

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



## Restricted discretionary activity

**Application number:** LUC60069884  
**Applicant:** WFH Properties Ltd  
**Site address:** Arran Drive, Silverdale 0931  
**Legal description:** Lot 1001 DP 501394  
**Proposal:**

Blanket dispensation to redefine the yard setbacks on rear sites to allow one rear yard of 6m, one side yard of 3m 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) – LUC60069884

### Auckland Unitary Plan (Operative in Part)

- I530.6.1. – to enable rear lots to provide one rear yard of 6m, one side yard of 3m and two side yards of 1m, where the plan requires all yards on rear lots for sites of 650m<sup>2</sup> or greater in area to be 6 metres, as 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 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 and 104C the application is **GRANTED**.

## 1. Reasons

The reasons for this decision are:

1. The application is for restricted discretionary activity resource consent, as such under s104C only those matters over which council has reserved its control or restricted its discretion have been considered. Those matters are I530.8.1. under the AUP (OP).

In addition, conditions have only been included in relation to those matters.

2. In accordance with an assessment under s104(1)(a) of the RMA, and having regard to only those matters listed above, the actual and potential effects from the proposal will be less than minor as:

- The rear sites greater than 650m<sup>2</sup> have been considered and approved under a DCP. Allowing the same development rights as sites sized 450m<sup>2</sup>-650m<sup>2</sup> 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.
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 Unitary Plan – Operative in Part

*H3. Residential – Single House Zone*

Objectives: *H3.2. Objectives*

Policies: *H3.3. Policies*

4. As a restricted discretionary activity no other matters can be considered under s104(1)(c).
5. Under the Auckland Unitary Plan – Operative in Part (AUP OP) the sites are zoned Residential – 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 Residential – Single House Zone.
6. 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, this consent is subject to the following conditions:

1. The restricted 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 LUC60069884.
- Application Form, and Assessment of Environmental Effects prepared by Woods, dated April 2017.

Plan title and reference	Author	Rev	Dated
Precinct 7 – Arran Hill-Orewa West – Scheme Plan Lots 1-160, 200-204, 600-605, 800-806, 900-903, 1000 Being a Subdivision of Lot 1 DP 463561 (33405-P7-AH-BDP)	Woods		10/04/2017
Precinct 7 – Orewa West – Indicative Rear Yard Controls	Woods		April 2017

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 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 avoidance of doubt, the application of side and rear yards on rear lots on approved Lots 76, 90, 91, 95, 96, 141 and 142 (Precinct 7 Orewa West) shall consist of one 6m rear yard, one side yard of 3m, with the remaining yards being 1m. The rear yard shall be applied to the boundary located opposite the lot access.

## **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 Northern Monitoring, Orewa at 09 301 0101 or [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, 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 76, 90, 91, 95, 96, 141 and 142 (Precinct 7 Orewa West) to inform prospective owners of the application of side and rear yards as authorised by Land Use Consent LUC60069884.*

**Delegated decision maker:**

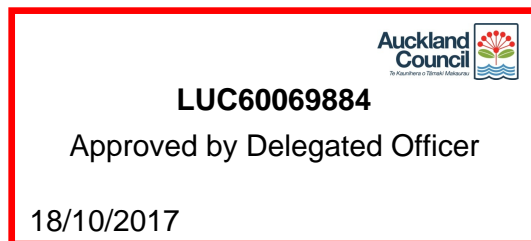
Name: Steve Seager

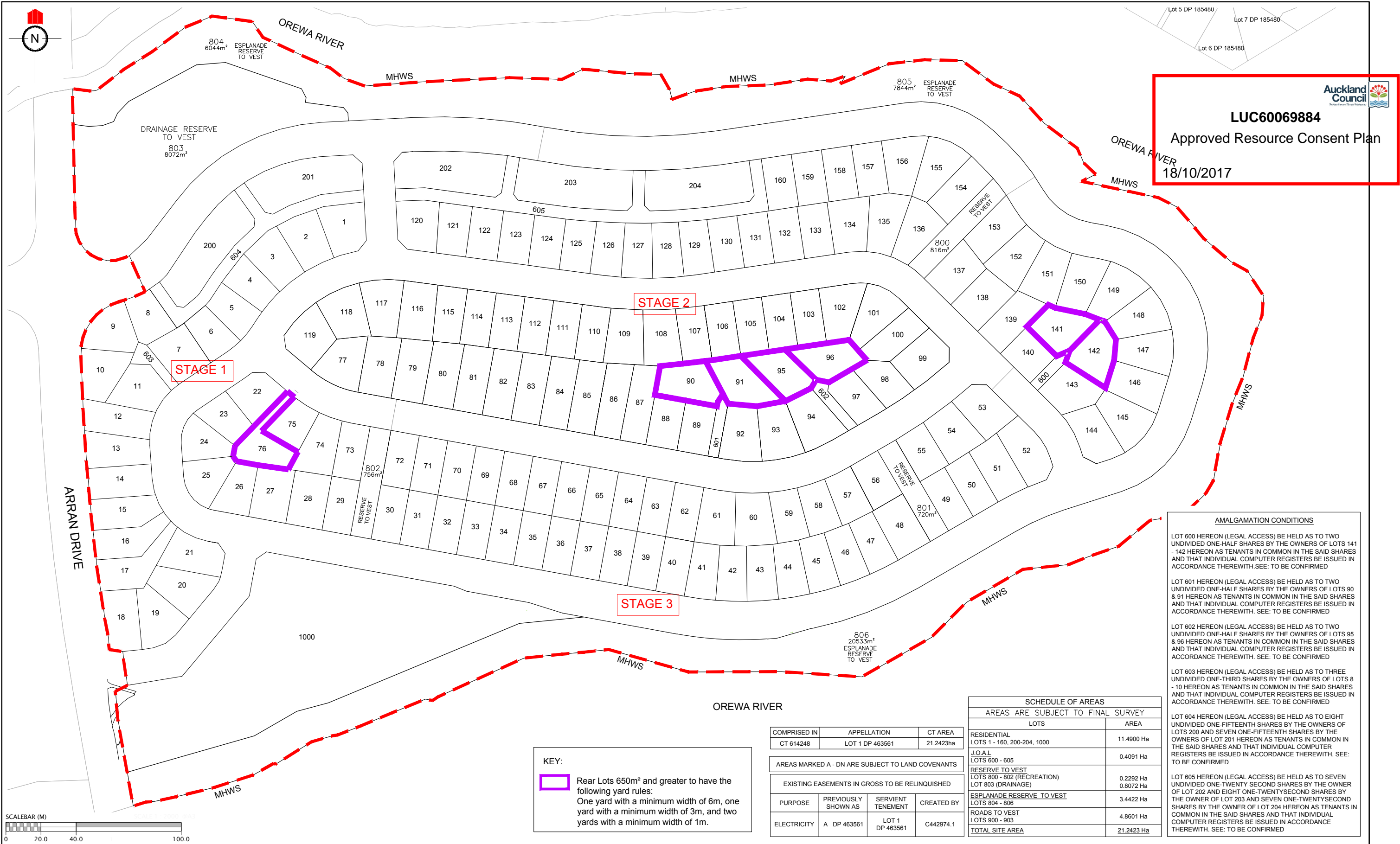
Title: Team Leader, Resource Consents


Signed:

Date:

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**LUC60069884**  
 Approved Resource Consent Plan  
 18/10/2017

**AMALGAMATION CONDITIONS**

LOT 600 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 141 - 142 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED

LOT 601 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 90 & 91 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED

LOT 602 HEREON (LEGAL ACCESS) BE HELD AS TO TWO UNDIVIDED ONE-HALF SHARES BY THE OWNERS OF LOTS 95 & 96 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED

LOT 603 HEREON (LEGAL ACCESS) BE HELD AS TO THREE UNDIVIDED ONE-THIRD SHARES BY THE OWNERS OF LOTS 8 - 10 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED

LOT 604 HEREON (LEGAL ACCESS) BE HELD AS TO EIGHT UNDIVIDED ONE-FIFTEENTH SHARES BY THE OWNERS OF LOTS 200 AND SEVEN ONE-FIFTEENTH SHARES BY THE OWNERS OF LOT 201 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED

LOT 605 HEREON (LEGAL ACCESS) BE HELD AS TO SEVEN UNDIVIDED ONE-TWENTY SECOND SHARES BY THE OWNER OF LOT 202 AND EIGHT ONE-TWENTYSECOND SHARES BY THE OWNER OF LOT 203 AND SEVEN ONE-TWENTYSECOND SHARES BY THE OWNER OF LOT 204 HEREON AS TENANTS IN COMMON IN THE SAID SHARES AND THAT INDIVIDUAL COMPUTER REGISTERS BE ISSUED IN ACCORDANCE THEREWITH. SEE: TO BE CONFIRMED


SCHEDULE OF AREAS	
AREAS ARE SUBJECT TO FINAL SURVEY	
LOTS	AREA
RESIDENTIAL LOTS 1 - 160, 200-204, 1000	11.4900 Ha
J.O.A.L LOTS 600 - 605	0.4091 Ha
RESERVE TO VEST LOTS 800 - 802 (RECREATION)	0.2292 Ha
LOT 803 (DRAINAGE)	0.8072 Ha
ESPLANADE RESERVE TO VEST LOTS 804 - 806	3.4422 Ha
ROADS TO VEST LOTS 900 - 903	4.8601 Ha
<b>TOTAL SITE AREA</b>	<b>21.2423 Ha</b>

COMPRISED IN	APPELLATION	CT AREA
CT 614248	LOT 1 DP 463561	21.2423ha

AREAS MARKED A - DN ARE SUBJECT TO LAND COVENANTS			
PURPOSE	PREVIOUSLY SHOWN AS	SERVIENT TENEMENT	CREATED BY
ELECTRICITY	A DP 463561	LOT 1 DP 463561	C442974.1

**KEY:**

 Rear Lots 650m<sup>2</sup> and greater to have the following yard rules:  
 One yard with a minimum width of 6m, one yard with a minimum width of 3m, and two yards with a minimum width of 1m.

LATEST REVISION DETAILS	NAME	DATE
1. ISSUED FOR RESOURCE CONSENT	MB	SEPT 2013

CLIENT:



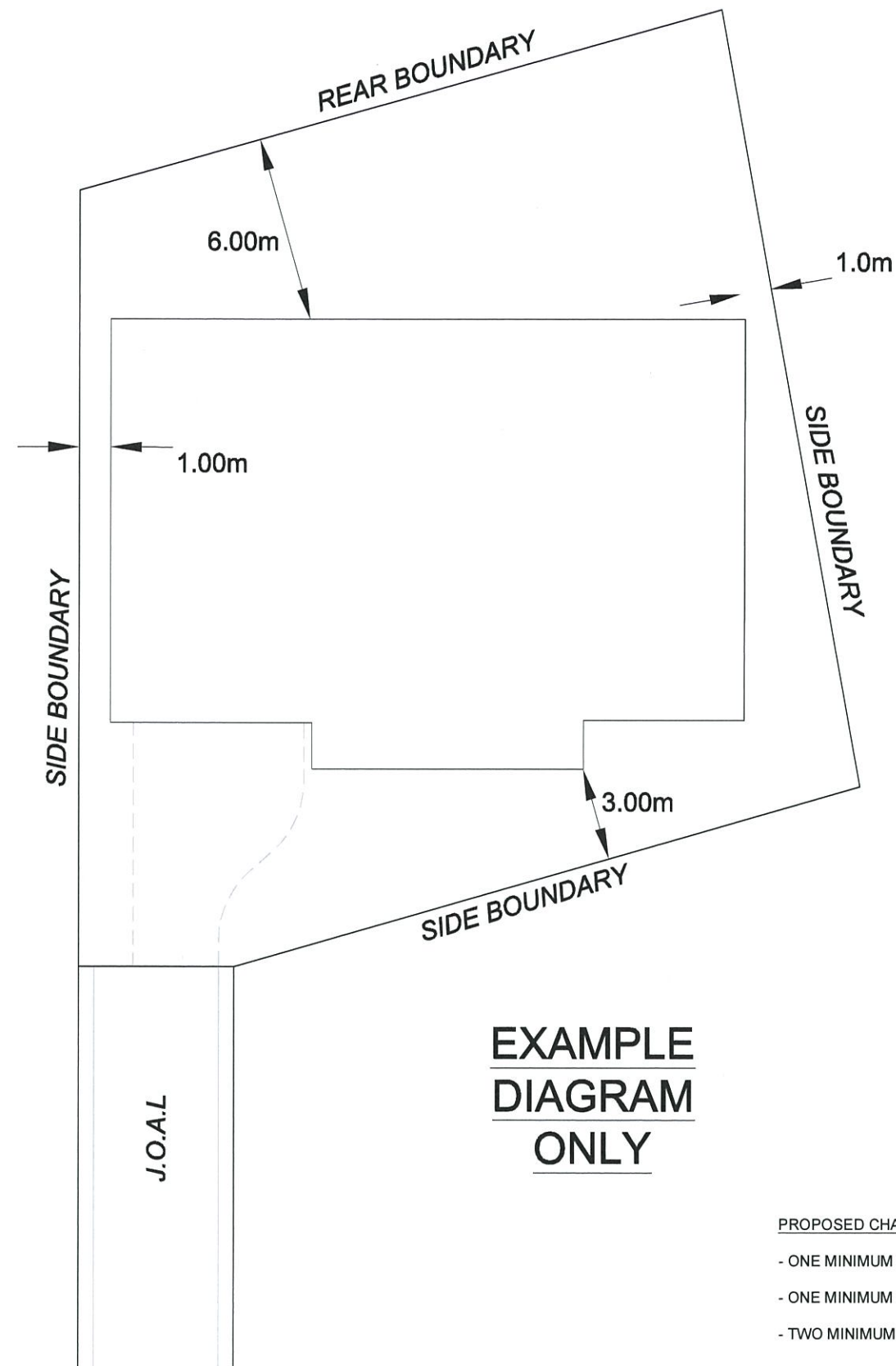
**ARRAN HILL**  
 PRECINCT 7 -ARRAN HILL-OREWA WEST -SCHEME PLAN  
 LOTS 1-160, 200-204, 600-605, 800-806, 900-903, 1000  
 BEING A SUBDIVISION OF LOT 1 DP 463561  
 AUCKLAND COUNCIL



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 LEVEL 1, BUILDING B, 8 NUGENT ST, GRAFTON, AUCKLAND 1023  
 PHONE +64 9 571 2470 FAX +64 9 571 3405 WWW.WOODS.CO.NZ

DESIGNED:	FOR RESOURCE CONSENT
MB	
CHECKED:	DRAWN: MB
APPROVED:	SURVEYED:
JOB NUMBER: 33405	SCALE: 1:2000 @ A3
ISSUED: APRIL 2017	
DWG. NO. 33405-P7-AH-BDP	REV. 1





LATEST REVISION DETAILS	NAME	DATE	CLIENT:



**PRECINCT 7 - OREWA WEST**

INDICATIVE REAR YARD CONTROLS

AUCKLAND COUNCIL

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BLDG 3, LEVEL 4, 666 GREAT SOUTH ROAD, PENROSE  
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DESIGNED: RP	<b>ISSUED FOR INFORMATION</b>
CHECKED:	DRAWN: TUI
APPROVED:	SURVEYED: N/A
JOB NUMBER: 31701	SCALE: 1:200 @ A3
ISSUED: APRIL 2017	
DWG. NO. 03	REV.: