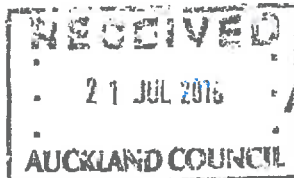


Wastewater
Construction of stormwater drains
through neighbouring properties



Pursuant to section 460 of the Local Government Act 1974
or section 181 of the Local Government Act 2002

Application form

Development engineering

sec 460

Location of works (closest service centre): (tick appropriately):

- Orewa Takapuna Henderson Central
 Manukau Papakura Pukekohe

Office use only
Receipt number: 1000018192
Reference number: \$1500.00
Date lodged: 21/7/16 1:40 PM
Date issued:
16475025

Applicant's details

Full name (print): Shataheen Family Trust

Attn: Ali Lakhandwala

If applying on behalf of a company (full company name):

Street address: 91 Fairview Avenue

Suburb: Fairview Heights

Town/City: Auckland C632

Postal address (if different from above):

Phone (business): 2714880 / ext 4 (home):

(mobile): 0212507745

Email: alilakhandwala@hotmail.com

Fax:

Project details

Project location: 91 Fairview Avenue

Legal description (as shown on certificate of title or rates notice if any): Lot 9 DP41637

Site drain passes through:

Street address (site to access): 85 Fairview Avenue

Legal description (as shown on certificate of title or rates notice if any): Lot 3 DP488476

Street address (site to access): 85A Fairview Avenue

Legal description (as shown on certificate of title or rates notice if any): Lot 4 DP488476

Street address (site to access): 89 Fairview Avenue

Legal description (as shown on certificate of title or rates notice if any): Lot 10 DP41637

Payment details if other than to the applicant directly

It is the applicant who is liable for payment of any fees and charges. However the council can send invoices or payments to the applicant care of a third party. To find out about any fees and charges that may be incurred during the processing of this application please contact us on 09 301 0101

Full name (print): Ali Shing Lakhandwala

Postal address:

Phone (business): 2714880 / ext 4 (home):

(mobile): 0212507745

Email: alilakhandwala@hotmail.com

Fax:

Signature:

Date:

Limits and liabilities

I, (print name) Ali S Lakhandwala

agree to meet all costs incurred by Auckland Council and its agents as a

result of considering and actioning this application. I acknowledge that Auckland Council may request further negotiation between myself (or my agents) and the other party and that a decision in my favour is not guaranteed nor is it a requirement for payment of the aforementioned costs

Signature

Signature of owner, or agent on behalf of and with the authority of the owner (cross one out):

[Handwritten Signature]
Date: 1/7/2016

Name of person signing (please print): *Akshay Lokhandwala*

Attached information for pre-lodgement meeting

The information required for a prelodgement meeting with the development engineering department (to be arranged by applicant) is detailed below.

- A letter of explanation including details of:
 - what has happened to date
 - who is affected, their contact details and address
 - dates, events and names surrounding the attempted negotiations with neighbours
 - where the proposed drain is to go
 - proposed materials and method of construction (ie open cut or thrust)
 - why the proposed route is the only practical route
 - access or construction constraints
 - alternative drain routes considered, irrelevant of cost and difficulty
 - a list of who has given consent and who has refused consent.
- Preliminary plan and long sections of the proposed drain including relative spot levels (digital photos of construction environment desirable).
- Plans of alternative drain routes considered (including dimensions from drain to trees or structures).
- Copies of consents obtained.
- Copies of relevant certificate of title for all affected properties.
- A list of arrangements or concessions the applicant is prepared to agree to with the affected owners.

Final lodgement

- Three sets of plans in format as specified in the council's Code of Urban Subdivision and Development and Engineering Standard Details of preferred option.
- Engineering standard details as relevant
- Catchment plans (where appropriate, eg drainage, watermains).
- Sketch of proposed works on council service plans
- Supporting calculations/reports.
- Any relevant correspondence between the council and the applicant or their agent, regarding this work.
- Trees or structures within 2m of the proposed route.

Required where relevant

- Details of other services.
- Other approvals granted (eg ACC, ARC, V/SI etc)

Other related applications and information (attach copies)

- Building consent number; or intended future application: _____ or intended future application:
- Subdivision including (cross lease and unit title) consent number; or intended future application: _____ or intended future application:
- Resource consent number; or intended future application: _____ or intended future application:
- Other: _____

Office use only

- Application number: _____ Date application lodged: _____
- Receipt number: _____ Date application completed: _____
- Amount deposited: _____ Date requested renegotiation: _____
- Job sheet created: Date sent to Works and Services: _____ Date hearing: _____
- Notice accepted: Notice declined: Result: _____
- Date notice sent: _____ Total cost to client: _____
- Date objection received: _____ Date work performed: _____

135 Oteha Valley Road, Albany, Auckland
PO Box 35-405, Browns Bay, Auckland
Tel: 09 478 4305 Fax: 09 478 0386

432 Hibiscus Coast Highway, Orewa
PO Box 63, Orewa
Tel / Fax: 09 427 4606

11th July 2016

Ref: 15287L02

The Chief Executive
Auckland Council
Private Bag 92 300
Auckland 1142

**Attention: Trevor Cullen - Team Leader
Resource Consents - Northern**

Dear Sir

**Re: APPLICATION FOR CONSTRUCTION OF WASTEWATER DRAINAGE
PURSUANT TO SECTION 460 OF THE LOCAL GOVERNMENT ACT 1974
91 Fairview Avenue, Fairview Heights**

On behalf of Shahalieen Family Trust (the applicant) we wish to apply for consent to construct a wastewater line through two private properties neighbouring 91 Fairview Avenue pursuant to S460 of the Local Government Act 1974. The wastewater line is required to service a proposed minor residential unit to be constructed in accordance with Resource Land Use Consent concurrently being sought from Council. It will also facilitate the future extension of the wastewater network in Fairview Avenue.

Background Information:

- **Applicant:** Shahalieen Family Trust
PO Box 230258,
Botany
Auckland 2163

Attention: Ali Lokhandwala

Tel: 021 250 7745
Email: alilokhandwala@hotmail.com
- **Address for Service:** Thurlow Consulting Engineers & Surveyors Ltd
PO Box 35 405
Browns Bay
North Shore

Attention: Stephanie McWalter

Tel: (09) 478 4305
Email: steph@thurlow.co.nz

- **Site Location:** 85, 85A, 89 and 91 Fairview Avenue, Fairview Heights, Auckland 0632.



Figure 1: Location Plan

Source: Auckland Council GIS

Affected Property Details:

85 Fairview Avenue (Neighbour Consent Not Granted)

Legal Description:	Lot 3 DP 488476
Computer Freehold Register:	700583
Estate:	Fee Simple
Area:	623m ²
Proprietor:	JX Trustee Corporate Limited
Registered Interests:	
• Consent Notice	10181774.1
• Easement Instrument	10181774.3
• Easement Instrument	10181774.4
• Easement Instrument	10181774.5
• Easement Instrument	10181774.6

Contact Details:

Tracey Jiang
Tel: (09) 4800686
Mob: 021 5864338
Email: Traceyj2000@gmail.com

85A Fairview Avenue (Neighbour Consent Not Granted)

Legal Description: Lot 4 DP 488476
Computer Freehold Register: 700584
Estate: Fee Simple
Area: 593m²
Proprietor: Wenchao Huang
Registered Interests:
• Consent Notice 10181774.1
• Easement Instrument 10181774.3
• Easement Instrument 10181774.4
• Easement Instrument 10181774.5
• Easement Instrument 10181774.6

Contact Details:

c/-Tracey Jiang
Tel: (09) 4800686
Mob: 021 5864338
Email: Traceyj2000@gmail.com

89 Fairview Avenue (Neighbour Consent Granted)

Legal Description: Lot 10 DP 41637
Computer Freehold Register: NA16D/632
Estate: Fee Simple
Area: 814m²
Proprietor: Mary Kathleen Doyle
Registered Interests:
• Fencing Agreement T.601066
• Fencing Agreement T. A385604

Contact Details:

Mary
Tel: (09) 473 0182
Email: ihatecomputers798@gmail.com

91 Fairview Avenue (Applicant)

Legal Description: Lot 9 DP 41637
Computer Freehold Register: NA26A/1124
Estate: Fee Simple
Area: 814m²
Proprietor: Shahalieen Trustees Limited
Registered Interests: No encumbrances, Consent Notices or limitations affect the land apart from a mortgage

Contact Details:

Ali Lokhandwala
Tel: 021 250 7745
Email: alilokhandwala@hotmail.com

Reason for Application

The applicant wishes to construct a minor residential unit on the rear of his property at 91 Fairview Avenue and is currently applying for resource land use consent for infringement of the height in relation to boundary development control in relation to the proposed unit.

As part of the proposed construction of the minor unit it is necessary to provide a new wastewater connection as the existing property is not serviced by the public wastewater system and relies on a septic tank, as do the properties at 89 to 97 Fairview Avenue. The nearest existing public wastewater manhole (GIS ID 2597977) is located in the north west corner of the property at 85 Fairview Avenue approximately 11 metres to the south east of the subject block. This manhole (GIS ID 2597977) was installed in July 2015 as part of the underlying subdivision for the sole purpose of facilitating the future extension of the wastewater network. In order to establish the wastewater connection it is proposed to install a new 1050Ø public manhole in the south east corner of the site at 91 Fairview Avenue and directional drill a new 150Ø public line to the existing manhole. A new 100Ø connection for the minor unit will then be provided from the new manhole (refer to Council GeoMaps extract and enlarged view below). The proposed wastewater system is shown in detail on TCES Drawing 15287 DA-02-01 enclosed.

The existing public wastewater service in the vicinity and proposed location of the wastewater connection are depicted on the following extract from Council's GeoMaps database:

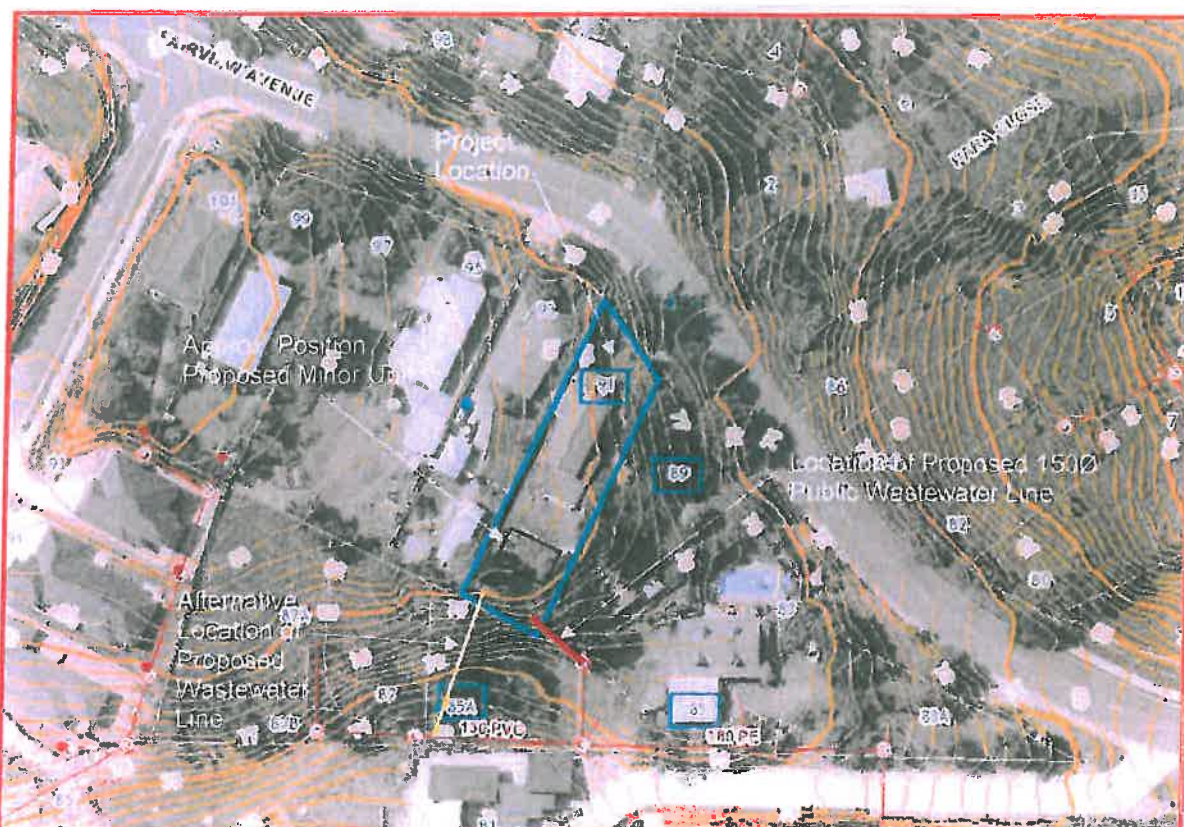


Figure 1: Auckland Council GeoMaps Wastewater Services

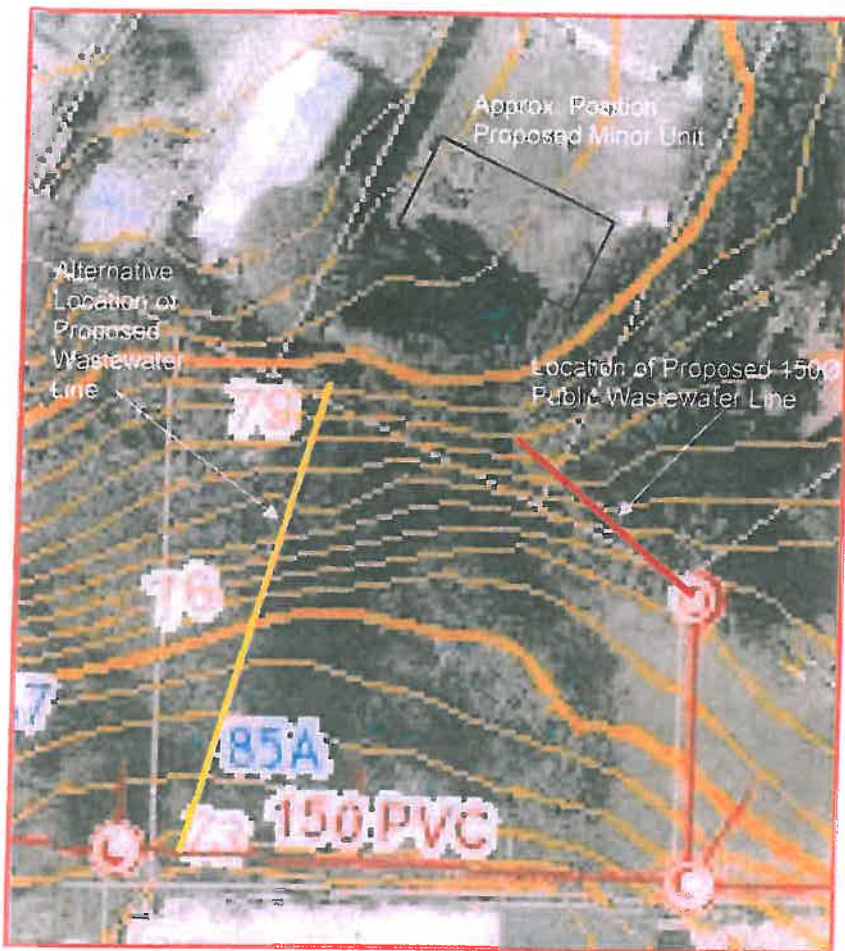


Figure 2: Auckland Council GeoMaps Wastewater Enlargement

The only other available alternative route for the proposed drain is directly through No. 85A to the existing public line that traverses that site adjacent to the south boundary (shown in yellow above). This option was not considered feasible because the contour makes it impractical and there is potential conflict with a new building site. With the ambivalence of the neighbours as to the location of the proposed connection it has been decided that the shortest route is the most viable.

In order to connect to the existing manhole in No. 85 it is necessary to traverse three neighbouring properties. The immediate adjoining owner of 89 Fairview Avenue has provided her written consent to the proposal. Refer '*Consent from neighbour to construct public drains*' form and signed drawing enclosed. However the remaining two owners at 85 and 85A Fairview Avenue have not provided their consent to the proposal.

The applicant has advised that he has consulted extensively with all his neighbours since January 2016 but has been unable to obtain agreement from the owners of the properties at 85 and 85A Fairview Avenue. Please note that the owner of 85 Fairview Avenue, Tracey Jiang is also the spokesperson for Wenchao Huang, the owner at 85A Fairview Avenue. Thurlow Consultants on behalf of the applicant have also consulted with the owners of 85 and 89 Fairview Avenue by telephone, email and in person to discuss the proposal, including various alternative options on numerous occasions. The owner of 89 Fairview Avenue, Mary Doyle, after consideration of the alternative

drain routes has provided her written consent. Her main concern was disturbance of the bamboo vegetation at the rear of her property which she values for the screening and privacy it affords her and her agreement is contingent on minimising any vegetation disturbance. Tracey Jiang was contacted by email on 26th April, followed up by email on 2nd May, and a telephone conversation and email on 19th May. To date she has chosen to withhold her support for the proposal without reason.

It is considered that directional drilling of the line would result in minimal ground disturbance. The property at 85A Fairview Avenue is vacant while building development on No. 85 has just started, both allotments having been recently subdivided (DP 488476 - September 2015). There is no obstruction, nor disruption to gardens or other on-site development that would occur as a result of connecting to the manhole in the corner of 85. The manhole is located 1.2 metres south of the north west boundary peg of No. 85 and 0.7 metres to the east of it. A short distance, 4 metres, of the line crosses the north east corner of No. 85A at a maximum distance of 600mm from the corner peg. Similarly the proposed line crosses the property at 89 Fairview Avenue, a distance of 4.9 metres under an area covered by dense vegetation. Given these circumstances the present time would be ideal to construct the public wastewater drain.

Additionally the replacement of septic tanks with a piped network will be greatly beneficial for the properties in Fairview Avenue as well as those properties to the south. It is considered the proposed wastewater connection is an efficient utilisation of recently installed infrastructure designated for such a purpose and replacing the current septic tank disposal system will provide a significant environmental benefit to the neighbourhood.

The existing manhole was installed for the sole purpose of facilitating the future extension of the wastewater network in Fairview Avenue, which is what our client is seeking to achieve. Given this and the fact that the extent of intrusion into the affected properties will be minimal and the sites are currently being developed we seek Council assistance to construct the proposed public wastewater drain through the adjoining properties pursuant to S460 of the Local Government Act 1974.

In our view it would be disappointing if Council did not look on this application favourably in the circumstances. The existing manhole was installed to facilitate extension of the wastewater network, there is ample room available to undertake the physical works given the stage of development on No. 85, the immediate adjoining owner most affected has provided written approval, and significant environmental benefit to the neighbourhood will result. All in all it would seem an optimum time to establish this extension to the wastewater network as all conditions are favourable. Any delay could negate this.

We therefore trust Council will give favourable consideration to this application on our client's behalf.

Please contact the undersigned in the first instance with any query (478 4305).

Yours faithfully
Thurlow Consulting Engineers & Surveyors Ltd



Stephanie McWalter
Planner

Checked by:



Mark Hatten
Principal

Encl: Application Form
Application deposit fee cheque \$1,500
TCES Drawing 15287-DA-02 Rev.0
Computer Freehold Register NA26A/1124,
Computer Freehold Register NA16D/632
Computer Freehold Register 700583
Computer Freehold Register 700584
'Consent from neighbour to construct private drains' form
Signed Drawing 15287-DA-02 Rev.0
Minor Residential Unit Drawings – BW Building Consultants Ltd (A3 x 8)

- GENERAL NOTES**
1. ALL AREAS AND MEASUREMENTS PERTAINING TO A LINE APPROVED SURVEY.
 2. CONTROLS SHOWN ON THE SURVEY ARE THE PLAN ONLY. CONTAIN INTERVAL = 3.00M.
 3. LEVELS ARE IN TERMS OF AN ASSUMED DATUM (1000.00) UNLESS OTHERWISE NOTED TO THE CONTRARY.
 4. BOUNDARY AND COORDINATE DATUMS SHALL BE BY ORDER CIRCUIT COORDINATES (NAD 83) UNLESS OTHERWISE NOTED.
 5. THIS PLAN IS PROVIDED FOR PRELIMINARY REVIEW ONLY AND IS NOT TO BE USED FOR CONSTRUCTION.
 6. THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND OTHER CONTRACT DOCUMENTS AND SPECIFICATIONS AND WITH SUCH OTHER DOCUMENTS AS MAY BE REFERRED TO DURING THE COURSE OF THE CONTRACT. ALL DIMENSIONS SHALL BE REFERRED TO THE CENTERLINE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS RELATIVE TO SETTING OUT OF SITE WORK SHALL BE REFERRED TO THE CENTERLINE UNLESS OTHERWISE NOTED. THE DIMENSIONS SHOWN SHALL NOT BE USED FOR CONSTRUCTION.
 8. DIMENSIONS SUBJECT TO LOCAL AUTHORITY APPROVAL.
 9. UNDESIGNED SERVICES TO BE CONTINUED ON SITE PERIOD TO BE DETERMINED.
 10. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY. THE DIMENSIONS SHOWN SHALL NOT BE USED FOR CONSTRUCTION.
 11. THESE NOTES ARE APPLICABLE TO THE PLAN.

NO.	DATE	DESCRIPTION	BY
1	01/11/2024	ISSUED FOR PERMIT	DP
2	01/11/2024	ISSUED FOR PERMIT	DP
3	01/11/2024	ISSUED FOR PERMIT	DP

Thurlow
 115 Onda Street, Suite 101, Auckland
 PO Box 35-405, Broadway, Auckland
 Phone: (09) 474 4105
 Fax: (09) 474 4106
 Email: info@thurlow.co.nz
 www.thurlow.co.nz

CLIENT
 SHAHAJEEH FAMILY TRUST

CONTRACTOR TITLE
 91 FAIRMVIEW AVENUE
 FAIRMVIEW HEIGHTS

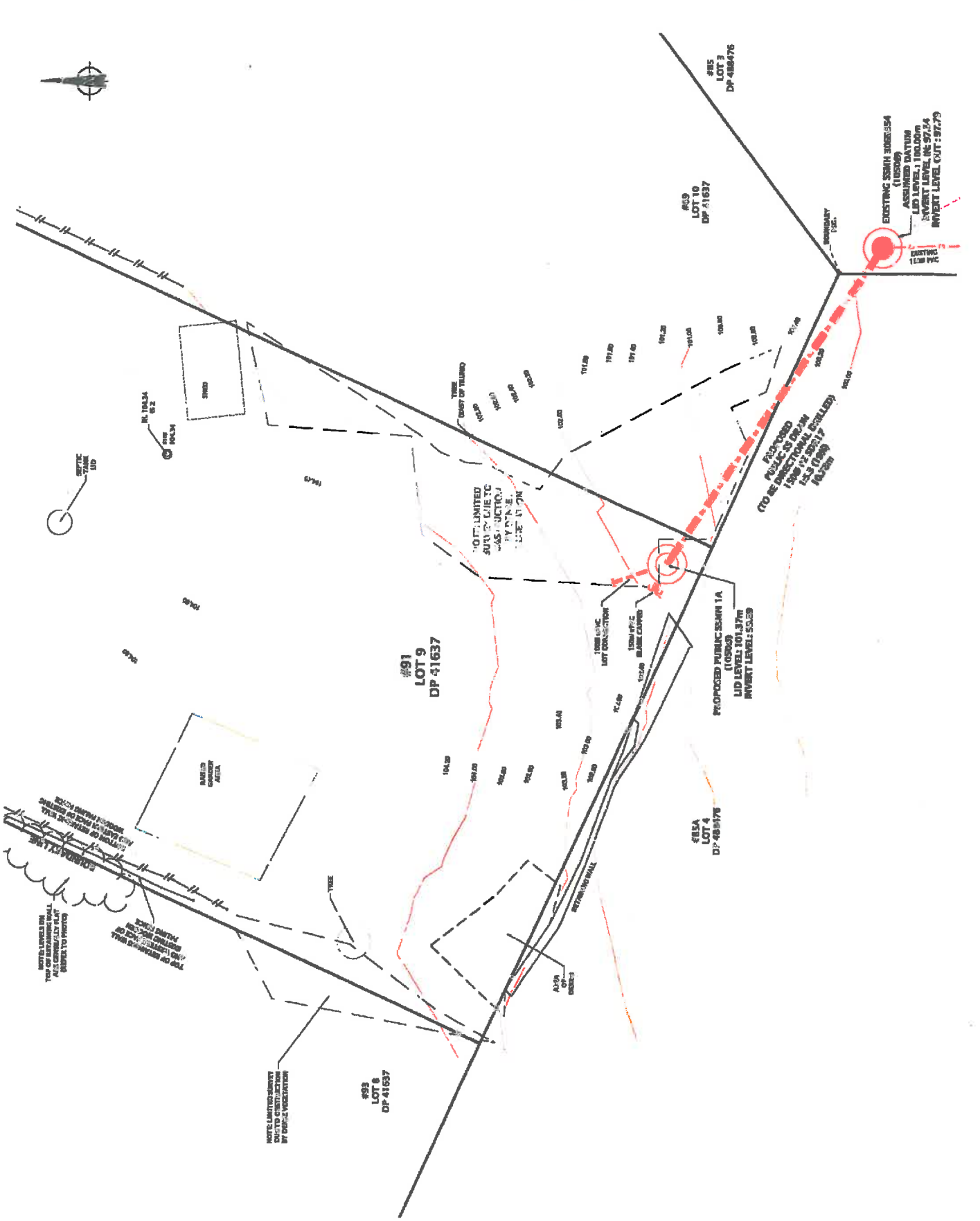
DRAWING TITLE
 PROPOSED WASTEWATER PRELIMINARY ARRANGEMENT

CLIENT NO.
 15287

DATE
 04/16

SCALE
 1:100 (AS SHOWN)

DRAWING NO.
 DA-02 01



NOTE: THESE DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE GENERAL NOTES AND OTHER CONTRACT DOCUMENTS AND WITH SUCH OTHER DOCUMENTS AS MAY BE REFERRED TO DURING THE COURSE OF THE CONTRACT. ALL DIMENSIONS SHALL BE REFERRED TO THE CENTERLINE UNLESS OTHERWISE NOTED.

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Cedric Daniel

From: Cedric Daniel
Sent: Friday, 2 September 2016 7:52 a.m.
To: SPenprase (Shaun) (Shaun.Penprase@water.co.nz)
Subject: BEA4018405 at 91 Fairview Avenue, Fairview Heights
Attachments: SKMBT_C65216090207210.pdf

Importance: High

Hello Shaun

BEA4018405 at 91 Fairview Avenue, Fairview Heights

We are in receipt of an Engineering Approval application for a wastewater connection to an existing manhole located within the western corner boundary area of property at 85 Fairview Avenue Fairview heights.

The consultant has considered and proposed two options for the connection as per attached drawings, The adopted option is the Thurlow drawing DA-02 rev 00 which involves landowner approval of three landowners. They are however experiencing difficulty with obtaining all three owners and might apply for the long radius connection.

Could you please confirm whether Watercare would allow the curved connection or not.

My understanding is that being a public line Watercare would not permit the curved connection.

Please confirm?

Much appreciated.

Cedric Daniel | Senior Development Engineer
Natural Resources and Specialist Input
Resource Consents
Ph 09 484 8256 | Extn (43) 8256 | Mobile 021 658 039
Auckland Council, Level 1, 1 The Strand, Takapuna

