

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



Discretionary activity for a subdivision consent

Application number: SUB60372117 (s11 subdivision consent)
Applicant: KVEST INVESTMENT PARTNERS GROUP LIMITED
Site address: 43A Vipond Rd & 20 Melia Place, Stanmore Bay
Legal description: Lot 1 DP 169527 & Lot 2 DP 169527
Proposal:

To undertake a boundary adjustment between 20 Melia Place and 43A Vipond Road.

Lot 1 (43A Vipond Road) will decrease from 22,780m² to 9,793m² with proposed services and right of way easements 'A' and 'B'. Lot 2 (20 Melia Place) will increase in size from 5,267m² to 18,257m².

There will be no change to the existing land use activities and associated infrastructure servicing the existing land use activities.

Resource consent is required for the following reasons:

Subdivision consent (s11) – SUB60372117

Auckland Unitary Plan (Operative in part)

Subdivision – Urban

- To adjust the boundary between two existing sites that exceeds 10 percent of the net site area of each site, which is a subdivision activity that is not provided for, is a **discretionary** activity under rule E38.4.2(A32).
- To subdivide land that is located within the one per cent annual exceedance probability floodplain natural hazard is a **restricted discretionary** activity under rule E38.4.1(A11).

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 make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 106 and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

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 proposed development consists of a boundary adjustment between existing titles with both lots more than meet the vacant lot subdivision minimum site size requirements should the current developments be removed. Each site will retain the current components of the Returned Services Association (RSA), with the RSA building and associated car parking being kept on Lot 1. The car parking allocated to the existing RSA building on Lot 1 is sufficient for the use and meeting parking requirements of Auckland Unitary Plan (Operative in Part). The subdivision will not result in any physical changes and therefore no physical works are required to facilitate the boundary relocation. Therefore the built urban and natural character of the surrounding urban landscape will be acceptable.
 - b. Both lots retain their vehicle access from the surrounding roads and no additional traffic will be generated from the subdivision proposal.
 - c. The proposed lots are of sufficient size to adequately accommodate all required services with no adverse off-site effects. Existing infrastructure and servicing are available to service the proposed lots with existing private services contained within the boundaries of the proposed lots.
 - d. There is a small flood plain identified on Lot 2 within the existing bowls green. The flood plain is located at a low point of the surrounding land at the top of stream catchment. Given the proposal does not involve any new buildings the development engineer has raised no concerns on floodplain effects and vulnerability of the existing use of the subject sites and surrounding sites.
 - e. In terms of positive effects, the proposal will provide the existing and / or future land owner the ability to design and redevelop the land for future residential development.
2. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular, the relevant objectives and policies of Chapters E38 (Subdivision - Urban) and H3 (Residential – Single House Zone) of the Auckland Unitary Plan (Operative in Part) where it generally seeks to ensure:
 - Land is subdivided to meet the objectives of the residential zone and in this instance, the Residential – Single House Zone and provides for long term needs of the community and minimises adverse effects on future development on the environment;
 - Infrastructure supporting subdivision and development is provided for with subdivision that has a layout which is safe, efficient, convenient and accessible;

- Subdivision does not increase the risk of adverse effects to people, property, and the environment from natural hazards and; maintains the function of flood plains and overland flow paths to safely convey flood waters;
- Development maintains and is keeping with the amenity values of established neighbourhoods and;
- Require an intensity of development that is compatible with either the existing suburban built character where this is to be maintained or the planned suburban built character of predominantly one to two storey dwellings.

Given the existing land use activities that remains unchanged with infrastructure and services that continue to be adequate to service the existing activities in addition to the proposed lot sizes that are greater than 600m² (minimum required site area in Residential - Single House Zone), the proposed subdivision will continue to maintain the amenity values of established neighbourhood and planned suburban built character. Therefore the proposal meets the objectives of the Residential – Single House Zone and provides for long term needs of the community and minimising adverse effects on future development.

The proposal does not involve any new buildings or changes to the existing land use activities and related infrastructure. Therefore the function of flood plains and overland flow paths will be maintained and will not increase the risk of adverse effects to people, property, and the environment and; maintains the function of flood plains and overland flow paths to safely convey flood waters.

Overall, the proposal is consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part).

3. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
4. In terms of s106 of the RMA the proposal is not considered to give rise to a significant risk from natural hazards, and sufficient provision has been made for legal and physical access to the proposed allotments. Accordingly, council is able to grant this subdivision consent subject to the conditions below.
5. In the context of this discretionary activity subdivision application, 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. Overall, the proposal will have acceptable adverse effects on the environment and overall meets the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part).

Conditions

All conditions contained in this decision must be complied with at time of s224(c). The conditions have been separated into 'General', 'section 223' and 'section 224(c)' conditions

in order to assist the consent holder in identifying the conditions that must be completed at the respective stages of implementing the resource consent for subdivision.

Under sections 108, 108AA and 220 of the RMA, this consent is subject to the following conditions:

General conditions

1. The boundary adjustment subdivision between 20 Melia Place and 43A Vipond Road must be carried out in accordance with the plans and information detailed below, and referenced by the council as consent number SUB60372117.
- Assessment of Environmental Effects prepared by Alison Francis of CIVIX, titled 'No 20 Melia Place and 43A Vipond Road, Stanmore Bay – Subdivision - Boundary Adjustment' and dated 11 February 2021

Drawing title and reference	Author	Rev	Dated
Proposed Scheme of Lots 1 & 2 DP 169527 (aerial image), Sheet 1 of 1	CIVIX	A	2/12/2020
Proposed Scheme of Lots 1 & 2 DP 169527, Sheet 1 of 1	CIVIX	B	2/12/2020
WW & SW Connections (note: existing infrastructure)	CIVIX		30/3/2021

Advice Note:

- *This consent has been granted on the basis of all the documents and information provided by the consent holder, demonstrating that the new lot(s) can be appropriately serviced (infrastructure and access).*
- *Details and specifications for the provision of infrastructure (e.g. public/ private drainage, location, and types of connections) and access (including drainage of accessways, construction standards etc) are subject to a separate EPA and/or Building Consent approval process.*
- *Should it become apparent during the EPA and/or Building Consent process that a component of the granted resource consent cannot be implemented (e.g. detailed tests for soakage fail to achieve sufficient soakage rates, or sufficient gradients for drainage cannot be achieved in accordance with engineering standards/ bylaws etc), changes to the proposal will be required. This may require either a variation to this subdivision consent or a new consent.*
- *Similarly, should the detailed design stage demonstrate that additional reasons for consent under the AUP are triggered (e.g. after detailed survey the access gradient increases to now infringe or increase an approved infringement to a standard in the plan), a new or varied resource consent is required.*
- *It is the responsibility of the consent holder to ensure that all information submitted and assessed as part of the subdivision consent is correct and can be implemented*

as per the subdivision consent (without requiring additional reasons for consent). Any subsequent approval processes (such as the EPA) do not override the necessity to comply with the conditions of this resource consent.

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. A survey plan is submitted to council for approval under section 223 of the RMA before the consent lapses, and that plan is deposited within three years of the approval date in accordance with section 224 of the RMA; or
 - b. An application under section 125 of the RMA is made to the council before the consent lapses (five years) to extend the period after which the consent lapses and the council grants an extension.

Survey plan approval (s223) conditions

3. The consent holder must submit a survey plan in accordance with the approved resource consent subdivision scheme plan(s) titled 'Proposed Scheme of Lots 1 & 2 DP 169527', prepared by CIVIX, dated 2/12/2020. The survey plan must show all easements required by this subdivision consent.
4. The right(s)-of-way and services easements (labelled 'A & B') over parts of Lot 1 must be included in a memorandum of easements endorsed on the survey plan and must be created, granted or reserved as necessary. The consent holder must meet the costs for the preparation, review, and registration of the easement instruments on the relevant computer registers (records of title).

Section 224(c) compliance conditions

Note: Existing services and infrastructure will remain unchanged and will continue to service the existing land use activities on the sites. Therefore, there are no s.224c conditions as no physical or civil works are proposed and / or required as part of this subdivision consent.

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 more information on the resource consent process with Auckland Council see the council's website: 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.
3. 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).

4. *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.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date: 21 May 2021



Approved by Delegated Officer

21/05/2021



- Proposed Easements
- Proposed Parcels
- Existing Parcels

NOTES:
1. LOT AREAS AND BOUNDARY DIMENSIONS ARE SUBJECT TO CONFIRMATION UPON FINAL LAND TRANSFER SURVEY.
2. EASEMENT LOCATIONS ARE INDICATIVE BASED ON PRELIMINARY DESIGN AND MAY BE UPDATED BASED ON DETAILED DESIGN.

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND (SERVIENT TENEMENT)	BENEFITED LAND (DOMINANT TENEMENT)
RIGHT OF WAY, RIGHT TO CONVEY WATER, ELECTRICITY, GAS, AND TELECOMMUNICATIONS	A	LOT 1	LOT 2
RIGHT OF WAY (PEDESTRIAN)	B	LOT 1	LOT 2



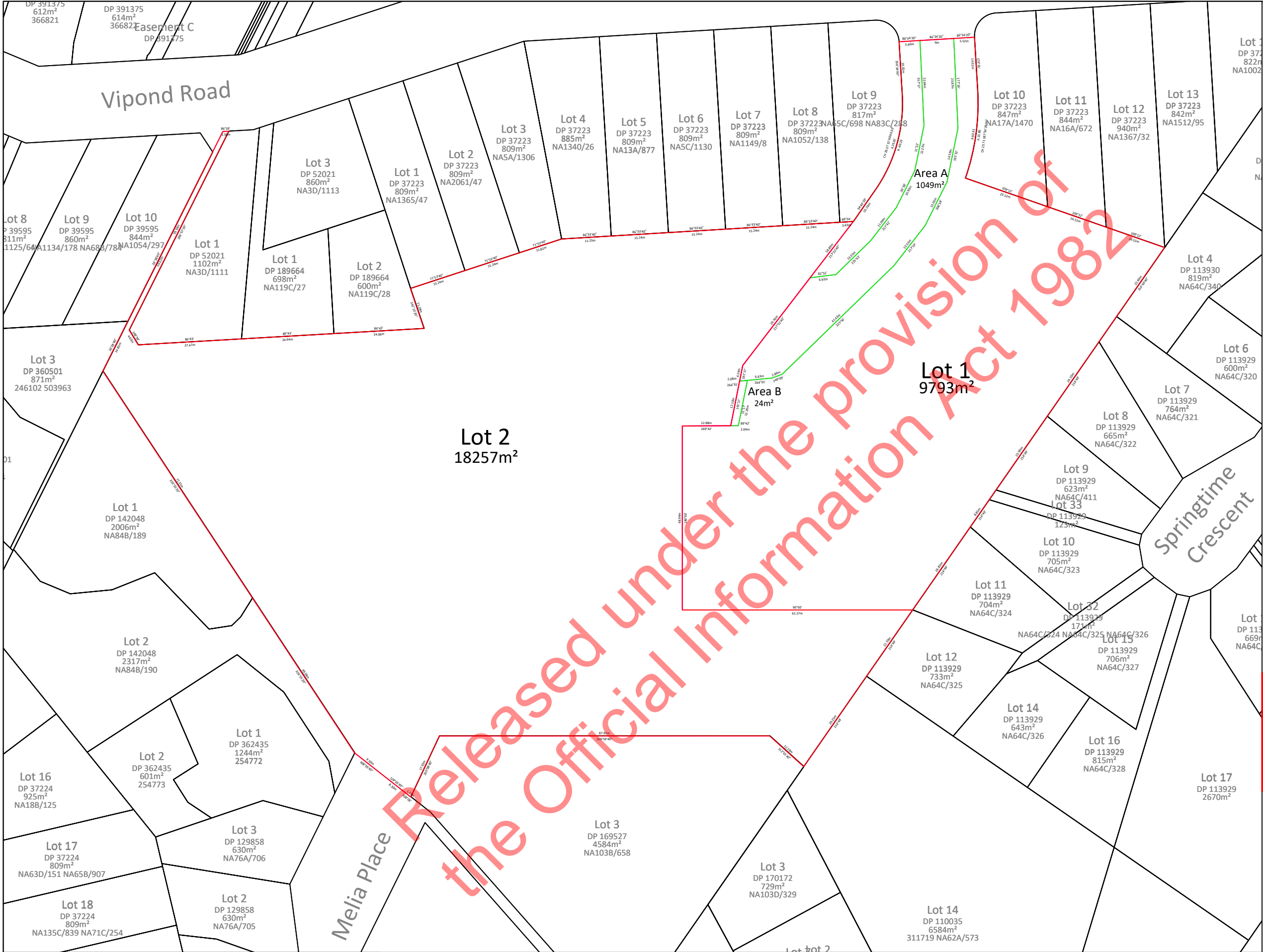
SUB60372117
Approved Resource Consent Plan
21/05/2021

Date: 02/12/2020
Revision A



PROPOSED SCHEME OF LOTS 1 & 2 DP 169527
(including aerial images)


20 MELIA PLACE	
1001	
SCALE: 1:1000 @ A3	SHEET: 1 OF 1



Proposed Easements
Proposed Parcels
Existing Parcels

NOTES:
1. LOT AREAS AND BOUNDARY DIMENSIONS ARE SUBJECT TO CONFIRMATION UPON FINAL LAND TRANSFER SURVEY.
2. EASEMENT LOCATIONS ARE INDICATIVE BASED ON PRELIMINARY DESIGN AND MAY BE UPDATED BASED ON DETAILED DESIGN.

SCHEDULE OF PROPOSED EASEMENTS			
PURPOSE	SHOWN	BURDENED LAND (SERVIENT TENEMENT)	BENEFITED LAND (DOMINANT TENEMENT)
RIGHT OF WAY, RIGHT TO CONVEY WATER, ELECTRICITY, GAS, AND TELECOMMUNICATIONS	A	LOT 1	LOT 2
RIGHT OF WAY (PEDESTRIAN)	B	LOT 1	LOT 2



SUB60372117
Approved Resource Consent Plan
21/05/2021



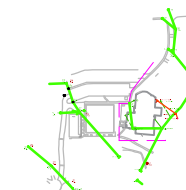
PROPOSED SCHEME OF LOTS 1 & 2 DP 169527



SUB60372117

Approved Resource Consent Plan

21/05/2021



LEGEND:

- STREAM
- WATER LEVEL
- CATCHPIT
- SEWER MANHOLE
- STORMWATER MANHOLE
- SEWER PIPE - PRIVATE
- SEWER PIPE - PUBLIC
- STORMWATER PIPE - PRIVATE
- STORMWATER PIPE - PUBLIC
- BOUNDARY
- BOUNDARY ADJUSTMENT

NOTES:

- HORIZONTAL DATUM: New Zealand Geodetic Datum 2000 (NZGD 2000)
Mount Eden 2000 Circuit (ME2000)
- VERTICAL DATUM: Auckland Vertical Datum 1946 (AVD-1946)
- ORIGIN OF COORDINATES:
Mark name: AP V DP 177965 (DPND - Order 5)
Easting: 395590.309 mE
Northing: 829402.055 mN
- ORIGIN OF LEVELS:
Mark name: AP V DP 177965 (DPND - Order 3V)
RL: 65.63 m (Converted from published NZVD16 height)
- Boundaries and areas are sourced from LINZ and are indicative only.
- Critical levels should be checked on site before commencing detailed design.
- All SW & SS pipe alignments and diameters shown are derived from AC GIS data and require confirmation on site.
- Survey conducted using TS & GNSS-based methods with an estimated relative accuracy of +/- 0.05 m.
- Refer to Records of Title for easements and other interests.
- Not all trees are surveyed due to sheer number of trees in many areas.

DESIGNED:	DATE:	
DRAWN:	DATE:	
RELEASED:	DATE:	
REVISION	AMENDMENT	BY

CIVIX

PROJECT:
20 MELIA PLACE, STANMORE BAY
43A VIPOND ROAD, STANMORE BAY
WW & SW CONNECTIONS

TITLE:
LOT 1 DP 169527 & LOT 2 DP 169527
NA103B/656 & NA103B/657

STATUS:	FOR S92 RESPONSE
DRAWING NO:	1000
SCALE & SIZE:	1:1000
REV:	30/03/2021

THIS DRAWING AND DESIGN IS THE PROPERTY OF CIVIX LIMITED. THIS DRAWING MAY NOT BE COPIED OR ALTERED WITHOUT WRITTEN APPROVAL FROM CIVIX LIMITED. NO LIABILITY IS ACCEPTED FOR UNAUTHORISED USE OF THIS DRAWING. LEVELS ARE IN TERMS OF LAND AND SURVEY DATUM