

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



Restricted discretionary activity for a residential activity

Application number: LUC60351744
Applicant: WFH Properties Limited
Site address: 62 Godfrey Drive Silverdale 0931
Legal description: Lot 1001 DP 527534

Proposal:

To provide a blanket front yard infringement dispensation up to 3m on Lots 54-56, 69, 73-74, 181 and 174 created under Stage 5 of SLC66650.

To provide a blanket rear yard infringement dispensation on Lots 58, 63-67 and 192 created under Stage 5 of SLC66650 to have one yard of a minimum of 6m, one yard of a minimum of 3m and the remaining yards of 1m.

Resource consent is required for the following reasons:

Land use consent (s9) – LUC60351744

Auckland Unitary Plan (Operative in part)

District land use

Orewa 2 Precinct

- The proposal involves use and development that fails to meet the following core standards and is a **restricted discretionary** activity under rule C.1.9(2):
 - The minimum front yard setbacks are to be infringed by a maximum of 3m on Lots 54-56, 69, 73-74, 181 and 174, which infringes the 6m minimum front yard setback requirement for sites 650m² or greater required under standard I530.6.5(1).

Note: Where a garage faces the street, then the front wall (containing the garage door) of the garage shall be set back a minimum of 6m from the front boundary.
 - Lots 58, 63-67 and 192 will have one minimum 6m yard, one minimum 3m yard and two minimum 1m yards which infringe the 6m minimum rear yard setback requirement for sites 650m² or greater required under standard I530.6.5(1).

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, 104C and Part 2 of the RMA, the resource consent is **GRANTED**.

Reasons

The reasons for this decision are:

1. The application is for restricted discretionary resource consent, and as such under s104C only those matters over which council has restricted its discretion have been considered. Those matters are specified in C1.9(3), I530.8.1 and H3.8.1(2).
2. 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. Potential bulk and dominance adverse effects could arise from a larger dwelling being located closer to the street. However, the height in relation to boundary development standards will ensure that bulk and dominance effects will be managed and mitigated.
 - b. Space for front yard landscaping will still be provided and therefore achieving the planned suburban character for the area, in particular under the Orewa 2 precinct.
 - c. Garages will still be setback from the front boundary by 6 metres. A car can park on a driveway and not overhang the front boundary of the site or onto the footpath. This will therefore not affect the safety of pedestrians or traffic.
 - d. The rear sites greater than 650m² have been considered and approved under a DCP. Allowing the same development rights as sites sized 450m²-650m² will ensure consistency in the scale, shape and form of development throughout the area.
 - e. The proposed yard reductions are not anticipated to result in development which will adversely affect sunlight access, shading, visual and/or aural privacy for surrounding properties.
 - f. Stormwater and wastewater lines run through many sites and therefore limiting the building platforms on these sites.
 - g. In terms of positive effects, by moving the dwelling closer to the road, this will provide larger backyards on all sites. This will therefore enhance on-site amenity for owners and occupiers of these sites; also, by moving dwellings closer to the front boundary, better passive surveillance of the street can be achieved; as the area has a mix of site sizes and development controls, by allowing dwellings on sites that are 650m² or larger to sit closer to the front boundary, it will create a more consistent streetscape; further, this blanket consent could reduce the need for future resource consents on these sites.

- h. 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.
3. 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,
- Auckland Unitary Plan (Operative in part)
- 1530. Orewa 2 Precinct*
- H3. Residential – Single House Zone*
- As the proposed blanket consent only relates to the front yard, it is considered that these sites will still maintain one to two storey dwellings. Also, the proposal will ensure that onsite amenity for the owners and occupiers is provided for, as by moving the dwellings closer to the street, will provide bigger rear yards. The 3m front yard setback will still provide for front yard landscaping and will maintain the planned character for the area. Other controls, like height in relation to boundary, will control the potential bulk and dominance effects of future development. Finally, the proposed blanket consent will enhance passive surveillance of the street as the potential dwellings will be closer to the street.
4. As a restricted discretionary activity no other matters can be considered under s104(1)(c) of the RMA.
5. In the context of this restricted discretionary activity application for land use, where the relevant objectives and policies and matters for discretion 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, 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 is consistent with the relevant objectives and policies of the Auckland Unitary Plan (Operative in Part). The proposed blanket consent will overall have less than minor effects on the environment. Finally, the streetscape and character of the area will be maintained and consistent with previous developments in the area.

Conditions

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

1. This consent shall be carried out in accordance with the documents and drawings and all supporting additional information submitted with the application, detailed below, and all referenced by the council as resource consent number LUC60351744
 - Application Form and Assessment of Environmental Effects prepared by Nathan Saluni of Woods Ltd, dated 15/01/2020
 - S92 response email prepared by Nathan Saluni, dated 4 Feb 2020

Drawing title and reference	Author	Rev	Dated
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-900-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-901-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-902-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-903-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-904-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-905-MS)	Woods Ltd	2	31/01/2019
Orewa West -Precinct 5 – Stages 5 Yard Area Consent Plan (Dwg No.37505-01-906-MS)	Woods Ltd	2	31/01/2019

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
 - a. The consent is given effect to; or
 - b. The council extends the period after which the consent lapse.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$335 (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. 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 have been met, will the council issue a letter confirming compliance on request of the consent holder.

4. For the avoidance of doubt, the front yard setbacks are to be infringed by a maximum of 3m on Lots 54-56, 69, 73 to 74, 181, and 174.

5. Where a garage faces the street, then the front wall (containing the garage door) of the garage shall be set back a minimum of 6m from the front boundary.
6. For the avoidance of doubt, the application of yard setbacks on rear lots 58, 63-67 and 192 shall consist of one yard setback of a minimum of 6m, one yard setback of a minimum of 3m, with the remaining yard setbacks being a minimum of 1m.

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 inspector unless otherwise specified. Please email 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. 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.
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.


Delegated decision maker:

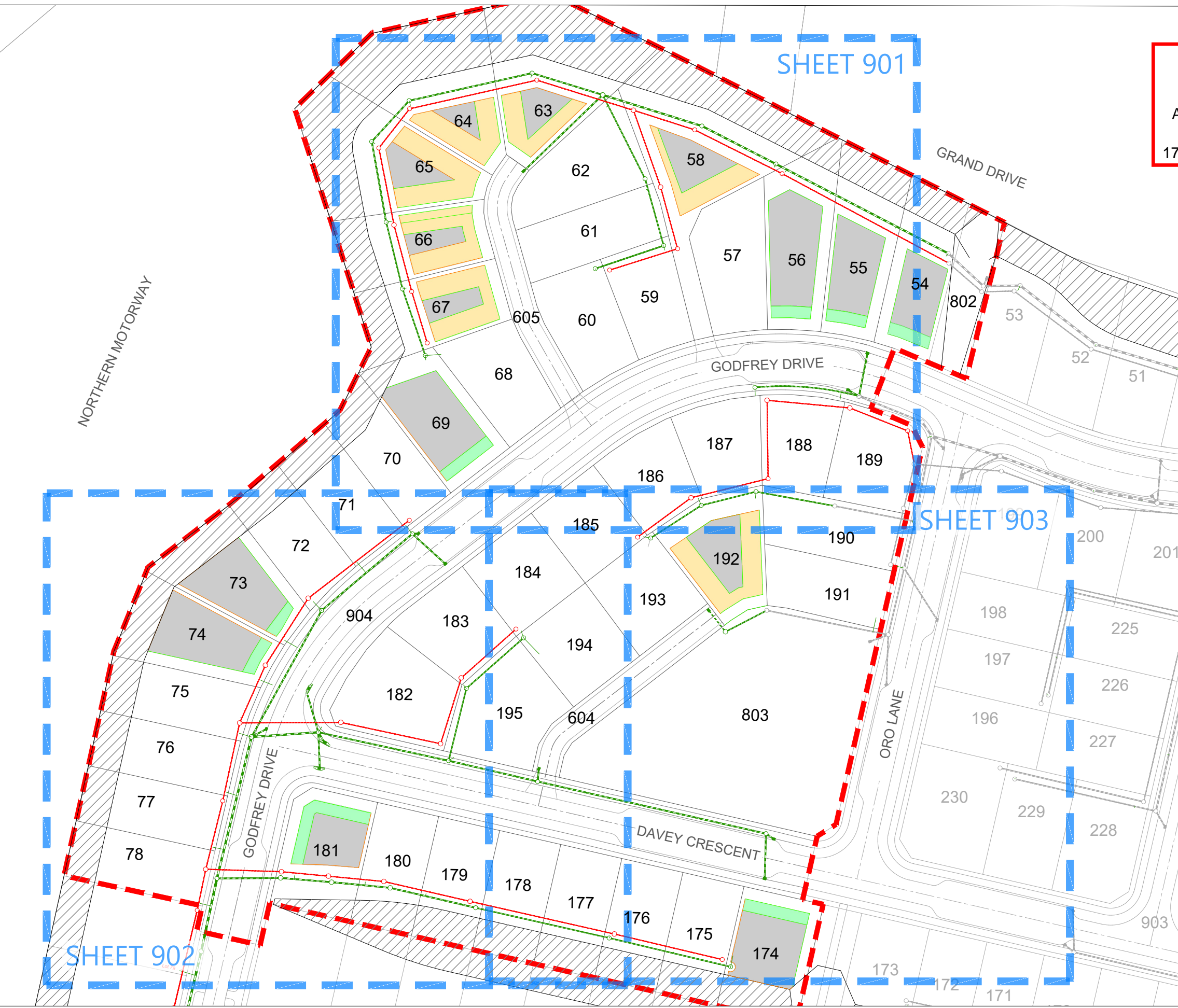
Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date:

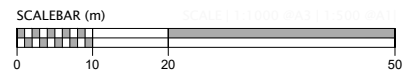

Approved by Delegated Officer
17/02/2020



LEGEND

- APPROVED SW POSITION ---
- APPROVED SS POSITION ---
- REINFORCED EARTH SLOPE
- DESIGN BUILDING PLATFORM EXTENTS *
- FRONT YARD INFRINGEMENT UNDER STANDARD I530.6.5(1)
- REAR YARD INFRINGEMENT UNDER STANDARD I530.6.5(1)

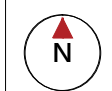
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THE BUILDING PLATFORM EXTENTS ARE INDICATIVE AND DO NOT REPRESENT ACTUAL BUILDING PLATFORMS.



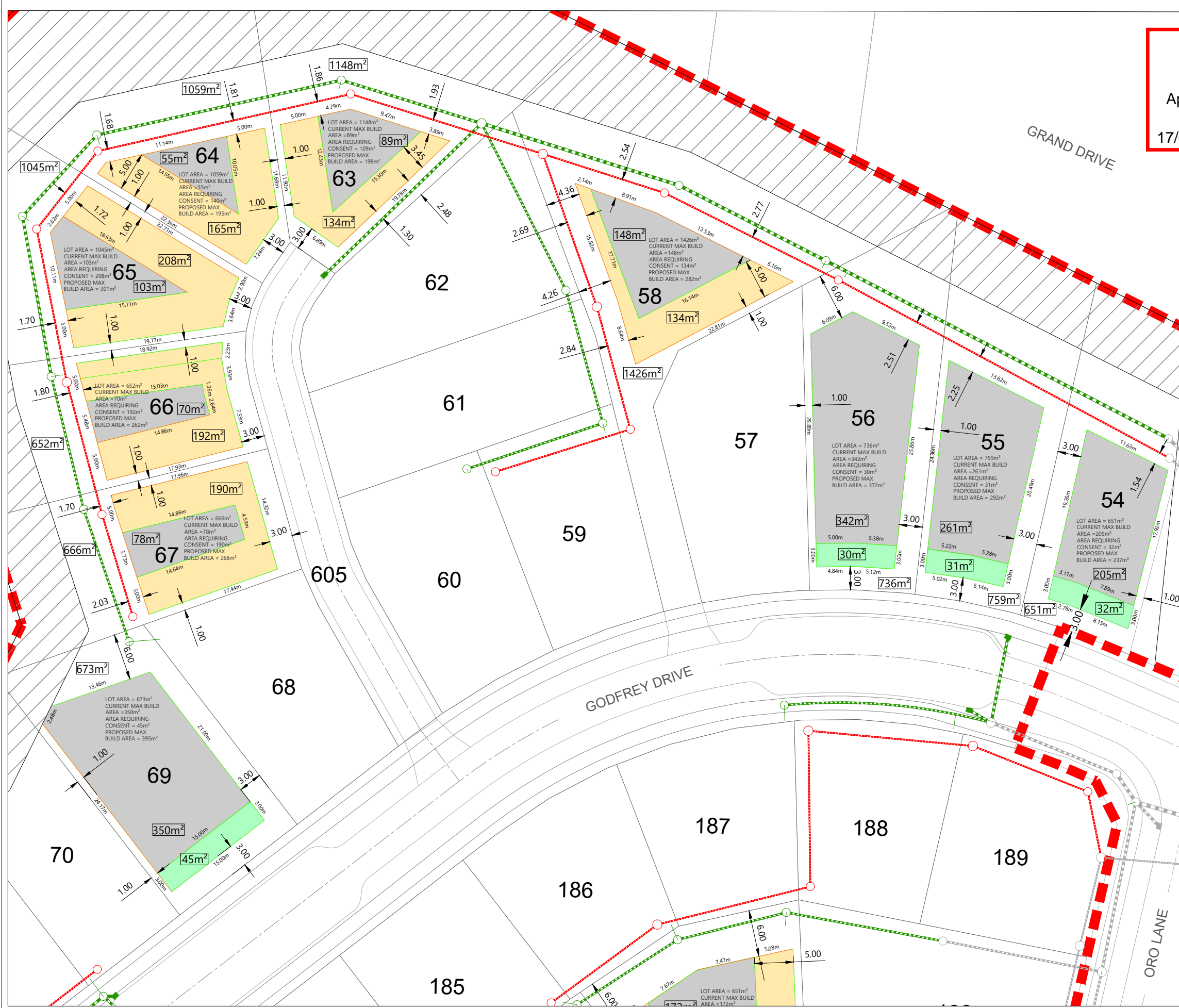
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2	AMENDMENTS TO OFFSETS & AREAS	SK	31/01/2020	DRAWN	SK				
				CHECKED	KR				
				APPROVED	KR				WOODS.CO.NZ

CLIENT:

OREWA WEST - PRECINCT 5 - STAGE 5
YARD AREA CONSENT PLAN



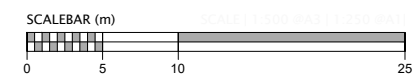
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COUNCIL	AUCKLAND COUNCIL	
DWG NO	37505-01-900-MS	



LEGEND

- APPROVED SW POSITION (Green dashed line)
- APPROVED SS POSITION (Red dashed line)
- REINFORCED EARTH SLOPE (Hatched area)
- DESIGN BUILDING PLATFORM EXTENTS* (Grey area)
- FRONT YARD INFREINGEMENT UNDER STANDARD I530.6.5(1) (Light green area)
- REAR YARD INFREINGEMENT UNDER STANDARD I530.6.5(1) (Light orange area)

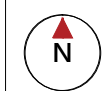
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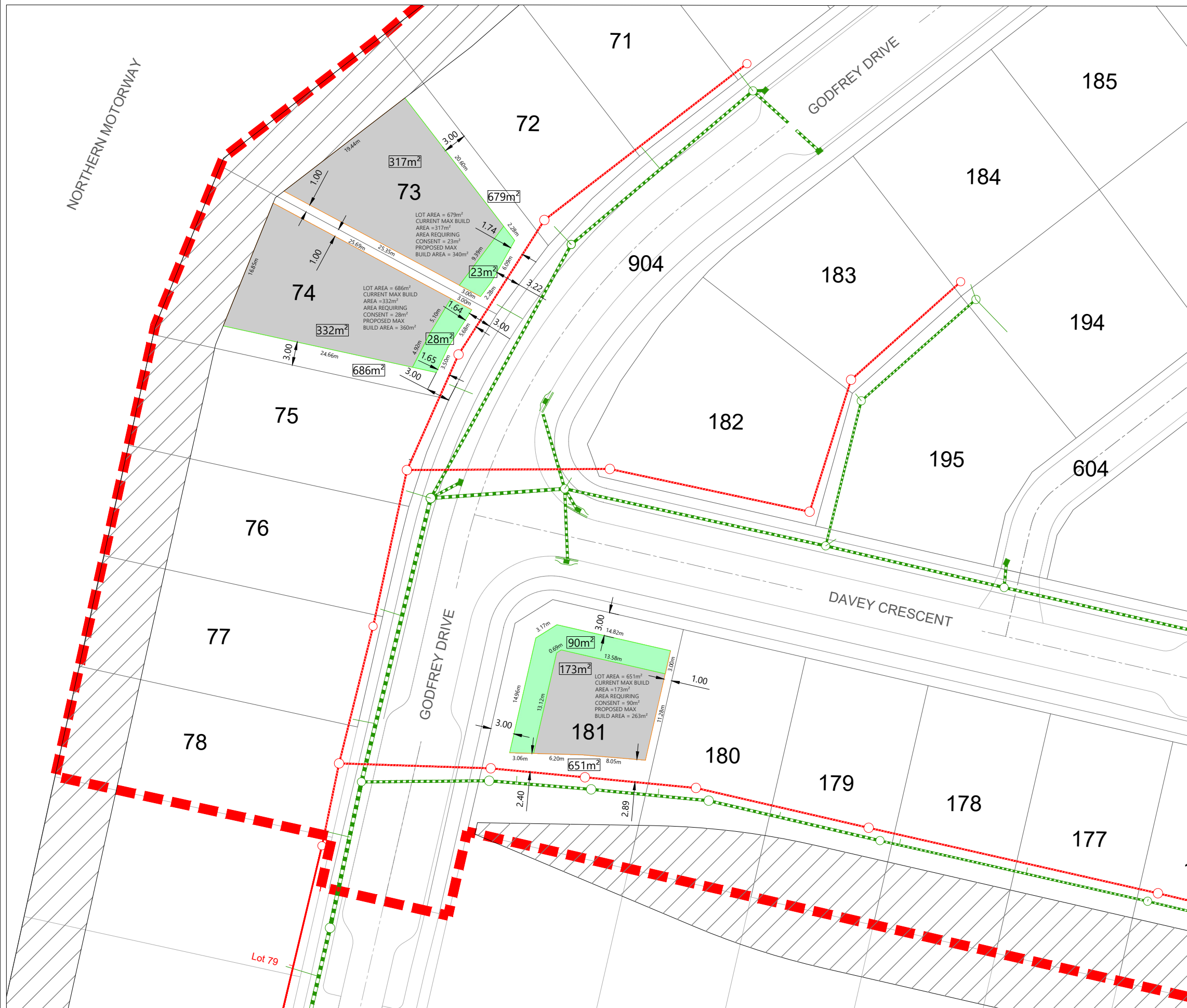
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CLIENT: **WFH PROPERTIES**

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YARD AREA CONSENT PLAN



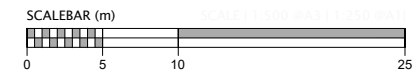
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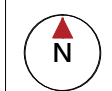
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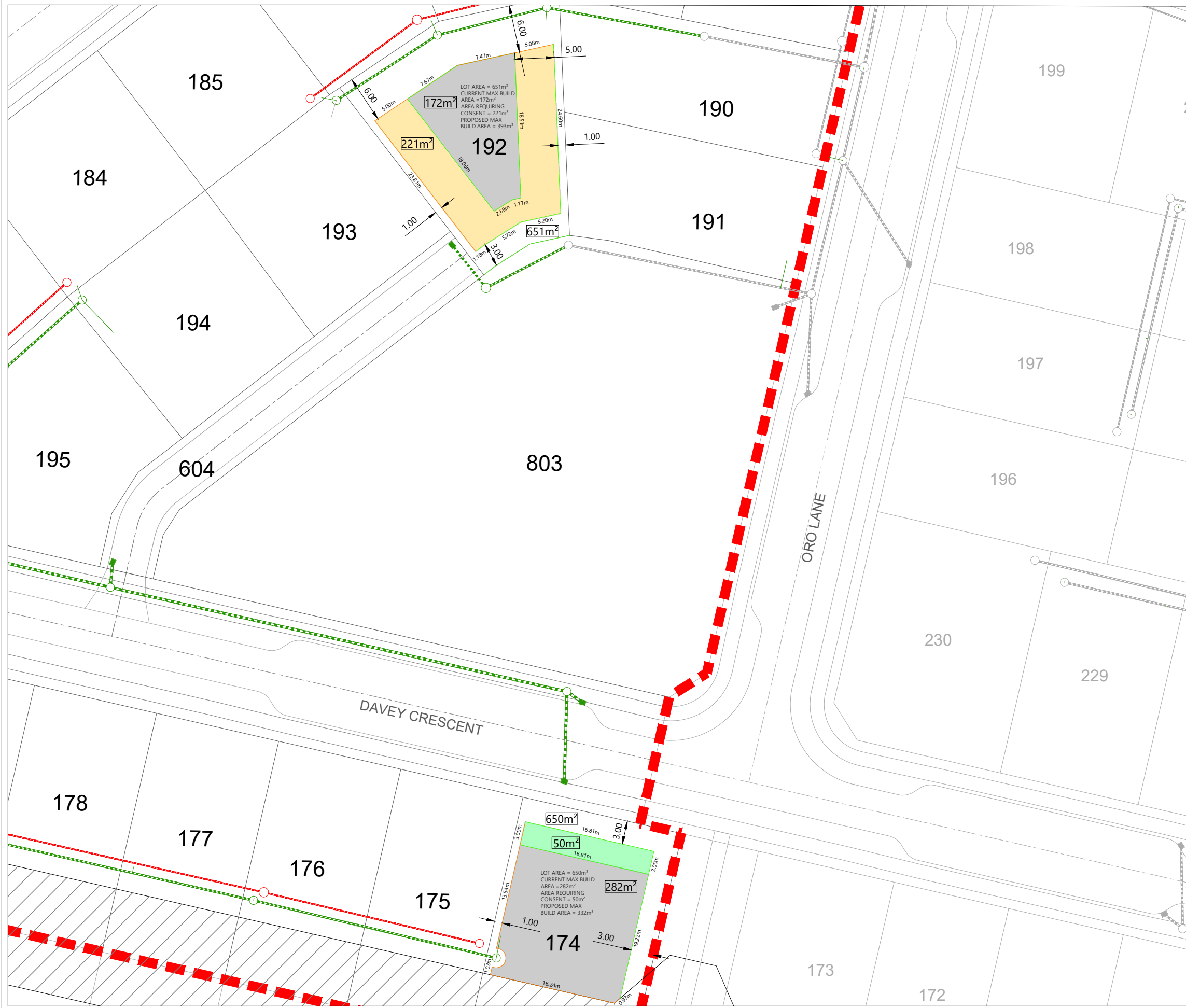


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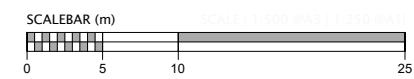
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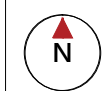
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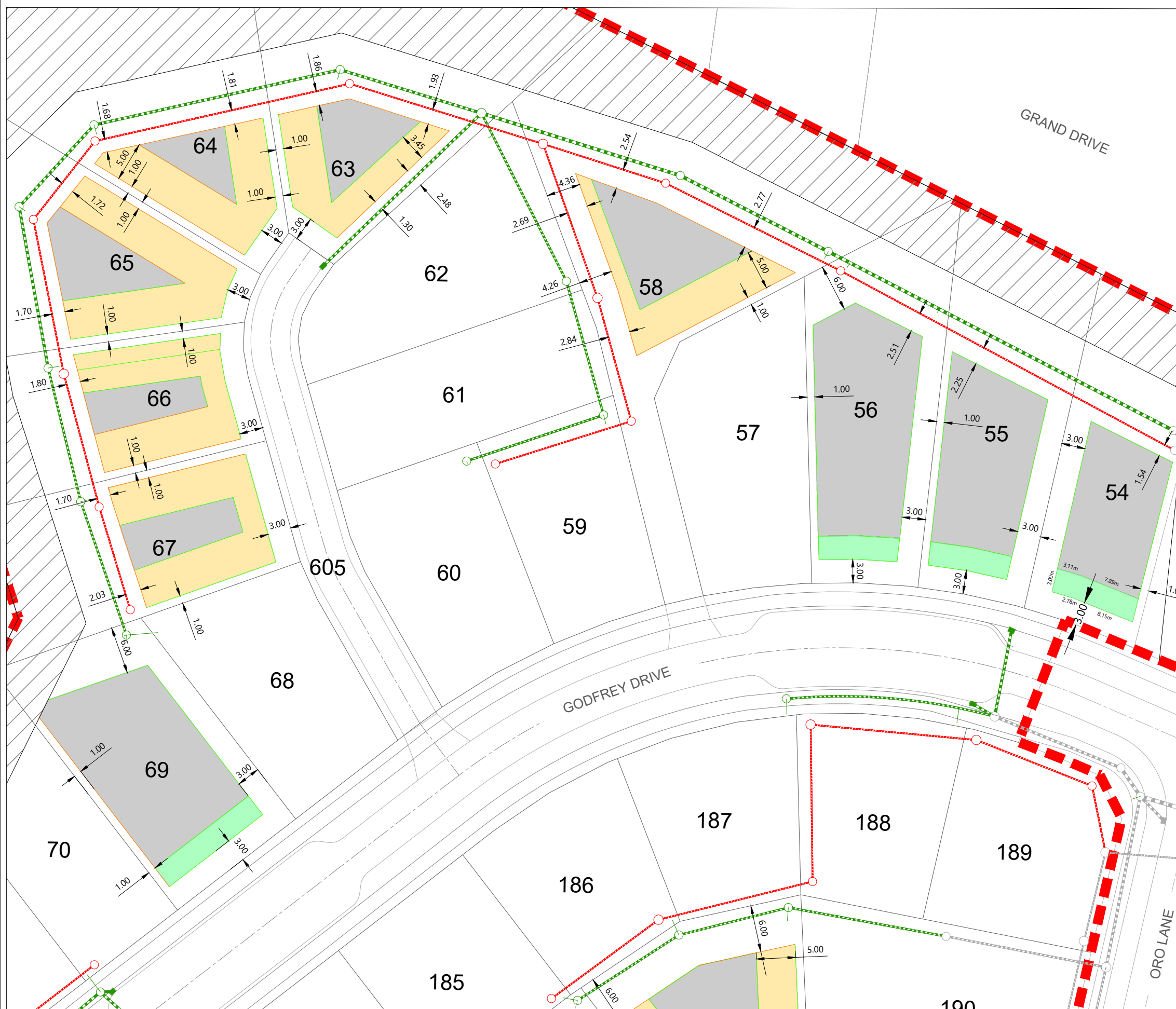
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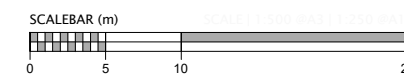
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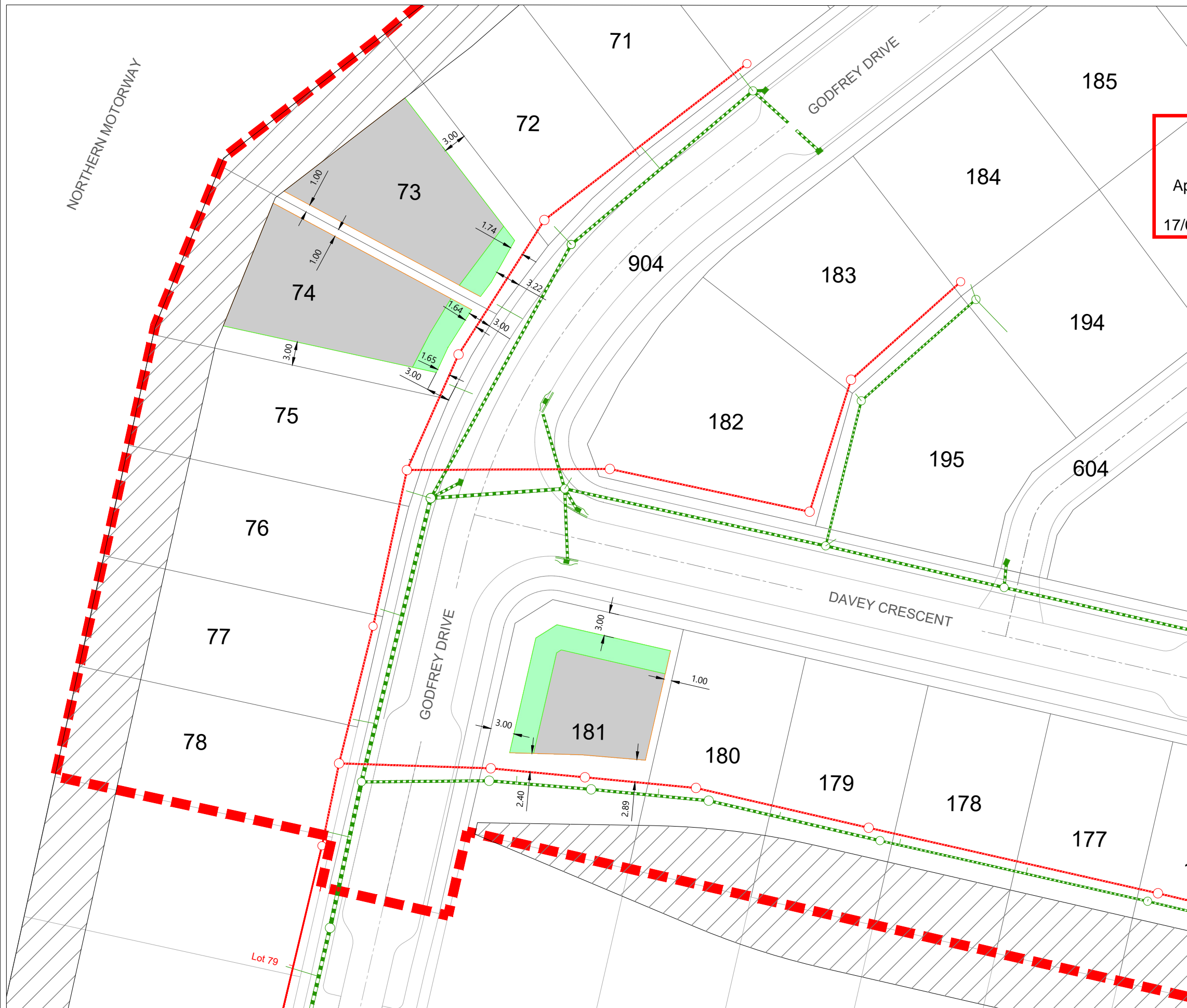


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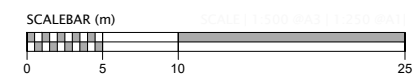
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- REINFORCED EARTH SLOPE [Hatched Box]
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- REAR YARD INFRINGEMENT UNDER STANDARD I530.6.5(1) [Yellow Box]

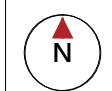
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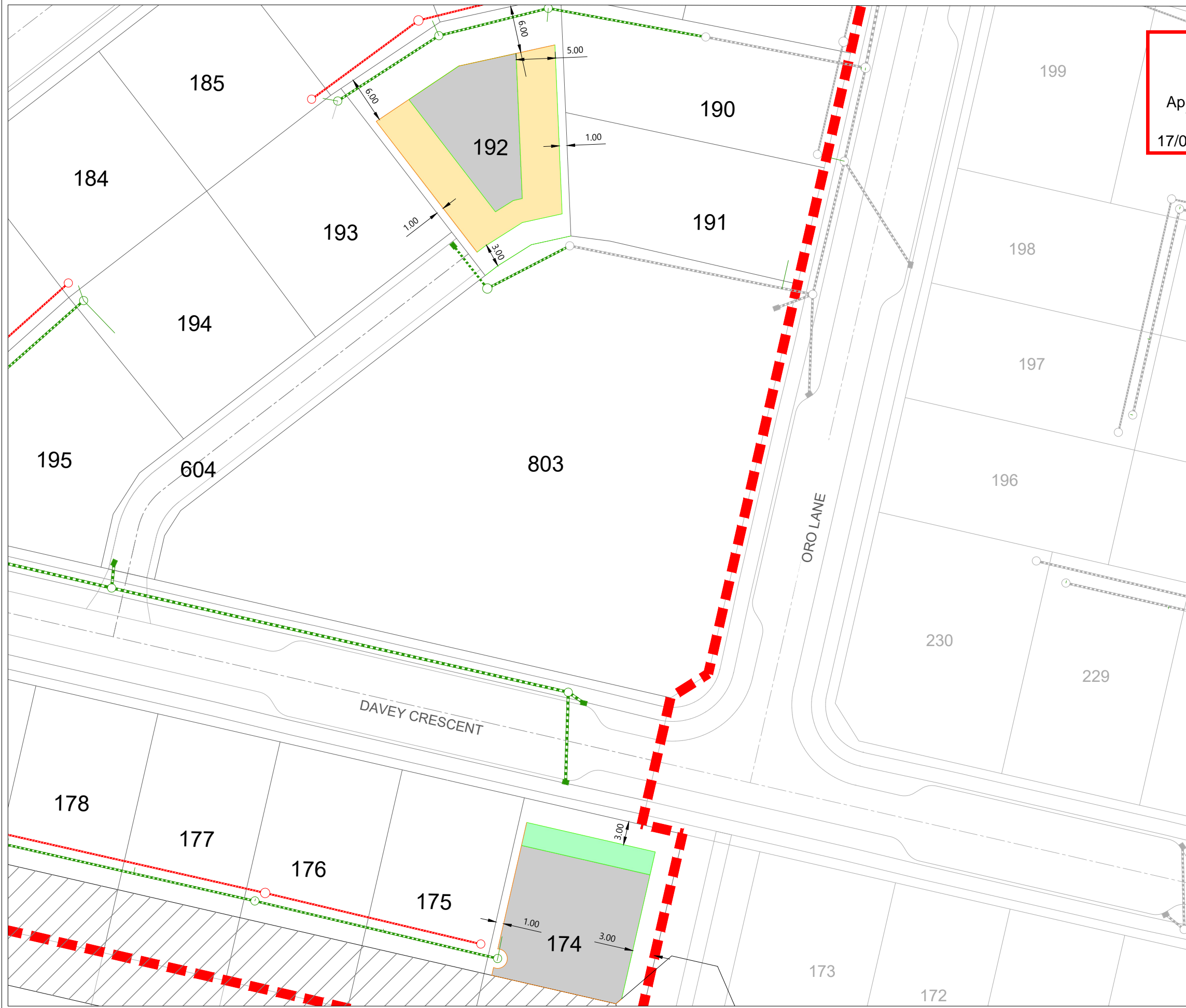


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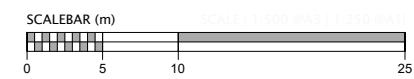
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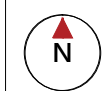
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ARRAN DRIVE
MILLWATER

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