsing of consent(s). In particular:

### **Earthworks – Construction in Progress**

- Erosion and sediment control measures, including the installation of the temporary bund in the southern extent of the site as shown on the approved plans outlined in Condition (1) of this consent, must be installed and maintained in accordance supporting plans outlined in Condition (1) of these consents and Auckland Council's Guidance Document 2016/05 ("GD05").

Advice Note:

*In the event that minor amendments to the ESCP are required, any such amendments must be limited to the scope of this consent. Any amendments which affect the performance of the ESCP may require an application to be made in accordance with section 127 of the RMA. Any minor amendments must be provided to the Council prior to implementation to confirm that they are within the scope of this consent.*

- Within ten (10) working days following implementation and completion of the specific erosion and sediment control works as detailed in the ESCP referred to under Condition (X) above, and prior to the commencement of earthworks activity on the subject site, a suitably qualified and experienced person must provide written certification to the Council that the erosion and sediment control measures have been constructed and completed in accordance with the certified erosion and sediment control plan and GD05.
- Exposed surfaces must be progressively stabilised against erosion throughout the earthworks phase of the project and must be sequenced to minimise the discharge of contaminants to surface water in accordance with the certified Erosion and Sediment Control Plan, as outlined in Condition (X) of these consents.

Advice Note:

*Stabilisation measures may include:*

- *the use of waterproof covers, geotextiles, or mulching*
- *top-soiling and grassing of otherwise bare areas of earth*
- *aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward*

*It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05).*

- The operational effectiveness and efficiency of all erosion and sediment control measures specifically required by the Erosion and Sediment Control Plan referred to under Condition (X) must be maintained throughout the duration of earthworks activity, or until the site is permanently stabilised against erosion. A record of any maintenance work must be kept and be supplied to the Council on request.

- Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

Advice Note:

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned. It is recommended that you discuss any potential measures with the Council's monitoring officer who may be able to provide further guidance on the most appropriate approach to take. Alternatively, please refer to Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05).*

- Immediately upon completion or abandonment of earthworks on the subject site, all areas of bare earth associated with the works must be permanently stabilised against erosion in accordance with the guidance outlined in Auckland Council Guideline Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05).

Advice Note:

*Stabilisation Measures may include:*

- *The use of mulching or natural fibre matting.*
- *Top-soiling, grassing and mulching of otherwise bare areas of earth.*
- *Aggregate or vegetative cover that has obtained a density of more than 80% of a normal pasture sward.*

*The on-going monitoring of these measures is the responsibility of the consent holder. It is recommended that you discuss any potential measures with the Council's monitoring officer who will guide you on the most appropriate approach to take. Alternatively, please refer to Auckland Council, Auckland Council Guidance Document 005, Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region, June 2016, Incorporating Amendment 3 (GD05).*

### **Kauri Dieback Protocols**

- As New Zealand Kauri Trees (*Agathis Australis*) (and soil and material surrounding them) may contain the pathogen that causes Kauri dieback disease (*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 disease. All vegetation, soil and other material from within a "Kauri contamination zone"

(defined as three (3) x the radius of the canopy dripline of any Kauri Tree) shall remain on site or be taken to a license landfill.

Advice Note:

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).

- 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 sterilised with trigene disinfectant on entry and exit from the site, on every occasion, to avoid the spread of Kauri dieback disease (Phytophthora agathidicida (formerly PTA)).

Advice Note:

Further advice can be found within the guidelines titled: "Hygiene Procedures for Kauri Dieback" and "Procedures for Tree Removal and Pruning" published by the Ministry for Primary Industries Kauri Dieback Management Programme, which can be found at [www.kauridieback.co.nz](http://www.kauridieback.co.nz) or copies can be obtained from Auckland Council.

### **Amenity Planting**

- The amenity planting in addition to the mitigation planting outlined in the certified Environmental Management Plan, as shown on the approved plans outlined in Condition (1) of this consent, must be established within one month following completion of construction. This planting must be maintained and retained for the life of these consented activities.

The applicant respectfully requests being given an opportunity to review any draft conditions prior to the issuing of any decision.

## **7.0 Conclusion**

Overall, we respectfully request that the Council proceed with limited notification to any owner(s) / occupier(s) contained at 5 Kopiko Road, Titirangi as soon as possible in order to further progress this application.

It is considered that the proposal overall is an appropriate development in this locality, resulting in an outcome that is consistent with the provisions of the Auckland Unitary Plan (Operative in Part), NPS;IB, and WRHA, and which results in all actual and potential adverse effects on the environment being appropriately avoided, remedied and/or mitigated.

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