



5 December 2025

Auckland Council  
George Bell – Planner

**BY EMAIL TO:** [george.bell@aucklandcouncil.govt.nz](mailto:george.bell@aucklandcouncil.govt.nz)

Dear George

**RFI RESPONSE FOR:** 13 CHURCH BAY ROAD, WAIHEKE ISLAND  
**COUNCIL REFERENCE NO:** LUC60438343

We have addressed the points raised in the s92 further information request received 16 September 2025 as follows:

**Summary of Attachments:**

**Attachment 1 - Updated drawing set**

Updated design set by Litehouse Limited dd 4/12/2025. This has been updated to reflect the latest survey information for current positioning, plus additional design including a required balustrade and finish detail, to ensure clarity moving forward.

**Attachment 2 - Surveyor certification for laser scanned recession plane data**

**Attachment 3 – Landscape Plan prepared by Jared Lockhart**

**Planning**

1. The provided Cato Bolam survey dated 2 May 2025 appears to use LiDAR data based on 2016-2018 imagery. The definition of 'ground level' under the Hauraki Gulf Islands District Plan relies on 2005-2006 LiDAR data to be used when no subdivision has been approved since 18 September 2006.

Can you please update your survey plan to use LiDAR data based on 2005-2006 imagery. Once this survey plan is updated, please confirm all relevant infringements in relation to the eastern boundary including:

- Whether the retaining wall is considered a building for having a height in excess of 1m. If so, please provide a full elevation of the retaining wall.
- Whether the deck and balustrade of the recent swimming pool additions result in any height in relation to boundary infringements or side yard infringement. If this is the case and the applicants wish to legally establish this, the application will need to be re-lodged to include the full swimming pool additions and alterations.
- Whether the existing deck, chimney and balustrade of the original 2004 dwelling result in any height in relation to boundary infringements. If this is the case and the applicants wish to legally establish this, the application will need to be re-lodged to include the full house.

**Response**

Please refer **link supplied in covering email** to fly through with recession plane indicators by Cato Bolam dd 17 November 2025, and **Attachment 2:** Surveyor certification for laser scanned recession plane data. This is based on the 2006 Lidar as specified above.

The extent of infringements which consent is now sought are described as follows and specified on sheet 15 of the updated plan set contained in **Attachment 3**. These include both historic infringements and those associated with the most recent development.

<b>Legend</b>	
<b>AI 1</b>	Alfresco area infringement
<b>AI 2</b>	Alfresco Fireplace/ Chimney infringement
<b>AI 3</b>	Alfresco area infringement, the other side of chimney
<b>BI 1</b>	Front Deck/ Glass Balustrade infringement
<b>BI 2</b>	Alfresco Glass Balustrade infringement
<b>BI 3</b>	Alfresco Glass Balustrade infringement
<b>BI 4</b>	Pool Deck/ Glass Balustrade infringement
<b>RBI 1</b>	Balustrade above Retaining Wall infringement
<b>RBI 2</b>	Balustrade above Retaining Wall infringement
<b>RBI 3</b>	Balustrade above Retaining Wall infringement

Area of Infringement	<b>AI 1</b>	<b>AI 2</b>	<b>AI 3</b>	<b>BI 1</b>	<b>BI 2</b>	<b>BI 3</b>	<b>BI 4</b>	<b>RBI 1</b>	<b>RBI 2</b>	<b>RBI 3</b>
Overall Length of Infringement	1,540mm	1,400mm	1,540mm	9,600mm	1,060mm	1060mm	17,200mm	7,692mm	4,301mm	27,673mm
Maximum Horizontal Distance of Infringement	2,420mm	900mm	2,038mm	1,261mm	50mm	50mm	50mm	145mm	70mm	145mm
Maximum Vertical Distance of Infringement	2,414mm	3,752mm	2,058mm	1,397mm	370mm	125mm	125mm	354mm	54mm	557mm

To assist Council with the assessment of the effects of this proposal, sun studies have been prepared (refer sheets 16-19). As noted these show the additional extent of shadowing resulting from these infringements, over and above a complying structure and based on these results the effects are considered to be less than minor.

With respect to privacy and dominance effects associated with these infringements, the landscaping summarised in point 3 has addressed these potential effects and suggested mitigation in more detail.

2. Please confirm whether any fence will be erected on top of the retaining wall. If so, please incorporate this into any height in relation to boundary infringements and provide a full elevation of the retaining wall.

Response

Please refer **Attachment 1**: Updated design set by Litehouse Limited dd 3/12/2025. This confirms the extent of balustrades that are required to be installed under the NZ Building Code - Clause F4, Safety from Falling. As noted previously, the assessment of development controls has factored in these balustrades and where the combined height of the retaining wall and barrier infringe the height in relation to boundary control.

3. Please provide a plan that shows the total area of earthworks required to construct the retaining wall (including all associated areas of cut and fill). If greater than 50m<sup>2</sup>, please confirm that they trigger consent under rule 10c.5.5.2 and provide a corresponding assessment of adverse effects.

Response

Please refer to sheet 20 which confirms the area of earthworks is 37.08m<sup>2</sup> which complies with rule 10c.5.5.2 of the District Plan. We confirm sediment control measures were installed during construction.

4. There appears to be a stand of trees on site where the retaining wall was located as seen in figure 1 below. Can you please confirm what the species of these trees were? If native, please confirm their removal as a trigger for consent under rule 10c.5.1.2 and provide a corresponding assessment of adverse effects including mitigation planting.



**Figure 1:** Previous stand of trees shown circled in red (2017 aerials)

**Response**

We have reviewed photographs available and confirm that we seek retrospective consent to remove approximately 8 native trees exceeding 3 metres in height (most likely to be pittosporum trees).

We refer to the following photographs of the subject site, looking towards the neighbouring property (figures 2 and 3) which shows the existing environment at the time the original consent was approved by Council in January 2023. As noted there was existing vegetation on the neighbouring property which has since been removed.



**Figure 2:** View of existing dwelling prior to additions and alterations showing existing vegetation on 9 Church Bay Road (taken March 2022)



**Figure 3: View of existing dwelling prior to additions and alterations showing existing vegetation on 9 Church Bay Road (taken March 2022)**

Although it is difficult to ascertain when this vegetation was removed and the exact species, it is anticipated this removal occurred in early 2023. The following photograph (figure 4) taken around February / March 2023 shows evidence of some earthworks and vegetation removal on the site at 9 Church Bay Road so this would have occurred soon after the approval of the applicants consent.



**Figure 4: Evidence of site works at 9 Church Bay Road (Feb/March 2023)**

We expect that this vegetation formed part of the existing environment, and would have been assessed by the processing planner as providing a degree of buffering with the site at 9 Church Bay Road. Although we acknowledge the type and protection status of vegetation is difficult to determine, the photographs available indicate this is a mix of native and exotic species, including some pittosporum, five finger and coprosma species. This was also referenced in the AEE submitted with the application as follows:

- The form of the existing building will effectively be maintained, the main additions affect a north-eastern area of the side well screened from view by the existing dwelling structure and by vegetation along site boundaries, the proposed external renovations will be recessively coloured, and the character and appearance of the dwelling will either be maintained or enhanced.

As evident on site the previously vegetated character of 9 Church Bay Road as viewed from the applicants site has been somewhat modified through the removal of vegetation located in close proximity to the common boundary.

Notwithstanding, this change, the applicant has engaged the services of an experienced landscape designer to recommend appropriate landscape measures to mitigate the extent of built form. As noted recommended measures include:

- Planting of a specimen Ti Toki tree to screen the chimney structure;
- Hedging to be installed on retaining wall and pruned to a height of 1.2m
- Cascading plants to the outside face of the retaining wall;
- Cascading plants in trough planters on the pool wall;
- Pots on the upper deck with low planting and cascading species

The following perspective shows the overall intent of the mitigation planting which is to soften the view of the existing built form when viewed from 9 Church Bay Road. We anticipate this view would be achieved in approximately 3-5 years from planting.



Accordingly, we consider that the potential dominance and privacy effects can be appropriately mitigated through the implementation of planting which is proposed by the applicant. The applicant is agreeable to standard conditions requiring the implementation and maintenance of this planting.

We trust that the foregoing is of assistance and addresses the points raised. It would be appreciated if the application can now be taken off hold for processing.

Yours faithfully



**Wendy Baverstock**  
Planning Consultant