

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



Restricted discretionary activity for a residential activity

Application number: LUC60323355
Applicant: WFH Properties Limited
Site address: 157 Grand Drive, Orewa
Legal description: Lot 805 DP 463561

Proposal:

The proposal is seeking approval for a blanket land use consent on specific sites within Stage 1 of Arran Hill Precinct 5 for infringements to yard standards under Orewa 2 sub-precinct E. Yard standards under Orewa 2 sub-precinct E for sites 650m² or greater will restrict building envelopes on Lots 1-20, 33-36, 143 and 154 (25 sites), when considering other site constraints relating to typography and drainage infrastructure. As such, this application seeks to enable built form by ensuring appropriate building envelopes on sites subject to restrictions and constraints.

The resource consents required are:

Land use consents (s9) – LUC60323355

Auckland Unitary Plan (Operative in part)

District land use (operative plan provisions)

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 and rear yard setbacks are to be infringed by a maximum of 3m on Lots 2-20, 33-36, and 143, which exceeds the 6m minimum setback for sites 650m² or greater required under standard I530.6.1.
 - The minimum front yard and rear yard setbacks are to be infringed by a maximum of 1.6m on Lot 1, which exceeds the 6m minimum setback for sites 650m² or greater required under standard I530.6.1.
 - The minimum front yard and rear yard setbacks are to be infringed by between 1.2m and 3m on Lot 154, which exceeds the 6m minimum setback for sites 650m² or greater required under standard I530.6.1.

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.

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:
 - H3.8.1 – Yards
 - any policy which is relevant to the standard;
 - the purpose of the standard;
 - the effects of the infringement of the standard;
 - the effects on the rural and coastal character of the zone;
 - the effects on the amenity of neighbouring sites;
 - the effects of any special or unusual characteristic of the site which is relevant to the standard;
 - the characteristics of the development;
 - any other matters specifically listed for the standard; and
 - where more than one standard will be infringed, the effects of all infringements.
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. Stormwater and wastewater lines run through many sites and therefore limiting the building platforms on these sites. In many cases these building platforms are smaller than the maximum building coverage permitted by the plan.

- e. 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.
 - f. Also, by moving dwellings closer to the front boundary, better passive surveillance of the street can be achieved.
 - g. 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.
 - 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. 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. 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. The blanket consent for front and rear yard infringements 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 LUC60323355.
 - Application Form and Assessment of Environmental Effects prepared by Woods Ltd., dated 13/07/2018.

Drawing title and reference	Author	Rev	Dated
Yard Area Consent Plan (Sheet 1 of 4) DWG 37501-02-MSC-950	Woods Ltd.	1	JUL 2018
Yard Area Consent Plan (Sheet 2 of 4) DWG 37501-02-MSC-951	Woods Ltd.	1	JUL 2018
Yard Area Consent Plan (Sheet 3 of 4) DWG 37501-02-MSC-952	Woods Ltd.	1	JUL 2018
Yard Area Consent Plan (Sheet 4 of 4) DWG 37501-02-MSC-953	Woods Ltd.	1	JUL 2018

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. For the avoidance of doubt, the minimum front yard setbacks are to be infringed by a maximum of 3m on Lots 2-8(inclusive), 20, 33-36(inclusive), and 143.
4. For the avoidance of doubt, the minimum rear yard setbacks are to be infringed by a maximum of 3m on Lots 9 -19(inclusive), and Lot 33
5. For the avoidance of doubt, the minimum front yard setbacks are to be infringed by a maximum of 1.6m on Lot 1,
6. For the avoidance of doubt, the minimum front yard and rear yard setbacks are to be infringed by between 1.2m and 3m on Lot 154.
7. 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.

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 09 301 0101 or 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 as the applicant disagree with any of the above conditions, and/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 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.*
6. *The consent holder shall place a consent notice/covenant on any certificate of title issued for approved Lots 1-20(inclusive), 33-36(inclusive), 143 and 154, to inform prospective owners of the blanket consent for front yard infringements up to a minimum of 3m setback from the front boundary (with the exception 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) as authorised by Land Use Consent LUC60323355.*

Delegated decision maker:

Name: Steve Seager

Title: Team Leader, Resource Consents

Signed:

Date:



Approved by Delegated Officer

09/08/2018