

Section 221(3) Decision

RC235310



APPLICANT:	Homes by Parklane
PROPOSAL:	To vary a Consent Notice on the Record of Title.
LOCATION:	24 Westmoor Boulevard, Rolleston
LEGAL DESCRIPTION:	Lot 128 DP 573266 being 479m ² in area more or less, as contained in Record of Title 1046093.
ZONING:	Operative Selwyn District Plan (2016) The property is zoned Inner Plains and is within the Inner Plains under the provisions of the Operative District Plan (Rural) Volume
STATUS:	Operative Selwyn District Plan (2016) This application has been assessed as a land use consent for a Non-Complying activity under the Operative District Plan.
This application was formally received by the Selwyn District Council on 26 May 2023. Assessment and approval took place on 7 June 2023 under a delegation given by the Council.	

Decision

RC 235310 - Variation to Consent Notice

- A. Resource consent **235310** be processed on a **non-notified** basis in accordance with sections 95A-F of the Resource Management Act 1991; and
- B. That the application to change consent notice 12398305.2 registered on record of title 1046093 of Resource Consent 215485 granted on 27 August 2021, be **granted** pursuant to section 221 of the Resource Management Act 1991.

Consent notice 12398305.2 shall now read:

“That these lots are small-lot medium density lots. The Living Z rules in the Operative District Plan for small-lot medium density development shall apply to any future development on these lots, with the exception of that approved under RC 235284.”

Notes to the Consent Holder

- a) Pursuant to section 221(5) it is the landowners responsibility to formally lodge this decision with Land Information New Zealand to have the consent notice change noted on the title. Until this is done, the

existing consent notice remains in force and must be complied with. All costs associated with this process shall be met by the landowner.

Commissioners Notes

In reaching the following decision, I have reviewed the application along with the s.95 and s.104 report prepared by Ms Joughin. I have also reviewed the relevant provisions in both the Operative and Proposed District Plans.

Firstly, I understand the approach taken by Ms Joughin in respect to dwelling density is consistent with the approach taken by Selwyn District Council for similar applications. For the purpose of this application, I accept this approach, and I do not consider the matter of dwelling density further.

In respect to residential amenity, the size of the proposed outdoor living space for each unit will be a significant departure from the minimum requirements of the Operative District Plan, and the reduced outdoor living spaces will noticeably limit the amount of enjoyment, open space, and access to sunlight experienced by the future occupiers of each unit. Similarly, the additional building bulk (i.e. site coverage) will compromise the overall on-site spaciousness and amenity. For completeness, I record that a 3.7% exceedance in site coverage equates to nearly 18m² of additional built form on the site; an additional 18m² of well-designed outdoor living space shared between the two units would make a material difference to this development.

For these reasons, I respectively do not share the view of Ms Joughin that the proposed activity will have a spacious character. Dwelling density, site coverage, and outdoor living space are three key determinants of residential character and amenity, and in my opinion, there is tension between the minimum outcomes required by the Operative District Plan and the proposed activity.

Notwithstanding, compliance with other built form standards including setbacks, recession plane angles, and height, goes some way to mitigating the effects arising from the outdoor living and site coverage breaches. Also, the 4m wide strip of land between dwelling (2) and the road boundary will provide some mitigation, although this area will have limited potential as outdoor living space because of its orientation and its location away from the main indoor living area of dwelling (2), i.e. it will not be readily accessible.

It is my view that the significantly reduced outdoor living spaces will have at least minor adverse effects, in respect to on-site amenity, on the future occupiers of the units. However, pursuant to s.95E(3)(a) & s.104(3)(a)(ii), the written approval of the Applicant is considered inherent with the application and therefore these on-site amenity effects must be disregarded; both in respect to the notification and substantive decisions.

Effects from the site coverage exceedance will be minor, but no more than minor, on the environment, with no affected persons.

Overall, I consider the application to be finely balanced and if the proposed activity did not comply with other built form standards, or if the scale of the non-compliances were greater, the proposed activity might not be acceptable. However, noting the above comments, I accept Ms Joughin's recommendations that:

1. Land-use resource consent RC235284 be processed on a non-notified basis;
2. Land-use resource consent RC235284 be granted; and
3. Consent is granted to vary consent notice 12398305.2 as registered on Record of Title 1046093.



Commissioner O'Connell

Date: 21 July 2023

Yours faithfully

Selwyn District Council

Anna Joughin

Consultant Planner

A handwritten signature in black ink, appearing to read 'Jack Davis', is enclosed within a faint, light-blue diamond-shaped border.

Jack Davis

Student Resource Management Planner