

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



Restricted discretionary activity

<b>Application Number:</b>	LUC60410683
<b>Applicant:</b>	Steven Bernstein
<b>Site Address:</b>	13 Church Bay Road, Waiheke Island 1081
<b>Legal Description:</b>	Lot 9 DP 68070
<b>Proposal:</b>	To undertake additions and alterations to an existing dwelling including internal modifications, extensions, new deck area and the installation of a pool and spa. These works will require the installation of a new wastewater treatment and disposal system and upgrades to the onsite stormwater management system.

Resource consent is required for the following reasons:

## Land Use Consent (s9) – LUC60410683

### Auckland Council Operative District Plan – Hauraki Gulf Islands 2018

#### *Part 10a – Land Units*

- Additions or alterations to an existing building within the Island Residential 2: Bush Residential land unit requires resource consent as a restricted discretionary activity under rule 10a.10.5.

#### *Part 10c – Development Controls*

- Activities which infringe control 10c.3.1 Building Coverage are a discretionary activity under rule 10c.3.1. In this instance a building coverage of 15.77% is proposed where 15% is allowed under the control.

## Decision

I have read the application, supporting documents, and the report and recommendations on the application for resource consent. I am satisfied that I have adequate information to consider the matters required by the Resource Management Act 1991 (RMA) and decide under delegated authority on the application.

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

## Reasons

Under Section 113 of the RMA, the reasons for this decision are:

1. In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects from the proposal will be acceptable as:
  - a. The proposal for additions and alterations to an existing dwelling will not detract from the planned character of the land unit and the proposed development is compatible with the established bush residential character.
  - b. The external features and colour of the additions and alterations will be sympathetic to the surrounding vegetation to help the dwelling to appear more aligned with the natural landscape.
  - c. The proposal will not adversely affect the amenity of surrounding properties due to the screening proposed by planting and the offset relative elevations.
  - d. No generally protected vegetation is affected by the proposal.
  - e. The proposed earthworks are not anticipated to give rise to any significant erosion, sedimentation or site instability effects. Council's Development Engineer is satisfied that any effects can be appropriately managed with conditions of consent endorsed by the applicant.
  - f. In terms of positive effects the proposal will contribute to the residential amenity values of the applicants property.
  - g. With reference to s104(1) (ab), there are no specific offsetting or environmental compensation measures proposed or agreed to by the applicant to ensure positive effects on the environment and/or within the relevant matters of discretion.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents, insofar as they relate to the matters over which discretion is restricted. In particular:
  - a. The proposal provides for residential development which is will not detract from the bush-clad nature of the existing environment (10a.10.3.1)
  - b. The proposal will not result in any loss of protected or ecologically significant vegetation (10a.10.3.2).
  - c. The proposal provides for a broad and flexible range of development while subsequently managing the potential effects on the amenity values of neighbouring properties and the surrounding natural environment (10c.2.1, and 10c.2.3).
3. In the context of this discretionary activity application for a land use consent, where the relevant objectives and policies and other relevant provisions in 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.

- Overall, the proposal is acceptable and consent can be granted subject to the conditions below.

## Conditions

- This activity must be as described in the application and assessment of environmental effects prepared by Wendy Baverstock of Isle Land Limited dated October 2022 and must be carried out in accordance with the plans stamped and referenced by the council as resource consent number LUC60410683.

The consent must also be carried out in accordance with all other reports and information detailed below and all referenced by the council as consent numbers LUC60410683.

- Plan set titled “Bernstein & Flamank Home Alterations” by LiteHouse Ltd, drawings numbered 02-09, and all Rev A, dated 12/10/2022.
- Filtermaster C50 Cartridge Filter brochure.

Report title and reference	Author	Rev	Dated
On-site Wastewater Treatment and Disposal Design Report	Madya Dissanayaka	V1	September 2022
Stormwater Management Report	Madya Dissanayaka	V1	October 2022

- Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
  - The consent is given effect to; or
  - The council extends the period after which the consent lapses.
- The consent holder shall pay the council an initial consent compliance monitoring charge of \$348 (inclusive of GST), plus any further monitoring charge or charges to recover the actual and reasonable costs incurred to ensure compliance with the conditions attached to this consent.

### **Advice Note:**

*The initial monitoring deposit is to cover the cost of inspecting the site, carrying out tests, reviewing conditions, updating files, etc., all being work to ensure compliance with the resource consent(s). In order to recover actual and reasonable costs, monitoring of conditions, in excess of those covered by the deposit, shall be charged at the relevant hourly rate applicable at the time. The consent holder will be advised of the further monitoring charge. Only after all conditions of the resource consent(s) have been met, will the council issue a letter confirming compliance on request of the consent holder.*

## Post Development conditions

### **Finishes**

4. The additions must be finished and maintained as such thereafter to the satisfaction of Council with the following materials and colours:
  - Roofing: Coloursteel roofing finished in a recessive tone.
  - Exterior cladding:
    - i. Black painted dressed pine battens to screen pool and piles.
    - ii. Abodo Vulcan Charred rainscreen
    - iii. Corten Steel Rainscreen on ground floor pilaster columns
  - Decking: timber
  - Glass: low reflectivity glass.

Any change to the colours outlined above must be visually recessive for the setting and must align with the requirements of 10c.4.8.1 being complementary to the natural surrounding environment and be certified by the Council prior to implementation.

### **Swimming Pool**

5. The consent holder must install a Filtermaster Cartridge Filter (or similar closed system filter) to ensure that no backwash water is discharged from the new swimming pool. No open filters that can result in pool discharge are allowed to be used.
6. Within three months of the practical completion of the pool, the Council must be provided with written evidence by a suitably qualified service provider to demonstrate that a Filtermaster Cartridge Filter (or similar closed system filter) was installed with no backwash line. The pool must maintain and retain a closed filter system at all times.

### **Stormwater**

7. Within ten (10) working days following completion of works, the Consent Holder must provide Council certification from a suitably qualified drainlayer to demonstrate that all stormwater works (including rip-rap installation) have been completed as per the recommendation in the Stormwater Report by GWE Consulting Ltd dated October 2022 as referenced in Condition 1.

## **Advice notes**

1. *Any reference to number of days within this decision refers to working days as defined in s2 of the RMA.*
2. *For the purpose of compliance with the conditions of consent, "the council" refers to the council's monitoring officer unless otherwise specified. Please email [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to identify your allocated officer.*
3. *For more information on the resource consent process with Auckland Council see the council's website: [www.aucklandcouncil.govt.nz](http://www.aucklandcouncil.govt.nz). General information on resource consents,*

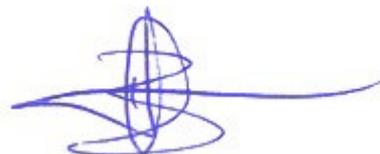
including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment's website: [www.mfe.govt.nz](http://www.mfe.govt.nz).

4. *If you disagree with any of the above conditions, and/or disagree with the additional charges relating to the processing of the application(s), you have a right of objection pursuant to sections 357A and/or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of your receipt of this decision (for s357A) or receipt of the council invoice (for s357B).*
5. *The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.*
6. *All earthworks shall be undertaken to ensure that all potential sediment discharges are appropriately managed. Such means and measures may include:*
  - *Catchpit protection*
  - *run-off diversions*
  - *sediment retention ponds*
  - *silt and sediment traps*
  - *decanting earth bunds*
  - *silt fences*

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance Monitoring, Central for more details. Alternatively, please refer to GD05 Guidelines for Land Disturbing Activities in the Auckland Region".*

**Delegated Decision Maker:**

**Name:** Brad Allen  
**Title:** Team Leader, Resource Consents  
**Signed:**



**Date:** 24 January 2023

## Resource Consent Notice of Works Starting

Please email this form to [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) at least **5 days** prior to work **starting** on your development or post it to the address at the bottom of the page.

<b>Site address:</b>				
<b>AREA</b> (Please tick the box)	Auckland CBD <input type="checkbox"/>	Auckland Isthmus <input type="checkbox"/>	Hauraki Gulf Islands <input type="checkbox"/>	Waitakere <input type="checkbox"/>
Manukau <input type="checkbox"/>	Rodney <input type="checkbox"/>	North Shore <input type="checkbox"/>	Papakura <input type="checkbox"/>	Franklin <input type="checkbox"/>
<b>Resource consent number:</b>			<b>Associated building consent:</b>	
<b>Expected start date of work:</b>			<b>Expected duration of work:</b>	

Primary Contact	Name	Phone #	Address	Email address
Owner				
Project manager				
Builder				
Earthmover				
Arborist				
Other (specify)				

<b>Signature:</b> Owner / Project Manager (indicate which)	<b>Date:</b>
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Once you have been contacted by the Monitoring Officer, all correspondence should be sent directly to them.

**SAVE \$\$\$ minimise monitoring costs!**

The council will review your property for start of works every three months from the date of issue of the resource consent and charge for the time spent. You can contact your Resource Consent Monitoring Officer on 09 301 0101 or via [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) to discuss a likely timetable of works before the inspection is carried out and to avoid incurring this cost.