

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



Discretionary activity

Application number: LAN-68616
Applicant: WFH Properties Ltd
Site address: Millwater Precinct 2 Stage 2C, Silverdale North
Legal description: Lots 244-277, 281-303, 316, 324-330, 355 and 386 DP 496928

Proposal:

Blanket dispensation to allow the erection of a single household unit that complies with rule 12.8.19.11 including 12.8.19.11.8 on identified lots less than 450m²; to allow building elements to encroach into all yards (excluding the 1m side yard) by up to 600mm on all identified lots sized between 400-649.9m²; to reduce the rear yard to 6m on all identified front lots sized between 400-649.9m²; and to redefine the yard setbacks on rear sites to allow one rear yard of 6m, one side yard of 1m and two side yards of 3m with the rear yard to be located opposite the access lot.

The resource consents required are:

Land use consents (s9) – LAN-68616

Auckland Council District Plan (Rodney Section)

- Rule 12.8.19.10.2 – to enable the erection, addition to or external alteration to and/or relocation of buildings associated within a single household unit per site not exceeding 1 unit per site that complies with rule 12.8.19.11 including 12.8.19.11.8 on identified lots sized less than 450m². The Activity Table outlines that the erection, addition to or external alteration to and/or relocation of buildings not otherwise listed are a **discretionary activity** and must demonstrate compliance with an approved Development Concept Plan (DCP). A DCP was approved under SLC-62477 and the subject lots less than 450m² have been created in accordance with this DCP.
- Rule 12.8.19.11.8.3 (a) and (c) – to reduce the depth of the rear yard to 6m on all identified front lots sized between 400-649.9m², where the plan requires a minimum rear yard of 10m for lots orientated between NW (315°) and NE (45°) and a minimum rear yard of 8m on lots orientated between NE (45°) and SE (135°) and between NW (315°) and SW (225°). This is considered a **restricted discretionary** activity.
- Rule 12.8.19.11.7.1 (a), (b) and (c) – to enable rear lots to provide one rear yard of 6m, one side yard of 1m and two side yards of 3m, where the plan requires all yards on rear lots for sites of 650m² or greater in area to be 6 metres. This is considered a **restricted discretionary** activity.

- Rule 12.8.19.11.8.5 (b) – to enable the encroachment of building elements into all yards (excluding the 1m side yard) of up to 600mm for all identified lots between 400-649.9m², where the plan allows encroachment of up to 300mm. This is considered a **restricted discretionary** activity.

Decision

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

Under s88A I have considered the application on the basis of the activity status when lodged, before the PAUP Decisions Version was notified (19 August 2016), even though I have considered the provisions of the PAUP Decisions Version as the relevant proposed plan.

Acting under delegated authority, under sections 104 & 104B the application is **GRANTED**.

1. Reasons

The reasons for this decision are:

1. In accordance with an assessment under s104(1)(a) of the RMA the actual and potential effects from the proposal will be less than minor as:
 - Those sites less than 450m² have been considered and approved under a DCP. Allowing the same development rights as sites sized 450m²-649.9m² will ensure consistency in the scale, shape and form of development throughout the area.
 - The proposed yard reductions will allow for development of a shape and form consistent with existing development in the area.
 - 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.
2. In terms of positive effects:
 - The proposal will allow for the efficient use of a land resource and will ensure consistency in development throughout the area.
 - The blanket dispensation will ensure development is not unnecessarily restricted and will still give effect to the provisions of the Garden Residential Policy area.
3. In accordance with an assessment under s104(1)(b) of the RMA the proposal is consistent with the relevant statutory documents. In particular:

Auckland Council District Plan: Rodney Section

Chapter 19 Silverdale North zone

Objectives: 12.8.19.4.24, 12.8.19.4.25, 12.8.19.4.26, 12.8.19.4.29

Policies: 12.8.19.5.3, 12.8.19.5.5, 12.8.19.5.20

Proposed Auckland Unitary Plan Decisions Version

H3. Residential – Single House Zone

Objectives: H3.2. Objectives

Policies: H3.3. Policies

These objectives and policies seek to ensure that residential development creates good urban design outcomes, provides for a high level of on-site amenity, creates spacious environs and provides for natural surveillance of the street. Although no buildings are being proposed at this time, the blanket dispensation proposed will allow for development consistent with the objectives and policies of the Special 19 and Single House zone.

4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.
5. Under the Proposed Auckland Unitary Plan (PAUP) the sites are zoned Single House. This zone provides for low density suburban housing, generally characterised by one building per site of one or two storeys surrounded by areas of private open space. No buildings are proposed at this time however the blanket dispensation will allow dwellings to be erected with high on-site amenity with provision made for areas of private open space. The proposal is not considered to be contrary to the provisions of the Single House zone.
6. As the outcomes are the same under both the operative and proposed plan frameworks, no weighting is required.
7. Overall the proposal is considered to be consistent with Part 2 of the Resource Management Act as the adverse effects are considered to be less than minor and the proposal will provide for the social well-being of the future residents. The proposal is considered a sustainable development under Part 2 of the RMA.

2. Conditions

Under section 108 of the RMA, these consents are subject to the following conditions:

General conditions

These conditions apply to all resource consents.

1. The discretionary activity shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number LAN-68616.
 - Application Form, and Assessment of Environmental Effects prepared by Woods, dated August 2016.

Plan title and reference	Author	Rev	Dated
Millwater – Precinct 2 – Stage 2C Building Dispensation Plan – Drawing No. 33405-P2-S2C-BDP	Woods		August 2016
Rule 12.8.19.11.8.3 (A) and (C) 6m Rear Yard for Lots 450m ² – 649.9m ² – Drawing No. 02	Woods		July 2009
Proposed Change to Rule 12.8.19.11.7.1 – Side and Rear			

Yards – Drawing No. 03	Woods	July 2009
Proposed Change to Rules 12.8.19.11.7.2(b) And 12.8.29.11.8.5(b) Yards to Remain Unobstructed By Buildings – Drawing No. 01	Woods	July 2009

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 lapses.
3. The consent holder shall pay the council an initial consent compliance monitoring charge of \$300 (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 these consents.

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 erection, addition to or external alteration to and/or relocation of buildings associated within a single household unit per site not exceeding 1 unit per site that complies with rule 12.8.19.11 including 12.8.19.11.8 is authorised on Lots 281 and 287 (Precinct 2 Stage 2C)
5. For the avoidance of doubt, the application of rear yards on approved Lots 244, 246-254 (inclusive), 257-261 (inclusive), 263-267 (inclusive), 269-272 (inclusive), 275, 281, 282, 285, 287, 289, 291, 294, 296-302 (inclusive), 324 and 326-328 (inclusive) (Precinct 2 Stage 2C) shall consist of a 6m minimum rear yard.
6. For avoidance of doubt, the application of side and rear yard son rear lots on approved Lots 286, 288, 290 and 292 (Precinct 2 Stage 2C) shall consist of one 6m rear yard, one side yard of 1m, with the remaining yards being 3m. The rear yard shall be applied to the boundary located opposite the lot access.
7. For the avoidance of doubt, the ancillary building elements authorised to encroach 600mm into all yards (with the exception of the 1m side yard) of approved Lots 244, 246-254 (inclusive), 257-261 (inclusive), 263-267 (inclusive), 269-272 (inclusive), 275, 281, 282, 285, 287, 289, 291, 294, 296-302 (inclusive), 324 and 326-328 (inclusive) (Precinct 2 Stage 2C) shall consist of the following: fascia, gutters, downpipes and eaves, masonry chimney backs, flues, pipes, domestic fuel tanks, cooling and heating appliances or other services, light fittings, electricity or gas meters, aerals or antennae, pergolas or sun blinds.

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 contact 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, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.*
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. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 281 and 287 (Precinct 2 Stage 2C) to inform prospective owners of the erection, addition to or external alteration to and/or relocation of buildings associated with a single household unit per site not exceeding 1 unit per site that complies with rule 12.8.19.11 including 12.8.19.11.8 authorised by Land Use Consent LAN-68616.*
7. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 244, 246-254 (inclusive), 257-261 (inclusive), 263-267 (inclusive), 269-272 (inclusive), 275, 281, 282, 285, 287, 289, 291, 294, 296-302 (inclusive), 324 and 326-328 (inclusive) (Precinct 2 Stage 2C) to inform prospective owners of the encroachment of buildings into the rear yard to allow for a 6m minimum rear yard as authorised by Land Use Consent LAN-68616.*
8. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 286, 288, 290 and 292 (Precinct 2 Stage 2C) to inform prospective owners of the application of side and rear yards as authorised by Land Use Consent LAN-68616.*
9. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 244, 246-254 (inclusive), 257-261 (inclusive), 263-267 (inclusive), 269-272 (inclusive), 275, 281, 282, 285, 287, 289, 291, 294, 296-302 (inclusive), 324 and 326-328 (inclusive) (Precinct 2 Stage 2C) to inform prospective owners of the encroachment of ancillary building elements into all yards excluding the 1m side yard, by up to 600mm as authorised by Land Use Consent LAN-68616.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date:

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Approved by Delegated Officer

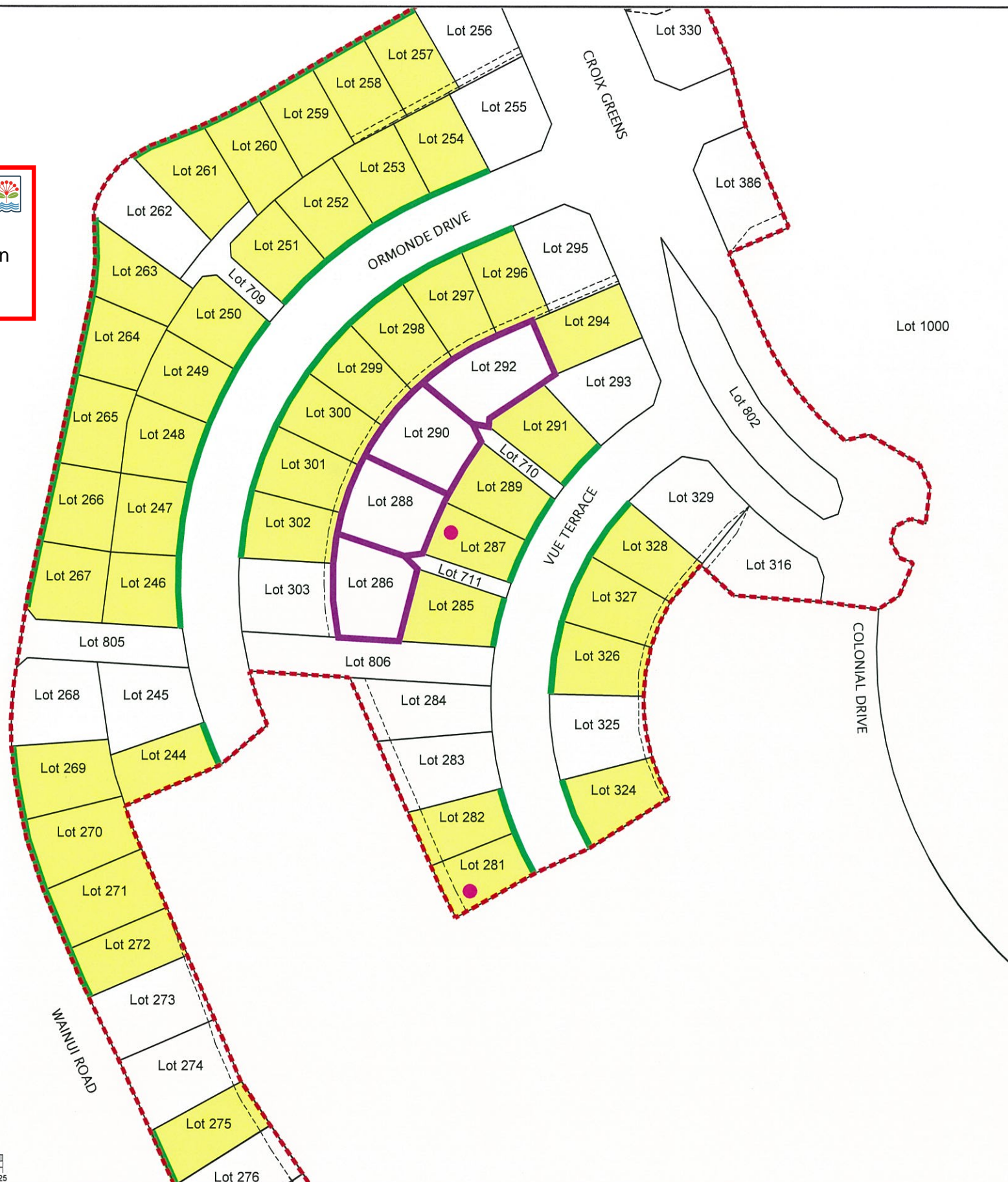
07/10/2016



LAN 68616

Approved Resource Consent Plan

07/10/2016



LEGEND & NOTES

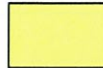



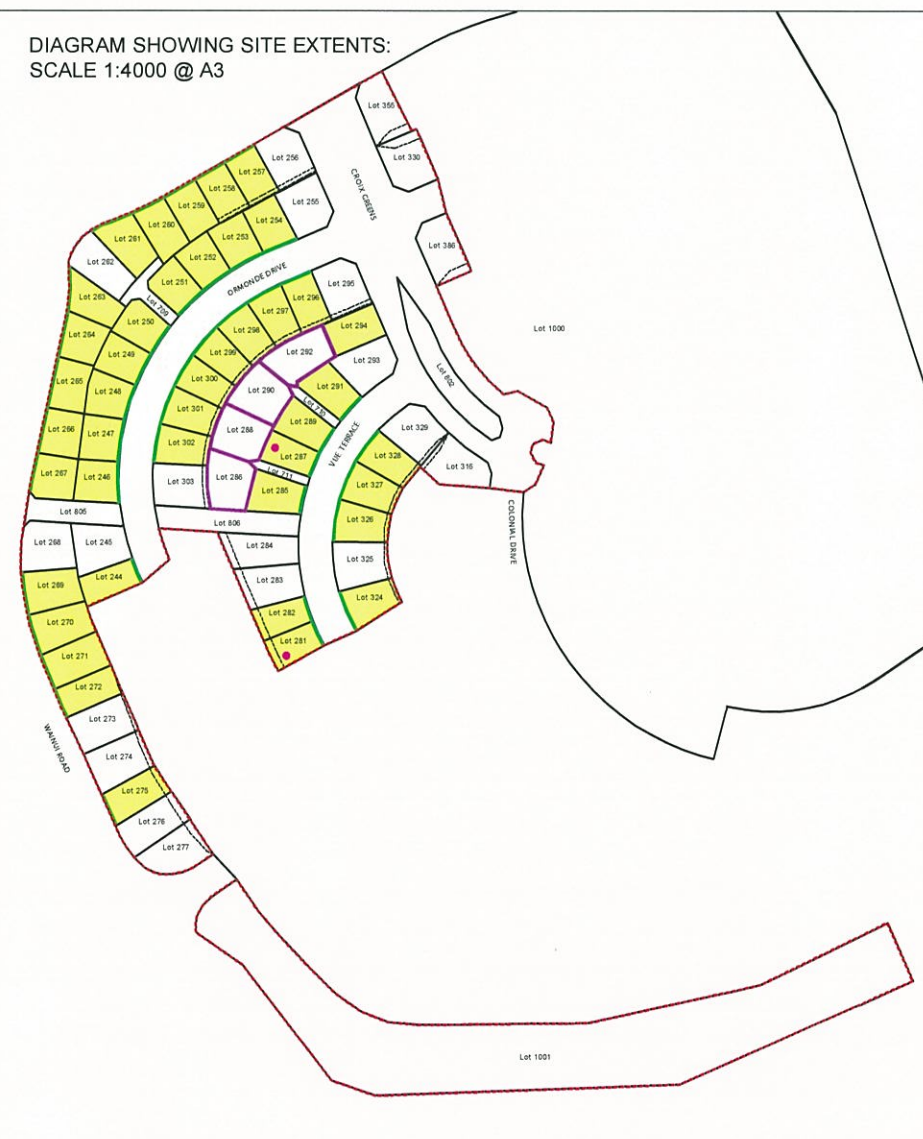
-  Yards to remain unobstructed by buildings except for ancillary building elements which can encroach up to 0.6m. (except into the 1m side yard), on Lots between 400 - 649.99m²
-  Lots with street frontages between NW & SW ; NE & SE; NE & NW and of 400 - 649.99m² are to provide a 6m rear yard.
-  Lots less than 450m² are to be developed in accordance with the development controls applicable to Lots between 450 - 649.99 m² (and the variation sought to those rules under this application)
-  Rear Lots to have one 6m rear yard, all other yards to be defined as side yards, including at least one side yard of 1m and another of 3m.

DIAGRAM SHOWING SITE EXTENTS:
SCALE 1:4000 @ A3



REVISION DETAILS	NAME	DATE
1.		

CLIENT:






MILLWATER - PRECINCT 2 - STAGE 2C

BUILDING DISPENSATION PLAN

AUCKLAND COUNCIL



WOODS
Engineers. Surveyors. Planners.

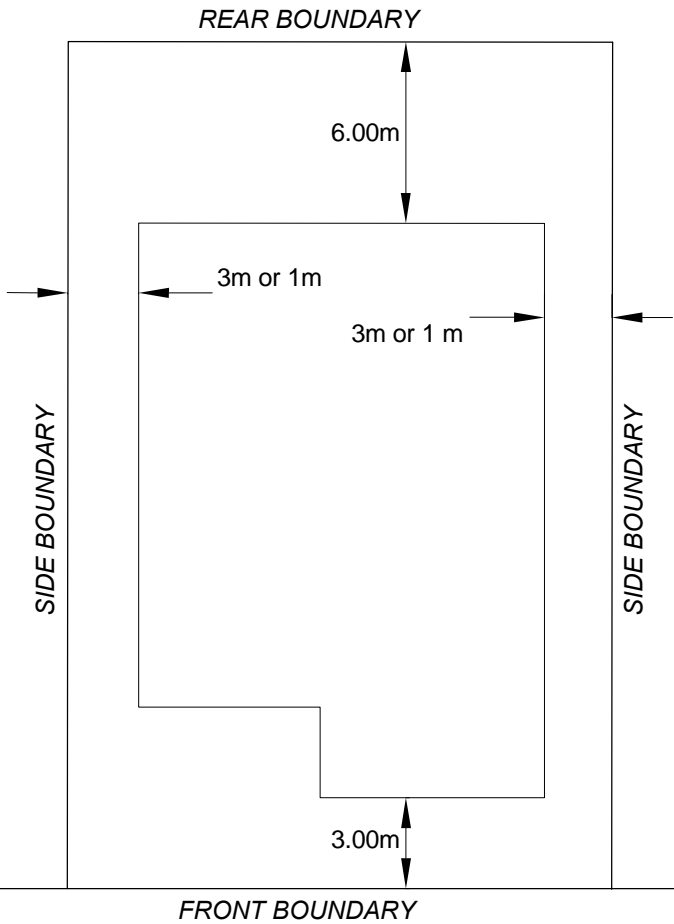
DESIGNED: 	ISSUED FOR INFORMATION
CHECKED: 	DRAWN: CR
APPROVED: 	SURVEYED: AC
JOB NUMBER: 33405	SCALE: 1:1500 @ A3
ISSUED: AUGUST 2016	
DWG. NO. 33405-P2-S2C-BDP	REV.




LAN 68616

Approved Resource Consent Plan

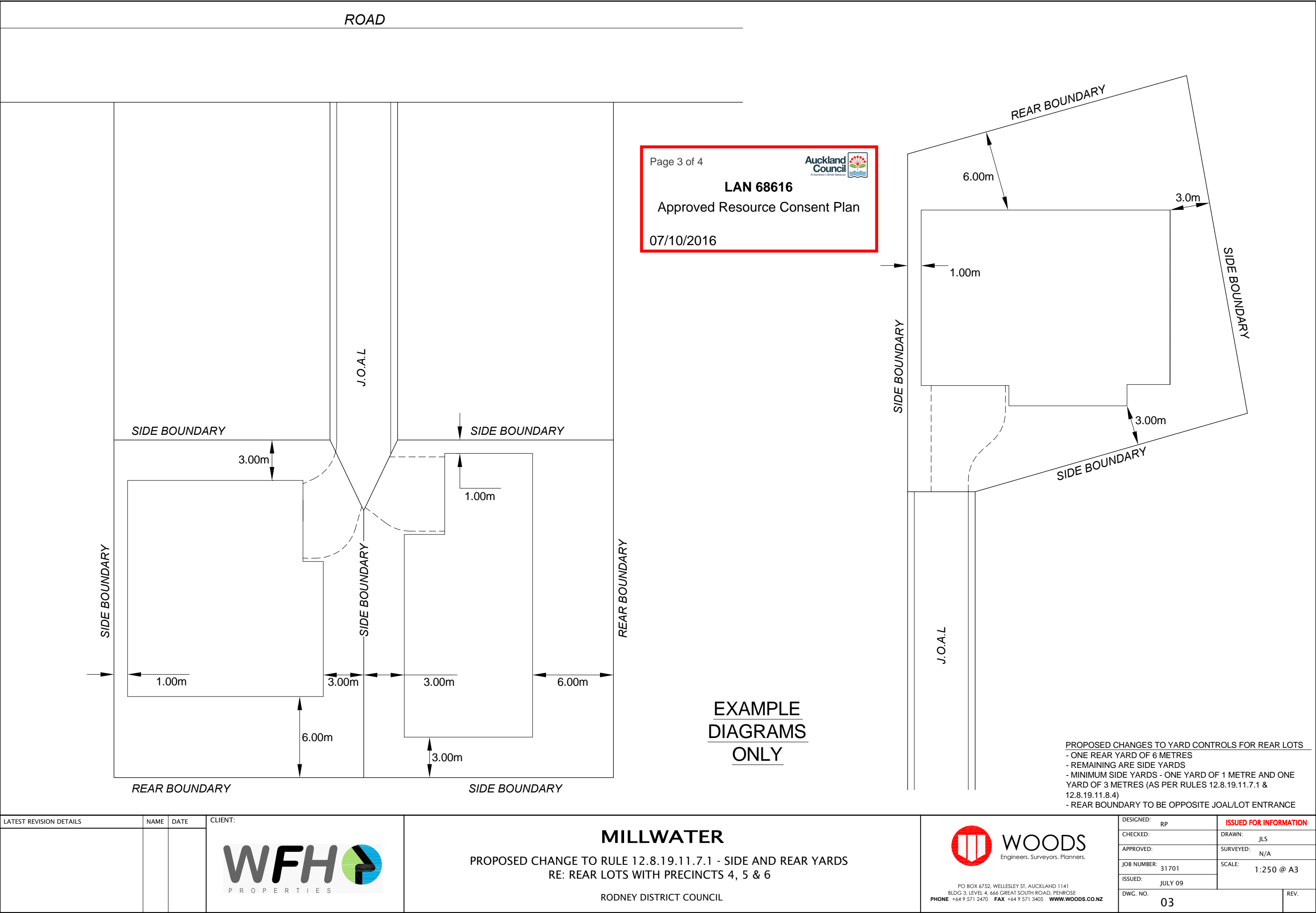
07/10/2016



ROAD

LATEST REVISION DETAILS		NAME	DATE	CLIENT:	<div>MILLWATER</div> <div>RULE 12.8.19.11.8.3 (A) AND (C)</div> <div>6M REAR YARD FOR LOTS 450m² - 649.9m²</div> <div>RODNEY DISTRICT COUNCIL</div>	<div><div></div><div>WOODS</div><div>Engineers. Surveyors. Planners.</div></div> <div>PO BOX 6752, WELLESLEY ST, AUCKLAND 1141</div> <div>BLDG 3, LEVEL 4, 666 GREAT SOUTH ROAD, PENROSE</div> <div>PHONE +64 9 571 2470 FAX +64 9 571 3405 WWW.WOODS.CO.NZ</div>	DESIGNED:	RP	ISSUED FOR INFORMATION		
							CHECKED:		DRAWN:	JLS	
							APPROVED:		SURVEYED:	N/A	
							JOB NUMBER:	31701	SCALE:		1:250 @ A3
							ISSUED:	JULY 09			
							DWG. NO.	02		REV.	





Scale 1:100@A3

NOTE: SPOUTING/EAVE TO BE NO CLOSER THAN 675mm TO BOUNDARY

SCALE 1:100@A3

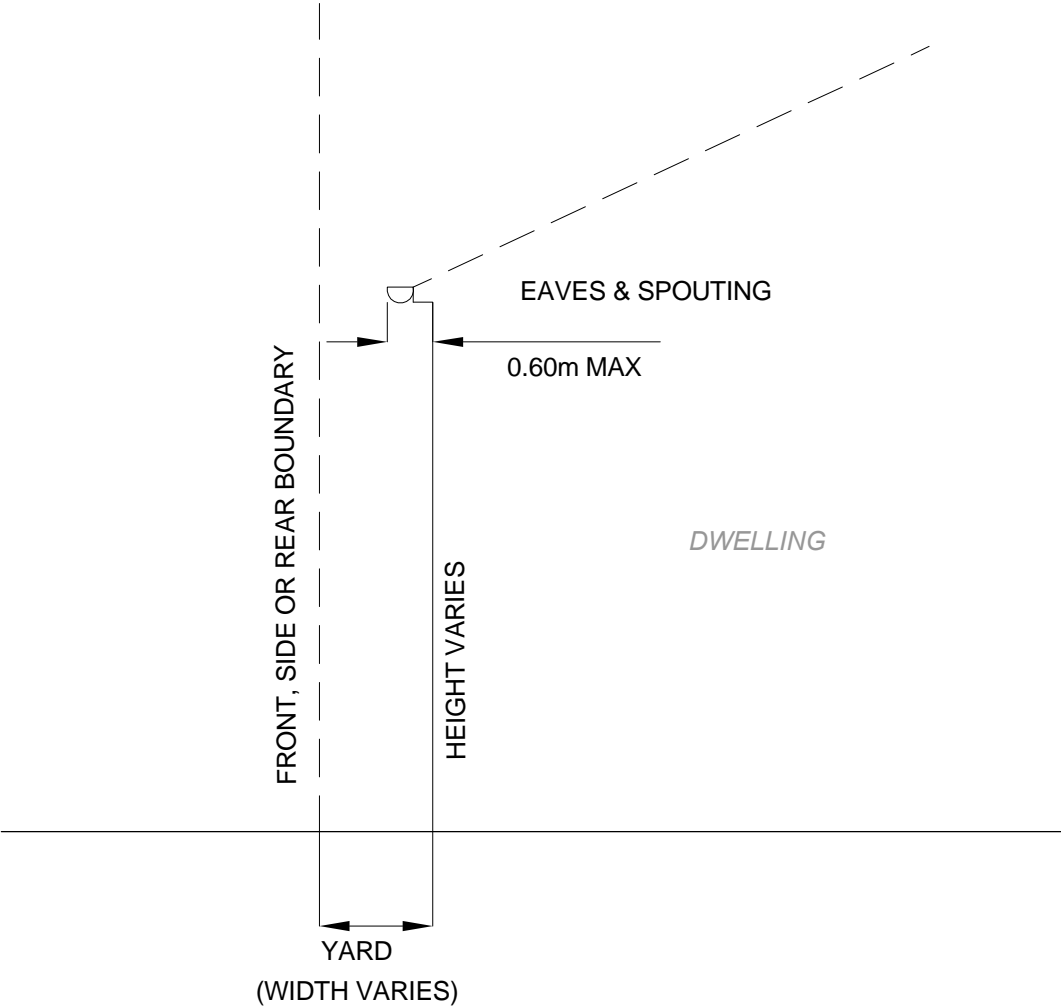
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Approved Resource Consent Plan

07/10/2016



- 300mm encroachment all yards (current rules)
- 600mm encroachment all yards except 1m side yards (proposed)

LATEST REVISION DETAILS		NAME	DATE	CLIENT:	<div>MILLWATER</div> <div>PROPOSED CHANGE TO RULES 12.8.19.11.7.2(b) AND 12.8.19.11.8.5 (b)</div> <div>YARDS TO REMAIN UNOBSTRUCTED BY BUILDINGS</div> <div>RODNEY DISTRICT COUNCIL</div>	<div>WOODS</div> <div>Engineers. Surveyors. Planners.</div> <div>PO BOX 6752, WELLESLEY ST, AUCKLAND 1141</div> <div>BLDG 3, LEVEL 4, 666 GREAT SOUTH ROAD, PENROSE</div> <div>PHONE +64 9 571 2470 FAX +64 9 571 3405 WWW.WOODS.CO.NZ</div>	DESIGNED: RP	ISSUED FOR INFORMATION	
							CHECKED:	DRAWN: JLS	
							APPROVED:	SURVEYED: N/A	
							JOB NUMBER: 31701	SCALE: AS SHOWN	
							ISSUED: JULY 09		
							DWG. NO. 01		REV.

