

WANGANUI DISTRICT COUNCIL

PROCESSING SHEET - NON-NOTIFIED RESOURCE CONSENT

TYPE OF APPLICATION (circle one):

- ☒ Land Use
☐ Subdivision
☐ Discretionary Activity
☐ Controlled Activity
☐ Restricted Discretionary Activity
☐ Non-Complying Activity

App. No
RCLU07/0074

Applicant's Name: Doug & Brenda Lacey

Address for Service:

Property - Location: 3A Oakland Ave

- Survey Description:

- Valuation Ref:

Proposed Activity: building in breach of boundary

Other Consents Required: Yes/No

RECEIPT AND INITIAL ASSESSMENT

Date Officially Received: Date 28.6.07 By

Acknowledged Receipt: Date 6.7.07 By JE

Further Information Required of Applicant (Section 91 & 92): Date By

Further Information as requested received: Date By

Site Visit: Date By

Notification/Non-notification Decision Made: Date 19.7.07 By NJ

DECISION: (SECTION 104 & 105)

Decision made: Approved/Declined

Council decision served on Applicant: Date By

APPEALS: Date By

Appeal Period Closes on: Date

Appeals Received: Yes/No

Environment Court Hearing Date: Date

Consent Granted by Court: Yes/No

Fees: \$ 350.00 Received Date: Receipt No.

RECORDS ENTERED ON REGISTER Date By

101 Guyton Street
P O Box 637, Wanganui
Phone: (06) 349 0001
Fax: (06) 349 0000
Email: wdc@wanganui.govt.nz
Web: www.wanganui.govt.nz



Application No: RCLU07/0074

Property No: 19571

19 July 2007

Mr DR Lacy, Mrs BA Dolan
3 A Oakland Ave
WANGANUI 5001

Dear Applicant

Resource Consent Application: 3 A Oakland Ave WANGANUI 5001

I refer to the resource consent application to construct a balcony extension at 3 A Oakland Ave WANGANUI. The application was necessary as the proposed addition breaches the height recession plane.

The application has been considered as a non-notified application, and the following consent granted.

I am pleased to inform you that pursuant to Sections 9, 104, 104C and 108 of the Resource Management Act 1991, the Wanganui District Council grants its consent to an application for a discretionary (restricted) activity in accordance with the Wanganui District Plan to construct additions infringing the height recession plane requirement along the southern boundary at 3A Oakland Avenue, Wanganui, being legally described as Lot 1 DP 68704 subject to the following conditions:

1. The activity shall be in general accordance with the information and plans submitted in support of this proposal.
2. Charges set in accordance with Section 36(1)(c) of the Resource Management Act 1991 shall be paid to the consent authority for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 of the Act.

Section 36(1)(c) of the Act provides that the Council may from time to time fix charges payable by the holders of resource consents.

Reasons for the Decision

As required by Section 113(1) of the Resource Management Act, the resource consent that forms part of the decision for this application is attached. This report outlines the following:

- (i) the relevant statutory provisions that were considered by the consent authority;
- (ii) the relevant provisions of the Wanganui District Plan;
- (iii) the principal issues that were in contention; and
- (iv) the main findings of fact.

Please note that under section 125 of the Resource Management Act 1991, your consent will lapse in five years unless you give effect to it before then.

It is very important that you understand and comply with all the conditions of your consent. If you have any questions or concerns about any aspect of your consent or its conditions, I would be happy to discuss them with you. Please feel free to contact me on (06) 349 – 0001, if you have any questions or concerns.

Yours faithfully

A handwritten signature in black ink, appearing to read "Nicole Johnson".

Nicole Johnson
Resource Management Planner

WANGANUI DISTRICT COUNCIL

RESOURCE CONSENT REPORT

Date: 16 July 2007

Subject: **RESOURCE CONSENT APPLICATION**
3A Oakland Ave, Wanganui

File number: RCLU07/0074

Application Received: 28 June 2007

Applicant: Doug and Brenda Lacey

Legal Description: Lot 1 DP 68704

1.0 INTRODUCTION

An application for land use consent has been received from Doug and Brenda Lacey to construct a balcony addition that intrudes the permitted height recession plane requirements outlined in the Wanganui District Plan. The subject site is at 3A Oakland Ave, Wanganui, legally described as Lot 1 DP 68704.

The application is necessary as the proposed addition breaches the height recession plane by 0.7 metres for a length of approximately 6.0 metres along the southern boundary of the site.

The proposed development is not able to be exempt from the height recession plane standards under Rule 11.4.6 (d) of the District Plan because the addition is greater than 3.5 metres in height at the point of the height recession plane breach.

2.0 DISTRICT PLAN

Wanganui District Plan

The site is zoned **Residential** under the Wanganui District Plan. The activity is considered to fit within the definition of a residential activity as defined in Chapter 29 of the Plan. Rule 11.1 lists residential activities as being permitted within the Residential zone provided that the activity complies with the relevant terms and conditions of this zone.

An assessment of this application determined that the activity complies with all of the relevant standards except for the 2m + 45° height recession plane. Under Rule 11.6.1, any permitted or controlled activity, which does not comply with the relevant conditions and terms, must be considered as a **restricted discretionary** activity.

3.0 SECTIONS 93, 94, 94A, B, C, AND D OF THE RMA

To assist in the effects assessment of this resource consent, it is necessary to refer to Sections 93 and 94 of the Resource Management Act 1991 (RMA). When determining whether public notification is required, Section 93(1)(b) states:

"A consent authority must notify an application for a resource consent unless the consent authority is satisfied that the adverse effects of the activity on the environment will be minor."

Section 94A, which is used to determine whether adverse effects associated with an activity are minor or more than minor. This section specifies that a consent authority

- "(a) may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect; and*
- (b) for a restricted discretionary activity, must disregard an adverse effect of the activity on the environment that does not relate to a matter specified in the plan or proposed plan as a matter for which discretion is restricted for the activity.*
- (c) must disregard any effect on a person who has given written approval to the application."*

Therefore in assessing the environmental effects of the proposed activity it is important to recognise that, in terms of the Wanganui District Plan, the assessment is limited to those factors over which Council has restricted its discretion. In this instance the assessment is limited to the effect of the proposed addition being located closer to the southern boundary than a minimum distance of 1.7m on the western boundary required in terms of the height recession plane.

The height recession plane rule is intended to maintain the scale and character of residential areas, to avoid excessive shading of public spaces or neighbouring properties from structures, and to maintain the visual amenity of the streetscape in the vicinity of the site.

In this instance any actual or potential adverse effects on the environment of allowing the proposed addition to infringe the 2m + 45° height recession plane are considered to be minor for the following reasons:

- (i) The proposed addition will be consistent with the remainder of the dwelling with regards to style and character.

- (ii) The applicant has obtained written approval from the owner of the property to the south of the site where the proposal infringes.
- (iii) As the proposal complies with all the conditions applicable to permitted activities in the residential zone, with the exception of the height recession plane rule, the proposal will not compromise the scale and character of the residential neighbourhood in the vicinity of the site.

As a final consideration, the applicant has obtained the written consent of the owner of the property immediately adjoining the side where the infringement of height recession plane occurs. Therefore in accordance with section 94 A (c) in terms of determining whether the adverse effects associated with an activity are minor or more than minor, any effects on these persons must be disregarded.

Overall, the adverse effects arising from the activity will be minor. Therefore, Council is not required to publicly notify the application under Section 93(1)(b).

4.0 AFFECTED PERSONS

Section 94 of the Act outlines the next step if public notification is not required under Section 93(1). Section 94(2) states that

"a consent authority is not required to serve notice of the application...if all persons who, in the opinion of the consent authority, may be adversely affected by the activity have given their written approval to the activity."

Section 94B states that a person –

- (a) *may be treated as not being adversely affected if, in relation to the adverse effects of the activity on the person, the plan permits an activity with that effect.*
- (b) *In relation to a controlled or restricted discretionary activity, must not be treated as being adversely affected if the adverse effects of the activity on the environment do not relate to a matter specified in that plan or proposed plan as a matter for which –*
 - (i) *control is reserved for the activity; or*
 - (ii) *discretion is restricted for the activity; or*
- (c) *must not be treated as being adversely affected if it is unreasonable in the circumstances to seek the written approval of that person.*

Based on the effects assessment provided above, Council considers that failure to comply with height recession plane rule in this case limits the adverse effects of the proposal to the property immediately adjoining the subject site.

The applicant has obtained the written approval of the following affected parties:

Person: (Owner/occupier)	Address:	Consent Obtained
Roger Tasker Julie-Anne Tasker	3 Oakland Ave, Wanganui	28/06/2007

All parties that can be identified as having an interest, which differentiates them from the public generally have provided their written approval. Therefore, in accordance with Section 94A(c) of the Act, as the parties that may be considered affected by the proposed development have given their written approval, the effects of the proposed activity are considered to be nil and minor.

5.0 SPECIAL CIRCUMSTANCES

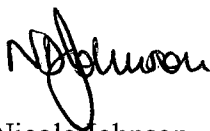
No special circumstances exist that require this application to be notified in accordance with Section 94C of the Act.

6.0 CONCLUSION

1. Taking into account the effects identified above, the adverse effects of the activity on the environment will be minor.
2. Written approval has been obtained from the affected parties who may be adversely affected by the granting of this resource consent, therefore, Council does not need to serve notice on any person under Section 93 and Section 94(1).
3. No special circumstances exist in relation to the application, which require it to be notified.

7.0 SECTION 93 AND 94 RECOMMENDATION

That for the reasons concluded above, this application be processed without notice, pursuant to Section 93(1)(b) and service is not required under 94(1) of the Act.



Nicole Johnson
Resource Management Planner

Date: 19 July 2007

That the recommendation above be adopted under delegated authority.



Kathryn Barnes
Senior Resource Management Planner

Date: 19 July 2007

8.0 CONSIDERATION OF APPLICATION (SECTION 104)

In terms of Section 104(1) of the Act, when considering an application for resource consent and any submission received, the consent authority must, subject to Part II, have regard to:

- (1)(a) *Any actual and potential effects on the environment of allowing the activity, and*
- (b) *Any relevant provisions of a*
 - (i) *National Policy Statement*
 - (ii) *New Zealand Coastal Policy Statement; and/or*
 - (iii) *Regional Policy Statement; and*
 - (iv) *Any relevant provisions of a plan or proposed plan; and*
- (c) *Any other matters the consent authority considers relevant and reasonably necessary to determine the application.*

The actual and potential effects on the environment of allowing the activity include the effect of the proposed addition on the character of the adjoining residential area, the potential shading of public spaces or neighbouring properties, and effects on the visual amenity of the streetscape in the vicinity of the site. The Section 93 and 94 assessments determined that the adverse effects associated with the proposal would be minor for the reasons outlined in Section 3.0 of this report.

Only the relevant provisions of the Wanganui District Plan need to be considered in determining the effects of the proposal with respect to Section 104(1)(b) above. The application was assessed against the performance criteria in Section 2.0 of this report. The relevant objectives and policies under the Residential Zone are listed as being:

8.6 *Urban Objective 2 - To Manage the Effects of Different Urban Activities to Ensure that High Quality Urban Amenities are Sustained*

Amenities values include those matters that contribute to the visual character of the development and the quality of life of people living or working in, or visiting, the urban area of Wanganui. This objective seeks to maintain the urban area as a pleasant place to live, where interrelationships between different uses, types of activities and effects will, as far as possible be compatible.

8.6.3 *Urban Policy 8: To define residential areas where the following characteristics are maintained:*

- a. *predominance of low rise residential activity;*
- b. *choice and diversity for different residential lifestyle options;*
- c. *a range of complementary activities where the effects are compatible with the predominantly residential character, scale and amenities of the area;*
- d. *safe urban design (including pedestrian and vehicle safety);*
- e. *low traffic on roads used primarily for property access with greater traffic on road with a distribution function;*
- f. *a quiet living environment;*
- g. *retention of natural and cultural heritage features.*

The objectives of the rules apply to the Residential Zone, and are relevant to this application seek to:

- a. maintain the scale and character of residential areas;*
- b. recognise streetscape as having high public value;*
- f. avoid excessive shading of public spaces or neighbouring properties from structures;*

The application is not considered to be contrary to the objectives and policies of the Wanganui District Plan as the proposal will be compatible with existing development in the general vicinity and will not compromise the amenity of the residential zone.

There are no other matters that are relevant or necessary to determine the proposal in question as per Section 104(1)(c).

Under Section 104(2) a consent authority must also consider the following when assessing an application:

"When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if the plan permits an activity with that effect."

There are no matters to disregard with respect to Section 104(2).

Section 104(3) details matters which the consent authority must not have regard to:

"A consent authority must not -

- (a) have regard to trade competition when considering an application;*
- (b) when considering an application, have regard to any effect on a person who has given written approval to the application;*
- (c) grant a resource consent contrary to the provisions of section 107 or section 217, any Order in Council in force under section 152, or under any regulations;*
- (d) grant a resource consent if the application should have been publicly notified and was not."*

Section 104(3)(b) above is relevant to this application. As the proposed addition fails to comply with the height recession plane rule there is potential for adverse effects in terms of the adjoining neighbouring property owners and occupiers. However, the owner/occupiers of the affected property have given their written approval to the application. Therefore, according to this subsection, Council cannot have regard to any effect on these persons.

When considering an application for a resource consent for a restricted discretionary activity under Section 104C, a consent authority—

- (a) must consider only those matters specified in the plan or proposed plan to which it has restricted the exercise of its discretion; and*
- (b) may grant or refuse the application; and*

- (c) *if it grants the application, may impose conditions under Section 108 only for those matters specified in the plan or proposed plan over which it has restricted the exercise of its discretion.*

Under the Section 93 and 94 assessments of the adverse effects of the proposal, only those matters, which Council had discretion over in the Wanganui District Plan, were considered (distance to boundary). This assessment identified that all adverse effects will be minor for the reasons outlined in Section 2.0 of this report. Therefore, it can be concluded that any actual and potential effects on the environment will be minor.

9.0 CONCLUSION

The proposed Land Use Consent application meets the requirements of the Wanganui District Plan and the Resource Management Act 1991, and is recommended for approval.

10.0 RECOMMENDATION

That pursuant to Sections 9, 104, 104C and 108 of the Resource Management Act 1991, the Wanganui District Council grants its consent to an application for a discretionary (restricted) activity in accordance with the Wanganui District Plan to construct additions infringing the height recession plane requirement along the southern boundary at 3A Oakland Avenue, Wanganui, being legally described as Lot 1 DP 68704 subject to the following conditions:

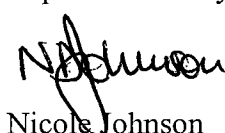
1. The activity shall be in general accordance with the information and plans submitted in support of this proposal.
2. Charges set in accordance with Section 36(1)(c) of the Resource Management Act 1991 shall be paid to the consent authority for the carrying out of its functions in relation to the administration, monitoring and supervision of this resource consent and for the carrying out of its functions under Section 35 of the Act.

Section 36(1)(c) of the Act provides that the Council may from time to time fix charges payable by the holders of resource consents.

After considering Part II of the Resource Management Act 1991, the following are the reasons for this decision:

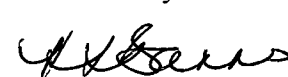
1. The environmental effects of this proposal will be no more than minor.
2. The proposal is not contrary to the relevant objectives, policies and other provisions in the Wanganui District Plan.
3. The proposal meets the requirements of the Resource Management Act 1991.
4. Written approval has been obtained from all parties considered to be adversely affected by the proposed activity.

Report written by:



Nicole Johnson
Resource Management Planner
Date: 19 July 2007

Reviewed by:



Kathryn Barnes
Senior Resource Management Planner
Date: 19 July 2007

16.7.07



Big house at back not off party due to distance to breach.
Adjoining LHS neighbours given consent

16.7.07



101 Guyton Street
P O Box 637, Wanganui
Phone: (06) 349 0001
Fax: (06) 349 0000
Email: wdc@wanganui.govt.nz
Web: www.wanganui.govt.nz



Application No: RCLU07/0074

Property No: 19571

6 July 2007

Mr DR Lacy
3 A Oakland Ave
WANGANUI 5001

Dear Applicant

Acknowledgement of Receipt of Resource Consent Application - Land Use - Resource Consent

Thank you for your application for Land Use - Resource Consent for a building in breach of the boundary at 3 A Oakland Ave WANGANUI 5001. Your application was lodged on Thursday, 28 June 2007. Council has allocated the following number to your application for future reference - RCLU07/0074.

Council are now currently checking your application to ensure that all the information required to properly assess your proposal has been received. We will advise you should we require further information, or the payment of additional fees, and will be happy to discuss this with you in that eventuality.

If you have any questions or concerns about the processing of your application, please feel free to contact me.

Yours faithfully

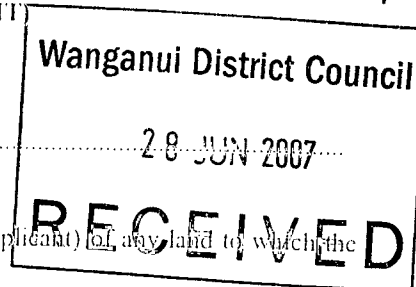
Jennie Evans
Planning Support Officer

RESOURCE MANAGEMENT ACT 1991
APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88
(LAND USE CONSENT/COASTAL PERMIT)

0-33847

To: Wanganui District Council.

I, Doug + Brenda Lacey
apply for the resource consent(s) described below:



1. The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:
.....
2. The location to which this application relates is:
3A OAKLAND AVE
3. The type of resource consent(s) sought is/are:
LAND USE
4. A description of the activity to which the application relates is:
BUILD CLOSER TO BOUNDARY THAN PERMITTED.
5. The following additional resource consents are required in relation to this proposal and have or have not been applied for:
.....
6. I attach an assessment of any effects that the proposed activity may have on the environment in accordance with the Fourth Schedule of the Act.
7. I attach other information (if any) required to be included in the application by the district or regional plan or regulations.
8. I attach information in accordance with Section 88(7) of the Act to show the area proposed to be reclaimed, including its size and location, and the proportion of the area (if any) to be set apart as an esplanade reserve.

Address for service of applicant:

→ 3A Oakland Ave,Telephone No. 345 0735Facsimile No.

Signature

(of applicant or person authorised to sign on behalf of applicant).

→ D. Lacey

Date

→ 28/6/07Annexures

- a. An assessment of the effects on the environment in accordance with the Fourth Schedule to the Act.
- b. Any other information required by the district plan or regional plan or Act or regulations to be included.
- c. Other information in accordance with Section 88(7) of the Act.

Paid \$350.00

Resource Management Act 1991

CONSENT OF AFFECTED PERSONS

(In Relation to a Resource Consent Application - Land Use)

→ Name of Affected Party: Julie-Anne + Roger Tasker

→ Address of Affected Party: 3 Oakland Ave.

→ Telephone: 3458494

→ Fax: -

TO THE WANGANUI DISTRICT COUNCIL

I/We, being the owner/owners or tenant/tenants of the property situated at the above address have no objection to the activity of (description of proposed activity).....

Closer to Boundary Than Permitted

proposed by (name of person/persons proposing the activity).....

Doug + Brandon Lacey

on the property being, 3A OAKLAND AVE Wanganui, 28 JUN 2007
(address of site of application)

providing the activity is undertaken in accordance with the details in the attached application form, site plan and additional information.

I/We also acknowledge that in granting this approval the Council shall take no account of the effect of the activity on my/our property when considering the application.

→ Signed: R. Tasker

→ Name R. Tasker
(Please print)
Date: 28-6-07

→ Signed: J. Tasker

→ Name J. Tasker
(Please print)
Date: 28-6-07

(All owners, and tenants where applicable, must sign this form)

Wanganui District Council

RECEIVED

ADVICE TO AFFECTED PERSONS

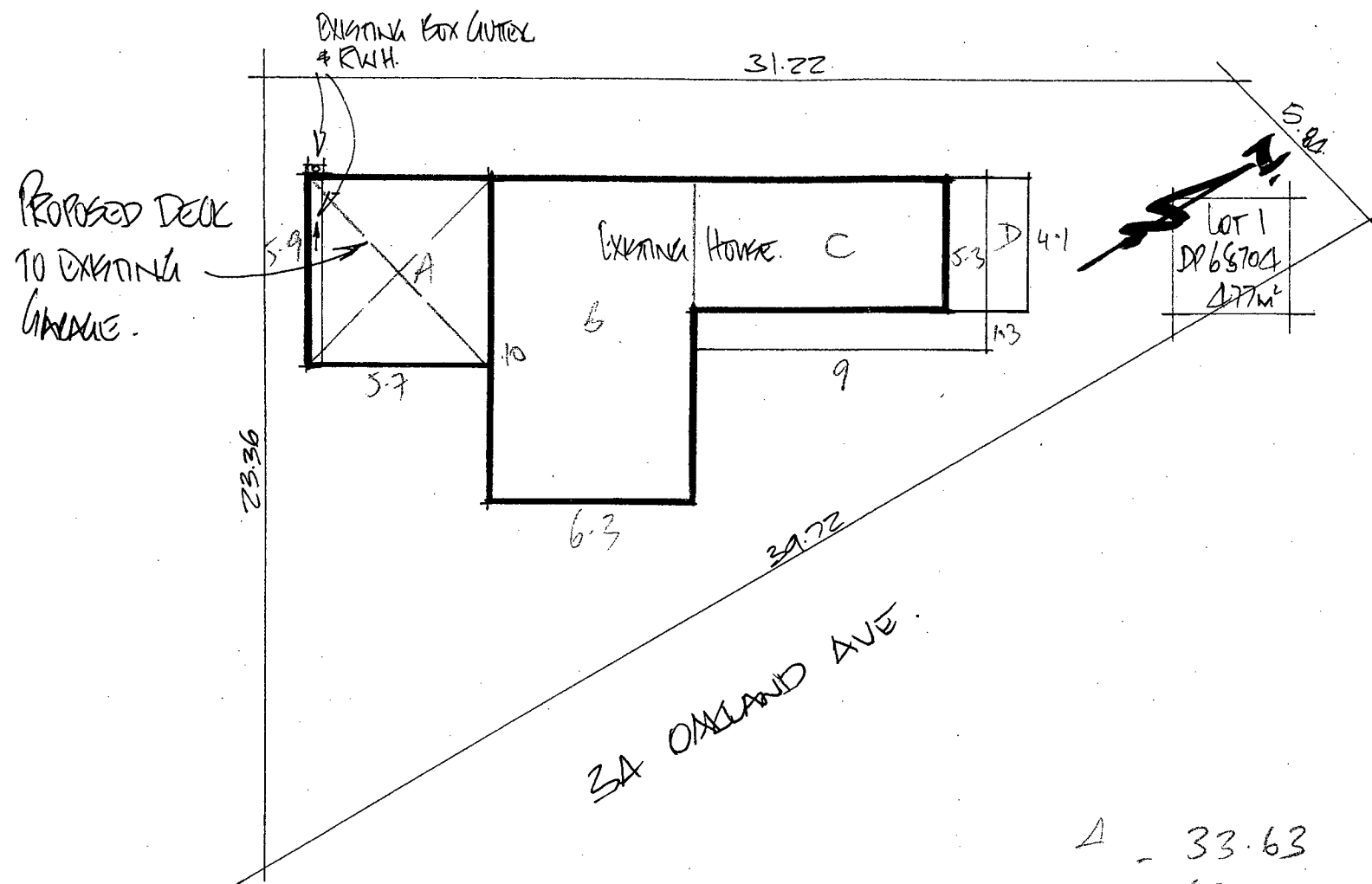
1. The Wanganui District Council recommends that any persons requested to sign this form should clearly identify the effect of the request upon their property before signing. It is also suggested that a copy of the application form and any site plan should be attached to this form and signed and dated in a clear place.
2. If any aspect of the proposed application is of concern to you, this should be discussed and resolved with the applicant prior to signing this form.
3. It is not appropriate for you to attach conditions to your approval of the activity.
4. Your approval of this activity can be withdrawn prior to the consent being issued by Council.
5. If any further explanation of your rights is required, please contact the Senior Planner, Environmental Services, Wanganui District Council, Guyton St, Phone (06) 3490001.

Wanganui District Council
28 JUN 2007
RECEIVED

LACEY HOUSE

3A OAKLAND AVE WANGANUI : PROPOSED DECOR TO EXISTING GARAGE:

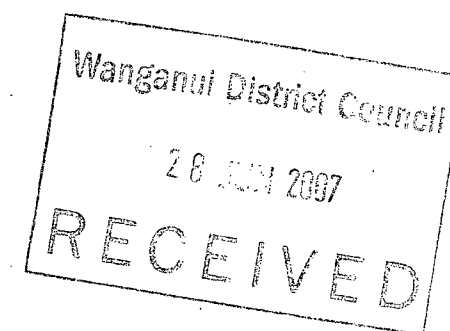
APPROVED BY } *[Signature]*
NEIGHBOURS } *RP [Signature]*



SITE PLAN
 SCALE 1:200

- A - 33.63
- B - 63
- C - 47.7
- D - 5.33

$$149.66 \div 477 \times 100 = 31.4\%$$

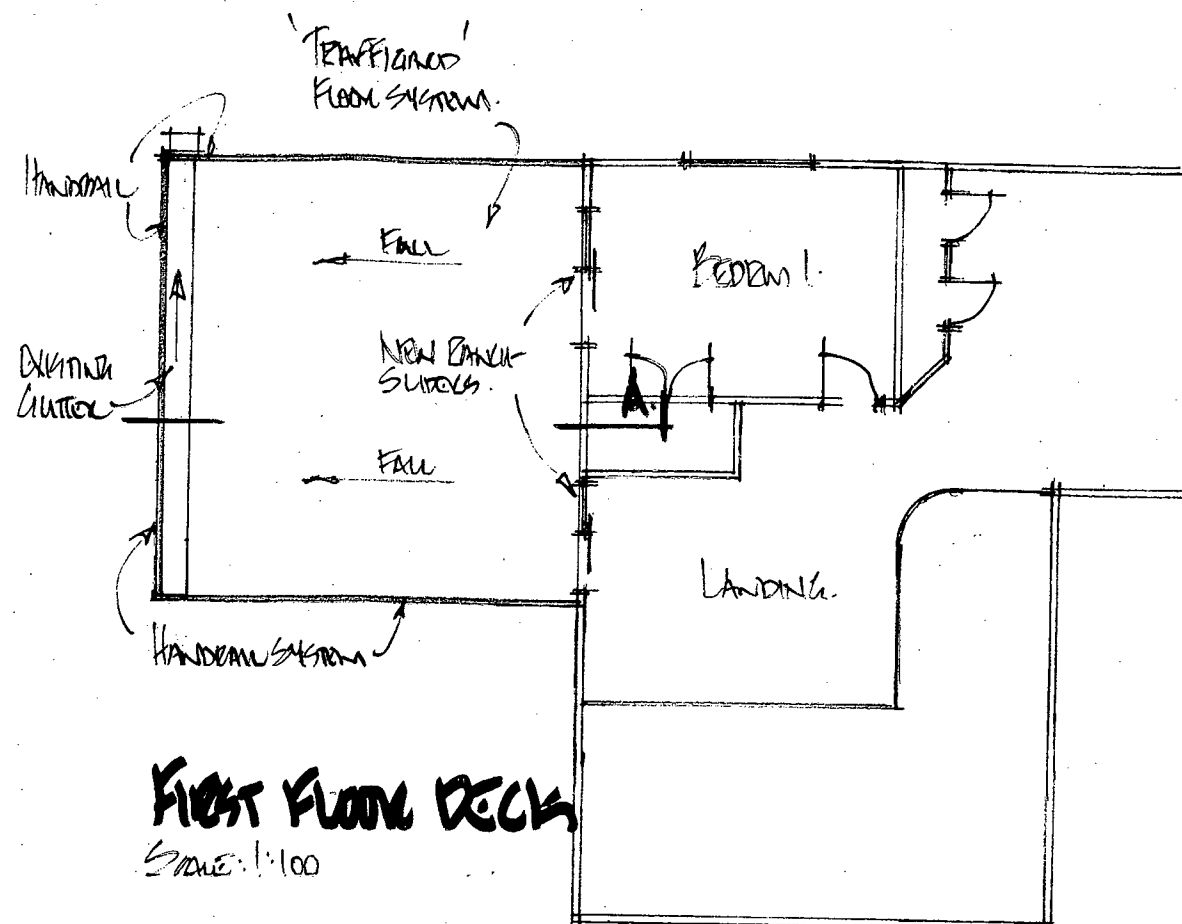
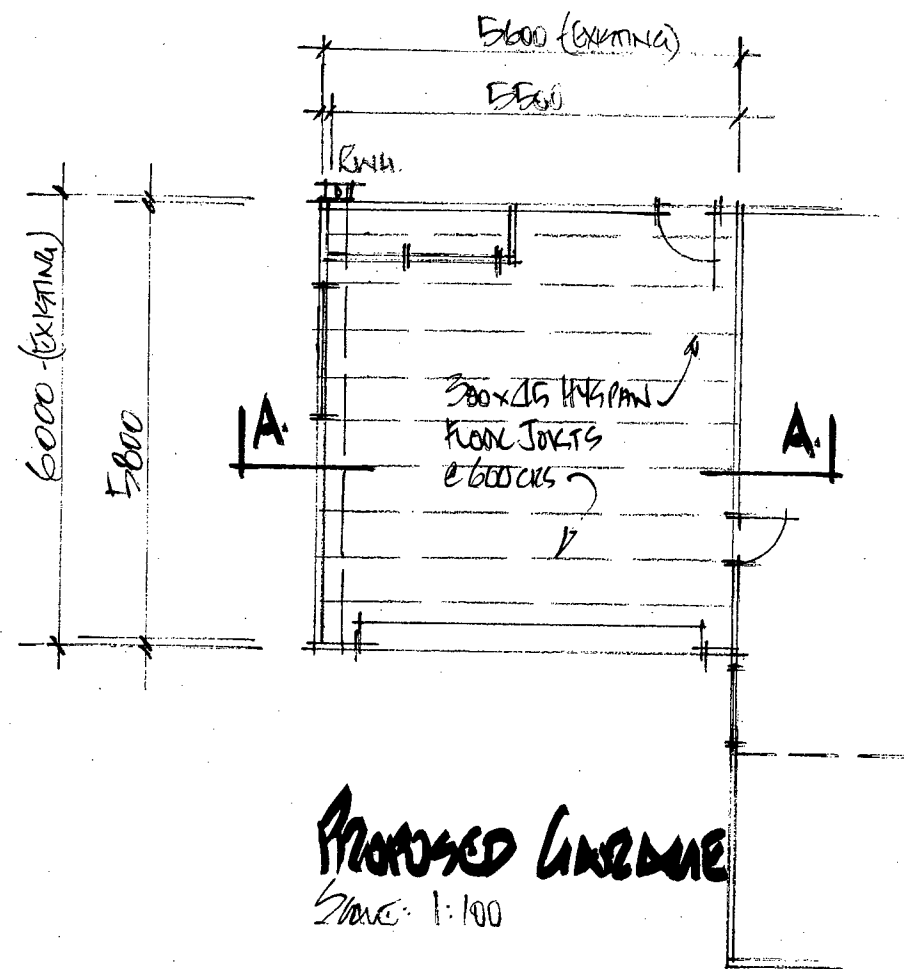


NOTE:
 CONTRACTOR MUST CONFIRM AND VERIFY ALL DIMENSIONS ON SITE.

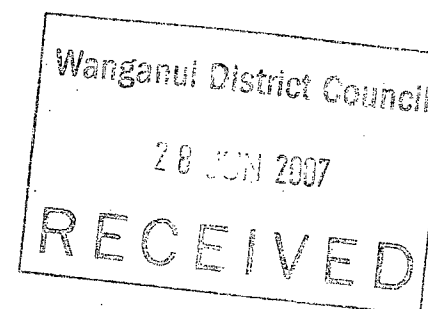
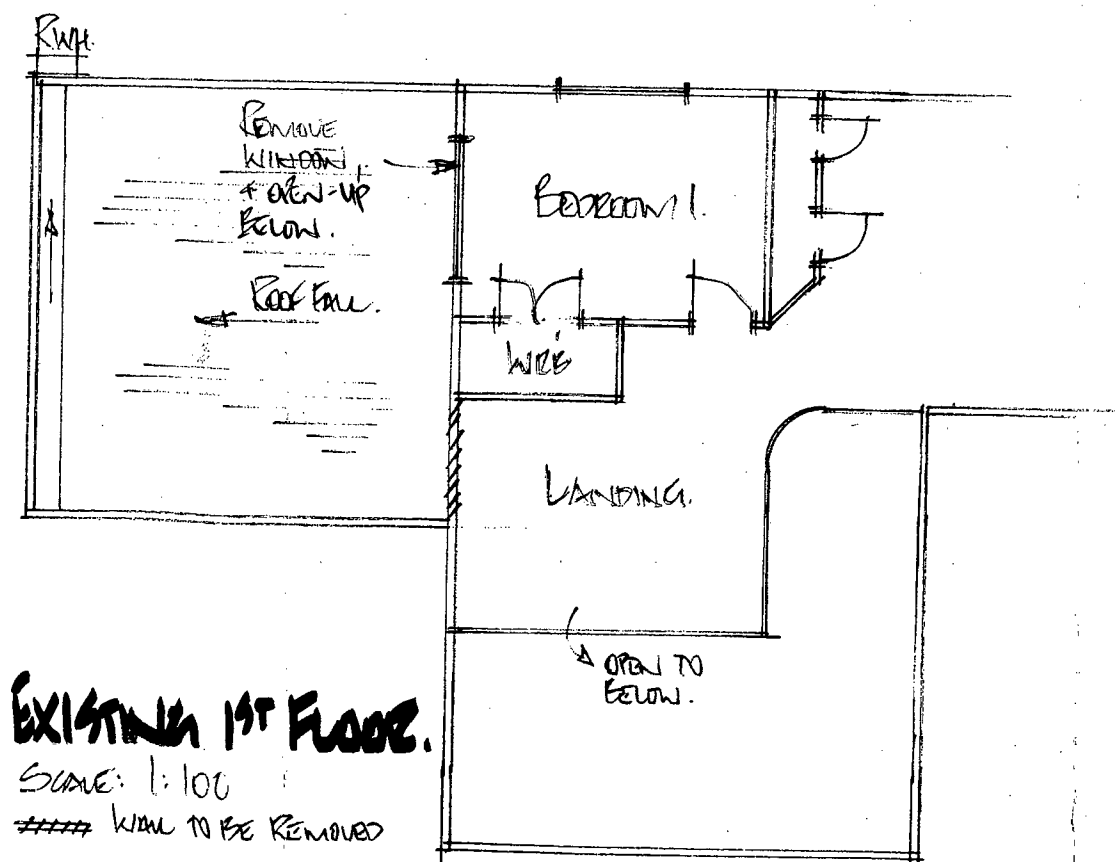
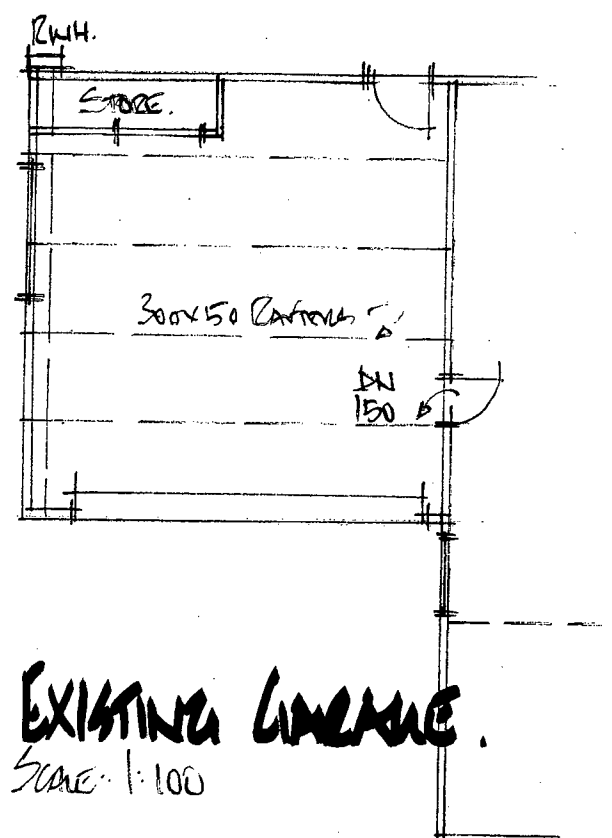
SHEET NUMBER 1.

BRYAN STOWART DESIGN
 16 TULLOCH ST WANGANUI
 PHONE FAX 06 3453044
 JOB NO 07-1453 28.6.07

©



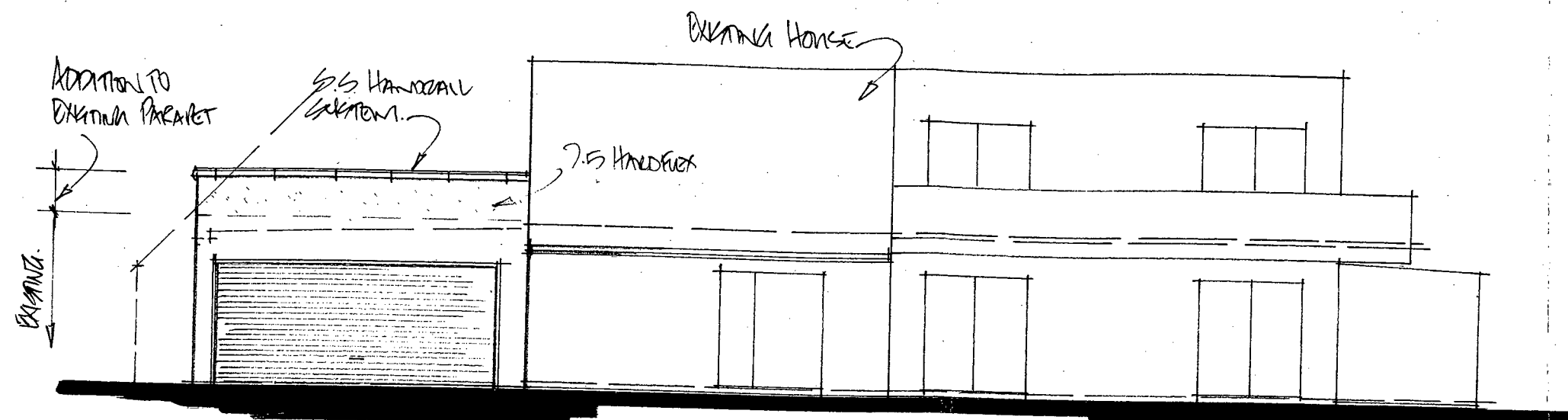
Note:
ALL WORK IS TO COMPLY WITH THE N.Z. BUILDING CODE AND LOCAL BODY BY-LAWS. ALL CONSTRUCTION IS TO COMPLY WITH NZS 3604 1999, WITH ALL MATERIALS BEING OF THE BEST QUALITY AVAILABLE AND WORKMANSHIP OF THE HIGHEST TRADE PRACTICE. ALL RETAIN & FINISHING IS TO MATCH EXISTING OR AS DIRECTED BY THE OWNERS. CONFIRM ALL ELECTRICAL & RECREATION REQUIREMENTS WITH THE OWNERS. DIRECT ALL ENQUIRIES TO THE OWNERS.



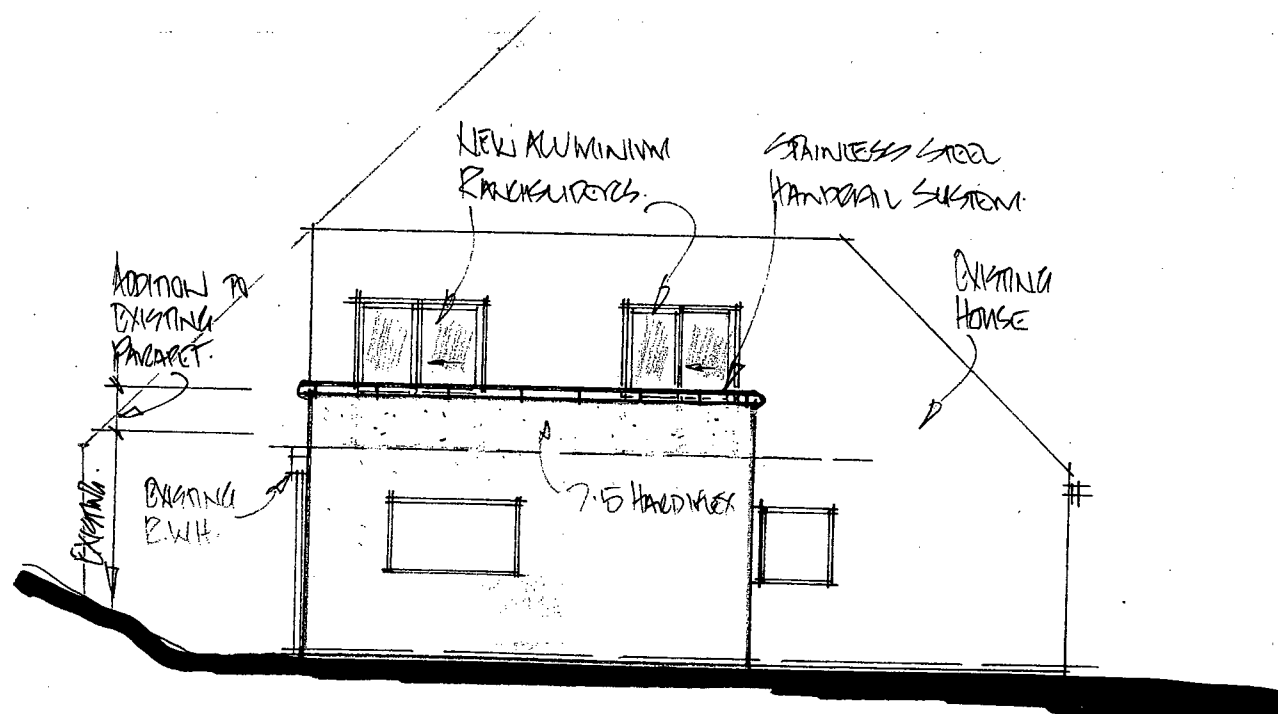
NOTE: CONTRACTOR MUST CONFIRM & VERIFY ALL DIMENSIONS ON SITE.

SHEET NUMBER 2.

BEVINS CONTRACT DESIGN ©
16 TULLOCH ST WANGANUI
PHONE FAX 06 3453414
JOB NO 07:1953 28-6-07



SOUTH EAST ELEVATION
SCALE: 1:100



SOUTH WEST ELEVATION:
SCALE: 1:100

NOTE:

ALL WORK IS TO COMPLY WITH THE N.Z.
BUILDING CODE & LOCAL BODY BY-LAWS.
ALL CONSTRUCTION IS TO COMPLY WITH NZS
3605 1999

Wanganui District Council
28 JUN 2007
RECEIVED

NOTE:

CONTRACTOR MUST CONFIRM
*VERIFY ALL DIMENSIONS ON
SITE.

SHEET NUMBER 3.

KEVIN SOWARD DESIGN ©
16 TILLOCH ST WANGANUI
PHONE FAX 06 345 3414
JOB NO 07-1953 20.6.07

TIME RECORDING SHEET – NON-NOTIFIED CONSENT

Consent Type:	
Application No:	0710074
Address:	

Task	Details for Invoice	Date	Time (Hrs)	Officer
Initial Checking	Assess S.88 info/correspondence			
	Acknowledgement letter			
	Locate files/print aerial photo			
	Create linkages to other departments			
Assessment	Scope application			
	Identify zone/area, non compliances			
	Scope effects, check AEE			
	Identify affected parties			
	Check written approvals			
	Site visit		0.5	Nicole
	Internal consultation i.e. traffic, noise			
Further information	Identify further information required			
	Preparation S.92 letter			
	Peer review			
	Review S.92 information received			
Section 94	Prepare S.94 report			
	Peer review			
Officers Report	Prepare report, including drafting any recommended conditions			
	Peer review (1 st Officer)			
	Edit Report (if appropriate)			
Decision	Prepare decision			
Administration	Photocopying			
	Stamp plans	6.7.07		
	Invoicing		4	
	Data entry			
Meetings	Applicant			
	Other parties			
Telephone	Applicant			
	Other parties			
Additional Charges				

Sub Total Time Taken \$100 admin + 2.5 x \$100 = \$350

TOTAL TIME TAKEN

Applicant To Pay:	
Total number chargeable hours	
Less:	
Number hours included in base charge	
Total number of additional hours	
Total cost of additional hours	\$
Other extra costs incurred	\$
TOTAL TO INVOICE	\$
Signed:	