

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



Discretionary activity

Application number: LUC60067449
Applicant: WFH Properties Limited
Site address: Millwater Precinct 2 Stage 3B, Silverdale North
Legal description: Lots 356-370 and 386-398 DP 501232

Proposal:

Blanket dispensation to allow for 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 40-649.9m²; 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) – LUC60067449

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 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 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.
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

Policies: 12.8.19.5

Auckland Unitary Plan – Operative in Part

H3. Residential – Single House Zone

Objectives: H3.2. Objectives

Policies: H3.3. Policies
4. In accordance with an assessment under s104(1)(c) of the RMA no other matters are considered relevant.

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. 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 LUC60067449.
 - Application Form, and Assessment of Environmental Effects prepared by Woods, dated December 2016.

Report title and reference	Author	Rev	Dated
Assessment of Environmental Effects, Millwater Precinct 2 Stage 3B – Blanket Yard Rule Dispensations	Woods		December 2016

Plan title and reference	Author	Rev	Dated
Millwater – Precinct 2 – Stage 3B, Building Dispensation Plan – Drawing No. 33405-P2-S3B-BDP	Woods		November 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 12.8.19.11.8.5 (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 390, 394-398 (inclusive) (Precinct 2 Stage 3B).
5. For the avoidance of doubt, the application of rear yards on approved Lots 368-370 (inclusive) and 388-391 (inclusive) (Precinct 2 Stage 3B) shall consist of a 6m minimum rear yard.
6. For avoidance of doubt, the application of side and rear yards on rear lots on approved Lot 360 (Precinct 2 Stage 3B) 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 368-370 (inclusive), 388-391 (inclusive) and 393-398 (inclusive) (Precinct 2 Stage 3B) 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, aerials 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 390, 394-398 (inclusive) (Precinct 2 Stage 3B) 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 LUC60067449.*
7. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 368-370 (inclusive) (Precinct 2 Stage 3B) 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 LUC60067449.*
8. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 360 (Precinct 2 Stage 3B) to inform prospective owners of the application of side and rear yards as authorised by Land Use Consent LUC60067449.*
9. *The consent holder shall place a covenant on any certificate of title issued for approved Lots 368-370 (inclusive), 388-391 (inclusive) and 393-398 (inclusive) (precinct 2 Stage 3B) 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 LUC60067449.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date:

